

Sierra Vista Police Department

Subject Management Policy



Guiding Principles for Developing Policy



- All department policies, procedures and training, including justification for use of force, are guided by:
 - Case Law
 - Minimum constitutional standards decided by courts
 - Arizona State Statutes
 - State codification of standards by state legislatures
 - Accreditation Standards
 - Best practices as determined by accreditation organizations



Justification for Use of Force

Case Law - Constitutional Standards

Tennessee v. Garner, 471 U.S. 1 (1985)

- Tennessee statute allowed officers to “use all necessary means to effect the arrest” of a suspect that flees or forcibly resists arrest.
- Common law “fleeing felon rule” found unconstitutional.
- Deadly force prohibited against unarmed, non-threatening, fleeing suspects
- 4th Amendment “unreasonable seizure”

Justification for Use of Force



Case Law - Constitutional Standards

Graham v. Connor, 490 U.S. 386 (1989)

- Graham sued officers but case was dismissed because he could not prove the officers maliciously and sadistically tried to hurt him.
- Supreme Court overturned dismissal based on a 4th Amendment standard
- Objective Reasonableness –
 - “whether the officers' actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, **without regard to their underlying intent or motivation.**

Justification for Use of Force



Graham v. Connor, 490 U.S. 386 (1989) (cont.)

- The "reasonableness" of a particular use of force **must be judged from the perspective of a reasonable officer on the scene**, and its calculus "must embody an allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation."
- "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

Justification for Use of Force



Graham v. Connor, 490 U.S. 386 (1989) (cont.)

- Totality of the circumstances – Considers all the facts and circumstances for each situation.
- Was the use of force objectively reasonable under the totality of circumstances, based on
 - The severity of the crime
 - **The immediacy of the threat to the safety of the officers or others**
 - Is the person actively resisting arrest or attempting to evade arrest by flight?

Justification for Use of Force



Arizona State Law Definitions

ARS 13-105 (32)

"Physical force" means force used upon or directed toward the body of another person and includes confinement, but does not include deadly physical force.

Justification for Use of Force



Arizona State Law Definitions

ARS 13-105 (14)

"Deadly physical force" means 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.



Justification for Use of Force

Arizona State Law Definitions

ARS 13-105 (39)

"Serious physical injury" includes 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.

Justification for Use of Force



Arizona State Law

ARS 13-409. Justification; use of physical force in law enforcement

A person is justified in threatening or using physical force against another if in making or assisting in making an arrest or detention or in preventing or assisting in preventing the escape after arrest or detention of that other person, such person uses or threatens to use physical force and all of the following exist:

1. A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape.
2. Such person makes known the purpose of the arrest or detention or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained.
3. A reasonable person would believe the arrest or detention to be lawful.



Justification for Use of Force

Arizona State Law

ARS 13-410. Justification; use of deadly physical force in law enforcement

The use of deadly force by a peace officer against another is justified pursuant to section 13-409 only when the peace officer reasonably believes that it is necessary:

1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.



Justification for Use of Force

Arizona State Law

ARS 13-410. Justification; use of deadly physical force in law enforcement

2. To effect an arrest or prevent the escape from custody of a person whom the peace officer reasonably believes:

- (a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.
- (b) Is attempting to escape by use of a deadly weapon.
- (c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.
- (d) Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.



ACCREDITATION

Commission on the Accreditation of Law Enforcement Agencies (CALEA)

- International Accreditation
 - United States, Canada, Mexico, Barbados
- Created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations:
 - International Association of Chiefs of Police (IACP)
 - National Organization of Black Law Enforcement Executives (NOBLE)
 - National Sheriffs' Association (NSA)
 - Police Executive Research Forum (PERF)
- CALEA is governed by a board of 21 commissioners from law enforcement, the public sector, and the private sector.
- CALEA is not part of or beholden to any governmental entity; 501(c)(3) corporation



ACCREDITATION

Commission on the Accreditation of Law Enforcement Agencies (CALEA)

- Standards address six major law enforcement areas:
 - Role, responsibilities, and relationships with other agencies;
 - Organization, management, and administration;
 - Personnel administration;
 - Law enforcement operations, operational support, and traffic law enforcement;
 - Detainee and court-related services; and
 - Auxiliary and technical services.



ACCREDITATION

Commission on the Accreditation of Law Enforcement Agencies (CALEA)

- Standards development and maintenance includes literary reviews, evidence-based practices consideration, analytical research, and support from other professional associations, client input, and subject matter expertise.

ACCREDITATION



Commission on the Accreditation of Law Enforcement Agencies (CALEA)

- 743 total accredited law enforcement agencies
- 12 Arizona accredited law enforcement agencies
- SVPD Initial accreditation in 2014
 - Re-accredited in 2017
 - Next re-accreditation 2021

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.1 A written directive states personnel will use reasonable force when force is used to accomplish lawful objectives.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.2 A written directive states that an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similarly used terms that are used to qualify the directive, shall be included.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.3 A written directive governs the discharge of “warning” shots.
- 1.3.4 A written directive governs the use of authorized less lethal weapons by agency personnel.
- 1.3.5 A written directive specifies procedures for ensuring the provision of appropriate medical aid after use of lethal or less lethal weapons, and other use of force incidents as defined by the agency.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.6 A written report is submitted whenever an employee:
 - Discharges a firearm, for other than training or recreational purposes;
 - Takes action that results in, or is alleged to have resulted in, injury or death of another person;
 - Applies force through the use of lethal or less lethal weapons; or
 - Applies weaponless physical force at a level defined by the agency.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.7 The agency has a written procedure for the administrative review of each report required by standard 1.3.6.
- 1.3.8 A written directive requires that any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be removed from line-duty assignment, pending an administrative review.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.9 A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in the performance of their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty.
- 1.3.10 A written directive requires that only agency personnel demonstrating proficiency in the use of agency-authorized weapons be approved to carry such weapons.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.11 At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that the employee is authorized to use.

ACCREDITATION



13 standards on use-of-force and use-of-force reporting.

- 1.3.12 A written directive requires that all agency personnel authorized to carry lethal and less lethal weapons be issued copies of and be instructed in the policies described in standards 1.3.1 through 1.3.5 before being authorized to carry a weapon. The issuance and instruction shall be documented.
- 1.3.13 Annually, the agency conducts an analysis of its use of force activities, policies, and practices.

SVPD POLICY



- **Policy and Procedure Manual (PPM) 2.8.8**
 - Use of Force vs. Subject Management
 - SUBJECT MANAGEMENT
 - Change in 2010 based on that police “use of force” is a reaction to the type and amount of resistance offered by someone that police are attempting to control.
 - Managing the behavior of the person.
 - Change in mindset.

SUBJECT MANAGEMENT



- **Justification for use of force**
 - Officer's use of control methods initiated by a subject's resistance.
 - Control technique used by the officer was reasonable and is based on the totality of the circumstances (objective reasonableness).
 - Can be different for different officers.
 - Size, stature, skill level of officer and subject
 - Tools available

SUBJECT MANAGEMENT



- **Levels of Resistance (Subject Resistance)**
 - Psychological Intimidation
 - Resistive Dialogue
 - Passive Physical Resistance
 - Defensive Physical Resistance
 - Active Physical Aggression
 - Aggravated Active Physical Aggression
(Deadly Force)

SUBJECT MANAGEMENT



- **Control Techniques (Officers' Control Techniques)**
 - Officer Presence/Verbal Persuasion
 - Handcuffing and Restraints
 - Soft-Empty Hand Control (i.e. pressure points, control holds, etc.)
 - Hard-Empty Hand Control (i.e. strikes, kicks, etc.)
 - Chemical Agents
 - Taser
 - Impact Weapons
 - Pepper Ball System
 - Bean Bag
 - Police Service Dog
 - Deadly Force

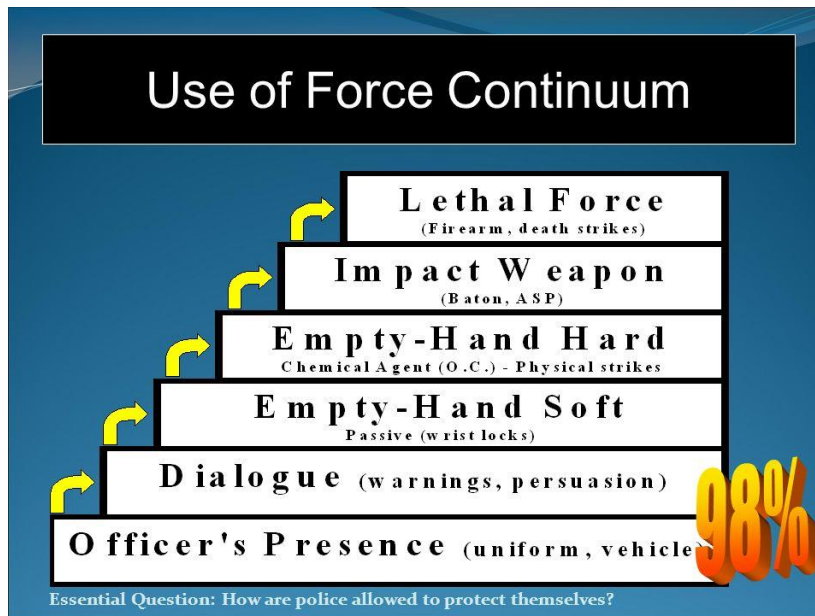
SUBJECT MANAGEMENT



- **Historical Control Technique Training**

- “Use of Force Continuum”

- Traditional way of describing control techniques
- Caused misunderstanding in application of control techniques and is difficult to reconcile with *Graham v. Connor*.

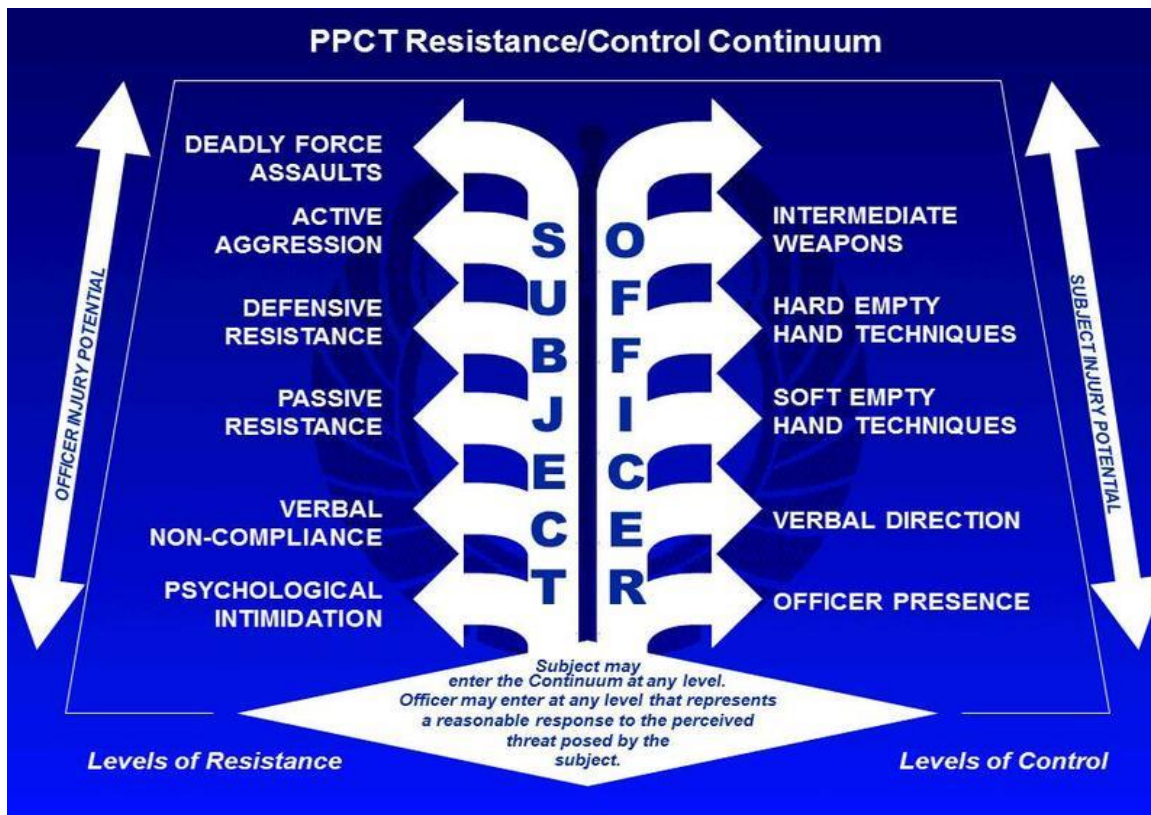




SUBJECT MANAGEMENT

Current Control Technique Training

- Decision-making about level of force to use is based on the totality of the circumstances.



SUBJECT MANAGEMENT



- **De-escalation**

- Use of a control technique to stop the actions of a subject and reduce the level of control technique applied as the threat is neutralized or controlled or the subject becomes compliant.
- “The strategic slowing down of an incident in a manner that allows officers more time, distance, space, and tactical flexibility during dynamic situations on the street.”
 - Department of Justice

SUBJECT MANAGEMENT



- **De-escalation**

- Emphasized throughout subject management policy and training
- De-escalation is a part of every control technique.
- No specific policy titled “de-escalation.”
- Tactical Communications (Previously called Verbal Judo)

SUBJECT MANAGEMENT



- **Types of Neck Restraints**

- Chokeholds (respiratory)
- Carotid Control Technique (vascular)
- Other Neck Restraint Examples
 - Wrestling's Half-nelson
 - Combination arm/neck hold

SUBJECT MANAGEMENT



- **Chokeholds**

- *A respiratory* neck restraint using direct mechanical compression or pressure over the anterior (front) structures of the neck. This pressure causes asphyxiation by compressing the trachea and restricting a person's ability to breath.
 - Limited to deadly force situations.

SUBJECT MANAGEMENT



- **Carotid Control Technique**

- Misrepresented as a “chokehold.”
- A *vascular* neck restraint employing bilateral compression of the carotid arteries and jugular veins at the sides of the neck, which results in diminished cerebral cortex circulation.
- Restricted blood flow leads to unconsciousness
- Misapplied and it can become a chokehold
 - Limited to deadly force situations.

SUBJECT MANAGEMENT



- **Other Neck Restraints**

- Restraints that do not restrict breathing, circulation, and do not risk serious damage to structures of the neck.
- Examples
 - Wrestling's Half-nelson
 - Combination arm/neck hold
- Authorized as control holds under soft-empty hand control.

SUBJECT MANAGEMENT



Use and Discharge of Firearms

- Officers shall not discharge their firearms except to protect themselves or another person from imminent death or serious physical injury.

SUBJECT MANAGEMENT



- **Shooting at Moving Vehicles**

- Prohibited unless it is necessary to do so to protect the life of the officer or others.
- Policy directs officers to shoot at the perpetrators using deadly force toward the officer or others, not the structure of the vehicle.
- Not used to disable the vehicle.
- Requires a risk-benefit analysis by officers

SUBJECT MANAGEMENT



Example

Use of Carotid Technique or Chokehold

- Officer is attempting to take a subject into custody and struggle ensues. During the struggle, the officer is attempting control holds and the suspect grabs the officer's gun out of the officer's holster. Officer is in a position to apply a carotid technique or chokehold to prevent the suspect from using the gun against the officer.

SUBJECT MANAGEMENT



Example

- Shooting at moving vehicles
 - Subject shooting at people from moving vehicle. The only way to stop subject is to shoot at the subject.
 - Subject is using the vehicle as a weapon and running over/into people (i.e. terrorist, running over people while trying to escape). Only way to stop subject before more people are run over is to shoot the driver to stop the vehicle.

