

2.8.8 SUBJECT MANAGEMENT

(Effective: 2/10/94; Revised 3/1/13)

The purpose of this section is to provide:

- Guidelines for reasonable and acceptable use of control techniques for subject management.
- A high degree of officer safety; and
- Treatment for any injury or complaint of injury arising from the use of a control technique.

The policy of SVPD is to employ only reasonable force to overcome resistance to affect an arrest and/or protect the officer or another in the process of the officer's duty. [CALEA 5: 1.3.1]

2.8.8.1 DEFINITIONS [CALEA 5: 1.3.2]

(Effective: 2/10/94; Revised 8/1/18)

Bodily Injury	Physical damage to a person's body.
Deadly Force	Deadly Force as used in this policy is defined as intentional use of force, which can cause death or serious bodily injury or which creates a degree of risk that a reasonable and prudent person would consider likely to cause death or serious injury. It includes, but is not limited to, use of firearms, neck restraint, and intentional intervention with a vehicle (forcible stops or ramming).
De-escalate	To use a control technique to stop the actions of a violator and reduce the control technique applied as the threat is neutralized or controlled or the violator becomes compliant.
Hog-tie	Connecting a leg restraint device with a hand restraint device behind the back of the subject.
Jeopardy	A hazard, a threat, or a peril.
Immediate Threat	An immediate threat is considered to exist if the suspect has demonstrated actions that would lead one to reasonably believe that a suspect will continue to pose a threat of death, serious bodily injury, or physical injury if not apprehended without delay.
Lethal Weapon	Any object or material, when in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.
Less Lethal Weapon	Any object or material, when in the manner it is used or intended to be used, is not likely to result in death or serious bodily injury.
Physical or Non-deadly Force	Any control technique, action or weapon that produces a result necessary to control the actions of another and does not involve the use of deadly force.
Reasonable Belief	Having knowledge of facts which, although not amounting to direct knowledge, would cause a reasonable person, knowing the same facts, to reasonably reach the same conclusion.
Serious Bodily Injury	Bodily injury which, either at the time of the actual injury or a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree. [CALEA 5: 1.3.2]

2.8.8.2 PHILOSOPHY

(Effective: 2/10/94; Revised 3/1/13)

For the purposes of this policy, subject management will be expressed from two perspectives: resistance and control. Both resistance and control can be in the form of verbal communication or physical action.

Resistance is manifested by a subject's attempts to evade an officer's attempts of control. The amount and type of resistance will vary based upon a variety of factors.

Control is the force an officer uses to influence or neutralize the unlawful, physical actions of a subject. Generally there are four instances an officer is justified in using physical control methods. They are:

- 1) To stop potentially dangerous and unlawful behavior.
- 2) To protect the officer or another from injury or death.
- 3) To protect subjects from injuring themselves.
- 4) In the process of effecting a lawful arrest.

Justification subject management in the judicial system is measured by two broad standards. First, the officer's use of control methods was initiated by a subject's resistance. Second, control technique used by the officer was reasonable and is based on the totality of the circumstances, which includes, but is not limited to, the subject's manner of resistance, the size and ability of the suspect, and the size and ability of the officer.

2.8.8.3 LEVELS OF RESISTANCE

(Effective: 2/10/94; Revised 11/4/14)

Resistance may be categorized into three broad areas:

- Verbal resistance: Denial to lawful orders of arrest or commands, verbal threats or assaults.
- Physical resistive actions: Passive resistance / defensive resistance
- Aggressive acts: Acts against an officer often leading to severe physical injury or death.

An officer's response to resistance will be based upon the officer's perception of the level of resistance and the totality of the circumstances. The following three factors shall be considered in any use of force situation:

- The severity of the crime
- The immediacy of the threat to the safety of officers or others
- Is the person actively resisting arrest or attempting to evade arrest by flight?

1) Psychological Intimidation: Non-verbal actions, often called body language, will influence an officer's decision on how to approach a subject or what control technique to use. Non-verbal intimidation actions may include clenching of fists, widening of foot stance, or a blank expression that may warn an officer of an individual's emotional state. These non-verbal actions warn an officer of a subject's potential for violence when the subject has offered no verbal threats. An officer who reads the non-verbal signals and believes that physical control is necessary to prevent a subject from injuring himself, others, or the officer, may initiate action before the subject makes overt moves.

2) Resistive Dialogue: A subject's dialogue that offers the threat of physical resistance to an officer's commands is not normally considered resistance until the subject physically resists. However, dialogue in the form of threats of physical injury may influence an officer's opinion as to the amount of force needed to effect control. A subject may boast of fighting skills and an intention to injure the officer, or assume a fighting stance such as raised hands or clenched fists. Verbal threats or psychological threats may influence an officer's judgment to attempt either empty hand control, less-lethal tools, or even firearms if the subject has a weapon or has such great physical skills that threat of life is real.

The reaction to verbal threats made by a subject may differ from officer to officer. An officer's decision on the control technique necessary to control a subject will be based on the totality of the circumstances to include the perception of the threat, the subject's ability to carry out that threat and the officer's knowledge of their own physical ability to manage the threat presented.

3) Passive Physical Resistance: Passive Resistance is the lowest level of physical resistance. The subject resists control through passive physical actions. At this level, the subject never makes any attempt to defeat the physical contact of the officer. Passive Resistance is usually in the form of a relaxed or "dead weight" posture intended to make the officer lift, pull or muscle the subject to establish control.

4) Defensive Physical Resistance: Quite often officers find themselves confronting a subject who is physically resisting the officer's attempt to control him by direct overt, defensive, physical actions. With this level of resistance, the subject attempts to push or pull away or somehow physically resists in a manner that does not allow the officer to establish control. However, the subject never attempts to strike the officer.

5) Active Physical Aggression: Active Physical Aggression is when a subject attacks an officer to defeat attempts of control. The attack is a physical assault on the officer in which the subject strikes or uses techniques in a manner that may result in injury to the officer or others.

- 6) Aggravated Active Physical Aggression: Aggravated Active Physical Aggression is when a subject uses a level of physical force that requires an officer to use, or at least, justifies the use of deadly force. At this level, officers may not only face resistance to an arrest, but also overt, physical actions of force where the subject is assaulting the officer with a weapon, and/or uses techniques or objects which could result in death or bodily harm to the confronting officer.

2.8.8.4 CONTROL TECHNIQUES

(Effective: 2/10/94; Revised: 4/17/20)

Once an officer determines to use physical force, the control technique used will be dependent upon a reasonable officer's perception of resistance and whether that resistance poses a threat to the safety of the officer, a third party or the subject. It is important to note that each officer's perception of the danger of the level of resistance will be based upon the officer's past training, experience and knowledge of physical control techniques.

Officers should modify the control technique applied once the threat is neutralized or controlled or the subject becomes compliant.

If an injury occurs following the use of physical control techniques, an officer will ensure that first aid is rendered and that necessary medical attention is obtained. If additional medical attention is necessary, an officer will relay through dispatch that an injury has occurred and will request emergency medical services with the appropriate response code based on the severity of the injury.

The control techniques specifically authorized by SVPD are listed below. These control techniques do not have a particular order and the decision to use a certain technique must be based on a reasonable officer's perception of the threat based on the totality of the circumstances.

- Officer Presence and Verbal Direction
- Handcuffing and Restraints
- Soft Empty-Hand Control
- Hard Empty-Hand Control
- Chemical Agents
- Taser (touch stun and probes)
- Impact Weapons
- Pepper Ball System
- Bean Bag
- Police Service Dog
- Deadly Force

The individual control techniques are discussed further in the following sections.

2.8.8.4.1 OFFICER PRESENCE AND VERBAL DIRECTION

The majority of situations can be resolved by good communication skills or verbal direction. In any verbal confrontation, fear and anger must be defused before a subject will be able to understand the officer's commands. This will require good communication skills and patience. Successful communications techniques can prevent many physical confrontations from escalating to higher levels.

2.8.8.4.2 HANDCUFFS AND RESTRAINTS [CALEA 5: 70.2.1]

The purpose of handcuffs, flexcuffs, or transport handcuffs is to restrain the movements of a subject in a manner that provides a safe means of transportation for officers. Restraints also prevent further physical resistance from the subject. SVPD policies for the use of restraints are as follows.

- 1) All subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the officer or other citizens. Exceptions to this rule are:
 - a) When the subject has an injury that does not permit the subject's arms to move behind the back.

- b) When the subject's age, physical condition, mental condition, or physical limitations may also indicate a change in this procedure to include handcuffing in the front or not using handcuffs at all. This decision should be based on:
 - The severity of the offense.
 - Whether the suspect posed an immediate threat to officers, themselves or others.
 - Whether the suspect was actively resisting or evading arrest.
- 2) All subjects handcuffed should have the handcuffs double-locked and checked for tightness. The exception to this rule is when the arrest environment is tactically unsafe for the officer to double-lock the handcuffs.
- 3) If a subject complains the handcuffs are too tight, the transporting officer is to immediately ensure that unnecessary tightness, which may prevent proper blood circulation, does not occur.
- 4) To ensure proper safety for officers all subjects will be handcuffed before being searched.
- 5) Except under exceptional circumstances, officers should not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.
- 6) When transporting handcuffed persons long distances the person should be handcuffed with hands in front via belly belt.
- 7) It is not uncommon for an officer to arrest a subject, place him in restraints, and then have the subject start to resist. If an officer does encounter this type of resistance the officer should utilize control techniques to prevent injuries to the officer or injuries to the subject. However, the control techniques should be limited to those that would be considered reasonable.

2.8.8.4.3 EMPTY-HAND CONTROL

Empty-hand control techniques cover a number of subject control methods. Some of these methods may be as subtle as guiding a subject's movements to more dynamic techniques such as strikes or kicks that may have a higher potential of injury to the subject. This policy divides empty-hand control into two categories, soft and hard, which are presented below.

2.8.8.4.3.1 Soft Empty-Hand Control

This control technique is designed primarily for lower levels of resistance but can be used to control any level of resistance. Soft empty-hand control techniques are techniques that have minimal or nonexistent possibility of injury. Soft empty-hand control techniques can be utilized for any level of resistance. Examples of soft empty-hand control techniques are joint locks, strength techniques and use of pressure points.

2.8.8.4.3.2 Hard Empty-Hand Control

This control technique is utilized for controlling higher levels of resistance. These techniques are applied when lower forms of control have failed or are not applicable. These techniques have a probability of creating soft or connective tissue damage, skin lacerations that require medical attention or bone fractures. Although the use of these techniques may create some minimal injury to the subject, an officer may be risking injury to himself or have to utilize different control techniques (such as impact weapons) if hard empty-hand control techniques had not been used.

Techniques that are considered as hard empty-hand control techniques are striking techniques. Striking techniques are those that may be delivered with an officer's open hand, fist, forearm, leg or foot. Preferably, the target points for these types of strikes will be delivered to the major muscle mass such as the legs, arms or shoulders. Striking techniques fall into two general categories; quick penetration strikes or distracting strikes, and fluid shock wave strikes:

- Quick Penetration or Distracting Strikes: These strikes are used in a manner to distract a subject in order to gain control over the subject's actions. These strikes are not to be delivered with full force and should be targeted toward nerve points in major muscle groups.
- Fluid Shock Wave Strikes: These strikes are delivered with full force and are designed to create muscle cramping thus inhibiting muscle action. However, it may be necessary for the officer to strike areas where there is a potential for injury such as the face or very sensitive areas of the body.

2.8.8.4.3.3 Medical Considerations

If an officer finds it necessary to strike a subject and an injury occurs, the officer shall immediately contact a supervisor and advise the supervisor of the nature of the injury. The officer will ensure that first aid is rendered and that proper medical attention is obtained. [CALEA 5: 1.3.5]

2.8.8.4.3.4 Carotid Control Techniques

The carotid control technique is not authorized except when officers are faced with a deadly force situation.

2.8.8.4.4 CHEMICAL AGENTS

The department-approved chemical agent is a tool that can provide a means by which an officer can defend himself or another from injury and a means of controlling an offender when an officer is facing higher levels of resistance or resistive dialogue, or psychological intimidation when it is apparent the situation will escalate into a physical confrontation. [CALEA 5: 1.3.4]

2.8.8.4.4.1 Carriage and Use of Chemical Agents

- 1) Department-approved OC spray is a non-flammable, non-oil-based formula.
 - 2) OC spray will be inspected by a DT instructor prior to issuance to officers.
 - 3) Officers are trained to inspect the OC canisters. If one is found to be defective, the officer may dispose of the spray and request a new one.
 - 4) The lead DT instructor will maintain records of OC spray issued to officers.
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- 1) No department member shall carry or utilize any chemical agent for which they have not had annual certified training and demonstrated proficiency. [CALEA 5: 1.3.10]
 - 2) Chemical agents issued to Animal Control Officers (ACO) and Patrol Volunteers (VIP) are for use for self-protection against aggressive animals or people in the course of their duties. In these situations, the ACO or VIP should immediately call for assistance from officers and separate themselves from the situation until officers arrive.
 - 3) The chemical agent should be carried in an appropriate holder and never displayed or pointed at another individual in the form of horseplay.

- 4) At no time shall an officer unnecessarily brandish, or use the chemical agent as an intimidating device, unless the officer is attempting to prevent a further escalation of force.
- 5) Application of chemical agents against large groups of persons involved in riot situations or mass civil disturbances will be at the command of the Chief of Police or the designated on-scene supervisor. Officers may however deploy personally issued chemical agents if a group is actively fighting and doing so will break up the fight.
- 6) In the event that chemical agents are used to control a subject, application of the agent will cease when the subject discontinues resistance or aggression or can be safely controlled.
- 7) Chemical agents are irritating to the eyes, nose and skin. Any time an officer uses a chemical agent for subject control the officer will ensure that the subject receives adequate medical attention as soon as possible. [CALEA 5: 1.3.5]
- 8) If the subject refuses medical treatment the officer will contact a Police or Fire EMT who will offer medical treatment to the subject again. A refusal to the EMT shall be noted by the EMT on a First Care form. The completed First Care Form will be attached to the officer's case report. If treatment is accepted the subject should be treated as recommended by an EMT.[CALEA 5: 1.3.5]
- 9) When an officer books a subject who has been exposed to chemical agents the officer will notify jail personnel in order to prevent unnecessary contamination of other jail occupants or jail staff.
- 10) If a chemical agent is utilized for subject control, the officer will contact a supervisor to inform the supervisor of the nature of the incident.

2.8.8.4.4.2 PepperBall System

PepperBall projectiles are plastic spheres filled with oleoresin capsicum (OC) in liquid or powder form. A high pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact thereby releasing the OC. The PepperBall system may be deployed where the PepperBall impacts the subject directly and disperses the OC powder and will follow the same justification as an impact weapon. The Pepperball system may also be deployed indirectly where the PepperBall is impacted at some other location and the subject is exposed only to the OC powder. [CALEA 5: 1.3.4]

- 1) The department-approved PepperBall launcher is the Tipmann carbine.
- 2) The approved PepperBall projectile is the Live OC powder projectile. Glass breaking rounds are approved only where deadly force is justified.
- 3) PepperBall launchers will be inspected by a PepperBall staff prior to issuance.
- 4) PepperBall launchers will be inspected by PepperBall staff annually. Launchers that fail inspection will be returned to PepperBall staff.
- 5) Launcher records are kept in the Spillman equipment table.
- 6) Only qualified personnel shall be allowed to deploy and use the PepperBall System. [CALEA 5: 1.3.10]
- 7) As with any less lethal device, the potential exists for the projectile to inflict injury when they strike the face, eyes, neck and spine. Personnel who deploy the PepperBall System shall attempt to avoid intentionally striking these body areas unless a life threatening situation exists. There are no minimum distance requirements when deploying the System.

- 8) Personnel deploying the PepperBall System should be aware that windy conditions might cause the projectile to be blown off trajectory.
- 9) Any subject struck by a PepperBall System deployment shall be handled in the same manner as an OC spray deployment outlined above. However, during a crowd control situation, it may not be possible to arrest or provide medical attention to all affected by PepperBall System deployments as the subjects struck may wander off or be carried off within the crowd itself.

2.8.8.4.5 IMPACT WEAPONS

The department-approved impact weapon is a tool that can provide a means by which an officer can defend himself or another from injury. This weapon also serves as a means for controlling offenders when an officer is facing high levels of resistance. Approved impact weapons are identified in the department's Uniform Policy Manual.

This control technique employs the use of department-approved tools that provide a method of controlling subjects when deadly force is not justified but when empty hand control techniques are not sufficient in controlling subjects. When impact weapons are used it is quite likely that some form of skin irritation, bruising, soft or connective tissue damage or bone fractures may occur.

2.8.8.4.5.1

- 1) New officers purchase the department-approved baton with an initial uniform allowance. An FTO or the Administrative Lieutenant will ensure the proper baton was purchased and is operational prior to carry. New batons purchased by existing officers should be inspected by a DT instructor prior to carry.
- 2) Impact weapons will be inspected during annual baton recertification. Impact weapons that fail inspection will be removed from service.
- 3) Impact weapon records are kept in the quarterly inspection category in Guardian Tracking.

2.8.8.4.5.2 Carriage and Use of Impact Weapons

- 1) No officer shall carry or utilize any impact weapon for which they have not had annual certified training.
[CALEA 5: 1.3.10]
- 2) The impact weapon should be carried in the baton ring, baton holder, or in a low profile position when the baton is not being used.
- 3) At no time shall an officer unnecessarily brandish or use the impact weapon as an intimidation device unless the officer is attempting to prevent the further escalation of force.
- 4) Strikes with an impact weapon should be delivered to the following areas:
 - a) Primary Targets: Major muscle mass such as the forearms, thighs, or calves. These locations should be primary targets because of the low implications of subject injury. Impact weapon strikes to these locations normally create severe muscle cramping which inhibits a subject's ability to continue aggression.
 - b) Secondary Targets: Joints or bones such as the elbows, wrists and knees have a high probability of creating soft or connective tissue damage or bone fractures when struck with an impact weapon. These secondary targets should only be targeted when the level of resistance is such that striking primary strike points would be inadequate to control the subject.
 - c) Deadly Force Targets: Head, neck, spine, throat and clavicle strikes should not be targeted unless the officer is justified in using deadly force. These striking points have high implication of creating severe injury in the forms of great bodily harm or death.

- 5) Any time an officer finds it necessary to strike a subject with an impact weapon for purposes of control, the officer will immediately contact a supervisor and inform the supervisor of the incident.
- 6) Any time an officer uses an impact weapon to strike a subject the officer will ensure that the subject will receive adequate medical attention as soon as possible. [CALEA 5: 1.3.5]
- 7) If the subject refuses medical treatment the officer will contact a Police or Fire EMT who will offer medical treatment to the subject again. A refusal to the EMT shall be noted by the EMT on a First Care form. The completed First Care Form will be attached to the officer's case report. If treatment is accepted the subject should be treated as recommended by an EMT.[CALEA 5: 1.3.5]
- 8) The impact weapon shall be department issue or an approved substitute. Impact weapons will not be weighted with any material.
- 9) Flashlights or other items are not designed as an impact weapon. However, these items may be used in a baton-like manner if empty hand control techniques have failed or are not possible under the circumstances and a baton is not readily available.

2.8.8.4.5.3 Kinetic Energy Projectiles (Bean Bags)

The use of deployment of Kinetic Energy Projectiles is an escalation in the subject management when expandable batons or other less lethal force options are not available or appropriate [CALEA 5: 1.3.4]. This weapon may only be used by personnel who have received certified training and been authorized by the department to use it.

- 4) Department-approved bean bag launchers are the Remington 870 and the Mossberg 500. These are identified as less-lethal weapons by an orange or red stock and fore-end.
- 5) Approved bean bag projectiles are DEF TEC 12-gauge drag stabilized rounds.
- 6) Bean bag launchers will be inspected by a certified armorer prior to issuance to officers.
- 7) Bean bag launchers will be inspected by firearms staff annually. Launchers that fail inspection will be returned to firearms staff.
- 8) Launcher records are kept in the Spillman equipment table.

[CALEA 5: 1.3.10]

2.8.8.4.6 TASER

The Taser is an alternative less lethal control technique not intended to replace firearms or self-defense techniques. Studies to date have shown that the Taser when used as trained has little or no lethal potential, however, usage may result in serious injuries when the temporary loss of muscle control causes a sudden and uncontrolled fall. The use of the Taser shall be in accordance with required training programs. Only personnel who successfully completed the required training will be allowed to use this control technique.

[CALEA 5: 1.3.10]

2.8.8.4.6.1

- 1) The TASER X2 CEW is the department-approved taser.
- 2) Prior to issuance, a certified Taser instructor will physically inspect the Taser for serviceability and will connect the Taser to AXON-Evidence.com for usage data recording.
- 3) Tasers will be inspected annually by a certified Taser instructor. Tasers found to be unserviceable are removed from service.
- 4) Taser records are kept in the Spillman equipment table.

2.8.8.4.6.2 Use of the Taser

- 1) Tasers are tools that can provide a means by which an officer can defend himself or another from injury and a means of controlling an offender when other control techniques are inadequate to control the subject. Taser falls into the intermediate level of control and should only be utilized when an officer is faced with an "immediate threat" to the safety of the officer or others when based on the totality of the circumstances.
- 2) The Taser may be used to protect a subject when that subject is either attempting to substantially injure himself or commit suicide.
- 3) The Taser may be used in the touch stun mode to gain control of subjects and may be used with a live cartridge in place.
 - a) Officers are prohibited from using the Taser on handcuffed individuals unless the officer is faced with an "immediate threat" to the safety of the officer or others when based on the totality of the circumstances, or is used in "touch stun mode" when other control techniques are unsuccessful or impractical.
- 4) The Taser should be backed up with the availability of lethal force.
- 5) Whenever possible the use of the Taser will be preceded by a verbal warning that this contact method will be used if compliance is not obtained. The warning is not necessary if doing so will endanger an officer. The officer employing this contact method does not have to be the officer giving the warning.
- 6) The deploying officer must consider the potential risk of injury to subjects who are moving at high speeds (running, bikes, skateboards, etc.) or situated in elevated places (roofs, ladders, trees, etc.).
- 7) Officers will not deploy the Taser from or at moving vehicles unless it can be justified in the defense of life.

2.8.8.4.6.3 Taser Carry and Storage

- 1) Any officer who has completed annual Taser user certification training requirements may carry an Taser. [CALEA 5: 1.3.10]
- 2) The Taser shall be carried in an approved holster and never displayed or pointed at another individual in the form of horseplay.
- 3) The Taser will be worn according to training instructions.
- 4) The Taser will not be left unattended even when being charged. When not in use the Taser will be stored in the same manner as a firearm.
- 5) The officer will perform a spark test at the beginning of each shift to ensure the Taser is charged and properly functioning.

2.8.8.4.6.4 Post-use Procedures (Probe Removal)

- 1) Do not attempt probe removal if subject is combative or if the location of the barb is in the face, ear, breast, groin, or deeply embedded. The fire paramedics or the hospital staff should remove probes located in prohibited removal areas.
- 2) Barbs superficially in the skin may be removed by an officer who is trained to do so and in the presence of another officer.
 - a) Use latex gloves for removal of probes.
 - b) Place the removed probes in spent cartridge with the barb side down.
 - c) Clean wound with antiseptic wipe and bandage.
 - d) Securely tape the cartridge and probes and mark as biohazardous waste.
 - e) Assess subject for injury or condition that may need medical attention and seek appropriate level of service.
 - f) Place cartridge with probes and some identification aids into evidence. Mark as a biohazard.
 - Unless serious injury occurs the cartridge will be held in evidence for one year. If serious injury or death occurs, the cartridge will be held until the criminal and/or civil cases are adjudicated.
 - g) Remove gloves and clean hands with waterless hand sanitizer.
- 3) A police EMT or fire department medic will be called to the scene to evaluate puncture injuries on a subject.
- 4) Jail personnel will be notified of the use of the Taser on the person being incarcerated.

2.8.8.4.6.5 Reporting Requirements

Each touch stun or discharge of the Taser will be documented on a department subject management report. See sample form in § 2.8.8.11 Subject Management Report.

2.8.8.4.7 POLICE SERVICE DOGS

Police Service Dogs, properly deployed, are considered a non-lethal tactic. The possibility of severe injury to the suspect exists, however, and should be considered whenever authorizing Police Service Dogs for suspect searches or apprehension purposes. (See § 2.8.13, Police Service Dogs.)

2.8.8.5 DEADLY FORCE*(Effective: 2/10/94; Revised 11/4/14)***2.8.8.5.1 USE AND DISCHARGE OF FIREARMS**

- 1) Officers shall not discharge their firearms except to protect themselves or another person from imminent death or serious bodily injury.
- 2) Officers shall not discharge their firearms when doing so may endanger innocent persons unless the use of deadly force is needed to protect the life of the officer or another individual.
- 3) Officers shall not discharge their firearms to threaten or subdue persons whose actions are destructive to property or injurious to themselves unless the subject represents an imminent threat of death or serious bodily injury to the officers or others.
- 4) Officers shall not discharge their firearms to subdue an escaping suspect unless the circumstances of § 2.8.8.5.2 below have been met.
- 5) Officers shall not discharge their weapons at a moving vehicle unless it is necessary to do so to protect the life of the officer or others. In such case, the shots shall be directed at the perpetrator(s) and not at the structure of the vehicle itself.
- 6) Officers shall not draw, carelessly handle, or display their firearms unless there is a threat or reasonable suspicion to believe there is a threat to life.
- 7) Officers shall not fire warning shots under any circumstances. [CALEA 5: 1.3.3]
- 8) Officers shall not surrender their firearms until they have exhausted every possible alternative.
- 9) Officers shall not fire shots from a moving vehicle, unless it is necessary to do so to protect the life of the officer or others.

2.8.8.5.2 JUSTIFICATION FOR USE OF DEADLY FORCE [CALEA 5: 1.3.2]

In accordance with statutory justifications (ARS 13-410), an officer is justified in using deadly force under the following circumstances.

- 1) To defend himself or a third person from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- 2) To effect an arrest or prevent the escape from custody of a person the 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 escape by use of a deadly weapon.
 - c) Through past or present conduct of the person which is known by the 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.

An officer is permitted to fire a weapon in circumstances where the use of deadly force is justified **OR** when:

- 1) At an approved target at an approved firing range or for practice in any area where firing a weapon would be safe and lawful.
- 2) An officer has been authorized by a supervisor to destroy a seriously wounded or injured animal after all reasonable attempts have been made to request assistance from ACO. When feasible, the animal's owner should be located and permission received to destroy the animal. Destroying an animal should occur if the animal is obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person.
- 3) A qualified armorer is performing maintenance on a weapon.
- 4) A weapon is being test fired in conjunction with an on-going investigation.

2.8.8.5.3 USE OF POLICE VEHICLES AS DEADLY FORCE [CALEA 5: 41.2.3A]

Officers will not attempt to deliberately collide with other vehicles or to use a police vehicle to force any vehicle off the roadway unless deadly force is justified and all other alternatives are exhausted. Officers should be mindful of the dangers to the officer and non-involved subjects when deliberately colliding with another vehicle.

Use of police vehicles against persons will be considered use of deadly force.

2.8.8.6 DEADLY FORCE PROCEDURES*(Effective: 2/10/94; Revised 11/20/13)***2.8.8.6.1 PSYCHOLOGICAL SERVICES**

In all cases where any person has been injured or killed as a result of a department employee action, the involved employee may be required to undergo a debriefing with a department-provided psychologist as soon as possible. The purpose of this debriefing will be to allow the employee to express his/her feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident and everything discussed in the debriefing session will remain protected by the privileged physician-patient relationship.

2.8.8.6.2 ADMINISTRATIVE LEAVE [CALEA 5: 1.3.8]

While acting in an official capacity, any department employee directly involved in an incident that results in the death or serious physical injury of any person may be placed on administrative leave or administrative duty. The administrative leave shall be with pay and benefits pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the employee has acted improperly. While on administrative Leave the employee shall remain available for official department interviews and statements regarding the incident and shall be subject to recall duty at any time.

The employee shall not discuss the incident with anyone except appropriate department personnel assigned to the investigation, the county attorney's office, the state attorney general's office, the employee's private attorney, the employee's psychologist, the employee's chosen clergy and the employee's immediate family.

Upon returning to duty from administrative leave the employee may be assigned to administrative duty for a period of time deemed appropriate by the employee, the employee's psychologist and the Chief of Police. [CALEA 5: 1.3.8]

2.8.8.6.3 INVESTIGATION PROCESS

This section provides procedures that shall be used to investigate every incident of deadly force or firearms discharge by a department member except for target practice, hunting, ballistic examinations, weapons maintenance, and incidents involving the destroying of an animal.

- 1) Whenever a member discharges his firearm either accidentally or officially, the member shall immediately:
 - a) Determine the physical condition of any injured person and render first aid when appropriate.
 - b) Request necessary emergency medical aid.
 - c) Notify communications of the incident and location.
 - d) Notify a supervisor of the incident.
- 2) The officer will remain at the scene (unless injured) until the arrival of the appropriate supervisor or until authorization is obtained from a supervisor to leave the scene. However, if the circumstances are such that a more hazardous situation may develop (violent crowd), the supervisor shall have the discretion to instruct the officer to respond to a more appropriate location.

The officer will protect his weapon for examination. The on-duty supervisor should obtain the officer's weapon in a discreet manner and immediately replace the officer's weapon with another weapon.

2.8.8.7 LESS LETHAL TOOLS [CALEA 5: 1.3.4]*(Effective: 2/10/94; Revised 8/1/18)*

Less lethal tools shall be utilized in accordance with the guidelines in this policy. The following is a list of approved less lethal tools.

- 1) Authorized baton
- 2) Oleoresin capsicum (pepper spray)
- 3) Light and sound diversion devices
- 4) Taser
- 5) PepperBall system
- 6) Kinetic energy projectiles (12 gauge and 40 mm)
- 7) CS / CN / OC gas
- 8) Police service dog
- 9) Other specialized less lethal tools or munitions as authorized by the Chief of Police

The use of blackjacks, leaded gloves and saps are prohibited.

2.8.8.8 SUBJECT MANAGEMENT ISSUES*(Effective: 2/10/94; Revised 3/1/13)*

- 1) Only those techniques of physical force that are reasonable based on the totality of the circumstances are permitted. In situations where an officer must overcome an attack that the officer reasonably believes would produce serious physical injury or death to the officer or another person, the officer may resort to any reasonable method necessary to overcome an attack.
- 2) Members shall carry only those weapons, both deadly and less lethal, authorized by the department.
- 3) All sworn personnel, including ACO officers, will be issued written policy and receive instruction and certification in the use of lethal and less lethal weapons before being authorized to carry such weapons.
[CALEA 5: 1.3.12]
- 4) Resisting individuals who must be placed into a prone position to gain control should be repositioned to a sitting position or placed on their side as soon as restraints are applied.
- 5) Officers shall not hog-tie any individual or transport prisoners in a face down position.
[CALEA 5: 70.2.1]
- 6) Department approved leg restraint devices may be used to restrain a resisting individual's legs to prevent kicking and the person then transported in a seated position. Once in a seated position, the leg restraint may be pulled outside the door and the vehicle door closed on the restraint, so as to limit the suspect's movement. The restraint will not be tied or clipped to any object in the vehicle that could delay the release of the restraint in case of an accident or emergency.
[CALEA 5: 70.2.1]
- 7) Following a severe or prolonged physical struggle with a subject, officers handling the incident shall regularly monitor the subject's physical condition and take the appropriate steps to provide or arrange for immediate medical treatment if needed. The transporting officer(s) shall notify jail personnel that the subject has been involved in a severe or prolonged physical struggle during the booking process.

2.8.8.9 WRITTEN REPORTING REQUIREMENTS*(Effective: 2/10/94; Revised 8/1/18)***2.8.8.9.1 SUBJECT MANAGEMENT DOCUMENTATION [CALEA 5: 1.3.6]**

The following instances of an officer using force on persons shall be documented on a Subject Management Report.

- 1) Any hard empty hand technique.
- 2) Any impact weapon strike.
- 3) Uses of Tasers.
- 4) PepperBall System.
- 5) Kinetic Energy Projectile.
- 6) Police Service Dog bites (except during training).
- 7) Firearm.
- 8) When a control technique results in, or is alleged to have resulted in, death or injury to any person.
- 9) Uses of chemical agents.

The Subject Management Report or other reports shall be completed by the involved employee and then forwarded via chain of command to the Subject Management Advisory Board Chairman prior to the conclusion of tour of duty unless a supervisor designates and authorizes a different specified time period.

If the involved employee is unable to complete the Subject Management Report then the supervisor on duty shall complete the report to the best of their ability.

Any injured subject or officer shall be photographed, if appropriate, to include all sites of all visible and/or reported injuries.

Any use of subject management by a tactical unit member during a tactical unit call-out will be documented by the member in a written memo that is forwarded to the tactical unit commander. A Subject Management Report is not required in this instance. The team leader will track all uses of subject management during a tactical unit call-out and will include these in the after-action report. The team leader will forward the after-action report for review through division commanders, the deputy chief, and the chief of police.

2.8.8.9.2 WEAPONS DISCHARGED DOCUMENTATION [CALEA 5: 1.3.6A]

The following instances of weapons being discharged shall be documented on a memorandum.

- 1) When an animal is destroyed.
- 2) Accidental discharge (not including training unless an injury results).

The memorandum shall provide details of the circumstances related to the incident and be completed by the involved employee prior to the conclusion of tour of duty. The memorandum will then be forwarded via the chain of command to the Patrol Bureau Commander. The original memorandum shall be maintained by the Patrol Bureau Commander.

2.8.8.10 SUBJECT MANAGEMENT ADVISORY BOARD*(Effective: 2/10/94; Revised 8/1/18)***2.8.8.10.1 PURPOSE**

- 1) The purpose of this board is to conduct an administrative review and evaluate reported uses of control techniques to determine whether the particular control technique: [CALEA 5: 1.3.7]
 - a) Was within policy guidelines established by the department.
 - b) Should result in referral to the Deputy Chief of Police for an administrative misconduct investigation.
 - c) Indicates a need for additional training or counseling or other remedial non-disciplinary measures.
 - d) Indicates a need for revising Department policy, strategy, tactics, or training.

The board shall review training records of involved member to verify that training / certification requirements are current.

The Subject Management Advisory Board will have no disciplinary authority.

2.8.8.10.2 BOARD MAKEUP

The Board will consist of a Patrol Bureau Lieutenant, one Defensive Tactics Instructor and three additional members who hold the rank of Corporal or Sergeant. The Chairman of the Subject Management Advisory Board will be a Patrol Bureau Lieutenant. The Board will also have two alternate members consisting of two officers holding the rank of Corporal or Sergeant. In any incident for review where a regular member of the Board is involved, an alternate member will sit in the regular member's place during the review. Board members shall not discuss Board activities with other members of the Department prior to all reviews / investigations being concluded without authorization from the Board Chairman.

2.8.8.10.3 METHOD OF RECEIVING SUBJECT MANAGEMENT REPORTS

The appropriate supervisor will forward to the Chairman all Subject Management Reports upon completion of such reports.

2.8.8.10.4 CONVENING MEETINGS

The Chairman has the authority to convene the Board and interview witnesses and review reports as soon as practical after the incident and all reports are completed.

2.8.8.10.5 REVIEW PROTOCOL

- 1) Any internal investigations being conducted upon the incident in question shall cause the Advisory Board process to cease. Any information in possession of the Board shall be given to the appropriate investigator for inclusion in the internal investigation.
- 2) The findings of the Board will be attached to the Subject Management Report and forwarded to the involved member's supervisor for comments and recommendations.
- 3) The supervisor shall forward the findings to the appropriate Bureau Commander for comments and recommendations.

- 4) The Bureau Commander shall forward the findings to the appropriate Division Commander for comments and recommendations.
- 5) The Division Commander shall forward the findings to the Deputy Chief of Police for comments and recommendations.
- 6) The Deputy Chief of Police shall forward the findings to the Chief of Police for comments. The Chief shall then forward the findings to the supervisor.
- 7) The supervisor shall meet with and inform the involved member of the findings. The original shall then be forwarded to the Management Analyst for retention.
- 8) If an internal investigation is being conducted on a subject management incident, the staff review / employee notification process described above will cease and be accomplished through the normal internal investigation process.
- 9) On an annual basis the Chairman or a designee shall provide an analysis of the Subject Management Board's reviews from the prior calendar year to the Chief of Police via the chain of command. At a minimum the analysis should include: [CALEA 5: 1.3.13]
 - a) Any detected patterns or trends.
 - b) Any necessary equipment upgrades.
 - c) Any training needs.
 - d) Any policy modifications.

2.8.8.10.6 DISPOSITION OF FINDINGS

- 1) All findings of the Subject Management Advisory Board are subject to inclusion in any internal administrative investigations conducted by SVPD. The findings and Subject Management Report are administrative in nature and mandatory. Therefore the findings and Subject Management Report cannot be included in any criminal investigations related to the member misconduct.
- 2) Absent an in-progress internal administrative investigation, if the Board reviews an incident that resulted in serious bodily injury, death, or a severe policy violation, notification shall be made to the Deputy Chief of Police to determine if an internal administrative investigation is warranted by detectives.
- 3) Less serious violations of policy shall be handled by the involved member's immediate supervisor unless an internal administrative investigation is in-progress. Any disciplinary actions shall not occur until after all internal investigations are complete.
- 4) In the event an internal investigation occurs, the internal affairs recommendation or final disposition for the incident under consideration shall have precedence over earlier (if any) Board findings.
- 5) Training / policy / equipment recommendations shall be forwarded to the Administrative Division Commander for implementation.

(Effective: 2/10/94; Revised 6/21/17)

2.8.8.11 SUBJECT MANAGEMENT REPORT

DR: _____ Date of Incident: _____ Time of Incident: _____

Location of Incident: _____

Subject Name	DOB	Origin	Sex
Subject Name	DOB	Origin	Sex
Subject Name	DOB	Origin	Sex

- | | | |
|--|---|---|
| <input type="checkbox"/> Empty-hand control | <input type="checkbox"/> Baton | <input type="checkbox"/> Pepperball OC (<input type="checkbox"/> direct <input type="checkbox"/> indirect) |
| <input type="checkbox"/> Impact munition: _____ | <input type="checkbox"/> Other impact weapon | <input type="checkbox"/> Supp. restraint device (hobble) |
| <input type="checkbox"/> Taser (drive stun) | <input type="checkbox"/> Taser (probe deployment) | <input type="checkbox"/> Personal weapon (hand, foot strikes) |
| <input type="checkbox"/> Threaten deadly force
(weapon type: _____) | <input type="checkbox"/> OC spray | <input type="checkbox"/> Other: _____ |

Was the technique effective? Yes No If no, why? _____

Weapon Present Yes No Suspect was/appeared to be under the influence of alcohol Yes No
 Suspect was/appeared to be under the influence of drugs Yes No

Contributing factors at the time of the use of subject management:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Suicidal Subject | <input type="checkbox"/> Resisting Arrest | <input type="checkbox"/> Mental Illness (actual or perceived) |
| <input type="checkbox"/> Foot Pursuit | <input type="checkbox"/> High-Risk Stop | <input type="checkbox"/> Search Warrant | <input type="checkbox"/> Other: _____ |

As a result of the subject management, was the officer:

- Injured? Yes No
 Provided medical treatment? Yes No
 Medical treatment provided by: _____
 Transported to hospital? Yes No Hospital: _____
 Photos of the injury taken? Yes No

As a result of the subject management, was the suspect:

- Injured? Yes No
 Provided medical treatment? Yes No
 Medical treatment provided by: _____
 Transported to hospital? Yes No Hospital: _____
 Photos of the injury taken? Yes No

Other officers at the scene:

Name	Badge #	Agency

Civilian witnesses at the scene:

Name	DOB
Name	DOB
Name	DOB

Name of reporting officer Badge # Signature of reporting officer Date of report Time of report

2.8.8.11 SUBJECT MANAGEMENT REPORT

Subject Management Advisory Board – Comments and Recommendations:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Force justified | <input type="checkbox"/> Within policy | <input type="checkbox"/> Outside policy | <input type="checkbox"/> Policy review recommended |
| <input type="checkbox"/> Refer to supervisor for investigation | <input type="checkbox"/> Refer to detectives for admin investigation | <input type="checkbox"/> Additional training recommended | <input type="checkbox"/> Add'l info needed |

For findings outside policy, additional information needed, or refer to detectives, justify recommendation(s):

Supervisor – Comments and Recommendations:

Supervisor signature and date

Bureau Commander – Comments and Recommendations:

Bureau Commander signature and date

2.8.8.11 SUBJECT MANAGEMENT REPORT

Division Commander – Comments and Recommendations:

Division Commander signature and date

Deputy Chief of Police – Comments and Recommendations:

Deputy Chief of Police signature and date

Chief of Police – Comments and Recommendations:

Chief of Police signature and date

Employee – Comments:

Employee signature and date