



SUBJECT: Subject Control/Use of Force and Intermediate Weapons

TO: Members of the Department

This Order establishes policy and procedure for subject control training for designated enforcement members. The Order also establishes guidelines for the appropriate use of force based on the Michigan Commission on Law Enforcement Standards (MCOLES) Subject Control Continuum, as well as policies for the use of department-issued intermediate weapons including electro-muscular disruption devices (TASERs).

The department recognizes that there is no one defensive tactics program that will apply to every subject control situation. It is therefore necessary to explore many techniques to develop a program that most effectively deals with the agency's needs. The department's program consists of, but is not limited to, handcuffing, weapon retention, ground fighting techniques, strikes and blocks, control holds, pressure points, one-person and two-person takedowns, impact weapons, personal chemical repellent, TASERs, and the use of deadly force.

1. OBJECTIVELY REASONABLE USE OF FORCE

- A. The United States Supreme Court has held that an officer's use of force will be judged in light of an "objectively reasonable" standard. Reasonableness will be determined by balancing the nature and quality of the intrusions with the countervailing governmental interests. The standard takes into consideration the severity of the crime, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- B. The reasonableness of the officer's use of force will be judged on the scene and at the moment the force was used rather than from 20/20 hindsight, and will take into consideration the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. *Graham v Connor*, 109 S.Ct. 1865 (1989).

2. SUBJECT CONTROL CONTINUUM

The Michigan Department of State Police has adopted the MCOLES Subject Control Continuum as its model continuum. This continuum should be referred to during training, report writing, and court preparation. Refer to Enclosure (1) of this Order to view the continuum.

3. USE OF FORCE

- A. Enforcement members are authorized to use department-approved control techniques and intermediate weapons to:

- (1) Protect the enforcement member or others from injury or death.

- (2) Stop potentially dangerous and unlawful behavior.
- (3) Protect subjects from injuring themselves.
- (4) Make a lawful arrest.

- B. Enforcement members are justified in using only that force which is necessary to overcome a subject's resistance, to effect an arrest, or maintain proper custody of a prisoner.

Use of any technique or device in a manner that is punitive or outside the scope of a member's authority is forbidden.

- C. When a resisting subject de-escalates his/her resistance, the enforcement member shall also de-escalate the amount of force used proportionately.

4. CARRYING INTERMEDIATE WEAPONS

- A. Only department-issued intermediate weapons shall be carried on duty. For purposes of this Order, these weapons are:

- (1) Expandable Baton
- (2) Personal-Issue Chemical Repellent
- (3) Electro-Muscular Disruption Device (TASER)

- B. Expandable Baton

- (1) Uniformed enforcement members who have received training in the use of an expandable baton shall carry the baton on the uniform duty belt in the department-issued baton holder. It shall not be carried in the utility pocket of the uniform pants.
- (2) Non-uniformed enforcement members who have received training in the use of an expandable baton are encouraged to carry this item whenever practical.
- (3) All enforcement members that carry the expandable baton shall receive annual refresher training in its use.
- (4) Horseplay with the expandable baton is prohibited.

- C. Chemical Repellent

- (1) Personal chemical repellent authorized by the Defensive Tactics Training Unit shall only be issued to those enforcement members who have received training in the use of chemical agents.
- (2) All uniformed enforcement members who have received training in the use of chemical repellent shall carry this item on the uniform duty belt in the department-issued case.
- (3) All non-uniformed enforcement members who have received training in the use of chemical repellent and have been issued canisters are encouraged to carry this item whenever practical.
- (4) Enforcement members shall report all incidents involving the use of chemical repellent to their supervisors as soon as possible. The use of chemical repellent shall also be documented in an incident report.

- (5) Horseplay with chemical repellent is prohibited.

D. Electro-Muscular Disruption Device (TASER)

- (1) Per [MCL 750.224a](#), enforcement members are authorized to use an electro-muscular disruption device (i.e., TASER Model X-26, or similar device authorized for use by the department) if trained in the proper use of the device by a certified instructor.

Possession and use of an electro-muscular disruption device by persons not authorized by statute, such as non-enforcement members and members who are not trained in its use, effects, and risks, is a felony punishable by imprisonment for not more than four years or a fine of not more than \$2,000, or both.

- (2) Horseplay with the TASER is prohibited.
- (3) All uniformed enforcement members who have received training in the use of the TASER shall carry the device as prescribed if one is available.
- (4) When the TASER is carried on patrol, it shall be carried in a department-issued holster worn on the support (non-gun) side of the uniform belt.
- (5) Enforcement members not assigned to uniform patrol may carry the weapon if they choose, but shall do so in a department-issued holster worn either on the non-gun side of the body or on a tactical vest.
- (6) When not in use, the TASER shall be stored with the cartridge attached ideally inside the department issued holster.

E. Other Weapons

- (1) Knives
 - a. Enforcement members may carry a personally-owned, single-edged folding knife with a blade no greater than four inches long.
 - b. When carrying a knife, it shall be concealed.
 - c. Carrying a knife in a sheath on the department uniform is prohibited.
- (2) This Order does not prohibit members from using either appropriate personal or department-issued target weapons when engaged in target shooting.
- (3) A "sap" or police "billy," sap gloves and "Karate" or "Nunchaku" sticks are not authorized and shall not be carried.

5. USE OF INTERMEDIATE WEAPONS

- A. Department-issued intermediate weapons may be used in situations where the subject's actions constitute Active Resistance (i.e., pulling/pushing away, blocking) or Active Aggression, (i.e., advancing, challenging, punching, kicking, grabbing, wrestling), or when the enforcement member believes that lower forms of empty hand control will be inadequate or unsafe.
- B. Electro-Muscular Disruption Device (TASER) Considerations

(1) The following list of factors, while not all-inclusive, shall be considered by enforcement members when deciding to use the TASER:

- a. The seriousness of the offense.
- b. The suspect's apparent age, gender, body type, physical infirmities.
- c. Other, less-intrusive force options available.
- d. The totality of the circumstances:
 - i. The number of law enforcement officers on the scene.
 - ii. The subject's assumed state of intoxication.
 - iii. Perception of other threats.
 - iv. The physical environment (i.e., presence of flammable materials, elevated platforms, bodies of water).

(2) Use of TASER in response to active resistance

When deciding whether to TASER an actively resistant suspect, enforcement members shall take into consideration the following:

- a. Other, less-intrusive force options available.
- b. The need to immediately gain control of the suspect.
- c. A suspect walking away from an enforcement member absent any other threatening factors shall not serve as justification for TASER use.
- d. Perceived threats (i.e., presence of other suspects, heavy traffic).
- e. Whether the enforcement member reasonably believes that active aggression is imminent (i.e., assumes a fighting stance, clenches fists, verbally threatens to physically assault).

(3) The enforcement member shall TASER the subject with the least number of five-second cycles necessary in order to gain compliance.

(4) The use of TASER devices on the following types of individuals shall be avoided unless other forms of subject control have failed or cannot be attempted:

- a. Females who are known, or reasonably believed, to be pregnant.
- b. Children
- c. Elderly
- d. Persons who are obviously ill or crippled

(5) The TASER shall not be used in a punitive manner (i.e., at the conclusion of a chase once the suspect has surrendered and is offering no further resistance).

- (6) The TASER shall not be used in a coercive manner (i.e., to illicit a confession during an interrogation).
- (7) The TASER shall not be used on a handcuffed or secured individual unless that individual is using active aggression that cannot reasonably be dealt with using any other less intrusive methods.
- (8) The TASER shall not be used in any environment where an enforcement member knows that a potentially flammable or explosive material is present.
- (9) The TASER shall not be used in an environment where the subject's fall could reasonably result in death or great bodily harm.
- (10) The TASER shall not be used on animals to stop or prevent an attack. Members shall use either department-issued chemical repellent or their firearm when justified.

This section shall not prohibit TASER use on animals during Emergency Support Team or Raid Entry Team operations.

- (11) The TASER shall not be used in situations when subjects display passive resistance (i.e., subject merely fails to comply with verbal commands).
- (12) No more than one TASER shall intentionally be used on a subject at one time.

C. Flashlights

It is recognized that in some rapidly developing situations, the use of a flashlight as an impact weapon may be necessary.

6. WEAPONS OF NECESSITY ("LAST RESORT" WEAPONS)

Situations may occur where certain immediate and drastic measures must be taken by an enforcement member in order to protect human life. Force used in these situations may involve the use of techniques or weapons not covered in this policy or even listed on the Subject Control Continuum. These situations will also be judged by the "objectively reasonable" use of force standard.

7. POST-INCIDENT MEDICAL CARE

A. Enforcement members using force on a subject shall make medical treatment available to that subject as soon as possible whenever:

- (1) The subject requests medical treatment.
- (2) The subject complains of injury or continued pain.
- (3) Any enforcement member observes or suspects injury to a subject.
- (4) The subject does not substantially recover from the effects of a chemical repellent or TASER within a reasonable and expected period of time.
- (5) The subject displays any behavior that would indicate to a reasonable person that the subject may be ill or injured.

B. Removal of TASER Probes

- (1) Enforcement members may remove TASER probes as instructed in their training unless the probes are imbedded in bone, the groin area, or the breast(s) of a woman. In these cases, the probes shall be removed by a medical professional.
- (2) Enforcement members should use caution when removing probes, as they are a biological sharp hazard.
 - a. Protective gloves shall be worn during the process of removing probes from a subject.
 - b. Probes shall be disposed of in the same manner as any other biological sharp hazard.
- (3) When an enforcement member removes the probes, the area shall be wiped with an alcohol wipe from the first aid kit and an adhesive bandage shall be applied.
- (4) Any injury claimed or believed to be caused by the application of the TASER shall be documented in the incident report as well as the Department Use of Force Blue Team Incident Report.

8. DOCUMENTING AND REPORTING USE OF FORCE

- A. All uses of force by an enforcement member shall be immediately reported to their shift supervisor.
- B. All uses of force shall be documented in the original incident report as well as the Department Use of Force Blue Team Incident Report.
 - (1) Enforcement members shall refer to the MCOLES Subject Control Continuum for proper terminology and consistency while documenting their use of force in their original incident report.
 - (2) The nature of the incident and all events leading up to the use of force shall be documented. (Refer to the "Circumstantial Considerations" listed on the MCOLES Subject Control Continuum).
 - (3) Any post-incident after-care received by the suspect or the enforcement member shall be documented in the original incident report. This information shall minimally consist of:
 - a. The healthcare facility the subject was taken to.
 - b. The severity and type of injury.
 - c. The name and position of the caregiver.
- C. Blue Team Incident Report
 - (1) All incidents in which a subject offers "Active Resistance" or higher against an enforcement member (as defined by the MCOLES Subject Control Continuum) shall be documented by completing a Department Use of Force Blue Team Incident Report.
 - (2) All incidents in which an enforcement member uses "Compliance Control," "Physical Control," "Intermediate Control," or "Deadly Force" (as defined by the MCOLES Subject Control Continuum) shall be documented by completing a Department Use of Force Blue Team Incident Report.

- (3) All incidents in which use of force by an enforcement member causes injury to another individual shall be documented by completing a Department Use of Force Blue Team Incident Report.

D. TASER Use Reporting

See Enclosure (2) of this Order for policies and procedures on documenting and reporting TASER Use.

9. RESPONSIBILITY FOR THE DEFENSIVE TACTICS TRAINING PROGRAM

A. Training Division

- (1) It is the responsibility of the Training Division to research, develop, and implement the Defensive Tactics program.
- (2) The Training Division's Defensive Tactics Coordinator shall oversee this responsibility and be a resource to the district training coordinators.
- (3) TASER Training Records

The Training Division shall maintain a record of all enforcement members that have received TASER training and are permitted to use the device. This record shall include the following information:

- a. Enforcement member's name
- b. Enforcement member's work site
- c. The date of the training
- d. The location of the training
- e. The instructor(s) conducting the training

B. District/Division Commander

- (1) The district/division commander, or his or her designee, shall ensure that all designated enforcement members receive the training offered within their district.
- (2) The district/division commander shall ensure that their work site commanders contact the jails within their district to determine each one's policy on accepting TASERed arrestees and convey that information to their work site instructors.

C. Work Site Commander

- (1) The work site commander shall ensure that all designated enforcement members under his or her command have received the annual training.
- (2) The work site commander shall advise the district/division commander, or his or her designee, when all designated enforcement members have received the annual training.
- (3) The work site commander shall be responsible for keeping the training records of all trained personnel at the work site, including the results of their written and practical tests, as well as their completed Annual Training Recertification Record, UD-034, form.

The UD-34 shall be retained for the current year plus one.

- D. Enforcement members who are either unable or unavailable to participate in the Defensive Tactics training requirement due to one of the following reasons shall be granted an exemption:
 - (1) Family Medical Leave Act (FMLA)
 - (2) Military Leave
 - (3) Non-Duty Medical Leave
 - (4) Workers Compensation
 - (5) Limited Duty
 - (6) Administrative Leave
- E. Defensive Tactics instructors shall record the enforcement member's exemption as well as the reason on the Annual Training Recertification Record, UD-034 .
- F. Work unit commanders shall schedule enforcement members who have missed Defensive Tactics training because of an exemption for retraining on the day the member returns to work.
- G. A record of Defensive Tactics retraining after termination of the exemption status shall be recorded on the enforcement member's Annual Training Recertification Record, UD-034.
- H. Instructor Trainer
 - (1) A cadre of Instructor Trainers shall be maintained for the purpose of assisting the Defensive Tactics coordinator with the annual update of all department defensive tactics instructors.
 - (2) They shall provide leadership, direction, and guidance to the work site instructors.
- I. Work Site Instructor
 - (1) Work site instructors shall be responsible for the annual training of his or her work site and/or district/division personnel.
 - (2) Work site instructors shall also be responsible to the work site commander for record keeping of all defensive tactics training delivered.
 - (3) With the approval of the work site commander, the work site instructor may provide use of force training to local agencies. This interaction between agencies is encouraged as long as it does not interfere with the daily operations of the work site. The work site instructor shall document who was in attendance, the date, and the techniques taught. These records shall be maintained indefinitely.
 - (4) Work site instructors shall check the expiration date of the chemical repellent carried by each enforcement member at their work site, and shall note the date on each one's Officer Mobilization Equipment Checklist, UD-120.
 - (5) Work site instructors shall also perform a one-second "burst spray test" at this time and remind each enforcement member to perform the same test monthly.

10. CERTIFICATION PERIOD

A. Instructor Trainer

- (1) Training Division shall administer updated training on an annual basis for all instructor trainers.
- (2) An instructor trainer who fails to attend the annual update training may not instruct for that calendar year and will not be considered current.

B. Work Site Instructor

- (1) All work site instructors shall attend the annual instructor updates unless excused by the district/division commander or his or her designee.
- (2) A current instructor trainer may only conduct re-certification of a work site instructor.
- (3) In the case of an instructor not attending an annual update, he or she will be considered inactive and shall not instruct in that calendar year.
- (4) Work site instructors who have not participated in an update in two consecutive years shall no longer be authorized to serve as an instructor.
- (5) An instructor may be removed from the Defensive Tactics program with the written approval of the district/division commander.

11. MANDATORY TRAINING ATTENDANCE POLICY

A. All Field Services Bureau and Motor Carrier Officers holding the rank of First Lieutenant and below shall participate in the annual Defensive Tactics training.

- (1) Participation by Inspectors and Captains is optional but encouraged.
- (2) Exceptions to this policy may only be approved by the Field Services Bureau Commander.

B. Personnel assigned to other bureaus are not required by this Order to attend annual training, although they are encouraged to do so with the permission of their work site commander.

12. DEFENSIVE TACTICS TRAINING SCHEDULE

A. February, March, and April are the primary training months for the annual Defensive Tactics program. This schedule shall be adhered to unless altered by headquarters authority.

B. Work site instructors shall schedule makeup programs as the need arises. Make-up programs shall be conducted as soon as possible after the primary training months to maintain program consistency.

13. TRAINING SESSIONS

A sufficient amount of time shall be dedicated to the annual training objectives. The Training Division will make an annual recommendation regarding the amount of time needed to fulfill these objectives based on that year's curriculum.

14. REVISION RESPONSIBILITY

Responsibility for continuous review and revision of this Order lies with the State Services Bureau, Training Division, in cooperation with the Office of the Director.

DIRECTOR



Enclosure (1) – MCOLES Michigan Law Enforcement Officer-Subject Control Continuum
Enclosure (2) – Documenting and Reporting TASER Use