

# Police Brutality: Your Rights and Use of Excessive Force by Police

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August 23, 2012

Arizona police are allowed to use some force if necessary. But only to the degree that is necessary to prevent a suspect from fleeing; or to avoid harm, or injury to others.

Police are not allowed to use excessive physical or lethal force. The justifiable amount of force that can be used is dictated by given set of circumstances.

Although there is no known precise definitions, below low are some situations that would fall within the meaning of police brutality or use of excessive force:

- Physical force against a person who is already in custody; in hand cuffs; restrained or housed by police;
- Physical force against a person or their property if they are not resisting arrest;
- Physical force used by police such as punching, kicking, choking, slamming, or throwing a person down or against a fixed object such as a wall or vehicle, if the suspect is passive or non-violent;
- Improper use of Police Dogs that cause harm to a suspect;
- Use of a weapon including: gun; baton, tear gas, toxic spray; Taser; or dangerous weapon; against an unarmed individual, and for which it can be reasonably presumed that they do not possess a weapon;

- Use of Taser or other weapon against a non-violent and non-threatening individual;
- Threatening or Intimidating a suspect in order to obtain a statement or confession;
- Violent force or suppression of a peaceful activist or protestor;
- Failure of a Police officer to intervene or stop another officer who is using excessive force;
- Carelessly causing death

### **Laws that Protect against Police Brutality or use of “Excessive Force”**

Rights that protect a person from police brutality and use of excessive force originate from the US Constitution and State Constitution.

#### **I. Federal Laws**

- US Constitution Amendment IV – Freedom from unlawful search of person or property and seizures;
- US Constitution Amendment V – Freedom from: self-incrimination; deprivation of life, liberty, or property absent due process;
- US Constitution Amendment VIII – Rights against cruel and unusual punishments

US Constitution Amendment XIV – Freedom from: states to deny the privileges and/or immunities of citizens of the United States; deprivation of life, liberty, or property, absent due process; denial of persons within its jurisdiction equal protection of the laws.

#### **II. Arizona State Laws**

- Article 6 – Right to due process under law;
- Article 6.1 – Right to petition and assemble;

- Article 7 – Freedom of speech and press;
- Article 8 – Right to privacy;
- Article 12- Freedom from self-incrimination;
- Article 14 -Freedom of religion;
- Article 15 – Equal privileges and immunities
- Article 16 – Habeas corpus
- Article 17 – Freedom from cruel and unusual punishment;
- Article 30 – Trial by jury; Rights of accused in criminal prosecution;  
fair and equal treatment with freedom from discrimination

### **Your rights if excessive force is used**

If the level of force used by police was not justified, then it is a violation of your constitutional rights. If right have been violated, your defense attorney may file a motion to suppress any evidence obtained after the rights violation. This leads to dismissal of the criminal charges.

You chances of getting evidence suppressed or criminal charges dismissed will increase if you have qualified legal representation of a criminal defense attorney. . Civil laws exist that enable victims of police brutality or their families, in the case of wrongful death, to file complaints and law suits against police officers and their agencies against the police officers, and their department.