

City of Ypsilanti Police Department



General Order: 12-1

Date Issued: 05-27-20

Effective Date: 05-27-20

Title: Use of Force / Force Continuum

Rescinds: 10-28-15

.01 Purpose:

To provide principles and guidelines for the level or force and force options available during non-lethal, as well as, deadly force situations.

.02 Policy:

Police officers are given the unique right to use force against others, even deadly force, for legitimate law enforcement purposes. The right to use force carries with it the heavy responsibility not to abuse it. An articulated continuum of force options, selectively applied, will enhance the Department's ability to manage the use of force and will benefit officers by providing guidance, resources and options. Officers of the City of Ypsilanti Police Department shall follow the principles of the Use of Force Continuum. The continuum describes escalation of force based on an escalation of resistance. The more resistance that the subject offers, the more force and force options may be exercised. When resistance stops the officer must de-escalate, but only after temporary control has been established, such as handcuffing. In all cases control is perception based on experience and training. Officers do not have to enter the force continuum at the lowest possible level. They may enter anywhere to maintain their safety or to control a subject, as long as they mentally consider the lower options. This judgment is also based on training and experience.

.03 Sanctity of Life:

The Ypsilanti Police Department recognizes and respects the integrity and value of human life, and that the decision to use deadly physical force is the most important decision that a member will make in the course of their career. The use of deadly physical force will emotionally, physically and psychologically impact the member involved, the subject the deadly physical force was directed at, and the family and friends of both and can impact the community as well.

.04 Situational Force Model:

The Use of Force Continuum uses a model which requires selection of the least violent means available relative to the situation. The officer relies upon reasoned discretion in terms of the use of force options. Which option officers use depends on many factors, but the option is generally dictated by the amount of resistance offered by the subject. This places the officer in the center of the situation. Depending on the situation, the officer is trained to select the appropriate force option. If the situation should worsen or improve then the officer is to re-evaluate the situation and select a more appropriate force option based on the officer's knowledge, skill and ability to justify the force used. It is understood that physical altercations are a fluid incident and that the level of resistance and force may escalate and de-escalate several times in rapid succession. Ultimately the essential task is to gain control of the subject using the minimum amount of force while maintaining officer safety.

.05 Use of Force Continuum:

A- Presence/Appearance:

This reflects the officer's demeanor, attitude and the legal right to be there.

B- Voice/Tactical Communication Skills:

This requires a show of authority by communication with verbal and non-verbal dialogue. The subject must be informed of what is required and given a chance to comply. Non-verbal communication includes assuming an empty handed defensive position, as well as, the display of a defensive weapon.

C- Soft Control/Empty Handed Techniques:

When a subject fails to respond to verbal commands or resists in a defensive manner, the officer seeks compliance by the use of physical means. This could include empty hand control, pressure point compliance techniques, blocking, restraining, controlling or escorting holds.

D- Control and Compliance Tools, Chemical Agents, Pain Compliance and Tasers:

These levels direct the use of more aggressive techniques, as well as, using defensive weapons against the subject's resistance. The subject has become an aggressor and has either attacked the officer or there is fear for the safety of the officer and/or others or lower level techniques have failed or are inappropriate.

E- Hard Control/Closed Hand and Kicking Techniques:

This could include strikes, kicks, stuns or take downs on highly aggressive subjects in which the previous techniques have either failed or are inappropriate.

F- Impact Weapons:

This level of force directs officers to use more aggressive techniques, as well as, other defensive weapons against the subject's resistance. In an urgent situation many things may be adapted as an impact weapon, however, the issued collapsible baton is the preferred instrument. The use of an impact weapon on any part of a subject's body above the shoulders shall be considered the use of deadly force.

G- Lethal Force:

The final level or situation requires the use of additional tactics or tools against armed subjects who possess knives, guns or other instruments; or any subject capable of inflicting serious bodily injury or death.

.06 Levels of Resistance Encountered:

A- Psychological Intimidation:

This includes non-verbal cues indicating a subject's attitude, appearance and physical readiness.

B- Verbal Non-Compliance:

This involves verbal responses indicating unwillingness or threats.

C- Passive Resistance:

This includes actions by a subject that hinders or prevents an officer's attempt to control, by refusing to follow verbal commands.

D- Defensive Resistance:

This includes physical actions that attempt to prevent an officer's control, but does not attempt to harm the officer.

E- Active Aggression:

This involves physical actions of assault against the officer, or others that are designed to prevent the officer from exercising control.

F- Aggravated Active Aggression:

This involves actions that are likely to result in serious physical injury or death.

.07 Escalation/De-Escalation:

The Use of Force Continuum is based on the “One Plus One” theory. This theory recognizes the fact that there may be times when an officer is unable to successfully control a situation using the same level of force as the suspect. In such an instance the officer is allowed to escalate his level of force one level higher on the force continuum than the resistance offered by the suspect. Although the continuum shows a general relationship between the offender’s level of resistance and the officer’s level of force, specific relationships may not be defined precisely due to the infinite variations of circumstances present at any given scene. These factors include, but are not limited to, skill level, physical abilities, size or strength disparity, environmental factors, reaction time, distance, availability of back-up, number of offenders, etc.

.08 Objective Reasonableness Standard:

The Ypsilanti Police Department recognizes that members may be required to use force up to and including lethal/deadly force. This may occur during resistance to an arrest or when their lives or the life of another is jeopardized by the actions of others. Therefore, state law and department policy provide for viewing officers action under the Objective Reasonableness Standard (Graham v Connor). The Officer’s actions will be viewed in light of whether or not a reasonable officer on the scene, faced with the same circumstances, would use the same physical force.

.09 Duty to Intervene:

Policing requires that at times an officer must exercise control of a violent, assaultive, or resisting individual to make an arrest, protect the subject from themselves, or to protect the officer, other officers, or members of the general public from risk of imminent harm. The Ypsilanti Police Department recognizes that the duties of a peace officer may require officers to use force control. The Department will support the lawful use of objectively reasonable, necessary and appropriate force control by officers in the direct performance of duty.

Use of force control that is not lawful, reasonable and appropriate will not be tolerated. Any officer who witnesses inappropriate, unnecessary, unreasonable or excessive use of force by another officer shall take immediate action to intervene and/or report it immediately to a command or supervisory officer. Failure to abide by this section shall result in swift and immediate disciplinary action up to and including termination.

.10 Medical Attention:

- A-** Upon securing a resistive or combative subject officers shall make medical treatment available to that subject when:
 - 1-** The subject requests medical treatment.
 - 2-** The subject complains of injury or continued pain.
 - 3-** Any officer observes or suspects injury to the subject.
 - 4-** The subject experiences symptoms not normally associated with the use of the aerosol defense spray, or aggravated symptoms persist beyond 30 minutes.
 - 5-** Directed by a supervisor.
- B-** An officer who observes or suspects injury to a subject, after any degree of police applied force was used on the subject:
 - 1-** Shall provide the appropriate first aid to the individual;
 - 2-** Shall continuously monitor the subject until relieved of the responsibility by proper authority;
 - 3-** Should transport (or arrange transport) the subject to a medical facility for treatment.
- C-** If an individual displays or complains of a severe reaction to an aerosol defense spray or displays other serious symptoms, resulting from officer applied force, the officer shall seek immediate medical attention for the subject.
- D-** Officers that provide aid to a subject shall document the nature of the treatment along with the nature of the injury or complaint of injury in the Incident Report.
- E-** Medical treatment shall be provided at an approved medical facility.
- F-** Prior to leaving the medical facility, the officer shall obtain written release forms from the medical staff.
- G-** Officers providing aid to a subject as the result of officer applied force shall immediately notify a supervisor of the incident and any obvious injury or any complaint of injury by the subject.
- H-** Transporting individuals in the prone position is prohibited. The subject should be transported in a seated position using the appropriate restraints.

I- Whenever possible photographs of the injury should accompany the documentation of the incident.

.11 Supervisory Responsibilities:

A- The on-duty command officer shall be responsible for reviewing all incidents where use of force is a component. This includes but is not limited to, on-scene investigation, review of body camera video, review of in-car video and interviews/debrief of the officer(s) involved.

B- The on-duty command officer will insure that all documentation of the incident is done in a timely manner including the additional use of force reporting, incident report, photography and any other documentation required.

.12 Use of Force Reporting:

A- Whenever any physical force is used in the course of an officer's duty, the circumstances shall be clearly explained in the narrative portion of the report. In addition, a separate Subject Resistance Form shall be prepared and submitted to the Chief's Office with a copy of the original report. This applies from weaponless subject control through the use of lethal force.

B- The accidental discharge of any firearm or conducted electrical weapons shall be reported via an Administrative Report to the Chief of Police.

C- An annual analysis shall be conducted by the Chief of Police or their designee and shall be compiled in to a report that examines possible personnel issues and/or needs for policy adjustments.

D- The Ypsilanti Police Department shall participate in the National Use of Force Data Collection being hosted by the Federal Bureau of Investigation. The Chief of Police or their designee shall make a monthly report through the on-line portal.

By Order of:

Anthony DeGiusti
Chief of Police

