

USE OF DEADLY FORCE BY POLICE OFFICERS

GRANT NO. 79-NI-AV-0134

NATIONAL INSTITUTE OF JUSTICE

FINAL REPORT .

VOLUME I  
OVERVIEW OF DEADLY FORCE  
POLICY AND USE IN THE  
UNITED STATES

## DETROIT

At more than a million and a quarter population, Detroit in 1973 ranked as the fifth largest city in the United States. It also had the reputation at approximately this time for having the highest rate of homicide in the nation. Its violent crime rate, shown in Table 13, indicates an exceedingly large amount of such activity, the second highest rate for the country as a whole. The city is almost half nonwhite (45 percent), and its one police officer for every 247 persons indicates a great intensity of law enforcement effort. It is always debatable, of course, how much the manpower of a department affects crime rate. Assuredly, the more officers there are, the more crime they are apt to see in a proactive manner. It is also possible that a greater number of officers will imply swifter and more thoroughgoing response to citizen complaints of crime, and thus encourage a greater volume of such complaints. On the other hand, the number of officers per capita in a jurisdiction may merely reflect the crime rate, indicating a citizen and politician need to have greater protection against what is, or is seen as, a severe problem. With a 31 percent nonwhite police force, Detroit stands behind only Washington (44 percent) in terms of the number of its nonwhite personnel.

Firearms Policy. General Order 77-16, dated February 7, 1977, sets forth the Detroit Police Department's policies in regard to Regulations and Procedures concerning firearms. The policy has two preamble statements worth noting:

Members must always bear in mind that the use of firearms shall be confined to situations of strong and compelling need. 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. .

The law recognizes degrees of crime by providing degrees of penalty. The member about to shoot must consider the severity and the certain consequences of his action, particularly in those cases where the crime committed did not result in personal injury. Members must also consider that the maximum sentence imposed by our court system would result in neither death nor injury.

The Michigan Police Manual is then quoted, with its observation that "no one can be justified in threatening or taking life in attempting to arrest on suspicion only, without incurring serious responsibilities. Where the life of a felon is taken, by one who does not know or believe in his guilt, such slaying involves criminal liability" and "if a crime can readily be prevented without injuring the criminal, every wanton injury is a trespass, and may become a crime. Neither law nor morality can tolerate the use of needless violence, even upon the worst criminals."

The rules for shooting and not shooting are then set out, including a ban against the firing of warning shots and shots discharged from moving vehicles. Except for the initial two pages of the 40-page order, it does not consider deadly force, but rather focuses on types of weapons allowed and prohibited and their proper care and maintenance. There also is a brief section on procedures to be followed in the event of a firearm discharge.

The Detroit department also has a General Order, issued in mid-1978, dealing with proper responses to a barricaded gunman. These rules seem important to issues of deadly force, and in Detroit they are dealt with at some length and with considerable sophistication. It is noted, for instance:

The first officers at the scene shall make no effort to rush the building prior to the arrival of a supervisory officer. It shall be their responsibility to cover all exits to ensure that the gunman does not escape. They shall appraise the situation and notify the zone dispatcher...

- In those instances where officers or citizens are being fired upon by a barricaded gunman, the officers shall keep under cover and attempt to locate the source of the firing. Officers shall maintain firearms discipline and shall not fire their weapons unless their lives or the life of another is in imminent danger. Under no circumstances shall there be indiscriminate firing at the building or at street lights.

The order also covers situations involving hostages, and addresses matters concerned with the use of armored evacuation vehicles. It is noted too that "police personnel on duty at the scene shall exercise caution and shall adhere to all directives of the department in regards to the carrying of firearms. Officers shall not remove their badges or shields unless so directed by the tactical commander." Finally, off-duty officers are told to remain away from the scene unless they have specific orders to the contrary.

There are further orders concerning reports and records in regard to injuries to either officers or prisoners, and concerning the convening of a board of review. Such a board may be brought together by the concerned deputy chief in any case involving the use of force by a member of the department. The board must be convened in all cases in which a death has occurred as a result of the use of a weapon or force by a member of the department in the performance of his police duties. In the event of the

death of an officer, either by killing or suicide, a board also may be convened.

The Detroit Police Department's Shots Fired Report form is reproduced as Illustration 11, for the information of other departments who might be interested in inaugurating such a report or reviewing the one they currently employ.

[INSERT ILLUSTRATION 11 HERE]

Detroit, like a number of the other jurisdictions, has a very thorough tabulation of complaints by citizens and the disposition of such complaints. Again, the difficulty lies in attempting to compare categories which are differently used by the different units--a task that is beyond doing without going deep into the original files and recalculating the figures using standardized procedures and definitions. It is interesting that, for 1977, the department tabulates the number of citizen complaints by months of the year. That calculation shows a sharply rising number of complaints with each three-month period: 611 in January-March; 684 in April-June; 754 in July-September; and 842 for the remaining three months of the year. These brief summaries do not support the hypothesis that summer months in cities such as Detroit, with relatively harsh winters, bring out the most aggression because of more personal contacts and short tempers traceable to the weather conditions. At least, such an idea is not reflected in the citizen complaints about Detroit law enforcers.

Training. The Detroit Police Department in-service training occupies a block of time totalling eight hours; two of these are devoted to issues of deadly force. The segment is placed under the title "officer survival." There are no lesson plans for this element of the in-service training because the presentations are said to be tailored to the needs of the individual

Illustration 11  
SHOTS FIRED REPORT

167

DETROIT  
DEPARTMENT  
POLICE

(IN CASE OF MULTIPLE SUBJECTS, USE TOP PORTION OF REPORT FOR ONE SUBJECT ONLY,  
AND USE NARRATIVE FOR OTHERS)

OFFICER'S NAME		LAST	FIRST	M.I.	BADGE	YEARS IN CLPT.	COMMAND	RANK
STATUS 1 <input type="checkbox"/> on duty 2 <input type="checkbox"/> off duty		IN UNIFORM? 1 <input type="checkbox"/> yes 2 <input type="checkbox"/> no		OFFICER'S QUALIFICATION 1 <input type="checkbox"/> expert 3 <input type="checkbox"/> marksman 5 <input type="checkbox"/> failed 2 <input type="checkbox"/> sharpshooter 4 <input type="checkbox"/> qualified		FIRING TYPE 1 <input type="checkbox"/> accidental 3 <input type="checkbox"/> att. suicide 2 <input type="checkbox"/> intentional 4 <input type="checkbox"/> suicide		DATE FIRED
MILITARY TIME (NEAREST HOUR)  _____ hundred		LOCATION 1 <input type="checkbox"/> indoors 4 <input type="checkbox"/> automobile 7 <input type="checkbox"/> field 2 <input type="checkbox"/> alley 5 <input type="checkbox"/> street 8 <input type="checkbox"/> other 3 <input type="checkbox"/> wooded area 6 <input type="checkbox"/> yard			LIGHTING CONDITIONS 1 <input type="checkbox"/> daylight 4 <input type="checkbox"/> flashlight 7 <input type="checkbox"/> poor art. light 2 <input type="checkbox"/> dusk 5 <input type="checkbox"/> dark-no light 8 <input type="checkbox"/> other 3 <input type="checkbox"/> dawn 6 <input type="checkbox"/> good art. light			
OFFENSE (code)	NUMBER OF ARRESTS	SUPERVISORS AT SCENE? 1 <input type="checkbox"/> yes 2 <input type="checkbox"/> no		NO. OF OFFICERS AT SCENE	NO. OF SUBJECTS	WHO FIRED FIRST? 1 <input type="checkbox"/> subject 2 <input type="checkbox"/> officer		COMPLETE DESCRIPTION OF OFFICER'S WEAPON (code)
LOCATION OF OFFICER'S WEAPON ON INITIAL CONTACT 1 <input type="checkbox"/> in hand 2 <input type="checkbox"/> in holster 3 <input type="checkbox"/> other _____					OFFICER'S POSITION 1 <input type="checkbox"/> standing 3 <input type="checkbox"/> prone 5 <input type="checkbox"/> moving vehicle 7 <input type="checkbox"/> other _____ 2 <input type="checkbox"/> kneeling 4 <input type="checkbox"/> running 6 <input type="checkbox"/> barricaded			
OFFICER'S PROTECTION 1 <input type="checkbox"/> furniture 3 <input type="checkbox"/> wall 5 <input type="checkbox"/> none 2 <input type="checkbox"/> tree 4 <input type="checkbox"/> car 6 <input type="checkbox"/> other _____			NUMBER OF OFFICER'S SHOTS 1 <input type="checkbox"/> single action _____ 2 <input type="checkbox"/> double action _____		DIRECTION FIRED 1 <input type="checkbox"/> east 3 <input type="checkbox"/> north 5 <input type="checkbox"/> in ground 2 <input type="checkbox"/> west 4 <input type="checkbox"/> south 6 <input type="checkbox"/> in air			
DISTANCE (in feet) 1 <input type="checkbox"/> first shot _____ 2 <input type="checkbox"/> last shot _____		COMPLETE DESCRIPTION OF SUBJECT'S WEAPON (code)		LOCATION OF SUBJECT'S WEAPON ON INITIAL CONTACT 1 <input type="checkbox"/> in hand or in view 3 <input type="checkbox"/> none 2 <input type="checkbox"/> no weapon seen 4 <input type="checkbox"/> other _____				
SUBJECT'S POSITION 1 <input type="checkbox"/> standing 3 <input type="checkbox"/> prone 5 <input type="checkbox"/> moving vehicle 7 <input type="checkbox"/> other _____ 2 <input type="checkbox"/> kneeling 4 <input type="checkbox"/> running 6 <input type="checkbox"/> barricaded					SUBJECT'S PROTECTION 1 <input type="checkbox"/> furniture 3 <input type="checkbox"/> wall 5 <input type="checkbox"/> none 2 <input type="checkbox"/> tree 4 <input type="checkbox"/> car 6 <input type="checkbox"/> other _____			
NUMBER OF SUBJECT'S SHOTS		SUBJECT'S WOUND 1 <input type="checkbox"/> fatal 3 <input type="checkbox"/> superficial 5 <input type="checkbox"/> unknown 2 <input type="checkbox"/> critical 4 <input type="checkbox"/> self-inflicted 6 <input type="checkbox"/> none			OFFICER'S WOUND 1 <input type="checkbox"/> fatal 3 <input type="checkbox"/> superficial 2 <input type="checkbox"/> critical 4 <input type="checkbox"/> none		SELF DEFENSE 1 <input type="checkbox"/> yes 2 <input type="checkbox"/> no 3 <input type="checkbox"/> pending	
RECOMMENDATION 1 <input type="checkbox"/> no further action 2 <input type="checkbox"/> re-training 3 <input type="checkbox"/> disciplinary action 4 <input type="checkbox"/> pending								

SUPERVISOR'S INVESTIGATION-EXPLAIN INCIDENT IN DETAIL AND ATTACH A COPY OF THE INCIDENT REPORT.

officers, and because of this and other considerations they are held in confidence.

Recruit training on deadly force is included within the Firearms Training Unit, with the mimeographed materials containing a single-spaced page of the general kinds of rules that we have encountered in many other departments during the course of this survey.

Table 23 shows the numbers of hours devoted to firearms training for recruits (as well as in-service) under various categories of instruction.

[INSERT TABLE 23 HERE]

Shooting Statistics. Detroit is the initial jurisdiction that we have examined which in its tabulations of shooting incidents differentiates between those which occurred under on-duty and those which took place under off-duty conditions. The figures are presented in Table 24.

[INSERT TABLE 24 HERE]

We would not be surprised if essentially the same ratio of on-duty and off-duty fatalities brought about by police shootings marked other jurisdictions, though it is a matter that requires close scrutiny, because it carries important policy implications. The 58 shootings--19.3 a year--is quite high, but it must be remembered that Detroit is a good deal larger than the other cities we have been looking at, so that the rate must be adjusted to population size and a number of other variables for it to be considered in its true light.

Crime Statistics. Table 25 presents the crime statistics for offenses of the type we have been examining in this report as they relate to Detroit.

[INSERT TABLE 25 HERE]

TABLE 23  
Firearms Training  
Detroit

<u>Hours Pre-Service Legal Aspects</u>	<u>Hours Pre-Service Policy Aspects</u>	<u>Hours Pre-Service Actual Shooting</u>	<u>Hours In-Service Actual Shooting</u>	<u>Training Frequency Per Year</u>
1	1	48	3	1



TABLE 24

Fatal Shooting Incidents by On-Duty and Off-Duty Officers  
Detroit: 1976-1978

Year	On-Duty	Off-Duty	Total
1976	20	4	24
1977	16	1	17
1978	13	4	17
Total	49	9	58

TABLE 25

Homicide, Robbery, and Weapons Violations  
Detroit: Five-Year Average  
1975-1979

Homicide	Robbery	Weapons Violations
566.40	16,411.60	2,549