



DETROIT POLICE DEPARTMENT

MANUAL

Series 300 Operations	Effective Date TBD	Review Date Three Years	Directive Number 304.13
Chapter 304 – Training			
Reviewing Office Office of Civil Rights			☒ New Directive ☐ Revised Revisions in <i>italics</i>
References MLEAC 3.3.1			

DEADLY FORCE

304.13-1 PURPOSE

The purpose of this policy is to set forth standardized procedures for the reporting and investigation of incidents involving deadly force.

304.13 - 2 POLICY

The Detroit Police Department (DPD) is committed to ensuring that deadly force is used only when it is objectively reasonable and necessary to protect members or others from what is reasonably believed to be an imminent threat of death or serious bodily harm. The Department is equally committed to ensuring that any use of deadly force is properly reported and transferred to Force Investigations in accordance with the Charter of the City of Detroit.

304.13 – 3 DEFINITIONS

304.13 – 3.1 Critical Firearm Discharge

Any situation where a member discharges a firearm, excluding discharges that occur in the course of training or against animals.

304.13 – 3.2 Deadly Force

Force which a reasonable person would consider likely to cause death or serious bodily harm. Its use may be justified only under conditions of extreme necessity, when all lesser means have failed or cannot reasonably be employed, 10 CFR § 1047.7.

304.13 – 3.3 Objectively Reasonable

In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation based upon the totality of the circumstances known at the time, 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.

304.13 – 3.4 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.

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304.13 – 4 PROCEDURES

304.13– 4.1 Use of Deadly Force

Use of deadly force is only authorized:

- a. Against a subject who poses an imminent threat of death or serious bodily injury to the members or others, when such force is objectively reasonable under the circumstances and only when bystanders are not in jeopardy; Members shall, when feasible and consistent with public safety, use de-escalation techniques and reasonable alternatives before resorting to deadly force.
- b. 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 he or she successfully escape, Tennessee v. Garner, 471 U.S. 1, 85 (1985).

When feasible, members shall identify themselves as law enforcement and provide a verbal warning of their intention to use deadly force. Intentional strikes to the head of any person with an impact weapon or other instrument shall be considered deadly force.

In addition to the above, the Department 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/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, and
- e. Assaults that result in life-threatening bodily injury.
- f. Carjacking.

304.13–4.2 Duty to Intervene

Members shall intervene when they observe another member using force that is clearly beyond what is objectively reasonable under the circumstances, when safe and feasible to do so, and shall promptly report the incident to a supervisor.

304.13 – 5 PROHIBITED USE OF DEADLY FORCE

304.13 – 5.1 Unauthorized Deadly Force

Deadly force is not authorized if less than lethal force could reasonably be used to prevent the escape of a dangerous fleeing subject, or a subject fleeing from a violent felony crime. Additionally, the following actions are prohibited in all circumstances:

- a. Deadly force against a person whose conduct is injurious only to themselves;

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- b. Warning shots;
- c. Discharging a firearm to make an arrest for a misdemeanor offense or to apprehend a person fleeing from such a misdemeanor offense;
- d. Discharging a firearm to apprehend a person merely on suspicion that a crime has occurred, is occurring or is about to occur regardless of the severity of the crime.

304.13 – 5.2 Prohibited Holds (MLEAC 3.3.1 d)

- 1. All choke holds, or any other technique which restricts blood flow to the brain or airflow involving a person's neck are prohibited unless deadly force is authorized;
- 2. The use of any chokehold or neck restraint that restricts blood flow to the brain or airflow shall be considered deadly force. The use of such a technique where deadly force is not authorized will subject the member to discipline up to and including dismissal.
- 3. Members are prohibited from requesting department authorization to attend any training courses that teach any of the neck restraints set forth above.

304.13 – 5.3 Firing from a Moving Motor Vehicle

Members shall recognize that accuracy is adversely affected when discharging a firearm from a moving vehicle, increasing the danger to the public. Members shall discharge a firearm from a moving vehicle only in extraordinary circumstances as a last resort and when the safety of bystanders is not jeopardized.

304.13 – 5.4 Firing at a Moving Motor Vehicle

Members shall not discharge a firearm at a moving motor vehicle or a motor vehicle in which the driver may readily put the vehicle into motion unless a person in the vehicle constitutes an immediate and unavoidable threat of death or serious bodily injury. Deadly force may be used against an occupant of a moving vehicle only when the occupant presents an immediate threat of death or serious bodily injury and no reasonable alternative exists. Members are further prohibited from knowingly placing themselves in the path of a moving vehicle or into the likely path of a vehicle that is currently stopped but is under the immediate control of a driver. When feasible, members should attempt to move out of the path of any moving vehicle to a position of cover.

Shooting at moving motor vehicles, or vehicles in which the driver may readily put the vehicle into motion, is inherently dangerous for the following reasons:

- 1. A moving vehicle may become an uncontrolled deadly weapon that could seriously injure or kill the occupants of the vehicle and/or members or other innocent persons in its path. The potential harm to others in the area may outweigh the need to immediately apprehend the suspect.
- 2. Shooting at moving vehicles is generally not an effective means of immediately halting the progress of a closely approaching vehicle. Additionally, such action frequently produces unintended consequences.
- 3. Bullets fired at a moving vehicle may miss the intended target or ricochet and cause

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injury to members or other innocent persons.

304.13 – 6 DUTY TO REPORT/RENDER AID

304.13 – 6.1 Rendering Aid

Whenever members employ deadly force as defined by this Directive, such members shall, unless physically incapacitated —

- a. Ensure that the subject has been properly restrained or no longer poses an immediate threat to the safety of members or others;*
- b. Render medical aid consistent with their training and immediately request Emergency Medical Services (EMS).*

304.13 – 6.2 Use of Deadly Force Reporting

Following any use or attempted use of deadly force, involved members shall immediately notify the Zone Dispatcher of their unit designation and badge number(s) and request a supervisor. The Zone Dispatcher shall notify a non-involved supervisor.

A non-involved supervisor shall respond to the scene via the most direct route. As soon as the scene is secure, notifications to Notification and Control shall be made promptly. For additional information, reference Directive 205.11, Officer Involved Shooting Investigations.

Related Policies:

- **201.11 Investigating and Reporting Uses of Force and Detainee Injuries, Including the Use of Canines**
- **205.11 Officer Involved Shooting Investigations**
- **304.1 Firearms**
- **304.2 Use of Force**