

What Crimes Is A Police Officer Engaging In That Physically Hits You?

“I asked Google AI: What crimes is a police officer engaging in that physically hits you?”

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A police officer who physically hits you, particularly without justification or using excessive force, may be engaging in several types of criminal activity, both under state and potentially federal law. Potential crimes

Assault and/or Battery: These are the most direct charges related to physically harming someone. The specifics of how they are defined can vary by state, but generally:

Assault may involve an intentional act that causes another person to fear an attack or imminent physical harm, or the attempt or threat to cause bodily harm, according to Nolo.

Battery involves the actual physical contact or inflicting of injury or offensive touching.

Depending on the severity of the injury or the use of a weapon, an assault or battery could be classified as aggravated, which carries more serious penalties.

Excessive Force: Police officers are permitted to use a reasonable amount of force to gain control of a situation or make an arrest, but exceeding that reasonable amount is considered excessive force. This can lead to criminal charges like assault, battery, manslaughter, or even murder. Whether force is excessive is evaluated based on what a reasonable officer on the scene would do under the same circumstances.

Violating Civil Rights: Under 18 U.S.C. § 242, it's a federal crime for someone acting under color of law (like a police officer) to willfully deprive a person of their constitutional rights, including the right to be free from excessive force.

Important considerations

Reasonable Force: The law recognizes that officers may need to use force to perform their duties. The key is whether the force used was objectively reasonable given the circumstances and perceived threat, says the Department of Justice.

Context Matters: The specific situation in which the hitting occurred will be critical in determining if a crime has been committed. Factors like whether the person was resisting arrest, posed a threat to the officer or others, or if the officer had a reasonable belief of a threat will be considered.

Evidence: Documenting the incident, seeking medical attention for injuries, and gathering witness accounts are crucial if you believe you've been subjected to excessive force, according to Gammill Law.

If you believe you've been a victim of police misconduct involving physical harm, it's important to report the incident and consider seeking legal advice from a qualified attorney.

Assault, Battery & Excessive Force by the Police

<https://www.dpp-law.com/services/actions-against-police/assault-by-the-police/>