OBJECTIVES

- Policy
- Training
- MCOLES Use of Force Continuum
- Use of Force Review Procedures
  - First-Line Supervision
  - Police Administration
  - Weekly Reports
- Data
  - Capture
  - Categories
  - Frequency
POLICY

• Response to Resistance Policy 12-20
  • Definitions
  • Case Law
  • Non-Deadly/Deadly Force
  • Documentation
  • Medical Treatment
  • Responsibilities
  • Weapons
  • Training and Assessment
• 4th Amendment
  • An arrest is a seizure, therefore this amendment applies. An officer must establish probable cause to make an arrest.

• Tennessee v. Garner
  • Officers may use deadly force against a violent offender when they pose a serious bodily threat or deadly threat to officers or others.
  • Abolished the use of deadly force non-violent felony offenders.
  • “An Officer’s use of deadly force is limited to those situations where the officer has probable cause to believe that a felon poses a threat of serious physical harm”.
Graham v. O’Connor
- The foundational case for use of force by police.
- A use of force must be “objectively reasonable”.
  - The court stated the reasonable test is “not capable of a precise definition or mechanical application”.
- The following must be considered prior to the application of force
  - Severity of the crime
  - Whether the suspect poses an immediate threat to officers or the public
  - Whether the suspect is actively resisting arrest or attempting to evade arrest.
DEADLY FORCE

• Authorized when:
  • An honest and reasonable belief that the use of deadly force is necessary to prevent imminent death or great bodily harm to self or another.

• Before using a firearm an officer should attempt to identify themselves and if feasible state their intention to shoot.

• Restrictions
  • Warning shots are prohibited
  • The refusal of a driver to stop a vehicle is not considered justification for discharging a firearm.
NON-DEADLY FORCE

• Self defense or defense of another.
• Prevent a person from injuring themselves.
• To affect an arrest of a person passively or actively resisting.
• To control move, direct, or arrests persons creating a public disturbance.
• To take a person into protective custody. The officer may use the same force as that of a misdemeanor arrest.
MEDICAL TREATMENT

• Injury caused by firearm
• Injury is beyond what is expected (Supervisory Oversight / Officer Reporting)
• Requested
• Taser
• Less-Lethal Device
USE OF FORCE REVIEW

IMMEDIATE REPORT TO SUPERVISOR / WRITTEN REPORT COMPLETION.

FIRST LINE SUPERVISOR REPORT TO POLICE ADMINISTRATION BY END OF SHIFT.

ADMINISTRATIVE REVIEW.

WEEKLY COUNCIL REPORTING.
DUTY TO INTERVENE

“In the event that an employee of this department observes an excessive use of force by another employee, it shall be their immediate responsibility to immediately intervene to de-escalate and control the amount of force used. The employee shall immediately report any use of excessive force to a supervisor.”
TRAINING

• Use of Force Training Staff
  • Lieutenant, two Sergeants, four Officers
• 4-6 Training sessions annually (8-12 Hours)
  • Firearms usage
  • Intermediate Control Devices
  • PPCT
  • Scenario based sessions dove tailing with de-escalation techniques.
  • Policy and Legal matters.
  • Annual qualification requirement.
TRAINING
MCOLES CONTINUUM

SUBJECT CONTROL CONTINUUM
A Training Guide for Escalation and De-Escalation of Subject Control

CAUTION: It is not possible for these Training Guidelines to cover all of the possible situations that occur within the law enforcement officer’s job. Therefore, this continuum is offered as a general training guide for using force in confrontation or arrest situations. The officer must understand that situations occur where the escalation and/or de-escalation of resistance is sudden, and the officer’s response may be located anywhere along the continuum, but it must be an objectively reasonable response to the perceived threat posed by the subject.

TOTALITY OF CIRCUMSTANCES

De-Escalation

Active Resistance

Passive Resistance

Inactive Resistance

Deadly Force Assault

Intermediate Controls

Injury Potential

Physical Controls

Compliance Controls

Officer Presence

Verbal Direction

OFFICER RESPONSE

ACTIVE AGGRESSION

ACTIVE RESISTANCE

PASSIVE RESISTANCE

INACTIVE RESISTANCE

OFFICER RESPONSE

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# Training Guide for the MoColes Subject Control Continuum

This Subject Control Continuum is published by the Michigan Commission On Law Enforcement Standards (MoColes) and is offered as a general training guide for controlling subjects in confrontation or arrest situations. It is imperative that law enforcement officers are properly trained in the interpretation and application of this training guide, and be annually updated on relevant legal issues, technological advances, departmental policy, and departmental approved tactics, techniques and skills used for subject control.

## Subject Actions

<table>
<thead>
<tr>
<th>INACTIVE RESISTANCE</th>
<th>Resistance that may include psychological intimidation and/or verbal resistance (e.g., blank stare, clenching of fist(s), tightening of jaw muscles, etc.).</th>
</tr>
</thead>
<tbody>
<tr>
<td>PASSIVE RESISTANCE</td>
<td>Any type of resistance whereby the subject does not attempt to defeat the officer’s attempt to touch and control the subject, but still will not voluntarily comply with verbal and physical attempts of control (e.g., dead weight, failure to obey verbal commands, etc.).</td>
</tr>
<tr>
<td>ACTIVE RESISTANCE</td>
<td>Any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away, backing, etc.).</td>
</tr>
<tr>
<td>ACTIVE AGRESSION</td>
<td>Physical actions/assault against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).</td>
</tr>
<tr>
<td>DEADLY FORCE ASSAULT</td>
<td>Any force used against an officer or another person that may result in great bodily harm or the loss of human life.</td>
</tr>
</tbody>
</table>

## Officer Response

<table>
<thead>
<tr>
<th>OFFICER PRESENCE/VERBAL DIRECTION</th>
<th>Identification of Authority (e.g., uniformed presence or identification as a police officer). Verbal Direction (e.g., for arrest or to control subject’s movements), Use of Restraint Devices (e.g., compliant handcuffing).</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPLIANCE CONTROLS</td>
<td>Soft Empty Hand Techniques (e.g., joint lock, pressure points, etc.), Compliance Control Devices (e.g., Du-Rite, Baton, Kratzen, Ph-24, etc.)**</td>
</tr>
<tr>
<td>PHYSICAL CONTROLS</td>
<td>Hard Empty Hand Techniques (e.g., strikes, take downs, etc.).</td>
</tr>
<tr>
<td>INTERMEDIATE CONTROLS</td>
<td>Intermediate Weapons (e.g., impact weapons).</td>
</tr>
</tbody>
</table>

## Deadly Force Response

Any force used by an officer that has a reasonable probability to cause death.

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*NOTE: All officer response controls available at the lower end of the continuum are still available to the officer as the subject’s actions escalate (e.g., an officer attempting to arrest a subject who is actively resisting may use verbal direction and compliance controls as a control measure, even though the officer may be justified in using chemical aerosol spray and/or hard empty hand techniques).

**NOTE: Compliance Control Devices fall under Compliance Controls when used as a compliance control device rather than as an impact weapon.

Less-Lethal Subject Control Devices (e.g., chemical aerosol sprays, electrical devices, impact projectile systems, etc.) have different risks of injury associated with them and may be considered different levels of force. The decision to deploy any less-lethal device, when used to physically control a subject, should be based on the subject’s actions, the totality of the circumstances, and be consistent with the objectively reasonable standard that governs the application of force by law enforcement officers.

## Totality of Circumstances

The question is whether the officer’s actions are "objectively reasonable" in light of all the facts and circumstances confronting the officer at the time the force is used.

## Circumstantial Considerations

(List is not all inclusive)

- Type of crime committed or attempted;
- relative size/stature of subject(s);
- exigent conditions: number of officers on scene, number of subjects involved, and availability of back-up;
- reaction time; relative strength; subject(s) access to weapons; subject(s) under the influence of alcohol or drugs; exceptional abilities/skills of suspect(s) (e.g., martial arts), injury to, or exhaustion of, the officer; weather or terrain conditions; immediacy of danger; distance from the subject; special knowledge (e.g., subject’s prior history of violence), etc.

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Last Resort: Situations may occur where immediate and drastic measures must be undertaken by an officer to protect human life. Force used in these life-threatening situations may involve the use of tactics, techniques, or weapons not specifically authorized by policy (e.g., neck restraint, striking with flash light, etc.).
RMS extracts this data from police reports.

• Reports required on all use of force incidents.

Categories captured:
• Handgun Use & Display
• Rifle Use & Display
• Taser Use & Display
• PCA Use & Display
• Non-Arrest Handcuffing
• Physical Controls
DATA

Handgun Use / Display

<table>
<thead>
<tr>
<th>Year</th>
<th>Handgun Use</th>
<th>Handgun Display</th>
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<tbody>
<tr>
<td>2017</td>
<td>5</td>
<td>26</td>
</tr>
<tr>
<td>2018</td>
<td>6</td>
<td>29</td>
</tr>
<tr>
<td>2019</td>
<td>14</td>
<td>22</td>
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## DATA

### Rifle Use / Display

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<tr>
<th></th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Rifle Use</td>
<td>4</td>
<td>1</td>
<td>3</td>
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<tr>
<td>Rifle Display</td>
<td>12</td>
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The graph above shows the trend of rifle use and display from 2017 to 2019.
DATA

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<th>2018</th>
<th>2019</th>
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<td>Taser Use</td>
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<tr>
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DATA

PCA Use / Display

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<th>Year</th>
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<th>PCA Display</th>
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<td>2019</td>
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DATA

Physical Controls

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<tr>
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<th>2018</th>
<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Physical Controls</td>
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<td>30</td>
<td>29</td>
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