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| MARQUETTE CITY POLICE DEPARTMENT | | |
| POLICY & PROCEDURE | | |
| SUBJECT: USE OF FORCE | | |
| ORDER 03-03A | | |
| Accreditation Standards: 3.3.1 | | |
| BY THE ORDER OF: R. Blake Rieboldt Chief of Police | EFFECTIVE DATE: 05/14/17 | # OF PAGES: 6 |

1.0 PURPOSE

To guide officers in the use of force to overcome the resistance offered; to effect a lawful arrest, and/or accomplish the lawful performance of duty while protecting the public; to provide for officer safety; and to provide for the treatment of any injury or complaint of injury arising from the use of force.

2.0 POLICY

It is the policy of the Marquette City Police Department that its officers will use only that amount of force, which is reasonable and necessary to overcome physical resistance or attack, up to and including the use of deadly force, to affect a lawful arrest and/or to accomplish the lawful performance of duty. Officers are authorized to use reasonable levels of force to protect themselves, other officers, or other persons while under attack, or threat of attack by persons or animals. In support of this policy the Department provides a wide array of training, techniques and implements with the intent of minimizing the intensity and duration of physical confrontations for its officers and citizens.

Except as defined within this directive, 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.

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. Marquette City Police Officers assigned to duty with special cooperative units or other law enforcement agencies are also governed by this directive.

3.0 DEFINITIONS

- A. **Control.** The methods an officer uses to stop the unlawful actions of a subject, or to protect the subject from injuring himself or others.
- B. **Deadly Force.** Any force used by an officer that may result in great bodily harm or the loss of human life.
- C. **Force.** The attempt to establish control through physical means, in the presence of resistance. All force is a means of control, however, control can at times be achieved without the use of physical force.
- D. **Last Resort.** Situations may occur where certain, immediate, and drastic measures must be undertaken by an officer to protect human life. Force used in these situations may involve the use of techniques or weapons not specifically authorized by policy (e.g., neck restraint, striking with flash light, etc.)
- E. **Less Lethal Force.** Any force used by an officer that will not reasonably be expected to, or have the likely potential to cause death.
- F. **Objectively Reasonable.** In determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer or others.
- G. **Reactionary Gap.** A safety zone between the officer and subject which affords the officer time to react to aggression.
- H. **Resistance.** The subject's failure to comply with an officer's attempt to establish control.

4.0 PROCEDURE

4.1 Authorization For the Use of Force

Officers are authorized to use department approved control techniques and authorized equipment for resolution of incidents, as follows:

- A. to stop potentially dangerous and/or unlawful behavior;
- B. to protect the officer or others from injury or death;
- C. to protect subjects from injuring themselves;

- D. in the process of effecting a lawful arrest when a subject offers resistance;
- E. to prevent escape from custody.

4.2 Use of Force Considerations

- A. Officers will consider the use of force from two (2) perspectives; resistance and control.
- B. Officers should assess the incident to determine the level of control that is objectively reasonable for the resistance encountered. Officers should attempt to gain control by means of verbal directives or commands.
- C. If verbal directives or commands are ineffective, or not feasible given the circumstances of the situation, the officer may find it necessary to escalate to control methods that involve the use of physical force. If force is necessary, the officer must decide which technique(s) or authorized equipment will bring the incident under control.

4.3 Escalation and De-Escalation in the Application of Force

- A. Officers may use the level of force that is reasonably necessary to accomplish a lawful objective, based on the level of resistance encountered. As the resistance is overcome, the officer must de-escalate in a safe and appropriate manner.
- B. Without compromising officer safety or department priorities, officers should consider de-escalation tactics in their response to try to slow down or stabilize an incident, reducing the likelihood of the need for force and increasing the potential for gaining voluntary compliance.
- C. Escalation of force may be justified when an officer reasonably believes that the level of force being used is insufficient or unsafe to stop or control the resistance.
- D. The officer should consider the following variables when making a decision to escalate or de-escalate the level of force used:
 - 1. Officer/Subject: size, physical abilities;
 - 2. Environmental Conditions: such as close or confined areas;
 - 3. Nature of contact;

4. Additional Factors: level of threat, number of officers present, number of subjects involved, availability of back-up;
5. Reaction Time: the officer must consider that action is faster than reaction;
6. Reactionary Gap: safety zone between officer and subject;
7. Overcoming Resistance: probability of the officer safely overcoming the resistance encountered;
8. De-escalation Tactics: when safe and appropriate, to attempt to slow down or stabilize a situation to gain time and/or additional resources.

4.4 Deadly Force Procedures

- A. The use of Deadly Force is limited to the following situations:
 1. to protect the officer or another from what is reasonably believed to be an imminent threat of death or serious physical injury;
 2. to prevent the escape of a subject who is fleeing from an inherently violent felony crime, and the officer has probable cause to believe that the subject poses a threat of death or serious physical injury to the officer or others.
- B. Where feasible, officers shall identify themselves and provide a warning before Deadly Force is applied.
- C. Firearms may not be used in the following situations, except as a “Last Resort”
 1. to shoot at or from a moving vehicle;
 2. subject fails to stop for a blockade/roadblock;
 3. fails to obey a command to stop their vehicle.
- D. Use of firearms for warning shots is prohibited.

4.5 Motor Vehicles as Force

- A. Intentional collisions, partial or complete roadblocks, “boxing in”, rolling roadblocks, or other similar methods, techniques, or actions may constitute the use of force.
- B. The use of any such methods, techniques or actions must be justifiable and in accordance with departmental guidelines.

4.6 Medical Considerations

- A. Officers using force shall make medical treatment available 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 does not substantially recover from the effects of a Less Lethal Weapon, within a reasonable and expected period of time as determined during training;
 - 5. Directed by a supervisor or acting supervisor.
- B. When physical force is used;
 - 1. An officer should be designated to monitor the subject.
 - 2. The designated officer shall monitor the subject.
 - 3. Subjects exhibiting signs of unusual distress shall be transported to a medical facility for treatment.
- C. All medical treatment shall be documented, along with the nature of the injury or complaint of injury, in the incident report and the Use of Force report form. In addition to the written description, documentation may include photograph, video or sketch.
- D. Medical treatment will be provided by Upper Peninsula Health System in Marquette.
- E. Prior to removing the subject from the medical provider, officers shall receive written authorization from the attending medical authority (ie. OK to Lodge Form).
- F. Officers shall notify the on duty supervisor of the incident.

4.7 Review of Use of Force

The Chief or designee will review every incident in which an officer uses force according to the department's Post Force Reporting Policy.

4.8 Duty to Intervene; Duty to Report Excessive Force

- A. Every law enforcement officer is expected and required to intervene or take all appropriate action necessary in any situation where the law enforcement officer is clearly convinced that another officer is using force in violation of the law or department policy.

- B. Law enforcement officers have a duty to report all instances in which they believe the force used by other officers is excessive, given the circumstances.
- C. On or off duty, any time an agency employee witnesses what they reasonably believe to be an excessive or inappropriate use of force, the employee will immediately report such incident to their immediate supervisor, or another supervisor or command officer of the Marquette City Police Department.
- D. All reported instances of alleged excessive force will be completely and thoroughly investigated.

4.9 Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

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