


| Use of Force | | |
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|  | Use of Force Overview | Order 12.101 |

A. Policy

Officers have a duty to safeguard and protect human life in accordance with the law (United States Constitution, Federal Law, Arizona Law, and the Arizona Constitution), the Law Enforcement Code of Ethics, and Tempe Police Department values. It is the policy of the Department that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. Members shall treat all persons with respect, professionalism, and courtesy.

B. Definitions

1. Authorized Employee: Means Police Officers, Detention Officers, Traffic Aides and Community Responders, unless otherwise noted.
2. Dangerous Instrument: Means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury. (ARS § 13-105.12)
3. Deadly Physical Force: Force that is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury. (ARS § 13-105.14)
4. Deadly Weapon: Means anything designed for lethal use, including a firearm. (ARS § 13-105.15)
5. De-Escalation: The process of using strategies and techniques intended to decrease the intensity of a situation.
6. Law Enforcement Purpose: The prevention, investigation, or detection of criminal offenses, including safeguarding against and the prevention of threats to public security, as well as traffic enforcement and handling civil matters.
7. Objectively Reasonable: Officers must make split-second decisions regarding the use of force in tense, uncertain, and rapidly evolving circumstances. Reasonableness of force is based on the totality of circumstances known by the

officer at the time force was used. This is an objective standard to be judged from a reasonable officer's perspective in the moment rather than with the benefit of hindsight.

8. Officer: Means Police Officers and Detention Officers unless otherwise noted.
9. PATROL Model: A decision-making framework and acronym for Planning, Assessment, Time, Re-deployment, Other Resources, and Lines of Communication.
10. Physical Force: Force used upon or directed toward the body of another person and includes confinement but does not include deadly physical force. (ARS § 13-105.32)
11. Reasonable Belief: The facts and circumstances the employee knows, or reasonably should know, at the time of the incident which would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances. (Graham v. Connor)
12. Serious Physical Injury: Physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. (ARS § 13-105.39)

C. General Procedures

1. Authorized employees may use force which is objectively reasonable based upon the facts and circumstances known, or reasonably believed, to exist at the time of the incident. Employees will not use more force than is objectively reasonable to accomplish their lawful purpose.
2. Officers will justify and document their use of force based on their independent assessment of the facts and circumstances known, or reasonably believed, to exist at the time of the incident.
 - a. When an officer who uses force is also the victim of a crime, an officer not involved in the incident will investigate the circumstances, interview the victim officer(s) and write the original report.
 - b. A victim officer will not complete either an original report or a supplemental report for an incident which they are listed as a victim.
3. The use of force is usually reactionary (in response to a subject's actions) however, authorized employees may immediately use any authorized option, if objectively reasonable.

4. If practical, the use of force should be preceded by a verbal warning. The warning is unnecessary if it will endanger an employee or take away a tactical advantage. The authorized employee using force need not be the employee giving the warning. If the employee does not give a warning, the employee shall document why a warning was not given.
5. Officers have a duty to intervene when they observe another officer using force which is objectively unreasonable under the known circumstances. The duty to intervene applies when an officer can safely prevent the use of objectively unreasonable force.
6. Officers who observe another officer using force which is objectively unreasonable, not needed, or unlawful shall immediately notify a supervisor.

D. General Considerations

1. Lawful Enforcement Purpose

- a. A use of force must be for a lawful enforcement purpose. Officers may use force when objectively reasonable in the performance of their duties. Examples of when force may be used include but are not limited to:
 - 1) Effect a lawful arrest, detention, or search.
 - 2) Overcome resistance or prevent escape.
 - 3) Prevent the commission of a crime.
 - 4) Defend themselves or others.
 - 5) Prevent a person from injuring themselves.
- b. An officer is prohibited from using deadly force against a person who presents only a danger to themselves and does not pose an imminent threat of serious physical injury or death to another person.
- c. No unnecessary or unreasonable force shall be used in making an arrest, and the person arrested shall not be subjected to any greater restraint than necessary for their detention (ARS § 13-3881.B).
- d. An officer must consider:
 - 1) Severity of the crime.

- 2) Whether the suspect poses an immediate threat to the safety of the law enforcement officer or others.
 - 3) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight. (Graham v. Connor, 490 US 386 [1989])
- e. An officer shall document any other circumstances that cause the officer concern sufficient to justify the use of force (Scott v. Harris, 550 US 372 [2007]).
 - f. Officers may use deadly force to prevent a fleeing suspect's escape only if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others (Tennessee v. Garner, 471 U.S. 1 [1985]).
 - g. These orders are for departmental use only, do not apply in a criminal proceeding, and are not intended to impose a higher standard of care in a civil action.

2. Graham V. Connor

- a. Officers should use force based on the totality of the circumstances known or perceived by the officer at the time of the incident.
- b. These circumstances include, but are not limited to:
 - 1) The severity of the crime.
 - 2) The subject's level of resistance.
 - 3) Whether the subject poses an immediate threat to the safety of the officers or others.
 - 4) Whether a subject is actively resisting arrest or attempting to evade arrest by flight.
 - 5) The subject's perceived capabilities to resist arrest (e.g., physical size, potential weapons, etc.).
 - 6) The officer's training, experience, and ability.
- c. Officers should continually reassess circumstances utilizing the PATROL Model.

E. Subject Conduct

Subjects may engage in acts of intimidation, noncompliance, resistance or

aggression toward officers or others.

1. Psychological Intimidation: Non-verbal cues indicating the subject's state of agitation, alertness, and readiness to resist (e.g., blank stare, clenched fist(s), tightening of the jaw, etc.).
2. Verbal Noncompliance: Any verbal responses indicating the subject's unwillingness to comply with detainment, arrest, or to stop unlawful or dangerous behavior.
 - Verbal noncompliance may come in the form of statements such as "no" or similar, verbal threats of imminent violence, or implied violence (e.g., gang threats, statements indicating possession of a weapon, mixed martial art skills, etc.).
3. Passive Resistance: Resistance where the subject does not attempt to defeat the officer's touch or control, but the subject will not voluntarily comply with verbal and physical attempts of control.
 - This may include but is not limited to "dead weight" or a protester refusing to vacate an area by sitting down.
4. Defensive Resistance: Any action by a subject which attempts to prevent an officer from gaining control of the subject (e.g., pulling away, flailing hands around to prevent control, etc.). It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.
 - Individual officers may have a different response to the same situation based on variables that affect the use of force (e.g., relative size/stature of the officer/subject, officer ability, and the totality of the circumstances).
5. Active Aggression: Behaviors or actions by a subject which would lead a reasonable officer to believe that an imminent assault may occur, or which places an officer in reasonable apprehension of injury. Includes physical action or an assault against an officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).
6. Aggravated Active Aggression: Includes physical action or an assault against an officer or another person with deadly force. These actions may include the use of a firearm, other deadly weapon, dangerous instrument, or physical force capable of creating a substantial risk of causing death or serious physical injury.

F. Officer Force

In the execution of their duties, Officers are authorized to use force deemed objectively reasonable, taking into account the facts and circumstances known or

reasonably believed to exist at the time of the incident. Officers will provide proper documentation and articulation of any force beyond officer presence, verbal commands, or soft empty hand control when engaging in lawful contacts or arrests. Any departure from established policy necessitates specific articulation of the known facts and circumstances, ensuring such deviations remain objectively reasonable in their application.

1. Officer Presence: Authority is established by the officer's presence in uniform, by verbal identification as a peace officer, or by displaying the department badge or identification.
2. Verbal Direction: Communication directed at a subject to control their actions by persuasion, direction, negotiation, or commands. When reasonable, officers should use verbal communication to direct subjects before resorting to physical control methods.
3. Empty Hand Control: Force techniques using the officer's body without the aid of weapons or equipment.
 - a. Empty-hand techniques include unarmed self-defense techniques taught through certified AzPOST or Department instructors with Department approved lesson plans.
 - b. Empty hand control has two (2) categories:
 - 1) "Soft" Control – Techniques designed to counter the passive or defensive resistance of a subject when the subject is not complying with lawful orders.
 - This may include joint locks or pressure points to separate, guide, or control a subject.
 - 2) "Hard" Control – Techniques designed to counter the active aggression of a subject but can also be used to control defensive resistance when lower forms of control have failed or when the officer reasonably believes lower forms will fail.
 - a) This may include takedowns, palm heel strikes, punches, kicks, elbow strikes, knee strikes, or brachial stuns to control a subject.
 - b) Face, head, and neck strikes are prohibited absent active aggression or aggravated active aggression.
4. Intermediate Weapons: The application/use of any weapon/object that is not part of the human body to control resistance or assault.

- a. The use of intermediate weapons is justified when lower forms of empty hand control have failed, are not practical, or when the officer reasonably believes empty hand control will be insufficient, and the use of deadly force is not justified.
- b. Intermediate weapons are only to be used with the intent to temporarily disable a subject and not be used with the intent to cause permanent injury unless the use of deadly force is justified.
- c. Whenever possible, verbal direction or warning should be given before deploying an intermediate weapon.

5. The following are intermediate weapons:

- a. Oleoresin Capsicum (OC): A liquid chemical agent spray issued to authorized employees as a control method against subjects and vicious animals.
- b. Ammonium Propionate (AP): A water based chemical deterrent spray issued to authorized employees as a control method against subjects and vicious animals.
- c. Impact Weapon: Any object used to strike a subject in a manner reasonably likely to cause injury. (e.g., PR-24, flashlight, expandable baton, etc.)
- d. Conducted Electrical Weapon (CEW)
 - 1) The use of a CEW is a seizure under the Fourth Amendment; therefore, an officer must be able to articulate legal justification for its use.
 - 2) A CEW should generally be used to counter active aggression but may also be used in situations where its use would be considered objectively reasonable.
 - The display of a CEW (e.g., arc display, laser painting, etc.) is not considered a use of force.
 - 3) A CEW should not be used to target a fleeing subject unless there is an immediate need to apprehend the subject or the use of other techniques pose an increased risk to the public, officers, or the subject.
- e. High Pressure Air (HPA) Delivery System: A non-lethal irritant delivery system, such as the PepperBall® launcher, which uses high pressure air to launch PepperBall® Live projectiles, containing a powdered PAVA (capsaicinoid) irritant.

- 1) Only officers who have successfully completed Department approved training including demonstrating satisfactory skill and proficiency in the use of an HPA Delivery System are authorized to carry and use the device.
- 2) HPA Delivery Systems should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the public, officers, or the subject.
- 3) An HPA Delivery System deployment is a seizure under the Fourth Amendment; therefore, an officer must be able to articulate legal justification for its use.
- 4) HPA Delivery Systems may be deployed through two techniques:
 - a) Area Saturation
 - i. Discharging projectiles targeted at hard surfaces around, above, or below a subject, group, or area, causing the projectiles to break and create a cloud of irritant in an area.
 - b) Direct Impact
 - i. Projectiles discharged directly onto the body of a subject engaged in defensive resistance or greater but may also be used in situations where its use would be considered objectively reasonable.
 - ii. Intended to use a combination of kinetic energy and irritant exposure to gain a change in behavior or compliance with verbal commands.
 - iii. Officers will adhere to training guidelines for targeting areas, including avoiding intentionally targeting the head, neck, groin, or spine, except when circumstances exist where the subject poses an imminent threat of serious physical injury or death to an officer or another.
- 5) An HPA Delivery System should not be used to intentionally target a subject who is inside of a vehicle that is in motion.
- 6) Following any deployment of an HPA Delivery System which results in a subject being struck by projectile(s) or exposed to the irritant, the officer who applied the force shall notify a supervisor as soon as practicable.
- f. Less-lethal Munitions: Munitions designed to disrupt a subject's threatening action with minimal risk of serious physical injury or death.

1) Kinetic-impact Round

- a) Includes department-approved specialty munitions (e.g., shotgun beanbags, ARWEN, etc.).
- b) Generally, kinetic-impact rounds should only be used to counter active aggression or greater.
 - Kinetic-impact rounds may be used in other instances where its use would be considered objectively reasonable.
- c) Intentionally deploying a kinetic-impact round at any structure, including a vehicle, requires the approval of a supervisor prior to its deployment.

2) Other Chemical Agents

- Chemical agent o-chlorobenzylidene malononitrile (CS) shall only be used during tactical team operations or authorized IRT deployments and with permission from a Lieutenant or designee.

6. Use of Police Canine

The following guidelines will be used to determine if a police canine can be deployed and used to apprehend a suspect:

- a. The severity of the crime.
- b. Whether the suspect poses an immediate threat to the safety of the officer or others.
- c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

7. Use of Firearms

a. Officers shall not:

1) Unnecessarily draw, display, or carelessly handle a firearm.

- Displaying a firearm requires a reasonable belief the use of the firearm may be imminent.

2) Fire warning shots.

- 3) Discharge a firearm when it creates a substantial risk to innocent persons unless it can be justified under the circumstances.
 - 4) Fire at or from a moving vehicle except when necessary to prevent serious physical injury or death to the officer or another person.
 - 5) Discharge a firearm at the operator or occupant of a moving vehicle unless the operator or occupant poses an immediate threat of serious physical injury or death to the officer or another person.
 - The prohibitions in subsections 4 and 5 above are exempted when there is a threat of a vehicle attack on a public mass gathering or during acts of terrorism.
 - 6) Discharge a firearm at a moving vehicle for the sole purpose of disabling it.
- b. Officers shall make every reasonable attempt to move out of the path of an oncoming vehicle. Officers shall not create their own deadly force exigency.
8. Deadly force will only be used in situations where an employee must overcome an actual or immediately threatened attack the employee reasonably believes would produce serious physical injury or death to the employee or another person. If approved or authorized weapons, tactics, or techniques are not available or practical, the employee may use any objectively reasonable method to overcome the attack or threat. Deadly force may be used when:
- a. It is necessary to defend oneself or another person from what the employee reasonably believes to be serious physical injury or death.
 - b. Affecting the arrest or preventing the escape from custody of a person who is reasonably believed to have committed a felony involving the use or threatened use of deadly force, and if there is an imminent and great danger the person will cause death or serious injury if apprehension is delayed.
 - c. Deadly force is to be used only in extreme circumstances when all lesser means of force have failed or could not be reasonably used.
 - 1) Any neck restraint involving the application of pressure on a person's throat or restriction of the airway or blood circulation in the neck are prohibited unless the use of deadly force is justified.
 - 2) Officers will certify annually in the use of the carotid control technique.

G. Review and Force Reporting

| Force | Force type | Examples | Investigation, and Review |
|-------------------------|--|---|---|
| Soft Empty Hand Control | <p>Physical interaction meant to separate, guide, and/or control that does not cause injury greater than temporary pain or redness;</p> <p>Not resisted or minimally resisted handcuffing.</p> | <ul style="list-style-type: none"> • Arm bars, wrist joint locks, pressure points, meant to separate, guide, and/or control a subject. • Non-strike pressure points. • Directional Contact-not including an Impact Push. • Temporary redness or abrasions on wrists from appropriately applied handcuffs. | <p><u>No BlueTeam Report Required</u></p> <p>Documentation required in Incident Report and/or Supplementary Reports;</p> <p>Supervisory review of reports for thoroughness.</p> |
| Show of Force | <p>Threatened use of force through the pointing, without firing, of a lethal weapon.</p> | <ul style="list-style-type: none"> • Pointing a firearm at a person. | <p><u>BlueTeam Report Required</u></p> <p>Supervisor shall be notified at time of incident, but response to the scene is discretionary.</p> <p>Supervisor shall view BWC.</p> <p>Documentation required in Incident Report and/or Supplementary Reports.</p> <p>2-level chain of command (COC) review.</p> |

| Force | Force type | Examples | Investigation, and Review |
|------------|---|---|--|
| Force Used | <p>"Hard" empty hand tactics.</p> <p>Takedowns.</p> <p>Use of the Total Appendage Restraint Procedure (TARP) device.</p> <p>Use of intermediate weapons.</p> <p>Any use of force, including soft empty hand control, resulting in injury or claim of injury greater than temporary redness or pain.</p> | <ul style="list-style-type: none"> • Arm bars with claim of injury. • Force resulting in abrasions. • Strikes or kicks. • Impact strikes/push. • Takedowns. • Use of: <ul style="list-style-type: none"> ○ OC/AP spray ○ HPA Delivery System ○ Baton ○ CEW ○ Impact Munitions ○ Tackling a subject | <p><u>BlueTeam Report Required</u></p> <p>Supervisor shall be notified at the time of the incident and may investigate incident at the scene.</p> <p>Supervisor shall view BWC.</p> <p>2-level COC review.</p> <p>Subject to Force Review Committee protocols for review.</p> |
| K-9 | Use of force resulting in a bite or attempted bite regardless of injury level. | <ul style="list-style-type: none"> • K-9 bite of intended subject with no or minor injury. • Incidental bite of a subject during a search. | <p><u>BlueTeam Report Required</u></p> <p>K-9 officer or sergeant will notify the chain of command.</p> <p>Supervisor shall view BWC.</p> <p>2-level COC review.</p> <p>Review by Force Review Committee.</p> |

| Force | Force type | Examples | Investigation, and Review |
|---|---|---|---|
| Significant Injury or Complaint of Injury | Any complaint of injury or any significant injury during an arrest. | <ul style="list-style-type: none"> • Broken bones. • Closed head injuries. • Sutures. • Dislocations. • Loss of consciousness due to application of force. • Hard control against a restrained person. | <p><u>BlueTeam Report Required</u></p> <p>Supervisory response and screening at the scene.</p> <p>Supervisor shall view BWC.</p> <p>2-level COC review.</p> <p>Review by Force Review Committee.</p> |
| Deadly Force | Use of deadly force, regardless of whether officer actions resulted in injury or death. | <ul style="list-style-type: none"> • Officer discharge of firearm. • Deliberate use of vehicle or other tool in a deadly force encounter. • Impact weapon strike to the head. • Any neck restraint. • Use of force resulting in death. | <p><u>BlueTeam Report Required</u></p> <p>Supervisory response and screening at the scene.</p> <p>Protocols per Deadly Force policy.</p> <p>Review by Force Review Committee.</p> |

H. Providing Aid

Following the use of force, officers shall render or request medical aid if required, or if requested by anyone, as soon as practical and:

1. Provide appropriate first aid when reasonable.
2. When necessary, call paramedics to administer appropriate medical care and transport to a medical care facility, if required.
3. Document the incident in General Offense and Use of Force (BlueTeam) Reports.

I. Excited Delirium

1. Excited Delirium is the combined physiological and psychological state of excitement characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility, superhuman strength, aggression, acute paranoia, and endurance without apparent fatigue brought about by psychosis, drug or alcohol intoxication, or a combination of these factors.
2. Violent subjects or subjects under the effects of drugs or alcohol should be closely monitored for breathing difficulties or unconsciousness.
3. Medical personnel should be called when it becomes apparent a person is suffering from one or more of these factors, including Excited Delirium.

J. Authorized Techniques and Weapons

1. Only Department-authorized firearms, CEWs, and ammunition shall be used while performing law enforcement duties. Unauthorized weapons and equipment shall not be used.
2. Only employees certified by a department approved instructor and course of instruction on specific weapons or weapons systems, including firearms, will carry, deploy, or use those techniques and weapons.
3. Authorized employees should follow their training unless the situation presents a valid reason to deviate from training.

K. Proficiency

1. Authorized employees will receive initial and continuing training as required by AzPOST and the Department in the following areas:
 - a. Use of Force policy.
 - b. Control techniques.
 - c. Carotid Control Technique
 - d. Other approved weapons and techniques.
2. Officers will receive initial and continuous training as required in the following areas:
 - a. Use of Force policy.

b. Firearms (excludes unarmed Detention Officers).

c. Control techniques.

d. Intermediate weapons and devices.

e. CEWs.

f. Other approved weapons and techniques.

3. Employees who do not qualify or demonstrate proficiency with an approved device or technique are not authorized to use that device or technique and may be removed from full duty until proficiency is demonstrated.

4. AzPOST certified instructors will monitor and document training in the area of proficiency being instructed.

5. Recertification of proficiency is required, at a minimum, every three (3) years.

6. The Training Unit will schedule and maintain documentation of training.

7. The Personnel Services Section Lieutenant will oversee the subject topic rotation/schedule to ensure compliance with all training requirements.

L. Conducted Energy Weapon (Taser) Wear and Post-Discharge Procedures

1. A CEW shall be carried:

a. In an approved belt holster on the support side of the body; or

b. In an approved holster on the outer body armor carrier on the support side of the body.

c. Fully armed (charged battery and two cartridges) with the device off in preparation for immediate use when authorized.

2. Taser Evidence

a. If a Taser cartridge is deployed at a subject, the cartridge shall be placed into evidence. The probes and wires should be impounded.

b. Any time a Taser is used on a subject (either probes fired or drive stun), the officer shall upload the firing data within seven (7) days.