



Series 300 Support Services	Effective Date 06/27/05	Review Date 06/27/06	Directive Number 304.2
Chapter 304 – Use of Force			
Reviewing Office Chief of Police			<input checked="" type="checkbox"/> New Directive <input type="checkbox"/> Replaces
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; 1.3.12; 71.2.1			
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USE OF FORCE

304.2 - 1 PURPOSE

To establish policy, guidelines and limitations for the Detroit Police Department (DPD) concerning the appropriate and acceptable use of deadly and less lethal force.

304.2 - 2 POLICY

An improper use of authority and/or excessive or unjustified use of force undermine the legitimacy of an officer’s authority and hinders the department’s ability to provide effective law enforcement services to the community. Officers who use excessive force or an unauthorized use of force shall be subject to discipline, possible criminal prosecution, and/or civil liability. **Use of force is only authorized when it is objectively reasonable and for a lawful purpose.**

Research indicates that one of the most common factors found in both police excessive or unjustified use of force, and officer injuries and fatalities during force encounters is an officer’s perceived compulsion to press forward, rather than to disengage (e.g., “back off”) and explore other options. The most appropriate response choice to a situation often involves de-escalation, disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units. **Following any use of force resulting in a citizen’s injury, officers shall notify a supervisor and ensure that appropriate medical aid and/or emergency medical service is rendered as soon as possible.**

304.2 - 3 Definitions

304.2 - 3.1 Actively Resisting

Means the subject is making physically evasive movements to defeat an officer’s attempt at control, including bracing, tensing, pulling away, or pushing.

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304.2 - 3.2 Command Investigation

Means an investigation conducted by a Detroit Police Department supervisor.

304.2 - 3.3 Control

Control is the ability to command or direct with or without voluntary compliance. Officers shall control with the subject's consent, if possible, but force the subject to comply, if necessary.

304.2 - 3.4 Critical Discharge of a Firearm

Each discharge of a firearm by an officer with the exception of range and training discharges and discharges at animals.

304.2 - 3.5 Deadly / Lethal Force

Deadly or lethal force is any force used by an officer that has a reasonable probability of causing death or serious bodily injury.

304.2 - 3.6 Discipline

A written reprimand, suspension, demotion or dismissal.

304.2 - 3.7 Escorting

The use of light physical pressure to guide a person, or keep a person in place.

304.2 - 3.8 Force

The term "force" means the following actions by an officer: any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm; the use of chemical spray, chokeholds or hard hands; the taking of a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person, with no or minimal resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances and the minimum amount of force that is necessary to affect an arrest or protect the officer or other person is used.

304.2 - 3.9 Hard Hands

Using physical pressure to force a person against an object or the ground, or the use of physical strength or skill that causes pain or leaves a mark.

304.2 - 3.10 Imminent Threat

An imminent threat is an officer's reasonable perception of impending danger of death or serious injury from any action or outcome that may occur during an encounter. Thus, a subject may pose an imminent or impending danger even if he or she is not at that very moment pointing a weapon at the officer if, for example, he or she has a weapon within reach or is running for cover carrying a weapon or running to a place where the officer has reason to believe a weapon is available.

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304.2 - 3.11 Injury

Any impairment of physical condition or pain.

304.2 - 3.12 Less Lethal Force

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

304.2 - 3.13 Objectively Reasonable

This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

304.2 - 3.14 Prisoner Injury

An injury or complaint of injury that occurs in the course of taking or after an individual was taken into DPD custody that is **not** attributed to a use of force by a DPD employee.

304.2 - 3.15 Proper Use of Force Decision Making

The use of reasonable force, **including proper tactics**, and de-escalation techniques.

304.2 - 3.16 Serious Bodily Injury

Serious bodily injury is any injury that involves any of the following conditions: a loss of consciousness; extreme physical pain; disfigurement; prolonged loss or impairment of the function of a body part or organ; or a substantial risk of death.

304.2 - 3.17 Serious Use of Force

Any action by an officer that involves: 1) the use of deadly force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury or requires hospital admission; 3) a canine bite; and 4) the use of chemical spray against a restrained person.

304.2 - 4 Authorization and Limitations

304.2 - 4.1 Less Lethal Force

1. Sworn members are authorized to use DPD approved less lethal use of force techniques and DPD issued equipment where necessary to:
 - a. Protect the officer or another person from physical harm;
 - b. Make a lawful arrest when a subject offers resistance;
 - c. Stop potentially dangerous and/or criminal behavior; or
 - d. Protect subjects from injuring themselves.
2. Where less lethal force is authorized, members shall assess the incident to determine which less lethal technique or weapon will best de-escalate the incident and bring the situation under control in a safe manner;
3. Use of force, restraints and/or weapons shall never be used as punishment or retaliation.

304.2 Use of Force**304.2 - 4.2 Deadly Force**

1. Use of deadly force is only authorized:
 - a. Against a subject who poses an imminent threat of death or serious bodily injury to the officers or others; and only when bystanders are not in jeopardy;
 - b. To prevent a subject's escape from a violent felony crime **and** only if the officer has probable cause to believe that the subject poses a continuing threat of death or serious bodily injury to anyone should he or she successfully escape, Tennessee v. Garner, 471 U.S.1, 85 (1985);
2. **If less lethal force could reasonably be used to prevent the escape of a dangerous fleeing subject, or a subject fleeing from a violent felony crime, then deadly force is not authorized;**
3. If feasible, officers shall identify themselves and state their intention to shoot before using a firearm;
4. **A strike to the head of any person with an instrument constitutes a use of deadly force;**
5. **In addition to the above, the DPD further limits the use of deadly force to effect the arrest or to prevent the escape of a fleeing felon to the following felonies and only if the officer has probable cause to believe the fleeing felon will pose a significant threat of death or serious physical injury to the officer or others should he or she successfully escape:**
 - a. Murder or attempted murder;
 - b. Assault with intent to commit murder;
 - c. Criminal sexual conduct, first and third degree;
 - d. Armed robbery or attempted armed robbery, or
 - e. Assaults that result in life-threatening bodily injury.

304.2 - 4.3 Prohibited Holds

The following neck restraints are prohibited except where deadly force is authorized:

1. Carotid submission hold;
2. A hold which interrupts the blood's flow to the brain;
3. A "sleeper hold" that can result in a person losing consciousness and/or death;
4. Bent arm submission hold/Hammer lock carotid hold. This hold restricts airflow to the trachea and can result in a loss of consciousness and/or death;
5. **All** other chokeholds.

304.2 - 4.4 Unauthorized Use of Deadly Force

1. Deadly force shall not be used against persons whose conduct is injurious only to themselves;
2. Firing at, or from a moving vehicle is prohibited. Moreover, officers shall not intentionally place themselves in the path of a moving vehicle;
3. Warning shots are strictly prohibited;
4. Under no circumstances can shooting a firearm be justified to make an arrest for a misdemeanor charge or to apprehend a person fleeing from such a charge;

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5. An officer shall not shoot a firearm in an attempt to apprehend a person merely on suspicion that a crime, no matter how serious, was committed, or if there is only a suspicion that the person being pursued committed the crime. An officer shall either have witnessed the crime, or shall have probable cause to believe that the person committed an offense that allows using deadly force.

304.2 - 4.5 Dangerous Animals

1. An officer may shoot a dangerous and/or rabid animal that is posing an imminent threat of danger to the officer or others and only when bystanders are not in jeopardy;
2. 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;
3. The carcass of any animal that has been shot and that is 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;
4. When an officer comes in contact with a seriously injured or dangerous animal, the officer shall notify the proper agency (e.g., City of Detroit Animal Control, Michigan Humane Society, etc.);
5. In any instances where a member kills an animal, the officer's supervisor shall prepare a Police Action Incident (PAIR) Report.

304.2 - 5 Proper Use of Force Decision Making

304.2 - 5.1 General

When evaluating the force used by law enforcement, the U.S. Supreme Court, in the case of Graham v. Connor, 490 US 386 (1989), made clear that the determination requires a commonsense pragmatic approach stating that an officer's decision to use force occurs in "circumstances which are tense, uncertain, and rapidly evolving," and that there is no universal rule or "mechanical rule," that can be applied to all of the various situations encountered by a law enforcement officer.

304.2 - 5.2 Force Continuum

Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to **immediately** de-escalate and/or disengage from the use of force as the subject de-escalates or comes under the officer's control. **Often the most appropriate response option to a situation involves de-escalation, disengagement, area containment and/or surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units.**

It is important for officers to remember that even at its lowest level; the use of force is a serious responsibility. The force continuum is a model developed for illustrative purposes, defining the various levels of resistance and force exercised during a use of force incident. [Refer to Training Directive 04-3 (Use of Force Continuum)]. The continuum is based on the concept that as the resistive individual(s) increases the level of

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resistance or threat to the officer, the officer may increase the level of force necessary to overcome the resistance and conversely **de-escalate and/or disengage** as compliance is attained. The levels of resistance include:

- **Inactive Resistance:** Includes psychological intimidation (non-verbal cues indicating the subject's attitude, appearance and physical readiness) and verbal non-compliance (verbal responses indicating the subject's unwillingness to comply with direction may include verbal threats made by the subject).
- **Passive Resistance:** Physical actions that do not directly prevent the member's attempt of control.
- **Active Resistance:** **Means the subject is making physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, pulling away, or pushing.**
- **Active Aggression:** Physical acts of aggression;
- **Deadly Force:** Physical acts of aggression directed toward a member or another that are likely to cause serious bodily injury or death.

The levels of force are:

- **Officer Presence/Verbal Direction:** The identification of authority through the officer's presence in uniform or by other means, such as a badge and identification card or apparel clearly identifying the member as an officer and/or communication directed toward controlling the actions of a subject. This may include direction, orders or commands;
- **Compliance Controls:** Physical techniques employed by officers (e.g., escorting, touch pressure, joint locks, etc.) **and the PR-24 Collapsible Baton as a non-impact control device;**
- **Physical Controls:** (e.g., pain compliance, hard hands, etc.)
- **Intermediate Weapons:** The use of authorized less lethal weapons including impact weapons, chemical agents, and canines;
- **Deadly Force:** A tactic or use of force that is likely to cause serious bodily injury or death.

When applying the concept of a force continuum, the totality of the circumstances involved in the incident must also be considered. Officers may initiate the use of force at any level of the force continuum that is appropriate under the circumstances. However, circumstances that may influence an officer may influence an officer's decision to escalate or de-escalate the amount of force used include, but are not limited to:

- The nature of the offense;
- Influence of drugs or alcohol;
- Presence/proximity of weapons;
- Officer/Subject factors (e.g., age, size, strength, etc.);
- The feasibility and availability of alternative responses;
- The availability of additional officers.

304.2 Use of Force**304.2 - 6 Training and Qualifications****304.2 - 6.1 General**

1. All DPD members that are authorized to carry lethal and less than lethal weapons shall be issued a copy of this department's Use of Force Policy (Directive 304.2), Use of Force Continuum (Training Directive 04-03) and any other policies or training directive that is specific to the weapon being trained on;
2. All members shall be trained by qualified instructors in any authorized lethal or less lethal weapon they carry.

304.2 - 6.2 Firearms

1. While on and off duty, officers shall carry only weapons and ammunition authorized and approved by this department;
2. Authorized weapons are those with which the officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with department specifications;
3. **Officers are required to attend regular use of force training and qualification sessions for duty and off-duty weapons (bi-annually). An off-duty weapon that is approved by DPD's Firearms Training Unit, and that the member has qualified with, may be carried by members as a secondary weapon while on-duty;**
4. An officer who has suffered from an illness or injury that could affect his or her use of firearms ability shall be required to re-qualify prior to returning to enforcement duties.

304.2 - 6.3 Less Lethal Weapons and Methods

1. No department issued piece of equipment that is not designed or authorized to be used as a weapon (for example, flashlight, prep radio, handcuffs), shall be used as a weapon **unless deadly force is authorized;**
2. An officer is not permitted to use a less lethal weapon unless qualified in its proficient use as determined by the Training Division;
3. Intermediate weapons shall be carried or used as issued and authorized by the department. No changes, alterations, or modifications are permitted.
4. Officers may use weaponless defense or arrest tactics in which departmental training has been given to control or arrest uncooperative suspects;
5. The use of a police canine to search for or apprehend suspects is considered a use of force under this policy. [Refer to Directive 201.4 (Canine)];
6. **Chemical Spray (Freeze+P):** Is authorized for on-duty or off-duty use. Members, when assigned to patrol or investigative duties, shall carry the device. [Refer to Directive 304.3 (Chemical Spray Device)];
7. **PR-24:** Is an impact tool that offers a less lethal method for apprehending and subduing violent and/or actively resisting subject. Officers should target a subject's torso, arms, and legs. A PR-24 may also be used as a non-impact control device. Only members trained on the PR-24 baton may be equipped and/or carry the PR-24 baton. [Refer to Directive 304.2 (PR-24 Collapsible Baton)];

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8. Weapons used for striking, other than the PR-24 side-handle baton, are strictly prohibited. Prohibited weapons include, but are not limited to: brass knuckles, blackjacks, nunchukus, saps, slapjacks, and other stick or clubs.

304.2 - 7 Duty to Report/Render Aid

Whenever a DPD member employs any use of force as defined by this Directive, such member shall, unless physically incapacitated:

1. Ensure that the subject has been properly restrained or no longer poses an immediate threat to the safety of officers or others;
2. Render first aid and summon Emergency Medical Services (EMS) if needed; and
3. Provide assistance to persons subjected to the effects of a Chemical Spray Device (Freeze+P), including:
 - a. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating or loss of consciousness. Upon observing these or other medical problems or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid;
 - b. Provide an opportunity for decontamination to a sprayed subject within twenty minutes of the application of the spray or the apprehension of the subject;
 - c. Sprayed subject(s) shall be continuously monitored for signs of a medical complaint. If a person complains of continued effects after having been decontaminated or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis or heart ailment) that may be aggravated by chemical spray, the officer shall immediately be conveyed to Detroit Receiving Hospital (DRH) for medical treatment;
 - d. Restrained subjects should be placed in an upright or seated position to avoid Positional Asphyxia which is death that occurs when a subject's body position interferes with breathing. [Refer to Training Directive 04-02 (Positional Asphyxia)].

304.2 - 7.1 Use of Force Reporting

1. Officers shall notify their Zone Dispatcher following any use of force or a prisoner injury. The Zone Dispatcher shall notify a non-involved sworn supervisor;
2. A non-involved supervisor shall respond to the scene following any use of force that involves a firearm discharge, a visible injury, or a complaint of injury;
3. A non-involved supervisor shall respond to all other uses of force on a priority basis. For the purpose of this Directive a "priority basis" is defined by the current availability of supervisors and the nature of the situation (e.g., highly charged situations, agitated by-standers, potential for violence) whereas response to the scene may increase volatility or be impracticable;

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4. **Upon arrival at the scene, the supervisor shall interview the officer(s), canvass for witnesses and** examine the subject(s) for injury, and ensure that the subject(s) receives, or has received, needed medical attention. No member shall delay rendering medical attention, requesting EMS or the conveyance of any subject to a medical treatment facility, pending the arrival of a supervisor;
5. In the event an injured person has been conveyed for medical treatment prior to the supervisor's arrival at the scene, the supervisor shall interview the subject at the medical facility provided the interview will not interfere with the subject's medical treatment;
6. The supervisor responding to the scene shall notify the Internal Controls Division (ICD) of all serious uses of force, uses of force that result in a visible injury, uses of force that a reasonable officer should have known were likely to result in injury, and uses of force where there is evidence of possible criminal misconduct by an officer; and
7. The ICD shall respond to the scene and investigate all incidents where there is evidence of possible criminal misconduct by an officer; where a prisoner dies, suffers serious bodily injury, or requires hospital admission, or where there is a serious use of force. **The ICD may delegate all other use of force or prisoner injury investigations to the responding supervisor for a command investigation, if deemed appropriate by ICD.** [Refer to Training Directive 04-7 (Use of Force Reporting/Investigating)].

304.2 - 7.2 Use of Force Report

In all instances when officers use force, as defined in Section 3.7 of this Directive, each officer who has employed such force shall complete:

1. Any reports made necessary by the nature of the underlying incident; and Use of Force Report (UF-002);
2. Each individual officer who uses force in an incident shall submit a separate Use of Force Report documenting any force, any allegation of use of force, any prisoner injury, and any instance in which an officer draws a firearm and acquires a target. [Refer to Training Directive 04-7 (Use of Force Reporting/Investigating)];
3. 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;
4. The Use of Force Report shall be submitted as soon as possible following the incident but prior to the end of the member's tour of duty.

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Related Procedures:

- Directive 201.4 – Canines
- Directive 202.1 – Arrests
- Directive 304.1 – Firearms
- Directive 304.3 – Chemical Spray Devices
- Directive 304.4 – PR-24 Collapsible Baton
- Training Directive 04-02 – Positional Asphyxia
- Training Directive 04-3 – Use of Force Continuum
- Training Directive 04-7 – Use of Force Reporting/Investigating

Form and Reports:

- Use of Force Report (UF-002)
- Police Action Incident Report (PAIR) (DPD 650)