
 <p style="text-align: center;"><b>ADMINISTRATIVE RULE</b></p> <p style="text-align: center;"><b>STATE OF ARKANSAS</b></p> <p style="text-align: center;"><b>BOARD OF CORRECTIONS</b></p> <p><b>SUBJECT: USE OF FORCE</b></p>	<b>Section Number:</b> <b>AR 4.9</b>	<b>Page Number:</b> <b>1</b>
	<b>Board Approval Date:</b> <b>9/22/2017</b>	
	<b>Supersedes:</b> <b>AR 4.9</b> <b>AR 4.3</b>	<b>Dated:</b> <b>4/27/95</b> <b>9/15/02</b>
	<b>Reference:</b> Sec. of State 159	<b>Effective Date:</b> <b>12/15/2017</b>

- I. **AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this administrative rule by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205.
- II. **APPLICABILITY.** This rule applies to Arkansas Community Correction (ACC) employees.
- III. **POLICY.** Based on the facts and circumstances perceived at the time, an employee may use the amount of force reasonable to effectively bring a situation under control and protect the lives of the employee and others.
- IV. **GUIDANCE.**
  - A. **Application of Force in General.** Based on the facts and circumstances perceived at the time, an employee may use the amount of force reasonable to effectively bring a situation under control and protect the lives of the employee and others. In no event is physical force justifiable as punishment. A goal in every encounter is to minimize injury to everyone involved. However, nothing in this policy requires an employee to actually sustain injury before applying reasonable force.
  - B. **Resistance Control Continuum.** The resistance control continuum, which is taught in use of force classes, is to be used as a guide along with judgment, discretion and the concept of “ability, opportunity and jeopardy.”
  - C. **Ability, Opportunity and Jeopardy.** Ability, Opportunity and Jeopardy are factors to be considered when determining the amount of force necessary.
    1. **Ability.** This refers to the perceived ability of the aggressor to do harm.
    2. **Opportunity.** This is the distance relationship between the aggressor and the defender. For opportunity to be present, the defender must be within usable range of the aggressor’s ability. Opportunity expands as the aggressor’s ability increases. The presence of weapons may extend the opportunity range.

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3. Jeopardy. This is the defender's perception of the aggressor's intent. When the defender reasonably believes that the aggressor, by word or action, intends to use his ability, the defender is in jeopardy.

**D. Physical Force.** Physical force is any bodily impact, restraint, or physical confinement, or the threat thereof.

**E. Non-deadly Physical Force.** Non-deadly physical force is physical force that, under the circumstances in which it is used, is not intended and not reasonably likely to cause death or serious physical injury.

**F. Deadly Physical Force.** Deadly physical force is physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

**G. Weapons and Security Equipment.** ACC must prepare appropriate staff to function effectively across the force continuum by providing training and an assortment of security equipment and firearms authorized by the Director.

**H. Additional Guidance.** The agency must provide appropriate details in an administrative directive to include documentation and review of use of force incidents.