
GENERAL PROCEDURES

CHAPTER 10**(REPLACEMENT CHAPTER)
(9-3-98)***** FIREARMS AND INTERMEDIATE FORCE DEVICES****1. USE OF FIREARMS**

Members must always bear in mind that the use of firearms shall be confined to life threatening situations. The laws of this state and the rules of the department demand that members use only the minimum degree of force necessary to effect an arrest. Members must also consider that the maximum sentence imposed by our court system would result in neither death nor injury.

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 in accordance with department directives. Probable cause means a reasonable belief based on the facts and circumstances known to the officer at that point in time to cause the officer to believe that the crime occurred and that the suspect committed it.

2. USE OF FIREARMS TO EFFECT ARREST OR PREVENT ESCAPE

Members shall not use their firearms to effect the arrest or prevent the escape of a suspect when lesser force can be used to make the arrest; when the member believes that the suspect can be apprehended reasonably soon thereafter; or when the safety of bystanders is jeopardized.

3. GUIDELINES

Members may use their firearms in the following situations only:

- a. Self-defense and in defense of others from significant threat of death or life threatening physical injury.
- b. Deadly force may be used to prevent the escape of a suspect only in those instances when an officer has probable cause to believe that the suspect poses a significant threat of death or life threatening physical injury to others. Deadly force may be used in this limited situation only when there is no other reasonable means to prevent escape of the suspect and if, where feasible, some warning has been given.

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

GENERAL PROCEDURES

- a. Murder and its attempt
- b. Assault with intent to commit murder
- c. Criminal sexual conduct 1st, 2nd or 3rd degree
- d. Armed robbery and its attempt
- e. Assaults resulting in life threatening physical injury

Members shall not fire upon a person who is fleeing on suspicion alone that such person may have committed a life threatening felony or solely because a person fails to stop upon command or runs a blockade.

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

4. JUSTIFICATION REQUIRED BY MEMBER

Each instance will be judged on its own set of facts. Therefore, officers must be able to articulate the elements and circumstances which justify the discharging of their firearms. Specifically, the officer must state the probable cause which is the basis for the belief that the life of the officer or the life of a third party was endangered by the suspect.

5. WARNING SHOTS

The firing of warning shots is strictly prohibited. A member must give great consideration to the potential danger that a misdirected or ricocheting bullet presents to innocent persons.

6. FIRING FROM MOVING VEHICLE

Members should shoot from a moving vehicle only in cases of extreme necessity. It is a fact that such firing adversely affects accuracy and increases the ever present possibility of hitting an innocent bystander or destroying property.

*** 7. SIDEARMS - AUTHORIZED TYPES**

- * All members of the department will be issued either a revolver or semiautomatic pistol to be carried as a sidearm. Subject to department guidelines and restrictions, members may also obtain permission to carry privately owned revolvers or semiautomatic pistols.
- * Whenever a member elects to carry a department approved privately owned sidearm on-duty in lieu of the department issued sidearm, the department issued sidearm must be returned to the Firearms Inventory Unit.

*** 7.1 Authorized Revolvers**

Only department issued or department approved privately owned revolvers as described below may be carried by

R.C.
(9-3-98)

GENERAL PROCEDURES

- * members, either on or off-duty, unless special permission has been granted by the Chief of Police or Assistant Chief of Police.
- a. **Sergeants and police officers on-duty in uniform:** The revolver carried as the primary sidearm must be either a Smith & Wesson or Colt, .38 Special or larger caliber, six (6) shot capacity, with a minimum barrel length of four (4) inches.
- * b. **Sergeants, investigators and police officers on-duty in civilian attire or while off-duty:** The sidearm must be either a Smith & Wesson or Colt revolver, .38 Special or larger caliber, five (5) or six (6) shot capacity with a minimum barrel length of two (2) inches.
- * c. **Lieutenants and above on-duty in uniform or civilian attire or while off-duty:** The sidearm must be either a Smith & Wesson or Colt revolver, .38 Special or larger caliber, five (5) or six (6) shot capacity with a minimum barrel length of two (2) inches.

- * **7.2 Privately Owned Revolvers**

- * a. Members may carry a privately owned department approved option revolver larger than .38 Special caliber provided they have qualified with the option revolver prior to July 1, 1998 and have maintained qualification with the option revolver during each subsequent annual qualification program since their initial qualification.

Members who allow their qualification with an option revolver larger than .38 Special caliber to lapse will not be allowed to re-qualify with the option revolver at a later date.

- * b. Members who have qualified with a department issued or privately owned semiautomatic pistol as their primary weapon and who elect to carry a .38 Special caliber revolver either while on-duty as a secondary weapon or while off-duty must fire a familiarization course with the .38 Special caliber revolver during the annual department qualification program in addition to qualifying with their primary weapon.

- * **7.3 Authorized Semiautomatic Pistols**

Only department issued or department approved privately owned semiautomatic pistols as described below may be carried by members either on or off-duty unless special permission has been granted by the Chief of Police or Assistant Chief of Police.

Whenever department members qualify with either a department issued or department approved privately owned Glock pistol

GENERAL PROCEDURES

as their primary weapon, the Glock pistol shall be carried while on-duty as a primary weapon to the exclusion of any other handgun.

- * a. **Sergeants, investigators and police officers on-duty in uniform or civilian attire or while off-duty:** The primary sidearm shall be the Glock .40 caliber, Model 22 semiautomatic pistol.

Additionally, a member may elect to carry a privately owned department approved Glock .40 caliber Model 27 while on-duty as a secondary weapon or while off-duty provided the member has successfully completed a weapon familiarization course with the privately owned Model 27 pistol during the department's annual qualification program.

- * b. **Lieutenants and above on-duty in uniform or civilian attire, or while off-duty:** The sidearm carried shall be the Glock .40 caliber Model 22, 23 or 27 semiautomatic pistol.

If a member who is qualified with the Glock Model 22 or 23 as a primary weapon elects to carry a privately owned department approved Glock .40 caliber Model 27 as a secondary weapon on-duty or while off-duty, the member must successfully complete a weapon familiarization course with the privately owned Model 27 pistol during the department's annual qualification program.

* 7.4 Privately Owned Semiautomatic Pistols

Members may carry the following privately owned department approved option semiautomatic pistols provided they have qualified with the pistol as an option weapon prior to July 1, 1998 and have maintained qualification with the option pistol during each subsequent annual qualification program since their initial qualification.

- a. **All members either on or off-duty in uniform or civilian attire:** Smith & Wesson (2nd or 3rd generation) 9mm or .45 caliber semiautomatic pistol with a four inch barrel.
- b. **Lieutenant and above either on or off-duty in uniform or civilian attire or all members while off-duty:** Walther PP, PPK or PPK/S .380 caliber semiautomatic pistol.

Members who allow their qualification with any of the above listed option pistols to lapse will not be allowed to re-qualify at a later date.

GENERAL PROCEDURES

The make, model, caliber, serial number and department serial number (if department issued) of the revolver or semiautomatic pistol shall be recorded on the member's Firearm Record, D.P.D. 164, and Personnel Data Card, D.P.D. 139.

* 8. NINETY DAY INSPECTION - SEMIAUTOMATIC PISTOLS

No member shall carry a department issued or department approved privately owned semiautomatic pistol which has not been inspected within the previous 90 days.

Ordinance control officers shall be responsible for conducting 90 day inspections of semiautomatic pistols. However, ordinance control officers shall only conduct such inspections at locations equipped with a clearing barrel or on a pistol range.

The signature of the ordinance control officer and date of inspection shall be affixed to the reverse side of the member's copy of the Firearms Record, D.P.D. 164, in the space provided. Once each month the ordinance control officer shall forward an inter-office memorandum to the Firearms Repair Unit listing all inspections made.

* 9. GENERAL FIREARM SAFETY

- a. Always consider a firearm loaded and ready to fire unless proven otherwise. Never accept someone's word that a firearm is unloaded; check it!
- b. Keep your finger off the trigger until you are ready to discharge the firearm at a selected target.
- c. Be aware of the firearm's muzzle direction; never unintentionally allow the muzzle to point at a person or in an unsafe direction.
- d. Never point a firearm at a hard surface such as concrete or water; an accidental discharge may ricochet.
- e. Identify your target and know what is behind it.
- f. Never store a loaded firearm; store ammunition separately; lock firearms and ammunition away from children.
- g. Inspect the weapon; make sure there is no obstruction in the barrel prior to loading a firearm.

* 9.1 Safe Handling - Revolvers

The following information represents the standard procedure for making a revolver safe as presented in detail by the Firearms Training Unit at basic recruit training and at the annual qualification program. These procedures shall be followed for on-duty inspections, off-duty storage or any other activity which may necessitate unloading the weapon.

GENERAL PROCEDURES

- the rear of the ejection port. Rack the pistol at least twice to ensure that any chambered round is ejected to the ground.
- 3) Maintain a firm grip on the weapon. **Keep your finger off the trigger.** Point the pistol in a safe direction, downrange or into a clearing barrel and insert a loaded magazine ensuring that it locks in place.
 - 4) Keep the pistol pointed in a safe direction. Place the opposite hand over the slide to the rear of the ejection port and rack the pistol a single time to chamber a round.
 - 5) **Hyperextend** the trigger finger and holster the weapon.
 - 6) Remove the magazine from the holstered pistol.
 - 7) Reload the magazine to full capacity. Reinsert the magazine into the magazine well ensuring that it locks in place.

Smith & Wesson or Walther pistols may be carried with the manual safety in either the "on" or "off" position.

***10. CARRYING A SIDEARM**

Members shall carry their department issued or privately owned department approved sidearm in accordance with the following guidelines. For purposes of this order, a primary sidearm is the weapon used by the member to qualify annually at the Detroit Police Pistol Range and which is carried by the member while on-duty.

Whether on or off-duty, members dressed in civilian attire who appear in public places or buildings open to the general public, e.g., Frank Murphy Hall of Justice, restaurants, parks, etc., shall carry their sidearm in a concealed manner allowing for no unusual bulges or protrusions.

*** 10.1 On-Duty**

While on-duty and in uniform, members shall carry their department issued or department approved privately owned primary sidearm holstered in a department issued or department approved holster worn in accordance with department uniform standards.

While on-duty and in civilian attire, members utilizing a department issued or department approved privately owned semiautomatic pistol as a primary sidearm shall carry the weapon holstered on their strong-hand side unless otherwise authorized in writing by their commanding officer. All exemptions shall be documented on Inter-Office Memorandum, D.P.D. 568, and retained in the concerned member's command personnel file.

GENERAL PROCEDURES

Members electing to carry a department issued or department approved privately owned revolver as a primary weapon while on-duty in civilian attire are encouraged to carry the weapon holstered on their strong-hand side.

Members who have been authorized by their commanding officer to carry their sidearm in a purse, pouch or similar article shall do so with the sidearm properly holstered within the article or in a separate compartment; the sidearm shall not lie free with other items.

All members assigned to duties inside a precinct station or other department building shall keep their sidearms, when not worn, immediately available but out of view and reach of the public. The officer in charge of the station desk and other members assigned to desk duty in precinct stations may keep their sidearms in the desk holster provided so they can be reached instantly.

No member wearing a sidearm shall enter any cellblock. Precinct detention officers and members detailed to assist precinct detention officers in station houses shall be unarmed when searching prisoners.

* **10.2 On Duty - Secondary Weapon**

Any sidearm authorized by the department may be carried as a secondary sidearm provided that the member has complied with all applicable weapon qualification/familiarization requirements of the department. Semiautomatic pistols carried as secondary sidearms shall be carried in a holster. Revolvers carried as secondary weapons should be carried in a holster. All secondary weapons shall be concealed in such a manner as to not produce any unusual bulges or protrusions on the member's person.

* **10.3 Off-Duty**

Off-duty members, except those on furlough, sick leave, disability leave, participating in any sporting activity or leaving the state of Michigan, shall carry a department issued or department approved sidearm in a convenient, safe and accessible position. Members are encouraged to carry their sidearm in a holster while off-duty. Further, if the sidearm is carried in a purse, pouch or other similar article, members should carry the weapon holstered within the article or in a separate compartment; the sidearm should not lie free with other items in the article.

Off-duty members shall not carry their department issued or privately owned firearms while engaged and participating in public demonstrations or rallies, including marching, picketing or other similar activities.

GENERAL PROCEDURES

Further, members shall not carry a sidearm while serving in the capacity of a juror or prospective juror. As prospective jurors, members appearing in any court for jury duty shall report to the police detail at the court to check their sidearm for safekeeping. If the police detail is unattended or not equipped to store the sidearm, the sidearm shall be checked with the nearest police agency equipped to do so.

* 10.4 Ammunition Capacity

All revolvers carried by members, either on or off-duty, shall be fully loaded with department approved ammunition.

All semiautomatic pistols carried by members, either on or off-duty, shall be carried with a chambered round and a fully loaded magazine. Additional magazines, when carried, shall also be fully loaded.

* 10.5 Sidearm - Prohibited Equipment

Members of the department are prohibited from affixing any equipment, attachment, grip, etc., to any department issued or privately owned department approved firearm without the approval of the Firearms Repair Unit.

With the written permission of their commanding officer, members may utilize cross-draw holsters, shoulder holsters and ankle holsters for primary sidearms carried while on-duty. Any such permission shall be documented on Inter-Office Memorandum, D.P.D.568, and retained in the member's personnel file. "Upside down" holsters are prohibited for primary sidearms while on-duty; members are cautioned against the use of these holsters while off-duty.

*11. ANNUAL SIDEARM QUALIFICATION

Members are required to attain a minimum firearm qualification score to graduate from the police academy. Thereafter, all members shall qualify with their firearm annually or as directed by the Chief of Police.

Members who fail to qualify shall be placed in the category of "Immediate Remediation" and are subject to additional training at the Firearms Training Unit until the member attains a qualifying score. Members who continually fail to qualify may be subject to dismissal from the department.

* 11.1 Revolver

Members electing to carry a department issued or privately owned department approved revolver as their primary sidearm

GENERAL PROCEDURES

while on-duty must qualify with the largest caliber revolver carried according to the training and qualification procedures set forth by the Firearms Training Unit.

Further, members who elect to carry a privately owned revolver, either as a secondary weapon while on-duty or as a primary weapon while off-duty, and who have not qualified with the privately owned revolver as their primary sidearm, must successfully complete a weapon familiarization course with each privately owned revolver carried in addition to qualifying with their primary sidearm. Members electing to carry a privately owned revolver either as a secondary weapon while on-duty or while off-duty, shall carry the D.P.D. 164 card as proof of qualification with the revolver.

* 11.2 Semiautomatic Pistol

Members electing to carry a department issued or department approved privately owned semiautomatic pistol as their primary sidearm, either on-duty or while off-duty, must qualify with each approved semiautomatic pistol according to the annual training and qualification program established by the Firearms Training Unit.

EXCEPTION: Members who are qualified with a department issued Glock Model 22 or 23 as their primary weapon and who elect to carry the Glock Model 27 .40 caliber pistol either as a secondary weapon while on-duty or while off-duty, must successfully complete a weapon familiarization course with the Model 27 in addition to the annual qualification course with their primary weapon.

*12. PRIVATELY OWNED OPTION SIDEARMS

Effective July 1, 1998, there will be no new qualifications with department approved privately owned option revolvers larger than .38 Special caliber or non-Glock semiautomatic pistols of any caliber.

Members currently qualified with option revolvers larger than .38 Special caliber or privately owned semiautomatic pistols will be allowed to maintain their qualification during the regular annual qualification schedule as set forth by the Firearms Training Unit. However, members who allow their qualification with these option weapons to lapse will not be allowed to re-qualify with the option weapon at a later date.

Whenever a member elects to carry a department approved privately owned sidearm on-duty in lieu of the department issued sidearm, the department issued sidearm must be returned to the Firearms Inventory Unit. Unless exempted in writing by the bureau deputy chief, no member shall retain more than one (1) department issued handgun.

GENERAL PROCEDURES

- d. Capacity: The maximum capacity of the magazine is seven rounds; however officers will load with only five rounds.

18. AUTOMATIC WEAPONS

The carrying of privately owned automatic weapons by on-duty members is prohibited. Automatic weapons are prohibited for use in police action by off-duty members. The purchase of automatic weapons by members not licensed by federal law is prohibited.

19. REPAIRING FIREARMS

Department issued revolvers, semiautomatic pistols and shoulder weapons will be repaired only at the Firearms Repair Unit. Privately owned firearms approved for carrying shall not be altered or repaired without notification in writing to the Firearm Repair Unit gunsmith. Privately owned firearms shall be subject to re-inspection after the repair work is completed.

20. EXCHANGE OF DEFECTIVE DEPARTMENT OWNED FIREARMS

Department issued firearms which become defective shall be presented for inspection at the Firearms Repair Unit. If the firearm cannot be repaired immediately, loaner revolvers/pistols are available at the Firearms Repair Unit. If the firearm needs replacement, the member will be instructed to report to the Firearms Inventory Unit where an exchange will be made. The member whose firearm has been exchanged shall notify his/her commanding officer who shall cause all command records to be corrected accordingly.

21. SAFEKEEPING OF DEPARTMENT FIREARMS

When a member's residence is to be vacant for an extended period of time, such as during a furlough, extended period of leave or compensatory time, the member shall not leave a department issued firearm at the vacated residence. A member may leave a department issued revolver, pistol or other firearm at the member's place of assignment if appropriate storage facilities are available. If appropriate storage facilities are not available at the member's place of assignment, the firearm may be left with the precinct in which the member resides for safekeeping. A locker shall not be considered an appropriate storage facility for a department issued firearm.

22. DISCHARGE OF FIREARM BY DEPARTMENT MEMBER

Whenever a member of the department discharges a firearm, various notifications, reports and investigations are required depending upon the circumstances surrounding the discharge.

GENERAL PROCEDURES

Whenever a member discharges a firearm while inside the city or while on-duty outside the city (except when on a target range), the member shall immediately notify the

- * Communications Operations Section and the Notification/Crime Reporting Unit and, if on-duty outside the city, notify the local authorities. In the above instances, the member shall prepare a preliminary complaint record. A supervisor shall be dispatched to investigate all
- * incidents occurring within the city. A Internal Controls Section team shall be dispatched to investigate those incidents that result in a death or injury within the city.

Whenever a member discharges a firearm while off-duty outside the city (except while hunting in a lawful manner or on a target range), the member shall immediately notify the

- * local authorities and the Notification/Crime Reporting Unit. The local authorities will be responsible for the investigation. Upon the member's return to the city, he/she shall prepare
- * a preliminary complaint record and a supervisor shall prepare a Police Action Incident Report, DPD 650.

22.1 Notification by Member Upon Discharge of a Firearm

- * The member shall provide the Notification/Crime Reporting Unit or the Communications Operations Section with the following information:
 - a. The member's radio code when on-duty or name, badge number and assignment when off-duty or outside the city on-duty;
 - b. The location of the occurrence;
 - c. Whether the firearm discharge was accidental;
 - d. Whether the shots resulted in death or injury to any person;
 - e. Whether anyone at the scene requires medical attention;
 - f. Whether shots were also fired by civilians;
 - g. Description and direction of escape of any wanted persons; and
 - h. The telephone number at which the member can be reached, if applicable.

22.2 Duties of Communications Operations Section When a Firearm is Discharged by a Department Member

When the Communications Operations Section is notified by a member that a firearm was discharged, the following duties shall be performed:

- a. A patrol supervisor in the precinct of occurrence shall be dispatched to the scene of all incidents inside the city;
- b. One or more response units shall be dispatched to the scene when the incident involves a death or injury inside the city;

GENERAL PROCEDURES

- c. An Emergency Medical Service Unit shall be ordered, when necessary; and
- d. The field duty officer shall be notified.

22.3 Duties of Notification/Crime Reporting Unit when Firearms Are Discharged

- * When the Notification/Crime Reporting Unit is notified by a member that a firearm was discharged, the following duties shall be performed:
 - a. The Internal Controls Section shall be notified;
 - b. The officer-in-charge of the station desk at the precinct of occurrence shall be notified; and
 - c. The precinct or command to which the involved member is assigned shall be notified.

22.4 Duties of Supervisors Upon Discharge of a Firearm by a Department Member

- a. Discharge Outside the City: When a member discharges a firearm while outside the city (except while hunting in a lawful manner or on a target range), the member's immediate supervisor shall record the incident on a Police Action Incident Report, DPD. 650.
- * b. Accidental, Non-Injury Discharge Within the City: In the case of an accidental, non-injury discharge within the city, the immediate supervisor of the member involved shall conduct an investigation. If the immediate supervisor is not available, a patrol supervisor in the precinct of occurrence shall conduct an investigation. After completing the investigation, the supervisor shall contact the Internal Controls Section from the scene for instructions as to what further action, if any, should be taken. The investigating supervisor shall prepare a Police Action Incident Report, DPD. 650.
- * c. Intentional or Injury Producing Discharge Within the City: In the case of an intentional and/or injury producing discharge within the city, a supervisor from the precinct in which the incident occurred and at least one other supervisor shall be dispatched. The first supervisor on the scene, whether dispatched or not, shall perform the following functions:
 - 1) Notify the Communications Operations Section that he/she is at the scene and has taken charge;
 - 2) Ascertain the basic facts of the incident by interviewing witnesses, including the members who are involved;

GENERAL PROCEDURES

- 3) Secure the scene, allowing nothing to be moved or tampered with pending arrival of the investigating members;
- 4) Secure all evidence weapons;

EXCEPTION: In hostile situations, i.e., where there exists reasonable cause to believe that the safety of the involved member is in jeopardy, a member who is principally involved in a shooting as a result of taking police action shall not be relieved of his/her weapon until such time as the member has been conveyed away from the scene.

- * 5) Notify the officer-in-charge of the Internal Controls Section of the basic facts of the incident as known to the supervisor at the time, including:
 - a) Who fired, how many shots, with what type and caliber of weapon?
 - b) Why?
 - c) Who was shot, if known?
 - d) How severe was the injury?
 - e) Conditions at the scene (such as crowd or other circumstances which might affect the supervisor's ability to preserve the scene intact).
- * 6) Be advised by the officer-in-charge of the Internal Controls Section as to the disposition of witnesses;
- * 7) Remain in charge of the scene until relieved by the Internal Controls Section investigators; and
- * 8) After being relieved by the Internal Controls Section investigators, respond to the Internal Controls Section and complete the necessary reports.

The second supervisor appearing on the scene, whether dispatched or not, shall convey involved members to the Internal Controls Section as directed by the officer-in-charge of that section or the investigator from the Internal Controls Section, Special Assignment Squad, in charge at the scene. If it is believed that a hostile situation exists or is imminent, the second supervisor shall convey the principally involved members away from the scene as soon as possible and be further advised by the officer-in-charge of the Internal Controls Section.

* 22.5 Duties of the Internal Controls Section Upon Discharge of a Member's Firearm

- * The Internal Controls Section shall be notified by the Notification/Crime Reporting Unit whenever a member discharges a firearm

GENERAL PROCEDURES

- * within the city (except on a target range). A Internal Controls Section team shall be dispatched to all scenes within the city where an injury or death results from the
- * discharge of a member's firearm. The first member from the Internal Controls Section to arrive on the scene shall take full charge, regardless of the rank of the officers present
- * from other commands of the department. Internal Controls Section personnel shall be charged with the dispositions of involved members, witnesses and evidence at the scene.

22.6 Duties of the Other Members Upon Discharge of a Member's Firearm

The primary duty of all members at the scene of a shooting is to ensure that any injured persons receive necessary first aid and prompt medical attention. Their next duties are to arrest the perpetrator of any crime that may have been committed and to preserve the scene for evidence and investigation. Except to convey injured persons or to pursue fleeing suspects, all members involved with the shooting shall remain at the scene until ordered to leave by the responding patrol supervisor or a Internal Controls Section team upon their arrival. All witnesses, unless injured, shall be detained at the scene or as near as possible until the arrival of the responding patrol supervisor or Internal Controls Section team. Members who are not involved with the shooting, dispatched to the scene, or directed to perform some function at the scene, shall promptly return to their normal duties.

22.7 Police Action Incident Report, DPD 650 (P.A.I.R. DPD 650)

- * Whenever a member discharges a firearm (except while hunting in a lawful manner or on a target range), a supervisor shall prepare a P.A.I.R. DPD 650.
- * The P.A.I.R. DPD 650 report consists of several boxes. The boxes are self-explanatory. Each box should be completed, provided the information is available. The Records/Identification Section will prepare the necessary coding for computer entry. The lower portion and back of the form shall be for a brief narrative of the event, including the supervisor's recommendations as to the propriety of the use of the weapon.
- * In those instances where a fatality or injury of a prisoner or officer occurs through the discharge of an officer's firearm, the narrative of the event is contained in the P.A.I.R. DPD 650.

GENERAL PROCEDURES

actions that he/she is not a proper person to be entrusted with a firearm. If the confiscation is made, the commanding officer shall forward the license with a statement of the circumstances to the commanding officer of the Records and Identification Section, who shall present the facts at the next regular Gun License Board meeting for a proper disposition.

* 30 Intermediate Force Devices

The department has two authorized intermediate force devices: the department issued baton and the chemical spray device Freeze+P.

* 30.1 Baton

The department provides members with a wood 23" straight baton. Batons will be carried by officers on foot patrol; on platoon three, and platoon one. Commanding officers, at their discretion, may require batons to be carried by officers on foot patrol on platoon two.

Unless specifically exempted by the Chief of Police, members are prohibited from carrying other intermediate force devices or impact tools (i.e., blackjacks, sap gloves, nunchaku, etc).

- * The Streamlight re-chargeable flashlight is issued to personnel for illumination purposes only. These flashlights shall not be used as an impact tool except in self- defense or the defense of others and only under circumstances where there is a significant threat of serious bodily injury.

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

* 30.2 Chemical Spray Device – Freeze+P

To provide a non-injury alternative to the baton or firearm, all members of the department will be issued the chemical spray device, "Freeze+P," as a non-lethal intermediate force device, no other type (or brand) of chemical spray may be carried by department members.

Freeze+P is intended to assist members when controlling persons who are violent or actively resisting arrest. This device is not intended to limit the appropriate use of physical force where warranted or to replace a member's firearm in situations where fatal force is justified.

GENERAL PROCEDURES

Inappropriate use or misuse of the chemical spray device will subject the member to disciplinary action as well as possible criminal or civil liability.

* 30.3 Freeze+P - Product Description

Freeze+P contains a combination of 1% CS (tear gas) and 1% OC (pepper). A person exposed to Freeze+P will experience the feeling of having a restricted airway without danger of asphyxiation, intense burning to exposed skin, and pain to the mucous membranes of the mouth, nose, and bronchial tubes. The eyes will involuntarily swell and close shut.

The product is effective against persons under the influence of drugs or alcohol as well as mentally disturbed individuals. It is also reportedly effective against animals. The effects are expected to wear off in approximately 20 minutes.

Freeze+P also contains a dye, which is visible under an ultraviolet light. The dye cannot be washed off for a period of time, making it possible to rule out false claims by identifying persons who have not been exposed. Further, the dye can assist in determining whether or not the person received an adequate amount of the agent when evaluating instances where the product did not incapacitate as expected.

Precincts and other selected commands have been issued ultraviolet lighting equipment.

* 30.4 Issuing Freeze+P

No member is authorized to carry Freeze+P until such time as he or she has completed the department training program.

Upon successful completion of the training program, the member will be issued one (1) canister of Freeze+P. An Inter-Office Memorandum, D.P.D. 568, entitled, "**Training Certification and Issuance of Freeze+P**," shall be completed by the member to acknowledge the date of training and receipt of the equipment. The memorandum shall also include the Freeze+P serial number. After endorsement by the training officer, the memorandum shall be placed in the member's personnel file. Commanding officers shall ensure that the canister serial number is recorded in the "remarks" area of the member's Personnel Data Card, D.P.D. 139.

GENERAL PROCEDURES

* 30.5 Authorized Use of Freeze+P

Freeze+P is authorized for either on or off-duty use. The device shall be carried by members when assigned to patrol or investigative duties.

The use of the chemical spray device constitutes a use of force. Therefore, its use must be in compliance with department policy governing the use of force. Unless justified under the circumstances, the use of a chemical spray device constitutes an excessive or unnecessary use of force, thus subjecting a member to department discipline as well as criminal or civil liability.

According to department policy, any use of force by a member must be reasonable, necessary and justified under the circumstances. In view of this policy, a chemical spray device can only be used when there is active resistance by a subject. Active resistance is defined as either physical resistance or conduct constituting an immediate threat of physical harm. Furthermore, even if there is active resistance from a subject, a chemical spray device cannot be used if lesser degree of force, such as verbal direction or empty hand controls, can be reasonably employed to achieve submission of the subject.

Freeze+P may only be used under the following circumstances when a lesser degree of force has not been or will not be effective:

- a. Self-defense or the defense of others;
- b. To effect the arrest of a person physically resisting lawful arrest;
- c. To restrain a person attempting to flee from custody or to recapture one whom the officer has arrested;
- d. To prevent a person from injuring him or herself;
- e. To restore and maintain public order in crowd control situations when directed by a supervisor; or
- f. To repel or control attacking or menacing animals.

Except as otherwise directed by a supervisor, the person whom the chemical device was intentionally shall be arrested or, in appropriate circumstances when the individual appears to be mentally ill, taken into protective custody and transported to Detroit Receiving Hospital for examination.

* 30.6 Freeze+P - Application Techniques

If feasible, a verbal warning shall be given prior to using the device. A one or two second burst of Freeze+P should be directed to the nose/mouth area. Direct discharge into the eyes should be avoided. Except in an emergency situation, do not discharge when closer than three feet from the subject because of an increased risk for self contamination. Allow a brief time for the chemical to take

GENERAL PROCEDURES

effect before a second application. Be prepared to take other appropriate action should the agent fail to be effective against the subject.

Generally, members should not: discharge Freeze+P into direct flames, discharge Freeze+P in close proximity to infants or in crowded areas where non-involved persons are likely to be contaminated or discharge Freeze+P in quantities which would saturate the person or area.

Once the person succumbs to the effect of the chemical agent or is otherwise restrained, members are prohibited from exposing the person to any additional chemical agent. Further, members will not use the device or threaten to use the device to elicit information from a person or for any other unauthorized purpose.

* 30.7 Treatment - Exposure to Freeze+P

Members shall implement the following procedures whenever a person is exposed to Freeze+P:

- a. Move the person to an area that provides fresh air, direct the person's face into the wind;
- b. Transport the person with the vehicle windows down to ensure adequate ventilation;
- c. Advise the person to remain calm, not to move around unnecessarily and not to rub the infected area;
- d. Do not allow the application of salves or creams to the affected area as they will trap the agent against the skin and cause burning;
- e. Flush the exposed area with plenty of cold soapy water as soon as possible, provide soap if necessary; and
- f. Instruct individuals wearing contact lenses to remove the lenses as soon as possible.

The person exposed should be closely monitored. If the symptoms persist longer than 45 minutes or if there are other unusual medical complaints or circumstances, the person shall be immediately conveyed to the Detroit Receiving Hospital for professional medical treatment.

* 31 MONTHLY CHEMICAL SPRAY DEVICE INSPECTIONS

* 31.1 Chemical Spray - Inspection Procedures

Each month, commanding officers shall ensure that the Freeze+P canisters issued to members of their command are inspected. As the procedure requires a brief discharge of the canister, the inspection shall be done outside the department building.