

EAST LANSING AGENDA
 USE OF FORCE COMMITTEE
 Police Oversight Commission Meeting
 5:30 PM - Wednesday, June 17, 2026
 Hannah Community Center - 819 Abbot Road, East Lansing, MI 48823
 Public comment: ekenney@cityofeastlansing.com



The purpose of this Commission is to increase accountability of the East Lansing Police Department and to strengthen conditions leading to trust in the police department by the community that it is pledged to serve. Because the City Council is committed to the goal of racial equity, the Commission will give priority to addressing racial inequities as well as use of force in policing. The Commission will enable members of the community to participate in reviewing and making recommendations about police department policies, practices, and procedures, and it will provide means for prompt, impartial, and fair review of complaints brought by individuals against police officers or the police department.

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1. OPENING	
<i>"The City of East Lansing occupies the ancestral, traditional and contemporary lands of the Anishinaabeg – Three Fires Confederacy of Ojibwe, Odawa and Potawatomi peoples land ceded in the 1819 Treaty of Saginaw"</i>	
1.1. Roll call	
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	Response to Resistance Policy 300-11 Current Policy
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4.3. Analysis of Use of Force by ELPD in 2025

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[ELPD Response to Resistance \(ELIPOC Annual Report 2024\) CH](#)

5. **UNFINISHED BUSINESS**

5.1. Further discussion of transparency pages of ELPD website, following
May 18, 2026 meeting

6. **ADJOURNMENT**

Use of Force Committee Meeting to Review of ELPD Transparency pages May 18, 2026: Minutes and Updates

Present: Simón Perazza, Kathy Swedlow Amanda Morgan, Christine Root, Cedrick Heraux, and Emily Kenney (staff liaison)

Chris Root began the meeting with two explanations. First, this is the first Use of Force Committee meeting to be held in public. The police oversight commission has been told repeatedly for many months that we should be meeting in public, but we never received anything in writing from the City Attorney or City Manager. We now understand that there may have been a recent Michigan Supreme Court case overturning the case that has been referenced in the Attorney General's Open Meetings Act Handbook for many years saying that committees of commissions may meet in closed session if there is less than a quorum present. However, the oversight commission frequently advocates greater transparency by the Police Department and the City, so we have decided to hold this meeting in public.

Second, Root pointed out that Commission members are not permitted to speak about police incidents about which a complaint has been filed until the complaint investigation is completed. Many of us have watched videos of the April 15 police shooting and this is an important incident for people in the community and the Commission. However, we are operating as commission members in this committee meeting, so we may not address it here.

1. Adding \$6,000 to ELIPOC budget for annual analysis and report of use of force data

The committee considered the attached draft memorandum to City Council members asking that they return \$6,000 to the ELIPOC fiscal year 2027 budget to fund a statistical analysis and report of uses of force by the East Lansing Police Department during calendar year 2026. The memorandum was agreed to, and Root said she would send it to Councilmembers the next day.

2. ELIPOC receiving spreadsheets of use of force incidents during 2025

Kenney reported that a decision has been made that ELIPOC *will* receive spreadsheet(s) of use of force incidents for all of 2025. This is a change from the Chief telling ELIPOC at its May meeting that we would not receive a spreadsheet. Data in a spreadsheet is needed to prepare a report with summary and statistical information.

A meeting is scheduled for Tuesday, May 21 at 4:00 PM to discuss specifics about giving us the spreadsheet. We asked at the May ELIPOC meeting the City Manager, City Attorney, and Police Chief be present at this meeting with the ELIPOC staff liaison and as many as possible of these members of ELIPOC – Chris Root, Kathy Swedlow, Simón Perazza, and Kath Edsall.

3. Review of ELPD website transparency pages

The police chief invited the Commission and members of the public to review screenshots of planned changes to the ELPD website that she said were intended to increase transparency by reporting more information.

Before this meeting, the Use of Force Committee decided to ask the department if they were using a pre-existing app for displaying data or whether they were creating it themselves. We were told that an ELPD staff person is designing the new pages.

The chief said at the May ELIPOC meeting that all the planned updated pages are now on the website. We observed that almost no images in the screenshot were used. We proceeded to review each of the ELPD Transparency webpages.

We decided to ask for two meetings with the ELPD Chief and staff person working on the transparency pages to discuss the following: (1) ELPD moving to the Axon Standards for use of force information and what that may mean for data that will be collected and reported, and (2) the ELPD webpages on all other topics in Reports & Statistics.

A: Crimes <https://cityofeastlansing.com/2642/Part-I-and-Part-II-Crimes>

The webpage of Part I and Part II crimes probably is not easy for many people in the community to understand, Heraux pointed out. Also, these two categories do not include all crimes. Root suggested that we recommend to ELPD that they publish on their website the annual crime data that they are required to submit to the Michigan State Police. This would not require any additional time to create. This report is quite difficult to pull up from the MSP dashboard (<https://www.michigan.gov/msp/divisions/cjic/dashboard-portal/crime-dashboard>). Placing it on ELPD's website will make it accessible to many more East Lansing residents. We request that ELPD post these annual reports going back to 2023, when the MSP and MICR [Michigan Incident Crime Reporting] system was changed. We recommend posting this list of crimes instead of the Part I and Part II crimes data.

- Update: ELPD gave some crime data to the Financial Review Team that is not on the ELPD website. It is three years of Part I and Part II crimes (2023 – 2025). (<https://cityofeastlansing.civicweb.net/document/427129/4.3%20-%20PART%20I%20and%20II%20CRIME%20-%202023%20-%202025.pdf>) Shouldn't this data be put on the ELPD website so it is accessible?

B: Arrests <https://cityofeastlansing.com/Archive.aspx?AMID=47>

At the time of our meeting, there was no Transparency page about arrests, although one had been planned and shown in a screenshot. What existed at this time was the "Weekly Case and Arrest Reports." At the May Commission meeting, Root asked the Chief to return to posting these reports weekly rather than creating them weekly and posting them only monthly. The chief said ELPD would post them only monthly because they needed to balance the use of a staff person's time between providing more data and posting things more often.

Since well before the oversight commission was created, some East Lansing residents have been advocating that ELPD release more information to the public. We hope that ELPD's statements saying they believe in greater transparency mean that it intends to make more information public. One way to provide *more* information is to *not delete or stop providing* information that has been made public before. We agreed to recommend to ELPD that they post these weekly reports on the website every week, as they have done for many, many years.

Heraux pointed out that ELPD provided CNA with arrest data for its report in 2022, and yet we believe ELPD has not given it to anyone else since. We also should ask ELPD whether there is a database of data in the Weekly Case and Arrest Reports and whether spreadsheet reports from this database can be made public so that information can be compiled and analyzed.

- Update: There is a new link at the bottom of the transparency page to "[Arrest Reports](#)" that takes you to: <https://cityofeastlansing.com/2649/Arrest-Reports> with the following text:

This information replaces the ELPD Weekly Reports. The previous ELPD Weekly Reports will remain on the website.

This information is updated on a monthly basis and is subject to change as reports are updated.

[Arrest Information - April 2026](#)

This information is updated on a monthly basis and is subject to change as reports are updated.

[Arrest Information - April 2026](#)

- Update: As of May 23, the latest Weekly Report on the ELPD website ended on April 5.
- Note: A challenge in working with these reports (in addition to their being PDFs rather than spreadsheets) is that there have been many cases of duplicate records between the end of a weekly report and the beginning of the next one.)

C: Calls for service <https://cityofeastlansing.com/2637/Calls-for-Service-Information>

There are four tables in this section – more information than in some other sections. We need to give more thought to how to make data on this subject more useful to ELIPOC and the public. It is difficult to connect this information with reports ELIPOC receives from ELPD about use of force incidents and encounters with people in crisis, people experiencing homelessness, and juveniles.

D: Traffic Stops

There is information about traffic stops in two separate links on the Transparency page: [Traffic Stop Information-Warning/Advised ONLY](#) and [Citation Information](#). There is no rationale for reporting in separate places on traffic stops that did and did not end with citations. Also, "Citation Information" includes pedestrian stops as well as traffic stops, so it cannot be used to summarize traffic stops.

There is lots of interest in East Lansing in traffic stops, so ELPD should provide information about traffic stops separately from pedestrian stops, which is not difficult.

We agreed that we want to discuss with ELPD providing additional information about traffic stops, including whether the stop resulted in a search and if contraband was found from a search. This is provided in many other cities. Whether the person stopped is a resident of East Lansing, as

should racial demographic information, because this can be compared to US Census data about race of the population in East Lansing.

E: Complaints <https://cityofeastlansing.com/2307/Complaint-Disposition-Statistics>

We did not review this page thoroughly. (It is positive that it includes Administrative Inquiries as well as Citizen Complaints. ELIPOC has not been receiving any information about Administrative Inquiries; reports to the HRC used to include them.

F: Organization, consistency and completeness, accessibility, and descriptive text

Many improvements can be made to the presentation of data in addition to the issues about contents discussed above.

Organization: All Reports & Statistics should be included in the links in the main part of the webpage with this name (<https://cityofeastlansing.com/421/Reports-Statistics>). “Use of Force” should be moved here from the bottom of the left-hand menu on the Transparency page. “Part I and Part II Crimes” should be moved here from the left-hand menu of the Reports & Statistics page. The reports on this page should be grouped together so that traffic stop links are together and arrest information links are together.

Consistency: A lot of work is needed to achieve consistency in the data provided about different topics. For example, information about race is included about some topics but not others. (Race is included on the page about traffic stops that do not end with a citation, but it is not included on the page about stops that do end with a citation.)

Completeness: ELPD has made decisions by itself about what information to make public. As we consult with them about this, we can ask for information about the information they collect and use that as a starting point to discuss what to make public. (See list of databases ELPD used in 2024 following these notes.)

Accessibility: Resources about making accessible websites should be consulted. Swedlow can provide a resource. One issue is font size, which should be large enough to be legible. Swedlow pointed out that the Policies and Procedures page provides no way to locate a policy document on a particular topic.

Descriptive text: Text should explain the data, not by aspirational descriptions of the ELPD (such as the box at the top of the page titled “2026 Complaints Against Employees and Dispositions”). All tables should have a title that includes a time period.

G: Next Use of Force Committee meeting Wednesday June 17 at 5:30 PM is a good date. This could be used for out next committee meeting or for a meeting with ELPD.

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This information from 2024 about what databases ELPD uses may be useful, even though it is out-of-date.

Question 11 from ELIPOC Use of Force Committee (March 2024):

How many data management systems or databases does ELPD use to enter and store data? Are ELPD's records reported to Michigan State Police for the MICR Crime Statistics Report kept in the Guardian Tracking system or in a different system? What is the name of each data management system and what is each one used for?

Reply from Deputy Chief Pride (April 2024):

Data has been held in the State Records Management System (SRMS) for MICR Reporting after 2014.

Citations and traffic crashes are kept in Lexis Nexis leytek software.

Guardian Tracking includes Awards and Recognitions, Administrative Reviews, performance notes, Training/continuing education, Field Training Program, Projects and Assignments, Coaching and Mentoring, Corrective Action, Threshold Reviews/ Documentation.

Micjin [Michigan Criminal Justice Information Network] is for Sex Offender Registry (SOR), firearm purchase (My Pistol).

Police reports on Response to Resistance are uploaded into Guardian Tracking for an RTR review. No other MICR data is housed in Guardian Tracking.

Minutes by Christine Root

D R A F T 2025 ANNUAL REPORT SECTION

Obtaining Use of Force Information in 2025: Changes in Policy and Practice

The opening Purpose section of the ELIPOC ordinance – unchanged since the ordinance was adopted – includes “the Commission will give priority to addressing racial inequities as well as use of force in policing.”

To provide some timely information to the commission about this area of focus, the ordinance requires the East Lansing Police Department (ELPD) to give the commission monthly narrative reports that describe use of force incidents. From the beginning, the commission has shared as much information as possible with the community, so it has regularly posted the [monthly reports](#) on the ELIPOC website as well as its meeting agendas. These reports go back to October 2021.

To improve the ELPD’s data about use of force incidents, ELIPOC’s Use of Force Committee spent many hours in five meetings in the latter half of 2024 with ELPD administrators, including the police chief, working to correct a structural problem in the department’s “Response to Resistance” database. As part of this work, ELIPOC members and ELPD staff discussed every field in the database and then all possible entries in each field. At the police chief’s insistence, the full commission also reviewed the database fields and voted to agree to them. This work improved the quality of information to use in the ELPD’s monthly narrative reports, as well. (This collaboration is described in Section 3.B. of [ELIPOC’s 2024 Annual Report](#).)

Ironically, less than six months after ELIPOC collaborated with the police department on the database, its access to ELPD information about use of force incidents was repeatedly challenged and, for a time, dramatically reduced. During 2025, commissioners switched their effort to strategizing about how to return to obtaining meaningful reports of use of force incidents for the commission and the public.

A. The legal arguments advanced for reductions in use of force reports

As soon as the Council agreed to the new contract with the Non-Supervisory Police Officers union in April 2025, the City’s labor and city attorneys and the city manager said repeatedly that the CBA and the Michigan Employment Relations Commission (MERC) administrative law judge (ALJ) decision required ELPD to give less information to ELIPOC and the public. ELIPOC members challenged some of these statements, both in the lead-up to the Council voting to amend the ordinance and, after that vote, in discussions about how to implement the revised ordinance and the CBA.

Here is a summary of Sec. 2-485. “Use of Force Incident Summaries,” the amendments to it that were drafted and rationales given for them, and what the Council decided. The issues that were being addressed included the contents of the use of force reports, what information is to be

treated as confidential, whether the public may see the reports, and what additional materials ELIPOC may request from ELPD about incidents in the reports.

The original ordinance language

Sec. 2-485 A. as originally adopted by Council and in effect at the beginning of 2025, reads:

- A. The Police Department shall provide a monthly report to the Commission summarizing each incident involving use of force by a police officer against a person. The report shall include at a minimum, a brief description of the incident and the names and demographic data about the officers and members of the public involved in the incident. The Commission may choose to conduct additional investigation of an incident.

The collective bargaining agreement

The [collective bargaining agreement](#) (CBA) with the Non-Supervisory Police Officers union approved by the City Council on April 8, 2025, contains no text about ELPD's reports of use of force to ELIPOC; rather, it addresses ELIPOC's role in the complaints review process.

However, in a May 1, 2025 memo to ELIPOC, Labor Attorney Sashital and City Attorney Gabbart wrote that Section 26.3 of the CBA (renumbered 32.3 in the final version) "now requires the Commission and individual Commissioners to treat the information confidentially" and that this requirement prohibits the commission and individual commissioners from "[d]isclosing – either through written communications/reports, resolutions/motions, or discussions/comments – the names or identities of individual Police Department employees." The memo went on to say, "The Ordinance sections specifically implicated by this are Sec. 2-485 (Use of Force Incident Summaries)," and three other sections about police encounters with individuals in crisis, juveniles, and people who are homeless.

After Labor Attorney Sashital drafted amendments to the ordinance, she wrote a "[cross-referencing document](#)" linking each proposed amendment to specific sections of the CBA or ALJ decision. ELIPOC asked for a copy of the document, which the Council agreed to make public on Sept. 23. The document said that sections 25.5 and 31.1 of the CBA required deleting this sentence in Sec. 2-485: "The Commission may choose to conduct additional investigation of an incident."

Section 25.5 of the union contract defines "Internal investigation" to mean "the objective and systematic process conducted by Police Department supervisory personnel to uncover the facts of a specific incident(s) to determine whether an employee covered by this Agreement violated a City or Department policy or procedure, directive, or other applicable rule or regulation."

Sec. 2-473 of the ELIPOC ordinance (which has not been amended) defines “Investigation or investigate” to mean “searching for and collecting information and records, regardless whether a complaint is involved or contemplated.”

These definitions in the CBA and the ordinance are entirely different. The commission argued that a statement in the CBA about a complaint investigation within the police department has no relevance to requests by the independent oversight commission for information and records “regardless [of] whether a complaint is involved or contemplated.”

Therefore, the commission recommended that the Council reject amendments that delete the commission’s ability to conduct investigations about incidents under Sec. 2-485 as well as the three other sections concerning reports of police encounters with vulnerable populations. The Council adopted the entire package of amendments, prepared by the City’s labor attorney, disregarding the challenge by ELIPOC to the statement by the labor attorney and the city manager in his cover memo that all amendments in the package were required by the CBA or the ALJ’s decision.

The MERC administrative law judge decision

In the “cross-referencing document,” Labor Attorney Sashital indicated that the [MERC ALJ decision](#) required deleting “names” of officers from ELPD reports concerning use of force incidents in Sec. 2-485 as well as reports in Sections 2-486, 2-486a, and 2-486b concerning people who are homeless, individuals in crisis, and juveniles, respectively. Sashital did not cite a specific part of the decision.

The [Aug. 12 amendments package](#) (see pages 60-76 of PDF) deleted “names” in ELPD reports in all four sections mentioned above. However, in the revised amendments Sashital sent to the city manager on Oct. 17 – the version the Council adopted – “names” *was not* deleted from Sec. 2-485 about use of force reports, although it *was* still deleted from the other three sections. Dropping this deleting from Sec. 2-485 seems strange, given that it had been identified as being required by the ALJ opinion.

The revised ordinance language

Sec. 2-485 as amended by the Council on Oct. 21 *{insert hyperlink}* kept names of officers in the sentence about what should be included in the use of force reports, but it deleted the commission’s ability to investigate incidents in these reports. The text now reads:

Sec. 2-485. Use of Force Incident Summaries.

- A. The Police Department shall provide a monthly report to the Commission summarizing each incident involving use of force by a police officer against a person. The report shall include at a minimum, a brief description of the incident and the names and demographic data about the officers and members of the public involved in the incident. The report

shall not include any information regarding the discipline, if any, that was issued to the officer(s) involved in the incident and the Commission shall not make any recommendations regarding any aspect of employee discipline.

B. Changes to Use of Force reports in 2025

Here is a timeline of how the ELPD's use of force reports varied during 2025, along with other events relevant to decisions about the reports. Key changes involved the amount of information included and whether the report could be made public. Bullets (•) describe use of force reports; open circles (o) show other events.

- **January - March 2025 reports:** Reports use a new format that reflects the collaboration between the ELIPOC Use of Force Committee and ELPD administrators in 2024 to improve the department's database. They contain similar information to reports in previous years but place approximately three dozen pieces of information at the beginning of the report, matching the way they appear in the ELPD database. Reports are sent to ELIPOC within 4 to 9 days after the end of the month.
 - o **March 20, 2025:** The City and the Non-Supervisory Police Officers union sign a tentative agreement.
 - o **April 8, 2025:** The City Council approves the union collective bargaining agreement.
 - o **May 1, 2025:** Labor and city attorneys write a memo to ELIPOC interpreting how the CBA would affect ELIPOC's operations and the information it would receive from ELPD. The memo states that the contract language would govern actions by the City even before the Council amended the ordinance. It also says that commissioners cannot disclose the names of police department employees, including in use of force reports.
- **April - May 2025 reports:** Reports continue in the format used since the start of the year but with two changes: officers' names are replaced by two-letter codes, and race and gender of officers do not appear. The narrative descriptions of incidents are less meaningful because they refer to "an officer" or "one officer" so the reader cannot understand what individual officers are doing throughout the incident. ELIPOC continues to post these reports to its meeting agendas and website, without any redactions needed. The reports are sent to ELIPOC within 20 and 17 days.
- **June - July 2025 reports:** Reports are similar to those in April and May, but "an officer" in the narrative is replaced with a two-letter code for each officer, making the narratives more understandable. This change is made at the commission's request. The reports are sent 34 and 36 days after the end of the month, a longer delay than previous months.
 - o **Aug. 12, 2025:** Proposed amendments to Ordinance 1533 are attached to the City Council agenda with a cover note from City Manager Belleman stating that "the

proposed ordinance revisions are required by” the CBA. One of the amendments deletes “names” from the contents of use of force reports.

- o **August 24, 2025:** Pepper spray is used against two young Black men in downtown East Lansing during Welcome Week in an incident their families say is excessive use of force. There is considerable public concern and media attention about this incident.
- **August 2025 report:** Without explanation, this report returns to including officers’ names and, for the first time ever, ELIPOC is informed that it may not make the August use of force report public. Two days after sending the report to ELIPOC on Oct. 1, the police chief answers a question from ELIPOC Vice Chair Kath Edsall saying: “Yes, I am aware the reports have names. As a reminder, the ordinance does not allow this report to be made public. I am hopeful that a new ordinance will allow for consistent, clear procedures.” A second email from the chief to ELIPOC member Christine Root on Oct. 7 says:

Under guidance from the labor attorney and city attorney, I have confirmed that the ordinance does not allow this report to be released publicly on a monthly basis with officer names. According to section 2-485, the East Lansing Police Department is required to give ELIPOC a monthly report summarizing each RTR [Response to Resistance] incident during the month. On an annual basis, ELIPOC is required to publish summaries of the RTR incidents that do not include individuals’ names.

This message from the police chief refers to the existing ordinance before Council amends it on Oct. 21. The report is sent 31 days after the end of the month.

- o **October 7, 2025:** ELIPOC’s Use of Force Committee chair, commissioner Root, makes a public comment as an individual at a City Council meeting and asks why the August use of force report cannot be made public, noting that this is the month that includes incidents during Welcome Week that are of particular interest to community members. The city attorney said it was primarily the labor attorney who drafted the interpretation of the ordinance in the police chief’s Oct. 7 email. After the Council meeting, City Manager Belleman tells Root and Councilmember Meadows that the new interpretation that monthly use of force reports may not be made public is the result of his directing the city attorney and labor attorney to interpret the ordinance as it was adopted in 2021, saying that the prior city attorney firm may not have ever seriously looked at this provision. Sec. 2-485 does not say either that the monthly reports are public or that they are not public.
- o **October 21, 2025:** City Council adopts amendments to the oversight commission ordinance. The description in Sec. 2-485 about the contents of use of force reports was not amended: “The Police Department shall provide a monthly report to the Commission summarizing each incident involving use of force by a police officer against a person. The report shall include at a minimum, a brief description of the incident and

the names and demographic data about the officers and members of the public involved in the incident.”

- **September - October 2025 reports:** These two reports have the same format as the August 2025 report, which includes officers’ names but not their race and gender, and the narrative descriptions of incidents are noticeably shorter than in previous months. The chief’s email of Nov. 14 says, “The September data was delayed because I wanted to ensure I was compliant with the new ordinance. I received the final version of the new ordinance two days ago.” These two reports are sent 45 and 17 days, respectively, after the end of the month. Because the reports include officers’ names, ELIPOC cannot make them public. Some community members and reporters request the reports from the ELPD using the Freedom of Information Act (FOIA), and they receive reports with names of officers, addresses of incidents, and some other information redacted. Individuals share these reports, which are public by virtue of having been released via FOIA, and ELIPOC posts them on its website.
- **November 2025 - January 2026 reports:** Without explanation, the November report is drastically reduced from previous ones. There is no cover sheet or title and no date or location of each incident. Ten pieces of data appear at the top rather than 35, and the “brief description of incident” is only a list of types of force with the statement that ELPD “employee(s) were required to utilize the following force against member(s) of the public.” Officers’ names are still included in the report, so ELIPOC cannot make the report public. To see the dramatic change in this report, see sample pages from the November and June reports in Figures 1 and 2. *{These figures are currently at the end of this Word document.}* The December 2025 and January 2026 reports are in the same format as the November report. The reports are sent from 26 to 33 days after the end of the month. The police chief’s message with each of these reports says: “Please note the content has been reviewed by the attorney and is compliant with the new ordinance. As a reminder, this report cannot be shared/posted publicly.” ELIPOC posts on its website not the reports it receives from ELPD but rather reports redacted by ELPD that have been FOIAed by community members and thereby made public.

ELIPOC still has received no explanation for why the narrative reports were emptied out at the end of 2025, after the chief said the September and October 2025 reports had already been adjusted to comply with the ordinance the Council amended on Oct. 21.

- **March 24, 2026 email from police chief to ELIPOC:** “Effective immediately, the Police Department will be returning to the previous monthly Use of Force report format. This transition will require additional time to incorporate the necessary information into the March report, which will result in a delay in its release.”
- **February 2026 report:** This is the first report from ELPD that “return[s] to the previous ... format.” There is one exception – the gender and race of officers are not included, as they

were in the January - March 2025 reports. The report is sent 24 days after the end of the month. As before, ELIPOC posts a redacted version of the report that someone FOIAed.

- **Sent April 15, 2026 - Report of incidents that were inadvertently omitted from previous reporting:** The police chief informs ELIPOC that a total of 11 incidents during 2025 were omitted from reports for March, April, May, August, September, October, and November. Reports of these incidents are compiled in a separate report.

ELIPOC commissioners spent considerable effort from August 2025 through March 2026 pushing for the use of force narrative reports to again be a source of useful information and continuing to make them available to the public. The list of monthly reports are not only available from the ELIPOC website, but there is also a [link to this webpage on the ELPD's website](#). Commissioners' efforts included motions and questions to the police chief at commission meetings, memos to the City Council, a public comment to the Council, a closed-session meeting with the labor and city attorneys at ELIPOC's Feb. 4, 2026. meeting to discuss interpretation of the revised ordinance, and responses from some members of the City Council.

C. No longer being able to obtain additional information about use of force incidents

By removing from Sec. 2-485 the sentence allowing the commission to "conduct additional investigation of an incident" in a use of force report, the City Council significantly reduced ELIPOC's ability to conduct oversight of an important aspect of policing in East Lansing. As discussed in subsection A. above, ELIPOC argued that deleting ELIPOC's right to investigate was not required by statements in the collective bargaining agreement about internal complaints investigations, but that argument was not persuasive with the Council.

In past years, ELIPOC has reviewed several incidents in use of force reports. These include police officers tasing a man seeking to cooperate with them by leaving a McDonald's when he did not quickly give them his ID so they could "trespass" him (in January, 2025); and three officers responded to a welfare check of a juvenile sitting on a curb in the early morning; the teenager was taken to the ground and put in handcuffs and was charged with resisting and obstructing an officer (in May 2024). The commission also watched videos and read police reports about other more well-known incidents about which complaints had been filed. The commission is still permitted to seek information about such incidents, but after a longer delay than in the past.

To test the impact of this change in the ordinance, ELIPOC adopted two motions at its Jan. 14, 2026, meeting to request body worn camera video footage and police reports about several incidents in the November 2025 use of force report. This was a response to the November report being virtually emptied of meaningful information. Asking for additional materials about these incidents was a way to seek even basic facts that would have been in reports in the past.

When ELPD did not respond to these requests, the commission went a step further. At its March 4, 2026, meeting, it adopted a motion to file a formal complaint concerning two of the

November incidents. To file the complaints, the date and location of the incidents was found in ELPD Weekly Case and Arrest Reports, which was on the ELPD website at that time but is no longer being posted (as of early April 2026).

Sec. 2-476 on “Commission Duties” and Sec. 2-491 on “Who may file a Complaint?” in the ordinance still allow ELIPOC to file complaints. Doing so has mixed consequences. On the one hand, the commission will receive the internal complaint investigation when it is completed, and it will be able to request additional materials at that point. On the other hand, commissioners may not discuss an incident about which there is a pending complaint – even a complaint they themselves file. So, commissioners cannot say anything about the incidents in their official capacity until the commission receives the internal investigation.

The police chief did not include these two complaints in the first quarterly report for 2026 of pending complaints. When asked about this, she said she was consulting with the city attorney about the commission’s “requests to file” complaints. The commission had not made a “request,” however; it had formally filed two complaints using the police department’s online complaint form. Later, the chief did open these two complaints. *{Are we sure of this?}*

D. Obtaining a spreadsheet of annual data and the budget to analyze it

The commission also pushed for release of a spreadsheet with data for all of 2025 from the ELPD use of force database to analyze using statistical software, as ELIPOC contracted for the previous year. Much of the data in the spreadsheet overlaps with what had been at the top of each incident page in the narrative reports. ELIPOC needed data in a spreadsheet file so it would not have to re-enter some of the data into a spreadsheet, inviting unnecessary human error and wasted time.

At the beginning of 2025, it took ELPD only two weeks to give ELIPOC a spreadsheet with 2024 data. On Jan. 2, 2026, Commissioner Root sent a message to the police chief asking for the same data for all of 2025. The chief replied on Jan. 14, “Per the new ordinance, we will no longer be providing a monthly spreadsheet.” ELIPOC formalized its request by passing a motion at its meeting that evening requesting the spreadsheet for 2025 with consistent data in all fields.

When the commission followed up several times on this request, the chief said she was waiting for advice from the city attorney. Then, at the May 6, 2026, commission meeting, the chief said the commission would not get the spreadsheet for all of 2025. Several members of the commission then met with the city manager and labor attorney on May 21, and City Manager Belleman told them they would receive the spreadsheet. The police chief and assistant chief were invited to this meeting, but neither attended. The city manager sent a message to the chief on May 26 saying that ELIPOC should be given the spreadsheet.

The spreadsheet was provided to the commission on June 4, 2026. At the same time, the ELIPOC staff liaison worked on making minor revisions to the previous year’s contract with Dr.

Cedrick Heraux so he could move ahead to produce a report for ELIPOC with summary and statistical analysis of use of force by ELPD police during 2025.

ELIPOC also urged the City Council to include \$6,000 in the commission's budgets for Fiscal Years 2026 and 2027 to pay for analysis of the 2025 and 2026 use of force data. In several public comments to the Council, Commissioner Root pointed out that, without the spreadsheet and the budget for analyzing it, there would be no annual reports of use of force in East Lansing that the Council and the community deserve to have.

A quantitative look at use of force incidents during 2025 is presented in the next section.

Incident Number: 6

Disorderly Charge: No

Officers Involved:

Officer	Rank	Years of Service
[REDACTED]	Officer	<5
[REDACTED]	Sergeant	5-10
[REDACTED]	Officer	<5
[REDACTED]	Officer	5-10
[REDACTED]	Officer	5-10

Members of Public Involved:

Name	Race	Gender	Age
Offender	Black or African American	Male	42

Brief Description of Incident:
 In this incident, East Lansing Police Department employee(s) were required to utilize the following force against member(s) of the public.
 Handgun Display
 Taser Discharge
 Soft Empty Hand Techniques
 Handgun Display
 Soft Empty Hand Techniques
 Taser Display
 Handgun Display
 Soft Empty Hand Techniques
 Handgun Display

Initial Observation of Subject/Reason for Force:
 Subject 1 matched the description of a suspected armed robber. The caller advised dispatch the armed robber had robbed them with a knife.

Was subject injured: No

Lawful enforcement actions were taken in accordance with East Lansing Police Department Policy and Procedure, the laws and ordinances of the City of East Lansing, and the laws and ordinances of the State of Michigan. Supportive measures were taken to assist the member(s) of the public involved if necessary.

Figure 1: Sample incident summary in November 2025 report

Report:	2536401591	Date:	6/13/2025	Time:	0449	Contact:	Dispatched Call			
Address:	643 E Grand River Ave		Location Type:	Parking Lot or Ramp		Sector:	2			
Armed:	Yes		Back-Up:	Yes		Witnesses:	Yes			
PSW On-Duty:	No		PSW On-Scene:	No						
Ofc. Injured:	No			Injury:	NA					
SUBJECTS INVOLVED										
	Subject	Known	Appeared:	R	G	Age	Res	Arrest	R&O	
S1	Other	No	NA	Hispanic or Latino	Female	27	No	No	No	
Other Charges:	NA				Seeking Through:	NA				
OBSERVATIONS and RESISTANCE										
	Initial Observations				Resistance Shown		Injured	Injury		
S1	Other (Non-compliant with verbal directions from officers)				Passive Resistance		No			
OFFICERS INVOLVED										
	Officer	Rank	Yrs.	Force Required						
S1	SO	Officer	<5	Handgun Display						
S1	AL	Officer	<5	Handgun Display						
NARRATIVE										
<p>ELPD Officers were dispatched for a fight involving multiple subjects. One of the subjects got into the caller's truck and locked the doors. Dispatch advised that the caller stated there is a gun in the truck and Officer SO confirmed that.</p> <p>Officers displayed their handguns towards the S1 in the truck due to handgun being present in the truck and unknown if S1 was in possession of it. Officers could only see the S1's shoulders and head, not hands, and S1 wasn't complying with verbal directions to keep hands visible and to exit the truck. After multiple attempts for S1 to comply, S1 exited and was detained.</p>										

Figure 2: Sample incident summary in June 2025 report.

Definitions of some terms on ELPD Transparency pages

EMAIL FROM CHRIS ROOT TO ELPD CHIEF ON MAY 29, 2026

Dear Chief XXX,

The Use of Force Committee has been looking at the various pages of the Transparency section of the ELPD website.

Could you provide the meaning as well as the source of these three terms as used here:

Crime

Arrest

Charge

Also, the Crimes page contains codes for each entry, but the Arrests page does not. Are there codes for Arrests, and, if so, are they the same as Crime codes?

=====

EMAIL RESPONSE FROM ELPD CHIEF ON JUNE 10, 2026

Good afternoon. Here are the sources used for the transparency page:

SRMS

Arrest Reports

Part I and Part II Crime Report

Inmate Charge Summary (to verify arrests)

CrashTCRS (website from MSP)

Regarding the definition of “charges”—that is the offense listed on the citation.

Regarding the question, “Are there codes for arrests, and, if so, are they the same as crime codes?” The answer is yes.

The definitions of crime, arrest and charge are listed below. These definitions apply to how they are being used on the ELPD transparency page.

750.5 "Crime" defined. Sec. 5 of the Michigan Penal Code. "Crime" means an act or omission forbidden by law which is not designated as a civil infraction, and which is punishable upon conviction by any 1 or more of the following:

- (a) Imprisonment.
- (b) Fine not designated a civil fine.
- (c) Removal from office.
- (d) Disqualification to hold an office of trust, honor, or profit under the state.
- (e) Other penal discipline.
 - 1. Arrest: To take or keep in custody (they are not free to leave) by authority of law. This includes when an individual is issued a misdemeanor citation and released.
 - 2. Charge: The formal accusation of a crime against an individual, grounded in a statute defining a crime under MCL 750.5, and categorized as a felony, misdemeanor, or high-court misdemeanor based on its statutory penalties.

I hope this helps.

East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well as those officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.

- 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject.
- 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
- 3. FORCE: The attempt to establish control through physical means in the presence of resistance.
- 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
- 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray.
- 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's evali the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIOL death, extreme physical pain, protracted and obvious death, extreme physical paii disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orgai
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in a immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKE HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in

b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is

c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju

d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor

e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects from
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of d
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e] |
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is prohibited unless it meets the following criteria:
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of another way to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers [including chokeholds and neck restraints] are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of another way to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ALE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ALE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]J. Documenting the Use of Force [3.3.2]J.
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

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This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well as any other law enforcement agencies covered by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary context or as a basis for civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.

- 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject.
- 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
- 3. FORCE. The attempt to establish control through physical means in the presence of resistance.
- 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
- 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed towards an individual. This would include all weapon systems including taser, less lethal, or OC spray.
- 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type of force is also known as less-lethal force.
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation, considering the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances.
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or prolonged loss or impairment of bodily member, organ, or mental faculty.
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not be limited to Murder (including lesser offenses), Kidnapping, Armed Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat.** This may include techniques such as command presence, advisements, warnings, verbal persuasion, or tactical repositioning and deployment.
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent or avoid physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other consequence prohibiting law enforcement efforts.**
13. **CHOKE HOLD: A neck restraint or any hold applied to or around the neck to restrict the flow of blood to the brain or the flow of air through the windpipe.**
14. **WARNING SHOT: Discharge of a firearm for compelling compliance from an individual, but not intended to cause injury.**
15. **MEANINGFUL REVIEW: A documented review of an incident or occurrence, regardless of the outcome, prepared by the Chief of Police or their designee. The review should indicate whether**

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
 1. What do I know about the subject, victim, and location? 1. What do I know
 2. What further information do I need to know? 2. What further information do
 3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
 1. Do I need to take immediate action? 1. Do I need to take immediate actior
 2. Do I need additional police resources? 2. Do I need additional police resot
 3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
 1. What legal powers do I have? 1. What legal powers do I have? 1. What le
 2. What agency policies control my response? 2. What agency policies contr
 3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
 1. What options do I have?1. What options do I have?1. What options do I h
 2. What contingencies must I consider?2. What contingencies must I consid
 3. Is there a compelling reason to act now?3. Is there a compelling reason to c
 4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
 1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
 2. Is there anything more I need to consider? 2. Is there anything more I nee
 3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects from
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of d
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]J. Documenting the Use of Force [3.3.2]J.
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defensive use of a firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resistance supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to incapacitated or when complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expected is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known.

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and State Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents [3.3.3]M. Administrative

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor should be provided with the SRMS report, BWC/Fleet video footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 3 0 0 - 1 1
Effective Date: 7 - 7 - 2 0 2 2	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20 during tense, un-

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to control, restrain, or overcome the resistance of another. This type of force is also known as less-lethal force.
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation, considering the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances.
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or prolonged loss or impairment of bodily member, organ, or mental faculty.
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not be limited to Murder (including lesser offenses), Kidnapping, Armed Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat. This may include techniques such as command presence, advisements, warnings, verbal persuasion, or tactical repositioning and deployment.
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is necessary to prevent or avoid physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other consequence prohibiting law enforcement efforts.
13. **CHOKER HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air through the windpipe.
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury.
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of Police or their designee. The review should indicate whether

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

B. Use of Force – General B. Use of Force – General B. Use of Force – General B.

1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl

a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?inc

b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actio
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is

c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju

d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor

e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did

2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate

3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e] |
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ report, file class 9909 ~~General Non-criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does not need the Use of Force tab to be completed or an entry in the Guardian Tracking system completed or an entry in the Guardian Tracking system because it is not a defensive use of force against a predator or defensive use of a firearm to dispose of the animal. firearm to dispose of the animal. firearm to dispose of the animal.

3.3.3.3 Response to Resistant reports shall be forwarded to the duty Response to Resistant reports shall be forwarded to the duty supervisor before going off-duty except when the sworn officer is supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to incapacitated or when in limited situations, given permission to complete it within 24-48 hrs. of going off duty. When the sworn complete it within 24-48 hrs. of going off duty. When the sworn officer is unable to complete the RTR Report, the duty supervisor officer is unable to complete the RTR Report, the duty supervisor may be expected to complete and submit the report based on what may be expected is known. [3.3.1k] [3.3.3]is known. [3.3.1k] [3.3.3]is known. [3.3.1k] [3.3.3]is known.

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall also be filed in the Guardian Tracking System (GT) and shall be kept separate from the State Records System (GT) and shall be kept separate from the State Records Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3]The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3]

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents [3.3.3]M.

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

- 2. Response to Resistance Training will consist of, but not limited to, 2. Response to Resistance Training will consist of, but not limited to, firearms and Pressure Point Control Tactics, Gracie Subject Control firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc.
- 3. During the training, the Response to Resistance staff shall review the 3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety. Four (4) Cardinal Rules of Firearms Safety:
 - a. All guns are always loaded. a. All guns are always loaded. a. All guns are always loaded.
 - b. Point the gun in a safe direction. b. Point the gun in a safe direction. b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot. c. Keep your finger off the trigger until you are on target and ready to shoot. c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop. d. Be aware of your backstop. d. Be aware of your backstop.
- 4. Response to Resistance staff shall provide a training agenda to the 4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training. Police Administration prior to the scheduled training.
- 5. Response to Resistance staff shall provide a training summary to 5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been the Police Administration after the scheduled training has been completed. completed. completed. completed. completed. completed. completed. completed.

IV. CANCELLATIONS

None None None None None None None None None None None None None None None None

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.
 - 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject.
 - 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
 - 3. FORCE: The attempt to establish control through physical means in the presence of resistance.
 - 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
 - 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed at or directed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray.
 - 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's evali the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIO death, extreme physical pain, protracted and obvious death, extreme physical pain disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orgai
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in a immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKES HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, regi Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate

 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.
2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation.
 - Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions.

1. **Upon securing a resistive or combative subject, officers shall make medical treatment available to that subject when:**
 - a. The subject requests medical treatment. The subject requests medical treatment.
 - b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
 - c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a non-defensive animal. Supervisor's approval is required to gain Supervisor's approval to firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resistance supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to incapacitated or when complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to complete it within 2 officer is unable to complete and submit the report based on what may be expected is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known.

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn The duty supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

day when it was not feasible to complete it during shifts of day when it was not fea
 significant activity.significant activity.significant activity.significant activity.significa

7.7.7.7.The SRMS RTR report may be delayed upon approval of the ChiefThe SRMS RT
 of Police or his/her designee if the force used occurred during anof Police or his/h
 officer involved shooting or when the individual sustains a seriousofficer involved :
 bodily injury. This usually happens at the request of the Michiganbodily injury. T
 State Police (MSP) or another investigating agency if they areState Police (MSP)
 called in to investigate the RTR incident. The SRMS RTR reportcalled in to inves
 may be completed when the requested investigators advise andmay be complete
 ask that they may be completed.ask that they may be completed.ask that they ma

8.8.8.8.The Chief of Police or his/her designee may also consult with theThe Chief of Poli
 East Lansing City Attorney during the decision-making processEast Lansing City ,
 involving RTR reporting requirements during officer involvedinvolving RTR reporti
 shootings or when an individual sustains a serious bodily injury.shootings or wher

9.9.9.9.Use of Force Reports shall be held on file for five (5) years.Use of Force reports sh

K. Investigating Response to Resistance IncidentsK. Investigating Response to Resista

1. The on-duty supervisor(s) shall promptly investigate the1. The on-duty superv
 circumstances attending to the RTR when injuries occur. The dutycircumstances ;
 supervisor shall ensure that proper medical treatment is provided tosupervisor sh;
 all injured subjects and/or officers, including subjects complainingall injured subje
 of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1

2.2.2.2The officers shall promptly complete a written incident report in theThe officers sh
 SRMS (Except for incidents of officer-involved shootings or officerSRMS (Except :
 incapacitation all reports must be completed and submitted beforeincapacitatio :
 the conclusion of the officer's tour of duty.) This does not apply tothe
 Officer Involved Shootings or incidents where the use of force isOfficer Involved S
 being investigated by an agency outside of ELPD.being investigated by an agenc;

3. The duty supervisor shall ensure that all appropriate reports,3. The duty supe
 videos, and notifications regarding the RTR incident are completed.videos, and nc
 The duty supervisor shall ensure RTR Reports are ready for reviewThe duty supe
 by the designated police administrator(s) before going off duty.by the designated |

4. If the weapon is a CEW, the officer shall submit the discharged air4. If the we
 cartridge, photographs of the impact or injury sites, A.F.I.D. tags,cartridge, photog
 and probes to evidence.and probes to evidence.and probes to evidence.and prob

5. If it appears that excessive force may have been used, the5. If it appears that
 reviewing supervisor shall document the incident in a writtenreviewing supervisor
 memorandum to the Chief of Police and/or their designee. Uponmemorandum to t

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents [3.3.3]M. Administrative

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date

East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: MACP Accreditation Standard	MACP Accreditation Standard: MACP Accreditation Standard
Use of Force (Chapter 3.3)	Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.
 - 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject.
 - 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
 - 3. FORCE. The attempt to establish control through physical means in the presence of resistance.
 - 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
 - 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray.
 - 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's eval the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious death, extreme physical pain, disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orga
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in an immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKER HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instancesOfficers must be the motor vehicle can be viewed as an instrument of force.the motor vehicle can be Intentional collisions, partial or complete roadblocks, or otherIntentional collisions, similar methods, techniques, or actions have been ruled to be asimilar methods, use of force.use of force.use of force.use of force.use of force.use of force.use of

- a. "Boxing in" maneuvers and so-called "rolling roadblocks"a. "Boxing in" create a high probability of contact between the officer's andcreate a high p subject's vehicle. As a result, these techniques aresubject's vehicle. As a re considered a use of force.considered a use of force.considered a use of fo
- b. The use of any such methods, techniques, or actions mustb. The use c be justifiable and in accordance with departmentalbe justifiable and in acco guidelines.guidelines.guidelines.guidelines.guidelines.guidelines.guidelines
- c. The use of any such methods, techniques, or actions has ac. The use high probability of causing death or serious physical injury.high probability c The use of any such methods, techniques, or actions isThe use of any such therefore classified, in most situations, as the use oftherefore classifiec deadly force .deadly force .deadly force .deadly force .deadly f

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabiliz

1. Head Stabilization will only be used in the appropriate application.1. Head Sta

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready orA police officer shooting position when stopping a person or vehicle that the officershooting position whe believes to have been involved in a felony, carrying a weapon, or poses abelieves to hav significant threat and danger to officers or a significant threat and dangersignificant threa to the community.to the community.to the community.to the community.to the community.

It is considered a use of force if a weapon is pointed at or in the person'sIt is considered direction and should be reported to the Duty Supervisor. An un-holsterreddirection and sh handgun or a slung long-gun used to search an area where no personshandgun or a slu were encountered is not a use of force for reporting a use of force for reporting a use of force for

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

1. **The response to resistance shall be appropriate to a level that** is reasonable and necessary to control the situation, based uponis reasonable ar the level of force or resistance being encountered. When the levelthe level of forc of subject resistance is lessened the officer shall de-escalateof subject resistance

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a predator or defensive against an animal. Supervisor's approval is required to gain Supervisor's approval to use a firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistant reports shall be forwarded to the duty Response to Resistant supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to incapacitated or when complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to complete it may be expected to complete and submit the report based on what may be expected is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known.

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking System (GT) and shall be kept separate from the State Records Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report.

day when it was not feasible to complete it during shifts of day when it was not fe
significant activity.significant activity.significant activity.significant activity.significa

7.7.7.7. The SRMS RTR report may be delayed upon approval of the Chief
of Police or his/her designee if the force used occurred during an
officer involved shooting or when the individual sustains a serious
bodily injury. This usually happens at the request of the Michigan
State Police (MSP) or another investigating agency if they are
called in to investigate the RTR incident. The SRMS RTR report
may be completed when the requested investigators advise and
ask that they may be completed.

8.8.8.8. The Chief of Police or his/her designee may also consult with the
East Lansing City Attorney during the decision-making process
involving RTR reporting requirements during officer involved
shootings or when an individual sustains a serious bodily injury.

9.9.9.9. Use of Force Reports shall be held on file for five (5) years.

K. Investigating Response to Resistance Incidents

1. The on-duty supervisor(s) shall promptly investigate the
circumstances attending to the RTR when injuries occur. The duty
supervisor shall ensure that proper medical treatment is provided to
all injured subjects and/or officers, including subjects complaining
of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury.

2.2.2.2. The officers shall promptly complete a written incident report in the
SRMS (Except for incidents of officer-involved shootings or officer
incapacitation all reports must be completed and submitted before
the conclusion of the officer's tour of duty.) This does not apply to
Officer Involved Shootings or incidents where the use of force is
being investigated by an agency outside of ELPD.

3. The duty supervisor shall ensure that all appropriate reports,
videos, and notifications regarding the RTR incident are completed.
The duty supervisor shall ensure RTR Reports are ready for review
by the designated police administrator(s) before going off duty.

4. If the weapon is a CEW, the officer shall submit the discharged air
cartridge, photographs of the impact or injury sites, A.F.I.D. tags,
and probes to evidence.

5. If it appears that excessive force may have been used, the
reviewing supervisor shall document the incident in a written
memorandum to the Chief of Police and/or their designee. Upon

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

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This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well. This directive also applies to officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well. This directive also applies to officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well.

This Policy represents administrative guidelines for an officer’s decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b]
- RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F):** The amount of effort required by police to compel compliance by an unwilling subject.
 - SANCTITY OF HUMAN LIFE:** The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
 - FORCE:** The attempt to establish control through physical means in the presence of resistance.
 - DEADLY FORCE:** Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
 - DUTY WEAPON DISPLAY:** A duty weapon display is considered use of force when a duty weapon is pointed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray.
 - CRITICAL INCIDENT:** Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type of force is also known as less-lethal force.
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation, considering the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances.
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or prolonged loss or impairment of bodily member, organ, or mental faculty.
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not be limited to Murder (including lesser offenses), Kidnapping, Armed Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat. This may include techniques such as command presence, advisements, warnings, verbal persuasion, or tactical repositioning and deployment.
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is necessary to prevent or avoid physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other consequence prohibiting law enforcement efforts.
13. **CHOKE HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air through the windpipe.
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury.
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of Police or their designee. The review should indicate whether the

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e] |
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabiliz

- 1. Head Stabilization will only be used in the appropriate application.1. Head Sta

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An un-holstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defective or a animal. Supervisor's appropriate in a animal or animal is a gain. Supervisor's appropriate firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resis supervisor before going off-duty except when the sworn officer is supervisor before incapacitated or when in limited situations, given permission to incapacitated or w complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expect is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available. Review documentation available as soon as possible. available as soon as possible. available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. regulations of the ELPD. regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). address any concerns such as policy violation(s). address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). occurred, refer to Section K(5). occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. decide what course of action should follow. decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024
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East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of who assigned to duty with special cooperative units or other law enforcement assigned to duty with special cooperative units or other law enforcement agencies are also covered by this directive. This directive also applies to all police officers employed by the East Lansing Police Department.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions. basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.
1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject. The amount of effort required by police to compel compliance by an unwilling subject. unwilling subject. unwilling subject. unwilling subject.
 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved. human life and the safety of all people involved.
 3. FORCE: The attempt to establish control through physical means in the presence of resistance. the presence of resistance. the presence of resistance.
 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another. substantial risk of causing death or serious bodily injury to another.
 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed at or directed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray.
 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's eval the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIOL death, extreme physical pain, protracted and obvious death, extreme physical pain disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. organ
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in a immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKE HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?inc
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" or "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encounte

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory1. Any EL authority if they observe an agency employee, another agency authority if they ob employee or public safety associate engage in any unreasonable employee or put use of force, any violation of agency written directive, or any use of force, any viola violation of local ordinance, state or federal law. An officer who violation of local or observes another law enforcement officer's use of force that observes another law exceeds the degree of force permitted by law shall promptly report exceeds the de these observations to a supervisor. Failure to do so will result in these observation discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3

2. If an officer observes behavior that does not reach the threshold of 2. If an office unreasonable use of force ABL training can be used to help defuse unreasonable the situation. the situation. the situation. the situation. the situation. the situation. the si

- Officers receive training in ABL which teaches them to Officers receive trai intervene when another officer is getting upset and the intervene when ano behavior has not yet escalated to an unreasonable use of behavior has not y force. force. force. force. force. force. force. force. force. force. force. force. force. fo

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Coi

Officers have an affirmative duty to care for persons in their Officers have an affir custody. Officers and supervisors are responsible for providing and custody. Offic obtaining appropriate medical attention to any person in their obtaining appropriat custody who is injured or complains of injury. This pertains to custody who is injur whether injuries preceded custody, occurred during apprehension, whether injurie or were sustained during custody. Additionally, officers have an or were sustained affirmative duty to provide or obtain medical attention for members affirmative dut of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall**
make medical treatment available to that subject when: make medical treatment a

- a. The subject requests medical treatmenta. The subject requests medica
- b. The subject complains of injury or continued painb. The subject compl
- c. Any officer observes or suspects injury to the subjectc. Any officer obs

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition. When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.**
- J. Documenting the Use of Force [3.3.2]J.
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does not need the Use of Force tab to be completed or an entry in the Guardian Tracking system completed or an entry in the Guardian Tracking system because it is not a defensive use of force against a person or a defensive use of a firearm to dispose of the animal. A supervisor or a person in a supervisory position may use a firearm to dispose of the animal.

3.3.3.3 Response to Resistance reports shall be forwarded to the duty supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to complete it within 24-48 hrs. of going off duty. When the sworn officer is unable to complete the RTR Report, the duty supervisor may be expected to complete and submit the report based on what is known. [3.3.1k] [3.3.3]

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking System (GT) and shall be kept separate from the State Records Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3]

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6 The duty supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: MACP Accreditation Standard	MACP Accreditation Standard: MACP Accreditation Standard
Use of Force (Chapter 3.3)	Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether they are assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive. This directive also governs all

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions. basis for Departmental administrative sanctions.

III. PROCEDURE

A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.

1. **RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F):** The amount of effort required by police to compel compliance by an unwilling subject.
2. **SANCTITY OF HUMAN LIFE:** The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
3. **FORCE:** The attempt to establish control through physical means in the presence of resistance.
4. **DEADLY FORCE:** Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
5. **DUTY WEAPON DISPLAY:** A duty weapon display is considered use of force when a duty weapon is pointed at or directed at an individual. This would include all weapon systems including taser, less lethal, or OC spray.
6. **CRITICAL INCIDENT:** Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that 7. NON-DEA which is considered deadly force, that involves the physical effort to which is cons control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the 8. OBJECTIVELY necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's evali the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIOL death, extreme physical pain, protracted and obvious death, extreme physical pain disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orgai
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in an immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKER HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects from
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of d
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history?
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]J. Documenting the Use of Force [3.3.2]J.
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defective or a animal. Supervisor's appropriate to a firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resis supervisor before going off-duty except when the sworn officer is supervisor before incapacitated or when in limited situations, given permission to incapacitated or w complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expect is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available. Review documentation available as soon as possible. available as soon as possible. available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. regulations of the ELPD. regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). address any concerns such as policy violation(s). address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). occurred, refer to Section K(5). occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. decide what course of action should follow. decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight. vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.
 - 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject.
 - 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
 - 3. FORCE. The attempt to establish control through physical means in the presence of resistance.
 - 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
 - 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray.
 - 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's eval the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIOL death, extreme physical pain, protracted and obvious death, extreme physical pain, disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orgai
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in an immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKES HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

B. Use of Force – General B. Use of Force – General B. Use of Force – General B.

1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl

- a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?in
- b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
- c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
- d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
- e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did

2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate

3. Officers shall communicate verbal directions or commands prior to 3. Officers
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects from
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of d
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e] |
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a ~~defensive use of force against a predator or defensive use of a firearm to dispose of the animal.~~ ~~firearm to dispose of the animal.~~ ~~firearm to dispose of the animal.~~

3.3.3.3. Response to Resistance reports shall be forwarded to the duty supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to complete it within 24-48 hrs. of going off duty. When the sworn officer is unable to complete the RTR Report, the duty supervisor may be expected to complete and submit the report based on what is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known.

4.4.4.4. The RTR Report shall also be filed in the Guardian Tracking System (GT) and shall be kept separate from the State Records Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5. The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3]

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6. The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

day when it was not feasible to complete it during shifts of day when it was not fe
significant activity.significant activity.significant activity.significant activity.significa

7.7.7.7.~~The SRMS RTR report~~ may be delayed upon approval of the ChiefThe SRMS RT
of Police or his/her designee if the force used occurred during aof Police or his/h
officer involved shooting or when the individual sustains a seriousofficer involved :
bodily injury. This usually happens at the request of the Michiganbodily injury. Th
State Police (MSP) or another investigating agency if they areState Police (MSP)
called in to investigate the RTR incident. The SRMS RTR reportcalled in to inves:
may be completed when the requested investigators advise andmay be complete
ask that they may be completed.ask that they may be completed.ask that they ma

8.8.8.8.~~The Chief of Police~~ or his/her designee may also consult with theThe Chief of Poli
East Lansing City Attorney during the decision-making processEast Lansing City ,
involving RTR reporting requirements during officer involvedinvolving RTR reporti
shootings or when an individual sustains a serious bodily injury.shootings or wher

9.9.9.9.~~Use of Force Reports~~ shall be held on file for five (5) years.Use of Force reports sh

K. Investigating Response to Resistance IncidentsK. Investigating Response to Resista

1. The on-duty supervisor(s) shall promptly investigate the1. The on-duty superv
circumstances attending to the RTR when injuries occur. The dutycircumstances ;
supervisor shall ensure that proper medical treatment is provided tosupervisor sh:
all injured subjects and/or officers, including subjects complainingall injured subjek
of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1k]of injury. [3.3.1

2.2.2.2.~~The officers shall~~ promptly complete a written incident report in theThe officers sh
SRMS (Except for incidents of officer-involved shootings or officerSRMS (Except :
incapacitation all reports must be completed and submitted beforeincapacitation :
the conclusion of the officer's tour of duty.) This does not apply tothe conclusion o
Officer Involved Shootings or incidents where the use of force isOfficer Involved S
being investigated by an agency outside of ELPD.being investigated by an agenc

3. The duty supervisor shall ensure that all appropriate reports,3. The duty supe
videos, and notifications regarding the RTR incident are completed.videos, and nc
The duty supervisor shall ensure RTR Reports are ready for reviewThe duty supe
by the designated police administrator(s) before going off duty.by the designated |

4. If the weapon is a CEW, the officer shall submit the discharged air4. If the we
cartridge, photographs of the impact or injury sites, A.F.I.D. tags,cartridge, photog
and probes to evidence.and probes to evidence.and probes to evidence.and prob

5. If it appears that excessive force may have been used, the5. If it appears that
reviewing supervisor shall document the incident in a writtenreviewing supervisor
memorandum to the Chief of Police and/or their designee. Uponmemorandum to t

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date

East Lansing Police Department
Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether they are assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive unless otherwise specified. This directive also governs all

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions. basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definition:
 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject. unwilling subject. unwilling subject. unwilling subject. unwilling subject.
 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved. human life and the safety of all people involved.
 3. FORCE: The attempt to establish control through physical means in the presence of resistance. the presence of resistance. the presence of resistance.
 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another. substantial risk of causing death or serious bodily injury to another.
 5. DUTY WEAPON DISPLAY: A duty weapon display is considered a use of force when a duty weapon is pointed at or aimed at an individual. This would include all weapon systems including taser, less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray.
 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's evali the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIOL death, extreme physical pain, protracted and obvious death, extreme physical paii disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orgai
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in a immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKE HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 - 3. Officers shall communicate verbal directions or commands prior to 3. Officers
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of d
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instancesOfficers must be the motor vehicle can be viewed as an instrument of force.the motor vehicle can be Intentional collisions, partial or complete roadblocks, or otherIntentional collisions, similar methods, techniques, or actions have been ruled to be asimilar methods, use of force.use of force.use of force.use of force.use of force.use of force.use of

- a. "Boxing in" maneuvers and so-called "rolling roadblocks"a. "Boxing in" create a high probability of contact between the officer's andcreate a high p subject's vehicle. As a result, these techniques aresubject's vehicle. As a r considered a use of force.considered a use of force.considered a use of fo
- b. The use of any such methods, techniques, or actions mustb. The use c be justifiable and in accordance with departmentalbe justifiable and in acco guidelines.guidelines.guidelines.guidelines.guidelines.guidelines.guidelines
- c. The use of any such methods, techniques, or actions has ac. The use high probability of causing death or serious physical injury.high probability c The use of any such methods, techniques, or actions isThe use of any suc therefore classified, in most situations, as the use oftherefore classifiec deadly force .deadly force .deadly force .deadly force .deadly f

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabiliz

- 1. Head Stabilization will only be used in the appropriate application.1. Head Sta

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready orA police officer shooting position when stopping a person or vehicle that the officershooting position whe believes to have been involved in a felony, carrying a weapon, or poses abelieves to hav significant threat and danger to officers or a significant threat and dangersignificant threa to the community.to the community.to the community.to the community.to the community.

It is considered a use of force if a weapon is pointed at or in the person'sIt is considered direction and should be reported to the Duty Supervisor. An un-holsterreddirection and sh handgun or a slung long-gun used to search an area where no personshandgun or a slu were encountered is not a use of force for reporting a use of force for reporting a use of force for

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that** is reasonable and necessary to control the situation, based uponis reasonable ar the level of force or resistance being encountered. When the levelthe level of forc of subject resistance is lessened the officer shall de-escalateof subject resistance

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~, file class 9909 ~~General Non-criminal report~~, tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a ~~defensive use of force against a non-offensive animal~~ ~~Supervisor's interpretation of a firearm to dispose of the animal.~~ ~~firearm to dispose of the animal.~~ ~~firearm to~~

3.3.3.3 ~~Response to Resistance~~ reports shall be forwarded to the duty ~~Response to Resis~~ supervisor before going off-duty except when the sworn officer is ~~supervisor before~~ incapacitated or when in limited situations, given permission to ~~incapacitated or w~~ complete it within 24-48 hrs. of going off duty. When the sworn ~~complete it within 2~~ officer is unable to complete the RTR Report, the duty supervisor ~~officer is unable to~~ may be expected to complete and submit the report based on what ~~may be expect~~ is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 ~~The RTR Report shall~~ also be filed in the Guardian Tracking ~~The RTR Report shall~~ System (GT) and shall be kept separate from the State Records ~~System (GT) and :~~ Management System (SRMS). ~~Management System (:~~

5.5.5.5 ~~The Duty Supervisor~~ shall ensure the following: [3.3.1k] [3.3.3] ~~The Duty Supervis~~

- a. ~~Review documentation and videos related to the RTR, if a.~~ Review doc available as soon as possible. ~~available as soon as possible.~~
- b. ~~Determine if the degree of the RTR complies with policy and b.~~ Determi training in accordance with the laws of the United States of ~~training in accor~~ America, State of Michigan, terms of this directive, ~~America, State of Michig~~ Department Training Standards, or other rules and ~~Department Training Sta~~ regulations of the ELPD. ~~regulations of the ELPD.~~
- c. ~~Assure proper documentation and videos are properly c.~~ Assure proper completed/categorized before personnel involved go off-duty. ~~completed/ca~~
- d. ~~Email the Police Administration or their designee the report d.~~ Email the number, a synopsis of the situation, if videos exist, and ~~number, a synopsis~~ address any concerns such as policy violation(s). ~~address any concerns su~~
- e. ~~If it appears Excessive Force or a policy violation may have e.~~ If it appe occurred, refer to Section K(5). ~~occurred, refer to Section K(5).~~
- f. ~~The Police Administration will do a meaningful review (see f.~~ The Polic definitions for what a meaningful review encompasses) of ~~definitions for wh~~ the incident. If there are any concerns the Chief of Police will ~~the incident. If~~ decide what course of action should follow. ~~decide what course of action sh~~

6.6.6.6 ~~The Duty Supervisor~~ has the limited discretion to allow sworn ~~The duty supervisor h~~ personnel to complete the SRMS RTR incident report the following ~~personnel to c~~

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

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East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 3 0 0 - 1 1
Effective Date: 7 - 7 - 2 0 2 2	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

Revised Date: 9-8-2023 F
MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in Graham v. Connor, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a

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This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive as well as agencies are also governed by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions

1. **RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F):** The amount of effort required by police to compel compliance by an unwilling subject.
2. **SANCTITY OF HUMAN LIFE:** The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.
3. **FORCE:** The attempt to establish control through physical means in the presence of resistance.
4. **DEADLY FORCE:** Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another.
5. **DUTY WEAPON DISPLAY:** A duty weapon display is considered use of force when a duty weapon is pointed at or directed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray.
6. **CRITICAL INCIDENT:** Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that 7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal force.
8. **OBJECTIVELY REASONABLE:** The determination that the 8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for use the officer's evaluation of the situation, considering the totality of the officer's evaluation of the circumstances known to the officer at the time the force is used the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances. and upon what a reasonably prudent officer would use under the same or similar circumstances. same or similar circumstances. same or similar circumstances.
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious death, extreme physical pain, disfigurement, or prolonged loss or impairment of bodily member, disfigurement, or organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. organ, or mental faculty.
10. **LIFE-THREATENING FELONIES: The East Lansing Police Department defines life-threatening felonies to include but may not Department defines life-threatening felonies to include but may not be limited to Murder (including lesser offenses), Kidnapping, Armed Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration). penetration).**
11. **DE-ESCALATION: Communicating and/or taking action during an encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat. This may include techniques such as immediacy of the threat. This may include techniques such as command presence, advisements, warnings, verbal persuasion, or command presence, tactical repositioning and deployment.tactical repositioning and deployment.tactical repositioning and deployment.tactical repositioning and deployment.**
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would cause a reasonable person to believe that a particular action is cause a reasonable person to believe that a particular action is necessary to prevent or avoid physical harm to an individual, the necessary to prevent or avoid physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other destruction of evidence, the escape of a suspect, or some other consequence prohibiting law enforcement efforts.consequence prohibiting law enforcement efforts.consequence prohibiting law enforcement efforts.consequence prohibiting law enforcement efforts.**
13. **CHOKE HOLD: A neck restraint or any hold applied to or around the neck to restrict the flow of blood to the brain or the flow of air the neck to restrict the flow of blood to the brain or the flow of air through the windpipe. through the windpipe. through the windpipe. through the windpipe.**
14. **WARNING SHOT: Discharge of a firearm for compelling compliance from an individual, but not intended to cause injury. compliance from an individual, but not intended to cause injury. compliance from an individual, but not intended to cause injury. compliance from an individual, but not intended to cause injury.**
15. **MEANINGFUL REVIEW: A documented review of an incident or occurrence, regardless of the outcome, prepared by the Chief of occurrence, regardless of the outcome, prepared by the Chief of Police or their designee. The review should indicate whether Police or their designee. The review should indicate whether**

policy, training, equipment, or disciplinary issues should be policy, training, equipr
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- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e] |
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers [including chokeholds and neck restraints] are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instancesOfficers must be the motor vehicle can be viewed as an instrument of force.the motor vehicle can be Intentional collisions, partial or complete roadblocks, or otherIntentional collisions, similar methods, techniques, or actions have been ruled to be asimilar methods, use of force.use of force.use of force.use of force.use of force.use of force.use of

- a. "Boxing in" maneuvers and so-called "rolling roadblocks"a. "Boxing in" create a high probability of contact between the officer's andcreate a high p subject's vehicle. As a result, these techniques aresubject's vehicle. As a r considered a use of force.considered a use of force.considered a use of fo
- b. The use of any such methods, techniques, or actions mustb. The use c be justifiable and in accordance with departmentalbe justifiable and in acco guidelines.guidelines.guidelines.guidelines.guidelines.guidelines.guidelines
- c. The use of any such methods, techniques, or actions has ac. The use high probability of causing death or serious physical injury.high probability c The use of any such methods, techniques, or actions isThe use of any suc therefore classified, in most situations, as the use oftherefore classifiec deadly force .deadly force .deadly force .deadly force .deadly f

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabiliz

- 1. Head Stabilization will only be used in the appropriate application.1. Head Sta

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready orA police officer shooting position when stopping a person or vehicle that the officershooting position whe believes to have been involved in a felony, carrying a weapon, or poses abelieves to hav significant threat and danger to officers or a significant threat and dangersignificant threa to the community.to the community.to the community.to the community.to the community.

It is considered a use of force if a weapon is pointed at or in the person'slt is considered direction and should be reported to the Duty Supervisor. An un-holsterreddirection and sh handgun or a slung long-gun used to search an area where no personshandgun or a slu were encountered is not a use of force for reporting a use of force for reporting a use of force for

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that** is reasonable and necessary to control the situation, based uponis reasonable ar the level of force or resistance being encountered. When the levelthe level of forc of subject resistance is lessened the officer shall de-escalateof subject resistance

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defective or a animal. Supervisor's appropriate in a animal or animal is a gain. Supervisor's appropriate firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resistance supervisor before going off-duty except when the sworn officer is supervisor before incapacitated or when in limited situations, given permission to incapacitated or w complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expect is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available. Review documentation available as soon as possible. available as soon as possible. available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. regulations of the ELPD. regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). address any concerns such as policy violation(s). address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). occurred, refer to Section K(5). occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. decide what course of action should follow. decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident. thorough review of the RTR incident. the

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date

East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: MACP Accreditation Standard	MACP Accreditation Standard: MACP Accreditation Standard
Use of Force (Chapter 3.3)	Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's eval the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. SERIOL death, extreme physical pain, protracted and obvious death, extreme physical pai disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. orgai
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in an immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKE HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did

2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate

3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects from
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a pers
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means of protection to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabiliz

1. Head Stabilization will only be used in the appropriate application.1. Head Sta

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An un-holstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

1. **The response to resistance shall be appropriate to a level that** is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defective or a animal. Supervisor's appropriate in a animal or animal is to gain Supervisor's appropriate firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resis supervisor before going off-duty except when the sworn officer is supervisor before incapacitated or when in limited situations, given permission to incapacitated or w complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expect is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and : Management System (SRMS). Management System (SRMS). Management System (:

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisc

- a. Review documentation and videos related to the RTR, if available. Review doc available as soon as possible. available as soon as possible. available as sc
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of training in accor America, State of Michigan, terms of this directive, America, State of Michig Department Training Standards, or other rules and Department Training Sta regulations of the ELPD. regulations of the ELPD. regulations of the ELPD. r
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. completed/ca
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and number, a synopsis address any concerns such as policy violation(s). address any concerns suc
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). occurred, refer to Section K(5). occurred, ref
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of definitions for wh the incident. If there are any concerns the Chief of Police will the incident. If decide what course of action should follow. decide what course of action sh

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn The duty supervisor h personnel to complete the SRMS RTR incident report the following personnel to c

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the scene of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

- 1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
- 2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
- 3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
- 4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
- 5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

- 1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police
 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024
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East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure Policy & Procedure

Subject: Response to Resistance	ELPD Policy #: 300 - 11
Effective Date: 7 - 7 - 2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: MACP Accreditation Standard	MACP Accreditation Standard: MACP Accreditation Standard
Use of Force (Chapter 3.3)	Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I.

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20 during tense, un-

vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether they are assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive unless otherwise specified by this directive or by the law.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary context or sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions. basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.
1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject. The amount of effort required by police to compel compliance by an unwilling subject. unwilling subject. unwilling subject. unwilling subject.
 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved. human life and the safety of all people involved.
 3. FORCE. The attempt to establish control through physical means in the presence of resistance. the presence of resistance. the presence of resistance.
 4. DEADLY FORCE: Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another. substantial risk of causing death or serious bodily injury to another.
 5. DUTY WEAPON DISPLAY: A duty weapon display is considered use of force when a duty weapon is pointed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray.
 6. CRITICAL INCIDENT: Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type of force is also known as less-lethal force.
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation, considering the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances.
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or prolonged loss or impairment of bodily member, organ, or mental faculty.
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not be limited to Murder (including lesser offenses), Kidnapping, Armed Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat. This may include techniques such as command presence, advisements, warnings, verbal persuasion, or tactical repositioning and deployment.
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is necessary to prevent or avoid physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other consequence prohibiting law enforcement efforts.
13. **CHOKER HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air through the windpipe.
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury.
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of Police or their designee. The review should indicate whether the

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in

b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actior
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is

c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju

d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor

e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e] |
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property is not considered deadly force.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers (including chokeholds and neck restraints) are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover. Slow down if reasonable.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. **Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.**

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. **Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.**

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]J. Documenting the Use of Force [3.3.2]J.
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~ **General Non-Criminal report**, file class 9909 ~~General Non-Criminal report~~ tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defective or a animal. Supervisor's appropriate in a animal or animal is a gain. Supervisor's appropriate firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resis supervisor before going off-duty except when the sworn officer is supervisor before incapacitated or when in limited situations, given permission to incapacitated or w complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expect is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available as soon as possible. Review documentation and videos related to the RTR, if available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]

- 1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
- 2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
- 3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
- 4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
- 5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. Training

- 1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024
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East Lansing Police Department Policy & Procedure

Table with 2 columns: Information and MACP Accreditation Standard. Row 1: Subject: Response to Resistance, ELPD Policy #: 300-11. Row 2: Effective Date: 7-7-2022, Distribution: Sworn Personnel. Row 3: Revised Date: 9-8-2023, Revised Date: 9-8-2023, Revised Date: 9-8-2023, Revised Date: 9-8-2023. Row 4: MACP Accreditation Standard: Use of Force (Chapter 3.3), MACP Accreditation Standard: Use of Force (Chapter 3.3), MACP Accreditation Standard: Use of Force (Chapter 3.3), MACP Accreditation Standard: Use of Force (Chapter 3.3).

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in Graham v. Connor, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether assigned to duty with special cooperative units or other law enforcement agencies are also covered by this directive and agencies are also covered by this directive as agencies are

This Policy represents administrative guidelines for an officer’s decision-making This Policy represents process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary process and not as a civil sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions. basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definition:
 - 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): 1. RESPON
The amount of effort required by police to compel compliance by an unwilling subject. The amount of effort required by police to compel compliance by an unwilling subject. unwilling subject. unwilling subject. unwilling subject.
 - 2. SANCTITY OF HUMAN LIFE: The concept of the sanctity of human 2. SANC
life is the belief that all human beings are to be perceived and treated life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved. human life and the safety of all people involved.
 - 3. FORCE. The attempt to establish control through physical means in 3. FORC
the presence of resistance. the presence of resistance. the presence of resistance.
 - 4. DEADLY FORCE: Any use of force or RTR that creates a 4. DEADLY FORCI
substantial risk of causing death or serious bodily injury to another. substantial risk of causing death or serious bodily injury to another.
 - 5. DUTY WEAPON DISPLAY: A duty weapon display is considered a 5. DUTY
use of force when a duty weapon is pointed toward an individual. This would include all weapon systems including taser, an individual. This would include all weapon systems including taser, an individual. less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray. less lethal.
 - 6. CRITICAL INCIDENT: Any use of force or RTR that results in a 6. CRITICAL
critical incident involving death, serious injury, or a discharge of a critical incident involving death, serious injury, or a discharge of a firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal for
8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's eval the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious death, extreme physical pain, disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. organ,
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in an immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKER HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

B. Use of Force – General B. Use of Force – General B. Use of Force – General B.

1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl

- a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?inc
- b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actio
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
- c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
- d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
- e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did

2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate

3. Officers shall communicate verbal directions or commands prior to 3. Officers
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
 may apply control methods that involve using physical force up to may apply conti
 and including the use of deadly force based upon the situation atand including the
 hand. Officers shall use an objectively reasonable amount of force hand. Officers
 necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
 techniques and/or authorized equipment (including restraints) for techniques and/
 resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
 subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
 disturbance; to maintain public order; or rescue persons who disturbance; t
 are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
 who has been arrested, or when another person attempts to who has been
 prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
 defensively, or actively refusing or resisting to comply with defensively, or a
 arrest, search, booking, custody, or other lawful directives of arrest, search
 an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
 detainer, a court order, for incapacitation due to the detainer, a court order,
 consumption of drugs or alcohol, a suicide attempt, or for consumption of d
 other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
 test because the person in question has not committed a test because the
 crime, is not resisting arrest, and is not directly threatening crime, is not res
 the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, a
 F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c

- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
 authorized to use deadly force only under the following circumstances authorized to use
 [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers [considered deadly force. These maneuvers (including chokeholds and neck restraints)] are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instancesOfficers must be the motor vehicle can be viewed as an instrument of force.the motor vehicle can be Intentional collisions, partial or complete roadblocks, or otherIntentional collisions, similar methods, techniques, or actions have been ruled to be asimilar methods, use of force.use of force.use of force.use of force.use of force.use of force.use of

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and create a high p subject's vehicle. As a result, these techniques are subject's vehicle. As a re considered a use of force.considered a use of force.considered a use of fo
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental be justifiable and in acco guidelines.guidelines.guidelines.guidelines.guidelines.guidelines.guidelines
- c. The use of any such methods, techniques, or actions has ac. The use high probability of causing death or serious physical injury.high probability (The use of any such methods, techniques, or actions is The use of any such therefore classified, in most situations, as the use of therefore classifiec deadly force .deadly force .deadly force .deadly force .deadly f

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabiliz

1. Head Stabilization will only be used in the appropriate application.1. Head Sta

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready orA police officer shooting position when stopping a person or vehicle that the officershooting position whe believes to have been involved in a felony, carrying a weapon, or poses abelieves to hav significant threat and danger to officers or a significant threat and dangersignificant threa to the community.to the community.to the community.to the community.to the community.

It is considered a use of force if a weapon is pointed at or in the person'sIt is considered direction and should be reported to the Duty Supervisor. An un-holstereddirection and sh handgun or a slung long-gun used to search an area where no personshandgun or a slu were encountered is not a use of force for reporting a use of force for reporting a use of force for

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

1. **The response to resistance shall be appropriate to a level that** is reasonable and necessary to control the situation, based uponis reasonable ar the level of force or resistance being encountered. When the levelthe level of forc of subject resistance is lessened the officer shall de-escalateof subject resistance

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover. Slow down if reasonable.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~, file class 9909 ~~General Non-criminal report~~, tracking firearm discharges by on-duty sworn officers. This

type of report does not need the Use of Force tab to be type of report does completed or an entry in the Guardian Tracking system completed or an er because it is not a defensive use of force against a person or a defective or a animal. Supervisor's appropriate in a animal or animal is to gain Supervisor's appropriate firearm to dispose of the animal. firearm to dispose of the animal. firearm to

3.3.3.3 Response to Resistance reports shall be forwarded to the duty Response to Resistance supervisor before going off-duty except when the sworn officer is supervisor before incapacitated or when in limited situations, given permission to incapacitated or w complete it within 24-48 hrs. of going off duty. When the sworn complete it within 2 officer is unable to complete the RTR Report, the duty supervisor officer is unable to may be expected to complete and submit the report based on what may be expect is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is known. [3.3.1k] [3.3.3] is know

4.4.4.4 The RTR Report shall also be filed in the Guardian Tracking The RTR Report shall System (GT) and shall be kept separate from the State Records System (GT) and Management System (SRMS). Management System (SRMS). Management System (SRMS).

5.5.5.5 The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3] The Duty Supervisor

- a. Review documentation and videos related to the RTR, if available. Review documentation and videos available as soon as possible. available as soon as possible. available as soon as possible.
- b. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. Determine if the degree of the RTR complies with policy and training in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD. regulations of the ELPD. regulations of the ELPD.
- c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty. completed/categorized before personnel involved go off-duty.
- d. Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). Email the Police Administration or their designee the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s). address any concerns such as policy violation(s). address any concerns such as policy violation(s).
- e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5). occurred, refer to Section K(5). occurred, refer to Section K(5).
- f. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. The Police Administration will do a meaningful review (see definitions for what a meaningful review encompasses) of the incident. If there are any concerns the Chief of Police will decide what course of action should follow. decide what course of action should follow. decide what course of action should follow.

6.6.6.6 The Duty Supervisor has the limited discretion to allow sworn personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report the following personnel to complete the SRMS RTR incident report

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the Chief of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, Response to Resistance Training, Firearms and Pressure Point Control Tactics, Gracie Subject Control, Firearms and Pressure Point Control Applications, scenario, De-escalation training, ABLE training, policy Applications, scenario, De-escalation training, case law, etc. and procedure training, case law, etc. and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024

Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date

**East Lansing Police Department East Lansing Police Department East Lansing Police Department
Policy & Procedure Policy & Procedure Policy & Procedure**

Subject: Response to Resistance	ELPD Policy #: 300-11
Effective Date: 7-7-2022	Distribution: Sworn Personnel
Revised Date: 9-8-2023	Revised Date: 9-8-2023
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Accreditation Standard: Use of Force (Chapter 3.3)

I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PURPOSE I. PU

This procedure's purpose is to guide the personnel of the East Lansing Police Department (ELPD) in the use of reasonable force when encountering resistance (non-deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to treat any injury or complaint of injury arising from the Response to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR). to Resistance (RTR).

II. POLICY [3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a][3.3.1a]

The Department recognizes and respects the sanctity of each human life and prioritizes preserving human life and safety for all. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others. This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based on their job duties.

The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. An officer's decision to use force must be limited to those situations where a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20

vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of hindsight.vision of

This directive applies whenever an officer performs their duty as a police officer, This directive applies regardless of whether the officer is on or off duty. East Lansing Police officers regardless of whether assigned to duty with special cooperative units or other law enforcement agencies assigned to duty with special cooperative units are also covered by this directive as they are covered by this directive as well.

This Policy represents administrative guidelines for an officer's decision-making process and not as a civil or criminal litigation standard. It should not be construed as creating a higher legal standard of safety or care in an evidentiary sense to civil suits or administrative claims. Violations of this Policy may form the basis for Departmental administrative sanctions. basis for Departmental administrative sanctions.

III. PROCEDURE

- A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A. Definitions [3.3.1b] A.
 - 1. **RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F):** The amount of effort required by police to compel compliance by an unwilling subject. The amount of effort required by police to compel compliance by an unwilling subject. unwilling subject. unwilling subject. unwilling subject.
 - 2. **SANCTITY OF HUMAN LIFE:** The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, sexual orientation, immigration status, housing status, source of income, credit history, immigration status, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved. human life and the safety of all people involved.
 - 3. **FORCE:** The attempt to establish control through physical means in the presence of resistance. the presence of resistance. the presence of resistance.
 - 4. **DEADLY FORCE:** Any use of force or RTR that creates a substantial risk of causing death or serious bodily injury to another. substantial risk of causing death or serious bodily injury to another.
 - 5. **DUTY WEAPON DISPLAY:** A duty weapon display is considered use of force when a duty weapon is pointed at or directed toward an individual. This would include all weapon systems including taser, less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray. less lethal, or OC spray.
 - 6. **CRITICAL INCIDENT:** Any use of force or RTR that results in a critical incident involving death, serious injury, or a discharge of a firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm. firearm.

7. **NON-DEADLY FORCE:** Any use of force or RTR other than that 7. **NON-DEADLY FORCE:** Any use of force or RTR other than that which is considered deadly force, that involves the physical effort to which is control, restrain, or overcome the resistance of another. This type control, restrain of force is also known as less-lethal force. of force is also known as less-lethal force.
8. **OBJECTIVELY REASONABLE:** The determination that the 8. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon necessity for u the officer's evaluation of the situation, considering the totality of the officer's eval the circumstances known to the officer at the time the force is used the circumstar and upon what a reasonably prudent officer would use under the and upon what a same or similar circumstances.same or similar circumstances.same or similar circ
9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of 9. **SERIOUS BODILY INJURY:** Injury that involves substantial risk of death, extreme physical pain, protracted and obvious death, extreme physical pain, disfigurement, or prolonged loss or impairment of bodily member, disfigurement, c organ, or mental faculty. organ, or mental faculty. organ, or mental faculty. organ,
10. **LIFE-THREATENING FELONIES: The East Lansing Police**
Department defines life-threatening felonies to include but may not Department de be limited to Murder (including lesser offenses), Kidnapping, Armed be limited to M Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. Robbery, Felonious penetration). penetration). penetration). penetration). penetration).
11. **DE-ESCALATION: Communicating and/or taking action during an**
encounter in an attempt to stabilize the situation and/or reduce the encounter in an immediacy of the threat. This may include techniques such as immediacy of the th command presence, advisements, warnings, verbal persuasion, or command pres tactical repositioning and deployment.tactical repositioning and deployment.tactic
12. **EXIGENT CIRCUMSTANCES: Those circumstances that would**
cause a reasonable person to believe that a particular action is cause a reasonab necessary to prevent or avoid physical harm to an individual, the necessary to pre destruction of evidence, the escape of a suspect, or some other destruction of evi consequence prohibiting law enforcement efforts.consequence prohibiting law enf
13. **CHOKER HOLD: A neck restraint or any hold applied to or around**
the neck to restrict the flow of blood to the brain or the flow of air the neck to restri through the windpipe. through the windpipe. through the windpipe. through the wir
14. **WARNING SHOT: Discharge of a firearm for compelling**
compliance from an individual, but not intended to cause injury. compliance from :
15. **MEANINGFUL REVIEW: A documented review of an incident or**
occurrence, regardless of the outcome, prepared by the Chief of occurrence, rega Police or their designee. The review should indicate whether Police or their desig

policy, training, equipment, or disciplinary issues should be policy, training, equipr
addressed.addressed.addressed.addressed.addressed.addressed.addressed.ad

- B. Use of Force – General B. Use of Force – General B. Use of Force – General B.
1. Officers shall assess each incident to determine the appropriate 1. Officers
response or control level.response or control level.response or control level.respo

The use of Critical Decision-Making Model should The use of
be utilized before the use of force is applied when be utilized
applicable. applicable. applicable. applicable. applicable. appl
 - a. Collect Information a. Collect Information a. Collect Information a. Collect In
1. What do I know about the subject, victim, and location? 1. What do I know
2. What further information do I need to know? 2. What further information do
3. What does my training and experience tell me about this 3. What does
incident?incident?incident?incident?incident?incident?incident?incident?incident?in
 - b. Assess the situation, Threats, and Risks b. Assess the situation, Threats, and
1. Do I need to take immediate action? 1. Do I need to take immediate actio
2. Do I need additional police resources? 2. Do I need additional police resot
3. What is the threat/risk, if any? 3. What is the threat/risk, if any? 3. What is
 - c. Consider Police Powers and Agency Policy c. Consider Police Powers and A
1. What legal powers do I have? 1. What legal powers do I have? 1. What le
2. What agency policies control my response? 2. What agency policies contr
3. Are there any jurisdiction or mutual aid considerations? 3. Are there any ju
 - d. Identify Options and determine the course of action. d. Identify Options and d
1. What options do I have?1. What options do I have?1. What options do I h
2. What contingencies must I consider?2. What contingencies must I consid
3. Is there a compelling reason to act now?3. Is there a compelling reason to c
4. Do I have the information and resources to act now?4. Do I have the infor
 - e. Act, review, Re-asses e. Act, review, Re-asses e. Act, review, Re-asses e. /
1. Did I achieve the desired outcome? 1. Did I achieve the desired outcome?
2. Is there anything more I need to consider? 2. Is there anything more I nee
3. What lessons did I learn?3. What lessons did I learn?3. What lessons did
 2. **Whenever reasonably possible, officers shall identify themselves**
and try to de-escalate the situation prior to force being used.and try to de-escalate
 3. Officers shall communicate verbal directions or commands prior to 3. Officers :
utilizing force and shall use any available resources to utilizing force and shall use
communicate with others not like themselves. Understanding this communicate w

may not be feasible given the situation's circumstances, the officer may not be fea
may apply control methods that involve using physical force up to may apply conti
and including the use of deadly force based upon the situation atand including the
hand. Officers shall use an objectively reasonable amount of force hand. Officers
necessary to gain control of the situation. necessary to gain control of the situatio

4. Officers are authorized to use Department approved control 4. Officers are au
techniques and/or authorized equipment (including restraints) for techniques and/
resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h] resolution of incidents, a
 - a. In self-defense or defense of another person a. In self-defense or defe
 - b. To protect subjects from harming themselvesb. To protect subjects fron
 - c. In the process of effecting a lawful arrest when the arrested c. In the pi
subject(s) offers resistance. subject(s) offers resistance. subject(s) offers
 - d. To stop potentially dangerous and unlawful behavior.d. To stop potenti
 - e. To control, move, direct or arrest persons creating a public e. To contro
disturbance; to maintain public order; or rescue persons who disturbance; t
are in danger. are in danger. are in danger. are in danger. are in danger.
 - f. To prevent escape from custody or recapture of a person f. To preven
who has been arrested, or when another person attempts to who has been
prevent the arrest of an arrested subject. prevent the arrest of an arrested :
 - g. To control an arrested person who is either passively, g. To control an
defensively, or actively refusing or resisting to comply with defensively, or a
arrest, search, booking, custody, or other lawful directives of arrest, search
an officer. an officer. an officer. an officer. an officer. an officer. an officer. a
 - h. To take a person into protective custody for a mental h. To take a persc
detainer, a court order, for incapacitation due to the detainer, a court order,
consumption of drugs or alcohol, a suicide attempt, or for consumption of d
other types of emergency medical assistance. other types of emergency r
 - i. Where a situation does not fit within the Graham v. Connor i. Where a
test because the person in question has not committed a test because the
crime, is not resisting arrest, and is not directly threatening crime, is not res
the Officer, consistent with Estate of Corey Hill v. Miracle 853 the Officer, c
F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3d 306, (2016). F.3c
- C. Criteria/Restrictions on Use of Deadly Force. Police officers are C. Criteria/R
authorized to use deadly force only under the following circumstances authorized to use
[3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3.1e]: [3.3

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
 - 2.2.2.2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
 - 3.3.3.3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life-threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life-threatening felony, or solely because a person fails to stop upon command.
 - 4.4.4.4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use force or themselves, shoot, unless this increases the risk of harm; "STOP, POLICE" "STOP, POLICE" would suffice.
 - 5.5.5.5. Identify and detect the target location in sufficient detail to permit the effective employment of lethal and non-lethal means without the effective harming innocent people.
- D. Restrictions on the use of force: [3.3.1e]
1. Warning shots are prohibited.
 2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing to affect a misdemeanor from such a charge.
 3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
 4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited unless there is a risk of serious bodily injury or death to other individual(s).

5. The use of a firearm solely to protect property. The use of a firearm solely to protect property.
6. The use of a Chokehold (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers [including chokeholds and neck restraints] are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable. [3.3.1d,i]
7. Shooting at or from a Moving Vehicle
 - a. **Discharging a firearm at a moving vehicle or from a moving vehicle** is prohibited unless it meets the following criteria:
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or the suspect will severely injure the officer or another person, as opposed to the suspect attempting to escape.
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle or from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.
 - iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

8. Motor Vehicle Force8. Motor Vehicle Force8. Motor Vehicle Force8. I

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head StabilizationE. Head StabilizationE. Head StabilizationE. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application.

F. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF. High-Risk StopsF.

A police officer is authorized to place their firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed at or in the person's direction and should be reported to the Duty Supervisor. An unholstered handgun or a slung long-gun used to search an area where no persons were encountered is not a use of force.

G. De-Escalation of Force [3.3.1c]G. De-Escalation of Force [3.3.1c]G. De-Escalatic

- 1. **The response to resistance shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate.**

similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject. Similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.

Examples of de-escalation practices include: Examples of de-escalation practices include:

- a. Command Presence.
 - b. Advisements.
 - c. Warnings.
 - d. Verbal Persuasion.
 - e. Tactical Repositioning or Deployment.
2. Officers shall consider the following variables when deciding to **escalate or de-escalate the level of control**:
- a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. ~~Time, distance, and cover. Slow down if reasonable.~~ Time, distance, and cover.
 - e. Subject's response to the officer's directions or actions.
 - f. **If the subject is known to be under the influence of drugs or alcohol.**
 - g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history.
 - h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - i. The amount of reaction time required to defend against or react to the subject's actions.
 - j. Subject's access to weapons.
 - k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

I. **Probability of the officer safely overcoming the resistance**

encountered. encountered. encountered. encountered. encountered. encountered.

H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H. Duty to Intervene [3.3.6]H.

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any use of force, any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline. [3.3.6]discipline.

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABE training can be used to help defuse the situation. the situation. the situation. the situation. the situation. the situation. the situation. the situation.

- Officers receive training in ABE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force. force. force. force. force. force. force. force. force. force. force. force. force. force. force. force.

I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I. Medical Considerations [3.3.1J]I.

Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing and obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to whether injuries preceded custody, occurred during apprehension, whether injuries or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police-involved actions. of the public who

1. **Upon securing a resistive or combative subject, officers shall** make medical treatment available to that subject when:

- a. The subject requests medical treatment. The subject requests medical treatment.
- b. The subject complains of injury or continued pain. The subject complains of injury or continued pain.
- c. Any officer observes or suspects injury to the subject. Any officer observes or suspects injury to the subject.

- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated with the use of the symptoms persist beyond 30 minutes.
 - e. Directed by a supervisor.
2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
 3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
 4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance shall be provided, and the East Lansing Fire Department or another authorized ambulance service shall transport the subject.
 5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the RTR Incident Report.
 6. Medical treatment shall be provided at an approved medical facility.
 7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the the medical facility and lodge the subject at the jail facility.
 8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.

9. Transporting individuals in a prone position is prohibited. The subject shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
9. Transporting individual shall be transported in a seated position using appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. **Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition.** When the need for medical treatment is uncertain, the officer will provide the opportunity for medical examination.
- J. Documenting the Use of Force [3.3.2]
 1. A detailed Department SRMS RTR report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - a. Any use of physical force resulting in injury or claimed injury to an individual.
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - b. Any application or use of deadly force against an individual [3.3.2 b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - d. Any use or discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - e. Any unintentional use or discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - f. Any time a firearm or less lethal weapon is displayed at them or in their general direction to control their movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - i. This does not include a slung rifle or slung less-lethal weapon not displayed to control a subject(s) movement.
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - g. Any intentional or unintentional use or display of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]

- h. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e]. Any intentional or unintentional use or display of a department issued CEW [3.3.2 c, 3.3.2 e].
 - i. Any intentional or unintentional use or display of less-lethal impact weapons such as a 40 mm exact impact munition to impact weapon control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects. [3.3.2.c] control subjects.
 - j. Any force used above cooperative handcuffing requires an RTR Report, including the use or application of an RTR Report, including the implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive behavior. [3.3.2c, 3.3.2d]
 - k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. Documentation in the officers' daily shall be completed when handcuffing a compliant individual who is not under arrest. This documentation will include:
- a. Gender.
 - b. Race.
 - c. Age.
 - d. Residency.
 - e. **Narrative- Reason for the handcuffing. i.e., Call for service,** description, other factors, etc.
3. Response to Resistance reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
- a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a ~~General non-criminal report~~, file class 9909 ~~General Non-criminal report~~, tracking firearm discharges by on-duty sworn officers. This

review of the Chief of Police, he/she shall determine if the incident should be further investigated.

- 6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
- 7. Where the RTR results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or their designee shall temporarily suspend the officer from active duty with pay, or shall temporarily reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
- 8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.

L. Debriefings

- 1. A psychological debriefing will be provided to any officer who has used force, resulting in serious injury or death, at the request of the officer.
- 2. The Chief of Police may direct any officer involved in the Use of Force incident to attend an approved psychological debriefing.

M. Administrative Review of Response to Resistance Incidents

- 1.1.1. The Chief of Police or his/her designee shall conduct a meaningful review (as defined in this written directive) of any RTR to ensure proper policy and procedures were followed.
- 2.2.2. After reviewing the RTR report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or their designee shall document the meaningful review of the RTR in Guardian Tracking.
- 3.3.3. If an injury occurs to the suspect or to officers involved at the scene of Police's (or their designee) discretion an RTR incident can be reviewed by an outside agency use of force instructor or expert.

The outside agency utilized should be within the greater Lansing capital area. The outside agency use of force expert or instructor capital area. **should be provided with the SRMS report, BWC/Fleet video** footage, and any other supporting documentation to complete a thorough review of the RTR incident.

- a. The outside agency expert/instructor will be asked to look at the incident under the same parameters of a meaningful review as defined by this written directive.

N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]N. Critical Incident Review [3.3.3]

1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTR Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.
4. The designated incident review committee will review all RTR reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.
5. All RTR's are to be reported by the Chief or their designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

O. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. TrainingO. Training

1. All sworn staff shall attend Response to Resistance Training on their scheduled assigned day. Exceptions can be made if the employee is sick, on medical leave, subpoenaed to court, or for staffing purposes.

2. Response to Resistance Training will consist of, but not limited to, firearms and Pressure Point Control Tactics, Gracie Subject Control Applications, scenario, De-escalation training, ABLE training, policy and procedure training, case law, etc.
3. During the training, the Response to Resistance staff shall review the Four (4) Cardinal Rules of Firearms Safety.
 - a. All guns are always loaded.
 - b. Point the gun in a safe direction.
 - c. Keep your finger off the trigger until you are on target and ready to shoot.
 - d. Be aware of your backstop.
4. Response to Resistance staff shall provide a training agenda to the Police Administration prior to the scheduled training.
5. Response to Resistance staff shall provide a training summary to the Police Administration after the scheduled training has been completed.

IV. CANCELLATIONS

NoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNoneNone

Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By: Authorized By:

CP #144

Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police Chad Pride, Interim Chief of Police

5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024 5/30/2024
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**Use of Force Recommendations by the East Lansing Independent Oversight
Commission to the East Lansing Police Department**

Adopted December 6, 2023

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I: Introduction

ELIPOC's recommendations about use of force in response to a demand from the community

The East Lansing Independent Police Oversight Commission (ELIPOC) is making these recommendations to respond to a petition from 33 East Lansing residents that was a response to two East Lansing Police Department (ELPD) officers shooting at DeAnthony VanAtten in the Meijer parking lot on April 25, 2022. The petition reflects continuing community concerns about the ELPD's use of force policy, training, and practices as they were observed at this incident. ELIPOC was obliged to respond to the petition by Ordinance 1503 that created the Commission:

Section 2.476 C. If twenty residents of the city sign a petition on an issue of concern within the scope of the Commission, the Commission shall hold a special hearing for the purpose of inquiring into the petitioners' concern.

Text of the petition submitted to ELIPOC on Sept. 7, 2022:

We, the undersigned residents of East Lansing, request that the East Lansing Independent Police Oversight Commission hold a special hearing to obtain testimony from experts and members of the public about national best practices for policies and procedures as well as recommended training regarding Use of Force, especially as it pertains to the policing of Black, Indigenous and People of Color. The purpose of such a hearing is to make well-researched recommendations about the East Lansing Police Department's Use of Force (called "Response to Resistance") policy, procedures, and training. We also request that petitioners and/or our representatives be allowed to participate in the discussion at the hearing.

ELIPOC organized and conducted a public hearing on use of force policy and training on March 29, 2023, jointly with the Michigan State University College of Law, and held a community workshop on Sept. 30, 2023, facilitated by Carlton Evans and Doak Bloss. Representatives of ELPD administration were invited to and did attend both these events.

National best practices

ELIPOC identified these outstanding sources of national best practices:

On use of force policy: **American Law Institute (ALI) Principles on Use of Force**. The Principles were developed from 2015-2017 by a group that included police chiefs and leaders of organizations concerned about policing practices, as well as judges, prosecutors, and defense attorneys. (The outline of the six Principles appears on pages 3-4, below.)
On use of force training: **Police Executive Research Forum (PERF) Critical Decision-Making (CDM) model**, which PERF has incorporated into a training curriculum on Integrating Communication, Assessment and Tactics (ICAT).

Acknowledging changes ELPD has already made in its use of force policy to meet standards of the Michigan Association of Chiefs of Police

ELIPOC acknowledges that ELPD considerably revised many sections of its use of force policy in order to meet the accreditation standards of the Michigan Association of Chiefs of Police (MACP). The policy document to which we are recommending revisions is ELPD Policy #: 300-11, "Response to Resistance Policy and Procedure." It went into effect on May 12, 2023, when Chief Kim Johnson signed it.

While ELIPOC notes that a number of improvements were made to the policy, accreditation standards are not the same as national best practices. The MACP standards are not all fully-developed policies; indeed, the Use of Force section of the standards prove "A written directive establishes the agency's use-of-force policy and procedures to include at a minimum ...," (page 38). Many sections of the use of force standards state that police department police must include "criteria for use of " various controls or tools, but do not specify what those criteria should be. So, the MACP standards do not interfere with police departments setting their own policy that goes beyond the statewide standards.

ELIPOC asked ELPD for documentation of its use of force training curriculum. We received about half-a-dozen memoranda of less than one page each describing training sessions from 2021 to 2023. Some of these memos stated that the training included de-escalation and scenario-based training. However, none of the memos identified a curriculum used on de-escalation or force avoidance or the topics covered in the scenarios, although we were informed that the scenarios are not all "shoot / don't shoot" scenarios.

Looking forward to discussing recommendations with ELPD

The Commission is eager to present these recommendations to ELPD and to engage in discussion with ELPD on the changes we are proposing to bring ELPD closer to national best practices in its use of force policy and training.

We believe that adopting national best practices in use of force policy and training will put ELPD in the forefront of police departments, particularly by doing so in collaboration with a community police oversight commission. We note that, in 2020, the Berkeley (CA) Police Department and Berkeley Police Review Commission spent many hours in meetings to jointly develop a new Policy 300, "Use of Force," which is broadly consistent with the ALI Principles. We have used this document as one source in our recommendations.

II. Principles of the Law: Policing - Approved Black-Letter Text

The American Law Institute (ALI)

Approved by the ALI membership at its Annual Meeting on May 24, 2017

§ 7.01. Scope and Applicability of Principles (formerly § 5.01)

The following Principles:

(a) are intended to guide the conduct of all agencies that possess the lawful authority to use force, which are referred to throughout this Chapter as “agencies”;

(b) are intended for consideration by an informed citizenry, and for adoption as deemed appropriate by legislative bodies, courts, and agencies;

(c) are not intended to create or impose any legal obligations or bases for legal liability absent an expression of such intent by a legislative body, court, or agency.

§ 7.02. Objectives of the Use of Force (formerly § 5.01)

Officers should use physical force only for the purpose of effecting a lawful seizure (including an arrest or detention), carrying out a lawful search, preventing imminent physical harm to themselves or others, or preventing property damage or loss. Agencies should promote this objective through written policies, training, supervision, and reporting and review of use-of-force incidents.

§ 7.03. Minimum Force Necessary (formerly § 5.02)

In instances in which force is used, officers should use the minimum force necessary to perform their duties safely. Agencies should promote this goal through written policies, training, supervision, and reporting and review of use-of-force incidents.

§ 7.04. De-escalation and Force Avoidance (formerly § 5.03)

Agencies should require, through written policy, that officers actively seek to avoid using force whenever possible and appropriate by employing techniques such as de-escalation. Agencies should reinforce this Principle through written policies, training, supervision, and reporting and review of use-of-force incidents.

§ 7.05. Proportional Use of Force (formerly § 5.04)

Officers should not use more force than is proportional to the legitimate law enforcement objective at stake. In furtherance of this objective:

(a) deadly force should not be used except in response to an immediate threat of serious physical harm or death to officers, or a significant threat of serious physical harm or death to others;

(b) non-deadly force should not be used if its impact is likely to be out of proportion to the threat of harm to officers or others or to the extent of property damage threatened. When non-deadly force is used to carry out a search or seizure (including an arrest or detention), such force only may be used as is proportionate to the threat posed in performing the search or seizure, and to the societal interest at stake in seeing that the search or seizure is performed.

§ 7.06. Instructions and Warnings (formerly § 5.05)

Officers should provide clear instructions and warnings whenever feasible before using force. Agencies should promote this goal through written policies, training, supervision, and reporting and review of use-of-force incidents.

III: ELIPOC Recommendations for ELPD Policy and Procedure

How to read these recommendations:

Recommendations are presented in order of the sections of **ELPD Policy and Procedure #300-11, "Response to Resistance"** or "RTR" Policy and Procedure (<https://public.powerdms.com/elpolice/documents/2228039>). Each numbered recommendation identifies the section number of the ELPD policy #: 300-11 and suggests revisions that ELIPOC believes will bring the policy closer to national best practices.

The **American Law Institute (ALI) Principle** that is the basis of the recommendation is identified after the suggested amending language. The ALI source is the 25-page **Chapter 5: Use of Force** (https://www.ali.org/media/filer_public/f2/80/f2804962-6431-4535-9649-34c5f872140e/policing-uof-online.pdf) ALI later changed the section numbers from 5.01 – 5.06 to 7.01 – 7.06 when it was adopted in 2017. (Page 1 of Chapter 5 is page 31 of the PDF.)

The **Berkeley Police Department (BPD) Policy 300 "Use of Force,"** developed jointly by the Berkeley Police Department and the Berkeley Police Review Commission, is found here: https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf

Note:

The following Section IV shows the revisions below embedded in the ELPD Policy and Procedure #300-11 using Edit Tracking.

#

Subject: Response to Resistance

#1: *Replace* "Response to Resistance" with "Use of Force."

Comment: "Use of Force" is a much more commonly used term in policing than "Response to Resistance," for example by the DOJ Office of Justice Programs, the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Law Enforcement Accreditation Program, and the ALI Principles. Also, the Michigan Association of Chiefs of Police (MACP), which "Initially Accredited" ELPD on February 7, 2023, uses only the term "Use of Force" in its Accreditation Standards. ELPD's current policy gives the two terms the identical definition, which fails to explain why both terms are used. If the Subject is changed to "Use of Force," all references in the policy and procedure document to "Response to Resistance" and "RTR" should be replaced with "Use of Force."

Response to resistance is preferred over "use of force" because it emphasizes a more nuanced approach to managing potentially volatile situations. It suggests that officers should prioritize de-escalation tactics, communication, and other methods to address resistance without

unnecessary escalation, thereby minimizing the risk of harm to all involved parties. Response to resistance encourages officers to try to calm a situation and reduce resistance through verbal communication and non-threatening body language before resorting to physical force.

"Use of force" can imply an immediate and potentially aggressive response to any form of resistance, even when it might not be necessary. It can lead to a mindset of escalating force levels quickly rather than considering alternative methods to de-escalate. The CNA report stressed de-escalation in their report for this policy. The policy will stay the same.

#2: *Revise* paragraph to read:

This policy guides the personnel of the East Lansing Police Department (ELPD) in the use of force, which is to be used only for the purpose of effecting lawful duties – namely to conduct a lawful seizure (including arrest or detention), to conduct a lawful search or frisk, to secure evidence, to prevent property damage or property loss, or to prevent physical harm to themselves and others; and for the purpose of providing for the treatment of any injury or complaint of injury arising from the use of force.

[Source: ALI 5.02 (p.2)]

I would also add in the first sentence, “objective reasonable force”. I agree with the rest.

I. Policy

#3: *Revise* current first paragraph to read:

The ELPD recognizes the sanctity of each human life and gives the highest priority to the preservation of human life and safety of all people involved. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission by avoiding force if circumstances permit, using de-escalation tactics before resorting to force if possible, and using minimal force by using rapport-building communication, crisis intervention, while still protecting themselves and the public. This Policy will often use the word “officer” as common terminology; however, this policy applies to all Department personnel, where applicable, based upon their job duties.

[Sources: ALI 5.03 (p.6) and 5.04 (p. 13), BPD 300.1, and ELPD’s recommendations from complaint #1801 in 2023 (modified)]

What may be minimal to one may not be the same to others. The standards that the courts will use to examine whether the use of force is constitutional were outlined in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. An officer's decision to use force must be limited to situations in which a "reasonable officer on the scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving, and dynamic situations rather than a 20/20 vision of hindsight. The justification for using force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

Avoiding force will increase the risk of officer injury, which in turn could potentially increase the injury to community members involved in an incident.

I disagree with this recommendation. Current policy verbiage will stay the same.

#4: *Retain* second paragraph of the II. Policy section, and *add* these four new paragraphs:

At a minimum, all police uses of force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

This verbiage is in the current policy and procedure.

The United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that, in order to comply with the U.S. Constitution, an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. It recognizes that officers are often forced to make split-second judgements about the amount of force that is necessary in circumstances that are tense, uncertain, and rapidly evolving. Also, the Court has held in *Tennessee v. Garner* that a use of deadly force, in particular, is reasonable if "the officer has

probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” These decisions set the minimum standard for police conduct, below which an officer’s conduct would be regarded as unlawful.

In fulfilling this Department’s mission to safeguard the life, dignity, and liberty of officers themselves and all members of the community they are sworn to protect and serve, this policy requires more of officers than to not violate the law. As a result, this policy is more restrictive than the minimum constitutional standard in two important respects.

First, it imposes a higher duty upon officers to use a minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective. And second, this policy imposes a stricter obligation on officers to exert only such force that is objectively proportionate to the circumstances, requiring a consideration of the seriousness of the suspected offense, the availability of de-escalation and other less aggressive techniques, and the risks of harm presented to members of the public and to the officers involved.

[Sources: ALI 5.03 (p. 8-12) and BPD 300.1.2]

We should not subject our officers to less than objectively reasonable standards. The courts have set the objective reasonableness standard, not objectively proportional to the circumstances. By setting the standard objectively proportional to the circumstances, we would be going outside of what the Supreme Court standard had set. The Supreme Court established the standard for objective reasonableness in the 1989 case *Graham v. Connor*. The court stated that the test is not precise and that officers often must make split-second judgments in tense situations. The officer should rely on their senses and articulate a factual basis for their actions.

I disagree with this recommendation. Our current language will stay the same.

#5: Revise the current third paragraph of the II. Policy section to read:

In support of this policy, the Department shall provide a wide array of training, techniques, and implements with the intent of avoiding the use of force when possible and using a minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict. Department supervisors will play a critical role in promoting policy and training about force avoidance and minimization.

[Sources: ALI 5.02 (p. 3) and 5.04 (p.16), and BPD 300.1 and 300.10]

Again, proportional is not the standard that *Graham v. Conner* supports, but objective reasonableness. In support of this policy, the Department provides various training and techniques. It intends to de-escalate the intensity and duration of physical confrontations for its officers and citizens. Adding the last sentence is not a policy and procedure statement but a training focus that can be directed toward the command staff.

#6: Revise the current fourth paragraph of the II. Policy section to read:

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury.

This statement is the first line in the current paragraph.

Retain the current fifth paragraph.

#7: *Revise* the current sixth paragraph of the II. Policy section to read:

This Policy represents administrative guidelines for an officer's decision-making process and behavior and is not a standard for civil or criminal litigation. It should not be construed as a

creation of a higher legal standard of safety or care in an evidentiary sense with respect to civil suits. Violations of this Policy may form the basis for Departmental administrative sanctions.

We will add the word “behavior”.

II. Procedure

A. Definitions

#8: *Delete*: 1. RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F) and *replace* it with:

1. USE OF FORCE (U/F): Physically touching a person or object either directly or indirectly, such as by use of a weapon, in order to control or restrain a person, or to seize, examine, or damage property.

[Source: ALI 5.02 (p.2)]

The definition will stay the same.

#9: *Revise* definition of “7. DE-ESCALATION” to read:

7. DE-ESCALATION: Communicating and/or taking action during an encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat and to avoid or reduce the use of force if possible. This may include techniques such as command presence, advisements, clearly stated warnings, verbal persuasion, or tactical positioning.

[Source: ALI 5.03 (p. 12)]

The definition will stay the same.

#10: *Replace* definition of “9. CHOKE HOLD” to read:

9. CHOKEHOLD: Any hold or contact with the neck – including a carotid restraint -- that may inhibit breathing by compression of the airway in the neck, may inhibit blood flow by compression of the blood vessels in the neck, or that applies pressure to the front, side, or back of the neck.

[Sources: ALI 5.05 (pp. 18-19) and BPD 300.3.8.]

The definition will stay the same.

#11: *Add new term to Definitions section*:

11. SANCTITY OF HUMAN LIFE: The belief that all human beings have inherent worth and dignity and are to be perceived and treated as such, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, housing status, source of income, credit history, criminal record, criminal history, or incarceration status.

[Source: ELPD recommendations from complaint #1801 in 2023 (modified) and BPD 300.1]

ADDED:

SANCTITY OF HUMAN LIFE: The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, housing status, source of income, credit history, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all people involved.

B. Use of Force – General

#12: *Revise* point B. 1 to read:

1. Officers shall assess each incident in order to determine the level of response or control that is appropriate and whether force is necessary. Officers should reevaluate whether continuing to use force is necessary throughout an incident, if it is feasible and safe to do so.

[Source: ALI 5.03 (p. 6)]

Officers should reevaluate whether continuing to use force is necessary throughout an incident, will be added.

#13: *Add* new points B.2, B.3, and B.4 to read:

2. Force cannot be considered necessary if a practical, less harmful alternative means exists for achieving the same law-enforcement ends. Force should not be used simply to resolve a situation more quickly, unless the extended delay would risk the safety of the subject, officers, or others, or if it would risk damage to property or would significantly interfere with the other legitimate law-enforcement objectives.

[Source: ALI 5.03 (p. 7)]

3. If force is used against some individuals under circumstances in which steps would be taken to avoid force against other individuals, then adequate steps to minimize force have not been taken. This guidance has the purpose of avoiding possible disproportionate use of force against certain groups.

[Source: ALI 5.04 (pp. 13-14)]

4. Force cannot be considered necessary if it is carried out either before a legitimate objective is threatened or after a threat to a legitimate objective is resolved. Therefore, force is not to be used to retaliate for prior wrongdoing (such as resistance or flight) by a suspect, or to deter the suspect from resisting or fleeing in the future.

[Source: ALI 5.03 (p. 6)]

These will not be added, but I would like to have more conversation on this.

#14: *Revise* current point B.2 to point B.5, to read:

5. Whenever reasonably possible, officers should identify themselves and issue a verbal warning before force is applied.

Whenever reasonably possible, officers shall identify themselves and try to de-escalate the situation before force being used.

Promoting de-escalation instead of a verbal warning was warranted by the CNA Report.

a. Whenever reasonably possible, officers should provide clear instructions to individuals, should state whether a call for certain conduct is a request or a mandatory command, and should state the consequences of refusing to comply with a mandatory order. Whenever

reasonably possible, the individual should be given time to comply before the consequence is imposed. Such verbal warnings apply to situations in which use of force may be a consequence. In some situations, clear verbal warnings may avert the need to use force.

b. Verbal warnings may be inadequate for communicating with individuals who do not speak English, are unable to hear, or are unable to understand the warnings. Officers should seek to communicate in nonverbal ways to the degree circumstances allow before implementing any objectively reasonable amount of force necessary to gain control of the situation.

How are we to know if someone does not speak English, is deaf, or has a disability in every circumstance? What do you think about communicating in nonverbal ways to the degree circumstances allow means?

c. If verbal directions or commands are ineffective, or not feasible given the circumstances of the situation, the officer may escalate to control methods that involve the use of physical force up to and including the use of deadly force based upon the situation at hand. Officers shall use an objectively reasonable amount of force necessary to gain control of the situation.

I'd like to have more conversations about this.

d. Training shall be provided in giving clearly stated verbal commands in situations that may lead to non-deadly use of force, deadly use of force, or avoidance of use of force.

Part of training and not policy and procedure.

[Source: ALI 5.06 (pp. 23-24)]

#15: *Renumber* section B.3. to B.6 and *revise* subsection h. of this section to read:

h. To take a person into protective custody for a mental detainer, a court order, for incapacitation due to the consumption of drugs or alcohol, a suicide attempt, or for other types of emergency medical assistance. Before and during a crisis situation, officers should collaborate with specifically trained officers and community partner agencies that provide mental health services in order to avoid or minimize use of force in situations involving emotionally disturbed persons.

What happens if one is not available? There are times when our police social worker or Community Mental Health is not available. I would like to have more conversations about this; there may be some verbiage change from "should" to "may."

[Source: ALI 5.04 (p. 15)]

#16: *Add* new subsection j. to current point B. 3 (now section B.6) to read:

j. An officer shall not threaten to use force, such as brandishing a weapon, in any circumstance in which the officer is not authorized to use force under this policy.

[Source: ALI 5.02 (p. 3)]

D. Restrictions on the use of force

#17: *Revise* section 5 to read:

6. The use of a Chokehold is prohibited.

I disagree with the recommendation. The use of deadly force will stay as documented in current policy and procedure.

[Source: ALI 5.05 (pp. 18-19)]

G. Escalation and De-Escalation of Force

#18 : *Revise 2. g. to read:*

g. Does the officer have prior knowledge of the subject – any special skills (i.e., martial arts) or have an assaultive history, acknowledging that assault by an individual at a previous time does not remove the requirement that the necessity of use of force must be based on an assessment of the behavior of the individual at the time force might be used during the current incident.

I disagree with this recommendation.

[Source: ALI 5.05 (pp. 17-18)]

#19: *Add new point G. 2. m.:*

m. If subject is experiencing emotional distress, is a person in crisis, or is considered a vulnerable person in the community such as being elderly or a juvenile.

[Source: ALI 5.05 (p 19)]

I would like to have more conversation around this.

H. Duty to Intervene

#20: *Delete the first paragraph and replace it with the following:*

Any officer who observes another officer or member of the East Lansing Police Department using force or is about to use force that is clearly in violation of this policy shall immediately take reasonable action to attempt to prevent or mitigate such use of force. This may include verbal intervention or, when in a position to do so, physical intervention. Further, any officer who learns of a potentially unauthorized use of force, even if the officer did not witness it personally, shall promptly report this information to an on-duty sergeant or a command officer at the first opportunity.

[Source: BPD 300.1.3 A]

Limiting it to officers and not personnel means that any non-sworn employee who observes another employee about to use force does not have to take responsible action. Leaving the verbiage as personnel is best, but I'm up for discussion on the vocabulary.

Insert after the first use of the term "ABLE" in the second paragraph:

"(Active Bystandership for Law Enforcement)"

I agree with this recommendation.

J. Documenting the Use of Force

#21: *Revise* section J. 1. f to replace “at them” with “at an individual” so it reads:

f. Any time a firearm or less-lethal weapon is pointed at an individual to control their movement.

Delete subsection J. 1. F. i:

“i. This does not include a slung rifle or sling less-lethal weapon not pointed to control a subject(s) movement.”

I disagree with this recommendation.

#22: *Delete* sections J. 7. And J. 8 concerning delaying reporting of use of force during an officer involved shooting.

→ *See Comment on this topic on pages 15-16.*

I disagree with this recommendation.

#23: *Add* new section J. 7 to read:

7. Use of Force Reports shall be held in file for at least five (5) years.

[Source: BPD 300.8]

I agree with the recommendation.

K. Investigating Response to Resistance Incidents

#24: *Revise* this section 8. to read:

8. A report documenting and summarizing all uses of force throughout the calendar year along with a written analysis of all use of force incidents in the aggregate shall be prepared on an annual basis and forwarded to the Chief of Police. The report should include, but not be limited to: (a) an analysis of use of force incidents with demographic details of the individuals impacted including, but not limited to race, gender and age; (b) summaries of the types of force used; and (c) any recommendations concerning policy revisions, training needs, and equipment needs. The report shall be made public as soon as possible after it is completed. It shall be placed on the ELPD website and shall be sent to the City Manager, the East Lansing Independent Police Oversight Commission, and the City Council.

I'd like to have more conversations about this.

[Source: ALI 5.02 (p. 2) and BPD 300.11]

#25: Comments for revising **Section M. Critical Incident Review**

Root Cause Investigations

The Police Department took a major step when it adopted a policy calling for critical incident reviews. Critical incident reviews can help an organization reduce adverse incidents over time. Here are some suggestions for making critical incident reviews more effective in reducing the unnecessary violence associated with policing.

Committee Expertise

The committee doing the investigation should be permanent, or long-lived. We need a permanent committee so that, over time, the committee can develop experience in root cause incident investigations. Several resources are available:

“The Guidelines for Investigating Chemical Process Incidents”, (Center for Chemical Process Safety, 3rd ed, 2019).

“Incident [Accident] Investigations, A Guide for Employers, A Systems Approach to Help Prevent Injuries and Illnesses”, (U.S. Department of Labor, Occupational Health and Safety Administration, December 2015),
https://www.osha.gov/sites/default/files/InclnvGuide4Empl_Dec2015.pdf

OSHA offers a class in incident investigations. See: <https://www.niu.edu/nsec/course-schedules/osha-courses/osha-7505.shtml>

What would you recommend?

Include Outsiders

The committee should include outsiders, that is, people outside the ELPD chain of command. The committee needs outsiders for the sake of legitimacy. The public will not trust a management team that investigates itself.

Who do you suggest, and what are their qualifications?

The recommendation made in ELPD's Sept. 22, 2023, investigation report of administrative complaint #1801 to create a Response to Resistance Committee takes an important step in this direction by including a Subject Matter Expert from outside the Department.

Focus on Prevention

In the current policy, the critical incident review has only two focuses: (a) law and policy enforcement, and (b) training. We need a third focus -- “Prevention”.

A prevention-focused investigation is different from a law enforcement investigation. It is not about blaming. In a prevention-focused investigation – a root cause investigation -- investigators seek answers to questions like the following:

Where, why, when and how did the adverse outcome happen? What were the root causes? What happened that contributed to the outcome? What **didn't happen** that contributed to the outcome?

What could the Police Department have been done differently to prevent the adverse outcome from happening?

Are there changes in **police department operations** that will reduce the risk that a similar adverse outcome will happen again?

Critical Event Definition

The policy should allow the police chief wide discretion to launch a root cause investigation. It is impossible to predict in advance what kind of incident may be considered “critical”. So we should not have a definition that is too restrictive.

Consider expanding the definition of “critical incident” to include a wider range of incidents – to include any incident that has adverse consequences. Here is a sample definition:

A critical incident means any event that has unintended adverse consequences to a civilian, an officer, or to the general public.

Public Report

The investigators should produce a public report, for the sake of legitimacy. The public won't trust a report that is secret.

Labor laws and criminal laws sometimes make it difficult or impossible for the public to have access to information. To prevent the report from being shrouded in secrecy, and to allow the report to be circulated as a public document, the report must not recommend disciplinary action or prosecution against an individual person. To keep the report public, it is important to emphasize that the purpose of the investigation is prevention -- to determine if changes are needed in Police Department operations.

Comments on Duty to Write Timely Use of Force Reports

ELPD officers routinely produce use of force reports before the end of their shifts whenever they use force. However, ELPD's May 12, 2023 Use of Force Policy allows the Police Chief at the behest of the State Police to excuse officers from the duty to write use-of-force reports exactly on those occasions when officers have used the greatest degree of force against civilians. That is irrational, contrary to the public interest, and without legal basis.

Item III. J. 7. and 8. read:

7. The RTR report and SRMS report may be delayed upon approval of the Chief of Police or his/her designee if the force used occurred during an officer involved shooting or when the individual sustains a serious bodily injury. This usually happens at the request of the Michigan State Police (MSP) or another investigating agency if they are called in to investigate the RTR incident. The RTR and SRMS reports may be completed when the requested investigators advise and ask that they may be completed.

8. The Chief of Police or his/her designee may also consult with the East Lansing City Attorney during the decision-making process involving RTR reporting requirements during officer involved shootings or when an individual sustains a serious bodily injury.

The more serious the incident where force is used, the stronger is the public interest in having a use-of-force report produced. Delay creates opportunities for memories to deteriorate and for participants to polish their stories. The more severe the injury associated with an incident, the stronger the motive to confabulate. A rule that requires prompt documentation is critical because it tends to cut down on those forms of corruption.

The IACP model policy reads in part:

Officers shall provide a verbal notification to a supervisor immediately following any use of force. This includes both officers who used force and those who witnessed the use of force. In addition to the verbal notification, officers shall file a written use-of-force report before the end of the shift. *Reporting Use of Force*, (International Association of Chiefs of Police, 2017), <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>.

Garrity Rights Don't Apply

It is important to stress that "Garrity rights" do not extend to routine reports and logs that employees are expected to generate. In Michigan, "Garrity rights" are enacted in MCL 15.393. But that statute does not relieve police officers of the duty to write reports regarding their activities and observations on the job.

An end-of-shift use-of-force report is a required employment record, an exception to the fifth amendment privilege against self-incrimination. See *United States v. Hubbell*, 530 U.S. 27 (2000). *United States v. Chen*, 952 F.Supp2d 321, 329 (D. Mass. 2013).

Routinely required use-of-force reports, incident reports, time logs, and similar kinds of normal job paperwork are not “compelled statements” that trigger “Garrity Rights”. See, *United States v. Smith*, 821 F.3d 1293, 1302–03 (11th Cir. 2016). *United States v. Cook*, 526 F. Supp. 2d 1, 6–9 (D.D.C. 2007), *aff'd*, 330 F. App'x 1 (D.C. Cir. 2009). *People v. Jobson*, 205 Mich. App. 708, 709–17, 518 N.W.2d 526, 527–30 (1994).

There is no legal basis under the Fifth Amendment to excuse an officer from writing a use of force report just because the officer has shot somebody.

Accordingly, Item III(J)(7) and (8) of the May 12, 2023 Use of Force policy should be removed.

**IV: ELIPOC's Recommendations for Changes to ELPD Policy –
Revisions shown in Edit Tracking**

**East Lansing Police Department
Policy & Procedure**

Subject: Response to Resistance <u>Use of Force</u>	ELPD Policy #: 30 0 - 1 1
Effective Date: 7 - 7 - 2 0 2 2 Revised Date: 4-6-2023	Distribution: Sworn Personnel
MACP Accreditation Standard: Use of Force (Chapter 3.3)	MACP Standard: 3.3.1 -3.3.6

I. PURPOSE

~~This policy. The purpose of this procedure is to~~ guides the personnel of the East Lansing Police Department (ELPD) in the use of ~~reasonable~~ force, ~~which is to be used only for the purpose of effecting lawful duties – namely to conduct a lawful seizure (including arrest or detention), to conduct a lawful search or frisk, to secure evidence, to prevent property damage or property loss, or to prevent physical harm to themselves and others; and for the purpose of providing for the treatment of any injury or complaint of injury arising from the use of force. when encountering resistance (non deadly and deadly) during lawful arrests, when performing lawful duties while protecting the public, to provide for a high degree of officer safety, and to provide for the treatment of any injury or complaint of injury arising from the Response to Resistance (RTR).~~

II. POLICY [3.3.1a]

The Department recognizes ~~and respects~~ the ~~sanctity~~value of each human life ~~and gives the highest priority to the preservation of human life and safety of all people involved. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission by avoiding force if circumstances permit, using de-escalation tactics before resorting to force if possible, and using minimal force by using rapport-building communication, crisis intervention, while still protecting themselves and the public. In vesting officers with the lawful authority to use force to protect the public welfare, it is the policy of the Department that officers shall only use an objectively reasonable amount of force to effectively bring an incident under control while protecting the lives of Department personnel and others.~~ This Policy will often use the word "officer" as common terminology. However, this Policy applies to all Department personnel, where applicable, based upon their job duties.

The justification for the use of force shall be in accordance with laws of the United States of America, the State of Michigan, the City of East Lansing, the terms of this Policy and Procedure, Department training standards, or other rules and regulations of the ELPD.

At a minimum, all police uses of force must satisfy the standards set by the U.S. Constitution in the Fourth, Fifth, and Fourteenth Amendments, as interpreted by the decisions of the U.S. Supreme Court and lower federal courts.

The United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that, in order to comply with the U.S. Constitution, an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. It recognizes that officers are often forced to make split-second judgments about the amount of force that is necessary in circumstances that are tense, uncertain, and rapidly evolving. Also, the Court has held in *Tennessee v. Garner* that a use of deadly force, in particular, is reasonable if "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." These decisions set the minimum standard for police conduct, below which an officer's conduct would be regarded as unlawful.

In fulfilling this Department's mission to safeguard the life, dignity, and liberty of officers themselves and all members of the community they are sworn to protect and serve, this policy requires more of officers than to not violate the law. As a result, this policy is more restrictive than the minimum constitutional standard in two important respects.

First, it imposes a higher duty upon officers to use a minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective. And second, this policy imposes a stricter obligation on officers to exert only such force that is objectively proportionate to the circumstances, requiring a consideration of the seriousness of the suspected offense, the availability of de-escalation and other less aggressive techniques, and the risks of harm presented to members of the public and to the officers involved.

In support of this policy, the Department provides a wide array of training, techniques, and implements with the intent of avoiding the use of force when possible and using a minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict. Department supervisors will play a critical role in promoting policy and training about force avoidance and minimization. ~~minimizing the intensity and duration of physical confrontations for its officers and citizens.~~

Except as defined within this policy, officers shall not use force that would needlessly expose bystanders, other officers, or hostages to death or injury. ~~An officer's decision to use force must be limited to those situations where a "reasonable officer on the~~

~~scene" would conclude that the force is necessary during tense, uncertain, rapidly evolving and dynamic situations.~~

This directive applies whenever an officer is performing his/her duty as a police officer, regardless of whether the officer is on or off duty. East Lansing Police officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive.

This Policy ~~is for Department use only and~~ represents administrative guidelines for an officer's decision-making process and behavior and is not as a standard for civil or criminal litigation. It should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to civil suits ~~or administrative claims~~. Violations of this Policy may form the basis for Departmental administrative sanctions.

III. PROCEDURE

A. Definitions [3.3.1b]

- ~~i.1.~~ 1. ~~RESPONSE TO RESISTANCE (RTR) or USE OF FORCE (U/F): The amount of effort required by police to compel compliance by an unwilling subject. Physically touching a person or object either directly or indirectly, such as by use of a weapon, in order to control or restrain a person, or to seize, examine, or damage property.~~
- ~~ii.2.~~ 2. DEADLY FORCE: Any use of force ~~or RTR~~ that creates a substantial risk of causing death or serious bodily injury to another.
- ~~iii.3.~~ 3. CRITICAL INCIDENT: Any use of force ~~or RTR~~ that results in a critical incident involving death, serious injury, or a discharge of a firearm.
- ~~3.3.~~ 3. NON-DEADLY FORCE: Any use of force ~~or RTR~~ other than that which is considered deadly force, that involves the physical effort to control, restrain, or overcome the resistance of another. This type of force is also known as less-lethal force.
- ~~3.4.~~ 4. OBJECTIVELY REASONABLE: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation, in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances.

- ~~4.5.~~ SERIOUS BODILY INJURY: Injury that involves substantial risk of death, protracted and obvious disfigurement, or prolonged loss or impairment of body parts or functions.
- ~~5.6.~~ LIFE-THREATENING FELONIES: The East Lansing Police Department defines life-threatening felonies to include but may not be limited to Murder (including lesser offenses), Kidnapping, Armed Robbery, Felonious Assault, and Criminal Sexual Assault (e.g. penetration).
- ~~6.7.~~ DE-ESCALATION: Communicating and/or taking action during an encounter in an attempt to stabilize the situation and/or reduce the immediacy of the threat and to avoid or reduce the use of force if possible. This may include techniques such as command presence, advisements, clearly stated warnings, verbal persuasion, or tactical positioning.
- ~~7.8.~~ EXIGENT CIRCUMSTANCES: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent or avoid physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other consequence prohibiting law enforcement efforts.
- ~~8.9.~~ CHOKE-HOLD: Any hold or contact with the neck – including a carotid restraint -- that may inhibit breathing by compression of the airway in the neck, may inhibit blood flow by compression of the blood vessels in the neck, or that applies pressure to the front, side, or back of the neck. A physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation.
- ~~9.10.~~ WARNING SHOT: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause injury.
11. SANCTITY OF HUMAN LIFE: The belief that all human beings have inherent worth and dignity and are to be perceived and treated as such, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, housing status, source of income, credit history, criminal record, criminal history, or incarceration status.

B. Use of Force - General

1. Officers shall assess each incident to determine the level of response or

control that is appropriate and whether force is necessary. Officers should reevaluate whether continuing to use force is necessary throughout an incident, if it is feasible and safe to do so. Whenever reasonably possible, officers should identify themselves and make an available attempt to de-escalate the situation prior to force being used.

2. Force cannot be considered necessary if a practical, less harmful alternative means exists for achieving the same law-enforcement ends. Force should not be used simply to resolve a situation more quickly, unless the extended delay would risk the safety of the subject, officers, or others, or if it would risk damage to property or would significantly interfere with the other legitimate law-enforcement objectives.
3. If force is used against some individuals under circumstances in which steps would be taken to avoid force against other individuals, then adequate steps to minimize force have not been taken. This guidance has the purpose of avoiding possible disproportionate use of force against certain groups.
4. Force cannot be considered necessary if it is carried out either before a legitimate objective is threatened or after a threat to a legitimate objective is resolved. Therefore, force is not to be used to retaliate for prior wrongdoing (such as resistance or flight) by a suspect, or to deter the suspect from resisting or fleeing in the future.
2. ~~If verbal directions or commands are ineffective, or not feasible given the circumstances of the situation, the officer may apply control methods that involve the use of physical force up to and including the use of deadly force based upon the situation at hand. Officers shall use an objectively reasonable amount of force necessary to gain control of the situation.~~
5. Whenever reasonably possible, officers should identify themselves and issue a verbal warning before force is applied.
 - a. Whenever reasonably possible, officers should provide clear instructions to individuals, should state whether a call for certain conduct is a request or a mandatory command, and should state the consequences of refusing to comply with a mandatory order. Whenever reasonably possible, the individual should be given time to comply before the consequence is imposed. Such verbal warnings apply to situations in which use of force may be a consequence. In some situations, clear verbal warnings may avert the need to use force.
 - b. Verbal warnings may be inadequate for communicating with individuals who do not speak English, are unable to hear, or are unable to understand the warnings. Officers should seek to communicate in nonverbal ways to

the degree circumstances allow before implementing any objectively reasonable amount of force necessary to gain control of the situation.

c. If verbal directions or commands are ineffective, or not feasible given the circumstances of the situation, the officer may escalate to control methods that involve the use of physical force up to and including the use of deadly force based upon the situation at hand. Officers shall use an objectively reasonable amount of force necessary to gain control of the situation.

d. Training shall be provided in giving clearly stated verbal commands in situations that may lead to non-deadly use of force, deadly use of force, or avoidance of use of force.

- 4.6. Officers are authorized to reasonably use Department approved control techniques and/or authorized equipment (including restraints) for resolution of incidents, as follows: [3.3.1f, 3.3.1g, 3.3.1h]
- a. In self-defense or defense of another person
 - b. To protect subjects from harming themselves
 - c. In the process of effecting a lawful arrest when the arrested subject(s) offers resistance.
 - d. To stop potentially dangerous and unlawful behavior.
 - e. To control, move, direct or arrest persons creating a public disturbance; to maintain public order; or rescue persons who are in danger.
 - f. To prevent escape from custody or recapture of a person who has been arrested, or when another person attempts to prevent the arrest of an arrested subject.
 - g. To control an arrested person who is either passively, defensively, or actively refusing or resisting to comply with arrest, search, booking, custody, or other lawful directives of an officer.
 - h. To take a person into protective custody for a mental detainer, a court order, for incapacitation due to the consumption of drugs or alcohol, a suicide attempt, or for other types of emergency medical assistance. Before and during a crisis situation, officers should collaborate with specifically trained officers and community partner agencies that provide mental

health services in order to avoid or minimize use of force in situations involving emotionally disturbed persons.

- i. The officer may use the kind and degree of force that would be lawful if the officer was affecting an arrest for a misdemeanor without awarrant.
- j. An officer shall not threaten to use force, such as brandishing a weapon, in any circumstance in which the officer is not authorized to use force under this policy.

C. Criteria/Restrictions on Use of Deadly Force. Police officers are authorized to use deadly force only under the following circumstances [3.3.1e]:

1. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
2. An honest and reasonable belief that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual (e.g. Criminal Sexual Conduct with penetration).
3. Deadly force may be discharged to affect an arrest when an officer has probable cause to believe that a person has committed a life- threatening felony, and that person poses a significant danger to the community if escape should occur.
 - a. An officer shall not use deadly force upon a person who is fleeing on suspicion alone that the person may have committed a life- threatening felony, or solely because a person fails to stop upon command.
4. Before using deadly force, police officers should attempt to identify themselves, and "if feasible," state their intent to use deadly force or shoot, unless this increases the risk of harm; **"STOP POLICE"** would suffice.

D. Restrictions on the use of force: [3.3.1e]

1. Warning shots are prohibited.
2. Under no circumstances can the discharge of a firearm be justified to affect a misdemeanor arrest or to apprehend a person fleeing from such

a charge.

3. The refusal of a driver to stop a vehicle, chasing a stolen vehicle, and a police pursuit for a non-life-threatening felony, is not considered justification for discharging a firearm.
4. The use of a firearm to prevent an individual from harming themselves or threatening to only harm themselves, IE; suicide attempts, is strictly prohibited.
5. The use of a Chokehold is prohibited. ~~or Vascular Neck Restraint (any physical maneuver that restricts a subject's ability to breathe for the purpose of incapacitation) is considered deadly force. These maneuvers are explicitly prohibited in all cases other than a deadly force circumstance and as a last resort where the use of deadly force would be acceptable.~~ [3.3.1d,i]
6. Shooting at or from a Moving Vehicle
 - a. Discharging a firearm at a moving vehicle or from a moving vehicle is prohibited unless it meets the following criteria:
 - b. Self-Defense or Defense of Another
 - i. An officer may discharge a firearm at a moving vehicle QC from a moving vehicle, in self-defense or in defense of another when there are no other reasonable means to protect the officer or another person from the immediate threat of death or serious physical injury. There must be a specific direct action on the part of the suspect which would establish the intent to kill or severely in jure the officer or another person, as opposed to the suspect attempting to escape.
 - c. Life-Threatening Felony
 - i. An officer may discharge a firearm at a moving vehicle QI from a moving vehicle when an officer has probable cause to believe that a person has committed a life-threatening felony and that person poses a significant danger to the community if escape should occur.
 - ii. The refusal of a driver to stop a vehicle, chase a stolen vehicle, a police pursuit for a non-life-threatening felony, or run a roadblock, is not considered justification for discharging a firearm.

- iii. Before using a firearm, police officers should attempt to identify themselves and state their intent to shoot unless this increases the risk of harm or would otherwise not be feasible. "STOP POLICE" would be sufficient.

7. Motor Vehicle Force

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be a use of force.

- a. "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques are considered a use of force.
- b. The use of any such methods, techniques, or actions must be justifiable and in accordance with departmental guidelines.
- c. The use of any such methods, techniques, or actions has a high probability of causing death or serious physical injury. The use of any such methods, techniques, or actions is therefore classified, in most situations, as the use of deadly force.

E. Head Stabilization

- 1. Head Stabilization will only be used in the appropriate application of PPCT. (e.g., Counter pressure during use of pressure point application).
- 2. Head Stabilization may be used if the offender is trying to use their head or mouth (e.g., Offending Appendage - Headbutting or biting), or in an assaultive nature against an officer.

F. High-Risk Stops

A police officer is authorized to place his/her firearm/weapon in the ready or shooting position when stopping a person or vehicle that the officer believes to have been involved in a felony, carrying a weapon, or poses a significant threat and danger to officers or a significant threat and danger to the community.

It is considered a use of force if a weapon is pointed in the direction of the person and should be reported to the Duty Supervisor. An un-holstered handgun or a slung long-gun used to search an area where no persons were encountered is not a *use of force* for reporting purposes.

G. Escalation and De-Escalation of Force [3.3.1c]

1. The ~~response to resistance~~ use of force shall be appropriate to a level that is reasonable and necessary to control the situation, based upon the level of force or resistance being encountered. When the level of subject resistance is lessened the officer shall de-escalate similarly to a level of force that is reasonable and necessary to allow the officer to maintain control of the subject.
2. Officers shall consider the following variables when deciding to escalate or de-escalate the level of control:
 - a. The type of crime committed / nature of the contact.
 - b. Officer/subject relative size and physical abilities.
 - c. Environmental conditions such as being in a close confined area.
 - d. *Time, distance, and cover. Slow down if reasonable.*
 - ~~1-e.~~ e. Subject's response to the officer's directions or actions.
 - ~~e.f.~~ f. If the subject is known to be under the influence of drugs or alcohol.
 - ~~f.g.~~ g. Does the officer have prior knowledge of the subject - any special skills (i.e. martial arts) or have an assaultive history., - acknowledging that assault by an individual at a previous time does not remove the requirement that the necessity of use of force must be based on an assessment of the behavior of the individual at the time force might be used during the current incident.
 - ~~g.h.~~ h. Exigent conditions such as the number of officers and/or subjects involved and the availability of backup officers.
 - ~~h.i.~~ i. The amount of reaction time required to defend against or react to the subject's actions.

h.j. Subject's access to weapons.

j.k. Officer exhaustion due to prolonged foot pursuit or physical encounter.

l. Probability of the officer safely overcoming the resistance encountered .

H. Duty to Intervene [3.3.6)

1. Any ELPD employee is required to intervene and notify supervisory authority if they observe an agency employee, another agency employee or public safety associate engage in any unreasonable use of force, any violation of agency written directive, or any violation of local ordinance, state or federal law. An officer who observes another law enforcement officer's use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to do so will result in discipline. [3.3.6)

2. If an officer observes behavior that does not reach the threshold of unreasonable use of force ABLE ([Active Bystandership for Law Enforcement](#)) training can be used to help defuse the situation.

- Officers receive training in ABLE which teaches them to intervene when another officer is getting upset and the behavior has not yet escalated to an unreasonable use of force.

I. Medical Considerations [3.3.1J]

1. Upon securing a resistive or combative subject, officers shall make medical treatment available to that subject when:

- a. The subject requests medical treatment
- b. The subject complains of injury or continued pain
- c. Any officer observes or suspects injury to the subject
- d. The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated symptoms persist beyond 30 minutes
- e. Directed by a supervisor.

2. An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - a. Shall promptly provide the appropriate first aid to the individual.
 - b. Shall continuously monitor the subject.
 - c. Shall not leave a person in custody on the ground in a prone position while handcuffed. They should be rolled off their chest or placed upright if practicable.
 - d. Should arrange transport to a medical facility for treatment if necessary.
3. If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms resulting from the officer's applied force, the officer shall immediately seek medical attention for the subject.
4. In all cases, persons struck with a Conducted Electrical Weapon (CEW) discharge or a launchable less-lethal projectile (e.g. 40-mm), medical assistance will be provided and the subject shall be transported by the East Lansing Fire Department or another authorized ambulance service.
5. Officers that provide medical treatment to a subject shall document the nature of injury along with the type of treatment in the ~~RTR~~ U/F Incident Report.
6. Medical treatment shall be provided at an approved medical facility.
7. Before leaving the medical facility, the officer shall obtain written release from the attending physician to transport the subject from the medical facility and lodge the subject at the jail facility.
8. Officers providing medical assistance to a subject as the result of officer applied force shall immediately notify the on-duty supervisor of the incident and any obvious injury or any complaint of injury by the subject.
9. Transporting individuals in a prone position is prohibited. The subject should be transported in a seated position using the appropriate restraints and, if necessary, a second officer seated next to the combative subject.
10. Any subject who requests medical treatment, while in police custody, shall be afforded the opportunity for medical treatment or examination as is reasonable to the claimed medical condition. When the need for medical

treatment is uncertain, the officer will provide the opportunity for medical examination.

J. Documenting the Use of Force [3.3.2)

1. A detailed Department ~~RTR~~ U/F report shall be initiated whenever any use of force is used that rises above the level of cooperative handcuffing (e.g. non-compliant subject; detainment/no arrest). Officers using the following types of force, while on duty or performing tasks related to their official duties, shall immediately report the use of force to their supervisor as soon as practicable.
 - a. Any physical force resulting in injury or claimed injury to an individual.
 - b. Any application of deadly force against an individual [3.3.2b]
 - c. Any use of impact force against an individual; [3.3.2 c]
 - d. Any discharge of a firearm except during training, sanctioned competition, or recreational activity; [3.3.2 a]
 - e. Any unintentional discharge of a firearm and/or CEW on duty or off duty; [3.3.2 e]
 - f. Any time a firearm or less lethal weapon is pointed at an individual ~~them~~ to control their movement.
 - i. ~~This does not include a slung rifle or slung less-lethal weapon not pointed to control a subject(s) movement.~~
 - g. Any intentional or unintentional use of Department-issued aerosol defense spray, chemical spray, or riot control agent. [3.3.2.c]
 - h. Any intentional or unintentional use of a department issued CEW [3.3.2 c, 3.3.2 e]
 - i. Any intentional or unintentional use of less-lethal impact weapons such as a 40 mm exact impact munition to control subjects. [3.3.2.c]
 - j. Any force used above cooperative handcuffing requires an ~~RTR~~ U/F Report, including the use or application of an implement, tool, weapon, or technique (PPCT, etc.), including handcuffs or similar department-issued restraint devices, to control resistive

behavior. [3.3.2c, 3.3.2d]

- k. Any force to counter an aggressive animal in defense of self, another, or a department canine.
2. **Response to Resistance Use of force** reports (original or supplemental) must be completed by each sworn officer who used force, as denoted in Section J-1 of this directive.
 - a. The report should be detailed and list the factors that led to the use of force, observations, commands given, suspect responses, type of resistance encountered, de-escalation techniques, and the type of force used to overcome the resistance. In addition, the original reporting officer shall document the officers present at the scene. Officers involved in the documentation of the incident should provide detailed information that adds to the totality of the circumstances.
 - b. Officers must dock and properly categorize their Axon video files before going off-duty.
 - c. Euthanizing an injured animal with a firearm requires writing a *General Non-criminal report, file class 9909* to aid in tracking firearm discharges by on-duty sworn officers. This type of report does not need the Use of Force tab to be completed or an entry in the Guardian Tracking system because it is not a *defensive use of force against a person or animal*. Supervisory approval is required prior to using a firearm to dispose of the animal.
 3. **Response to Resistance Use of force** reports shall be forwarded to the duty supervisor before going off-duty except when the sworn officer is incapacitated or when in limited situations, given permission to complete it within 24-48 hrs. of going off duty. When the sworn officer is unable to complete the **RTR U/F** Report, the duty supervisor may be expected to complete and submit the report based on what is known. [3.3.1k] [3.3.3]
 4. The **RTR U/F** Report shall also be filed in the Guardian Tracking System (GT) and shall be kept separate from the State Records Management System (SRMS).
 5. The Duty Supervisor shall ensure the following: [3.3.1k] [3.3.3]
 - a. Review documentation and videos related to the **RTR U/F**, if available as soon as possible.

- b. Determine if the degree of the ~~RTR U/F~~ was justified in accordance with the laws of the United States of America, State of Michigan, terms of this directive, Department Training Standards, or other rules and regulations of the ELPD.
 - c. Assure proper documentation and videos are properly completed/categorized before personnel involved go off-duty.
 - d. Email the Police Administration (Captain or his/her designee) the report number, a synopsis of the situation, if videos exist, and address any concerns such as policy violation(s).
 - e. If it appears Excessive Force or a policy violation may have occurred, refer to Section K(5).
 - f. The Police Administration will do a meaningful review of the incident. If there are any concerns the Chief of Police will decide what course of action should follow.
6. The duty supervisor has the limited discretion to allow sworn personnel to complete the ~~RTR U/F~~ incident report the following day when it was not feasible to complete it during shifts of significant activity.
- ~~7. The RTR report and SRMS report may be delayed upon approval of the Chief of Police or his/her designee if the force used occurred during an officer involved shooting or when the individual sustains a serious bodily injury. This usually happens at the request of the Michigan State Police (MSP) or another investigating agency if they are called in to investigate the RTR incident. The RTR and SRMS reports may be completed when the requested investigators advise and ask that they may be completed.~~
- ~~8. The Chief of Police or his/her designee may also consult with the East Lansing City Attorney during the decision-making process involving RTR reporting requirements during officer involved shootings or when an individual sustains a serious bodily injury.~~
7. Use of Force Reports shall be held in file for at least five (5) years.
- K. Investigating ~~Response to Resistance-Use of Force~~ Incidents
- 1. The on-duty supervisor(s) shall promptly investigate the circumstances attending to the ~~RTR U/F~~ when injuries occur. The duty supervisor

shall ensure that proper medical treatment is provided to all injured subjects and/or officers, including subjects complaining of injury.

[3.3.1k]

2. The officers shall promptly complete a written incident report in the SRMS (Except for incidents of officer-involved shootings or officer incapacitation all reports must be completed and submitted before the conclusion of the officer's tour of duty.) This does not apply to Officer Involved Shootings or incidents where the use of force is being investigated by an agency outside of ELPD.
3. The duty supervisor shall ensure that all appropriate reports, videos, and notifications regarding the RTR U/F incident are completed. The duty supervisor shall ensure RTRU/F Reports are ready for review by the designated police administrator(s) before going off duty.
4. If the weapon is a CEW, the officer shall submit the discharged air cartridge, photographs of the impact or injury sites, A.F.I.D. tags, and probes to evidence.
5. If it appears that excessive force may have been used, the reviewing supervisor shall document the incident in a written memorandum to the Chief of Police through the Captain and/or their designee. Upon review of the Chief of Police, he/she shall determine if the incident should be further investigated.
6. The officer(s) involved in a critical incident shall turn over any weapon to the first available supervisor, if requested, for a) inspection and recording, and b) submission to evidence. A replacement weapon should be provided to the officer(s) once approved by the Chief or his/her designee.
7. Where the RTRU/F results in a critical incident involving death, serious injury, or a discharge of a firearm, Chief of Police or his/her designee, shall temporarily suspend the officer from active duty with pay, or reassign the officer to another non-active duty assignment pending a Critical Incident Investigation and meaningful review of the event.
[3.3.3, 3.3.4]
8. A report documenting and summarizing all uses of force throughout the calendar year along with a written analysis of all use of force incidents in the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police. The report shall include, but not be limited to: (a) an analysis of use of force incidents with demographic details of the

individuals impacted including, but not limited to race, gender and age; (b) summaries of the types of force used; and (c) any recommendations concerning policy revisions, training needs, and equipment needs. The report shall be made public as soon as possible after it is completed. It shall be placed on the ELPD website and shall be sent to the City Manager, the East Lansing Independent Police Oversight Commission, and the City Council. [3.3.11]

- L. Administrative Review of ~~Response to Resistance~~ Use of Force Incidents [3.3.3]
1. The Chief of Police or his/her designee shall review any RTRU/F to ensure proper policy and procedures were followed.
 2. After reviewing the RTRU/F report, body-worn camera, and any documentation added to the SRMS report, the Chief of Police or his/her designee shall document the RTRU/F in Guardian Tracking.
- M. Critical Incident Review [3.3.3] [See comments regarding suggested changes to this section.]
1. A fact-finding review following a critical incident shall be conducted as soon as is reasonably possible after its occurrence.
 2. The review will focus upon the circumstances surrounding the incident for:
 - a. Compliance with applicable law(s) and Department policy and procedures relative to the situations encountered by officers during the lawful performance of their duties.
 - b. Appropriateness of Department training in preparing officers for similar incidents.
 - ~~b-c.~~ Root causes of the incident. This is a non-disciplinary investigation aimed at preventing similar adverse incidents and/or harm to officers and civilians in the future through recommended changes in procedures, practices, policies, and trainings.
 3. The incident review may involve the designated police administrator, Officer's Division Commander, Detective Bureau Supervisor, and the RTRU/F Team Supervisor. The reviewing officials shall be at least one rank above the sworn officer using force.

- 4. The designated incident review committee will review all RTRU/F reports and video. The reports will be analyzed to determine whether policy, training, equipment, or disciplinary issues need to be addressed. A written report will be submitted to the Chief of Police after each review session.

- 5. All RTRU/F's are to be reported by the Chief or his/her designee, to the DOJ/FBI National Use-of-Force Data Collection program, by the criteria set forth by the FBI, as soon as possible following the use of force event. [3.3.5]

IV. CANCELLATIONS

None

Authorized By:



Kim Johnson, Chief of

May 12, 2023

Police Date ¹

V: Enhancing Police Decision-Making: Training Recommendations Based on the PERF Critical Decision-Making Model

Introduction

Effective decision-making is a crucial skill for police officers, especially in high-stress situations where split-second judgments can have significant consequences. The Police Executive Research Forum (PERF) has developed the Critical Decision-Making Model, which is incorporated in its Integrating Communications, Assessment, and Tactics (ICAT) training.

I. The PERF Critical Decision-Making Model: The PERF Critical Decision-Making Model provides a structured framework for police officers to make informed and effective decisions. It consists of several key steps:

1. **Gather all relevant information:** This step emphasizes the importance of gathering all necessary information related to the situation at hand. It includes assessing the environment, understanding the context, and gathering facts. Training should focus on effective information gathering techniques, such as active listening, effective communication, and situational awareness.

2. **Identify the problem:** Clearly defining the problem or issue that needs to be addressed is crucial for focused decision-making. Training should emphasize the importance of accurately identifying and defining the problem, as well as techniques for prioritizing and managing multiple issues simultaneously.

3. **Generate alternative solutions:** Encouraging officers to brainstorm multiple possible solutions promotes creativity and comprehensive evaluation. Training should focus on techniques for generating alternative solutions, such as brainstorming, scenario-based exercises, and critical thinking skills.

4. **Evaluate the alternatives:** Assessing the pros and cons of each alternative solution is essential for effective decision-making. Training should provide officers with the skills to evaluate alternatives based on potential consequences, risks, benefits, legality, ethical considerations, department policies, and community impact.

5. **Choose the best solution:** Selecting the most appropriate solution based on the evaluation conducted in the previous step is critical. Training should focus on decision-making factors, such as considering short-term and long-term impacts, community relations, and the potential for de-escalation.

6. **Implement the chosen solution:** Effectively communicating and executing the chosen solution is crucial for successful decision implementation. Training should emphasize the

importance of clear communication, coordination, and resource management to ensure the chosen solution is implemented effectively.

7. Evaluate the outcome: Assessing the outcome and evaluating its effectiveness is essential for continuous improvement. Training should include techniques for evaluating outcomes, such as debriefing sessions, after-action reviews, and data analysis, to identify lessons learned and areas for improvement.

II. PERF Critique of the Use of Force Continuum: The PERF critique of the use of force continuum highlights the limitations of a linear, step-by-step approach to the use of force. It emphasizes the need for officers to have the flexibility to adapt their response based on the specific circumstances they encounter. Training recommendations based on this critique include:

1. Emphasizing de-escalation techniques: Training should prioritize de-escalation techniques, such as effective communication, active listening, and crisis intervention skills. Officers should be trained to recognize and respond to signs of escalation and to use appropriate tactics to defuse tense situations.

2. Encouraging critical thinking and situational assessment: Training should focus on developing critical thinking skills and the ability to assess rapidly evolving situations. This includes recognizing potential threats, evaluating the level of force necessary, and considering alternative approaches to resolve conflicts.

3. Promoting scenario-based training: Scenario-based training allows officers to practice decision-making in realistic situations. Training should incorporate a variety of scenarios that challenge officers to make split-second judgments, adapt their response, and consider the potential consequences of their actions.

4. Incorporating community perspectives: Training should include opportunities for officers to engage with community members and gain insights into their perspectives and concerns. This can help officers develop a more holistic understanding of the communities they serve and make more informed decisions.

Enhancing police decision-making is crucial for promoting effective and accountable policing. The PERF Critical Decision-Making Model, incorporated in the ICAT training, provides a valuable framework for guiding officers' decision-making processes. Additionally, the PERF critique of the use of force continuum highlights the need for flexibility and adaptability in response to dynamic situations. By implementing the training recommendations outlined in this paper, East Lansing Police department can equip its officers with the necessary skills to make informed and effective decisions while prioritizing de-escalation and community engagement.

Therefore the East Lansing Police Department must adopt the PERF Critical Decision-Making (CDM) model and prioritize comprehensive training in de-escalation techniques and eliminating

the usage of the traditional “Use of Force Continuum” to address concerns about excessive use of force in the community in order too.

1. **Building Trust and Enhancing Community Relations:** De-escalation techniques training fosters trust and improves relationships between law enforcement and communities. By diffusing tense situations and minimizing confrontations, officers can build trust, enhance communication, and promote cooperation with community members.

2. **Protecting Officer Safety:** De-escalation techniques safeguard the well-being of police officers. By reducing the risk of confrontations escalating into violence, officers can assess situations, identify threats, and respond appropriately. This minimizes the need for force and reduces the likelihood of injuries to officers and civilians.

3. **Preserving Human Rights and Dignity:** De-escalation training emphasizes the preservation of human rights and dignity. By prioritizing communication, active listening, and empathy, officers can peacefully resolve conflicts and ensure fair treatment for all individuals involved.

4. **Reducing Legal and Financial Liabilities:** Excessive use of force can lead to legal and financial liabilities for law enforcement agencies. De-escalation training mitigates these risks by equipping officers with tools to manage challenging situations without resorting to force. This minimizes the likelihood of lawsuits, complaints, and costly settlements, protecting the reputation and resources of agencies.

5. **Enhancing Professionalism and Ethical Standards:** De-escalation training contributes to professionalism and ethical standards in law enforcement. By emphasizing non-violent approaches, officers prioritize life preservation, respect for human rights, and fair treatment. This reinforces accountability, transparency, and responsible exercise of authority, promoting a culture of professionalism within agencies.

ELIPOC Recommendation on Training in relations to Use of Force

These recommendations aim to ensure the safety of both officers and the public while minimizing the risk of excessive or unnecessary force. The East Lansing Police Department should create a Use of Force Training Guide with detailed instructions for police officers on how to effectively and appropriately use force when necessary. Here are some key recommendations from the guide:

1. **De-escalation Techniques:** Train officers in de-escalation techniques to effectively manage and resolve potentially volatile situations without the use of force. This training should focus on active listening, effective communication, empathy, and the ability to recognize and respond to signs of distress or mental health issues.

2. **Tactical Communication:** Provide officers with training in tactical communication to enhance their ability to effectively communicate with individuals in high-stress situations. This training should emphasize the use of clear and concise commands, active listening, and the ability to adapt communication styles to different individuals and situations.
3. **Crisis Intervention Team (CIT) Training:** Incorporate crisis intervention training into the curriculum to equip officers with the skills to effectively respond to individuals experiencing a mental health crisis. This training should emphasize de-escalation techniques, understanding mental health issues, and collaboration with mental health professionals.
4. **Scenario-Based Training:** Conduct regular scenario-based training exercises that simulate real-life situations officers may encounter. These exercises should focus on decision-making, critical thinking, and the application of appropriate force options. Feedback and debriefing sessions should be included to facilitate learning and improvement.
5. **Reporting and Review Processes:** Establish clear reporting and review processes for all use of force incidents. This includes documenting the circumstances leading to the use of force, the actions taken, and the outcomes. Regular reviews of these incidents should be conducted to identify areas for improvement and ensure compliance with department policies and procedures.
6. **Cultural Competency and Implicit Bias Training:** Incorporate cultural competency and implicit bias training into the curriculum to increase officers' awareness of their own biases and promote fair and unbiased decision-making. This training should emphasize the importance of treating all individuals with respect and dignity, regardless of their race, ethnicity, or background.
7. **Verbal Judo:** Verbal Judo is a communication-based training program that teaches officers how to effectively communicate and de-escalate potentially volatile situations. It emphasizes the use of empathy, active listening, and effective communication techniques to defuse tension and reduce the need for physical force.
8. **Collaboration with Community Stakeholders for mental health training:** Foster collaboration and partnerships with community stakeholders, such as community leaders, advocacy groups, and mental health professionals. This collaboration can help inform training programs, provide valuable insights, and promote trust and transparency between law enforcement and the community.
9. **Physical Control Techniques:** While de-escalation is the primary focus, officers also receive training in physical control techniques to ensure their safety and the safety of others when necessary. This training emphasizes the use of proportionate force and techniques that minimize the risk of injury.

By implementing these recommendations, ELPD can ensure that officers are equipped with the necessary skills and knowledge to effectively and appropriately use force when necessary, while prioritizing de-escalation and the preservation of life. Providing our officers with ongoing training and evaluation to ensure they maintain their skills and stay updated on best practices. This includes regular refresher courses, scenario-based training, and opportunities for officers to learn from real-life experiences and share lessons learned.

Research behind Training recommendations

While there is limited empirical research specifically examining the failures of the current model of the use of force continuum, there are several incidents and studies that highlight its shortcomings and potential failures. Here are some examples:

1. The Police Executive Research Forum (PERF) report: In a 2011 report, PERF highlighted the limitations of the use of force continuum. The report noted that the continuum can be overly simplistic and fails to account for the complexity and unpredictability of real-life situations. It also emphasized the need for officers to have the discretion to deviate from the continuum when necessary.
2. The Department of Justice (DOJ) investigations: Several DOJ investigations into police departments, such as those in Ferguson, Missouri, and Baltimore, Maryland, have identified failures in the use of force continuum. These investigations found that officer's often escalated force too quickly, failed to de-escalate situations effectively, and used force disproportionately against minority communities.
3. Case studies and incidents: Numerous high-profile incidents have highlighted failures in the use of force continuum. For example, the killing of George Floyd in Minneapolis in 2020, where an officer used excessive force despite Floyd's lack of resistance, demonstrated a failure to adhere to the continuum's principles. Similarly, the shooting of Tamir Rice, a 12-year-old boy with a toy gun, in Cleveland in 2014, revealed a failure to properly assess the situation and de-escalate before resorting to deadly force.
4. Research on police training and decision-making: Studies on police training and decision-making have found that officers often rely on their own discretion and personal judgment rather than strictly following the use of force continuum. This suggests that the continuum may not effectively guide officers' decision-making in high-stress situations.
5. Community perceptions and trust: The failures of the use of force continuum can also be seen in the erosion of community trust and perceptions of police legitimacy. Communities that have experienced excessive use of force or witnessed incidents where the continuum was not followed may view it as ineffective or lacking accountability. While these examples provide evidence of failures in the use of force continuum, it is important to note that the continuum itself is not inherently flawed. Rather, its effectiveness depends on proper implementation,

comprehensive training, accountability mechanisms, and a commitment to de-escalation and community-oriented policing.

Deflection and de-escalation training for police officers has been shown to be effective in reducing the use of force and improving outcomes in law enforcement encounters. Here are some studies and evidence that support the effectiveness of deflection and de-escalation training:

1. The Police Executive Research Forum (PERF) Report: In a 2016 report, PERF highlighted the importance of de-escalation training for police officers. The report found that de-escalation techniques, such as communication skills and crisis intervention training, can help officers resolve potentially volatile situations without the use of force. The report also emphasized the need for ongoing training and evaluation to ensure officers maintain their skills.

2. The Seattle Police Department Study: A study conducted by the Seattle Police Department in 2019 examined the impact of de-escalation training on use of force incidents. The study found that officers who received de-escalation training were less likely to use force and had fewer use of force complaints compared to officers who did not receive the training. The study also found that de-escalation training improved officer confidence and decision-making in high-stress situations.

3. The Police Foundation Study: The Police Foundation conducted a study in 2019 that examined the impact of de-escalation training on use of force incidents in the Las Vegas Metropolitan Police Department. The study found that officers who received de-escalation training were involved in fewer use of force incidents and had fewer citizen complaints compared to officers who did not receive the training. The study also found that de-escalation training improved officer communication skills and their ability to manage confrontational situations.

4. The Crisis Intervention Team (CIT) Model: The Crisis Intervention Team (CIT) model, which involves specialized training for officers in responding to mental health crises, has been shown to be effective in reducing the use of force and improving outcomes. A study published in the Journal of the American Academy of Psychiatry and the Law found that CIT-trained officers were more likely to use de-escalation techniques and less likely to use force when responding to mental health crises.

5. The Memphis Model: The Memphis Model, a CIT program implemented in Memphis, Tennessee, has been widely studied and shown to be effective in reducing the use of force and improving outcomes. A study published in the Journal of the American Academy of Psychiatry and the Law found that the Memphis Model resulted in a significant reduction in use of force incidents and arrests of individuals with mental illness. The study also found that the program improved officer attitudes and perceptions towards individuals with mental illness. These studies and evidence highlight the effectiveness of deflection and de-escalation training in reducing the use of force and improving outcomes in law enforcement encounters.

Implementing comprehensive training programs that prioritize de-escalation techniques, crisis intervention, and communication skills can help promote safer and more effective policing practices.

The need for annual rigorous and comprehensive police training programs in de-escalation techniques and the reduction of use of force is evident. By equipping ELPD officers with the necessary skills and strategies to defuse tense situations, can the department enhance community relations, protect officer safety, preserve human rights, reduce legal and financial liabilities, and promote professionalism and ethical standards. It is crucial for the city of East Lansing Police Department to prioritize and invest in comprehensive de-escalation training to ensure the safety and well-being of both officers and the communities they serve.

ELIPOC Recommendations about Use of Force Policy & Procedures about which ELPD Interim Chief expressed a willingness to have a conversation

Officers should reevaluate whether continuing to use force is necessary throughout an incident, will be added.

Recommendation #13: B. Use of Force – General - Add new points B.2, B.3, and B.4 to read:

2. Force cannot be considered necessary if a practical, less harmful alternative means exists for achieving the same law-enforcement ends. Force should not be used simply to resolve a situation more quickly, unless the extended delay would risk the safety of the subject, officers, or others, or if it would risk damage to property or would significantly interfere with the other legitimate law-enforcement objectives. [Source: ALI 5.03 (p. 7)]

3. If force is used against some individuals under circumstances in which steps would be taken to avoid force against other individuals, then adequate steps to minimize force have not been taken. This guidance has the purpose of avoiding possible disproportionate use of force against certain groups. [Source: ALI 5.04 (pp. 13-14)]

4. Force cannot be considered necessary if it is carried out either before a legitimate objective is threatened or after a threat to a legitimate objective is resolved. Therefore, force is not to be used to retaliate for prior wrongdoing (such as resistance or flight) by a suspect, or to deter the suspect from resisting or fleeing in the future. [Source: ALI 5.03 (p. 6)]

ELPD: These will not be added, but I would like to have more conversation on this.

Recommendation #14: B. Use of Force – General Add to B.5:

c. If verbal directions or commands are ineffective, or not feasible given the circumstances of the situation, the officer may escalate to control methods that involve the use of physical force up to and including the use of deadly force based upon the situation at hand. Officers shall use an objectively reasonable amount of force necessary to gain control of the situation. [Source: ALI 5.06 (pp. 23-24)]

ELPD: I'd like to have more conversations about this.

Recommendation #15: Renumber section B.3. to B.6 and revise [add to] subsection h. of this section to read:

[Current text of B.3. and subsection h:

B.3. Officers are authorized to reasonably use Department approved control techniques and/or authorized equipment (including restraints) for resolution of incidents, as follows:
[3.3.1f, 3.3.1g, 3.3.1h] ...

h. To take a person into protective custody for a mental detainer, a court order, for incapacitation due to the consumption of drugs or alcohol, a suicide attempt, or for other types of emergency medical assistance.]

h. To take a person into protective custody for a mental detainer, a court order, for incapacitation due to the consumption of drugs or alcohol, a suicide attempt, or for other types of emergency medical assistance. Before and during a crisis situation, officers should collaborate with specifically trained officers and community partner agencies that provide mental health services in order to avoid or minimize use of force in situations involving emotionally disturbed persons. [Source: ALI 5.04 (p. 15)]

ELPD: What happens if one is not available? There are times when our police social worker or Community Mental Health is not available. I would like to have more conversations about this; there may be some verbiage change from "should" to "may."

Recommendation #19: Add new point m. to section G. 2. Officers shall consider the following variables when deciding to escalate or de-escalate the level of control:

m. If subject is experiencing emotional distress, is a person in crisis, or is considered a vulnerable person in the community such as being elderly or a juvenile. [Source: ALI 5.05 (p 19)]

ELPD: I would like to have more conversation around this.

K. Investigating Response to Resistance Incidents

Recommendation #24: Revise [add to] this section 8. to read:

[Current text of section 8.: A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents in the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.]

8. A report documenting and summarizing all uses of force throughout the calendar year along with a written analysis of all use of force incidents in the aggregate shall be prepared on an annual basis and forwarded to the Chief of Police. The report should include, but not be limited to: (a) an analysis of use of force incidents with demographic details of the individuals impacted including, but not limited to race, gender and age; (b) summaries of the types of force used; and (c) any recommendations concerning policy revisions, training needs, and equipment needs. The report shall be made public as soon as possible after it is completed. It shall be placed on the ELPD website and shall be sent to the City Manager, the East Lansing Independent Police Oversight Commission, and the City Council.

ELPD: I'd like to have more conversations about this.

Root Cause Investigations

The Police Department took a major step when it adopted a policy calling for critical incident reviews. Critical incident reviews can help an organization reduce adverse incidents over time. Here are some suggestions for making critical incident reviews more effective in reducing the unnecessary violence associated with policing.

Committee Expertise

The committee doing the investigation should be permanent, or long-lived. We need a permanent committee so that, over time, the committee can develop experience in root cause incident investigations. Several resources are available:

“The Guidelines for Investigating Chemical Process Incidents”, (Center for Chemical Process Safety, 3rd ed, 2019).

“Incident [Accident] Investigations, A Guide for Employers, A Systems Approach to Help Prevent Injuries and Illnesses”, (U.S. Department of Labor, Occupational Health and Safety Administration, December 2015),

https://www.osha.gov/sites/default/files/InclnvGuide4Empl_Dec2015.pdf

OSHA offers a class in incident investigations. See: <https://www.niu.edu/nsec/course-schedules/osha-courses/osha-7505.shtml>

ELPD: What would you recommend?

Include Outsiders The committee should include outsiders, that is, people outside the ELPD chain of command. The committee needs outsiders for the sake of legitimacy. The public will not trust a management team that investigates itself.

ELPD: Who do you suggest, and what are their qualifications?

East Lansing Police Department
Use of Force 2024:
A Report to the East Lansing
Independent Police Oversight Commission

Prepared by:
Cedrick G. Heraux, Ph.D.

A NOTE ABOUT DATA:

In agreement with the East Lansing Independent Police Oversight Commission (ELIPOC), the East Lansing Police Department (ELPD) provided an Excel file monthly which contained all of the data from "Response to Resistance" (RTR) incidents. Dr. Heraux approached this data systematically, first creating the relevant syntax (code) for use in SPSS to streamline data obtained in the future, and then performing data matching on a 10% random sample of the data against the RTR narrative reports which are publicly available. This initial match produced some inconsistencies in the data related to: (1) incidents which appeared in the Excel data file but were not present in the written RTR narratives; (2) differences in the number of officers using force listed in the Excel data file and the number described in the written RTR narrative; and (3) apparent data entry errors (e.g. an officer or subject listed as "White" in the written RTR narrative but as "Black" in the Excel data file. A second 10% random sample confirmed that these inconsistencies existed to an extent that presented some concern. This resulted in significant data cleaning, with Dr. Heraux comparing all of the data within the Excel file to the information contained in the written RTR narratives and correcting these inconsistencies.

While it seems clear that the vast majority of the inconsistencies discovered are simply due to data entry errors, their frequency is somewhat concerning as accurate data is necessary for proper statistical analyses. It is likely that these errors arise from the ELPD's process, in which a supervisor reads through the written RTR narrative to provide a "meaningful review" while also entering that data into the Guardian Tracking System. Errors of this nature are not unusual, but correcting them can be time-consuming.

There was initial concern regarding the absence of any written RTR narrative for two incidents (SRMS# 2436402209 and 2436402415), both of which (according to the information in the Excel data file) involved subjects who provided active resistance that was met by force from multiple officers, who ultimately arrested the subject involved. After conversations with the ELPD, these written narratives were provided via the August RTR reports as completed by a supervisor. It is unclear why the August RTR report provided to the ELIPOC did not contain these two incidents, which also resulted

in their absence from the City of East Lansing websiteⁱ. Incidents not appearing there would reflect an inaccurate view of the extent to which force is used, and under what conditions. Thus, it is vital that both the ELPD and the ELIPOC ensure data accuracy when information is exchanged.

Another significant issue is illustrated by an incident such as SRMS# 2436403392. In multiple meetings with the ELPD, the ELIPOC was informed that there were no RTR incidents involving more than five officers or five subjects, thus limiting the data presented in the Excel data file to those constraints. However, the written RTR narrative for that incident lists seven ELPD officers as having used force against the subject involved. Given the structure of the Excel file, then, statistical analyses would have excluded relevant use of force from two ELPD officers. Consider also SRMS# 2436400044, which contains inconsistent information about which officer used which type(s) of force. The written portion of the RTR narrative describes an officer as “[drawing] his department issued handgun to perform a felony stop” and then “tackl[ing] the subject to the ground” after a brief foot pursuit. However, the listing of officers/subjects immediately under that written RTR narrative has that same officer as using “PPCT/Soft Empty Hand Techniques” against the subject, with no mention of his “Handgun Display” in the incident. In the Excel data file for that incident, that officer is not listed as having used any force at all. Again, these inconsistencies make accurate statistical analysis very difficult.

There are also concerns regarding data organization. The ELPD makes available to the publicⁱⁱ what it refers to as “officer-initiated contact reports” which is presented inconsistently and in a manner that makes interpretation difficult. As an example, data for 2023 is presented in the following files:

1. Officer-Initiated Contact Report – January, February, & March (PDF)
2. Driver Information on Traffic Stops – April, May, & June (PDF)
3. Self-Initiated Field Activity Contacts Including Traffic Stops – April, May, & June (PDF)
4. All Contacts Made by East Lansing Police Department Officers – April, May, & June (PDF)

5. Driver Information on Traffic Stops – July, August, September (PDF)
6. Driver Information on Traffic Stops – October, November December (PDF)

While there is a clear relationship between files #2, 5, and 6, the naming convention of (and data within) the remaining files contributes to confusion. In examining May 2023 data, the “Driver Information” file lists 56 subjects, the “Self-Initiated Field Activity” file lists 1,931 subjects, and the “All Contacts” file lists 267 subjects. Although there is a “Transparency Contacts Explanation” provided, it does not illuminate the distinction between these numbers. This is important in the context of the use of force data analyzed here, given that categories for how an incident is initiated include “Traffic Stop” and “Officer-Initiated” with no clear discussion of how they differ (i.e. one would presume that a traffic stop is initiated by the officer). Within this use of force data, only three incidents are listed as initiating via “Traffic Stop.” This seems low, given that the ELPD’s annual reportⁱⁱⁱ notes that “[among 35,599 calls for service] 5,460 were traffic stops initiated by an officer...” In addition, the “officer-initiated reports” made available to the public list data for only 3,147 (not including Dec. 2024, which is not available) traffic stops. Nationally, 4.6% of all traffic stops involve the use or threat of force^{iv}. Even under the unlikely condition that the ELPD made zero traffic stops in December of 2024, having used force in only 3 of 3,147 traffic stops (or 0.10%) would mean that the ELPD uses force in traffic stops *46 times less frequently* than the national average.

Previous reports^v have noted that the ELPD use of force data required the greatest amount of cleaning to be usable for analysis. This appears to still be the case, and the ELPD is encouraged to continually refine data collection and entry in collaboration with the ELIPOC.

Finally, there are data concerns that are specific to the type of analyses that prove most informative. In order to maintain enough statistical power for analyses there must be a sufficient number of cases within each category. As an example, the situation described above regarding “Traffic Stop” initiations to an incident does not allow for meaningful comparisons to be made, given that there are only three such incidents. Thus, these three incidents were re-categorized as “Officer Initiated” for purposes of analysis. There is also the matter of cases which have a disproportionate influence on

analyses, referred to as statistical outliers. In the current dataset, preliminary analyses noted that incidents taking place within Sector 5 were characteristically different to the extent that they should be removed from the dataset prior to further analyses. It is notable that Sector 5 is the section of the City of East Lansing that is contained within Clinton County, having been obtained by the city (via 425 Agreement) from Dewitt Township and Bath Township between 1998 and 2002. This portion of ELPD jurisdiction contains a high density of student-centered housing and mixed-use developments, several of which have been the site of high-profile violent crime incidents over the past 12-15 years. Given their vastly different nature, the incidents in Sector 5 were removed from most analyses.

ANALYSIS OF DATA FROM RESPONSE TO RESISTANCE INCIDENTS:

The analyses presented within this report rely on the data provided to the ELIPOC by the ELPD. As noted above, this information was only for incidents in which force was used by an ELPD officer. Therefore, these analyses are restricted to comparisons of officer and citizen behavior and demographic characteristics within those incidents. That is, there are no meaningful comparisons able to be made to all incidents involving ELPD officers, or even to all arrests made by the ELPD. In previous years, the ELPD has provided more detailed information to research teams in other circumstances. In fact, the ELPD provided CNA with: (1) all juvenile and adult arrests; (2) all calls for service, including proactive activities from officers; (3) a list of sworn personnel; and (4) all uses of force^{vi}. For the current annual report only the latter were provided, despite several requests from the ELIPOC. Although the ELPD noted that data was publicly available on the City of East Lansing website, the relevant information is only presented at the aggregate level^{vii}, or without any officer or subject characteristics^{viii}. This makes those sources unsuitable for any comparisons to the incident-level, subject-level, or officer-level analyses of use of force incidents presented here. Therefore, the statistical analyses presented here focus on: (1) how many total times force is used within an incident; and (2) the most severe type of force used within an incident. While this is important data, it is limited to only those incidents in which some force has occurred. The most important research question, that of what

distinguishes an incident where force is used from an incident in which force is *not* used, cannot be answered here.

Incident-Level Data:

The data collected by the ELPD and shared with the ELIPOC (via the Excel data file) is initially presented at the incident level, meaning that each row in the data file represents a single incident (identified by the SRMS#). After concerns raised in the 2023 ELIPOC Annual Report^{ix} and at meetings throughout the past year, the ELPD made significant improvements to the database structure, ensuring that within an incident, separate uses of force by different officers against different subjects can be properly attributed. This also allows data to be analyzed at the subject level and the officer level, providing the public with a more nuanced understanding of the use of force.

In 2024, the ELPD responded to 131 incidents in which force was used by ELPD officers. Those incidents involved 171 subjects against whom force was used, resulting in 418 separate applications of force. It should be noted that the ELPD reported 133 incidents involving 173 subjects with 390 separate applications of force^x. The discrepancy in number of incidents and subjects is easily explained, as two incidents (involving two “subjects”) were removed from the current analyses: (1) SRMS# 2436400865, where there was an accidental discharge by an ELPD officer; and (2) SRMS# 2436403455, which involved use of a TASER against a dog. The difference in total uses of force (390 in the ELPD report v. 418 in the current analyses) is explained by the slightly different approach taken here. While the ELPD simply counted the total number of officer-subject pairings across those incidents, this report takes into account each unique type of force used by an officer against a subject. That is, if during an incident “Officer 1” engaged in both a “Handgun Display” and a “TASER discharge” against “Subject 1” the ELPD report only counts that as a single instance (1 officer-to-1 subject pairing), while the current analyses identify that as two uses of force (Officer 1 displayed their handgun toward Subject 1, then Officer 1 discharged their TASER toward Subject 1). Given that the ELPD method of calculating the total represents a 7% undercount of uses of force, this is a notable distinction.

The 131 incidents in which force was used represents an 18.1% decrease from 2023 (160 incidents) and is 8.3% lower than initial data collection in 2022 (144 incidents). There is an important caveat to consider, which is that the ELPD made a slight change to their definition of use of force. The decision to exclude “cooperative handcuffing” from the “Response to Resistance” reports, while consistent with recent literature in the field^{xi, xii}, means that comparisons between 2024 and prior years should be interpreted with caution. That is, with the decision to exclude a category of behavior from use of force reporting, it is understandable that there would be fewer incidents reported in 2024. However, this also makes it particularly notable when there is a significant increase in any given time period during 2024. Thus, a 70% increase in March and a 180% increase in July represent a point of concern. At this time, it is unclear what may have contributed to these differences.

Table 1: Use of Force Incidents by Month

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2022	7	7	8	19	5	11	17	9	26	15	7	13	144
2023	8	11	10	11	14	15	5	14	28	23	10	11	160
2024	6	8	17	14	5	6	14	13	14	14	14	6	131

Regarding other general characteristics of the 131 incidents in which force was used, 90 (68.7%) of them took place during the night shift (between 6:30PM and 6:30AM). In only 10 (7.6%) instances did the incident begin with a citizen flagging down or approaching an officer; surprisingly, in only 3 (2.3%) did it begin with a traffic stop^{xiii}. The majority (87, or 66.4%) of these incidents resulted from an officer being dispatched to a call, while an additional 31 (23.7%) were the result of officer-initiated activity after witnessing a matter requiring their attention.

In terms of location, as in previous years the greatest number of incidents (51, or 38.9% of the total) took place in Sector 2, which contains downtown East Lansing from Abbot Road east to Hagadorn Road, as well as most of the Bailey neighborhood extending across both sides of Burcham Drive^{xiv}. Sector 4 (22 incidents, or 16.8% of the total) and Sector 1 (21 incidents, or 16% of the total) were the next closest, both seeing

less than half of the incidents in Sector 2. The next highest total was in Sector 3 (17 incidents, or 13% of the total), followed by Sector 5 (6 incidents, or 4.6%). Notably, 14 (10.7%) incidents took place outside of the jurisdiction of the East Lansing Police Department. This represents a 55% increase in out-of-jurisdiction use of force over the 2023 total. This is possibly due to increased activity of the PEACE teams (each of which contains an ELPD officer partnered with an officer from the Michigan State University Police and Public Safety Department), or to increased requests for assistance from neighboring law enforcement agencies. In fact, there were 21 (16%) incidents where officers from the ELPD were assisting other law enforcement agencies and the former used force. It should be noted, however, that the extent to which force is used by officers from other agencies in these incidents is unclear.

We can also consider the location *type* when examining use of force incidents. As in previous years, the highest number of incidents (62, or 47.3%) took place on a public street, sidewalk or alley, while another 7 (5.3%) occurred in a parking lot or ramp. There were an additional 34 (26%) incidents at a private residence, with 26 (19.8%) taking place at a business.

Within an incident, there is also consideration given to environmental dynamics focused on the composition of all individuals involved. As an example, in 110 (84%) incidents where force was used, there were bystanders/witnesses present. In 43 (32.8%) incidents, there was an ELPD supervisor (sergeant, lieutenant, or captain) present at the scene. The mean (average) number of ELPD officers present during incidents was 2.99, although there are incidents where not all ELPD officers at the scene used force. The mean (average) number of subjects with force used against them was 1.30. Taken together, these characteristics all indicate that when force is used by ELPD officers, it is often within view of others (i.e. colleagues, supervisors, bystanders, multiple subjects).

The final incident-level characteristic, and the one of most interest, is the total amount and severity of force used within the incident. Here again it should be noted that the information presented here differs slightly from that found in the ELPD Response to Resistance Report, as mentioned previously, based on unique officer-to-subject interactions (i.e. multiple types of force used by the same officer against the same

subject) rather than unique officer-to-subject pairings. There are eight distinct types of force measured here, which in some instances can be further distinguished between the display vs. the use of a weapon. The most common types of force were the display of a handgun (160, or 38.38% of the total), use of soft empty hand techniques (91, or 21.8%), the display of a rifle (57, or 13.6%), and the display of a TASER (49, or 11.7%). After discussion with the ELIPOC, it was determined that an important distinction be made in firearm displays between an officer holding their handgun or rifle at the “low ready” and pointing that weapon directly at a subject. For the purposes of analyses here, the types of force were also broken out into three categories as follows:

Level 1: Empty Hand Techniques (includes both soft (Pressure Point Control Tactics (PPCT) and Tackle/Takedown) and hard (Strikes) techniques). There were 107 Level 1 uses of force, representing 25.6% of the total.

Level 2: Less-Than-Lethal Implements (includes TASER, Personal Chemical Agent (PCA), or 40mm projectile display or use) and Low Ready Firearm Display. There were 137 Level 2 uses of force, representing 32.8% of the total.

Level 3: Firearms, which includes handgun or rifle display or use. There were 156 Level 3 uses of force, representing 37.3% of the total.

It is notable that the highest (i.e. Level 3) category of force was the most frequently used by the ELPD within the 2024 period. While this may appear concerning, it should be viewed in consideration of the fact that this is consistent with national averages within response to resistance incidents^{xv, xvi, xvii}. In addition, the ELPD is considerably ahead of the national trend in that it already requires any weapon display (pointed directly at a subject, or “in their general direction to control their movement”) to be documented^{xviii}, which is not the case for a significant proportion of law enforcement agencies across the United States^{xix, xx}.

In examining a simple count (i.e. the total number of times force was used within an incident), preliminary analyses showed a statistically significant relationship with: (1) a reasonable suspicion that the subject was armed; (2) witnesses/bystanders being present; (3) the incident taking place in a public parking lot or ramp; and (4) an ELPD supervisor being present.

Table 2: Total Use of Force within Incidents

Variable	Mean (Average) for “No”	Mean (Average) for “Yes”
Reasonable suspicion subject was armed	2.68	3.77
Witnesses / bystanders were present	3.43	3.09
Incident occurred in public parking lot or ramp	2.94	6.86
ELPD supervisor was present	2.60	4.26

That is, in incidents where there was reasonable suspicion that the subject was armed, ELPD officers used more total force, which seems intuitive. Officers also used more total force when the incident occurred in a public parking lot or ramp. Finally, more total force was used when a supervisor was present at the scene, but less total force was used when there were other (i.e. non-law enforcement) witnesses or bystanders.

In more sophisticated regression analyses these factors no longer show a statistically significant difference. In a model testing the effects of each characteristic in isolation while holding all others constant, there are only three variables which have a statistically significant effect on the total force used within an incident: (1) the incident was officer-initiated (as compared to a dispatched incident); (2) the total number of ELPD officers present; and (3) the total number of subjects. In the simplest terms, when an incident is initiated by the officer, rather than the officer having been dispatched to that incident, there is a 28% decrease in the total amount of force used. This is likely explained by the fact that officers have more information about the circumstances available to them when they view some problematic behavior themselves, rather than being provided details second-hand. For each additional ELPD officer present at an incident, there is a 30% increase in the total amount of force. Similarly, for each

additional subject present at an incident, there is a 57% increase in the total amount of force. Taken together, these two characteristics demonstrate that complex incidents, involving multiple individuals, result in more total force being used. In these situations, officers may feel that the potential danger is greater, thus leading to more total force used as a means of controlling the situation.

In examining the severity (i.e. the highest level) of force, broken out into three levels as described above, with Level 1 as the least severe force and Level 3 as the most severe force, there was a statistically significant relationship with: (1) a reasonable suspicion that the subject was armed; (2) the initial categorization of the incident as a violent offense; and (3) the final categorization of the incident as a violent offense.

Table 3: Severity of Force within Incidents

Variable	Mean (Average) for “No”	Mean (Average) for “Yes”
Reasonable suspicion subject was armed	1.75	2.34
Suspected / reported offense at beginning of incident was a violent crime	1.75	2.22
Offense at end of incident was a violent crime	1.93	2.28

That is, in incidents where there was reasonable suspicion that the subject was armed, ELPD officers used higher levels of force. This was also the case when the officers entered an incident where a violent offense was suspected, as well as when they were involved in an incident ultimately determined to have contained a violent offense. Taken together, these findings confirm that officers use higher levels of force in incidents where they have a perception of greater potential danger.

In more sophisticated regression analyses the factors listed above generally reach statistical significance. In a model testing the effects of each characteristic in isolation while holding all others constant, there are three variables which have a statistically significant effect on the level of force within an incident: (1) a reasonable suspicion that the subject was armed; (2) the final categorization of the incident as a violent offense; and (3) the incident took place in Sector 3 (in comparison to Sector 2).

If an incident took place in Sector 3 (west of Abbot Road to the City of Lansing City limits on W. Grand River and Michigan, south of Saginaw to Mount Hope Rd. west of Harrison Rd.) there was a 343% increase in the odds of severe force being used in comparison to incidents in Sector 2. When there is reasonable suspicion that they are encountering an armed subject, there is a 331% increase in the odds of ELPD officers using severe force within an incident than when they believe they are encountering an unarmed subject^{xxi}. When officers encounter an incident where it is ultimately determined that a violent offense has taken place, they are 292% more likely to use severe force. These results once again emphasize the fact that officers are prepared to use more force, and at higher levels, when they are entering an incident where they believe the potential for danger is greatest.

In summary, at the incident level there were several factors that influenced the frequency of force (i.e. the total number of times that force was used in an incident), as well as its severity (i.e. the highest level of force used in an incident). Across both models, through descriptive statistics and regression analyses, the most consistent predictors are: (1) reasonable suspicion that a subject was armed; (2) encountering a subject believed to have committed a violent offense; and (3) the presence (supervisor; fellow officers; multiple subjects) or absence (witnesses or bystanders) of others. These findings suggest that ELPD officers use more (and more severe) force in incidents that they perceive to be complex with respect to the number of individuals present at the scene (i.e. necessity for a supervisor's presence, greater number of officers, greater number of subjects). However, it should be noted that officers use less force when those individuals are witnesses or bystanders, rather than active participants, which may suggest that they are reluctant to use force when under scrutiny by the general public. Yet, it is the reasonable suspicion that a subject is armed, and/or has engaged in a violent offense, which potentially drives these other factors. That is, when officers are dispatched (or self-initiated) to a scene involving such a subject, they are more likely to have perceive danger and request or receive backup.

Subject-Level Data:

As noted, the structure of the Excel file provided by the ELPD allows for a data transformation that presents information at the subject level^{xxii}. The 171 subjects against whom force was used represents an 11.2% decrease from 2023 (217 subjects), but is 2.4% higher than initial data collection in 2022 (167 subjects). It should be noted here again that comparisons to previous years should be made with caution, given the removal of “cooperative handcuffing” from the “Response to Resistance” reports.

Table 4: Total Subjects Experiencing Force by Month

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2022	10	8	8	19	5	12	19	10	33	20	7	16	167
2023	10	17	10	13	14	19	6	19	49	33	11	16	217
2024	9	10	18	24	8	7	18	19	22	13	17	6	171

However, as with incidents, in light of the removal of a category of use of force behavior, any increases represent a point of concern. Thus, there are notable increases in March (80%) and July (200%), as well as in April (84%) and November (54%) which should be looked at more closely over the next year to determine if this is a trend.

When examining subject characteristics, these can be broken down into behavior and demographics. In seeking to ensure equitable policing, the ELIPOC is particularly concerned with the influence of a subject’s race, gender, and age on how force is used against them. There were 144 (84.2%) male subjects who had force used against them, while the remaining 27 (15.8%) subjects were female. However, there were no statistically significant differences in the amount of force used based on subject gender.

The average age of subjects was 28.02 years old, although there were 12 subjects whose age was unknown. The youngest subject was 13 years old, while the oldest was 71 years old; nearly 53% of subjects were at or below the age of 35. Upon initial observation there were 21 (12.3%) subjects who were believed to be juveniles by the responding officer. Of the 171 subjects involved, 122 (71.3%) were not residents of the City of East Lansing, with an additional 7 (4.1%) being of unknown residential

status. A total of 4 (2.3%) subjects were believed to be unhoused at the moment of initial observation.

In 2024, ELPD officers used force against White (83 subjects, or 48.5% of the total) and Black (79 subjects, or 46.2% of the total) subjects in nearly equal amounts, with far fewer instances of force against individuals of other racial/ethnic categories (Hispanic: 2 (1.2%); Asian: 5 (2.9%); Other: 2 (1.2%)). Due to the small number of individuals in the data who were not White or Black, the “Subject Race” category was re-coded into 3 categories: “White”, “Black”, and “All Other” for further analyses. With respect to racial differences, White subjects were more likely than Black subjects to be known to police, as well as to be perceived as experiencing a mental health crisis. Black subjects were more likely than White subjects to be perceived as juveniles. While the “All Other Race” category is included in the following analyses, all statistically significant differences were between White subjects and Black subjects only. It should be noted that percentages in the table below are the percentage of subjects within the specified racial category.

Table 5: Subject Race and Officer Perception

	White subjects N (%)	Black subjects N (%)
Subject was known to police	11 (13.3%)	2 (2.5%)
Subject appeared to be a juvenile	2 (2.4%)	18 (22.8%)
Subject appeared to be in mental crisis	20 (24.1%)	3 (3.8%)

In looking at specific subject behavior by race, officers take cues from dispatched information, prior personal knowledge, and current observation. In that context, the only statistically significant difference was in the resistance provided by the subject. Once again, these differences were only between White subjects and Black subjects, with White subjects providing more (and higher levels of) resistance to police actions. Percentages included in the table below are the percentage of subjects within the specified racial category.

Table 6: Subject Resistance by Race

	White subjects N (%)	Black subjects N (%)
Subject provided no resistance	33 (39.8%)	44 (55.7%)
Subject provided active resistance	32 (38.6%)	20 (25.3%)
Subject provided active aggression	12 (14.5%)	3 (3.8%)
Highest level of resistance provided (mean)	1.83	1.20

More specifically, a subject's race had no impact on whether they were: (1) the offender; (2) combative with others; (3) intoxicated and/or under the influence of drugs; or (4) verbally aggressive. Focusing on observed behavior rather than race, then, would seem to be the most beneficial to officers in the early stages of an encounter. Noting that subjects could engage in more than one of the behaviors below (thus, the overall percentage adds up to over 100%), officers encountered subjects engaged in the following:

Table 7: Subject Behavior (All Racial Categories)

	Number	Percent
No demeanor observed	76	44.4%
Combative toward others	56	32.7%
Intoxicated and/or under the influence of drugs	42	24.6%
Verbally aggressive toward others	23	13.5%
Destructive to property	2	1.2%

It is clear from the data that ELPD officers find themselves confronting problematic behavior on a relatively frequent basis, which has the effect of signaling the potential for danger in these encounters. A subject who is combative with others, verbally aggressive, or destructive to property signals to officers that the subject is likely prepared to use violence. A subject who is intoxicated and/or under the influence of drugs presents a behavioral management concern for officers^{xxiii, xxiv}.

However, when examining the most obvious indicator (i.e. resistance provided by subjects) it is notable that ELPD officers experience the latter only 50% of the time in incidents where force is used against a subject. In addition, although subjects could provide multiple types of resistance, of the 86 subjects who provided any form of resistance, 81 (94.2%) engaged in a single type.

Table 8: Subject Resistance (All Racial Categories)

	No Resistance	Inactive Resistance	Passive Resistance	Active Resistance	Active Aggression
Number	85	2	19	52	15
Percentage	49.7%	1.2%	11.1%	30.4%	8.8%

In examining the amount of resistance across race, as noted previously, results show that White subjects, on average, provide more resistance to officers across most types of resistance. White subjects are more likely than Black subjects to present active resistance, as well as to present active aggression. In addition, Black subjects are more likely to present no resistance at all than are White subjects. Thus, White subjects present more legally problematic behavior in response to police actions, and therefore are theoretically more susceptible to being arrested. Remember, however, that these data only include incidents in which an ELPD officer used force of any type. It is certainly possible that there are incidents where subjects, whether White or Black, provide some resistance but the police do not use force against them. This missing data represents an important potential variation.

One of the concerns regarding subject resistance is the potential inequitable use of a “Resisting and Obstructing (R&O)” charge when subjects are arrested. The data show that 16 (9.4%) subjects were arrested by an agency other than the ELPD, 62 (36.3%) were arrested by the ELPD, 20 (11.7%) were not arrested but the ELPD was seeking charges against the subject, and 73 (42.7%) were not arrested and no charges are being sought. This presents two concerns. First is that 42.7% of subjects who have force used against them are not arrested, nor does the ELPD seek to have charges filed against them. In fact, preliminary statistical analyses find that of all subjects who have a

firearm displayed (not including in the “Low Ready” position) or used against them, 52.0% are not arrested at the scene by ELPD. The second concern is the extent to which subjects are charged with R&O in conjunction with other offenses, as opposed to being charged solely with R&O. The dataset contains 10 subjects who have “Resisting and Obstructing” as their only charged (or requested) offense, a practice which is increasingly considered inequitable^{xxv}. However, when looking at these outcomes by race, analyses indicate that there are no statistically significant racial differences in whether subjects are charged with R&O, either alone or in conjunction with other offenses.

Simple analyses find that subjects who are intoxicated and/or under the influence of drugs are significantly more likely to have R&O as their only charge than are subjects who are sober. Intoxication also significantly increases the total number of times that force is used against a subject, as does being known to police or being perceived to be a juvenile. Subjects also experience more total force when an ELPD supervisor is present at the scene of the incident.

Table 9: Total Use of Force by Subject

Variable	Mean (Average) for “No”	Mean (Average) for “Yes”
Subject was known to police	2.37	3.23
Subject appeared to be a juvenile	2.34	3.10
Subject was intoxicated and/or under the influence of drugs	2.18	3.19
ELPD supervisor was present	2.09	3.05

That is, against subjects who are known to them, ELPD officers used more total force, suggesting that previous encounters with these subjects have affected officers’ perceptions of them. Officers also used more total force against juveniles and against subjects who were intoxicated and/or under the influence of drugs. These results likely indicate that officers find these subjects more difficult to manage or de-escalate, leading to more applications of force. Similarly, using more total force when a supervisor is

present at the scene suggests that officers these situations present more challenging circumstances.

More rigorous regression analysis once again sees these effects dissipate. Here, the only statistically significant effect is for the total number of ELPD officers in the incident. That is, for each additional ELPD officer at the scene, subjects experienced a 31% increase in the total amount of force used against them. As has been described previously, such incidents generally indicate a perception of greater danger among officers, thus requiring more of them present to maintain or regain control.

In looking at the severity of the force used against subjects by the ELPD, there was a statistically significant relationship with: (1) a reasonable suspicion that the subject was armed; (2) the offense initially viewed as a violent crime; (3) the offense confirmed as a violent crime; (4) the ELPD was assisting another law enforcement agency; (5) the subject was known to the police; (6) the subject was perceived to be in mental health crisis; (7) the subject was taken into custody and transported as a “Person Needing Treatment” to medical care; (8) the subject was combative with others; (9) the subject appeared to be intoxicated and/or under the influence of drugs; (10) the subject was verbally aggressive; (11) the subject presented no resistance; (12) the subject presented active resistance; (13) the subject presented active aggression; (14) the subject was encountered in a public parking or ramp; (15) the subject was encountered in Sector 2; (16) the subject was perceived to be the offender; (17) the subject was arrested by the ELPD at the scene; (18) if arrested, the charges included resisting and obstructing; and (19) if arrested, resisting and obstructing was the only charge requested.

Table 10: Severity of Force by Subject

Variable	Mean (Average) for “No”	Mean (Average) for “Yes”
Reasonable suspicion subject was armed	1.83	2.36
Suspected / reported offense at beginning of incident was a violent crime	1.88	2.23
Offense at end of incident was a violent crime	2.01	2.33

ELPD officers were assisting other law enforcement agency	1.99	2.53
Subject was known to police	2.12	1.61
Subject appeared to be in mental health crisis	2.14	1.68
Subject was taken into custody and transported for PRT	2.14	1.91
Subject was combative with others	2.17	1.89
Intoxicated and/or under the influence of drugs	2.18	1.79
Subject was verbally aggressive	2.18	1.43
Subject presented no resistance	1.76	2.42
Subject presented active resistance	2.27	1.68
Subject presented active aggression	2.16	1.33
Subject encountered in public parking lot or ramp	2.05	2.47
Subject encountered in Sector 2	2.20	1.91
Subject perceived to be the offender	2.24	1.94
Subject was arrested at the scene by ELPD	2.18	1.92
Charges against subject include resisting and obstructing	2.11	1.62
Resisting and obstructing was the only charge requested against subject	1.99	1.30

There are several indicators in these results of a perception of greater danger leading to higher levels of (i.e. more severe) force being used by ELPD officers. Thus, when there is a reasonable suspicion that the subject is armed, the offense is presumed or confirmed to be a violent crime, or officers are assisting another law enforcement agency, ELPD officers are more likely to use severe force. However, when the subject is perceived or confirmed to be having a mental health crisis, is verbally aggressive, is combative with others, or is intoxicated and/or under the influence of drugs, ELPD officers are less likely to use severe force. This likely indicates that officers view these individuals as needing to be controlled, without necessarily seeing them as dangerous.

Similarly, a subject who is known to the police might benefit from that familiarity with the police being less likely to use severe force against them. Finally, ELPD officers use less severe force against subjects encountered in Sector 2, which is related to encountering subjects who are intoxicated, given that Sector 2 is the downtown East Lansing bar district.

The remaining findings require further exploration, as they appear to be in an unexpected direction. Surprisingly, officers used less severe force against subjects who are perceived to be the offender in the incident. However, this classification is based on the officer's perception / information at the beginning of the encounter. It is possible, even likely, that this result reflects the fact that some subjects are re-classified from "offender" to "other" by the end of an encounter, for a variety of reasons (e.g. the individual encountered was not the suspect). Lower levels of force are also used against subjects who are engaged in active resistance or active aggression, while higher levels of force are used against subjects who provided no resistance at all. These results may be reflective of the difficulty in analyzing the manner in which use of force incidents unfold. Thus, it is possible that when ELPD officers begin incidents at a higher level of force, this dissuades subjects from engaging in any resistance. Regarding subjects who are engaged in active resistance or active aggression, it should be noted that the more severe levels of force (i.e. Level 2: use of a less-than-lethal implement, or holding a firearm in the "Low Ready" position; Level 3: pointing a firearm directly at a subject) require that an officer have their hands free. However, a subject engaged in active resistance or active aggression is likely using their body (as a weapon) in close proximity to the officer, potentially restricting the latter to Level 1 ("Empty Hand Techniques") force. This may also explain why ELPD officers use less severe force against subjects who are ultimately charged with resisting and obstructing, either alone or in conjunction with other offenses.

Regression analyses taking into account the effects of each characteristic while holding the others constant provide some similar findings. There are 14 variables which have a statistically significant effect on the severity of force used against a subject: (1) the subject was encountered in parking lot or ramp; (2) the subject was encountered in Sector 3; (3) the subject was encountered in Sector 4; (4) the subject was encountered

outside of East Lansing jurisdiction; (5) there was a reasonable suspicion that the subject was armed; (6) the offense was confirmed as a violent crime; (7) the subject was Black; (8) the subject was female; (9) subject age; (10) resisting and obstructing was the only charge requested against the subject; (11) the highest level of subject resistance was active resistance; (12) the highest level of subject resistance was active aggression; (13) ELPD officers were assisting another law enforcement agency; and (14) the total number of ELPD officers present at the incident.

There are several geographic variations which resulted in subjects being more likely to have severe force used against them. Using Sector 2 (downtown East Lansing) as the reference, subjects were nearly 6 times more likely to experience severe force in Sector 3, over 7 times more likely in Sector 4, and 19 times more likely to have severe force used against them when encountered outside of the City of East Lansing jurisdiction. Subjects encountered in a parking lot or ramp were 16 times more likely to experience severe force than subjects encountered inside a residence. These results suggest that officers are presented with qualitatively different scenarios outside of downtown East Lansing, seemingly requiring higher levels of force.

As with previous models, a reasonable suspicion of the subject being armed has a large impact, resulting in those individuals being nearly 7 times more likely to have more severe force used against them. The offense being confirmed as a violent crime increases the odds of severe force being used by nearly 3.5 times, while ELPD assisting another law enforcement agency increases those odds by 8 times. Finally, for each additional ELPD officer at the scene, the odds of severe force being used increase by 88%. These factors are all indicative of officers using higher levels of force in situations where they perceive a greater potential for danger.

Regarding subject demographic characteristics, for each 1 year increase in subject age, there is a 6% decrease in the odds of having severe force used against them. Similarly, Black subjects were 69% less likely than White subjects to experience higher levels of force. However, subject gender had an even stronger effect, with female subjects 6 times more likely to experience severe force than male subjects. Taken together, these results suggest that younger, White females are particularly susceptible to having more severe force used against them.

The remaining variables all reflect subject resistance, with findings similar to those of the bivariate analyses. Subjects for whom resisting and obstructing is the only requested charge are 92% less likely to experience severe force by ELPD officers. Subjects engaged in active resistance were 93% less likely to have severe force used against them than were subjects who provided no resistance at all, while subjects engaged in active aggression were 98% less likely than the latter. As discussed previously, these findings reflect a dynamic in which subjects engaged in no resistance are confronted with a show of force by ELPD officers, while subjects engaging in physical resistance force those officers to resort to lower, more manual, uses of force.

In summary, at the subject level there were a number of factors that influenced the frequency of force (i.e. the total number of times that force was used against a subject), as well as its severity (i.e. the highest level of force used against a subject). Across both models, through descriptive statistics and regression analyses, the most consistent predictors are: (1) reasonable suspicion that the subject was armed; (2) the offense is ultimately determined to be a violent crime; (3) the total number of ELPD officers at the scene; (4) the subject presented active resistance; and (5) the subject presented active aggression. As with incident-level models, interactions which are perceived (by officers) to have a greater potential for danger have the most consistent statistically significant effects.

Key Findings:

While noting that these results should be viewed with caution, given the limitations of the data as described previously, there are several key findings to highlight.

#1: The amount and severity of force used by ELPD officers is most consistently affected by the reasonable suspicion that they may be encountering an armed subject. While the exact origin of that “reasonable suspicion” is often unclear in the “Response to Resistance” narratives, it is a specific legal term which allows officers to make “specific reasonable inferences which [they are] entitled to draw from the facts in light of [their] experience^{xxvi}.” Importantly, this does *not* require that officers ultimately find a weapon. **The mere suspicion of an armed subject increases the total amount and highest level of force used.**

#2: The amount and severity of force used by ELPD officers is significantly affected by the complexity of incidents with respect to all participants. **Officers use more total force, and that force is more likely to be severe, when there are more supervisory officers, fellow patrol officers (including from other jurisdictions), and subjects.**

#3: The amount and severity of force used by ELPD officers is influenced by subject behavior, particularly with respect to resistance. Although initial analyses noted some effects for all types of resistance, multivariate analyses found only active resistance and active aggression to be statistically significant. **Officers use less total force against subjects that present active resistance or active aggression during an incident, and that force is less likely to be severe in these instances. This is notable with respect to the fact that White subjects are more likely than Black (or other non-White) subjects to engage in higher levels of resistance.**

#4: The amount and severity of force used by ELPD officers is impacted by subject demographics. **Officers use more total force, and that force is more severe, against subjects who they perceive to be a juvenile (upon initial entry to the incident), as**

well as against younger individuals in general. Officers use less severe force against Black subjects than they do against White subjects. Officers also use more severe force against female subjects than they do against male subjects; specifically, female subjects are more likely to have a firearm pointed directly at them by an officer.

#5: The extent to which ELPD officers use discretion in making arrests represents a point of concern within use of force incidents, particularly given the importance of procedural justice in these decisions on perceptions of police legitimacy^{xxvii, xxviii}. In light of this, it is notable that **when ELPD officers use force, they do not make an arrest nor do they seek charges 42.7% of the time**. This elicits the question of why officers are not making arrests if they deem the situation sufficiently serious to necessitate the use of force. This is alarming when one considers that **of all subjects who have a weapon displayed or used against them, officers do not make an arrest at the scene 52.0% of the time**.

#6: While the use of force is incredibly complex and there are often difficulties in measurement, analyses here demonstrate that the ELPD (as an organization) uses force significantly less frequently than the national averages. **Data from 2024 indicate that ELPD officers used force in 0.37% of all police-public contacts, in contrast to the national average of 1.5% of contacts**.

ⁱ Use of Force Reports. Available at <https://www.cityofeastlansing.com/2410/Use-of-Force-Reports>.

ⁱⁱ Officer-Initiated Contact Report. Available at <https://cityofeastlansing.com/2151/Officer-Initiated-Contact-Reports>.

ⁱⁱⁱ (Page 5) East Lansing Police Department (2025) *2024 East Lansing Police Department Response to Resistance Report*. City of East Lansing: East Lansing, MI.

^{iv} Tapp, S. & Davis, E. (2024) Contacts between police and the public, 2022. *US Department of Justice: Bureau of Justice Statistics*.

^v Johnston, R., Lawrence, D.S., Carleton, B., Medlock, H., Christoff, T., Richardson, K. & Wolfe, S.E. (2022) *Fair and Impartial Assessment of the East Lansing Police Department*. Arlington, VA: CNA Corporation.

^{vi} Ibid, pp. 9-10 (Table 2: Administrative databases used in quantitative analyses).

^{vii} Officer-Initiated Contact Report. Available at <https://cityofeastlansing.com/2151/Officer-Initiated-Contact-Reports>.

^{viii} Weekly Report. Available at <https://cityofeastlansing.com/Archive.aspx?AMID=47>.

^{ix} East Lansing Independent Police Oversight Commission (2024) *City of East Lansing Independent Police Oversight Commission Annual Report 2023*. East Lansing, MI: City of East Lansing, MI.

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- ^x East Lansing Police Department (2025) *2024 East Lansing Police Department Response to Resistance Report*. City of East Lansing: East Lansing, MI.
- ^{xi} Klahm IV, C.F., Frank, J. & Liederbach, J. (2013) Understanding police use of force: Rethinking the link between conceptualization and measurement. *Policing: An International Journal of Police Strategies and Management*, 37(3): 558-578.
- ^{xii} Huff, J. Zauhar, S. & Agniel, D. (2024) From pain compliance to leverage-based control: Evidence of reduced use of force severity and injuries following police training. *Policing: A Journal of Policy and Practice*, 18, paae037 <https://doi.org/10.1093/police/paae037>
- ^{xiii} Although, see previous note regarding data structure.
- ^{xiv} See the Sector Map on Page XXXXXXXX of the YYYYYYYY Annual Report.
- ^{xv} Riddell, J.R. & Worrall, J.L. (2021) Predicting firearm and CEW displays as police officers' response to resistance. *Journal of Criminal Justice*, 72: 101775.
- ^{xvi} Shjarback, J.A., White, M.D. & Bishop, S.A. (2021) Can police shootings be reduced by requiring officers to document when they point firearms at citizens? *Injury Prevention*, 27(6): 508-513.
- ^{xvii} Worrall, J.L., Bishop, S.A. & Terrill, W. (2021) The effect of suspect race on police officers' decisions to draw their weapons. *Justice Quarterly*, 38(7): 1428-1447.
- ^{xviii} See East Lansing Police Department policy 300-11, as related to Michigan Association of Chiefs of Police accreditation standard 3.3.2f, available at <https://public.powerdms.com/elpolice/tree/documents/2228039>.
- ^{xix} Goodison, S.E. & Brooks, C. (2023) Local police departments: Procedures, Policies, and Technology 2020. *US Department of Justice: Bureau of Justice Statistics*.
- ^{xx} Cubitt, T.I.C. & Nix, J. (2023) A multi-site study of firearms displays by police at use of force incidents. *Police Quarterly*, 26(3): 379-408.
- ^{xxi} Note that this belief stems from initial impressions (regardless of source), and does not require that a subject actually be armed.
- ^{xxii} It should be noted that subject names and DOB are not contained within the data file. Thus, while each subject analyzed here is unique with an incident, it is possible that some subjects appear in more than one incident within the data.
- ^{xxiii} Kaminski, R.J., DiGiovanni, C. & Downs, R. (2004) The use of force between the police and persons with impaired judgment. *Police Quarterly*, 7(3): 311-338.
- ^{xxiv} McCarthy, M., Porter, L., Townsley, M. & Alpert, G. (2019) A typology of citizen presentations in use of force events: Are there ecological drivers? *Police Quarterly*, 22(3): 360-387.
- ^{xxv} Boudin, C. & Klement, T. (2021) Progressive prosecution: From politics to policy to practice. *Stanford Journal of Civil Rights and Civil Liberties*, 16(3): 489-495.
- ^{xxvi} Terry v. Ohio, 392 U.S. 1 (1968)
- ^{xxvii} Kruis, N.E., Donohue, R.H., Glunt, N., Rowland, N.J. & Choi, J. (2023) Examining the effects of perceptions of police effectiveness, procedural justice, and legitimacy on racial differences in anticipated cooperation with law enforcement in Pennsylvania. *Criminal Justice Policy Review*, 34(6): 511-533.
- ^{xxviii} Lawrence, T.I., McField, A. & Freeman, K. (2023) Understanding the role of race and procedural justice on the support for police body-worn cameras and reporting crime. *Criminal Justice Review*, 48(1): 48-68.