

Response to Resistance Decision Factors
Darrell L. Ross, Ph.D.

- **Graham v. Connor (1989) criteria and Objective Reasonable Force**
- **Kingsley v. Hendrickson (2015) criteria and Objective Reasonable Force (Detention Facilities)**
- **Call/Incident Circumstance**
 - Specific articulable facts
 - **Crime v Non-criminal activity**
 - Severity of crime
 - Context of incident (Totality of Circumstances)
- **Operating Environment**
- **Assess Subject Behaviors (Not Diagnosis)**
 - Non-Compliant and statements
 - Non-Violent physical resistance
 - Body dynamics & Language
 - Actively resisting seizure/arrest
 - Erratic--unpredictable behaviors
 - Actively avoiding capture
 - Active aggression
 - Threaten officer or others
 - Condition of subject
 - Diminished capacity (Mind/Body Disconnect)
 - Escalation/ De-escalation of behaviors/resistance
 - Actions/inactions guide response
- **Risk Threat Assessment**
 - **Subject creates the risk**
 - Contextual cues of subject (pre-attack indicators)
 - Subject variables
 - Subject statements or no statements—verbal threats
 - Distance and Positioning of subject
 - Number of subjects and threat risk posed
 - Minimal physical resistance risk
 - Actions presented a safety risk
 - Property damage
 - Immediacy of threat→direct threat
 - Serious risk of immediate danger
 - Threat to self, officer, and others
 - Danger posed by subject
 - Dangerousness/Risk of flight
 - Position of LEO or others
 - Others harmed/Potential for harm
 - Weapon or Access to weapon(s)
 - Dynamics of the threat
 - Exigent circumstances
 - Risk and Gravity of Threat

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- **Officer Perception**
 - Operating information (Nature of Circumstance & Incident Environment)
 - Expectation and Anticipation
 - On scene knowledge
 - Prior knowledge of subject
 - Facts known to officer @ time
 - Split-second decision making
 - Rapidly evolving tense situation
 - Limited time to assess situation
 - Limited time for cognitive process
 - Limited time to respond
 - Perceptual distortions
 - Emotions
 - Idiosyncratic prior experiences
 - Inferences drawn
 - Probable cause to believe
 - Could rightfully believe

- **Officer Response**
 - Objective of officer response
 - Recognize erratic behaviors
 - Requested back-up, EMS, & Supervisor
 - De-escalation techniques
 - Verbal instructions, warnings, or advisements
 - Time for subject to respond or recover
 - Force options, techniques, tactics & force justification
 - Capture, control and restrain quickly
 - Modulation of force
 - Greater degree of resistance or threat—> escalate force response
 - Cease force when threat controlled—subject complies, restrained, and not immediate threat
 - Motorola Memory ('Olinn) (Radio transmissions)
 - Assess observable subject injuries
 - Observe and monitor vitals of subject
 - Provide First-Aid, CPR, and access to medical care as warranted
 - EMS transport/Officer transport and duration
 - Compose and submit incident report