

# JACKSONVILLE POLICE DEPARTMENT

Policy: 9-6  
Effective: 01-01-09  
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## REPORTING RESPONSE TO RESISTANCE

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**PURPOSE:** To establish a departmental policy regarding the documentation and review of the use of physical force by officers of this Department. Having written reports and written documentation concerning law enforcement response to resistance is essential in ensuring officers are receiving the proper training techniques necessary to protect themselves and innocent persons.

**POLICY:** Law enforcement officers of this Department, by necessity, are given the authority to use physical force in carrying out their duties when it becomes necessary. Officers may use only that level of physical force necessary and legally justified in the performance of their duties. Any officer involved in a response to resistance incident will complete the required paperwork as outlined below.

### **DEFINITIONS:**

- I. **RESPONSE TO RESISTANCE REPORT:** The departmental form (JPD Form 9-6), which will be completed in addition to the incident report, or any other reports required when any application of physical force is used whether injury or complaint of injury occurs.
- II. **ACTIVE COUNTERMEASURES:** Devices and/or weapons such as the ASP baton, less-lethal and non-lethal munitions, OC spray/foam, pepperball gun, or electronic control device. These are to be used to impede a subject's actions when other force fails or is deemed inappropriate.
- III. **FIRM GRIP CONTROL:** The level of force that includes any physical effort used to control or restrain another by means of holding firmly with one's hands. Firm grip control that does not result in an injury or complaint of injury is specifically excluded from this policy. The mere placing of handcuffs on a prisoner will not require a subject control supplement, unless the handcuffs become an appliance to exert pressure to further control the prisoner.

### **PROCEDURES:**

- A. A Response to Resistance Report will be completed when an officer encounters resistance pursuant to their duties (on or off-duty) that requires the officer to use force or to physically control a subject; including anytime an officer points a firearm, less-lethal weapon, and/or ECD at a citizen or a canine officer uses the canine as a show of force.
- B. The officer will notify his supervisor of the incident as soon as possible. If the officer's supervisor is not on duty, the officer will notify an on-duty supervisor as soon as possible.
- C. In a "show of force" situation only, the officer will complete the form and turn into Division Commander. A control incident file does not need to be completed for a "show of force" only incident. The form will then be reviewed by each level of the officer's chain of command and then be sent to the Office of Professional Standards.
- D. The primary officer involved in the incident will complete an incident report of the control incident. The general report will specifically cover the details of the incident, such as the threat assessment, as well as any active countermeasures used and/or actions taken by the officer.
  1. The incident report should also include the effectiveness or ineffectiveness of any active countermeasure used or action taken.

2. The narrative should include whether the person was known to be, or was exhibiting reasonable signs of being, of diminished capacity and the attempts, if reasonable, to de-escalate the situation and adjust the application of force downward.
3. The primary officer will be responsible for completing the Response to Resistance Report.
- E. The investigating supervisor will be responsible for obtaining written statements from other non-employees witnessing the incident. If a witness is not able or willing to make a written statement, the supervisor will reduce the statement to writing and note the reason the witness did not make a written statement.
- F. The investigating supervisor will be responsible for obtaining photographs of injuries or lack of injuries to all persons involved in the control incident. A photograph showing lack of injury may be as important as one showing an injury. The investigating supervisor will be responsible for insuring that medical treatment is available to any person who is injured or complains of injuries during a use of force incident.
- G. Photographs will be saved to the Department's secure server and labeled or identified with the following information:
  1. Name of person being photographed;
  2. Description of area photographed (bruise to right cheek, cut on left arm, etc.);
  3. Place where photograph was taken;
  4. Report number;
  5. Date and time photograph was taken; and
  6. First initial and last name of the person who took the photograph.
- H. File Format: Files regarding the control incident will be prepared as follows:
  1. All documentation will be placed into a yellow file folder and secured to the top with a two-hole metal binder. These folders will be available in the patrol supervisor's office.
  2. Any photo or audio/video media will be placed into a manila envelope and attached to the inside front cover. Pictures of injuries on arrestees and officers will be printed out and attached to the file.
  3. The investigating supervisor will be responsible for insuring that the necessary documentation is obtained and properly placed in the file before routing it through the chain of command.
  4. The order of documentation will be:
    - a. Left side of folder:
      - i. Envelope with media storage items containing pictures, audio and/or video of incident. (CD, DVD, flash drive); and
      - ii. Printed pictures of injuries.
    - b. Right side of folder:
      - i. Response to Resistance Report;
      - ii. Incident report ;
      - iii. Supplemental reports from police personnel;
      - iv. Statements from witnesses;
      - v. Copies of any arrest reports;
      - vi. Copy of supervisor's accident investigation form, if applicable; and
      - vii. Any other paperwork deemed necessary for the file.
- I. Review: All Response to Resistance Reports will be reviewed for compliance with Department policies at each level of the officer's chain of command.
  1. The officer's immediate supervisor will review the control incident file for completeness and compliance with Department policies and then sign the Response to Resistance Report and forward it through the chain of command.