

<b>SEMINOLE COUNTY SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b>	<b>NUMBER:</b>  <b>G - 49</b>
	<b>RESCINDS:</b>
<b>SUBJECT:                    Response to Resistance</b>	
<b>EFFECTIVE:                March 28, 2003</b>	
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**I. PURPOSE:**

The Seminole County Sheriff's Office recognizes and respects the value and integrity of human life. When meeting resistance to lawful commands, Deputy Sheriffs and Detention Deputies are vested with the authority to respond accordingly to protect themselves and the public welfare. The intent of this directive is to establish clear policy on the correct response to resistance by Sheriff's Office employees.

**II. SCOPE:**

- A. Only that degree of force reasonably necessary to accomplish lawful objectives, and not to use force against any person or animal except when necessary, is authorized for purposes of self-defense, in defense of another, to overcome physical resistance to arrest, to prevent the escape of an arrested person, or to restore order in the correctional facility.
- B. In no event, and under no circumstances, will the application of force be used as a method of punishment.
- C. For purposes of this directive, the titles Deputy, Deputy Sheriff, and Detention Deputy are used synonymously.

**III. GENERAL:**

Deputies must inform a person they seek to arrest of their authority and the cause of arrest, if possible and feasible, except when such person flees or forcibly resists before the Deputy has an opportunity to inform the person or when the giving of such information would imperil the arrest.

**IV. DEFINITIONS:**

- A. *Administrative Review (of Response to Resistance Reports):*  
Administrative reviews of Response to Resistance Reports are a mandatory part of the reporting process. Administrative reviews are conducted by chain of command personnel to ascertain if policy, training, equipment, or disciplinary issues should be addressed.
- B. *Lethal Response (deadly force):*  
That force which is likely to cause death or great bodily harm.
- C. *Felony:*  
A crime punishable by death or imprisonment in excess of one year in a state penitentiary.
- D. *Forcible Felony:*  
As defined by Chapter 776.08, Florida Statutes: treason, murder, manslaughter, sexual battery, robbery, carjacking, home-invasion robbery, aggravated stalking, burglary, arson, kidnapping, aggravated assault, aggravated battery, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, and any other felony involving the use or threat of physical force or violence against any person.
- E. *Danger Zone:*  
The area around a subject that they control and from which they can reach the Deputy in one movement.
- F. *Great Bodily Harm:*  
An injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in the long-term loss, impairment, or functioning of any bodily member or organ.
- G. *Last Resort:*  
When all practical means to avoid using a lethal response have been exhausted.
- H. *Less-Than-Lethal Response:*  
Any response other than that which is considered lethal response, and which is not likely or intended to cause great bodily harm.
- I. *Line Duty:*  
Refers to routine duty where the carrying of a firearm or other authorized weapon is a requirement of the job function.
- J. *Misdemeanor:*  
A crime punishable by imprisonment in a county correctional facility not to exceed one year.
- K. *Physical Force:*  
The physical power used to overcome another person, and is not likely to cause death or great bodily harm.
- L. *Reasonable Belief:*  
Those facts or circumstances a Deputy knows, or should know, to cause an ordinary and reasonable law enforcement officer of sound thinking and within the bounds of common sense, to act and think in a similar way under similar circumstances.
- M. *Response to Resistance / Levels of Resistance:*  
The definition, limitation and regulation of that particular degree of response authorized relative to the level of resistance offered by a subject.

- N. *Warning Shots:*  
Intentionally discharging a firearm in an attempt to warn or frighten a subject into some action or inaction. The use of warning shots is strictly prohibited.
- O. *Weapons:*  
Includes lethal and intermediate defensive weapons approved for use by Deputies. A lethal defensive weapon is classified as a firearm (shotguns, handguns, and rifles). Intermediate defensive weapons are classified as oleoresin capsicum spray, expandable/retractable batons, electro muscular disruption devices (Taser) and impact munitions.

**V. *ENSURING MEDICAL ASSISTANCE:***

- A. Deputies are responsible for providing medical assistance when a response to resistance is necessary and where injuries are sustained as a result of the action. Deputies will:
  - 1. Provide medical assistance within the limit and scope of their training,
  - 2. Immediately summon emergency medical assistance via another employee, Communications, or other persons, and
  - 3. Attempt to protect injured persons from further injury.
- B. When oleoresin capsicum spray is used on suspects they will be provided first aid. This may be done in the field by emergency medical personnel or at a hospital (after an enforcement action), or at the jail's Medical Section (after a corrections action). First aid may consist of:
  - 1. Asking the person to remove their contact lenses as soon as it is safe to do so,
  - 2. Applying copious amounts of clean water to the affected area as soon as it is safe to do so,
  - 3. Ensuring the person has access to fresh air, and/or
  - 4. Applying non-oil based soap and water, if necessary, on exposed areas.

**VI. *RELIEF FROM DUTY:***

- A. Deputies whose response to resistance action has resulted in death or serious injury will be removed from line duty pending an Administrative Review of the incident. Any level of Supervisor may order relief from duty. At the Sheriff's discretion, "relief from duty" is defined as administrative leave or temporary assignment elsewhere in the Sheriff's Office that does not require official/sworn duty. Deputies relieved from duty under these circumstances will be referred to the Employee Assistance Program (EAP) and the Professional Standards Division for a fitness for duty evaluation.
- B. In the event of a negligent discharge of a firearm where no injury or damage has occurred, Deputies will be relieved from line duty pending remedial weapons qualification.
- C. Deputies will be relieved from duty if they fail to successfully complete weapons qualification.

**VII. *REPORTS AND ANALYSES:***

- A. A written report will be submitted when a Deputy:
  - 1. Discharges a firearm other than for training or authorized recreational purpose,
  - 2. Takes action that results in, or is alleged to have resulted in, injury or death of another person,
  - 3. Responds to resistance by using any defensive weapon, or
  - 4. Applies any level of physical force defined in this directive.

- B. *Annual Response to Resistance Analyses:*
1. Analyses will examine individual Response to Resistance Reports to detect any patterns or trends.
  2. The Lieutenant of Professional Development (or designee) will conduct an annual analysis of response to resistance incidents that involved enforcement personnel.
  3. The Department of Corrections conducts an annual analysis of response to resistance incidents involving corrections personnel, and forwards it to Professional Development to be combined with the enforcement analysis into a single report for the Sheriff.
  4. The analysis will have a concluding statement that identifies any pattern or trend, makes recommendations to modify current training, or requests this policy be revised.
  5. Professional Development will forward analyses to the Sheriff each calendar year (for the previous year).
- C. At the Sheriff's discretion, the Civilian Review Board may be asked to review Response to Resistance Reports.

**VIII. LETHAL RESPONSE:**

- A. Deputies are authorized to use lethal response only when they reasonably believe the action is in defense of human life, including the Deputy's own life, or in defense of any person in imminent danger of serious physical injury.
- B. When it becomes necessary to resort to the use of a firearm, it should be fired for maximum effect.
- C. Deputies may discharge their firearms only under the following circumstances:
1. When protecting themselves or other persons from what is reasonably believed to be an imminent threat of death or great bodily harm,
  2. To apprehend a fleeing forcible felony subject or a fleeing escapee from a penal institution when such force is necessary, and there is reasonable belief that the subject poses an imminent threat of death or great bodily harm to the Deputy or the public at large,
  3. When conducting ballistics tests in a laboratory environment or attempting to verify a weapon is in working order at an authorized firing range,
  4. When engaged in authorized shooting exhibitions or competitions,
  5. When involved in firearms practice or qualification, and
  6. To kill a dangerous animal or one that humane considerations require release from further suffering; when other means of disposal (such as the availability of Animal Control) are unavailable and attendant circumstances are appropriate. If possible, permission will be obtained from the owner (if any) of the animal before it is destroyed. When all efforts to notify the owner have been exhausted contact should be made with a Supervisor to obtain approval.
- D. *Firearms will not be discharged:*
1. To give warning shots,

2. When circumstances do not provide a high probability of striking the intended target,
  3. At or from a moving vehicle unless the occupants of the other vehicle are using lethal force against the Deputy or another person by means of other than the vehicle, or
  4. At escaping prisoners who are handcuffed, unless returning fire.
- E. *Drawing and Displaying:*  
Firearms will not be drawn or displayed unless it is tactically necessary, and then only upon consideration of personal safety and the safety of others. The following exceptions are allowed:
1. While cleaning or for maintenance, inspection, approved training, or participation in other authorized activities, and
  2. At the direction of a Supervisor.

**IX. POST-ACTION PROCEDURES FOLLOWING LETHAL RESPONSE INCIDENTS:**

**NOTE: Response to Resistance Reports will not be used for documenting incidents of lethal force.**

- A. *The Involved Deputy:*  
If a Deputy discharges a firearm in the line of duty or negligently discharges a firearm and an injury or property damage occurs, the Deputy will immediately take the following actions:
1. Determine the condition of any injured person, render first aid within the limits of training, and summon medical assistance,
  2. Evaluate the condition of the injured person(s) to determine if they pose an immediate threat to the Deputy or to any other person, and secure them if necessary,
  3. Notify Communications and request:
    - a. Emergency medical assistance,
    - b. Assistance to secure the scene, and
    - c. A Community Supervisor (Enforcement) or Watch Commander (Corrections).
  4. Remain at the scene (unless injured) until a Supervisor arrives. If the continued presence of the Deputy at the scene might create a hazardous condition, the Supervisor should tell them to report to another location, and
  5. The Deputy will render his/her firearm "safe" and preserve it in an "as is" condition for later examination. Handguns will remain holstered. Shotguns and Rifles will be secured in the Deputy's vehicle trunk, if accessible. The firearm will be submitted to the appropriate investigator or crime scene analyst when requested.
- B. *The Supervisor:*  
A Community Supervisor (enforcement) or Watch Commander (corrections) shall:
1. Proceed immediately to the scene,
  2. Ensure the responsibilities of the involved Deputy have been completed (including medical notification),

3. Assume responsibility for securing the scene and ensure that a crime scene log has been started. Protect the scene as much as possible by restricting access to all but those who are responsible for providing medical assistance or security,
4. Have Communications notify through the chain of command, including the:
  - a. Sheriff,
  - b. Captain of Diversified Investigative Services,
  - c. Captain of the Professional Standards Division, and
  - d. The Peer Support Team Coordinator
5. Conduct a preliminary investigation to determine the basic facts of the incident, and
  - a. Locate all witnesses (sworn and civilian) to the incident and keep them separate.
  - b. Keep all witnesses on scene if possible and if not possible, obtain their contact information.
6. Assist FDLE or the Major Crime Unit as requested.

**NOTE: The Supervisor will retain control of the scene until specifically relieved by FDLE or the Major Crimes Supervisor.**

*C. The Diversified Investigative Services Division:*

1. The Florida Department of Law Enforcement (FDLE) investigates response to resistance incidents involving death, injuries, or serious property damage. These investigations are conducted in accordance with FDLE procedures. The Major Crimes Unit will assist FDLE investigators by providing assistance as necessary.
2. The Major Crimes Unit investigates incidents involving lethal force that do not result in death, injury, or serious property damage (the Sheriff may still elect to engage the services of FDLE, or have FDLE review the Major Crimes Unit's investigation).
3. When notified of an incident, the on-call Major Crimes Unit Supervisor will respond to the scene and:
  - a. Determine the need for additional investigators (or the services of FDLE),
  - b. Ensure the crime scene has been secured,
  - c. Summon a Crime Scene Investigator to record the scene,
  - d. If applicable, summon the on-call State Attorney,
  - e. If the investigation is to be turned over to FDLE, the Major Crimes Supervisor will supervise security of the scene until FDLE Investigators arrive to assume responsibility for the investigation.
  - f. If the investigation is to be investigated by the Major Crimes Unit, the Major Crimes Investigators shall:
    1. Ensure the preservation of samples of unspent ammunition,
    2. Separate and interview all on-scene witnesses,

3. Ensure the security and collection of all physical evidence,
  4. Secure copies of all radio transmissions, body worn and/or in-car camera video, and telephone or other recordings from the Communications Center,
  5. Obtain hospital, laboratory, and photographic reports, and
  6. Complete a detailed written report of the investigation to the Sheriff through the chain of command for review.
4. Before interviewing or requesting written statements from involved Deputies, they shall be advised of their constitutional rights.
  5. At no time during a criminal investigation will a Sheriff's Office Supervisor direct involved Deputies to give a statement to Sheriff's Office or FDLE Investigators (Garrity),
  6. Weapon Collection:
    - a. If FDLE assumes the investigation, FDLE will coordinate the seizure of any weapons from involved Deputies.
    - b. If the Major Crimes Unit assumes the investigation, a Crime Scene Investigator will seize any weapons at the direction of the Major Crimes Investigator.
    - c. The FDLE Agent, Major Crimes Supervisor, or his/her designee will identify and examine *all* of the firearm(s) possessed by the Deputies involved in the incident and document the state of each firearm, including agency-issued, personally owned, or other firearms stored in vehicles or on their person.
    - d. The Major Crimes Supervisor will ensure an agency armorer responds to the scene to supply any involved Deputy with a primary duty firearm when the primary duty firearm is collected by a Crime Scene Analyst or FDLE.

D. *The Professional Standards Division:*

After the FDLE (or Major Crimes Unit) investigation has been completed, unless directed otherwise by the Sheriff, an Administrative Review will be conducted by Professional Standards. The Investigator evaluates the facts and prepares a report of the findings for the Sheriff. This review attempts to determine the following:

1. If actions of Deputies were in compliance with Sheriff's Office policy,
2. If training considerations had been met in the areas of drawing and exhibiting the weapon, its discharge, and the tactics used before, during, and following its discharge, and
3. The level of supervision provided before, during, and after the incident.

E. When a Deputy discharges a firearm at a dangerous animal the following procedures will apply (the following is *not applicable* if a firearm is discharged to end the suffering of an animal for humane considerations):

1. The Deputy will immediately notify a Supervisor (who will respond to the scene) and complete a written report explaining the facts of the situation.
2. The Supervisor will ensure a Professional Standards Investigator is notified.

3. The Supervisor will interview the Deputy and other persons present to determine the facts surrounding the incident.
4. The Supervisor will photograph the scene, including the animal (if present).
5. If the animal's owner cannot take possession of the animal, Animal Control will be contacted.
6. The Supervisor will complete a written report to be attached to the Deputy's report which summarizes the incident. The report will be submitted to the Major through the chain of command before the Supervisor goes off-duty
7. Professional Standards will conduct an Administrative Review in cases involving injury/death to an animal or property damage.
8. If a Deputy discharges a firearm at a dangerous animal and the animal is not injured, and there is no property damage, an Administrative Review is not required unless specifically ordered by the Sheriff.
9. If there is no injury to the animal or property damage the **Captain** will review the involved Deputy and Supervisor's reports and forward them to Professional Standards for filing.

**X. LESS-LETHAL RESPONSE INCIDENTS:**

- A. Deputies are not permitted to use an intermediate defensive weapon or technique unless proficient and qualified in its use, as determined by Professional Development. Only weapons meeting agency-authorized specifications are permitted for use by Deputies when engaged in lawful action.

- B. Physical Force as a Response to Resistance:

The use of physical force to subdue a person is restricted to those instances of:

1. Justifiable self-defense,
2. Protection of others,
3. Protection of property,
4. Prevention of escapes,
5. Restraining or subduing a resisting person under arrest,
6. Taking a resisting person into custody under the Baker Act or Hal Marchman Act,
7. Bringing an unlawful situation safely and effectively under control, and
8. Separating fighting inmates or moving/controlling inmates who won't comply with lawful orders.

- C. In no event is physical force or the application of restraint devices justified as punishment.
- D. Flashlights are not intended for use as weapons. In event of sudden attack, a flashlight could be used in the same manner as trained in the expandable/retractable baton. No other weapon including slapjacks, brass knuckles, PR-24 batons, weighted gloves, etc. is authorized for possession or use.

**NOTE: Sworn members assigned to the Rapid Deployment Force may possess and use the PR-24 baton in accordance with Enforcement Policy and Procedure #50, Rapid Deployment Force.**

- E. If a Deputy encounters a person who is attempting to ingest a controlled substance for the apparent purpose of destroying evidence, the Deputy may use loud verbal commands and/or pain compliance techniques (pressure points or leverage on a joint, bent wrist transporter, etc.) to prevent the person from inflicting self-injury and to recover the evidence.

1. The person should be under arrest or subject to arrest,
2. Use of any instrument or object upon the person is prohibited,
3. Pain compliance techniques, if used, will be only those techniques approved by the Criminal Justice Standards and Training Commission, and for which the Deputy has been trained, and
4. If a Deputy has reason to believe a person has ingested a controlled substance, the Deputy will provide medical assistance as required by Section V above.

F. *Compelled Cell Moves:*

When practical, corrections staff of the same gender will assist in compelled cell moves (or at least be present at the scene to observe the move).

G. *The Use of Handcuffs as Restraint Devices:*

1. All arrested persons should be handcuffed before any search.
2. The primary purpose for using handcuffs and other restraints is to:
  - a. Maintain control of an arrested person,
  - b. Provide safety for the Deputy, the arrestee and the general public.
3. When in uniform Deputies will carry double locking handcuffs.
  - a. Authorized handcuffs are those manufactured by Peerless or Smith and Wesson, have hinged or chain-steel cuffs, and fit the same key as that issued to Deputies.
  - b. Deputies who handle prisoners while assigned to non-uniformed duty shall carry handcuffs.
  - c. Off-duty Deputies operating marked Sheriff's Office vehicles shall carry handcuffs or have them readily available in the vehicle.
  - d. Deputies are responsible for maintaining their handcuffs in working condition. Handcuffs are kept clean and lubricated to prevent malfunctions.
4. Handcuffs are the primary restraining device used in all cases involving the arrest of adults and juveniles age 12 and older, with the following exceptions:
  - a. Other authorized restraints may be used if multiple arrests are involved and there are an insufficient number of handcuffs available.
  - b. If the arrested person is elderly, in advanced stages of pregnancy, physically disabled, or otherwise injured and the use of handcuffs or other restraint may cause or aggravate an injury, Deputies may elect not to restrain a person if they pose no escape risk or threat to themselves, the Deputy or others.
  - c. Handcuffs or restraints are used only on the body parts of physically disabled persons that are not affected by the disability.
5. Juveniles less than 12 years of age are not placed in handcuffs or other restraints unless they pose an escape risk or danger to themselves, the Deputy, or others.

6. When handcuffs or other authorized restraints are used, Deputies maintain physical control over the arrested person to prevent injury or escape.
7. Arrested persons are restrained with their hands behind their backs, unless a physical disability or other condition or circumstance makes another restraining method necessary.
  - a. Handcuffs are to be placed on arrested persons as soon as they are under control.
  - b. When applied, the handcuffs should be placed between the bone at the wrist and the hand. Deputies must check the handcuffs for proper tightness, proper position, and to ensure they are double locked.
    - (1) Proper tightness: The ability to place a finger between the cuff and the side of the wrists.
    - (2) Proper position: Handcuffs are double locked behind the person's back with the backs of the hands together (palms turned outward) to minimize the potential of injury or escape.
    - (3) The key slot should face outward with the round portion of the key slot facing upward.
  - c. Once applied, the handcuffs should be checked to ensure adequate blood flow.
  - d. Handcuffs are not removed until the arrested person is inside a correctional facility, a law enforcement facility for interview purposes, or unless medically necessary and the Deputy believes it is safe to do so.
8. Arrested persons who have been restrained after a struggle, or who pose a threat to injure themselves or damage an agency vehicle, should be further restrained using a Hobble Restraint Device. A Deputy trained in the technique may place the person into a Total Appendage Restraint Procedure (TARP), in which they are handcuffed, hobbled, and seated in an upright position.

H. *Authorized restraints:*

1. Double locking handcuffs
2. Plastic handcuffs (flex cuffs)
3. Leg cuffs
4. Hobble Restraint Device
5. Velcro straps

**NOTE: Additional restraint devices (such as restraint chairs) may be authorized by the Major/Chief, but may only be used if written procedures exist governing their use and training for Deputies has occurred.**

**NOTE: Restraint devices can be used as a Deputy response throughout the Response to Resistance Matrix based on the Deputy/subject factors.**

**XI. *POST-ACTION PROCEDURES FOLLOWING LESS-LETHAL RESPONSE INCIDENTS:***

The following procedures will be used when reporting the use of intermediate defensive weapons or techniques. The normal application of handcuffs does not require these procedures.

A. *The Involved Deputy:*

When intermediate defensive weapons or techniques are used in the performance of duty, the following actions will be taken:

1. Determine the condition of any injured person, render first aid within the limits of training, and summon medical assistance if appropriate, or
2. If the person is injured, transport the person (or have him or her transported by ambulance) to the nearest hospital emergency room. If a person loses consciousness, hospital emergency room personnel will examine them before they are taken to the detention facility.

**NOTE: If the person has been admitted into, or is an inmate at the correctional facility, the facility's medical staff must be first called to the scene of the injury and approve transport of the person to the hospital.**

3. Less than lethal actions where a Deputy's Response Level is #3 or greater, requires the action to be documented on a Response to Resistance Report. Reports are required to be given an administrative review by the Deputy's chain of command.
4. The Response to Resistance Report should reflect the totality of the circumstances involved. Any statement made by the subject should be quoted. Detail the care given to the person after control was established. The Deputy's perceptions based upon their training and experience should also be stated.
5. *Special Considerations – Enforcement:*  
The Arrest Report also must contain certain information about the Deputy's response to the subject's resistance. In the narrative portion of the form, document the circumstances that necessitated the action and specify the amount and type of response used to counter the subject's resistance. Factors constituting Reasonable Belief should be clearly described. A copy of the Arrest Report is attached to the Response to Resistance Report when it is submitted for Supervisory review. If no Arrest Report is written, a statement by the involved Deputy will be attached to the Response to Resistance Report.
6. *Special Considerations – Corrections:*  
Statements from the involved Deputies, a copy of the Jail Arrest Card, and a copy of the Response to Resistance Matrix will be attached to the Response to Resistance Report (with the inmate's level of resistance and the Deputy's level of response clearly indicated).
7. If a person has been physically restrained, but has not been arrested (for example, a person who becomes distraught at the scene of a family member's death and must be temporarily restrained), a Response to Resistance Report will be completed.
8. Before going off duty the involved Deputy will complete the report and submit it to a Supervisor. If Deputies are not physically able to complete the report, a Supervisor will do it for them.
  - a. Before a report is submitted for review, all required information shall be completed as fully as possible by the reporting Deputy, the reporting Supervisor (after conducting an investigation of the incident), medical personnel (if appropriate), and by any Sheriff's Office personnel who witnessed the incident.

- b. All Response to Resistance Reports requires a written response and/or recommendation from the Deputy's Sergeant, Lieutenant, Captain.
- c. Supervisors at each level of the chain of command review the Response to Resistance Report and make recommendations as to the Deputy's proper or improper response to the resistance. Supervisors may agree or disagree with the Deputy's action, and may recommend that corrective or disciplinary action be taken.
- d. **If any one in the chain of command does not agree with the actions taken by the Deputy the Response to Resistance Report shall be routed to the appropriate** Major and/or the Chief Deputy, in their review shall make a final determination. They may accept the report or refer the matter to the Sheriff with a recommendation that a Supervisory Inquiry or Administration Investigation be conducted.
- e. The original report shall be sent to Professional Development (enforcement reports) or Accreditation (corrections reports) for archival purposes.

B. *The Supervisor:*

A Supervisor will respond to the scene and ensure that:

- 1. All responsibilities of the involved Deputy have been accomplished,
- 2. All injured persons are cared for,
- 3. Narrative portions of any report completely and accurately describe the actions of the Deputy and the subject,
- 4. The Response to Resistance Report is completed and forwarded for chain of command review, along with witness statements from other law enforcement officers, other persons present, etc., and
- 5. During the chain of command review process, any available audio and/or video recordings (ie: in-car camera or body-worn camera systems) related to the incident will be reviewed by each reviewing supervisor, up to and including the Captain/Director level.

**XII. RESPONSE TO RESISTANCE MATRIX:**

A. *Application:*

- 1. It is a Deputy's responsibility to be knowledgeable in the Response to Resistance Matrix.
- 2. The matrix is a guideline for Deputies in selecting effective and reasonable options in a verbal or physical encounter. As a subject increases their resistance level from verbal to physical, Deputies may have to increase the level of their own response until the resistance ceases and they are able to gain control of the subject. As soon as a subject complies, Deputies must de-escalate their response level to the minimum force necessary for their control.
- 3. In determining the appropriate response to a subject's resistance, several factors must be evaluated. For example, an unarmed, small-framed, female subject may be displaying Level #5 resistance but may only require a Level #3 response by the average Deputy. On the other hand, a single Deputy faced with a large professional wrestler or football player may find that their response to even mild resistance must be escalated to a relatively high point on the matrix. It must be remembered that, by law, Deputies need not retreat in their efforts to lawfully control a subject, but may use the level of response necessary to accomplish their task. However, a tactical retreat in the face of overwhelming odds may be a wise choice.

- B. *Levels of Resistance and Deputy Response:*  
The following definitions are presented for levels of resistance and Deputy's response. They begin at the lowest level and progress to the highest level.

1. ***Resistance Levels:***

- a. *Level #1 - Presence:*  
A subject is there, on the scene, in attendance of suspicious activity.
- b. *Level #2 - Verbal Resistance:*  
A subject may verbally refuse to comply with a Deputy's request or attempts to control the situation. The subject may verbally threaten the Deputy with further resistance, or the subject may not respond to the Deputy.
- c. *Level #3 - Passive Physical Resistance:*  
A subject physically refuses to comply or respond. They do not make any attempt to physically defeat the actions of the Deputy but forces the Deputy to employ physical maneuvers to establish control.
- d. *Level #4 - Active Physical Resistance:*  
A subject makes physically evasive movements to defeat a Deputy's attempt at control. This may be in the form of bracing or tensing, attempting to push/pull away, or not allowing the Deputy to get close to them.
- e. *Level #5 - Aggressive Physical Resistance:*  
A subject makes overt, hostile, attacking movements which may cause injury but which are not likely to cause death or great bodily harm to the Deputy or to other persons.
- f. *Level #6 - Aggravated Physical Resistance:*  
A subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the Deputy or to other persons.

2. ***Deputy Response Levels:***

- a. *Level #1 - Presence:*  
The Deputy is on the scene, in attendance. This includes proper voice commands and/or other identification, body language, and awareness by the subject that they are dealing with a Deputy.
- b. *Level #1 - Interview Stance:*  
The Deputy adopts a stance outside of their danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance the firearm or strong side leg is back, the non-firearm or weak side leg is forward; the feet are about shoulder width apart with knees slightly bent giving balance, control, and a lower center of gravity; equally distributed body weight; and the hands are up in order to guard the upper body.
- c. *Level #2 - Dialogue:*  
A two-way, controlled, non-emotional communication between the Deputy and subject aimed at problem identification or resolution.
- d. *Level #2 - Verbal Direction:*  
A Deputy tells or commands a subject to engage in or refrain from a specific action or non-action.

- e. *Level #2 - Touch:*  
A Deputy employs a soft, assisting touch when directing, or a firm, strong touch before escalating to a higher level of force.
- f. *Level #3 - Restraint Devices:*  
Mechanical tools used to restrict a subject's movement and facilitate searching such as handcuffs, flex cuffs, leg irons, Hobble Restraint Device, belly chains, etc.
- g. *Level #3 - Transporters:*  
Techniques used to control and/or move a subject from Point A to Point B with minimum effort by the Deputy in order to gain and retain control over the subject.
- h. *Level #3 - Take Downs:*  
Techniques that redirect, in a controlled manner, a subject to the ground in order to limit their physical resistance and to facilitate the application of a restraint device.
- i. *Level #3 - Pain Compliance:*  
Techniques that force a subject to comply with a Deputy as a result of the Deputy inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.
- j. *Level #3 - Counter Moves:*  
Techniques that impede a subject's movement toward a Deputy or other person such as blocking, striking, distracting, kicking, parrying, dodging, weaving, redirecting, or avoiding, followed by appropriate controlling techniques.
- k. *Level #4 - Intermediate Weapons:*  
Intermediate weapons primarily used to control a subject, such as an expandable or riot baton, oleoresin capsicum spray, electric immobilization device, electro muscular disruption device, and impact munitions.
- l. *Level #5 - Incapacitating:*  
Techniques that are intended to stun or render a subject temporarily unconscious, delivered with or without an impact weapon, such as a strike to a major nerve area.
- m. *Level #6 - Deadly Force:*  
Techniques that may result in death or great bodily harm or permanent disfigurement such as impact weapon strikes to the head or use of a firearm. ***Deadly force techniques are a last resort.***

3. Additional factors that must be considered when making response to resistance decisions including:

- a. *Subject Factors:*
  - (1) The seriousness of the crime committed by the subject,
  - (2) The size, age, and weight of the subject,
  - (3) The apparent physical ability of the subject,
  - (4) The number of subjects involved or who may become involved,
  - (5) Weapons or items that may be used as weapons available to the subject,
  - (6) Any known history of violence by the subject,
  - (7) Presence of innocent persons or potential victims,
  - (8) Whether the subject can be recaptured at a later time, and,
  - (9) Whether evidence is likely to be lost or destroyed.

b. *Deputy Factors:*

- (1) The size, physical ability, and defensive tactics expertise of the Deputy,
- (2) The number of other Deputies present or available to assist with the situation,
- (3) The Deputy's immediate reaction in the case of sudden attack,
- (4) Weapons or restraint devices available to the Deputy,
- (5) Sheriff's Office policy,
- (6) Environment, and,
- (7) Legal requirements.

# Response to Resistance Matrix

## R E S I S T A N C E   L E V E L S

6 Aggravated Physical	X	X	X	X	X	X	Arrival	Officer Presence	1
5 Aggressive Physical	X	X	X	X	X	X	Dialogue	Communication	2
4 Active Physical	X	X	X	X	X	X	Verbal Direction		
3 Passive Physical	X	X	X	X	X	X	Touch		
2 Verbal	X	X	X	X	X	X	Restraint Devices	Physical Control	3
1 Presence	X	X	X	X	X	X	Transporters		
	X	X	X	X	X	X	Take Downs		
	X	X	X	X	X	X	Pain Compliance		
	X	X	X	X	X	X	Counter Moves		
	X	X	X	X	X	X	Intermediate Weapons		
	X	X	X	X	X	X	Incapacitation	Incapacitating Control	5
	X	X	X	X	X	X	Lethal Force	Lethal Force	5

## RESPONSE LEVELS

X'd areas represent suggested, acceptable, beginning response levels. Any response in an unmarked area requires explanation. Refer to definitions for each level of resistance and response.