

#8 CANTWAIT LANSING



Daryl Green, Chief

1 Ban on Chokeholds and Strangleholds

we are currently in compliance with this factor.

2 Require De-Escalation

we are currently in compliance with this factor.

3 Require Warning Before Shooting

we are currently in compliance with this factor.

4 Require Exhaust All Alternatives Before Shooting

we are currently in compliance with this factor.

5 Duty to Intervene

we are currently in compliance with this factor.

6 Ban Shooting at Moving Vehicles

we are currently in compliance with this factor.

7 Require Use of Force Continuum

The Lansing Police Department (LPD) Response to Resistance policy 600.7 creates a higher standard for officers when comparing the force continuum model. LPD policy was established based on the best practices found around the country and bases its legal aspects and training on the current state of the law in Michigan, the United States 6th Circuit Court of Appeals and the United States Supreme Court.

The force continuum, by its nature, is an escalating model which is inconsistent with our expectation of citizen encounters with officers. The Michigan Council on Law Enforcement Standards (MCOLES) continuum is a 1+1 theory, which states that if the subject is doing “A” and officer can do “B” or if the subject is doing “D” the officer can do “E” which is always one step in escalation. It does not take into consideration anything other than providing the officer the authority to go one step above what they are being faced with based on the actions of the subject. The force continuum model is an elementary guide that was established decades ago that does not have its base in law but an escalating hierarchy of improperly and at times, illegal, authorized force.

LPD currently utilizes the definitions provided in the MCOLES approved force continuum to describe a subject’s actions and an officer’s response during force encounters. The force continuum model is used as training guide to ensure actions and responses are properly defined. LPD adheres to the direction provided by the United States Supreme Court in *Graham v. Connor* and the standard of objective reasonableness based on the totality of the circumstances.

Graham v. Connor, 490 U.S. 386, 396 (1989). Graham is the legal standard of evaluating police use of force and has been the past 31 years. Additionally, it was also just reaffirmed by the U.S. Supreme Court last year and is the sole measure of a police officer's use of force which is based on the 4th Amendment to the United States Constitution.

Pursuant to the United States Supreme Court precedent, the LPD policy recognizes officers are often required to respond to tense, uncertain and rapidly unfolding events. The totality of the circumstances rather than a rigid succession of escalating options of the force continuum provides for a lessened use of force than is provided in a force continuum. The reason is that the continuum allows for a "+1" when that +1 would be unreasonable based on the totality of the circumstances. In short, the force continuum authorizes excessive force. In relation to the force continuum, the LPD, in its legal training, teaches a constitutionally based, holistic approach to the use of force. At LPD, people and circumstances matter and rote memorization of the escalating steps on a ladder or continuum does not. Thus, the use of force continuum is fatally flawed because it does not take into consideration the totality of the circumstances but allows any officer to exceed what a subject is exhibiting by one escalating step.

8 Require Comprehensive Reporting

we are currently in compliance with this factor.

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