



# DETROIT POLICE DEPARTMENT

## MANUAL

<b>Series</b> 300 Support Services	<b>Effective Date</b> TBD	<b>Review Date</b> Three Years	<b>Directive Number</b>  <b>304.2</b>
<b>Chapter</b> 304 – Use of Force			
<b>Reviewing Office</b> Office of the Chief of Police			<input type="checkbox"/> <b>New Directive</b> <input checked="" type="checkbox"/> <b>Revised</b> <i>Revisions in Italics</i>
<b>References:</b> <i>Michigan Law Enforcement Accreditation Commission Standard 3.3.1 Use of Force</i>			

## USE OF FORCE

### 304.2 – 1 PURPOSE

The purpose of this policy is to establish 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

Force is authorized only in circumstances where its application is objectively reasonable and necessary to effect a lawful seizure of a person, maintain proper custody of a prisoner, protect the officer or another individual from foreseeable harm, stop potentially dangerous or criminal behavior, or prevent individuals from injuring themselves. Force shall never be used for purposes of inflicting punishment or retaliation against any individual.

### 304.2 – 3 Force Defined

For purposes of this order, the term “force” refers to any physical strike or instrumental contact with a person, any intentional attempted physical strike or instrumental contact that does not take effect, any significant physical contact that restricts the movement of a person, or the deployment of a canine.

The term “force” includes, but is not limited to, firearm discharges, the discharge of a TASER or other projectiles, the use of chemical spray, chokeholds or hard-hands, and taking a subject to the ground

The term “force” does not include firearm discharges or the use of less-lethal techniques or devices during approved training sessions. The term “force” also does not include firearm discharges at animals.

### 304.2 – 4 Objectively Reasonable Defined

The term “objectively reasonable” refers to a legal standard set forth by the Supreme Court of the United States in *Graham v. Connor*, 490 U.S. 386 (1989), for determining the reasonableness of an officer’s use of force.

Under *Graham*, the reasonableness of an officer’s use of force will be determined by balancing the nature and quality of the intrusions with the countervailing governmental interests. The question is whether the law enforcement officer’s actions are objectively

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reasonable in light of the facts and circumstances confronting the officer. Objective factors will determine the reasonableness of force including, but not limited to, the severity of the crime, whether the suspect poses an immediate threat to the safety of the law enforcement officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

- a. Under *Graham*, “the reasonableness of a particular use of force must be judged from the perspective of a reasonable law enforcement officer on the scene at the moment the force was used, rather than with the 20/20 vision of hindsight.”
- b. Furthermore, the process for judging the reasonableness of an officer’s use of force “must embody allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.”
- c. The *Graham* standard is an objective one that does not consider the officer’s underlying intent or motivation. Accordingly, an officer’s good intentions will not validate a particular use of force.

### 304.2 – 5 MCOLES Subject Control Continuum

The MCOLES Subject Control Continuum provides training guidelines for controlling subjects in arrest or confrontation situation.

Consistent with MCOLES requirements, all recruits shall receive training in the Subject Control Continuum. As it deems necessary, the DPD may require its members to receive additional training on the Subject Force Continuum.

The Subject Control Continuum is incorporated into this Directive as Appendix A.

### 304.2 - 6 Approved DPD Force Tactics

Except where deadly force is authorized, a member is only authorized to employ **approved DPD force tactics** that the member has been trained in.

- a. For purposes of this Directive, the term “approved DPD tactics” refers to tactics, techniques, or strategies taught or otherwise sanctioned by the DPD.
- b. The Training Center is responsible for maintaining a curriculum and providing instruction in approved DPD tactics.
- c. All members shall be trained by instructors who are either certified or otherwise qualified to teach the course.
- d. The Training Center shall evaluate outside training for the purpose of determining whether such training conforms to DPD’s policies and procedures.
- e. Members are prohibited from attending outside training that provides instruction on

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any technique, strategy, or tactic prohibited by the DPD.

**304.2 - 6 Deadly Force**

*The term “deadly force” refers to a tactic or use of force that is likely to cause serious bodily injury or death. For purposes of this directive, the term deadly force include instrumental strikes to the head. Deadly force is only authorized 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. Deadly force may also be used to prevent a subject’s escape from a violent felony 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 the subject successfully escape. For purposes of this directive, the term “violent felony” is limited to murder or attempted murder; assault with intent to commit murder; criminal sexual conduct, first and third degree; armed robbery or attempted armed robbery, and assaults that result in life-threatening bodily injury.*

*Deadly force is not authorized 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.*

**304.3 – 7 De-escalation Tactics, Verbal Commands, and Alternatives to Force**

*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 encounter, is an officer’s perceived compulsion to press forward rather than disengage (e.g. “back off”) and explore other options. The most appropriate response choice to a situation often involves de-escalation, disengagement, area containment, and surveillance, waiting out a subject, summoning reinforcements, or calling in specialized commands.*

Members shall employ **de-escalation tactics**, **verbal commands**, and **alternatives to force** unless doing so could reasonably be expected to compromise the safety of a member or other individual, result in the destruction of evidence, lead to the escape of a subject, or facilitate the commission of a crime.

- a. *As used in this directive, the term “de-escalation” refers to an officer’s attempt to take action or communicate verbally or non-verbally during a potential force encounter in an attempt to stabilize a situation or reduce the immediacy of a threat so that more time, options, or resources can be called upon to resolve a situation without force or with a reduction in the amount of force needed.*
- b. *De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.*
- c. *As used in this directive, the term “verbal command” refers to a member’s directive*

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to a subject that, if complied with, would not result in force.

- d. The term “alternatives to force” refers to tactics, short of force, that may persuade an individual to become compliant. Such tactics include, but are not limited to, de-escalation, disengagement, area containment, and surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units.

### 304.2– 8 Prohibited DPD Tactics

Except where deadly force is authorized and no feasible alternative exists, members are strictly prohibited from applying any form of neck restraint, chokehold, or other hold that interrupts a subject’s airflow to the trachea or blood flow to the brain.

Except where deadly force is authorized and no feasible alternative exists, members shall not intentionally grasp or strike an individual’s throat.

### 304.2 - 9 Duty to Render Aid

Members that have used force shall make medical treatment available to the subject as soon as possible where the subject requests medical treatment, the subject complains of injury or continued pain, the subject is visibly injured, or the subject displays any behavior that would indicate injury

In cases of emergency, members shall render appropriate first aid and request EMS through the Zone Dispatcher.

As a last resort, and only when EMS response is not available or the delay involved in waiting for EMS would increase the risk of death or serious injury, members may convey an injured subject to the nearest hospital capable of rendering appropriate treatment.

### 304.2 – 10 Member’s Responsibilities Following Use of Force

1. Members shall notify the Zone Dispatcher following any use of force and affirmatively state that force was used. The Zone Dispatcher shall notify a non-involved, sworn supervisor.
2. The supervisor shall immediately respond to any scene involving a firearm discharge, the discharge of a TASER or other projectile, or in situations where there is a visible injury or complaint of injury.
3. A non-involved sworn supervisor shall respond to all other uses of force on a **priority basis**. As used in this Directive, the term “priority basis” refers to balancing the current availability of supervisors against the nature of the situation to be prioritized.
4. Where the scene involves a clear potential for violence, the involved members shall evacuate the area with the involved subject prior to the arrival of the non-involved, sworn supervisor. Non-involved members shall take custody of the subject before evacuating the location unless doing so unreasonably increase the risk of danger.

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Each member that uses force shall complete a report of the incident on a form designated for such reporting. This report shall be in addition to other required reports.

- a. The report shall include in chronological order the circumstances warranting the initial seizure of the subject; a detailed description of the subject's actions; any attempts by the member to de-escalate the situation, issue verbal commands, or engage in alternatives to force; a detailed description of the member's response to the subject's actions and the force used; a statement regarding who notified dispatch; the name and badge number of the non-involved, sworn supervisor who responded to the scene; and any other information needed to demonstrate compliance with this Directive or other applicable directives.
- b. The report shall be submitted as soon as possible following the incident. The involved member's tour of duty shall not conclude until the report has been submitted and the supervisor has approved the report.
- c. The Office of Civil Rights shall issue standard protocols for proper completion of reports required under this Order.
- d. If an arrest report is made in conjunction with a use of force, the member completing the report shall indicate that force was used by checking the "yes" box in the "Force Used" section of the report.

**304.2 - 12 Violation of DPD Use of Force Policy**

Any member who employs force in violation of this Directive shall be subject to discipline, up to and including termination, possible criminal prosecution, or civil liability.

**Related Procedures:**

- Directive 101.1 - Written Directive System
- Directive 102.3 - Code of Conduct
- Directive 102.11 – Duty to Intervene
- Directive 201.11 - Use of Force and Detainee Injury Reporting/Investigation
- Directive 201.4 - Canine (K-9) Operations
- Directive 202.1 - Arrests
- Directive 304.1 - Firearms
- Directive 304.3 - Chemical Spray Device
- Directive 304.4 - PR-24 Collapsible Baton
- Directive 304.5 - Training

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- Directive 401.13 – Management Awareness System
- Training Directive 04-03 - Use of Force Continuum
- Training Directive 05-04 - Positional Asphyxia
- *Michigan Law Enforcement Accreditation Commission Standard 3.3.1 Use of Force*

### **Form and Reports:**

- Use of Force Report (UF-002)
- Destruction of Animal (DPD 669)

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