



Arizona Peace Officer Standards and Training Board

LESSON PLAN COVER SHEET

COURSE TITLE: Arizona Law on Use of Force Encounters		HOURS: 20	
DATE FIRST PREPARED: August 14, 2021		PREPARED BY: Lt. James Ward / Phoenix PD	
DATE REVISED / REVIEWED: (Please Circle one)		BY:	
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LIST ANY PREREQUISITES: DNA			
LEAD INSTRUCTOR:		BACK-UP INSTRUCTOR(s):	
APPROVAL NUMBER:			
COURSE DESCRIPTION: This course is designed to prepare civilian police review board members in areas of Use of Force Justification based upon United States and Arizona Case Law. This course meets the mandatory standard established through Arizona House Bill 2462.			
INSTRUCTOR REFERENCES: 1. Arizona Revised Statutes 2. www.lexisnexis.com		TRAINING AIDS, EQUIPMENT, MATERIALS:	
METHOD OF INSTRUCTION: Online or in-person lecture / PowerPoint		PRE-TEST:	Yes <u>No</u>
		POST-TEST:	Yes <u>No</u>
SUCCESS CRITERIA:			
PERFORMANCE OBJECTIVES: 1. Have an understanding of the 4 th Amendment and how does it apply to Law Enforcement and Use of Force. 2. Understand and be able to apply the Graham Factors to all Use of Force Incidents. 3. Tennessee v Garner statute and its application with Deadly Force Incidents. 4. Have an understanding of Arizona laws as it pertains to the Use of Physical Force by Law Enforcement. 5. Have an understanding of Arizona laws as it pertains to the Use of Deadly Physical Force by Law Enforcement. 6. Have a strong working knowledge of the five (5) justifiable reasons for an officer to use Deadly Force. 7. Identify and explain the four (4) elements of force. 8. Understand agency specific policies as it pertains to the unique board each student represents.			
AGENCY APPROVAL	Name (Type or Print)	Signature	Date
	Title (Type or Print)	Agency Name (Type or Print)	

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Lesson Plan Title	Notes:
<p>1) Introduction</p> <ul style="list-style-type: none"> a) Instructor Introductions <ul style="list-style-type: none"> i) Instructor Biographies b) Review of Course Performance Objectives c) Purpose of the Training <ul style="list-style-type: none"> i) What to consider when reviewing Use of Force Incidents <ul style="list-style-type: none"> (1) Reasonableness <ul style="list-style-type: none"> (a) Reasonable Officer Standard (Objective) (b) Case by Case Analysis ii) Instructors will provide student's review of Graham vs Connor as well as Arizona Revised Statutes regarding justification to using force against another person. <ul style="list-style-type: none"> (1) Discussion will also include elements of force and escalation / de-escalation of force. iii) Students will participate in large group discussions as well as small group scenario discussions. <ul style="list-style-type: none"> (1) Students will observe videos as demonstration of appropriate and inappropriate levels of force that will foster further discussion into decisions made and develop a better understanding of the level of force used. <p>2) United States Laws pertaining to Use of Force</p> <ul style="list-style-type: none"> a) 4th Amendment - Search and Seizure <ul style="list-style-type: none"> i) The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall be issued, but upon probable cause; supported by Oath or affirmation, and particularly describing the place to be searched and persons or things to be seized. ii) Use of Force may be a <u>Seizure</u> <ul style="list-style-type: none"> (1) Seizure must be reasonable under the circumstances <ul style="list-style-type: none"> (a) A balance between the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion (b) When seizure is actually made (c) How seizure is made b) Case Law <ul style="list-style-type: none"> i) <i>Graham v. Connor, 490 U.S. 386 (1989)</i> <ul style="list-style-type: none"> (1) An officer's right to make an arrest or investigative stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to 	<p>PO #1</p>

Lesson Plan Title	Notes:
<ul style="list-style-type: none"> i) Justification - A defense in any prosecution for any offense described in Title 13. ii) Exception - Even though justified in using or threatening physical or deadly force against another, if a person recklessly injures or kills an innocent third person, such person may not use the justification defense in a prosecution for recklessly injuring or killing such innocent third person. d) ARS 13-404; Self-Defense <ul style="list-style-type: none"> i) A person is justified in threatening or using physical force against another when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful physical force. e) ARS 13-405; Use of Deadly Physical Force <ul style="list-style-type: none"> i) A person is justified in threatening or using deadly physical force against another: <ul style="list-style-type: none"> (1) If such person would be justified in threatening or using physical force against the other under section 13-404, and (2) When and to the degree a reasonable person would believe that physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly physical force. f) ARS 13-406; Justification; Defense of a Third Person <ul style="list-style-type: none"> i) A person is justified in threatening or using physical force or deadly physical force against another to protect a third person if, under the circumstances as a reasonable person would believe them to be, such person would be justified under section 13-404 or 13-405 in threatening to use physical force or deadly physical force to protect themselves against the unlawful physical force or deadly physical force a reasonable person would believe is threatening the third party they seek to protect. g) ARS 13-409; Use of Physical Force in Law Enforcement <ul style="list-style-type: none"> i) A person is justified in threatening or using physical force against another if in making or assisting in making an arrest or detention of that other person, such person uses or threatens to use physical force and all of the following exist: <ul style="list-style-type: none"> (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 reasonable be made known to the person to be arrested or detained. (3) A reasonable person would believe the arrest or detention to be lawful. h) ARS 13-410; Use of Deadly Physical Force in Law Enforcement 	<p>PO #4</p>

Lesson Plan Title	Notes:
<p>i) The threatened Use of Deadly Physical Force by a person against another is justified pursuant to section 13-409, only if a reasonable person effecting the arrest or preventing the escape would believe the suspect or escapee is:</p> <p>(1) Actually resisting the discharge of a legal duty with deadly physical force or with apparent capacity to use deadly physical force; or</p> <p>(2) A felon who has escaped from lawful confinement; or</p> <p>(3) A felon who is fleeing from justice or resisting arrest with physical force.</p> <p>ii) The use of deadly physical force other than a peace officer against another is justified pursuant to section 13-409, only if a reasonable person effecting the arrest or preventing the escape would believe the suspect or escapee is actually resisting the discharge of a legal duty with physical force or with the apparent capacity to use deadly physical force.</p> <p>iii) The use of deadly physical force by a peace officer against another is justified only when the peace officer reasonably believes that it is necessary:</p> <p>(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.</p> <p>(2) To effect an arrest or prevent the escape from custody of a person whom the peace officer reasonable believes:</p> <p>(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.</p> <p>(b) Is attempting to escape by use of a deadly weapon.</p> <p>(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 apprehend without a delay.</p> <p>(d) Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.</p> <p>iv) Notwithstanding any other provision of this chapter, a peace officer is justified in threatening to use deadly physical force when and to the extent a reasonable officer believes it necessary to protect himself against another's potential use of physical force or deadly physical force.</p> <p>4) Duty to Retreat</p> <p>a) There is no duty to retreat</p> <p>i) What this means and what are peace officers' obligations</p> <p>5) 4 Elements of Force</p> <p>a) Ability</p> <p>i) Does the subject have the physical and practical ability to cause you harm?</p>	<p>PO #5</p> <p>PO #6</p>

Lesson Plan Title	Notes:
<p>b) Opportunity</p> <p>i) Does the suspect have the ability to cause you harm; right here, right now?</p> <p>c) Jeopardy</p> <p>i) Would a reasonable or prudent person believe themselves or a 3rd party to be in immediate danger?</p> <p>(1) It is important to understand that you cannot actually know the person's intent. All you must judge are the articulable facts presented by the subject.</p> <p>d) Preclusion</p> <p>i) The idea that you are to only use force as a last resort when circumstances preclude all other options.</p> <p>(1) Is the threat current and unavoidable?</p> <p>(2) Is your force appropriate to the threat?</p> <p>(3) Force must stop when the threat has ended.</p> <p>6) Individual Agency Use of Force Policies</p> <p>7) Small Group Discussion / Self Reflection</p> <p>a) Use of Force Videos</p> <p>***ANY CHANGES TO THIS OUTLINE CONSTITUTES A REVISION AND MUST BE DOCUMENTED AS A NEW LESSON PLAN AND RE-APPROVED. ***</p>	<p>PO #7</p> <p>PO #8</p>