



Lansing Police Department Manual

600.07 — RESPONSE TO RESISTANCE

Operational Procedure

Effective Date: 1/2021

Rescinds: 08/2016, 6/2020

PURPOSE

The purpose of this procedure is to guide officers in the use of reasonable force when resistance is encountered to affect a lawful arrest and 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 a response to resistance.

POLICY

The Lansing Police Department recognizes and respects the sanctity of human life and the rights of citizens to be free from unreasonable searches and seizure. As such, it is the policy of this department to engage in constitutional policing where officers are authorized to use only that force which is objectively reasonable based on the totality of the circumstances and otherwise consistent with the Michigan and United States Constitution. It is understood that an officer's response to resistance may include split second judgments and decisions based on circumstances that are tense, uncertain, and rapidly evolving. *Graham v Connor 490 U.S. 386 (1989)*.

DEPARTMENT USE ONLY

This procedure is for Department use only and represents an administrative and educational guide for officers' decision-making processes and is not a standard for civil or criminal litigation. It should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to civil suits or administrative claims. Violations of this procedure may form the basis for Departmental administrative sanctions if the force is deemed objectively unreasonable.

DEFINITIONS

- **Force:** Physical and communicative control tactics and weapons an officer uses to influence the actions of a subject or to protect the subject from injuring himself or others
- **Resistance:** A subject's failure to comply with an officer's attempt to establish control.
- **Reasonable Force:** Tactics and/or techniques objectively reasonable for the situation and consistent with what other reasonable officers would do in light of similar circumstances.
- **Lethal Force:** Is synonymous with the term "deadly force" as used in authorizing statutes and the terms are interchangeable. Tactics and/or techniques are such that the natural, probable, and foreseeable consequence of the tactic and/or techniques is death. *People v Pace 102, Mich App. 522 (1980)*. The use of a firearm is deadly force and deadly force is that force that could result in the loss of human life. See Michigan AG Opinion 09/03/1976. This includes any action (tactic/technique) that creates a substantial likelihood of causing death or serious bodily injury.
- **Non-Lethal Force:** Any action (tactic/technique) which does not create a substantial likelihood of causing death or serious bodily harm.
- **Less Lethal Weapons:** Authorized weapons that when employed are less likely to cause serious or fatal injury. Less lethal weapons are addressed in [Operational Procedure 600.60, Use of Less Lethal Weapons](#).
- **Dynamic Alternatives:** Objectively reasonable force used to defend the officer or another in

45 situations where immediate action must be taken. These may include employment of techniques and
46 objects not covered in Subject Control Training.

- 47 • **TASER®:** A less lethal Conducted Energy Weapon, approved by the Department that transmits
48 electrical pulses designed to cause neuromuscular incapacitation.
- 49 • **Firearm:** An authorized weapon, as defined under MCL 750.222, or any other applicable law, to be
50 used in accordance with this policy and [Operational Procedure 600.6, Firearms](#).
- 51 • **Felony Stop:** An investigation of a felony offense where an officer is justified in pointing a firearm
52 directly at a subject(s) during the course of an investigation or traffic stop.
- 53 • **Chokehold/Stranglehold:** A technique using arms, legs, or any other tool to restrain an individual
54 which substantively restricts breathing or occludes both carotid blood vessels simultaneously.
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56 **AUTHORIZATION FOR THE RESPONSE TO RESISTANCE**

- 58 • Officers are authorized to use objectively reasonable force, when encountering resistance, through
59 Department approved control techniques and equipment for resolution of incidents as follows:
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 - 61 ○ To stop potentially dangerous or unlawful behavior;
 - 62 ○ To protect the officer or another from injury or death
 - 63 ○ To prevent subjects from injuring themselves (Corey Hill v Miracle, 853 F.3d 306 (6th Cir. 2017));
 - 64 ○ In the process of affecting a lawful arrest when a subject offer resistance;
 - 65 ○ To control an arrested person who is refusing to comply with arrest, search, booking, custody, or
66 lawful directives of the officer;
 - 67 ○ To prevent escape from custody.

68 **RESPONSE TO RESISTANCE GENERAL CONSIDERATIONS**

- 71 • Officers may gain control by means of verbal directives or commands. When these actions are not
72 effective, or it is apparent directives or commands would be ineffective, officers may escalate force in
73 an objectively reasonable manner based on the totality of the circumstances.
- 74 • Officers will assess the incident to determine a reasonable response for the encountered resistance in
75 light of the totality of the circumstances. Factors to consider include but are not limited to:
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 - 77 ○ Severity of the crime;
 - 78 ○ whether the subject is actively resisting arrest or attempting to evade by flight;
 - 79 ○ whether the suspect poses an immediate threat to the safety of the officers or others,
 - 80 ○ knowledge of officer presence
 - 81 ○ relative size and strength;
 - 82 ○ multiple subjects/officers;
 - 83 ○ the subject's access or perceived access to weapons;
 - 84 ○ subject under the influence of alcohol or drugs;
 - 85 ○ exceptional abilities and skills (e.g., martial arts, stance);
 - 86 ○ injury to, or exhaustion of the officer;
 - 87 ○ proximity and reaction time;
 - 88 ○ special knowledge about the subject;
 - 89 ○ ground position or
 - 90 ○ officer's training and experience
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- 92 • Actions taken in response to resistance will not be punitive or retaliatory.
- 93 • Any officer that observes an excessive response to resistance by another officer will intervene in a
94 reasonable manner and attempt to de-escalate the amount of force used.
- 95 • It is the responsibility of every officer that observes an excessive response to resistance to report the
96 incident to a supervisor as soon as possible.
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99 **USE OF LETHAL/DEADLY FORCE – Authorization**

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- 101 • Officers are authorized to use deadly force consistent with MCL 780.972.
- 102 • Use of deadly force is authorized when the officer honestly and reasonably believes that the use of
- 103 deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself
- 104 or herself or to another individual. See MCL 780.972; and/or
- 105 • To prevent the escape of a subject who is fleeing from an inherently violent felony crime, and the
- 106 officer has probable cause to believe that the subject poses an immediate threat of death or serious
- 107 physical injury to others or the officer. *Tennessee v Garner 471 U.S. 1 (1985)*.
- 108 ○ Chokeholds/Strangleholds are prohibited unless deadly force is justified as defined above
- 109 and the officer honestly and reasonably believes that the use of deadly force is necessary
- 110 to prevent the imminent death of or imminent great bodily harm to himself or herself or to
- 111 another individual.
- 112 • Warning shots are prohibited because of lack of shot location identification, unintended contact and
- 113 potential injury or loss of life.

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115 **USE OF LETHAL/DEADLY FORCE – Additional Considerations**

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- 117 • The totality of the circumstances must be taken into consideration by the officer before using lethal
- 118 force. For example, where the suspect poses no immediate threat to the officer and no threat to
- 119 others, the harm resulting from failing to apprehend the subject does not justify the use of deadly
- 120 force. *Tennessee v Garner, 471 U.S. 1 (1985)*. Officers are authorized to use lethal force consistent
- 121 with the prevention of imminent death or great bodily harm standard as found in MCL 780.972.
- 122 • The use of lethal force is reviewed using the objective reasonableness standard.
- 123 • Situations may occur in which certain immediate and drastic measures must be taken by an officer in
- 124 order to protect human life. Force used in these situations may involve the use of techniques or
- 125 weapons not covered in this policy and will be judged using the objective reasonableness standard to
- 126 assure compliance with the applicable law and this policy.
- 127 • Where reasonably possible, officers will identify themselves and provide a verbal warning before
- 128 lethal force is applied.
- 129 • Firearms may be drawn or displayed when, based on the totality of the circumstances, an officer feels
- 130 his or her safety is in peril and such danger could be construed as life threatening or when the person
- 131 to be apprehended has committed or there is probable cause to believe the person to be
- 132 apprehended has committed a violent felony offense and/or the possibility of confrontation with deadly
- 133 force exists.
- 134 • Officers will make attempt to move out of the path of an approaching vehicle to avoid a lethal force
- 135 encounter and officers should not shoot at any part of a vehicle (example; tires, engine, etc.) in an
- 136 attempt to disable the vehicle. Shooting at a moving vehicle with occupants should only be
- 137 considered as a last resort to protect the officer, occupants, or bystanders during a deadly force
- 138 encounter.
- 139 • Firearms discharged at a moving vehicle is authorized only when done in an objectively reasonable
- 140 manner and as a last resort.
- 141 ○ The officer must honestly and reasonably believe the use of deadly force is necessary to
- 142 prevent the imminent death of or imminent great bodily harm to himself or herself or to
- 143 another individual because an occupant is using a deadly force weapon from that vehicle or
- 144 the moving vehicle is being used as a means to cause immediate injury or death to the
- 145 officer or another person.

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147 **MOTOR VEHICLES AS FORCE**

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- 149 • Intentional collisions, partial or complete roadblocks, or rolling roadblocks constitutes the use of
- 150 deadly force.
- 151 • The use of any such methods, techniques, or actions must be reasonable in light of the totality of the
- 152 circumstances.
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155 **FELONY STOPS**

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- Felony Stops may be conducted when officers can cite specific factors that a felony which poses a threat to the life or safety of themselves or others is being investigated. Justification is based on specific information including but not limited to the following factors:
 - Type of criminal activity
 - Source of the information;
 - Credibility of the person providing the information;
 - Suspect's actions and demeanor;
 - Proximity of the subject to the area of the crime;
 - Time passage since the incident occurred; and
 - How close the suspect or vehicle description matches the information received.

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169 **SUPERVISORY RESPONSIBILITIES FOR FELONY STOPS**

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- A supervisor will respond to the scene of all felony stops unless extenuating circumstances exist.
- If subjects involved in a felony stop are released because of lack of probable cause to justify an arrest, a supervisor at the scene or an officer involved in the stop will do the following:
 - Explain the reason for the stop;
 - Offer to answer any questions regarding the nature of the stop;
 - Provide their name, badge number, and department telephone number;
 - Generate a report and document above was accomplished;
 - Ensure the Fleet video and Body Worn Camera (BWC) is preserved.

181 **MEDICAL CONSIDERATIONS IN RESPONSE TO RESISTANCE**

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- Officers will summon the Lansing Fire Department or transport subjects to a medical facility when any of the following occur:
 - The subject appears ill and requires medical treatment;
 - The subject presents complications while under the influence of alcohol or drugs;
 - The subject complains of injury or continued pain;
 - A TASER deployment has been used on a subject;
 - Any officer observes or suspects injury to the subject;
 - The subject does not substantially recover from the effects of any application of force consistent with current training;
 - The subject exhibits signs of unusual distress;
 - As directed by a supervisor.
- All medical treatment will be documented, along with the nature of the injury or complaint of injury in the incident report. In addition to the written description, documentation may include photographs, video, or sketch.
- Officers are required to notify an on duty supervisor of the incident.

201 **REPORTING**

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- Sworn and Detention personnel will complete a detailed written report whenever force is used. The two exceptions to the use of force reporting requirement are as follows:
 - When an officer applies handcuffs to a subject that is not resisting (i.e., cooperative handcuffing).
 - When an officer physically moves, controls, directs, or escorts a subject for any lawful purpose and the subject does not exhibit physical resistance.
- If a response to resistance involves a death or serious bodily injury, the officer(s) psychological and

- 211 physiological state(s) of being will be given first priority at all stages of the incident. Reporting in
212 these situations will be handled in accordance with [Operational Procedures 300.24, Outside Agency](#)
213 [Investigations](#) and [600.39, Police Employee Involved Critical Incident](#).
- 214 • The response to resistance incident report will include sections detailing the following:
 - 215 ○ Complainant, victim, and witness information and statements;
 - 216 ○ Factors used to determine the reasonable suspicion or probable cause that existed;
 - 217 ○ Description of subject action encountered and techniques/actions officers used to overcome the
218 resistance;
 - 219 ○ Injury to the detainee or officer(s);
 - 220 ○ Medical treatment of detainee or officer(s);
 - 221 ○ Follow-up action taken by officers;
 - 222 ○ Other officers involved;
 - 223 ○ Evidence, including weapons and photographs, Fleet video and BWC video if applicable;
 - 224 ○ When a Less Lethal Weapon has been employed; the officer discharging the device will be
225 responsible for reporting details consistent with current training;
 - 226 ○ Type of restraints utilized;
 - 227 • Detainee medical treatment will be reported in accordance with [Operational Procedure 700.29,](#)
228 [Detainee Medical Evaluation and Treatment](#).
 - 229 • Officers will forward each use of force report to their supervisor for review.

230 **RESPONSE TO RESISTANCE REVIEW PROCESS**

- 231 • Supervisors will review the response to resistance report and any available Fleet video and BWC to
232 determine whether the force used was objectively reasonable based on the totality of the
233 circumstances.
 - 234 ○ Supervisors will ensure the circumstances of the force incident are entered into Blue Team within
235 five workdays. Supervisors unable to complete within five workdays will report this reason to their
236 supervisor.
 - 237 ○ Blue Team force reports will be forwarded to each level of the chain of command up to and
238 including the Chief of Police/designee.
 - 239 ○ The reviewing official should be at least one rank above the officer using force.
- 240 • The Division Captain, or any department member, may initiate the Complaint/Discipline process for
241 any incident believed to be an unreasonable use of force.