



Response to Resistance

Issue Date:	2/24/2020	Effective Date:	6/5/2020
Review Date:	6/4/2021	Number of Pages:	13
Rescinds:	G7.1.1 Response to Resistance Procedures, 2/24/20. G10-01 Response to Resistance, 09/23/2016. S19-02 Response to Resistance Reporting, 8/29/2020. F7.2.1-1 Response to Resistance Form, 11/2019.		
IACLEA Standards:	7.1.1; 7.1.2; 7.1.3; 7.1.4; 7.1.5; 7.1.6; 7.1.7; 7.1.8; 7.1.9		

I. Purpose

To provide definitions, guidance and to outline specific procedures for the reasonable use of lethal and less-lethal force in response to resistance.

II. General Order¹

The Indiana University Police Department (IUPD) respects the value of every human life and will adhere to the U.S. Supreme Court’s precedent regarding the use of force. Officers will use only the force that is reasonable and necessary, when responding to resistance, to effect lawful objectives in accordance with state law.

III. Use of Lethal Force²

The Indiana University Police Department respects the value of every human life, and the application of deadly force is a measure to be employed in only the most extreme circumstances. Officers may use deadly force only under a reasonable belief that the action is in defense of human life or in defense of any person in imminent danger or facing a significant threat of serious bodily injury and in accordance with Indiana law. Indiana Code (35-41-3-3) requires officers, to give a warning, if feasible, to the person against whom the deadly force is to be used.

IUPD requires de-escalation techniques to be utilized, when feasible, prior to any use of force. Officers should exhaust all other reasonable means before resorting to deadly force.

IV. Use of Lethal Force Definitions

- A. **Reasonable Belief** – defined as a belief that would be considered reasonable from the perspective of any sworn officer in that situation.
- B. **Imminent Danger** – defined as a risk or threat that puts any person at immediate serious risk of death or serious bodily injury.
- C. **Significant Threat** – defined as a threat or action that is likely to result in death or serious bodily injury.

¹ IACLEA 7.1.1 – Use only Necessary Force

² IACLEA 7.1.2 – Use of Deadly Force



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- D. **Serious Bodily Injury** – defined by Indiana Code as serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

V. Use of Lethal Force Considerations

This directive is not intended to limit an officer’s consideration of the use of deadly force to the matters discussed herein; rather, it is intended to highlight only a few of the many factors. All officers are expected to remain current in statutory and case law developments affecting response to resistance issues.

- A. The United States Supreme Court set the standard for the use of deadly force against fleeing felons.
1. It **is not constitutionally reasonable** to use lethal force to prevent escape of an unarmed fleeing felon who poses no danger to others.
 2. It **is constitutionally reasonable** to prevent the escape of a fleeing felon by using lethal force if:
 - a. The suspect poses a threat of serious bodily injury to the officer or others.
 - b. The suspect threatens the officer with a weapon or there is probable cause to believe that they have committed a crime involving the infliction of serious bodily harm, and there is substantial risk that the suspect will cause death or serious bodily harm if apprehension is delayed.
- B. Officers will use lethal force to stop an assailant and prevent completion of a potentially deadly act as noted in this directive, and for **minimal danger to bystanders**.
- C. **Warning Shots** – For the safety of the public, officers are prohibited from firing warning shots³.
- D. **Shooting from or at Moving Vehicles** – Officers are restricted from firing their weapons from or at moving vehicles. The use of lethal force in these situations is prohibited unless, a suspect poses an imminent threat of serious bodily harm to the officer or another person. Officers will not place themselves in front of a moving vehicle to justify the use of lethal force. The officer’s first option

³ IACLEA 7.1.3 – Warning Shots Prohibited



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should be to move safely out of the path of the moving vehicle. Officers must weigh the need to use lethal force in these situations against the potential harm to bystanders that may result from the use of force.

- E. **Restriction of Airway or Breathing** – Techniques which restrict a subject’s airway or interfere with their ability to breathe are considered **deadly force** and may only be implemented in situations where deadly force is reasonable and necessary. Routine chokeholds and strangleholds are prohibited.
- F. **Positional Asphyxiation** – Officers will be trained on and aware of the risks of positional asphyxiation and will not leave a subject in a position that creates a substantial risk of positional asphyxiation longer than is necessary to effect a lawful arrest. As soon as a suspect is handcuffed, they will be maneuvered onto their back or into the sitting position.

VI. Use of Less-Lethal Force

Less-lethal force is appropriate when lethal force is not justified. Officers will use an objectively reasonable level of force intended to **de-escalate an incident** and/or bring it under control in a safe manner.

- A. Officers are authorized to use department approved less-lethal force techniques and issued equipment for resolution of incidents as follows:
 1. To protect themselves or another from bodily harm.
 2. To prevent the escape of a suspected criminal violator.
 3. To restrain or control a resistant individual.
 4. To bring an unlawful situation safely and effectively under control.
- B. Officers may use department issued Conducted Electrical Weapons as allowed by written directive G7.2.1 Conducted Electrical Weapons.

VII. Types of Resistance

Resistance is an action by a subject towards an officer and is characterized into four broad areas:



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- A. **Verbal resistance** – defined as refusal to obey lawful orders or commands, verbal threats, or assaults.
- B. **Passive resistive actions** – defined as physical actions that are meant to counter an officer's attempt to control the subject or prevent escape, but actions that do not harm the officer or others.
- C. **Active resistor** a person who does not follow verbal commands, resists attempts by the officer to take positive physical control over them and does not try to inflict harm on the officer.
- D. **Physically assaultive actions** – defined as physical actions, with or without a weapon, capable of causing physical injury, incapacitation or death of the officer or others.

VIII. Response to Resistance Considerations

In most situations, some amount of force may be necessary to affect an arrest on an individual or to protect persons. The amount of force may be as low as verbal commands or light touching of an arrestee, to the use of balancing techniques, joint locking techniques, striking techniques, the use of intermediate weapons or even the use of a firearm. In all cases officers are authorized to use only the force that is reasonable and necessary to overcome the resistance encountered.

The U.S. Supreme Court set precedent, an officer's use of force is considered constitutional if it would be considered "reasonable," considering the facts and circumstances of the case, "from the perspective of a reasonable officer on the scene."

The response chosen by the officer is not intended to be in any specific order but must be proportionate to the resistance encountered. Officers will consider the following factors when determining what level of force is necessary and reasonable:

- A. Totality of the Circumstances
 - 1. The severity of the crime being committed
 - 2. Whether the suspect poses an immediate threat of the safety to the officers or others



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3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight

4. Duration of encounter

B. Officer-Subject Factors

1. Age

2. Sex

3. Size

4. Skill level

5. Multiple subjects/officers

6. Physical capabilities of the subject(s) and officer(s)

7. Training and experience of the officer(s).

C. Special Circumstances

1. Closeness of a weapon

2. Injury to the officer or exhaustion of the officer

3. The officer being on the ground

4. Distance from the subject

5. Special knowledge of the subject

6. Availability of other options

IX. Proper Use of Restraints

A. The department authorizes the use of handcuffs, flex cuffs, and nylon web leg restraints for restraining people taken into custody.

1. If locking handcuffs are used, when it is safe to do so the officer applying the handcuffs will check the handcuffs for fit making sure they are not too tight and double lock the handcuffs.



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2. Officers will document in the case report that they checked the handcuffs for fit and doubled locked the handcuffs.
 3. If flex cuffs are used, they must be removed with clippers designed for their removal.
- B. Officers may have discretion to use restraint devices on people with obvious disabilities or stated disabilities.
- C. Several in-custody deaths have been linked to the “hog-tie” restraint procedures, **this is prohibited.**

X. De-Escalation of Force

- A. When a resistant individual has been brought under control and properly restrained, the level of force will de-escalate to match the resistance that is being encountered.

XI. Medical Attention

After the use of force situation has been brought under control, officers will survey all people involved in the encounter for injuries. Officers have a duty to render first aid to injured subjects, when it is safe to do so, commensurate with training they have received regarding the rendering of first aid, to include Cardiopulmonary Resuscitation (CPR) if necessary.

- A. Emergency medical services (EMS) will be summoned for injured subjects who require medical care beyond the officer’s capabilities and training as soon as the situation is under control⁴.
- B. Officers will render medical aid and summon EMS for any subject who:
1. Has suffered serious bodily injury.
 2. Is having difficulty breathing,
 3. The officer suspects the subject is suffering from excited delirium.
 4. Has a visible injury.

⁴ IACLEA 7.1.4 – Medical Aid after Use of Force



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5. Has been affected by a chemical agent.
 6. Has been struck with a baton.
 7. Has been subjected to a CEW.
- C. Officers will offer to summon EMS for any subject who complains of pain but is not visibly injured. The subject may refuse EMS response.
- D. Officers will document any medical care given, the offer for medical aid and/or EMS response and the subjects response in their case report.

XII. Officer Intervention to Unreasonable Force

- A. Officers shall intervene and stop unreasonable and/or excessive force used by other officers and report these incidents immediately to a supervisor for investigation.
- B. Officers who observe any use of unreasonable and/or excessive force shall document the incident in a written report to their direct supervisor, who shall forward it to their Division Chief.

XIII. Response to Resistance Reporting Requirements⁵

- A. A Response to Resistance Investigatory Record, located on the IUPD SharePoint site, will be completed, prior to the end of the shift in which the incident occurred, whenever an officer, on or off duty, acting under authority given by employment as an IUPD officer:
 1. Responds to any level of resistance as defined in part VII of this order.
 2. Draws a firearm for any reason other than training, cleaning, maintenance, inspection, or recreation.
 3. Officers who draw their weapon for any reason other than the reasons mentioned, but do not point the weapon at any member of the public will complete a Response to Resistance form and indicate “Weapon Draw Only.”

⁵ IACLEA 7.1.5 – Reporting Use of Force Incidents



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- 4. Uses force against or destroys an animal.
- B. The form will be filled in completely with all the information the officers have from the incident and record all tactics and techniques employed and their effectiveness.
- C. If an officer is injured during an incident and cannot complete the form a supervisor can obtain the necessary information and complete the form for the officer.
- D. The case report narrative will include a detailed description of the use of force and describe all actions taken. Each officer involved in the use of force will complete a case report supplement describing their involvement in and actions during the incident.

XIV. Administrative Review of Incidents⁶

- A. The response to resistance forms will be assigned a workflow and will be reviewed for policy compliance through a standard review process as outlined in XIV.C through E or in an administrative review process as outlined in XIV.F through G (this section.)
- B. Any incident, regardless of injury, reported by a Chief, Deputy Chief, Superintendent or Deputy Superintendent, or incident involving serious bodily injury will be immediately elevated to the administrative review process.
- C. Incidents in the standard review process will be reviewed by a supervisor one rank above the reporting officer and an additional supervisor two ranks above the reporting officer.
- D. Each supervisor on duty will check their action list in SharePoint during their assigned shift and review all response to resistance forms that are pending in SharePoint.
- E. During the review of the Response to Resistance form, the supervisor will read the case report to ensure the incident is documented properly. The reviewing supervisor will determine if the use of force was appropriate, within policy, and matches what the case report states.

⁶ IACLEA 7.1.6 – Administrative Review of Use of Force



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1. If the data on the Response to Resistance form does not match the Case Report narrative, the supervisor will select “Request Correction” and provide details regarding the necessary corrections in the Comment section.
 2. If the response to resistance is appropriate and within policy, the supervisor will select “Meets Policy” and add comments as needed in the Comment section. When two supervisors indicate the incident meets policy the review will move to the chief review step.
 3. If the response to resistance appears to be unjustified, the supervisor will indicate “Request Further Review” along with an explanation in the Comments section of the Response to Resistance Investigatory Record, which will escalate the review to the administrative review process.
- F. Administrative reviews will be conducted by at least two members of the administrative review group, who are assigned by the Superintendent of Public Safety.
- G. Each member of the administrative review team will independently review the Response to Resistance Record, read the case report and determine if the use of force was appropriate, within policy, and matches what the case report states.
1. If the data on the Response to Resistance form does not match the Case Report narrative the supervisor will select “Request Correction” and provide details regarding the necessary corrections in the Comment section.
 2. If the response to resistance is appropriate and within policy the supervisor will select “Meets Policy” and add comments as needed in the Comment section. When two administrative reviewers indicate the incident meets policy the review will move to the chief review step.
 3. If the response to resistance appears to be unjustified, the supervisor will indicate “Request Further Review” along with an explanation in the Comments section of the Response to Resistance Investigatory Record, which will escalate the review to an internal affairs investigation.
- H. Upon completion of prior review steps in the process the Chief will be notified that supervisors have reviewed the case and may request a correction, request an



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administrative review, or indicate the incident meets policy. If the Chief indicates the incident meets policy the officer will be notified of this outcome by email.

- I. Response to Resistance Investigatory Records and the associated data will be used to perform an annual review of IUPD’s use of force statistics and trends conducted by members of a review panel to be determined by the Chief or their designee. The review panel will submit a final report to the Chief or their designee.

XV. Removal from Duty⁷

This directive will not interfere with any departmentally sponsored employee assistance programs.

Any officer whose actions results in serious bodily injury or death to another individual will be reassigned from regular duties to an assignment that is unlikely to result in additional response to resistance incidents until a documented administrative review, as defined in section XIII is completed.

Serious Bodily Injury – is defined by Indiana Code as serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

XVI. Use of Force against Animals

Officers may be faced with circumstances which require them to use force against an animal. These situations are animal attacks and injured animals.

- A. When responding to an animal attack officers are authorized to use only force that is reasonable and necessary to prevent injury or death of the officer or another individual.
- B. When responding to an injured animal, animal control services should be used to dispose of wild or injured animals when possible. If this is not possible or humane, or the injured animal poses an immediate risk an officer may destroy the animal using a department authorized firearm.⁸

⁷ IACLEA 7.1.7 – Removal from Duty

⁸ IACLEA 7.1.8 – Destruction of Animals



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1. Officers will take necessary action to ensure public safety when using a firearm to destroy an animal.
 2. Officers will notify the communication center via radio that they are about to use a firearm before using a firearm to destroy an animal.
- C. Officers who use force against an animal will complete a Response to Resistance Investigatory Record as described in G7.5 Response to Resistance Reporting and Review.

XVII. Training Reviews and Annual General Order Review

All Response to Resistance Investigatory Records will also be reviewed by the training staff to ensure any training issues can be identified and corrected.

The Director of Public Safety Training and Education will ensure annual training covering the Response to Resistance General Order is given to all personnel authorized to use force.⁹

XVIII. Related Information

State of Indiana, Indiana Code

IC 35-41-3-3 Use of Force Relating to Arrest or Escape

IC 35-31.5-2-292 Serious Bodily Injury

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G7.2.1 Conducted Electrical Weapons

IUPD SharePoint Response to Resistance Investigatory Review

⁹ IACLEA 7.1.9 – Annual Use of Force Training



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XIX. IACLEA Standards

(The following are IACLEA standards. IUPD's policy meets or exceeds the following national standards. This section is for reference only. Additional information:

https://www.iaaclea.org/assets/uploads/pdfs/IACLEA_Accreditation_Standards_Manual_Sept_2019.pdf.)

1. **7.1.1 Use Only Necessary Force.** The agency has a written directive that stipulates officers shall only use the reasonable force necessary to effect lawful objectives in accordance with state law.
2. **7.1.2 Use of Deadly Force.** If the agency authorizes the use of lethal weapons, it has a written directive that officers may use deadly force only under a reasonable belief that the action is in defense of human life or in defense of any person in imminent danger or facing a significant threat of serious physical injury and in accordance with state law.
3. **7.1.3 Warning Shots Prohibited.** A written directive prohibits the discharge of warning shots.
4. **7.1.4 Medical Aid after Use of Force.** The agency has procedures mandating that appropriate medical attention is provided after a use of force incident at a level defined by the agency.
5. **7.1.5 Reporting Use of Force Incidents.** A written directive requires that a use of force report be completed whenever an officer on or off duty and acting under color of employment with the agency:
 - a. Discharges a firearm (other than in training, recreation or in an authorized instance to euthanize an animal.)
 - b. Applies force using lethal or less-lethal weapons; or
 - c. Applies weaponless force at a level defined by the department.
6. **7.1.6 Administrative Review of Use of Force.** A written directive requires that a documented review of each reported use of force incident be conducted by a defined level of authority.
7. **7.1.7 Removal from Duty.** A written directive requires that any officer whose use of force results in serious physical harm, as defined by the agency, or death to another be reassigned from regular duties pending a documented administrative review of the matter.



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General Order G7.1.1

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8. **7.1.8 Destruction of Animals (E).** A written directive describes those times, if any, that agency weapons may be used in the destruction of animals.
9. **7.1.9 Annual Use of Force Training.** The agency provides annual in-service training on its use of force policy.

Benjamin Hunter (06/05/2020)
Superintendent of Public Safety