



**SPRINGFIELD TOWNSHIP POLICE DEPARTMENT**  
**Wyndmoor, Pennsylvania**

**Policy 1-10**

**Policy Title:** Overcoming Resistance and Response to Active Aggression

**Date of Issue:** December 1, 2022

**Rescinds:** None

**By Authority of:**

**Chief of Police**

**I. Purpose**

The purpose of this policy is to provide Springfield Township Police employees with guidelines on the use of deadly and non-deadly force.

**II. Policy**

The Springfield Township Police Department recognizes and respects the value and special integrity of each human life. It is the policy of the department that officers shall only respond to active aggression using force that is reasonable and necessary on any particular occasion. They shall discharge their firearms only when doing so is necessary to save a life or when it is the only effective means to apprehend an individual who poses an imminent threat of death or serious bodily injury to officers or citizens.

**III. Definitions**

- A. Bodily Injury – Impairment of physical condition or substantial pain.
- B. Serious Bodily Injury – Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- C. Physical Force
  - 1. Deadly Force – Force that can cause death or serious bodily injury.
  - 2. Non-Deadly Force – Force that is not intended, nor reasonably likely to, result in death or serious bodily injury.

- D. Reasonable Belief – The existence of facts, or combination of facts, that the circumstances are such to cause a reasonable person to believe them to be true.
- E. Control – Force used by an officer to influence or overcome the unlawful or physical actions of a subject.
- F. Resistance – The subject’s attempt to evade an officer’s attempts to control.

#### **IV. Situational Resistance / Control Continuum**

- A. Officers are confronted daily with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances. Facts or circumstances unknown to the officer will not be considered in later determining whether force was justified. It is the policy of the department that officers use only that amount of force, including deadly force, which an officer reasonably believes to be necessary to apprehend and arrest or any force which officers reasonably believe to be necessary to defend themselves or another from death or bodily injury.
- B. The department expects an officer to employ only the force necessary to accomplish a lawful purpose. The officer may resort to a greater degree of force to overcome either increasing resistance or an increasingly dangerous threat to public safety; however, the level of response must be commensurate with the level of threat presented. The escalation in the use of force typically follows a pattern of increasing levels, as does the de-escalation of force as the threat diminishes. Officers are trained in the use of force continuum as a guideline in determining both the level of threat faced and the appropriate degree of force to be used in response to that threat. Nothing in this policy requires an officer to confine their progression only to the next level in the continuum, if confronted with an immediate or sudden greatly increased level of threat or risk.
- C. Levels of Resistance – Actions performed by an offender.
  - The levels of resistance model is listed in Attachment A. The model includes:
    - Psychological Intimidation – Nonverbal cues indicating the subject’s attitude, appearance, and physical readiness (e.g., blank stare, clenching of fist/s, tightening of jaw muscles, etc.). This subject may comply with verbal attempts at control, but displays visual nonverbal cues that indicated potential physical resistance.
    - Verbal Noncompliance – Any verbal response indicating the subject’s unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behavior.
    - Passive Resistance – Any type of resistance where the subject does not attempt to defeat the officer’s attempt to touch or control the person, but they still will not voluntarily comply with verbal and physical attempts at control.

- Defensive Resistance – Any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling / pushing away to defeat the escort position). This is not an attack on the officer, but rather a physical act designed to prevent the officer from gaining control.
- Active Aggression – This includes physical actions / assaults against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).
- Deadly Force Assault – This is any force used against an officer and / or another person that may result in serious bodily harm or the loss of human life. This does not require the use of a deadly weapon – this is any force which the officer believes could result in serious bodily injury or death.

D. Levels of Control – Actions performed by an officer.

- The levels of control model is listed in Attachment B. The model includes:
  - Officer Presence
  - Verbal Directions
  - Restraint & Control Techniques – Basic defensive tactics and techniques designed to gain compliance with minimal resistance.
  - Aerosol Subject Restraint (ASR) / OC – An officer may deploy ASR spray immediately if faced with a combative subject or if the soft control techniques fail and the situation continues to escalate.
  - TASER – The TASER may be deployed if faced with a combative subject or if the soft control techniques fail and the situation continues to escalate.
  - Hard Control Techniques – Defensive tactics designed to exert greater strength than the subject is expending utilizing department sanctioned tactics. Also includes impact weapons, chemical munitions, and K-9 (Canine).
  - Deadly Force

V. **Overcoming Resistance and Response to Active Aggression Requirements and Procedures**

A. General

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, “General Principles of Justification,” describes those circumstances in which the use of force is justified. These provisions, and the related case law, including Federal case law made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding

restrictions regarding the use of force by Springfield Township Police Department personnel, as it relates to criminal or enforceable civil matters.

2. Only the minimum amount of force reasonably required to affect an arrest or control a person shall be utilized by the members of the Springfield Township Police Department. The force used by an officer shall only be that which is required to overcome the resistance being offered by an offender. Clear and articulable facts shall be documented for the justification of the amount of force used to affect the arrest.
3. Police officers may resort to deadly force to affect the arrest of an offender only when the officer reasonably believes that the action is in the defense of human life, including the offender's own life, or in defense of any person in imminent danger of serious bodily injury. An officer will fire their weapon under these circumstances only as a matter of last resort, and where feasible, the officer shall identify themselves as a law enforcement officer and warn of their intent to use deadly force. (ex. "Police, don't move! You will be shot!").
4. This policy is consistent with Pennsylvania law and with the 1985 U.S. Supreme Court decision in *Tennessee v. Garner*.
5. Members of this department shall not unnecessarily or unreasonably endanger themselves or the public in applying this policy to actual situations.

B. Restrictions

1. Employees may only utilize weapons and ammunition which are authorized by the department in the performance of their responsibilities, to include weapons and ammunition carried both on and off duty.
2. Deadly force will not be used when less force would be sufficient to affect an arrest.
3. Deadly force should not be used when there is a substantial danger of injury to innocent bystanders.
4. Officers will not fire into buildings or through doors, windows, or other openings unless the person lawfully fired upon is clearly visible.
5. Officers will not discharge a firearm from or at a moving vehicle unless the officer reasonably believes that the occupant(s) of the vehicle are or are about to use deadly physical force against the officer or another person.
6. Officers will not fire warning shots.
7. The use of airway restraints, carotid artery restraints, or similar control techniques are prohibited, except in situations where it is a weapon of last resort.

C. Non-Deadly Physical Force

1. Police officers need not cease or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Officers are justified in using force which they reasonably believe is necessary to defend themselves or others from bodily harm while making an arrest.
2. Force should only be used as follows:
  - i. When an attempt is being made to affect an arrest and the suspect refuses to submit to the arrest and resisted the officer's efforts.
  - ii. When officers are defending themselves or other persons from an attacker.
  - iii. When "psychologically disturbed" persons are resisting efforts to be subdued.
  - iv. In any other situation where officers deem it necessary to protect themselves, other person, or prevent efforts to defeat an arrest.
3. Force shall not be used in a punitive manner and officers will discontinue its use when the offender stops resisting.

#### D. Deadly Force

1. A "peace officer" (law enforcement officer) shall only utilize deadly force when reasonable and justified to effect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions.
2. The Pennsylvania Crimes Code, Title 18, Chapter 5, Section 508, Subsection (a), relating to "The Use of Force in Law Enforcement," provides for the lawful and justified use of deadly force by a police officer only when they believe that:
  - i. The action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury, or when they reasonably believe both that:
    - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape, and;
    - b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that they will endanger human life or inflict serious bodily injury unless arrested without delay.
  - ii. Shoot to Stop
    - a. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in department policy.

- b. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass," or the largest body mass exposed.

E. Investigation Requirements

1. As soon as practical following a non-training or officer-involved deadly force incident, regardless of the location or on-duty / off-duty status, the officer shall notify, or cause to be notified, the Springfield Township Police Department Chief of Police of the occurrence.
2. A complete investigation will be conducted into any discharge of a firearm in the line of duty, except when firing to destroy a wounded or suspected rabid animal or on the police firing range, unless an injury results from such discharges. This includes both on and off-duty incidents.

F. Reporting Requirements / Overcoming Resistance and Response to Active Aggression Report

1. Officers shall report any need to overcome resistance or response to active aggression in accordance with the following:
  - a. An Overcoming Resistance and Response to Active Aggression Report shall be completed prior to the end of the reporting officer's shift whenever they:
    - i. Discharge a firearm for other than training or recreational purposes, except when the firearm is discharged for the destruction of an animal, which shall be documented in the RMS.
    - ii. Take an action that results in, or is alleged to have resulted in, injury to or the death of another person.
    - iii. Apply force through the use of lethal or less-than-lethal weapons.
    - iv. Use physical force, or is alleged to have used physical force, to another person.

G. Removal of Officer from Line Duty Assignment Pending Administrative Review

1. When death or serious injury has resulted from an officer's need to overcome resistance or response to active aggression, that officer will, as soon as practical, be released from field duty by the Chief of Police, or his designee, pending a full investigation into the incident by the department. The officer shall be provided a rest period prior to interview / documenting incident.
2. During the period of time an investigation into the incident is being conducted, the Chief of Police may, at his option, assign the officer involved to office-related duties. Such relief from duty shall not be considered a suspension or disciplinary action taken against the officer, but rather an administrative course of action relieving the officer from further

performance of field duties while undergoing the extreme emotional stress of having used deadly force and permitting the department time to conduct an objective investigation into the matter.

3. It shall be the policy of the department that when an officer discharges a firearm for their own defense, to defend a fellow officer or citizen, etc., while on-duty or off-duty, a psychological evaluation of the officer be conducted by a licensed psychologist of the department's choosing, within thirty (30) days, at Township expense. The same shall occur for any need to overcome resistance or response to active aggression that results in serious bodily injury.
  - i. Any follow-up treatment which the examiner deems necessary shall be provided at Township expense.
  - ii. The officer shall not be returned to full official duties until the examination and / or treatment is completed and a certification of fitness is provided to the Township.
  - iii. This action is not punitive and is separate and apart from department disciplinary procedures.
4. The period of time spent on administrative leave or office assignment, beyond what is listed above, will be determined by the Chief of Police.

## **VI. Mitigating Responsibilities**

### **A. Providing First Aid or Medical Assistance**

1. Whenever an injury occurs, is suspected, or is alleged, as a result of an officer's need to overcome resistance or response to active aggression, the officer shall immediately determine the physical condition of any injured person. If appropriate, the officer shall:
  - a. Ensure that the scene is safe.
  - b. Render first aid.
  - c. Summon any necessary emergency medical help.
  - d. Ensure the injured person is conveyed to an appropriate medical facility for treatment without unnecessary delay.

### **B. De-Escalation**

1. Employees shall use de-escalation strategies and other techniques or alternatives to force, consistent with their training, whenever possible and appropriate before resorting to force and to reduce the need for force, and / or the level of force.

2. The selection of de-escalation options should be guided by the totality of the circumstances with the goal of attaining voluntarily compliance.
3. Employees shall consider the following:
  - a. Communication – Using communication intended to gain voluntary compliance, such as verbal persuasions, advisements, and warnings.
  - b. Time – Attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution.
  - c. Distance – Maximizing tactical advantage by increasing distance to allow for greater reaction time.
  - d. Shielding – Utilizing cover and concealment for tactical advantage, such as placing barriers between an uncooperative person and officers, and / or using natural barriers in the immediate environment.

C. Duty to Intervene

1. Every employee has the duty to intervene when the intervening employee reasonably believes that the force, action, or inaction occurring is inconsistent with department policies, procedures, or their individual training; that criminal conduct is occurring; or when unconstitutional behavior is occurring.
2. The intervening employee shall then submit a written report to their supervisor, which documents the observed use of force, action, or inaction inconsistent with department policies procedures, or training that constituted criminal conduct, or resulted in Constitutional violations. This report shall be forwarded to the Chief of Police, through the chain of command.

**VI. Discharge of Firearms**

- A. An officer shall not discharge any firearm or other deadly weapon except:
1. In accordance with applicable law and department policy and procedures.
  2. When off-duty as permitted by law for purposes such as hunting, fishing or target shooting, etc.
  3. For firearms training and / or qualification.
  4. When destroying an animal as provided for in this policy.



5. To give alarm or to call assistance in a life-threatening situation when no other means can be used. Officers should always be aware of the risk of these shots to innocent persons and the legal consequences associated if that shot strikes an unintended target.
- B. A firearm or other deadly weapon may be used and discharged to kill an animal:
1. For self-defense;
  2. To prevent substantial harm to the officer or another;
  3. When the animal is so badly injured that humanity requires its relief from further suffering;  
or
  4. When the animal reasonably appears to be sick, especially with symptoms indicating the presence of rabies or other serious infectious diseases.

#### **VIII. Order Review**

- A. Each supervisor (Corporal, Sergeant, Lieutenant, and Chief of Police) shall ensure that their personnel review applicable law and the provisions of this policy by the end of the month of January and by the end of the month of July. This review shall be documented and retained within the department's records.
- B. All personnel who are authorized to carry lethal and less-lethal weapons shall be issued a copy of this policy and instructed in department overcoming resistance and response to active aggression policies before being authorized to carry a weapon.
- C. Annually, all agency personnel authorized to carry weapons must attend training on agency policies regarding overcoming resistance and response to active aggression, use of force, deadly force, de-escalation, and duty to intervene.
- D. This requirement can be met either by material contained in the Municipal Police Officers Education and Training Commission's annual In-Service Training courses or in programs offered by the department.

#### **XI. Attachments**

- A. Situational Resistance / Control Continuum - Levels of Resistance Model (Offender)
- B. Situational Resistance / Control Continuum - Levels of Control Model (Officer)

## ATTACHMENT A

### Springfield Township Police Department

#### Situational Resistance / Control Continuum

#### **LEVELS OF RESISTANCE - OFFENDER**



#### Psychological Intimidation

- Nonverbal cues indicating the subject's attitude, appearance, and physical readiness.

#### Verbal Noncompliance

- Any verbal response indicating the subject's unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behavior.

#### Passive Resistance

- Any type of resistance where the subject does not attempt to defeat the officer's attempt to touch or control the person, but they still will not voluntarily comply with verbal and physical attempts at control

#### Defensive Resistance

- Any action by a subject that attempts to prevent an officer from gaining control of the subject .

#### Active Aggression

- This includes physical actions / assaults against the officer or another person with less than deadly force

#### Deadly Force Assault

- This is any force used against an officer and / or another person that may result in serious bodily harm or the loss of human life.

**ATTACHMENT B**

**Springfield Township Police Department**

Situational Resistance / Control Continuum

**LEVELS OF CONTROL - OFFICER**



The situation force model requires selection and delivery of the force option that is reasonable and necessary to control a situation.

The use of force is not a 50/50 relationship. Officers should use a force option that gives the advantage in gaining control of a resisting subject.

Excessive Force = Control plus anything above and beyond that.

Officers must be aware and have the ability to escalate and de-escalate their response to active aggression based on the response of the subject and the circumstances.

**Officer Presence**

- In uniform and / or identifies themselves as a police officer.

**Verbal Commands**

- Verbal communications.
- Non-verbal communications such as drawing a baton or OC canister.

**Restraint & Control Techniques**

- Basic defensive tactics and techniques designed to gain compliance with minimal resistance.

**Aerosol Subject Restraint / OC**

- May be deployed immediately if faced with a combative subject or if soft control techniques fail and the situation continues to escalate.

**Taser**

- May be deployed if faced with a combative subject or if soft control techniques fail and the situation continues to escalate.

**Hard Control Techniques**

- Defensive tactics designed to exert greater strength that the subject is expending utilizing department-sanctioned tactics.
- Includes impact weapons, chemical munitions, & K9

**Deadly Force**

- Intentional baton strikes to red area.
- Firearm



