



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 1 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

1. PURPOSE

The purpose of this order is to provide the Maricopa Police Department (MPD) sworn and/or reserve officers with guidelines regarding the application of and the regulations relating to the response to resistance.

2. PHILOSOPHY

It is the policy of MPD to value and preserve human life. Officers may use only the force that is objectively reasonable to effectively gain control of an incident, while protecting the safety of the officer and others, in keeping with the standards set forth in *Graham v. Connor*, 490 U.S. 386 (1989).

MPD recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to only use reasonable force in response to resistance and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Officers may use force only when no reasonably effective, safe, and feasible alternative appears to exist and may only use the level of force that a reasonable officer on the scene would use under the same or similar circumstance.

3. DEFINITIONS

Active Aggression - A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, where a reasonable officer believes that an assault or injury to any person is imminent.

Active/Escape Resistance - Physically evasive movements designed to defeat an officer's attempt at control and/or verbally signaling an intention to avoid or prevent being taken into or retained in custody; including, but not limited to: bracing, tensing, or pushing.

Affirmative Duty to Intervene – Recognizing and acting upon the affirmative duty to intervene to prevent or stop, as appropriate, any officer from engaging in excessive force or any other use of force that violates the Constitution, Federal or State laws, or MPD policies on the reasonable use of force.

Affirmative Duty to Render Aid – Recognizing and acting upon the affirmative duty to request and/or render medical aid, as appropriate, when needed.

Deadly Force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or serious physical injury.

De-Escalation – Tactics and techniques designed to gain voluntary compliance from a subject before using force, if objectively feasible and does not increase the danger to the officer or others. De-Escalation affords officers time, options and resources to resolve the situation without the use of force, or with a reduction in the force necessary, and may include command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Exigent Circumstances – Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 2 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

Force - The application of techniques or tactics, chemical agents, or weapons to another person in response to resistance.

Imminent, or Immediate Threat – Danger from an individual whose apparent intent is to inflict serious bodily injury or death and the individual has the ability and opportunity to realize this intention.

Less Lethal Force – That degree or type of force employed by an officer and directed against another individual that is not intended to, and is unlikely to cause death or great bodily harm.

Objectively Reasonable Force - The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.

Important factors to be considered when deciding upon the force to be used to apprehend or subdue a subject and/or bring a situation safely under control include, but are not limited to, the severity of the crime at issue, whether the subject poses an imminent threat to the safety of the officers or others, and whether the subject is actively aggressive, actively resisting arrest, or attempting to evade arrest by flight.

Passive Resistance - Physical actions on the part of a subject that do not prevent an officer's attempt at control; may include verbal responses but no threats. Example: Protestor.

Psychological Intimidation - A combination of physical signs (i.e., clenching/unclenching of fists, setting of the jaw, accelerated breathing, verbal statements, and/or aggressive facial expressions) on the part of a suspect, who is ignoring verbal commands, that indicate the suspect is making mental/physical preparations before a fight begins.

Reasonable Belief – When facts or circumstances the officer knows, or should have known, are such as to cause another ordinary and prudent person to act or think when faced with a like or similar situation.

Serious Physical Injury – A bodily injury that involves a substantial risk of death; causes protracted and obvious disfigurement; or results in extended loss or impairment of the function of a body part or organ.

4. POLICY

The decision to use force when conducting official law enforcement responsibilities is among the most critical decisions made by officers and often must be made quickly and under difficult, often unpredictable, rapidly changing and unique circumstances. Force used to gain control of a situation will be used with restraint and in proportion to the resistance offered.

De-Escalation

- Good communication skills, patience, and verbal direction resolve many situations. Voice control often indicates emotional control.
- A slow, soft, and deliberate voice conveys control and may diffuse the hostile, verbally



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 3 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

aggressive subject.

- Gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response when reasonable under the totality of circumstances.
- When practical, use advisements, warnings, verbal persuasion, and other tactics as alternatives to higher levels of force in interactions with subjects. (Example: Withdraw to a position that is tactically more secure or allows greater distance in order to consider or deploy a greater variety of force options.)

Response to Resistance

Although not every potential confrontation can be de-escalated, the decisions and tactics used may impact the direction and outcome of many situations. If resistance continues after using proper verbal and non-verbal skills or resistance escalates, be prepared to make reasonable force alternatives.

Affirmative Duty to Intervene

Any officer who observes another officer using a degree of response to resistance that is beyond that which is objectively reasonable under the circumstances shall intervene to prevent or stop the use of unreasonable force when it is safe and reasonable to do so. An officer who observes another employee use force that exceeds the degree of force permitted by law and/or policy shall immediately report these observations to a supervisor.

5. FACTORS IN DETERMINING REASONABLENESS

Officers must consider the totality of circumstances in evaluating whether force is necessary. Important factors shall be considered when deciding upon the force to be used to apprehend or subdue a subject and/or bring a situation safely under control. The level of force used will be based directly upon the level of resistance exhibited by a subject, and will escalate and/or de-escalate in relation to that level of resistance.

Factors that may be considered include, but are not limited to:

- The risk and reasonably foreseeable consequences of escape.
- The conduct of the individual being confronted as reasonably perceived by the officer at the time.
- The seriousness of the suspected offense or reason for contact with the individual.
- The officer's and subject's personal factors, including, but not limited to: age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and number of officers versus subjects.
- The influence of drugs or alcohol and the mental capacity of the subject.
 - Be cognizant of individuals experiencing **excited delirium**: 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.
 - Should positional asphyxiation occur, keep the subject off their stomach while restrained, be sure the airway is clean and open, and be on the lookout for respiratory arrest.



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 4 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

- The proximity of weapons.
- The distance of the subject to the officer.
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- Time and circumstances permitting, the availability of other options and/or (what resources are reasonably available to the officer under the circumstances, may include) not inclusive of the following:
 - Availability of cover - An armed suspect attempting to gain a position of cover may necessitate the use of force, up to and including, lethal force; conversely, an officer in a position of cover may gain additional time to assess the need to use force, up to and including, lethal force without incurring significant additional risks.
 - Time constraints - The time delay between a suspect's actions and an officer's reaction can determine whether a hesitation in the use of force will place the officer or others at an unacceptable disadvantage. The time delay between the use of force and the "stopping" of the suspect's actions may also play a critical part in determining whether there is a safe alternative to the use of force.
- The training and experience of the officer.
- The potential for injury to citizens, officers, and suspects.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- Prior knowledge of the subject's propensity for violence.
- Any other aggravating circumstances.

Under no circumstances shall any force be used as a means of interrogation, coercion or punishment.

6. FORCE OPTIONS

Officers should use the techniques obtained through approved MPD training. However, while these techniques are preferred, circumstances may justify an officer's use of other techniques. Every situation is a continuous engagement and officers need to continually evaluate the propensity for injury and have the ability to disengage or escalate at any given time.

The following techniques are listed alphabetically. Nothing herein states or implies that use of force tactics must be used in any specific order; rather, the minimum amount of force necessary to effectively respond to the level of resistance encountered by the officer should always be used.

Chemical Agents - Generally, chemical agents are intended to be used as a low force means of obtaining control. (e.g., OC spray, SWAT chemical munitions, etc.).

Conducted Energy Weapon (CEW) - An electro-muscular disruption device that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject. Generally, the CEW should only be considered in circumstances where a reasonable officer would believe that it is immediately necessary to protect him/her or another from what that officer reasonably believes is an imminent or actual assault or in an attempt to prevent suicide.

Hard Empty/Hand Control Techniques - Kicks, punches, weaponless striking techniques,



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 5 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

tackling, wrestling, and similar techniques aimed at inducing compliance with only a moderate risk of injury to the suspect.

Impact Weapons - Generally, impact weapons are used as an offensive or defensive weapon to protect an officer or another from what the officer reasonably believes is an imminent or actual assault or in an attempt to prevent suicide.

Officer Presence: The officer is clearly identified as an officer and his/her authority is established by presence in uniform, or by verbally identifying him/herself, and when possible, clearly displaying a badge or identification.

- Verbal Direction – Communication by the officer directed toward controlling the actions of a subject, including direction or commands.

Police Service Dogs (K-9) - K-9 may be used when the K-9 Handler reasonably believes the use of the K-9 is necessary to apprehend subjects wanted for a serious crime, to protect officers or others from an imminent or actual assault or in an attempt to prevent suicide.

Soft Empty/Hand Control Techniques - Weaponless joint manipulation, leverage, pressure point, control hold, gripping, and similar techniques aimed at inducing compliance while reducing the risk of injury to the suspect.

Warning Shots - Warning shots are not permitted.

Deadly Force - Force that is used only when necessary with the purpose of causing serious physical injury or death in the manner of its use or intended use when the officer has reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or other person.

- May not be used solely to prevent the escape of a fleeing subject.
- If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.
- Officers will be trained in alternative methods and tactics for handling resisting subjects, which must be used when the use of deadly force is not authorized by this policy.
- Deadly force should not be used against persons whose actions are a threat solely to themselves or property unless an individual poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

The use of deadly force by an officer must not constitute a greater hazard to the public than does the imminent threat.

Carotid Control Technique - A technique designed to render a violent subject unconscious for a short period of time. This is considered lethal force and as such shall only be used by an officer when lethal force is authorized. If this technique is applied, the officer shall *ensure medical attention is obtained as soon possible.*

Lethal Weapon - While the use of a firearm is expressly considered lethal force, other force (e.g., vehicles, impact weapons, etc.) might also be considered lethal force if the officer reasonably anticipates that the force applied will create a substantial likelihood of causing death or serious physical injury.



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 6 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

Any deliberate strike to the head with an impact weapon constitutes lethal force.

Firing at/from Vehicles - Firearms may not be discharged solely to disable moving vehicles.

- Specifically, firearms may not be discharged at a moving vehicle unless:
 - A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle.
 - The vehicle is operated in a manner that threatens to cause death or serious physical injury to the officer or others, and no other objectively reasonable means of defense appears to exist, which includes moving from the vehicle's path.
- Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have articulable reason for this use of lethal force. See also [OPS 2.04 Firearms Use](#).

7. TRAINING

All MPD sworn and/or reserve officers shall receive training at least annually on the MPD Use of Force - Response to Resistance policies and legal updates.

In addition, training shall be provided on a regular and periodic basis and designed to:

- Provide techniques for the use of and reinforce the importance of de-escalation;
- Reinforce the affirmative duty to intervene and if appropriate render aid;
- Simulate active shooting situations and conditions;
- Reinforce the appropriate exercise of discretion and judgement in using less-than-lethal and deadly force in accordance with this policy.

All use-of-force training shall be documented and retained pursuant to current record-keeping statutes.

8. REPORTING PROTOCOLS

Supervisors are expected to respond to incidents where a use of force has occurred. A written report articulating the factors perceived and why application of force may have appeared reasonable under the circumstances shall be submitted via Department Report (DR) and Blue Team prior to the end of shift, unless exigent circumstances exist.

A report is required when an employee:

- Discharges a firearm, for other than training or recreational purposes;
 - The discharge of a firearm to euthanize an injured or dangerous animal does not require a Use of Force/Response to Resistance Report; documentation will be via DR only.
- Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
- Applies force through the use of lethal weapon(s) or less lethal tool(s);
- Deployment of a police canine that results in, or is alleged to have resulted in, injury or death of another person;
- Applies weaponless physical force to a degree exceeding that which is reasonable during the course of routine law enforcement activities (i.e., handcuffing of arrestees, controlling and/or guiding techniques, or incidents not resulting in a criminal complaint of resisting arrest); or



CITY OF MARICOPA POLICE DEPARTMENT

Operations

Policy
3.00

Page 7 of 7

Rev. 08/09/2022

Use of Force - Response to Resistance

- Points a firearm at another person during the course of routine law enforcement activities.

Any on-duty reportable Use of Force Incident by MPD personnel shall be documented promptly, completely, and accurately in the appropriate reports. Refer to [OPS 3.01 Use of Force - Reporting Protocols](#) for further information.

The supervisor shall review the report, body worn camera footage, still photographic images, and/or video/audio evidence recovered, if available, and make appropriate notations in Blue Team. If the on-duty supervisor is directly involved in the application of a force technique, the next highest on-duty supervisor/manager shall review the report and make the appropriate notation in Blue Team.

The Use of Force Report and supporting documents, upon Lieutenant approval, will be routed as follows:

- Command Staff.
- Professional Standards Unit after supervisory approval.
- Training Unit after Command Staff review.
- All audio and video evidence shall be entered into Evidence.Com.

Any employee whose action(s) or use of force in an official capacity that results in death or serious physical injury shall be removed from operational line duty assignment pending an administrative review.