



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

**Policy 1-12**

**Policy Title:** Documenting Overcoming Resistance and / or Responses 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 for the documentation of overcoming resistance or responses to active aggression.

**II. Policy**

Every Springfield Township Police Department employee that overcomes resistance or responds to active aggression shall document their actions in an official report. The need to overcome resistance or respond to active aggression shall also be reviewed internally as set forth by department policy.

**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. Incident Report Contents**

- A. Incident reports generated from instances where officers had to overcome resistance or responded to active aggression shall include a narrative to include:
  - 1. A detailed account of the incident.
  - 2. The reason for police presence.
  - 3. A specific description of the acts leading to the response towards active aggression.
  - 4. The level of resistance encountered.
  - 5. A description of every type of response towards active aggression used.
  - 6. The subject’s actions and any remarks or comments leading up to the response to active aggression.
  - 7. Any de-escalation tactics used, such as:
    - a. Pre-contact threat assessment.
    - b. Verbal communication with the subject.
    - c. Building rapport with suspect.
    - d. Creating time and distance.
    - e. Attempts to defuse a tense situation.
    - f. Attempts to achieve a good outcome where neither the officer nor the subject is injured.
    - g. Behaving calmly and reasonably with unreasonable people.
  - 8. Other factors to potentially include in the report:
    - a. The number of suspects vs the officer
    - b. Size, age, and physical condition of the officer and the suspect

- c. Known or perceived physical ability of the suspect
  - d. The availability and proximity of weapons
  - e. Environmental factors (night, day, snow, ice, terrain, etc.)
  - f. Injury to the officer
  - g. Prolonged duration of the incident, exhaustion, etc.
  - h. Perception of the use of drugs or alcohol by the suspect
  - i. Perception of the suspect's mental or psychiatric history based on specific actions
  - j. Characteristics of being armed (bulges, adjustment of clothes, etc.)
  - k. Officer on the ground or other unfavorable position during a struggle
- B. Reports shall be written using clear and factual language. Officers shall not use jargon or draw personal opinions into their report.
- C. Officers preparing initial or supplement reports for incidents where they overcame resistance or a response to active aggression has occurred shall refer to the "Overcoming Resistance or Response to Active Aggression Report Writing Tips" form in Attachment A and the "Overcoming Resistance or Response to Active Aggression Report Checklist" form in Attachment B when completing their report/s. This document should be used as a guide to explain why a response to active aggression was necessary.

**V. Internal Reporting Requirements / Overcoming Resistance or Response to Active Aggression Report**

- A. Officers shall complete a department "Overcoming Resistance or Response to Active Aggression" report prior to the end of their shift whenever they:
1. 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 by a department incident report.
  2. Take an action that results in, or is alleged to have resulted in, injury to or the death of another person.
  3. Apply force through the use of lethal or less-lethal weapons.
  4. Use physical force, or is alleged to have used physical force, to another person.
  5. Are directed to by a supervisor

6. At any other time the officer feels is necessary.

B. Review Procedures

1. The “Overcoming Resistance or Response to Active Aggression” report shall be submitted to the platoon Sergeant, who shall review it and the incident report.
2. The Sergeant shall refer to the “Guidelines for Supervisors in Overcoming Resistance or Response to Active Aggression Incidents” form in Attachment C when completing their review. This document should be used as a guide to determine whether the officer’s actions complied with policy and training.
3. The Sergeant shall then forward the “Overcoming Resistance or Response to Active Aggression” report to the appropriate force instructor/s.
4. Upon review, the instructor/s shall then forward the report to the Lieutenant.
5. Upon review, the Lieutenant shall then forward the report to the Chief of Police.
6. Determination of Review
  - a. If it is found that the actions of the officer are compliant with the policies of this department, the officer shall receive a written response from the Office of the Chief of Police stating that their actions were in conformance with the rules, regulations, and policies of the department.
  - b. Actions found to indicate non-compliance with the policies of the department may be directed for follow-up consideration with one or more of the following actions, depending on the circumstances:
    - i. Remedial training
    - ii. Internal Review and / or investigation in accordance with department policies.
    - iii. Disciplinary action.
  - c. The “Overcoming Resistance or Response to Active Aggression” report form shall be filed and maintained by the office of the Chief of Police.

C. The “Overcoming Resistance or Response to Active Aggression” report is strictly an internal management document. As such, copies of the report shall not be attached to the regular department incident or supplement report and shall not be released in whole or in part to any person, organization, or entity outside of the Springfield Township Police Department without specific permission of the Chief of Police.

- D. The “Overcoming Resistance or Response to Active Aggression” report form is contained within this policy as Attachment D.

**VI. 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.

**VII. Attachments**

- A. Overcoming Resistance or Response to Active Aggression Report Writing Tips
- B. Overcoming Resistance or Response to Active Aggression Report Checklist
- C. Guidelines for Supervisors for Incidents Involving an Officer Overcoming Resistance or Responding to Active Aggression
- D. Overcoming Resistance or Response to Active Aggression Report

## **ATTACHMENT A**

### **Springfield Township Police Department OVERCOMING RESISTANCE OR RESPONSE TO ACTIVE AGGRESSION REPORT WRITING TIPS**

The overcoming resistance or response to active aggression report is the officer's official record explaining why the response was used. It is a report that allows the officer to articulate the reason the response was used; and it is the document wherein the officer should justify their response given the facts of the situation. This report may be read by police supervisors, defendants, lawyers, jurors, judges, and insurance officials. Criminal and civil legal decisions may be based upon the content, or lack of detail, contained within the officer's report. The report must be as detailed as possible so that it paints a picture of the incident and describes what occurred and why the officer acted as they did. Officers should try to "put the reader in their shoes" so that the events are understood by a person who was not at the scene.

Officers should take their time in writing this report and include everything that occurred leading to the need to overcome resistance or respond to active aggression. Do not allow the reader to make assumptions or draw their own conclusions due to a lack of details.

#### **Constitutional Standard**

The U.S. Supreme Court case, *Graham v. Conner*, established "Objective Reasonableness" as the standard for all force applications by police officers. Remember that the officer's need to overcome resistance or response to active aggression is judged:

- Upon the totality of circumstances;
- From the perspective of a reasonable officer on the scene;
- At the moment response to active aggression was used;
- Without 20/20 hindsight;
- In circumstances that are tense, uncertain, and rapidly evolving.

When justifying the need to overcome resistance or respond to active aggression, officers should do their best to articulate the following four "*Graham factors*" that are used by the Court to assist in determining reasonableness. These factors are not required or inclusive, but provide a good basis for justifying the force application.

- The severity of the crime.
- Whether the subject was an immediate threat to the officer or others.
- How the subject was actively resisting arrest.
- How was the subject attempting to evade arrest by flight.

#### **Other Factors**

In addition, officers must articulate other facts that, if present, assist in justifying the application of force as a result of overcoming resistance or responding to active aggression. The factors listed below are examples of such facts – this is not an all-inclusive list:

- The number of suspects vs the officer
- Size, age, and physical condition of the officer and the suspect
- Known or perceived physical ability of the suspect
- The availability and proximity of weapons
- Environmental factors (night, day, snow, ice, terrain, etc.)
- Injury to the officer