

**CITY OF GRAND BLANC POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

SUBJECT: USE OF FORCE MEANINGFUL REVIEW			S.O.P.#: 1-2
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ISSUED BY: Chief Brian J. Lipe		MACP STANDARDS: 3.3.3	

I. PURPOSE

The purpose of this policy is to provide supervisors with guidelines for investigating use of force incidents.

II. POLICY

It is the policy of this department that supervisors shall thoroughly investigate and review every incident in which an officer uses physical force, and then complete the Supervisor's Report section of the Law Enforcement Officer-Subject Control Report Form. Upon completion of the supervisor's investigation, the Patrol Lieutenant will conduct a meaningful review of each use of force incident. The Patrol Lieutenant will complete the Grand Blanc Police Department Use of Force Meaningful Review Form and submit it and all supporting documents to the Chief of Police.

III. CONSIDERATIONS

- A. The central issue in use of force cases is whether the officer's actions were objectively reasonable in light of the facts and circumstances at the time of the incident.
- B. This test of reasonableness requires careful attention to the facts and circumstances of each incident including:
 - 1. Whether the suspect poses an immediate threat to the safety of the officer or others,
 - 2. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and
 - 3. The severity of the crime at issue.
- C. Reasonableness must be judged from the perspective of a reasonable police officer on the scene, not based on 20/20 hindsight and should take into account the fact that officers are

often forced to make split second judgements about the amount of force that is necessary in a particular situation, under circumstances that are tense, uncertain, and rapidly evolving.

- D. Additional factors to examine are whether:
1. Officers relied on good and reasonable police procedures; and
 2. Officers in this situation acted as other "reasonable" and "prudent" officers would have acted in the same or similar situation.
- E. Keeping the above information in mind, supervisors shall consider the following when investigating use of force incidents:
1. Authorization for the Use of Force
 - a. Michigan statutes deal with the legal levels of force that law enforcement officers may use in the normal performance of their duties. It should be emphasized that when consent or an emergency is not present, and there is not probable cause to make an arrest, the non-consensual touching by a police officer may constitute a crime, as well as result in civil liability. When probable cause exists, criminal and civil liability may still occur if the limits of the law are exceeded.
 - b. During an officer's shift it may be necessary to use some level of control to effect an arrest or to protect others. In many situations control may be achieved without the use of physical force. In other instances, based on the resistance offered, the officer may find it necessary to use varying levels of physical force to control the subject's actions.

However, depending on the level of resistance offered, the officer may use physical force that is intended to influence behavior in order to establish control. These techniques may consist of muscling techniques, pressure points, joint locks, ASRS, leg/hand strikes, impact weapons, or even the use of firearms if justified by the resistance offered.
 2. Levels of Resistance and Control
 - a. The use of force will be examined from two perspectives; resistance and control.
 - b. Resistance is defined as the subject's unwillingness to comply with, or attempt to evade, an officer's attempt to control. The amount and type of resistance will vary based on a variety of factors. The Department recognizes the following levels of subject resistance:
 - Inactive Resistance
 - Passive Resistance
 - Active Resistance

- Active Aggression
 - Deadly Force Assault
- c. Control of a subject is established when the subject's resistive or aggressive actions are neutralized; and the subject no longer poses an immediate threat to the officer or others, or to themselves. The type of control methods used will vary based on a variety of factors. The Department recognizes the following levels of control:
- Officer Presence/Verbal Direction
 - Compliance Controls
 - Physical Controls
 - Intermediate Controls
 - Deadly Force

3. Totality of Circumstances

An extremely important concept of the use of force continuum is the totality of circumstances. This refers to the facts and circumstances confronting the officer at the time force is used.

While it is impossible to list all the factors that officers may be faced with during an incident; some of the factors that should be considered include:

- the type of crime committed or attempted;
- the relative size and stature of the officer and subject;
- the relative strength disparity of the officer and subject;
- the subject's access to weapons;
- any injury to, or exhaustion of, the officer;
- whether the subject is under the influence of alcohol or drugs;
- the weather or terrain conditions;
- any exceptional abilities or skills the subject may have;
- the immediacy of danger;
- the distance from the subject;
- any special knowledge of the subject's prior violent history;
- the number of officers and the number of subjects;
- the availability of back-up;
- the officer's perception of the subject's willingness to resist; and
- reaction time, remembering that action is faster than reaction.

The totality of circumstances, combined with the subject's actions, form the basis for the officer's response.

The situation may be tense, uncertain, and rapidly evolving, and there may be no time for planning a response, only reaction.

What is reasonable in one set of circumstances may not be reasonable in another.
For example:

- An unarmed suspect does not present the same clear and significant threat as an armed and non-compliant subject. Yet an un-armed subject can still seriously injure or kill an officer. An unarmed subject may succeed through superior strength, skill, or luck, in disabling an officer sufficiently enough to gain control of the officer's firearm.
- An officer who is 5'7"/150 lb. and attempting to arrest a subject who is 6'1"/210 lb. may react quite differently to the subject's resistive action than an officer who is 6'1"/210 lb. and attempting to arrest a subject who is 5'7"/150 lb.
- Officers attempting to arrest a subject who is known for violence towards police officers will certainly approach the subject in a more cautious and aggressive manner than a subject who is wanted for the same crime where this special knowledge is not available.
- A subject who is being arrested for a misdemeanor warrant suddenly produces a weapon and threatens an officer. The officer's response could include options ranging from verbal commands up through the use of deadly force, even though the initial contact was for a misdemeanor arrest.

4. Escalation/De-Escalation

As a subject's resistance escalates, officers must respond with an objectively reasonable amount of force that will control the subject.

Subjects may escalate resistance slowly, or they may escalate immediately to active aggression or deadly force.

Because subject resistance can begin anywhere on the continuum, officer response can begin at any point on the continuum that represents an "objectively reasonable" response.

It is important to understand that officers do not need to escalate their response in a step by step progression.

- A sudden attack by an armed subject would require an immediate response by the officer. Verbal commands, joint locks, chemical agents, and impact weapons, may be totally inappropriate under such circumstances. The officer may respond with deadly force without using any of the control techniques at the lower end of the continuum.

In those situations where a subject's resistance does not escalate, yet the officer's attempt to control the subject is not successful, officers need to justify using higher degrees of control methods.

Increasing the amount of force or degree of control response should only occur when the officer believes that control must be immediately established to prevent further escalation of resistance. For example:

- A subject who is under the influence of alcohol or drugs may not respond to pain compliance techniques, and physical controls such as a take down may be used to gain control.

However, in those situations where a subject does escalate their resistance, the officer may also escalate to a higher degree of control response that will be able to overcome the resistance. For example:

- A subject is placed under arrest for OUIL and as the officer attempts to apply handcuffs the subject pulls away. The subject has escalated to active resistance and the potential for injury to the officer and subject has increased. The officer's response will be determined based upon this resistance and the totality of the circumstances. Officers may use joint locks, take-downs, and/or chemical agents in an effort to gain control.
- During an arrest, a subject threatens an officer with physical assault and assumes a fighting stance. The officer responds with an aerosol spray but it has no effect on the subjects' resistance or aggression. Impact weapons would be justified to gain control.

Subject action and officer response is dynamic, and escalation and de-escalation of resistance may fluctuate throughout the incident.

As the subject's resistance de-escalates, the officer's response must de-escalate **proportionally**; however, officers must still maintain control, and be alert for any attempt by the subject to increase their resistance, or assault the officers or others.

IV. SUPERVISOR'S REPORT AND PROCEDURE

- A. After conducting a thorough meaningful review of the use of force incident, the supervisor shall:
 - 1) Complete the Grand Blanc Police Department Use of Force Meaningful Review Form.
 - 2) Indicate whether policy, training, equipment, or disciplinary issues should be addressed.
 - 3) Place the completed review form in the file maintained in the patrol supervisors' office.

- B. If after the meaningful review it is determined further investigation is required, the supervisor shall submit a detailed report. The report shall also contain the observations and conclusions of the supervising officer as well as other pertinent information.

Reviewed 2004
Reviewed 2005
Reviewed 2006
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