



DETROIT POLICE DEPARTMENT MANUAL

Series 300 Support Services	Effective Date 04/01/03	Review Date 12/31/03	Directive Number 304.2
Chapter 304 - Training			<input checked="" type="checkbox"/> New Directive <input type="checkbox"/> Replaces
Reviewing Office Assistant Chief Administrative Portfolio			
References CALEA 1.2.2; 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7;			
Chief of Police Jerry A. Oliver, Sr.			

USE OF FORCE

304.2 - 1 **PURPOSE**

The purpose of this directive is to establish policy and procedures regarding the appropriate and acceptable use of force, to provide a high degree of officer safety, and to provide a protocol for reporting of all uses of force by department members and the treatment of any injury or complaint of injury arising from the use of force by a department member or citizen. Police officer's possess the legal authority to use appropriate levels of force necessary to lawfully control and/or arrest citizens. Force used to gain control of a situation will be used with restraint and in proportion to the resistance offered. Sound judgment and the appropriate exercise of discretion will always be the foundation of officer decision-making in the broad range of possible use of force situations.

304.2 - 2 **POLICY**

This department recognizes and respects the value of all human life. It is the policy of the Detroit Police Department that officers use only that force which reasonably appears to be necessary to effectively bring an incident under control. It must be unmistakably clear to every officer that the improper use of authority and excessive or unjustified use of force undermines the legitimacy of the officer's law enforcement authority and hinders the department's ability to effectively provide service for the community.

The decision to utilize force when conducting official responsibilities is among the most critical decisions made by officers. It is a decision that must be made quickly, and under difficult, often unpredictable, rapidly changing and unique circumstances. This is not a subjective determination. The use of force must be objectively reasonable. The officer shall only use that force which a reasonably prudent officer would use under the same or similar circumstances.

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Additionally, any department member or persons injured while in custody of this department shall receive adequate medical attention. It is the policy of the Detroit Police Department that all use of force by officers shall be reported in a timely, complete and accurate manner. All officers using force, as defined below, shall:

- (1) Document the use of force in a preliminary complaint report;
- (2) Complete a Use of Force Report Form.

304.2 - 3 Definitions

304.2 - 3.1 Category 1 Use of Force – Investigated by FIU

Uses of force that include but are not limited to:

1. Death resulting from discharge from a member's firearm. Any death following an altercation with a member of this department;
2. All discharge of firearms (except at the firearms range and at animals);
3. Any use of force resulting in broken bones, loss of consciousness, injury requiring hospitalization or a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ, and head strikes with an impact weapon.

304.2 - 3.2 Category 2 Use of Force – Investigated by parent command (unless investigation is assumed by FIU)

Uses of force that include but are not limited to:

1. Physical controls (e.g. strikes, kicks, takedowns);
2. Compliance techniques (e.g. joint locks, pressure points);
3. Intermediate controls – Use of intermediate weapons that do not meet criteria of or cause injury as indicated in Category 1;
4. Discharge of firearm at animals (barring unusual circumstances);
5. Unintentional discharge of firearm that does not take effect;
6. Department canine bites;
7. Injuries or complaint of injury not resulting in hospitalization.

304.2 - 3.3 Control

When the subject's unlawful action(s) are neutralized and no longer pose a threat to the officer, the subject or others.

304.2 - 3.4 Control Methods

Verbal or physical techniques an officer uses to neutralize the actions of a subject, or to protect the subject from self-injury or injury to others.

304.2 - 3.5 Deadly / Lethal Force

Any force used by an officer that has a reasonable probability of causing death or serious bodily injury.

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304.2 - 3.6 Imminent Threat

An imminent threat is the perception of danger from any action or outcome that may occur during an encounter, absent any such action by a law enforcement officer. The period of time that is involved is dependent upon the totality of the circumstances and the facts evident at the time the imminent threat is perceived by the officer in each situation.

304.2 - 3.7 Injury

Harm or damage done or sustained to the body.

304.2 - 3.8 Last Resort

Drastic measures undertaken by an officer to protect human life. These situations will also be judged by the "objectively reasonable" use of force standards.

304.2 - 3.9 Less than lethal force

Any force used by an officer that will not reasonably be expected to cause death.

304.2 - 3.10 Objectively Reasonable

Guidance on objectively reasonable force comes from current case law. The reasonableness of the use of force will be judged by looking at the moment that force was used. An officer's actions will be judged in light of what a reasonable officer on the scene would have done given the same or similar set of circumstances (Graham v. Conner, (1989)). Individual officers may respond differently to a subject's resistance or actions. Ultimately, officers are not required to choose the least (minimal) intrusive control method, only a reasonable one that is in direct proportion to the actions or resistance of the subject.

304.2 - 3.11 Officer's Response

Lawful action taken by an officer to gain control of a subject whose actions create a dangerous situation for the officer, or others, or when the subject is attempting to defeat the officer's attempt(s) to gain control.

304.2 - 3.12 Probable Cause

Where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a person of reasonable caution or prudence in the belief that the person to be arrested has committed, is committing, or is about to commit a crime.

It must be emphasized, however, that probable cause must be based upon concrete facts. Mere suspicion, rumor, or anonymous information without supporting facts will not suffice to establish probable cause.

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304.2 - 3.13 Reaction Time

The officer must consider that action is faster than reaction. Thus, the officer must pay attention to the totality of the circumstances (variables) when preparing a course of action

304.2 - 3.14 Reactionary Gap

The reactionary gap is a safety zone between the officer and the subject that affords the officer more time to react to aggression.

- The average distance is approximately 6 feet
- Varies with the type of weapon (if any) the subject may possess

304.2 - 3.15 Reactionary Options

The officer generally has two reactionary options when involved in a use of force encounter with a subject. Those options are:

Penetrate - decrease the distance between the officer and the subject for a control advantage

Disengage - increase the distance between the officer and the subject to achieve a more tactically sound advantage

304.2 - 3.16 Resistance

The subject's attempt to evade an officer's attempts to establish control.

304.2 - 3.17 Serious Bodily Injury

A serious bodily injury is a physical injury, which creates a substantial risk of death, or serious or protracted disfigurement, or physical impairment of the function of any bodily organ or limb.

304.2 - 3.18 Subject Action

The action(s) (verbal or physical) taken by a subject to defeat an officer's attempt to gain control of the subject during an arrest or confrontational situation.

304.2 - 3.19 Totality of the Circumstances

The facts and circumstances confronting the officer, at the time force is used. These include, but are not limited to:

- ◆ Type of crime committed or attempted
- ◆ Relative size/stature of the officer to subject or vice versa
- ◆ Multiple subjects/officers
- ◆ Relative strength of the subject/officer
- ◆ Subject(s) access to weapons
- ◆ Subject(s) under the influence of alcohol or drugs
- ◆ Exceptional abilities/skills (e.g. martial arts)
- ◆ Injury to, or exhaustion of the officer
- ◆ Immediacy of danger

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- ◆ Distance of the subject to the officer
- ◆ Special knowledge (e.g. subject's prior history of violence)
- ◆ Exigent Circumstances
- ◆ Availability of back-up

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Any intentional physical strength or energy exerted or brought to bear upon or against a person or to overcome the resistance of another for the purpose of compulsion or restraint. Use of force includes the use of the officer's body (kicks, punches, hard hand tactics), canine contacts, and objects such as impact weapons, chemical agents, and firearms to compel compliance. For the purposes of this directive, compliant handcuffing and escort "come-along" grips are non-reportable uses of force where there is no injury or complaint of injury. Except as noted below, this policy applies to any use of force occurring while the officer is acting in an official law enforcement capacity, including but not limited to undercover, plainclothes, or uniform assignments, whether on or off duty.

304.2 - 4 Authorization for the Use of Force

There are three (3) components to the use of force by officers, they are:

1. Subject resistance
2. Totality of the circumstances
3. Officer response

Subject resistance can be classified into different degrees, from very little (low) to deadly force assault (high). Control methods are also classified into different degrees from officer's mere presence up to and including deadly force.

Officers are authorized to use department approved control techniques and authorized equipment for the resolution of incidents to:

1. To protect themselves or another from physical harm;
2. In the process of effecting a lawful arrest when a subject offers resistance;
3. To stop potentially dangerous and unlawful behavior;
4. To protect subjects from injuring themselves;
5. To retake a prisoner.

Most instances in which force is applied are less than lethal. Officers shall assess the incident to determine which technique will best bring the situation under control. Depending on the level of resistance offered by the subject(s), the officer may use techniques that may rise to a level of physical force that is intended to influence behavior through pain compliance, in order to establish control. These techniques would consist of touch pressure, leg/hand strikes, impact weapons, chemical agents, or even the use of firearms if justified by the resistance offered by the subject(s) and the totality of the circumstances. The use of force, control methods and/or weapons shall never be used as punishment or retaliation. Following the application of any

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method of force, once the situation is contained, officers shall provide or arrange to provide medical aid as necessary.

304.2 - 4.1 Verbal

When it will not cause potential danger to the officer or others, officers should attempt to gain control by means of clear verbal directives or commands.

Whenever possible members shall exercise persuasion, advice and/or warning on the impending use of control (ask, advise, and order). However, officers are not expected to place themselves, or others, in jeopardy in order to deliver such warnings. If a warning is ineffective, the appropriate control technique(s) should be used to establish and maintain control and/or to affect the arrest of the subject.

304.2 - 4.2 Non – verbal (Weapons)

All authorized defensive weapons shall be used in compliance with department policy and procedures and in the manner in which they are prescribed during training. No officer shall employ any authorized weapon unless certified in its use by the Detroit Metropolitan Police Academy or the command in which the training and certification of said weapon was established. The use of unauthorized weapons is prohibited.

304.2 - 5 Authorized Use of Deadly Force

The use of deadly force is limited to the following:

1. Against a subject who poses an imminent threat of death or serious bodily injury to officers or to others and only when the safety of bystanders is not jeopardized.
2. To prevent the escape of a subject who is fleeing from an inherently violent felony crime, and the officer has probable cause to believe that the subject poses a threat of death or serious physical injury to the officer or others. (Tennessee v. Garner, 471 U.S.1, 85 L.Ed.2d 1, 105 S.Ct. 1694 (1985))

Whenever either of the two conditions described above is present prior to the use of deadly force, officers shall attempt to identify themselves and provide a verbal warning directing the subject to submit to the officer's authority, if feasible, and if to do so would not increase the danger for the officer(s) or to others.

A member shall not discharge a firearm in an attempt to apprehend a person on mere suspicion that a crime, no matter how serious, was committed or on mere suspicion that the person being pursued committed the crime. A member shall either have witnessed the crime or have probable cause to believe that the person committed an offense for which the use of deadly force is permissible.

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The following felonies pose a significant threat of death or threatening serious physical injury to others:

1. Murder and its attempt;
2. Assault with intent to commit murder;
3. Criminal sexual conduct, 1st and 3rd degree;
4. Armed robbery and its attempt;
5. Assaults resulting in life threatening physical injury.

Members shall not use deadly force to affect the arrest or prevent the escape of a subject when lesser methods of force can be used to make the arrest or when the member believes that the subject can be apprehended reasonably soon thereafter.

Under no circumstances can the discharge of a firearm be justified to affect an arrest for a misdemeanor charge or to apprehend a person fleeing from such a charge.

304.2 - 5.1 Justification Required by Member

Each instance will be judged on its own set of facts. Therefore, officers must be able to articulate the totality of the circumstances that justified the discharging of their firearms. Specifically, the officer must state the basis for the belief that the subject posed an imminent threat of death or serious bodily injury to the officer or a third party.

304.2 - 5.2 Unauthorized Use of Deadly Force

1. The firing of warning shots is strictly prohibited due to the potential danger a misdirected or ricocheting bullet can present to innocent persons;
2. Firing at or from a moving vehicle is prohibited. Officers shall not intentionally place themselves in the path of a moving vehicle.
3. Department issued equipment that is not designed to be utilized as a weapon (e.g., flashlight, prep radio, handcuffs), shall be deemed a "last resort" application of deadly force. If used in a "last resort" situation the officer must be able to articulate that the situation was such that the officer was unable to use a more appropriate method or technique to avert the imminent danger of death or serious bodily injury to themselves or others.
4. Striking weapons other than the PR-24 side-handle baton are strictly prohibited. These weapons include, but are not limited to blackjacks, nunchakus, saps, slapjacks, brass knuckles and other similar sticks or clubs. **Only those members specifically trained, assigned, and authorized by the Chief of Police based on their assignment may carry or utilize the PR-24.**

304.2 - 5.3 Dangerous Animals

An officer may shoot a dangerous and/or rabid animal that is posing an imminent threat of danger to the officer or others, under certain circumstances. If the circumstances permit, when a member of the department has to shoot an animal suspected of being afflicted with rabies, the dog shall **NOT** be shot in the head. The carcass of the animal should be preserved for analysis of rabies.

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The carcass of any animal that has been shot and/or believed to be afflicted with rabies shall be taken to the Animal Control Division. Immediate refrigeration of the carcass is of the utmost importance in the determination of rabid content.

304.2 - 6 Escalation and De-escalation of Force

The concept of escalating or de-escalating degrees of force is based on an officer's perception and the officer's reaction to the resistance of the person they are attempting to control. Officers are not required to begin a confrontation with dialogue and escalate step-by-step through the force continuum until control is gained if it is reasonably believed this course of action would be ineffective or inappropriate. Based on the level of resistance encountered, officers may escalate to the level of force that is "objectively reasonable" and "necessary" to control the situation. As the subject begins to de-escalate or lessen the resistance offered, the officer must de-escalate in a similar manner.

The officer should consider the following variables when making a decision to escalate or de-escalate the level of force:

1. **Officer/subject size** (e.g., a 250 pound subject and a 115 pound officer);
2. **Nature of the contact** (e.g., traffic stop, domestic violence, street encounter);
3. **Exigent conditions** (e.g., number of officers, number of subjects, availability of backup);
4. **Reaction time** The officer must consider that action is faster than reaction, thus the officer must pay attention and remain alert to the above factors when preparing for a course of action;
5. **Reactionary gap** Officers should be mindful of, and utilize, a reactionary gap (distance between the subject and the officer) during all police contacts. The amount of time an officer has to react is largely dependent upon the type of weapon the subject may possess.

304.2 - 7 Use of Force Continuum

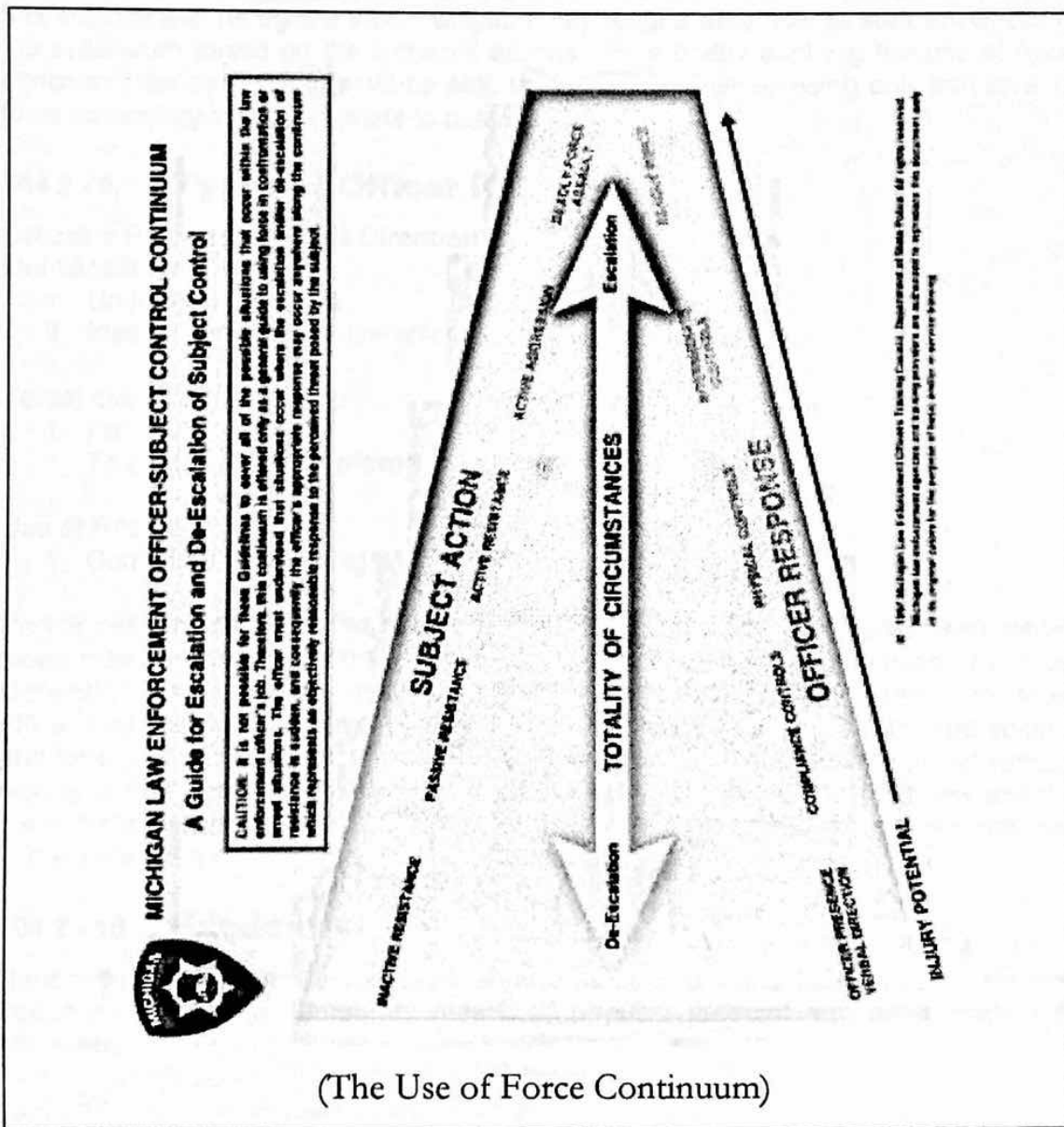
The use of force is an essential part of a law enforcement officer's job. Arrests and investigative detentions are seizures of persons; therefore the Fourth Amendment to the United States Constitution governs them. Officers must have a legal basis for the initial contact or intrusion, and any subsequent arrest or control methods used must be carried out with a level of force that is "reasonable".

The Michigan Commission on Law Enforcement Standards (MCOLES) developed the Michigan Law Enforcement Officer-Subject Control Continuum (MLEO-SCC), as a general training guide to using force in confrontations or arrest situations. A thorough

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understanding of the continuum will assist officers in applying the law and departmental policy in use of force situations, properly documenting the use of force, and presenting testimony in legal proceedings. By making the appropriate response to a subject's resistance or aggressive actions, officers can reduce the potential for injury to him or herself or the subject, lessen the number of excessive force complaints, and reduce their liability in civil actions.

304.2 - 8 Continuum Basics



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The use of force continuum describes the escalation and de-escalation of force used by officers in response to escalation or de-escalation of actions taken by a subject. When dealing with subjects, officers should attempt to apply the use of force continuum. As an example, the mere presence of uniformed officers may be enough to control the subject's actions or signs of aggression. Should aggression or resistance escalate, the officer should respond with an appropriate level of force to control the situation. If a subject's aggression or resistance de-escalates, the officer must decrease proportionately the level of force to maintain control the situation.

It is important to recognize that a situation may require an officer to start anywhere in the continuum based on the subject's actions. By properly applying the use of force continuum concept, officers will be able to respond lawfully by using only that level of force necessary and appropriate to control a situation.

304.2 - 9 Types of Officer Response

Officer's Presence /Verbal Direction

Identification of Authority

1. Uniformed presence
2. Identification as a police officer

Verbal direction

1. For arrest
2. To control subject's movements

Use of Restraint Devices

1. Compliant handcuffing

Verbal direction refers to the manner in which the officer speaks to a citizen, which alone may control a situation. Verbal control includes advice, persuasion or orders. Generally, most subjects comply with verbal direction and the officer's presence. Most officer's/subject's confrontations occur at the lower end of the continuum. The volume and tone of the officer's voice may also contribute to the control of the subject without having to resort to physical methods of force. Although injury potential is low and the contact may seem "routine", officers must remain alert and ready for sudden changes in the escalation of resistance by the subject.

304.2 - 10 Handcuffs

Handcuffs are used for restraining the movements of a subject's hands in a manner that provides a safe, temporary means of physical restraint and transportation of offenders.

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Handcuff restraints may also prevent further physical resistance from a subject. All subjects taken into custody shall be handcuffed behind their back to the rear and double locked, if it can be done safely and without injuring or aggravating an existing injury of a subject. This is to ensure the safety of the officer or other citizens.

The **exceptions** to this are:

1. When the subject has an injury that does not permit their arms to move behind their back;
2. When the subject's age, physical condition or physical limitation(s) may also indicate the use of discretion.

When it is not possible to handcuff a person with their hands to the rear of their backs, a person should be handcuffed in the front with palms facing out.

Officers shall not handcuff a subject to fixed objects such as posts, vehicles, or buildings unless said objects have been specifically designated for that purpose. Officers are to ensure the safety and physical condition of their prisoners from the point handcuffs are applied until the officer reaches their designated detention facility.

Subjects that may appear to be totally cooperative should not lead an officer to false sense of security. Officers shall maintain officer safety and shall be required to use handcuffs in all arrest situations where handcuffing will not cause further injury to the prisoner.

304.2 - 11 Compliance Techniques and Physical Controls

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength and leverage. As a result, take-downs or escort holds are applied with sufficient force to execute a lawful arrest without escalating a subject's combativeness. The objective of this level of force is to gain control and enforce the subject's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody.

304.2 - 12 Intermediate Weapons

304.2 - 12.1 Chemical agents

Chemical agents have application where the subject's actions constitute Active Resistance or Active Aggression **OR** when the officer believes lower forms of empty hand controls will be inadequate. The only chemical weapon authorized for use by department members is "Freeze+P." All members of the department have been issued the chemical spray device "Freeze+P" as an intermediate device. Department

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members may neither carry nor use any other type or brand of chemical spray. See Directive 304.3

304.2 - 12.2 Monadnock PR-24 Side-Handle Baton

The department authorizes the carrying and the use of the Monadnock PR-24 police baton as the only impact weapon for officers. **Only those members specifically trained, assigned, and authorized by the Chief of Police based on their assignment may carry or utilize the PR-24.** Officers must be trained and certified in its use annually by a certified Monadnock instructor or trainer. The authorized versions of the PR-24 are the following Monadnock Batons: PR 24STS, PR 24FX, PR 24N X, PR 24 control device, PR 21 control device, and the PR 22 STS. No other PR 24 batons will be authorized or carried.

The PR 24 is primarily used as a means of affecting an assisted arm lock, to block attacks from fists, feet, and bludgeon weapons. Its secondary use is to strike the motor points of arms and legs, when necessary, to protect officers from physical assaults likely to result in injury. As an intermediate weapon, the PR-24 may be used in quelling confrontations involving physical violence where higher levels of force are unjustified, and lesser levels are inappropriate and ineffective.

Members must keep in mind that striking an individual in the head with any object is potentially lethal. Therefore, a blow with an intermediate force device or other object should not be directed to the head unless the officer would be justified in using deadly force under the circumstances.

304.2 - 13 Subject Restraint and Sudden Death

Positional asphyxia is death that occurs when a subject's body position interferes with breathing. Department members should be familiar with Training and Information Bulletin 96-1 on Sudden Restraint and Sudden Death. Department members should be aware of potentially dangerous restraint positions that must be avoided during physical close-quarters confrontation, custodial arrest and transportation. Positional asphyxia can occur:

1. When a subject's chest is restricted from expanding properly; or
2. When the position of the subject's head obstructs the airway.

304.2 - 13.1 Preventing lethal positions

Incidents of positional asphyxia often result from a common cycle of events. A drug or alcohol intoxicated subject behaves in a bizarre or threatening manner during an encounter with a police officer. A struggle ensues in which the subject is handcuffed and restrained in some manner. If this restraint involves putting the subject in a prone position, oxygen deficiency occurs. In a natural reaction to oxygen deficiency, the subject

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struggles, more violently requiring the officer to apply more pressure to maintain control of the subject. Finally, positional asphyxia occurs and the subject dies. [T.B. 96-1].

The risk of positional asphyxia can be minimized if all officers recognize the contributing factors and take the following precautions when restraining a prisoner:

1. The application of "hog-tied" restraints is strictly prohibited (restraining the subject's hands and legs together, lying in the prone position);
2. Do not leave a handcuffed subject lying on his or her back or stomach. These positions can also contribute to obstruction of the airways resulting in Positional Asphyxia;
3. Do not put weight on an arrestee's spine for a prolonged period. This adds stress to the respiratory muscles and inhibits movement of the diaphragm and rib cage.
4. Recognize breathing difficulties (shortness of breath, hyperventilation, facial discoloration, etc.) or loss of consciousness and immediately administer first aid/CPR, convey to a hospital, or notify EMS.
5. When transferring the prisoner to another detention facility, inform that facility's personnel of any pre-existing medical conditions, respiratory difficulty or unconsciousness.

304.2 - 13.2 Contributing factors

Many factors contribute to a person's susceptibility to positional asphyxia. There is an increased risk for positional asphyxia if one or more of the following indicators are present:

1. Alcohol intoxication;
2. Drugs (especially cocaine, other controlled substances);
3. Delirium (mental illness);
4. Respiratory diseases (e.g., asthma, emphysema, etc.).

If temporary prone positioning is required for control, the subject must be closely and constantly monitored. Officers should be alert for signs of obvious physical disabilities, impaired mental state, or the possibility the subject is under the influence of alcohol or drugs.

To help minimize the risk of positional asphyxia, diligent observation and monitoring of persons displaying any of the described predispositions is essential, particularly if prone positioning was utilized.

304.2 - 13.3 Prohibited holds

The following [neck restraints] are prohibited:

1. Carotid submission hold

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- a. A hold which interrupts the blood's flow to the brain;
- b. A "sleeper hold" that can result in an individual losing consciousness and/or death;
2. Bent arm submission hold/Hammer lock carotid hold
 - a. This hold restricts airflow to the trachea and can result in a loss of consciousness and/or death.

304.2 - 14 Types of Subject's Actions

304.2 - 14.1 Inactive Resistance

Resistance that may include psychological intimidation and/or verbal resistance, (e.g. blank stare, clenching of fist(s), tightening of jaw muscles, etc.) The subject complies with verbal attempts at control, but displays visual and verbal cues that indicate potential physical resistance.

304.2 - 14.2 Passive Resistance

Any type of resistance whereby the subject does not attempt to defeat the officer's attempt to touch and control the subject, but still will not voluntarily comply with verbal and physical attempts of control (e.g. dead weight, does not react to verbal commands, etc.). The subject will not comply with verbal attempts at control and will not fully comply with physical attempts at control.

Passive and inactive resistances are very close in description. The subtle difference is in non-compliance with verbal or physical attempts at control. Verbal direction/commands and negotiation are basic tools for officers to use in these situations.

Often, there is time to plan a strategy for a resolution. Officers should seek alternatives other than force to resolve the situation (simply monitor, verbal judo, use of stretchers, lift and carry, etc.).

At some point force may have to be used to resolve the situation. In this case, empty hand techniques (touch pressure, joint locks, etc.) should be used to resolve the situation, unless the subject exhibits more physical resistance. Officers should not escalate the amount of responsive force to a higher level simply because a technique does not work and there is no increased resistance by the subject. Officers need to ask the following question: What is the severity of the crime? What is the threat to the safety of officers, subjects and others? Officers must be cautious in escalating control techniques to gain compliance where subject resistance remains constant.

304.2 - 14.3 Active Resistance

Any action by a subject that attempts to prevent an officer from gaining control of the subject, such as pulling/pushing away, blocking, etc. There is an overt attempt to defeat the officers from gaining control. It is not an attack on the officer, but a physical

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act (often accompanied by verbal statements) to prevent the officer from gaining control.

Subjects actively resisting an officer have the potential to cause injuries both from the officer to the subject and from the subject to the officer. They can suddenly escalate to active aggression as the officer escalates response techniques. The situation then becomes tense, uncertain and rapidly evolving and an appropriate, effective, and immediate response is required. Individual officers may have a different response to the same situation based on the totality of the circumstances, training and experience. All officers must bear in mind that their actions must be objectively reasonable and justifiable based on the force continuum and the totality of the circumstances.

304.2 - 14.4 Active Aggression

Physical assaults/actions against the officer or another person likely to cause non-deadly injuries (e.g. kicking, advancing, challenging, grabbing, grappling, etc.). Subjects may also be actively aggressive toward a third party (e.g. another officer or civilian).

Subjects displaying aggressive behavior or physically assaulting officers are potentially dangerous. Aggression can range from facilitating an escape to intentionally inflicting great bodily injury or death to the officer.

Officers are to attempt to evaluate the situation based on the totality of the circumstances and to resolve the situation without undue, excessive or deliberate injury to the subject. Subjects actively resisting an officer have the potential to cause injuries both from the officer to the subject and from the subject to the officer. They can suddenly escalate from active aggression to deadly force as the officer escalates response techniques. The situation then becomes tense, uncertain and rapidly evolving and an appropriate, effective, and immediate response is required. Individual officers may have a different response to the same situation based on the totality of the circumstances, training and experience. All officers must bear in mind that their actions must be objectively reasonable and justifiable based on the force continuum and the totality of the circumstances.

304.2 - 14.5 Deadly Force Assault

Any force used against an officer and/or person that is likely to cause death or great bodily harm. The potential for injury to the officer or others is extremely high. A deadly force assault leaves little room for officer response options. An immediate response that will stop the assault and neutralize the threat is needed. If an officer exercises deadly force, that officer must be able to articulate the objectively reasonable totality of the circumstances that led to that decision. First aid attempts must be made to ensure that all attempts to care for the subject were exhausted.

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304.2 - 15 **Officer's responsibility for reporting**

304.2 - 15.1 **Immediate notification to a non-involved supervisor from scene**

All Category 1 uses of force or any use of force that results in visible sign of injury.

304.2 - 15.2 **Immediate notification to the Officer in Charge of Desk upon arrival at station**

All Category 2 uses of force except those resulting in visible sign of injury and any use of force not previously reported at the scene.

304.2 - 15.3 **Immediate notification upon transfer of prisoner**

The arresting officer shall notify any other persons who may take custody of the arrestee (transporting, medical personnel, detention, or hospital detail), if force was used on the arrestee, or if the arrestee has an injury or complaint of injury.

304.2 - 15.4 **Notification upon discharge of firearm**

On duty -notifications to Communications of the following:

1. Involved member's radio code, name, and badge number;
2. Location;
3. Whether shots took effect.

Off duty – notification first to local authorities then Notification and Crime Reporting of the following:

1. Involved member's radio code, name, and badge number;
2. Location;
3. Whether shots took effect.

304.2 - 15.5 **Scene Preservation**

Members shall make all efforts to secure the scene, evidence and witnesses consistent with directive 203.1 Crime Scene Investigation.

304.2 - 15.6 **Required paperwork**

1. Each officer who uses force in an incident shall submit a separate written Use of Force Report.
 - a. All Use of Force Reports shall specify the actions of the subject that necessitated the use of force, the reasons why the officer used force, any subject complaints of injury, medical treatment received, or refusal of medical treatment.

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- b. The Use of Force Report shall be submitted as soon as possible following the incident but prior to the end of their tour of duty. The report shall be submitted as follows:
 - To FIU for review and approval in all Category 1 uses of force;
 - To the responding non-involved supervisor in all Category 2 uses of force, unless FIU assumes responsibility for investigation.
2. Each officer who uses force in an incident shall submit a separate Preliminary Complaint Report.
3. Officers who utilize force shall obtain a Precinct Force Control number from the Officer in Charge of the Desk for the precinct of occurrence within one (1) hour from the culmination of the incident. Officers shall record this number on their Use of Force Report.

304.2 - 15.7 Off duty responsibility to report

It is incumbent upon members who become involved in any incident in which the use of force results to immediately notify the appropriate local authorities and the Detroit Police Department's Notification and Crime Reporting Section.

304.2 - 16 Supervisor Responsibilities

304.2 - 16.1 Response to scene

A non-involved supervisor shall immediately respond to the scene of all Category 1 uses of force and any use of force that results in visible sign of injury.

304.2 - 16.2 Immediate notification from scene

The first responding supervisor to the scene shall notify the following:

1. Notification and Crime Reporting Section – who is responsible for notifying FIU.
2. Homicide Section – all police shootings that take effect excluding dogs, and all critical injuries to officers, or suspects.
3. OIC of desk – who shall make appropriate command notifications.
4. Evidence Technician Unit

304.2 - 16.3 Scene Preservation

Supervisors shall secure the scene, evidence and witnesses consistent with directive 203.1 Crime Scene Investigation, canvass and gather witnesses for further investigation or until relieved by FIU or Homicide.

304.2 Use of Force

304.2 - 16.4 Required Paperwork – Category 1

1. Assist as guided by the investigating authority;
2. Prepare a Preliminary Complaint Record.

304.2 - 16.5 Required Paperwork – Category 2

1. Ensure that the officers involved have completed Use of Force Reports.
2. Ensure all involved officers have completed a Preliminary Complaint Record.
3. Review and submit officer Use of Force Reports prior to the end of their tour of duty, through the chain of command, to the Professional Accountability Bureau, except when reports have been submitted to the investigating authority at the scene.
4. Document the officer and subject's statements of actions taken, injuries sustained. Evidence technicians shall be ordered to respond and photograph officer and subject injuries **even if they are not visible** – preferably after preliminary first aid at the hospital. No photographs shall be taken if there is a chance of complicating existing injuries, doing further harm, or interfering with any medical treatment needed.
5. Make an effort to secure the prisoner's signature on the Medical Release Authorization.
6. Prepare and submit a Summary Investigation, if required, through channels to PAB and Risk Management Bureau for review and analysis. If criminality emerges during the investigation it shall be immediately reported to IA on platoon 2 or their Alert Team during platoon 1 or 3.

304.2 - 16.6 Officer In Charge (OIC) of Desk – Precinct of occurrence

1. Upon notification of use of force the OIC of the desk must record applicable information in the Precinct Use of Force Log Book and provide the member making the notification with the appropriate sequential number.
2. Make upward notifications as appropriate.

304.2 - 17 Command Responsibilities

304.2 - 17.1 Force Investigation Unit Responsibilities

1. Respond and conduct the administrative investigation (including review/signing of Use of Force Reports, preliminary and summary investigation) for all Category 1 uses of force.
2. Conduct the administrative investigation for any other use of force incident at their discretion including those occurring outside the city of Detroit.

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3. For all Category 1 use of force cases where criminality emerges the Force Investigation Unit shall, upon the discretion of the commanding officer, refer the case to the appropriate entity for the criminal investigation.

304.2 - 17.2 Homicide Responsibilities

1. For all cases involving death or discharge of a firearm resulting in injury, the Special Assignment Squad of Homicide will conduct the criminal investigation of the use of force.
2. For all cases involving critical injuries to a police prisoner or as a result of police action will conduct the criminal investigation into the incident.

304.2 - 17.3 Commanding Officer Responsibilities

Both criminal and administrative issues shall be addressed in all investigations.

1. Review, approve, and forward all Use of Force Reports and a copy of pertinent Preliminary Complaint Records (excluding Category 1 uses of force and those turned in at the scene to FIU) to PAB within 24 hours of the incident.
2. Review all Category 2 use of force incidents and approve closure of the investigation or assign a supervisor to conduct a Summary Investigation. The following uses of force shall **NOT** be closed without further investigation:
 - a. Any discharge of a firearm;
 - b. Canine bites;
 - c. Use of force resulting in injury.
3. Conduct the investigation and complete the Summary investigation into any Category 1 use of force incidents referred to the command by FIU.
4. Conducting investigations and complete the Summary investigation into misconduct or violations of department policy not investigated by FIU.

304.2 - 17.4 Communications Responsibilities

1. Dispatch closest supervisor to the scene;
2. Order Emergency Services, as appropriate;
3. Notify Notification and Crime Reporting of basic facts.

304.2 - 17.5 Notification and Crime Reporting

1. Make appropriate executive and investigative notifications based on incident.

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304.2 - 17.6 Referral/Transport for Medical Attention – Subject prisoner

1. Officers using reportable use of force shall immediately obtain medical assistance for subjects who have sustained injuries or who have a complaint of injuries.
2. Non-involved members shall convey prisoners injured through police action. When necessary, EMS shall be immediately requested to convey and shall determine the appropriate medical facility for treatment.
3. Arresting and/or transporting officers shall ask prisoners if they are injured or ill at the time the prisoner comes into the custody of the officer.
4. A subject shall be examined by an appropriate health care provider prior to prisoner processing for purposes of detention when the individual is:
 - a. Struck with an impact weapon or other hard object;
 - b. Restrained about the throat or neck;
 - c. Bitten by a police canine;
 - d. Suffering from or complaining of injury, or
 - e. Complains of or is exhibiting symptoms of potentially life threatening conditions.
5. An injured prisoner shall not be admitted to or held in a detention facility without being examined and released by a physician or qualified health care provider.
6. Refusal of treatment shall be verified by the designated supervisor by confirmation with the hospital or treatment facility and documented on the Supervisor's Activity Log.

304.2 - 17.7 Referral/Transport for Medical Attention – Officer

Upon notification that an officer has been wounded or seriously injured, the Communications Operations shall dispatch a supervisor from the precinct in which the hospital is located to the hospital to which the injured officer will be conveyed. Upon arrival at the hospital, the supervisor shall act as the initial liaison between hospital and police personnel, and shall coordinate respective emergency procedures as the need arises. The supervisor shall remain at the hospital until the supervisor's presence is no longer required, or until relieved by proper authority.