

POLICY 119.1	RESPONSE TO RESISTANCE	
	REVISED: 1/93, 7/00, 03/01, 12/05, 05/08, 01/09, 08/11, 04/17	RELATED POLICIES: 119.3, 119.4
	CFA STANDARDS: 4.01, 4.02, 4.04	REVIEWED: AS NEEDED

A. PURPOSE

The purpose of this policy is to establish and maintain guidelines for Fort Lauderdale Police Officers' Response to Resistance.

B. POLICY

1. It is the policy of the Fort Lauderdale Police Department that members shall only respond to the level of resistance with a level of response necessary to effect lawful objectives. The response used by a member of the Fort Lauderdale Police Department must be objectively reasonable to meet the level of resistance. The following three factors are to be used to determine if the response level to resistance is objectively reasonable:
 - a. How serious is the suspected offense?
 - b. Is there a physical threat to the officer or anyone else?
 - c. Is the subject actively resisting or attempting to evade arrest by flight?

2. Fort Lauderdale Police Officers or any person the officer has summoned or directed to assist, need not retreat or desist from efforts to make a lawful arrest because of resistance or threat of resistance to a lawful arrest. Members are justified in their response to resistance if that response is objectively reasonable to affect the lawful arrest or to defend the member or other persons from bodily harm.

3. This policy applies to the response to resistance of any nature whatsoever.

4. Any deviation from the provisions of this policy shall place a burden of justification on the member involved. Failure to meet this burden may result in disciplinary action, termination of employment and/or criminal charges.

C. DEFINITIONS

1. Felon - A person who the officer has probable cause to believe has committed, or is committing a crime that is punishable under Florida State law by death or imprisonment in excess of one year in a state penitentiary.

2. Forcible Felony – are the following classifications: treason, murder, manslaughter, sexual battery, car-jacking, home-invasion, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing or discharging of a destructive device or bomb, and any other felony which involves the use or threat of physical force or violence against an individual.
3. Resistance – A subject’s attempt to prevent an officer from exercising control over him/her. Resistance can be non-verbal, verbal or physical in nature.
4. Compliance – is the verbal and/or physical yielding to an officer’s authority without apparent threat of resistance or violence.
5. Ability – The subject having the means to carry out his or her intent to cause death or great bodily harm.
6. Opportunity – The subject is capable of carrying out an intention to cause death or great bodily harm.
7. Intent – A reasonably perceived, imminent threat to an officer or another person based on the subject’s actions behaviors, words or other indicators. It is a perception derived from the totality of the circumstances.
8. Objective Reasonableness – The process for evaluating the appropriateness of an officer’s response to a subject’s resistance.
9. Probable Cause – Circumstances within one’s own knowledge and experience that is rational, trustworthy and supported by articulated facts to lead a responsible and prudent person to conclude that the information is true.
10. Totality of Circumstances – All facts and circumstance known to the officer at the time or reasonably perceived by the officer as the basis for a response to resistance decision.
11. Use of Force –A defensive or controlling response by an officer to overcome a person’s threatened or actual physical resistance to an officer’s performance of legal duty; to protect an officer or another person from physical resistance or acts of aggression that are likely to cause harm. This includes the use of deadly force.
12. Less lethal Weapon – A weapon that is not fundamentally designed to cause death or great bodily harm.
13. Great Bodily Harm – A bodily injury that creates a substantial risk of death, serious permanent disfigurement, or long-term loss or impairment of the functioning of any bodily member or organ.
14. Non-Deadly Force – Any force not likely to cause death or great bodily harm.

15. Deadly Force - Any force which is likely to cause death or great bodily harm.

D. DEADLY FORCE

The Fort Lauderdale Police Department places a greater value on the preservation of life than on the protection of property. It is in the best interest of the public, the Fort Lauderdale Police Department, and the officers of the Fort Lauderdale Police Department that the use of deadly force by the police balances the safety of the community and its police with the constitutional rights of the individual.

1. Officers use three criteria for making a decision to use deadly force: Ability, Opportunity and Intent. It is the policy of the Fort Lauderdale Police Department that officers are authorized to use deadly force when the officers have probable cause to believe that deadly force is required:

- a. To prevent death or great bodily harm to the officer or another person, or
- b. To prevent the imminent commission of a forcible felony where there is a risk of death or great bodily harm, or
- c. To prevent the escape of a fleeing felon whose actions provide probable cause for officers to believe that a suspect poses an immediate threat of death or great bodily harm to the officer or another person.

Several factors contribute to the determination that a fleeing felon would be an immediate threat of death or great bodily harm to the officer or another person. Such factors are limited to the officer's having a reasonable belief that:

- (1). The felon is armed and dangerous, or
- (2). The felon committed, or is committing, a felony where there is a risk of death or great bodily harm to the officer or another person.

2. Prohibited Actions

- a. It is prohibited to use deadly force when there is substantial risk to the safety of innocent bystanders who would be jeopardized by the officer's actions.
- b. Deadly force shall not be used against misdemeanants and traffic violators.
- c. Warning shots are prohibited.
- d. Due to the inherent risk of causing death or serious and permanent brain damage the Lateral Vascular Neck Restraint (LVNR), (sleeper chokehold) is prohibited except in cases where it is reasonably necessary to prevent death or great bodily harm.

3. Shooting at or from moving vehicles or vessels:
 - a. Officers shall not intentionally place themselves in the path of an oncoming vehicle or vessel (while on foot or in their police vehicle or vessel).
 - b. When confronting an oncoming vehicle or vessel, officers shall make every attempt to move out of the vehicle or vessel's path, rather than discharge their firearm or any other weapon at the oncoming vehicle or vessel.
 - c. Officers shall not discharge their firearm or any other weapon at or from a moving vehicle or vessel unless:
 - (1). Needed to prevent death or great bodily harm to an officer or another person.
 - (2). Needed to apprehend a person who just committed a felony resulting in death or great bodily harm.

Any deviation from this policy shall place a burden of justification on the member involved.

E. DRAWING FIREARMS

The Fort Lauderdale Police Department acknowledges the practical need for officers to unholster or draw their firearms in certain situations requiring caution for the officer's safety. In those situations requiring reasonable caution, in the absence of justification for the use of deadly force, the officer must be cognizant of the risks involved in drawing a firearm. All weapons shall be handled in a manner consistent with Department firearms training and safety procedures. When the handgun is used to cover a suspect or during a search for a suspect, the handgun will not be manually cocked. A firearm being pointed at a subject will require detailed documentation of an officer's actions in an Offense Report.