### Purpose:
The purpose of this policy is to provide sworn members of the Saginaw Police Department with guidelines for the use and level of force that is reasonable and necessary to overcome resistance. Every member is expected to use these guidelines to make decisions in a professional, impartial and reasonable manner.

### Policy:
It is the policy of the Saginaw Police Department to value and preserve human life without prejudice to anyone. Officers shall use only the level of force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the officer and others. The use and/or level of force is not left to the unfettered discretion of the involved officer. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Members of the Saginaw Police Department, while recognizing the great value of human life, must understand that arbitrary rules cannot be established which embrace all possible situations. While discretion must be allowed, it must be coupled with the fact that the application of lethal force is irrevocable in nature and constraints must be put on its use. Therefore, lethal force may only be used as outlined herein.

### Definitions:

**Physical Force** is the application of physical techniques or tactics, chemical agents, electronic control devices, or lethal or non-lethal weapons, to another person to overcome resistance or achieve compliance.

**Reasonable force** is that force, and no more, which a reasonable officer, in like circumstances, would judge to be necessary to prevent an injury or death, and it can include lethal force if it is reasonable to believe that such force is necessary to avoid risk to one’s life, or safety, or the life or safety of another.

**Lethal Force** is that force reasonably anticipated to create a substantial likelihood of causing death or serious bodily injury or harm.

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**SAGINAW POLICE DEPARTMENT**  
**POLICY AND PROCEDURE ORDER**  

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**ISSUED BY**  
Robert M. Ruth, Chief of Police
Less-Lethal Force is that force which is unlikely, when properly used, to result in serious physical injury or death. It is any force other than that which is considered deadly force, and it includes any physical effort to control or restrain another or to overcome the resistance of another. Less-lethal force shall also include the use of the following: pepper spray (OC), electronic control device, impact weapons (improvised or otherwise), canines, specialty impact munitions (beanbag rounds, baton rounds), and tire deflation devices.

Serious Bodily Injury or Harm is bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

Imminent Danger is an immediate, real threat to one’s safety that justifies the use of force in self-defense, or the danger resulting from an immediate threatened injury sufficient to cause a reasonable and prudent person to defend him or herself.

Objectively Reasonable is the determination that the necessity for using force and the level of force 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 including, but not limited to, the seriousness of the crime, the level of the threat or resistance presented by the subject, and the danger to the community.

De-Escalation is taking action or communicating verbally or non-verbally during a potential use of force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the level of force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Reasonable Belief is the facts or circumstances an officer knows, or should know, that are such as to cause an ordinary and prudent person/officer to act or think in a similar way under similar circumstances.

Procedure:

A. De-escalation

1. An officer shall use de-escalation techniques whenever possible, and appropriate, before resorting to force and in order to reduce the level of force needed.

2. Whenever possible and when such delay will not compromise the safety of the officer or another, or result in the destruction of evidence, escape of a suspect, or the commission of a crime, an officer shall allow an individual time and
opportunity to submit to verbal commands before force is used. Repetition of commands will be utilized where possible under the circumstances.

3. Not less than annually, officers will be trained and required to demonstrate proficiency in de-escalation techniques and methodology.


1. Less lethal force should be used to defend against an attack or to affect an arrest.

2. Lethal force can only be used when the officer has a reasonable belief that the subject poses an imminent danger of death or serious injury to the officer or others, and the use of lethal force does not create a danger to the public that outweighs the likely benefits of its use. Lethal force may also be used to prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others if allowed to escape. Under such circumstances, the use of lethal force is only justified when a person cannot be captured any other way and either the person has used or threatened to use lethal force in committing a felony or the officer reasonably believes the person would use lethal force against any person unless immediately apprehended. Use of lethal force is only warranted when all other use of force options have been exhausted or the officer(s) reasonably believes no other use of force options exist under the present circumstances.

a. Where practicable prior to the discharge of a firearm, and where doing so would not increase the imminent danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of lethal force. This shall include officers identifying themselves as law enforcement officers and stating their intent to shoot.

b. Weapons may not be fired at the driver or other occupant of a moving vehicle except when the officer(s) has probable cause to believe that the subject poses an imminent danger of death or serious injury to the officer or others, and the use of lethal force does not create a danger to the public that outweighs the likely benefits of its use. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer’s use of lethal force. Officers will not voluntarily place themselves in a position in front of or behind a moving vehicle to create an imminent threat of death or physical injury in order to justify the use of lethal force. Where practical, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. The authorization to use lethal force immediately ceases when the vehicle is no longer a threat.

c. Officers are not authorized to discharge their firearms under the following circumstances:

1. Warning shots are strictly prohibited.
2. From a moving vehicle, unless an officer has reason to believe that they or another is in imminent danger of death or serious injury and the use of
lethal force does not create a danger to the public that outweighs the likely benefits of its use.

3. Where lethal force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.

4. Officers are authorized to use department-approved, less-lethal force techniques and issued equipment when one or more of the following apply:
   a. To protect the officer or others from physical harm.
   b. To restrain or subdue a resistant individual.
   c. To bring an unlawful situation safely and effectively under control.

C. Use-of-Force Training

1. No less than annually, officers will be trained and required to demonstrate proficiency on all lethal and non-lethal weapons and techniques. Only sworn personnel receiving this training will be authorized to carry or deploy these weapon systems.

2. Use of Force Tactics, Techniques and Weapons.
   a. Officers shall utilize those tactics, techniques and weapons that are approved for use by the Department. Officers shall be proficient and, where applicable, possess proper Department approved training/certifications for any use of force technique or weapon before it is employed in the line of duty. The exception to this requirement would be the use of improvised tactics and/or weapons of necessity in emergency situations to defend self or others.
   b. Officers shall not utilize the following weapons or tactics in the performance of their duties without first successfully completing a department-approved training program administered by a certified training instructor: handgun, shotgun, rifle, baton, other striking instruments, pepper spray, electronic control device, or specialized weapons (including precision rifles, beanbag rounds, specialty impact munitions, distraction devices, chemical munitions or canines). Any officer failing to demonstrate proficiency with any weapon or tactic by the end of the qualification period shall not be returned to duty until such time as proficiency is demonstrated and documented. A certified instructor will be responsible to tailor a remedial training lesson(s) using approved training methods to properly address the deficiency identified.
   c. In addition, training shall be provided on a regular and periodic basis and designed to:
      1. Provide techniques for the use of and reinforce the importance of de-escalation.
      2. Simulate actual shooting situations and conditions; and
      3. Enhance officers’ discretion and judgment in using less-lethal and lethal force in accordance with this policy.
D. Use of Force Parameters

1. Parameters for use of lethal force:
   a. Police officers are authorized to use lethal force only in order to protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm.
   b. A police officer may also discharge a weapon under the following circumstances.
      1. During range practice or qualifications;
      2. To destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured. Prior to destroying an animal, officers shall check with Central Dispatch to verify whether an animal rescue agent/organization will be responding. If not, officers shall obtain permission from a supervisor prior to destroying any animal.
   c. Restrictions
      1. Except for maintenance or during training, police officers shall not draw or exhibit their firearms unless circumstances create reasonable cause to believe that it may be necessary to use the weapon as allowed within this policy.
      2. Firearms shall not be discharged when it appears likely that an innocent person may be injured.
      3. Officers shall not use lethal force to protect property interests alone, regardless of value.
      4. Officers shall not use lethal force to affect an arrest for a misdemeanor or civil infraction.
      5. Police officers shall not fire into buildings or other places where offenders are suspected of being. The only exception to this will be in those instances where there is no doubt of the location of the offender, and it is certain that no other persons are in the line of fire, \textbf{AND} when the use of lethal force is otherwise warranted under this policy.
      6. Officers shall not fire toward, into, or at a crowd or gathering unless there is an imminent threat of death or serious bodily harm to the officer or others.

2. Parameters for use of less lethal force:
   a. \textbf{Choking or sleeper-type holds, including carotid compression techniques, are not permitted}, unless lethal force is permitted under the circumstances at that time, as outlined in this policy.
   b. Where lethal force is not authorized, but less lethal force is warranted, officers will evaluate the incident in order to determine which less lethal force technique or issued equipment should be utilized to respond to and control the situation without compromising the safety of themselves, a fellow officer, or an innocent citizen.
      1. Officers applying body weight to a resisting individual will immediately cease such pressure, once the individual is restrained and able to be
handcuffed. Only that amount of pressure necessary to match the level of resistance offered shall be utilized.

2. A handcuffed individual, who is no longer a risk of imminent threat to the officer(s) or the public, shall immediately be turned onto his/her side, or allowed to sit, or stand. Individuals shall not be left in the prone position unless reasonably necessary under the circumstances faced by the officer(s) at that time.

c. Such methods or tactics as “arm bars” and various subduing and “come-along” holds approved by the department, may be used to subdue persons during the use of less lethal force.

Any use of force will immediately cease once the resistance ceases or the circumstances otherwise no longer warrant it.

3. Levels of Force, Types of Resistance, and Justifiable Force
   a. A use of force continuum describes an escalating series of actions an officer may take to resolve a situation. A use of force continuum generally has many levels, for example:
      1. Physical Presence
      2. Verbal (Oral) Persuasion
      3. Physical Control
      4. Less Lethal Force (such as electronic control devices, chemical agents/O.C. Spray, impact weapons, or canines)
      5. Lethal Force
   b. Types of Resistance and Justifiable Force (Generally):
      1. Passive Resistance
         a. Definition: Non-threatening or lifeless weight; or refusal to obey verbal commands.
      2. Verbal Resistance
         a. Definition: Non-threatening or agitated vocalizations that are resistant to presence or verbal commands.
      3. Defensive (Passive) Resistance
         a. Definition: Aggressor refuses to obey verbal commands, is verbally abusive or threatening, or takes no physical offensive action; but resists by pulling, twisting, holding on to something, or fleeing on foot.
         b. Justifiable Force: (Police presence, oral persuasion, physical controls, or the use of less lethal force to overcome resistance if other methods fail or are inappropriate based on circumstances.
      4. Aggressive Physical Resistance
         a. Definition: Active physical attack-no weapon involved; the aggressor engages in or attempts to engage in hitting, kicking, biting, or uses his/her body in an offensive physical manner.
b. **Justifiable Force:** (Police presence, oral persuasion, physical control, or less lethal force). Lethal force may be justified only if an officer or a third person is in imminent danger of death or serious bodily injury.

5. **Lethal Resistance**
   a. **Definition:** Aggressor uses or attempts to use any weapon or force that could produce death or serious bodily injury.
   b. **Justifiable Force:** Any level of force as described above including the use of lethal force if the officer has a reasonable belief that the officer or a third person is in imminent danger of death or serious bodily injury.

4. **Factors Used to Determine the Reasonableness of Force:**
   a. When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:
      1. The immediacy and severity of the threat to officers or others.
      2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
      3. Officer/subject factors, such as size, age, relative strength, skill level, injuries sustained level of exhaustion or fatigue, the number of officers present, the number of subjects who pose a threat, etc.
      4. The effects of drugs or alcohol on the suspect.
      5. The individual’s mental health, state or capacity.
      6. Proximity of weapons or dangerous improvised devices.
      7. The degree to which the individual has already been effectively restrained and his/her continued ability to resist despite being restrained.
      8. The availability of other, lesser options and their possible effectiveness.
      9. The seriousness of the suspected offense or reason for contact with the individual.
      10. Potential for injury to officers, suspects and others.
      11. Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
      12. The risk and reasonably foreseeable consequences of escape.
      13. The apparent need for immediate control of the individual or a prompt resolution of the situation.
      14. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
      15. Prior contacts with the individual or awareness of any propensity for violence.
      16. Environmental conditions such as, but not limited to, close or confined areas.
      17. Any other exigent circumstances.
   b. The circumstances and conditions stated above cannot practically illustrate the actions involved in every eventuality concerning the use of force by a police officer. Instead this policy is intended to illustrate the typical action expected
or authorized under the conditions reasonably believed by the involved officer(s) to exist at the time. Some deviation may be necessary, but must be justified in keeping with the requirement that any level of force used must be appropriate to the level of resistance with which it is met. Officers should use only that force, which is necessary to effect arrest, or control the situation. Any use of force will cease once the aggressor(s) is effectively restrained. Finally, any level of force used shall be in proportion to the resistance incurred.

5. Duty to Intercede
   a. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances must, when in a position to do so, intercede to prevent the use of unreasonable force. Additionally, an officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. Failure to intervene and/or report unreasonable or unnecessary force will subject a member to disciplinary, criminal, or civil action.

E. Reporting and Reviewing Use of Force / Response to Resistance Incidents

1. Reportable Force is an incident wherein officer(s) pursuant to their official capacity, on-duty or off-duty, use any of the following force options or restraints, or otherwise take any action that results in, or is alleged to have resulted in, injury or death of another:
   a. Physical force (e.g., pushing, striking, restraining, etc.)
   b. Pepper spray
   c. Electronic control device
   d. Impact weapons
   e. Lethal force
   f. Application of handcuffs, flex cuffs, or leg restraints on any individual who does not willingly submit to same
   g. Discharge of firearm (other than for training purposes, which are not required to be reported unless an injury occurs)

2. Officer Responsibilities. Officers using reportable force shall:
   a. Render first aid to the suspect as circumstances dictate.
   b. Request emergency medical services (MMR) if signs of trauma or complications are observed or suspected or the suspect is reporting an injury/requesting medical services.
   c. Prepare an incident report (including use of force report(s)) describing the circumstances which led to the use of force, describing the level of force utilized, and any subsequent actions taken by the involved officer(s).
   d. Notify a supervisor as soon as possible.
3. Supervisor Responsibilities. Supervisors shall complete the following:
   a. In the event of the serious injury or death of a person in SPD custody, supervisors/officers will ensure that administrative notifications are made to the Watch Commander, Administrative Lieutenant and Chief of Police as soon as possible following the event.
   b. All response to resistance reports involving the use of physical force, less-lethal force, or lethal force shall be forwarded to the Chief of Police for review through the chain of command.

F. Investigation of Incidents involving the Use of Force/Response to Resistance:

1. The Saginaw Police Department will conduct an internal administrative review into the circumstances surrounding the use of force/response to resistance by a department member in any incident involving the following situations:
   a. Any on-duty discharge of any firearm except during approved training, pistol match or for another pre-authorized event.
   b. Any discharge of a department-issued firearm while off-duty.
   c. Any other on-duty or off-duty use of force which results in, or is alleged to have resulted in, injury or death of another.
   d. Any application of force through use of lethal or less lethal weapons.
   e. Any application of weaponless physical force to include pushing, striking, restraining, etc.

2. Once the officer involved in a response to resistance/use of force incident has completed a Response to Resistance form, the form shall be submitted to their direct supervisor in the chain of command, (in most cases this will be a sergeant). The incident will then be reviewed by the receiving supervisor (including body camera and in-car video) for policy compliance. The receiving supervisor shall complete the supervisor’s Response to Resistance report. If the reviewing supervisor determines the level and use of force is compliant with department policy, the supervisor will sign the form indicating so, and forward it up the chain of command for further administrative review. The reviewing supervisor shall also document any level and use of force that is not compliant with department policy. The supervisor will sign the form detailing the violation(s) and forward it up the chain of command to the watch commander. The watch commander will then review all reports, Response to Resistance forms, including body and/or in-car video. If the watch commander determines the level and use of force is compliant with department policy, the watch commander will sign the form indicating so, and forward it (including all reports and a copy of all body camera and/or in-car camera footage) to the chief for further review. The watch commander shall also document any level and use of force that is not compliant with department policy. The watch commander will sign the form detailing the violation(s) and forward it (including all reports and a copy of all body camera and/or in-car camera footage) to the chief for further review. The chief will review all Response to Resistance forms, reports, body and/or in-car camera footage. The chief will sign the Response to Resistance form indicating if the use
and level of force was justified, or if further investigation is needed, or if corrective/disciplinary action is to be taken. Once the form has been signed by the chief, it will be secured in the Administrative Division.

REVISION RESPONSIBILITY

Responsibility for the continuous updating and revision of this order lies with the Chief of Police or his/her designee. Continuous shall mean when necessary or when mandated by law.

In the event that this order conflicts with or supersedes any previous departmental order, procedure, or directive, to that extent, the conflicting or superseded order is canceled.

BYORDEROF:

Robert M. Ruth
Chief of Police