

# JACKSONVILLE POLICE DEPARTMENT

Policy: 9-1

Effective: 07-02-20

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## RESPONSE TO RESISTANCE

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**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. **IMMEDIATE:** Means, that the officer is faced with an instantaneous, or presently occurring threat of serious bodily harm or death.
- V. **CHOKEHOLD:** Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
- VI. **NECK RESTRAINT:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.
- VII. **INTERVENE:** To come between, whether verbally or physically, so as to prevent or alter a result or course of events.
- VIII. **DE-ESCALATION:** Force can often be avoided through the use of de-escalation techniques and other non-dynamic law-enforcement tools such as police presence, containment, and communication. When feasible, officers will use de-escalation and other techniques to reduce the immediacy of threats to peoples' safety and stabilize incidents. Whenever possible, officers will seek to slow things down. Not every situation or subject can be deescalated. Conversely, officer behavior can escalate a situation. Officers should not intentionally escalate situations unnecessarily.
- IX. **DUTY OF CARE:** Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains whether injuries preceded custody, occurred during apprehension, or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured as a result of police involved actions.

- X. POSITIONAL ASPHYXIA: Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.
- XI. 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.
- XII. 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 BODILY HARM/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. ACTIVE AGGRESSION: Behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on an officer consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.
- X. EXCESSIVE FORCE: is force that is not objectively reasonable from the perspective of a reasonable officer in the same circumstances. Excessive force will not be tolerated.
- XI. 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.
- XII. ELECTRONIC CONTROL DEVICE: A device that disrupts the central nervous system of the body.  
  
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.
- XIII. 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