

JACKSONVILLE POLICE DEPARTMENT

Policy: 9-1
Effective: 04-04-09
Revised: 01-13-21

RESPONSE TO RESISTANCE

PURPOSE: The purpose of this policy is to direct officers in the appropriate use and reporting of force.

POLICY: In an effort to protect and serve all citizens and visitors within this jurisdiction, respect the rights of suspects, and maximize officer safety in response to resistance events, it is the policy of this Department that officers will only use reasonable force to bring an incident or event under control. All response to resistance events directed against active resistance will be reported and reviewed as outlined in this policy. All responses to resistance must be objectively reasonable.

DEFINITIONS:

- I. **DEADLY FORCE:** Any force that creates a substantial likelihood of causing serious bodily harm or death.
- II. **NON-DEADLY FORCE:** All uses of force other than those which are substantially likely to cause serious bodily harm or death.
- III. **IMMINENT:** Impending or about to occur or circumstances are such that it is reasonable to believe it is impending or about to occur.
- IV. **OBJECTIVELY REASONABLE:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.
- V. **REASONABLE BELIEF:** Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.
- VI. **PHYSICAL INJURY:** The impairment of physical condition; the infliction of substantial pain; or the infliction of bruising, swelling, or visible marks associated with physical trauma.
- VII. **SERIOUS PHYSICAL INJURY:** A physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.
- VIII. **ACTIVE RESISTANCE:** a subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
- IX. **PASSIVE RESISTANCE:** A subject who takes no affirmative action to defeat the employee's ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- X. **ELECTRONIC CONTROL DEVICE:** A device that disrupts the central nervous system of the body.

- XI. MENTAL ILLNESS: A substantial impairment of emotional processes or the ability to exercise conscious control of one's actions or the ability to perceive or to reason, then the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions.
- XII. PERSON OF DIMINISHED CAPACITY: Persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable, etc. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications.

PROCEDURES:

I. RESPONSE TO RESISTANCE

- A. In determining the appropriate level of force officers should apply the levels of force under the Department's trained response to resistance options, along with the following four (4) factor test:
 - 1. The seriousness of the offense the officer suspected at the time the particular force was used;
 - 2. The physical threat to the officer or others; and
 - 3. Whether the subject actively resisted or attempted to evade arrest by flight.
 - 4. Whether the person is known to be or is exhibiting reasonable signs of being a person of diminished capacity.
- B. Non-Deadly Force: An officer is justified in using non-deadly physical force or threatening to use deadly physical force upon another person if the officer reasonably believes the use of non-deadly physical force or the threat of use of deadly physical force is necessary to:
 - 1. Effect an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful;
 - 2. Defend himself or a third person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape;
 - 3. To protect themselves or another from physical harm;
 - 4. To restrain or subdue a resistant individual; and/or
 - 5. To bring an unlawful situation safely and effectively under control.
- C. Deadly Force: The use of deadly force is objectively reasonable when: (6.02)
 - 1. The officer is faced with an imminent threat of serious bodily harm or death to himself, or some other person who is present;
 - 2. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape they pose an imminent threat of serious bodily harm or death to another;
 - 3. Before using a firearm, law enforcement officers shall identify themselves and state their intent to shoot, where feasible;
 - 4. Under A.C.A. §5-2-610(b)(1),(2), an officer is justified in using deadly physical force upon another person if the officer reasonably believes that the use of deadly physical force is necessary to:
 - a. Effect an arrest or to prevent the escape from custody of an arrested person whom the officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; and/or
 - b. Defend himself or a third person from what the officer reasonably believes to be the use or imminent use of deadly physical force.