The Dynamic Resistance-Response Model

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The DRM determines the officer’s response and delineates suspects into one of four categories: not resistance (compliant), non-threatening resistance, threatening resistance, and deadly resistance.

Not Resistant
Suspects who do not resist but follow all commands are compliant. Only a law enforcement officer’s presence and verbal commands are required when dealing with these individuals; no coercive physical contact is necessary.

Non-Threatening Resistance
A suspect fails to follow commands and his actions are neutral or defensive, and the officer does not feel threatened by his actions. Non-Threatening Resistance occurs when the subject isn't following your commands but is not doing anything that causes you to feel physically threatened. The courts have repeatedly ruled that it is the officer's perception of the threat that is important. So if the officer does not feel physically threatened, he/she is not allowed to use TASER, pepper spray, baton, etc. But the officer IS allowed under this second category to use pressure points, control holds, and take-downs.

Threatening Resistance
A suspect takes offensive action and to defend himself, the officer must respond with appropriate force to stop, eliminate, or control the threat. The officer feels threatened by the suspect’s actions. Justified responses include the use of personal weapons (hands, fists, feet), batons, pepper spray, and a stun gun. If the officer does believe the subject's behavior is physically threatening to the officer or another person (Threatening Resistance), then the officer is justified in using personal weapons, TASER, baton, etc. As mentioned in Graham v. Connor, it's all based on the officer's perception of the threat. The officer needs to carefully document those perceptions in the subsequent use-of-force report. Officers are trained to recognize pre-incident indicators that based on his/her training and experience, officers may perceive a very real threat but the suspect has not yet “attacked.” For example, the subject may assume a fighting stance, clearly indicating his intention to fight. This would be classified as threatening resistance even though an actual attack has not yet been launched. Another example could be verbal, "I'm going to kick your a**, trooper!” It is reasonable for the officer to feel threatened under these circumstances and, therefore, could employ those tools from the Threatening Resistance category (i.e., TASER, personal weapons, pepper spray, etc.).
**Deadly Resistant**
A deadly resistant suspect will seriously injure or kill the officer or another person if immediate action is not taken to stop the threat. The officer is justified in using force, including deadly force, reasonably necessary to overcome the offender and effect custody.

For each of the four suspect categories, officers have all of the tools in the preceding categories available. In each instance, officers constantly should give commands to the suspect when doing so does not jeopardize safety. Further, the DRM is flexible. Departments can apply the four categories of suspects to their current use-of force continuum and insert the tools available to officers in that particular agency.
APPLICATION

In the DRM diagram, no resistance (compliance) is in the center of the triangle, emphasizing compliance or control as the goal of every encounter. If a suspect’s resistance level places him on one of the three corners of the triangle, the officer’s response (appropriate use of force) is intended to move the suspect’s behavior to the center of the triangle and compliance. If force is used by the officer in response to the suspect’s resistance level, the sole purpose of the application of force is to gain compliance.

CONCLUSION

Law enforcement officers are tasked with a difficult responsibility and must make life-or-death decisions at a moment’s notice. The intense public scrutiny resulting from alleged misuse of force sometimes results in unnecessary restrictions placed on the use of viable, effective tools in restraining combative suspects.

Departments would better serve their officers and citizens by establishing a single use-of-force policy directly related to suspects’ behavior and easier to comprehend and apply. Law enforcement agencies will significantly benefit from instituting a legally defensible use-of-force model that protects the rights of the public without decreasing the safety of officers. Agencies that adopt the dynamic resistance response model can gain several advantages. First, the structure of the model brings every confrontation to a compliant resolution. The DRM is based upon the obvious presumption that law enforcement officers seek no resistance (compliance) in all cases. Traditional use-of-force models guide officers into a pattern of escalation of force. Second, a resistor’s behavior is placed in one of four easily recognized categories, providing more guidance to officers in the selection of the appropriate use of force. Third, the DRM accurately focuses the initial use-of-force analysis on the resistor and better reflects the actual events that cause a police-citizen confrontation. Most other use-of-force models first direct attention to the acts of the officer and then belatedly explore what initiated the action. Finally, the DRM simplifies training on use-of-force options as officers can explain any encounter in a resistance—response or action—reaction equation. With appropriate training, officers have a clearer understanding of their force options, enhancing their safety and the effectiveness of the department.

Endnotes

This response was developed in cooperation with staff for the Texas Department of Public Safety – Education, Training and Research section, for use in application and understanding current best practices for use of force encounters utilizing state law and applicable court decisions.

(Revised 8-17-2012)