

POLICY AND PROCEDURAL ORDER

001-002

Response to Resistance

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Issued By: Chief Andre Anderson

Effective: 12/13/1999 **Updated**: 10/08/2025

CALEA Standards

TO REDITATION

Last Reviewed: 10/08/2025

1.2.10, 4.1.1, 4.1.5, 4.2.1, 4.2.2, 4.2.4, 4.3.1, 4.3.4

I. Purpose

The purpose of this order is to make a policy statement regarding officer response to resistance, and to define and describe the concept of objectively reasonable.

II. Policy

AN OFFICER WILL USE ONLY THAT FORCE, which is **Objectively Reasonable** to the threat or resistance of a subject: Officers will utilize de-escalation techniques when possible.

- A. Under the Fourth Amendment of the United States Constitution, a law enforcement officer may only use such force as is "objectively reasonable" in all circumstances. The standard that courts will use to examine whether the use of force is constitutional was first set forth in Graham v. Connor, 490 U.S. 386 (1989), and expanded by subsequent court cases. The reasonableness of a particular use of force must be judged from the perspective of a reasonable law enforcement officer on the scene at the moment the force was used, rather than with 20/20 vision or hindsight. The reasonableness must account for the fact that law enforcement officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.
- B. Reasonableness will be determined by balancing the nature and quality of the intrusions with the countervailing governmental interests. The question is whether the law enforcement officer's actions are objectively reasonable in light of the facts and circumstances confronting the officer. Objective factors will determine the reasonableness of force including, but not limited to, the severity of the crime, whether the suspect poses an immediate threat to the safety of the law enforcement officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- C. Department members shall only use force which is objectively reasonable under the totality of the facts and circumstances to overcome a subject's resistance, to make an arrest, or maintain proper custody of a prisoner. When a resisting subject de-escalates their resistance, the department member shall also deescalate the amount of force used proportionately.

III. Duty to Intervene

Excessive or unauthorized use of force is never justified. Employees of the Ann Arbor Police Department that observe a department employee or employee from

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another agency using force that is clearly beyond that which is objectively reasonable under the circumstances, will when in a position to do so, safely intervene to prevent the use of such excessive force. Departmental employees will promptly report these observations to include but not limited to violations of department policy, local ordinance, state and federal law to a supervisor.

IV Training

All officers are to receive training in this order as well as the orders on deadly force and less-lethal force before assuming sworn status. Officers will have access to electronic copies of all these orders as well as revisions published. All officers shall receive training annually on this agency's policies related to use of force to include but not limited to related legal updates. The training shall be provided to reinforce the importance of de-escalation, and to enhance officer's discretion and judgement when using force in accordance with this policy.

V De-Escalation

De-escalation - refers to those actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to: Using clear instructions and verbal persuasion; attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident; creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

VI Rendering Medical Aid

The appropriate medical aid will be rendered as guickly as reasonable following any law enforcement action in which injuries have been sustained. The following procedures for activating emergency medical services will be followed in incidents of obvious severe injuries, medical distress, an individual is unconscious or alleges injuries.

- A. Examine the injury and render first aid, if necessary. Request the Ann Arbor Fire Department or Huron Valley Ambulance to the scene to evaluate the individual.
- B. Cause the transportation of the individual to a hospital, if necessary.
- C. Notify the on-duty Shift Supervisor as soon as practicable,



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- D. Submit a Response to Resistance Report prior to the end of the officer's tour of duty,
- E. Prepare a detailed incident report and submit it prior to the end of the officer's tour of duty, if physically capable.
- F. If the officer is not physically capable of completing the incident report, the onduty Shift Supervisor shall author the report.

VII. Application of Force

Ann Arbor Police officers will receive training in Pre De-escalation, De-escalation, and defensive tactics which will assist officers in their decision-making process involving the use of force.

- A. The purpose of Pre De-escalation, De-escalation, and defensive tactics to <u>control</u> resistive behaviors with techniques that have <u>minimal</u> chance of injury. Officer(s) subject control response should be based upon:
 - 1. Physical size, strength and weaponry of the person(s) compared to the officer(s).
 - Nature of the encounter.
 - 3. Actions of the person(s).
 - 4. Exigent conditions (i.e., availability of back-up, number of persons involved).
- B. For example, an officer may resort to the use of **pepper spray or the TASER** before using hard empty hand controls if the officer reasonably believes the use of hard empty hand controls would be ineffective. **The officer must clearly articulate their use of force justifications in their report.**
- C. Subject Actions:
 - 1. <u>Inactive Resistance</u>: Resistance that may include psychological intimidation and/or verbal resistance (e.g., blank stare, clenching of fist(s), tightening of jaw muscles, etc.).
 - 2. <u>Passive Resistance</u>: Any type of resistance whereby the subject does not attempt to defeat the officer's attempt to touch and control the subject, but still will not voluntarily comply with verbal and physical attempts of control (e.g.,

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dead weight, does not react to verbal commands, etc.)

- 3. <u>Active Resistance</u>: Any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away, blocking, etc.).
- 4. <u>Active Aggression</u>: Physical actions/assaults against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.)
- 5. <u>Deadly Force Assault</u>: Any force used against an officer or another person that may result in great bodily harm or the loss of human life.

D. Officer Response:

- Officer Presence/Verbal Direction: Identification of authority (i.e., uniformed presence, or identification as a police officer). Verbal Direction (e.g., for arrest or to control a subject's movements.) Use of Restraint Devices (i.e., compliant handcuffing).
- 2. <u>Compliance Controls</u>: Soft empty hand techniques (e.g., joint locks, pressure points, etc.). Compliance control devices (e.g., baton <u>when used as a compliance control device</u>).
- 3. Physical Controls: Hard empty hand techniques (e.g., strikes, take downs).
- 4. <u>Intermediate Controls</u>: Intermediate weapons (i.e., impact weapons, including pepper spray, **TASER** or KEIP weapons
- 5. <u>Deadly Force</u>: Any force used by an officer that may result in serious injury or the loss of human life.

VIII. Response to Resistance Report

- A. Officers will document Response to Resistance when that officer utilizes any of the following responses. Officer Response to Resistance will be entered electronically via the department software. The following types of force shall be documented:
 - 1. Vehicle pursuit
 - 2. Compliance Controls
 - 3. Physical Controls

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- 4. Intermediate Controls
- 5. Displaying or Deploying a Taser
- 6. Displaying a firearm (<u>P&P 001-003</u> section IV B Drawing and Displaying Firearms)
- 7. Deadly force
- B. Officers will immediately verbally inform a supervisor when any of the above levels of force are used in response to resistance. The date, time and supervisor notified will be recorded on the Response to Resistance Report. The Response to Resistance Report will be completed by the end of the officer's shift.
- C. When the TASER is utilized in the dart mode, a supervisor will download the TASER after the incident and the printout will be attached to the Response to Resistance Report.
- IX. Annual Analysis of Reported Use of Force
 - A. At the end of each calendar year, the Professional Standards Section will conduct an annual analysis of all reported use of force incidents. This analysis will identify any patterns or trends and any possible training needs to ensure compliance with department policy as it relates to officers involved in use of force incidents. The report will be generated by the Professional Standards Section to be reviewed and approved by the Chief of Police.
 - B. The Use of Force Analysis will include:
 - 1. The date and time of incidents
 - 2. Types of encounters resulting in use of force
 - 3. Trends or patterns related to race, age and gender of subjects involved
 - 4. Trends or patterns resulting in injury to any person including employees
 - 5. Impact of findings on policies, practices, equipment and training