

ACCREDITATION 3.3.1-3, 3.3.5  
USE OF FORCE  
12/08/2022

GENERAL ORDERS MANUAL  
WESTERN MICHIGAN UNIVERSITY  
DEPARTMENT OF PUBLIC SAFETY

**I. PURPOSE**

This order establishes policy and procedure regarding the acceptable use of reasonable force by sworn police officers of this department. Use of force shall never be considered routine.

**II. POLICY**

Department members authorized to use weapons or force shall use only objectively reasonable force to overcome resistance while affecting a lawful arrest, bringing an incident under control, or protecting the public in the lawful performance of their duties. This shall include force up to and including deadly force. (3.3.1.a,d,f,g, & h)

The use of unreasonable, unnecessary or excessive force, and/or the failure to provide medical treatment following the use of force, shall result in disciplinary action against those who use or allow the use of such force or fail to provide for the care of persons in custody.

The use of force policy shall be reviewed at each firearms qualification.

**III. DEFINITIONS / INTRO (3.3.1.c,d)**

- A. Deadly Force is any force used by an officer that could result in death or serious physical injury.
- B. Less Lethal Force is any use of force other than that which is considered deadly force.
- C. De-escalation is taking action or communicating verbally or non-verbally during a potential 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 force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.
- D. Aerosol Subject Restraint (ASR) is an issued/authorized self-defense spray, to be utilized in accordance with department policies.
- E. Control Methods are verbal or physical techniques an officer uses to neutralize the unlawful actions of a subject, or to protect the subject from self-injury or injury to others.
- F. Conducted Electrical Weapon (CEW) – Taser is a device that overrides the central nervous system, affecting both the motor nervous system and muscles, causing immediate incapacitation.

- G. Intermediate Controls is the utilization of a department issued Baton, Taser, ASR or Impact munitions.
- H. Vascular Neck Restraint is a technique used to incapacitate individuals by restricting the flow of blood to their brain.
- I. Chokehold is a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation, including any techniques restricting the intake of oxygen for the purpose of gaining control.
- J. Last Resort situations 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 covered by policy; however, they remain to be measured by the objectively reasonable use of force standards.
- K. Objectively Reasonable Force is any force used by an officer which is suitable to the situation and consistent with department approved training and policies. The reasonableness of an Officer's actions will be based upon what a "reasonable" officer would have done under similar circumstances.
- L. Officer Response is action taken by an officer to neutralize the resistance of a subject.
- M. Reasonable Belief- The decision as to the reasonableness of a police action will be determined on a case by case basis by those members of the department called upon to review the appropriateness of those tactics or actions, based on what a "reasonable" officer would have done under the same circumstances.
- N. Serious Physical Injury is a bodily injury that creates a substantial risk of death, causes serious injury, permanent disfigurement, results in long-term loss or impairment of the functioning of any bodily member or organ.
- O. Subject Resistance is a subject's attempt, physically or verbally, to evade an officer's attempts to establish control through lawful action.
- P. Active Resistance occurs when an officer encounters behavior that physically counteracts his or her attempt to control a subject.
- Q. Totality of Circumstances refers to the multiple variables confronting the officer at the time force is used. These include, but are not limited to:
  - 1. Type of crime committed or attempted
  - 2. Relative size/strength of officer and subject
  - 3. Multiple subjects/officers, availability/proximity of back-up officers
  - 4. Subject's access to weapons
  - 5. Subject (s) under the influence of alcohol or drugs
  - 6. Injury to, or exhaustion of, the officer
  - 7. Weather and/or terrain conditions
  - 8. Immediacy of danger
  - 9. Distance from the subject
  - 10. Special knowledge (e.g., subject's prior history of violence, etc.)

#### **IV. AUTHORIZED USE OF LESS LETHAL FORCE**

The application of a necessary amount of less lethal force may be used in the following situations, or when other alternatives or de-escalation techniques are not effective or appropriate. (3.3.1.d) The “totality of circumstances” are the factors to be considered in determining the degree of force to be used. Officers are authorized to use department-approved weaponless subject control methods and authorized equipment for resolution of incidents as follows: (3.3.1.g)

- A. To stop potentially dangerous and/or unlawful behavior
- B. To protect the officer or another person from injury or death
- C. To prevent a person from injuring themselves
- D. During the process of effecting an arrest when a subject offers resistance
- E. Another officer or another person is assaulted
- F. To control the attack or menacing of animals against officers, other persons, or property
- G. To prevent escape from custody

#### **V. AUTHORIZED LESS LETHAL WEAPONS (3.3.1.h)**

- A. Aerosol Subject Restraint (ASR) may contain OC or a combination of CS and OC. It is to be utilized in accordance with policy and department approved training. All sworn personnel authorized to carry ASR will receive training in its use and will only carry ASR issued/authorized by the WMU Police Department.
- B. Collapsible baton is the issued baton authorized and approved for all sworn personnel. Carrying the collapsible baton is optional if an officer carries a department issued Taser.
- C. The X2 Taser is the department-issued Conducted Electrical Weapon (CEW). Only those officers certified in the use of Taser will be authorized to carry and deploy it. Officers will carry their department issued Taser when responding to calls for service. All sworn personnel authorized to carry a Taser will receive annual training in its use. In Michigan, under the law, an officer can use a Taser on a citizen if that citizen is showing active resistance such as actively resisting arrest and/or refusing to be handcuffed.
  - 1. Subjects may be at risk in the following circumstances and should not be subjected to ASR or Taser unless exigent circumstances exist or as a “last resort.”
    - (a) Persons obviously pregnant
    - (b) Frail, infirmed, elderly, or very young
    - (c) Individuals in elevated positions
    - (d) Individuals operating moving vehicles or machinery
    - (e) Individuals in swimming pools or other bodies of water
    - (f) Individuals known to be fitted with a pacemaker
    - (g) Persons who have already been exposed to the Taser for a total of 15 seconds
    - (h) Officers should avoid using a Taser on a person who is known to be or perceived to be mentally ill
  - 2. Officers issued Tasers are responsible for maintaining the unit in proper working order and reporting any problems or failures to a supervisor
  - 3. The department will maintain a record of all Tasers, the officers who are issued Tasers, and the cartridge serial number.

4. Tasers shall be worn on the weak hand side of the duty gun belt in the department-issued holster.

## **VI. PROHIBITED USE OF O.C. SPRAY**

The use of the O.C. spray under the following conditions is prohibited unless confronted by an immediate threat of serious injury or death.

1. Discharge directly into the eyes at less than two feet.
2. Prolonged discharge into the face of an incapacitated person or a person not responding to the normal applications of O.C.
3. Discharge when infants are nearby, if known. Infant respiratory systems are especially sensitive to irritating vapors.
4. When a subject is handcuffed unless control cannot be maintained.

## **VII. TRAINING AND CERTIFICATION**

- A. Western Michigan University police officers will be trained in the use of the Taser by completing an X2 Taser training program. The training shall include all the following:
  1. Exposure to the Taser where the officer experiences being the recipient of a deployment. The exposure shall be mandatory for all officers hired after September 1, 2011. If an officer has proof of being previously exposed by another agency or academy, a secondary exposure is not required
  2. Training will require demonstrating knowledge of the approved program developed by Taser International and proficiency testing
  3. Evidence processing
- B. The instructor will be responsible for documenting the training. Appropriate records shall be delivered to and maintained by the administrative lieutenant responsible for department training.

## **VIII. TASER DEPLOYMENT**

- A. The Taser can ignite flammable liquids. It shall not be deployed at subjects who are in contact with flammables or in environments where flammables are obviously present. Personnel should be especially aware of this when in known clandestine lab environments.
- B. The Taser shall not be deployed when it is known that ASR from another agency was used.
- C. Prior to the deployment of a Taser, the officer has the responsibility to visually and physically confirm that the instrument selected is in fact a Taser and not a firearm.
- D. Whenever appropriate, officers will give a verbal warning before a Taser is used on a subject. The officer must give the subject a reasonable opportunity to comply with an officer's directive before force is used.

- E. When deploying a Taser, there are two primary target areas. One is the front of the body below the chest, including the arms and the other is the back of the body below the neck.
- F. Officers should avoid targeting the heart, head, throat, chest/breast or known pre-existing injury areas without legal justification when using a Taser.
- G. After one standard cycle (5 seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary and justified given the resistance of the suspect.
- H. Any repeated application of the Taser must be justified, and the criteria used to re-deploy clearly documented in the officer's Subject Resistance/Officer Control Report.
- I. The Taser shall not be used punitively or for purposes of coercion. It should not be used on subjects who are already handcuffed, unless escape is imminent or the officer remains in fear of serious bodily injury.
- J. The removal of probes should be done by medical personnel unless the probes can be safely removed by an officer.

**IX. AUTHORIZED USE OF DEADLY FORCE (3.3.1.e)**

- A. Deadly force will be used only when an officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
- B. There is probable cause to believe significant threat of death or serious injury to the officers or others exists if the subject escapes.
- C. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force. (3.3.1.e)
- D. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- E. Officers of this department shall not fire warning shots. (3.3.1.e)
- F. Officers shall draw and display weapons only for the following reasons:
  - 1. Where an ordinary prudent officer would reasonably fear for his or her safety or the safety of others
  - 2. Where an officer is authorized to use the weapon to affect an arrest as established by this policy
  - 3. For the purposes of destroying an animal, ballistics examination, training, or cleaning as provided by departmental directives or policies and procedures.
- G. Chokeholds are prohibited unless deadly force is authorized.
- H. Use of any vascular neck restraint is prohibited unless deadly force is authorized.

**X. DUTY TO INTERVENE; DUTY TO REPORT EXCESSIVE FORCE (3.3.1.b)**

- 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 individual 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 Western Michigan University Department of Public Safety.
- D. All reported instances of alleged excessive force will be completely and thoroughly investigated.

#### **XI. DE-ESCALATION (3.3.1d)**

- 1. Personnel will only use reasonable force to accomplish lawful objectives and apply de-escalation techniques when possible.
- 2. An officer will use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force.
- 3. Whenever possible and when such delay will not compromise the safety of the officer or another or will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer will allow an individual time and opportunity to submit to verbal commands before force is used.

#### **XII. AFTERCARE PROCEDURES (3.3.1.j)**

Officers shall be alert to any injury or complaint occurring because of any use of force utilized to control a subject. Officers will follow the recommended aftercare procedures based on department approved training. As soon as practicable, injuries should be photographed.

- A. Officers using force on a subject shall make medical treatment available to that subject at the earliest safe moment when:
  - 1. The subject complains of injury and/or requests medical treatment.
  - 2. Any officer observes or suspects injury to the subject.
  - 3. The subject does not substantially recover from the effects of a less lethal weapon within a reasonable and expected time.
  - 4. When directed by a supervisor.
- B. For ASR or any OC/CS agent, the following aftercare procedures should be allowed, and the subject should be kept under constant observation until recovered.
  - 1. Flush exposed areas with water and expose subject to fresh air.
  - 2. Decontamination wipes, such as Sudecon, may also be used as an aftercare procedure when following manufacturer's guidelines or instructions.
  - 3. EMS personnel may be summoned to assist in the aftercare procedures. If the effects of the exposure last longer than 20 minutes, if there is a loss of consciousness, bodily functions, difficulty breathing or upon request, the subject is to be taken to a medical facility for a medical examination.
  - 4. Salves, creams, or lotions are not to be used for aftercare procedures.
- C. When encountering subjects exhibiting symptoms of exhaustion, distress or agitation, e.g. excited delirium, immediate medical attention should be obtained at the earliest safe moment. These subjects are at significant risk of arrest-related injury or death. Immediate medical attention may reduce this risk

### **XIII. USE OF FORCE DOCUMENTATION (3.3.2.a-f)**

A Subject Resistance/Officer Control Report shall be completed for the following:

1. When an officer of this department uses any level of force outlined above to gain compliance.
2. Officers shall complete a report if they discharge a firearm for other than training or recreational purposes or unintentionally discharges a firearm and/or a CED.
3. Upon the direction of a supervisor.

A Subject Resistance/Officer Control Report shall be completed for each subject/officer involved.

### **XIV. SUPERVISORY RESPONSIBILITIES (3.3.1.k)**

All Subject Resistance/Officer Control Reports should be initially reviewed by a sergeant or higher rank. The completed Subject Resistance/Officer Control Report form shall be forwarded to the Deputy Chief or designee to determine if the use of force was appropriate and complied with department policies.

### **XV. MEANINGFUL REVIEW REQUIRED (3.3.3)**

Because use of force should never be considered routine, the review process should not be routine either. The intent of the documented meaningful review is to determine whether policy, training, equipment or disciplinary issues need to be addressed. The Deputy Chief or designee shall review the Subject Resistance/Officer Control Report form, police reports, and video/audio recordings. The Deputy Chief or designee will notify in writing the officer involved of the results of the review. If the Deputy Chief is involved in a Use of Force incident, the Chief should complete the review process.

Annually, the Chief or Deputy Chief should document a summary of all use of force incidents as well as a written annual analysis of all use of force incidents in the aggregate. (3.3.1.k)

### **XVI. NATIONAL USE-OF-FORCE DATA COLLECTION (3.3.5)**

The WMU Department of Public Safety participates in the DOJ/FBI National Use-of-Force Data Collection program.

### **XVII. COMPLIANCE**

All officers shall comply with all the conditions set forth in this general order. Violations of this general order, or portions thereof, shall result in disciplinary action, up to and including discharge. Officers of this department assigned to or assisting other law enforcement agencies will be guided by this general order.

**Issued Date:** 09/09/97  
**Revised Date(s):** 08/05/02, 03/06/08, 05/11/16, 01/31/17, 7/24/17, 1/5/18, 8/13/19,  
7/23/2020, 10/09/2020, 11/13/2020, 01/21/2021, 08/17/2021, 11/09/2022  
12/08/2022

**Issued By**

A handwritten signature in blue ink, appearing to read "Scott Merlo", with a long horizontal flourish extending to the right.

**Scott Merlo**  
**Director of Public Safety**