



CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER

Response to Resistance

NUMBER: 6.01.01

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APPROVED: *Mue Han*
Chief of Police

I. POLICY

The Cedar Park Police Department ("Department") recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to respond to resistance in order to accomplish lawful objectives, a careful balancing of all human lives and interests is required. Therefore, it is the policy of this Department that police officers shall only use force that is reasonably necessary to effectively respond to resistance, violence, or threat of violence, while protecting the lives of the officer and others.

II. PURPOSE

The purpose of this policy is to provide police officers and employees with guidelines concerning the response to resistance, and to limit the discretion an officer may use when dealing with situations that require response. It should be every officer's goal to resolve all situations without using force.

III. SCOPE

This directive is for Department use only and does not apply to any criminal or civil proceeding. The Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

IV. APPLICATION OF DIRECTIVE

This directive does not attempt to govern employees while off-duty and engaged in a lawful sporting or recreational activity. In addition, this directive is not to be construed to require employees to assume unreasonable risks while performing law enforcement duties.

V. DUTY TO INTERVENE

1. Any employee observing a public safety associate, regardless of rank or agency, using force that is beyond that which is objectively reasonable under the circumstances shall do whatever they can to interrupt the flow of events to prevent or stop the unreasonable or excessive force.
 - a. Non-sworn intervention should be within the scope of their authority and training, and can consist of a phone call, use of radio, or getting another officer's attention.
2. Any employee who observes or has knowledge of force that is unreasonable, excessive, or otherwise inconsistent with this directive must:
 - a. notify a supervisor as soon as possible; and
 - b. notify the appropriate chain of command in writing.

VI. DE-ESCALATION

If safe under the totality of circumstances, and time permits, officers shall attempt the use of de-escalation tactics in order to reduce the need for force.

1. Officers must consider an individual's mental, physical, or other incapacities. Officers must, when feasible, consider whether a person's failure to comply with an officer's command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, officers should consider whether specific techniques or resources would help resolve the situation without force.
2. As a situation changes, officers must reevaluate the circumstances and continue to respond reasonably. Over the course of an encounter, the circumstances and threats an officer faces may change. Consistent with training and the de-escalation processes, while using force, officers must continually assess the effectiveness, reasonableness, and necessity of their actions.

VII. RESPONSE TO RESISTANCE REQUIREMENTS

Before an officer may use force against a person, the officer shall adhere to the following:

1. Have reasonable suspicion to detain that person, or probable cause to arrest or search that person.
2. If safe under the totality of circumstances, and time permits, officers shall identify themselves, state the reason for the arrest, detention or search, and give a verbal warning to submit to the officers' authority or force will be applied.
 - a. Officers should seek to communicate in non-verbal ways when a verbal warning would be inadequate (such as when the person does not speak English, or is unable to hear or understand warnings).

Once force is used, the officer shall adhere to the following at a minimum, until such time as other policy takes effect:

1. Facilitate appropriate medical aid (see [14.10.01 Self-Aid Buddy-Aid](#)).
2. Request EMS/Fire to the scene, if appropriate (in accordance with [14.01.01 Medical Aid](#)).
3. Notify a supervisor.
4. Appropriate documentation as detailed in section X.

VIII. DEADLY FORCE AUTHORIZATION

Deadly force may be used:

- If the officer reasonably believes that their life or the lives of others is in immediate danger of death or serious bodily injury; or
- To defend an officer or others from the threat of immediate physical harm from a dangerous animal; or
- To prevent the escape of a violent suspect whom the officer has probable cause to believe has committed a felony crime involving the infliction or threatened infliction of serious bodily harm upon another or when the violent suspect poses a significant risk of death or serious bodily injury to officers or others; or
- To bring quietus to a seriously injured non-domesticated animal when other dispositions are impractical and when approved by a supervisor.

Deadly force may not be used when its use would constitute a greater threat to innocent human lives than the actions of the suspect. Deadly force may not be used by an officer in a reckless manner that disregards the safety of themselves, other officers, or innocent bystanders.

Officers are discouraged from discharging a firearm at or from a moving vehicle. In compliance to this directive, as a last resort an officer may discharge a firearm at a suspect driving a moving vehicle to protect themselves or others only if the officer believes that it can be accomplished without substantial risk to the public. Factors such as innocent passengers and a collision of the suspect's vehicle with other vehicles or pedestrians must be considered. An officer must assess the possible outcome of applying deadly force to a suspect driving a vehicle to ascertain if its benefit outweighs the risk to third parties. In addition, officers are to be aware that if the suspect who is driving a motor vehicle is struck by gunfire, the motor vehicle may continue in motion without a driver being in control.

IX. RESPONSE TO RESISTANCE

There is no responsibility for an officer to retreat from a threat in their efforts to subdue or control a subject, but some circumstances may dictate that a tactical retreat is appropriate for the safety of the officers or others.

The levels of force sanctioned by this Department are listed below:

Sanctioned Force		
Type of resistance	Type of force	Examples of Force
Passive or Low Resistance	Low Force	Officer's presence, verbal command or communication, soft hand control, non-striking pain compliance techniques
Active or Intermediate Resistance	Intermediate Force	Strong hand control, police canine bites, OC spray, conductive energy weapons, less lethal weapons (bean bag rounds), impact weapons (ASP Baton), chemical munitions, flash sound diversionary devices
Aggravated or High Resistance	High Force	Deadly force applications, firearms

The following are not allowed:

1. Warning shots.
2. Officers shall not intentionally or recklessly place themselves in the path of a moving vehicle, compelling the need for deadly force.
3. LVNR or similar neck restraint (unless deadly force circumstances are present).
4. After gaining control, continued positional control or pressure that obstructs a person's ability to breathe.
5. Using Department-authorized weapons without prior qualifications, training and authorization to carry.
6. Malicious or empty threats of force or violence.

Determining the objective reasonableness of the response to resistance - There are numerous factors that must be considered before choosing an appropriate response to resistance. Officers are not expected to make a lengthy deliberation in choosing the appropriate response depending upon the level of threat at the moment, but must assess the aspects of the incident and act quickly to protect themselves and others. Justification for the response to resistance that is applied is limited to what reasonably appears to be the facts known or perceived by the officer at the time the force was applied.

Below are some factors that should be considered by officers before applying a particular level of force:

1. The seriousness of the crime committed.
2. The immediacy, nature, and extent of the threat.
3. Whether the subject is actively resisting arrest, passively resisting arrest, or attempting to evade arrest by flight.
4. Whether the subject can be apprehended at a later time in a safe manner.
5. The size, age, weight, and apparent physical ability of the subject(s) in relation to the same characteristics and level of defensive tactics expertise of the officer(s).
6. The weapons possessed by or available to the subject(s) and officer(s).
7. The subject's known history or reputation of violence.
8. The presence of innocent persons and victims.
9. Whether evidence may be destroyed.

X. DOCUMENTATION AND ADMINISTRATIVE REVIEW

In other than testing or training situations, personnel will complete a Response to Resistance Report in the following situations:

- Anytime a firearm is discharged at a person (for other discharge situations, refer to [6.06.01 Documenting the Discharge of a Firearm](#)).
- All intermediate or high force situations, regardless of injury.
- Anytime an animal is shot, or shot at, to defend an officer or another person.
- Anytime low force results in a person being forcibly moved to the ground or forcibly pinned against a stationary object and physically restrained.
 - This does not apply to the normal application of the Wrap Restraint device in low force application settings in compliance with [10.01.02 Wrap Restraint Guidelines](#).
- Anytime low force results in obvious injury or the continued complaint of pain.
- Anytime requested by the on-duty supervisor.

Personnel may be placed on administrative leave in compliance with [6.08.01 Administrative Leave after a Critical Incident](#). All reported incidents shall be reviewed by all levels of the chain of command to determine the following:

- If Department policies or directives were violated.
- If the relevant policy or directive was clearly understandable and effective to cover the situation.
- If Department training or applicable directives requires revision.

XI. POLICY AND/OR DIRECTIVE VIOLATIONS

All findings of policy and/or directive violations shall be reported to the chief of police for resolution and/or disciplinary action in accordance with departmental policy.

XII. DEFINITIONS

AUTHORIZED WEAPON – A weapon that has been approved and meets the specifications of the Cedar Park Police Department with which the officer has qualified (if firearm or Taser), received departmental or approved training on proper and safe usage, and has been registered (excluding batons and aerosol spray) with the Department.

APPROPRIATE MEDICAL AID – May include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals.

COMPLIANCE – Actions from a person who acknowledges direction or lawful orders given and offers no resistance, agrees to a particular action or request without being forced to.

CONDUCTED ENERGY WEAPON – Also referred to as a CEW or Taser, is a device that uses propelled wires or direct contact to conduct energy; to affect the sensory and motor functions of the nervous system.

DANGEROUS ANIMAL – Any animal that places a reasonable person in fear for their safety or the safety of others.

DOMESTICATED ANIMAL – Any animal that is kept as a pet or as livestock (e.g., dogs, cats, cows, chickens, etc).

DE-ESCALATION TACTICS – Actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

DEADLY FORCE APPLICATION - An officer may use any weapon, object, or technique if exigent conditions leave the officer no other reasonable alternative to protect themselves or others.

HIGH FORCE - Force that is intended or known by the user to cause, or in a manner of its use or intended use; is capable of causing death or serious bodily injury. Also referred to as **DEADLY FORCE**.

IMMINENT – About to occur, impending.

IMPACT WEAPON - An authorized or improvised intermediate weapon used to strike a person such as an ASP Baton, flashlight, etc.

IMMEDIATE DANGER – A significant threat that an officer reasonably believes will result in death or serious physical harm to the officer or others. The threat is not limited to being instantaneous. A person may pose an immediate threat even if they are not at that moment pointing a weapon at the officers or others.

INJURY – The result of an officer's response to resistance that causes obvious lasting pain, bruising, abrasions, bleeding, or temporary stunning of the mental state of a subject. More than mere redness caused by the wearing of handcuffs.

INTERVENE – To interrupt the flow of events to prevent or stop unreasonable or excessive force, criminal, unconstitutional, or inappropriate actions.

LATERAL VASCULAR NECK RESTRAINT (LVNR) – Any choke, “sleeper,” or similar hold that is intended to disrupt the flow of blood or oxygen to the brain which could result in a temporary loss of consciousness.

LESS LETHAL WEAPON – Devices used to stop, control, or restrain individuals while using force other than that considered being high or deadly force. A degree of force which is neither likely nor intended to cause death.

PROBABLE CAUSE – Circumstances known to the officer that reflect facts and circumstances which are based upon information which would warrant a reasonably prudent police officer to believe that something unlawful has occurred or that some person has committed a criminal offense.

PUBLIC SAFETY ASSOCIATE – For the purposes of this policy, a public safety associate includes, but is not limited to task force members, sworn and civilian department members from agencies with shared

jurisdiction, agency volunteers or interns, and representatives from support organizations within the broader criminal justice system.

REASONABLENESS – Reasonableness of a particular incident must be judged from the perspective of a reasonable officer on the scene at the time of the incident and on whether the officer's own reckless or deliberate conduct during the incident created the need to use such force.

REASONABLE SUSPICION – The facts or circumstances an officer knows, or should know, that are such as to cause a reasonably prudent officer to act or think something unlawful has occurred.

RESISTANCE –

1. **PASSIVE OR LOW RESISTANCE** – The subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limp and refusing to use their own power to move (becoming "dead weight"), walking or running away, breaking the officer's grip, or holding onto a fixed object.
2. **ACTIVE OR INTERMEDIATE RESISTANCE** - The subject displays the intent to harm the officer, themselves or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, violently pulling away, punching, kicking, striking, attacking with weapons or other actions which present an imminent threat of physical harm to the officer or another.
3. **AGGRAVATED OR HIGH RESISTANCE** - The subject's actions are likely to result in serious bodily injury or death to the officer or another. These actions may include, but are not limited to: presence or use of a firearm, use of a blunt or bladed weapon, or extreme physical force.

RESPONSE TO RESISTANCE –

1. **LOW FORCE** – The level of force sanctioned to overcome a subject that is displaying passive or low resistance. Force that is not, or has a low probability, to cause injury.
2. **INTERMEDIATE FORCE** – The level of force sanctioned to overcome a subject that is displaying active or intermediate resistance. Force that is neither likely nor intended to cause serious bodily injury or death.
3. **HIGH FORCE** – The level of force sanctioned to overcome a subject that is displaying aggravated or high resistance. Force that is intended or known by the user, or in a manner of its use or intended use, to be capable of causing death or serious bodily injury. Also referred to as **DEADLY FORCE**.

RESPONSE TO RESISTANCE REPORT – Documentation, in addition to any offense report completed by the officer, that details the force used including the type, the target area, and demographics of the other party involved. Related photographs and digital video/audio should be included or referenced to ensure a comprehensive review.

SERIOUS BODILY INJURY – Bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

SOFT HAND CONTROL – Use of the hands or other parts of the body in a non-striking manner to overcome resistance; techniques that have a low potential of injury to the subject. Examples include: joint locks, non-striking pain-compliance techniques, "come-along" techniques, and takedowns.

STRONG HAND CONTROL – Use of the hands or other parts of the body in a striking manner to overcome resistance; techniques that have a potential of minor injury or temporary stunning the mental state of the subject. Examples include: punches and kicks, pressure point strikes, and knee and elbow strikes.