

17.1 RESISTANCE AND CONTROL LEVELS

Departmental Order #: 30-96

A. POLICY

1. Generally, there are four situations in which an officer is justified in using physical control methods and are as follows:
 - a. to stop potentially dangerous and unlawful behaviour
 - b. to protect the officer or another from injury or death
 - c. to protect subjects from injuring themselves
 - d. in the response of effecting lawful arrest when the subject offers resistance
2. Justification of the use of force in the judicial system is measured by two broad standards. The first reflects the officer's use of control methods as initiated by a subject's resistance. Second, the level of physical force used by the officer was deemed "necessary" and "not excessive" when considering the type of resistance offered by the subject.
3. All members will carry handcuffs and their keys while on duty.

B. LEVELS OF RESISTANCE

1. Although the resistance offered by a subject is usually physical, the type and amount of resistance an officer meets is determined by the subject's level of intent. The intent of the subject may range from passive resistance to an active, aggressive attack on the officer. Resistance may be categorized into three broad areas:
 - a. Psychological Intimidation and Verbal Non-Compliance, (i.e. denial of lawful orders or commands of arrest, verbal threats or threats of assaults.)
 - b. Physical Resistive Actions:
 - i. Passive Resistance

- ii. Defensive Resistance
 - c. Aggressive Acts:
 - i. Active Aggression
 - ii. Aggravated Active Aggression (i.e., actions against the officer often leading to severe physical injury)
- 2. The officer's actions to resistance will be based upon his/her perception of the level of resistance.
- 3. Psychological Intimidation may occur under the following circumstances:
 - a. Non-verbal actions, often called body language, often influence an officer's decision on how to physically approach a subject or what level of force to use if a subject starts to resist an arrest.
 - b. Non-verbal intimidation actions may include clenching of fists, widening of foot stance or a blank expression that may warn an officer of an individual's emotional state. These non-verbal intimidation actions often warn an officer of a subject's potential for violence, when the subject has offered no verbal threats.
 - c. An officer's reaction to a subject's non-verbal intimidation signals should be used as information to mentally propose the officer's alternatives to possible attack, not as a justification for attack.
 - d. An officer who reads the non-verbal signals and believes that physical control is necessary to prevent a subject from injuring himself, others or the officer, may initiate lower level action before any overt moves are made by the subject.
- 4. Verbal Non-Compliance may exist when:
 - a. An offender's dialogue that offers the threat of physical resistance to an officer's commands is not normally considered resistance until the subject physically resists an attack.
 - b. Dialogue in the form of threats of physical injury may influence an officer's opinion as to the

quantity of force to effect control. An offender may boast of his/her fighting skill and his/her intention to injure the officer, or assume a fighting stance such as raised hands or clenched fists.

- c. Verbal threats or psychological threats may influence the officer's judgement to attempt either empty hand control, impact weapons, chemical irritant or firearms or any combination thereof if the subject has a weapon or possesses great physical skill such that threat of life is real.
 - d. the reaction to verbal threats made by a subject will vary from officer to officer.
 - e. An officer's decision of the level of force necessary to control a subject will be based upon his/her perception of the threat and the subject's ability to carry out that threat. An additional factor is the officer's knowledge of his own physical ability to manage the threat presented.
 - f. If the officer believes that he/she does not have sufficient skill to establish control with empty hand methods he must select another force option.
5. Physical Resistive Actions are categorized into two forms:
- a. Passive Resistance which is the lowest level of physical resistance. The subject resists control through passive, physical actions. At this level, the offender never makes an attempt to defeat the physical contact of the officer. Level I resistance is usually in the form of a relaxed or "dead weight" posture intended to make the officer lift, pull or muscle the subject to establish control.
 - b. Defensive Resistance may be required if and when officers may find themselves confronting a subject who is physically resisting the officer's attempt to control the subject by directing overt, defensive, physical actions. With this level of resistance, the subject attempts to push or pull away in a manner that does not allow the officer to establish control. However, the subject never attempts to strike the officer or is physically unable to do so.
6. Aggressive Acts are divided into the following categories:
- a. Active Aggression occurs when a subject attacks the officer to defeat attempts of control. The attack is a physical assault on the officer in which the subject strikes or uses techniques in a manner that may result in injury to the officer or others.
 - b. Aggravated Active Aggression occurs when a subject uses any level of physical force that requires and justifies the officer's use of lethal force. At this level, officers will experience resistance in the form of overt, physical actions where the subject is assaulting the officer with a weapon and/or uses techniques or objects which could result in death or grievous bodily harm to the officer.

C. LEVELS OF CONTROL

1. Force that an officer uses to gain control over a subject's resistant action is divided into the following categories: (These categories may be used singularly or in combination at any time during an arrest.)
 - a. Officer Presence/Verbal Direction
 - b. Empty Hand Control
 - c. Intermediate Weapons
 - d. Lethal Force
2. Once an officer determines that she/he must use physical force, that level of force used shall be dependent upon the officer's perception of resistance and subsequent danger of that resistance and whether that resistance is placing the officer or another in jeopardy of serious injury or death.
3. Each officer's perception of the danger of the level of resistance will be based upon his/her past training, experience and knowledge of physical control techniques.
4. Officer Presence/Verbal Direction is often sufficient to gain control over a subject. The majority of situations can be resolved through effective communication skills or verbal direction. Often, the mere presence of an officer and proper verbal direction will be sufficient to persuade most individuals to follow an officer's direction.
5. In any verbal confrontation, fear and anger must be diffused before a subject will be able to understand the officer's commands; this will require effective communication skills and patience.
6. Empty Hand Control Physical Contact techniques cover a number of subject control methods. Some of these methods may be as subtle as gently guiding a subject's movements to more dynamic techniques such as strikes, kicks or neck restraints which may have a higher potential of injury to the subject. Empty Hand Control is divided into two categories:
 - a. Soft Empty Hand Control
 - b. Hard Empty Hand Control
7. Soft Empty Hand Control is designed to control primarily low levels of resistance, but can be used to control any level of resistance. Soft Empty Hand Control techniques have minimal or nonexistent possibility of injury. Generally, these

techniques are used to control resistive levels of behaviour (levels 2 & 3). However, Soft Empty Hand Control techniques can be utilized for any level of resistance. Refer to the Halifax Regional Police Service Empty Hand Control Techniques Training Curriculum.

8. Soft Empty Hand Control tactics consist of:
 - a. Arrest and Control Tactics
 - b. Joint Restraints
 - c. Escort Techniques
 - d. Handcuffs and Other Restraints
9. The purpose of handcuffs and flexcuffs is to restrain the movements of a subject in a manner that provides a safe means of transportation for the suspect. Restraints also reduce further physical resistance from a subject.
10. Hard Empty Hand Control is for high levels of resistance, defensive resistance, active aggression and aggravated active aggression. These techniques are applied when lower forms of control have failed or are not applicable because the subject's resistance level or number of adversaries was at a perceived dangerous level. Techniques utilized from this category of level of force have the probability of creating soft or connective tissue damage, skin lacerations or bone fractures or grievous bodily harm or death. Although the use of these techniques may create some minimal injury to the subject, an officer may be risking injury to him/herself or have to utilize higher levels of control (such as intermediate weapons) if Hard Empty Hand Control had not been used.
11. Hard Empty Hand Tactics consist of:
 - a. Vascular Neck Restraint (VNR) Level I, II and III - No officer shall use this technique unless she/he has received training. Officers will receive re-certification training annually.
 - b. Striking techniques - Preferably, the target points for these types of strikes will be delivered to major muscle mass such as the legs, arms, shoulders or side of the neck. If the targets are these, the strikes will create muscle cramping, thus inhibiting muscle action. However, it may be necessary for the officer to strike areas where the risk for potential injury is greater, such as the face or joints and bony structures.
12. Intermediate Weapon Control employs the use of HRPS approved tools that provide a method of controlling subjects when deadly force is not justified, but when empty hand control techniques are not sufficient in effecting an arrest.

13. Whenever an officer uses an intermediate weapon for control, it should be with the intent to temporarily disable the subject. When intermediate weapons are used, it is quite likely that some form of skin irritation, bruising, soft or connective tissue damage or bone fractures may occur. However, intermediate weapon control may be used in situations where the use of lethal force is justified and where subject behaviour deems it necessary.
14. Intermediate Weapons consist of the following:
 - a. Chemical Agents.
 - b. Impact Weapons.
15. Policies of carrying and the use of department approved chemical agents requires the officer to receive re-certification training bi-annually.
16. All incidents involving the use of a Sensory Irritant Aerosol weapon require a General Incident Report to be completed and a Nova Scotia Police Act Form #16 - "Sensory Irritant Aerosol Incident Report". Refer to HPD SOPP Chapter B-7, Section 18.0 "Sensory Irritant Aerosol Weapon."
17. As an impact weapon, the baton is a tool that can provide a means by which the officer can defend him/herself or another from injury and a means of controlling subjects when an officer is facing resistance in the form of Active Aggression.
18. No officer shall carry an impact weapon in which he/she has not received certified training.
19. The impact weapon should be carried on the person of the officer at all times. Exceptions will be dictated by working environment.
20. At no time shall an officer unnecessarily brandish or use the impact weapon as an intimidation device unless the officer is attempting to prevent further escalation of force.
21. All strikes with an impact weapon should be delivered in accordance with Halifax Regional Police Service training. Refer to HPD, SOPP Chapter A-6, Section 8.4, "Baton".

D. POLICE OFFICER

1. Members should handcuff all subjects taken into custody behind their back. This is to ensure the safety of the officer, the subject or other citizens. Exceptions are:
 - a. When the subject has an injury that does not allow his/her arms to move behind the back

- b. When the subject's age, physical condition or physical limitations may also indicate a change in this procedure
2. Members should double-lock handcuffs. The exception to this arises when the arrest environment is tactically unsafe for the officer to double lock the handcuffs.
3. If a subject complains that the handcuffs are too tight, it is the responsibility of the transporting officer to ensure that unnecessary tightness, which may prevent proper blood circulation, does not occur.
4. To ensure proper safety for officers, all subjects should be handcuffed before being searched.
5. Except under exceptional circumstances, officers should not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.
6. It is not uncommon for an officer to arrest a subject, place him/her in restraints and then have the subject start to resist. If an officer does encounter this type of resistance, the officer should utilize physical control techniques to prevent injuries to the officer or injuries to the subject. However, physical control techniques should be limited to those which would not be construed as excessive force.
7. All officers involved in situations where Significant physical force or weapons have been used will complete HRPS .039 , "Non-lethal Force Report."
8. In all incidents involving the use of a Sensory Irritant Aerosol weapon, submit a General Incident Report and complete a Nova Scotia Police Act Form #16, "Sensory Irritant Aerosol Incident Report". Refer to HPD SOPP Chapter B-7, Section 18.0 "Sensory Irritant Aerosol Weapon."
9. Submit a White Report, HRPS 1.0 to their immediate supervisor who will review and sign the form and then forward to the Deputy Chief of Community Services.
10. Members may attach copies of General Incident reports where appropriate to avoid duplication of written information.

E. SUPERVISOR

1. Review and sign White Reports submitted by subordinates for the use of significant physical force.
2. Forward signed White Reports to the Deputy Chief of Community Services.

F. TRAINING UNIT

1. It is the responsibility of the Training Unit to store and report all information included on HRPS #.039 and Form #16, Sensory Irritant Aerosol Incident Report, as required.