



ST. JOHNS COUNTY SHERIFF'S OFFICE

ROBERT A. HARDWICK, SHERIFF

Response to Resistance

Policy 1.8

Effective Date: 06/30/2006

Amended Date: 10/7/2022

ACCREDITATION STANDARDS

CALEA: [1.2.10](#), [4.1.1](#), [4.1.2](#), [4.1.3](#), [4.1.4](#), [4.1.5](#), [4.1.6](#), [4.1.7](#), [4.2.1](#), [4.2.2](#), [4.2.3](#), [4.2.4](#), [4.2.5](#), [4.3.1](#)

CFA: [4.01](#), [4.04](#), [4.06](#), [4.07](#), [4.08](#), [4.09](#), [4.10](#)

FCAC: 9.16, 9.17, [10.08](#)

FLA-TAC:

FMJS:

Discussion: The agency administrative guidelines on the Response to Resistance should be clearly developed, presented, understood and enforced. The Response to Resistance Policy should reflect a critical balance of "self-protection" for the deputy, the value of all human life, and the right of every citizen to be safe in their person and property.

DEFINITIONS

Agency – Refers to St. Johns County Sheriff's Office

Chokeholds – A physical maneuver, which restricts an individual's ability to breathe for the purposes of incapacitation. Chokeholds are prohibited unless lethal force is justified. [4.1.7], [CFA 4.10], [FCAC 9.17]

Deadly Force – Force that is likely to cause death or great bodily harm and includes, but not limited to: the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding. Deadly Force shall only be used as a last resort. The terms deadly force and lethal force are considered synonymous and may be used interchangeably.

De-escalation – An attempt to reduce the intensity of a conflict or potentially violent situation by remaining calm, using active listening skills and speaking techniques in trying to resolve an issue.

Excessive Use of Force - Use of force which exceeds the degree of force permitted by law, policy, or the observing officer's employing agency.

Felony - Crime punishable under Florida Statute by death or imprisonment in excess of one (1) year.

Force – Any physical striking or contact with a person, or any significant physical control, which restricts movement of a person. The term includes, but is not limited to the use of a firearm, Conductive Electrical Weapons (CEW), Aerosol Defense Spray (ADS), , the use of hands and feet, taking the subject to the ground; or the use of a canine.



Imminent Danger - The probability of death, great bodily harm, permanent disfigurement, or permanent disability is great whether from a threatened attack or as a result of an attack. [4.1.2]

Injury - Wound or trauma; usually applied to damage inflicted on the body by an external force. Any process causing physical damage to a body.

Last Resort - When all practical means to avoid using lethal force have been exhausted. [4.1.2]

Less Lethal Force – Force which is not likely to cause death or great bodily harm. The terms non-deadly force, less-than-lethal force and less-lethal force are considered synonymous and may be used interchangeably. [4.1.2]

Lethal Force - Force which is likely to cause death or great bodily harm and includes, but is not limited to: [4.1.2]

- The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm
- The firing of a firearm at a vehicle in which the person to be arrested is riding
- Intentional ramming of the vehicle, in which the person to be arrested is riding, with an agency vehicle
- Use of impact weapons for strikes above shoulder level
- Shall only be used as a last resort

Misdemeanor - Any criminal offense punishable under the laws of this State by a term of imprisonment in a county correctional facility not in excess of one (1) year.

Non-Deadly Force - Force which is not likely to cause death or great bodily harm. The terms non-deadly force, less-than-lethal force and less-lethal force are considered synonymous and may be used interchangeably.

Reasonable Belief - The facts or circumstances the deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. [4.1.2]

Serious Physical Injury - A bodily injury which creates a substantial risk of death; causes serious, permanent disfigurement or permanent disability. [4.1.2]

Substantial Risk - A clear and immediate danger whether from an attack or as the result of an attack which may cause death, great bodily harm, permanent disfigurement, or permanent disability. [4.1.2]

Vascular Neck Restraint (VNR) –physical restraint which, when fully deployed, reduces blood flow to the brain via the carotid arteries by blocking venous return via the jugulars with the intent to limit oxygen to the brain and cause a subject to lose consciousness for a brief period of time. The use of VNR is prohibited unless lethal force is justified. [4.1.6] [CFA 4.01, a] [FCAC 9.16, a]

Violent Felony - A felony which involves an actual or threatened attack which the deputy has reasonable cause to believe could result or has resulted in death or serious bodily injury (aggravated assault, armed robbery, murder, etc.)



Totality of the Circumstances Test [4.1.1] [4.1.4] [4.1.7]

A deputy's response to resistance does not have to be the "least intrusive" option available. A deputy does not have to use the least amount of force available. The deputy need only select a level of force, which is within the range of "objectively reasonable" force options.

A deputy may use force if they use objective reasonableness and believes their actions are within the boundary of lawful conduct.

The test of reasonableness is not capable of precise definition or mechanical application; however, it's proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the deputies or others and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The "totality of the circumstances" may also include, but are not limited to:

- Deputy is alone or back up is delayed
- Number of suspects, physical size of suspect in relation to deputy and / or other known factors about suspect
- Emotional stability of subject / suspect
- Display of unusual behavior
- Demeanor of subject / suspect
- Giving evasive answers or false information during questioning
- Time of day, geographical factors or surroundings

The application of force is a balancing test between a person's right to privacy and physical integrity weighed against the government's legitimate interest in taking action against the person and the protection of the public.

Chapter 776 of the Florida State Statutes governs the use of deadly force.

GENERAL

- .1 The value of human life is immeasurable in our society. Deputies have been delegated the awesome responsibility to protect life and property, to apprehend criminal offenders and to enforce all laws in a fair and impartial manner. The responsibility for protecting life MUST include their own. [4.1.2], [4.1.7]
- .2 In any situation, deputies will use only that force which is reasonable to effect lawful objectives; lethal force will be used only as a last resort. De-escalation techniques will be applied, whenever possible. [4.1.1], [4.1.2], [4.1.4] [4.1.7], [CFA 4.01, b], [FCAC 9.16]



- .3 Any employee, whose action(s) or response to resistance in an official capacity results in death or serious physical injury, will be removed from current duty assignment, pending an administrative review. [4.2.3]
 - The employee will be placed on administrative leave or temporarily reassigned to administrative duties, as needed
 - A written report will be submitted
 - A documented review will be conducted by the supervisor
- .4 In-service training for less-lethal and weaponless control techniques shall occur annually.
- .5 For the Response to Resistance Wheel of Resistance and definitions, see Addendums A – B.
- .6 Once established medical assistance is needed, the appropriate medical aid will be given (rendering aid up to calling for Emergency Medical Services (EMS)) as quickly as reasonably possible, following any law enforcement action in which injuries have been sustained. [4.1.5], [CFA 4.08]
 - EMS will be called to the scenes which include but not limited to:
 - (1) When serious injuries have occurred,
 - (2) Medical distress is apparent,
 - (3) Individual is / was unconscious
- .7 For EAP assistance and mandatory referral see policy [22.10 Personnel Actions](#).

DUTY TO INTERVENE

[1.2.10] [CFA 4.01, d] [FCAC 9.16, d]

- .8 Any employee(s) who observes another employee(s) applying force and having a reasonable belief the force exceeds the degree of force permitted by law, shall intervene within their scope of authority and training to prevent or stop the use of the unreasonable force.
 - Employees have a responsibility to take appropriate action in circumstances, which involve other employees, as well as other public safety associates whose actions are criminal, unconstitutional, or inappropriate and will bring into disrepute the agency or the law enforcement profession as a whole.
 - All personnel of the St. Johns County Sheriff's Office have the responsibility to immediately report, any act (i.e., any violation of agency policy, state / provincial or federal law, or local ordinance) which they believe involves the use of excessive force. Employees will document their observations of any incident involving excessive force by using an Internal Complaint entry in BlueTeam.



DE-ESCALATION

[4.1.1] [CFA 4.01, b] [FCAC 9.16, b]

- .9 If safe under the totality of circumstances, and time permits, deputies shall attempt the use of de-escalation tactics in order to reduce the need for force.
- .10 Deputies must consider an individual's mental, physical, or other incapacities. Deputies must, when feasible, consider whether a person's failure to comply with a deputy'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, deputies should consider whether specific techniques or resources would help resolve the situation without force.
- .11 Consistent with training and the de-escalation processes, while using force, deputies must continually assess the effectiveness, reasonableness, and necessity of their actions. As a situation changes, deputies must reevaluate the circumstances and continue to respond reasonably.

USE OF FORCE

- .12 Only that force which is both reasonable and necessary may be used in any given situation. [4.1.1], [4.1.4], [CFA 4.01]

Use of Lethal Force [4.1.2]

- .13 A deputy may use lethal force whenever there is a reasonable belief their life, or the life of another human being is in imminent danger of death, or serious physical injury.
- .14 Prevention of a forcible felony: A deputy is justified in using lethal force whenever the deputy believes there is a substantial risk the suspect in question will cause death or serious bodily harm to another, unless the suspect is stopped, and the use of such force presents no substantial risk of injury to innocent persons. The felonies include, but are not limited to, the following:
 - Sexual Battery
 - Kidnapping
 - Robbery
 - Homicide



- .15 Prevention of escape from custody: Any deputy who has an arrested person in custody is justified in the use of that force which is reasonably believed to be necessary to prevent the escape of the arrested person from custody, when:
 - The person affecting the arrest must be authorized to act as a deputy or is assisting a person whom he believes to be authorized to act as a deputy
 - The deputy believes the crime for which the arrest is made involved conduct including the use, or threatened use, of lethal force by the suspect, and
 - The deputy believes there is a substantial risk the person who is to be arrested / recaptured will cause death or serious bodily harm and presents an imminent threat to the public, if their apprehension is delayed
 - Self-defense and imminent danger shall be the only policy guidelines for employing lethal force
- .16 Whenever feasible, a verbal warning will be given. [CFA 4.01, c] [FCAC 9.16, c]

Prohibitions

- .17 Firing at, or from, a moving vehicle: discharging a firearm at a suspect's vehicle or from a deputy's moving vehicle is prohibited with the following exceptions:
 - When an occupant of the vehicle is utilizing lethal force against another, and as a last resort to prevent death or great bodily harm, and the deputy believes there is no substantial danger to innocent persons
 - As a last resort to apprehend a suspect who has committed a violent crime resulting in death or great bodily harm to another person, and the deputy believes there is no substantial danger to innocent persons
- .18 In addition to moving vehicles, firearms will not be discharged under the following conditions: [4.1.3], [CFA 4.04]
 - As a warning shot
 - To effect the arrest or prevent the escape of any person known to be charged with, or convicted of, a misdemeanor, county ordinance or traffic infraction
 - Against a fleeing felon, or suspected felon, known to be unarmed or non-dangerous
 - When the circumstances do not provide a high probability of striking the intended target, or when there is a substantial risk to the safety of an innocent bystander or law enforcement officer
- .19 Display of firearms: deputies will not unnecessarily draw or display their firearms in a public place or at any agency office, on or off-duty with the exception of use in a training mode and / or special events as appropriate.
- .20 The Vascular Neck Restraint (VNR) is classified as "deadly force" on the agency's Response to Resistance options. [4.1.6], [CFA 4.01, a], [FCAC 9.16, a]
- .21 VNR is prohibited unless lethal force is justified. [4.1.6], [CFA 4.01, a], [FCAC 9.16, a]



LETHAL FORCE INCIDENTS

Animals

- .22 Firearms may be used to dispose of seriously injured or dangerous animals when other dispositions are impractical or other means have failed and it is safe to do so. Animals suspected of rabies must be disposed of by the guidelines set forth by the St. Johns County Health Department. See policy [41.19 Control of Animals Suspected of Rabies](#).
- .23 For further information on deputy involved shooting see policy [1.13 Lethal Force Incident](#).

INTERMEDIATE WEAPONS

[4.1.4]

- .24 Intermediate weapons [CFA 4.06, a, b]
- Only those intermediate weapons approved by the agency are authorized for carry. This does not preclude the use of weapons of opportunity such as a flashlight in defense of deputy's safety or safety of others
 - Impact weapons shall not be less than seven (7) inches nor more than forty-eight (48) inches in length
 - Prior to carrying, all intermediate weapons intended for use by employees in the performance of duty shall be reviewed, inspected, and approved by a qualified weapons instructor or Armorer and documented on the [Qualifications Form SJSO-087](#).
 - Any weapons determined to be unsafe or malfunctioning shall be removed from service and replaced [4.3.1, d]
 - The carrying of and / or the use of any other non-approved intermediate weapons, (such as, but not limited to, blackjacks, saps, nun chucks, etc.), are prohibited
 - Note: This section is not intended to limit deputy's response options relating to implements ready at hand, used as weapons, as a result of rapidly evolving situations.
- .25 Specialty impact weapons. (37 / 40mm, 12-gauge launcher.)
- Specialty impact weapons will only be utilized when lesser means of control have failed or are not appropriate for the situation. The use of a specialty weapon must be consistent with training and manufacturer guidelines [4.1.1]
 - All 40mm and 12 gauge launchers will be equipped with an orange or yellow sling and same color stock. The only exception will be special teams.
 - Spent munitions must be recovered and placed into Evidence. Photographs of impacts shall be taken and submitted into Evidence.
 - Qualified medical personnel will examine all persons struck by impact munitions for injury. Those persons not transported by Rescue will be transported to the nearest hospital by the reporting deputy to be examined by emergency room personnel. [4.1.5] [CFA 4.08]



Conductive Electrical Weapons (CEW)

- .26 Authorized employees will only utilize CEWs which have been approved by the Sheriff and the Training Unit. The Training Unit is responsible for issuance and inventory of CEWs.
- Sworn personnel who have been trained and are certified in the use of the CEW are authorized to carry the system. [FCAC 10.08, a]
- .27 CEWs will only be utilized when lesser means of control have failed or are not appropriate for the situation. The use of a CEW must be consistent with training and manufacturer guidelines.
- .28 Law Enforcement and Corrections deputies deploying the CEW shall be responsible for removing probes, with the following exceptions:
- Probe strikes in soft body tissue area (i.e., Face, Neck, Genitalia, or female breast area)
 - If the probes hit a soft body tissue area, photographs shall be taken as soon as possible of the impact sight before and after probe removal and submitted into evidence
 - If the impact site is of the genital area, the same gender shall take the photographs
 - Within the Detention Center:
 - (1) The inmate will be seen by contracted medical personnel to assess for injuries only
 - (2) Corrections medical personnel are not authorized to remove CEW probes. They will make the determination if the subject needs to be transported to the nearest medical facility
- .29 All deployments of a CEW require a download by the Training Unit, or the agency armorer. Any components from the CEW deployment which are collectable (to include probes, wires, cartridges, etc.) are to be submitted into Evidence.

Aerosol Defense Spray

- .30 In the event a subject is sprayed with Aerosol Defense Spray / Gel, the deputy shall do the following:
- Move the subject to fresh air as soon as circumstances permit
 - Flush eyes and skin with water to provide decontamination when reasonable
 - Read the top portion of the [O.C. Administrative Warning \(SJSO-305\)](#) to the sprayed subject
 - Ask the sprayed subject the questions on the [Administrative Warning \(SJSO-305\)](#)
 - Attach the [Administrative Warning \(SJSO-305\)](#) form to the Offense Report

Deputy Responsibility [4.1.2]

- .31 In the event of the use of less-lethal force, intermediate weapons or physical force, the following shall occur:
- The deputy shall immediately notify their supervisor
 - The deputy shall render appropriate medical aid and, if needed, request a rescue unit. In cases of minor injuries where the subject will be arrested, the deputy will transport the subject to the appropriate medical facility prior to incarceration



WRITTEN REPORTS ON RESPONSE TO RESISTANCE

- .32 A General Offense / Incident Report and Blue Team Entry shall be completed on all incidents as required by this policy. The response to resistance shall be documented by entering the response to resistance information in the General Offense Incident narrative and the BlueTeam database when: [4.2.1, a-d], [CFA 4.07, a-c]
- A deputy takes an action which results in, or is alleged to have resulted in, any injury or death
 - A deputy discharges a firearm, for other than training or recreational purposes
 - A deputy applies force through the use of *lethal* or *intermediate* weapons
 - A deputy applies weaponless physical force
- .33 When utilizing force: [4.2.2]
- If one (1) deputy utilizes force, a General Offense / Incident Report shall be completed by the deputy utilizing the force. When multiple deputies utilize force for the same incident, only one General Offense / Incident Report is required.
 - The supervisor shall ensure the Response to Resistance BlueTeam entry is initiated during the same shift the incident occurred. The supervisor will be responsible for completing the BlueTeam entry.
 - Reports and documents which may be attached electronically to the BlueTeam data entry, included but not limited to:
 - (1) Photos / videos
 - (2) Offense / Incident report
 - (3) Witness Statements
- .34 A Response to Resistance BlueTeam data entry report shall be documented when any force is utilized with the exception of routine handcuffing. [4.2.1] [4.2.2]
- .35 The General Offense / Incident report shall be completed by the deputy utilizing the force. The Supervisor will review the General Offense / Incident narrative with the deputy and complete the Response to Resistance BlueTeam entry. [4.2.2]
- If any Supervisor believes the response to resistance is not within policy, they should notify their chain of command.
 - If the force is within policy, the Supervisor will forward the report to the Lieutenant and the Lieutenant will forward to the Captain. The Lieutenant and Captain will review the case and approve it.
- .36 The Discharge of Firearm BlueTeam entry will be a standalone report with the exception of a Lethal Force Incident. A General Offense / Incident Report shall be completed by each deputy involved in a Lethal Force Incident. [4.2.1, a-c] [4.2.2]
- A Discharge of Firearm BlueTeam entry shall be completed on all accidental discharges. The shooter's Supervisor shall be notified immediately of all accidental discharges and will ensure a report is completed.
 - An accidental discharge endangering another person's life will be investigated as a Lethal Force Incident.
 - EXCEPTION: When on the firearms range or a place specifically designated for discharging firearms and / or on a training mode



RESPONSE TO RESISTANCE BOARD

[4.2.2], [CFA 4.07]

- .37 The Response to Resistance Board will convene monthly or at the discretion of the officer in charge with a minimum of quarterly meetings to review all reports submitted on response to resistance.
- .38 The Response to Resistance Board consists of sworn employees as appointed by the Operations Division Director and will include members from the Training staff.
- .39 This board shall not be considered a disciplinary or investigatory board.
- .40 The board's purpose will be to review the facts surrounding the response to resistance and make written recommendations to the affected Division Director in regards to:
 - Additional training for the individual deputy
 - Additional or varied training for deputies of the agency
 - Existing policies and procedures
- .41 If the Response to Resistance Board determines the facts surrounding the response to resistance indicate a need for investigative measures to be taken, a memo shall be forwarded to Internal Affairs.
- .42 The Officer in Charge of the Response to Resistance Board shall submit a report to the Division Director which will include:
 - Board members' signatures and a record of all forms reviewed
 - Any recommendations made

ANNUAL ANALYSIS OF RESPONSE TO RESISTANCE REPORT

- .43 Patrol and Corrections Division Directors will ensure an annual Response to Resistance Analysis, to include an analysis of policies and practices is submitted to the Sheriff or designee. The analysis shall identify: [4.2.4, a-e]
 - Date and time of incidents
 - Types of encounters resulting in use of force
 - Trends or patterns related to race, age and gender of subjects involved
 - Trends or patterns resulting in injury to any person including employees
 - Impact of findings on policies, practices, equipment and training
- .44 In addition to the above, the agency conducts an annual administrative review and analysis of those reports required when a member: [CFA 4.09, a-c]
 - Discharges a firearm, for other than training or recreational purposes
 - Applies force through the use of lethal or intermediate weapons
 - Applies weaponless physical force at a level as defined by the agency



Annual Review of Assault on Law Enforcement Personnel [4.2.5]

.45 The Patrol Division Director will ensure an annual Assault on Law Enforcement Personnel review is submitted to the Sheriff or designee. The review should determine any patterns, or trends, and include recommendations to enhance officer safety, policy revisions and / or training issues. This review may be included in the annual Response to Resistance Analysis.



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Sheriff

Addendum A –Response to Resistance Wheel of Resistance



Addendum B – RESPONSE TO RESISTANCE

RESISTANCE LEVEL

- Level 6** **Aggravated Physical** – 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 you or others.
- Level 5** **Aggressive Physical** – A subject makes overt, hostile, attacking movements that may cause injury, but are not likely to cause death or great bodily harm to you or others.
- Level 4** **Active Physical** – A subject makes physically evasive movements to defeat your attempts at control. This may be in the form of bracing or tensing, attempts to pull away or not allowing you to get close.
- Level 3** **Passive Resistance** – A subject refuses to comply or respond. The subject does not attempt to physically defeat your actions but forces you to employ physical maneuvers to establish control.
- Level 2** **Verbal non-compliance** – A subject may verbally refuse to comply with your request or attempts to control the situation. The subject may verbally threaten you with further resistance.
- Level 1** **Compliance** – Subject responds to commands.

RESPONSE OPTIONS

- Lethal Force Option** – Force which is likely to cause death and not merely serious bodily harm.
- Intermediate Weapon Option** – Primarily used to control a subject, i.e., Baton, Conductive Electrical Weapon (CEW), Impact Munitions, OC Spray or implements ready at hand to be used in a rapidly developing situation.
- Physical Control Option** – The use of blocking, striking, kicking, dodging, and redirecting followed by controlling techniques. The use of pain compliance utilizing pressure points. Techniques used to move a subject from point-to-point with minimum effort to gain and regain control as well as mechanical tools or nylon restraints to restrict movement and facilitate searching, such as handcuffs, flex cuffs, leg restraints or waist (belly) chains.
- Communication Option** – A two way controlled conversation between you and a subject in the form of telling or a commanding a subject to follow directions and may also employ a soft assisting touch to comfort or to obtain the attention of a subject in a non-confrontational way.
- Officer Presence Option** – You are on scene, utilizing proper voice and body language as well as a safe stance and distance from the subject that makes the subject aware that they are dealing with law enforcement

