



Policy Title: Use of Force	Policy Number: 300
Date Implemented: 10/27/2023	Date Reviewed: 01/01/2025

300.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Livonia Police Department ("Department") Officers with guidelines, expectations and education related to responding to resistance and using force in a professional, impartial, and Constitutional manner. It is important to understand that the proper and lawful use of force is essential for ensuring impartial policing and for building trust and legitimacy within the community.

The foundation of this policy is based on the understanding that the Department embraces the sanctity of life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. Additionally, the desire to use de-escalation techniques when viable, being aware of when to intervene and knowing the importance of providing medical aid to the injured are pillars of this foundation. Although it is the goal that all encounters will be resolved without the need for the use of force, reaching that goal is reliant upon a variety of evolving factors and circumstances that may be out of officers' control and directly related to the voluntary compliance of the citizen.

The scope of this policy includes the legally authorized use of deadly force and general use of force guidelines. It is based on applicable Constitutional and relevant law, modern policing best practices and related Department expectations. Additionally, the educational scope of this policy is comprehensive and contemporary with any citations listed as a general rationale basis. Also, this policy provides for a systematic, objective and meaningful administrative review and evaluation of the use of force by its members to ensure that their authority is used appropriately and consistent with training and department policy. It is the goal of this Department to have officers that are professional, educated and poised decision makers that understand, and have a true appreciation for, their lawful authority and Constitutional limitations.

300.1.1 POLICY DEFINITIONS

Active Resistance: Non-compliance plus any action by the subject that is a manifestation of the subject's intention of noncompliance to an officer's lawful orders to comply (e.g., a verbal showing of hostility, deliberate acts of defiance, clenching of fists, pulling/pushing away, running away, locking arms under body, etc.). See *Goodwin v. Painesville*, 781 F.3d 314 (6th Cir. 2015) and *Hagans v. Franklin County Sheriff's Office*, 695 F.3d 505 (6th Cir. 2012).

Assault: Physical actions against the officer or another person that creates an imminent threat of battery with less than deadly force (e.g., challenging, advancing, punches, kicks, wrestling etc.). See MCL 750.81et seq. and M Crim JI 17.1 and M Crim JI 17.2 and *People v Joeseppe Johnson*, 407 Mich 196 (1979). This term replaces what has previously been known Active Aggression.

Battery: A battery is a forceful, violent, or offensive touching of the person or something closely connected with the person of another. The touching must have been intended by the defendant, that is, not accidental, and it must have been against the victim's will. It does not matter whether the touching caused an injury. See M Crim JI 17.2

Chokehold: A neck restraint or any hold applied to or around the neck with the intent to restrict the flow of blood to the brain or the flow of air through the windpipe. Chokeholds are prohibited unless used in a deadly force encounter. The use of a chokehold is a use of deadly force. See *King v United States*, 917 F.3d 409 (6th Cir. 2019).

Conducted Energy Weapon (CEW): Non-lethal force alternative that generates electricity in a small, handheld battery-operated unit about the size of a handgun. When properly used, the CEW generates an electrical current that dominates the existing neuromuscular and sensory nervous system. See Axon.com regarding the Taser CEW.

Deadly Force: Any use of force where the natural, probable, and foreseeable consequence creates a substantial risk of causing imminent death or imminent great bodily harm to an individual. See MCL 780.972(1) and *People v Pace*, 102 Mich. App. 522 (1980). This term is interchangeable with the term lethal force.

De-Escalation: Any incident where an officer is confronted with non-compliance/resistance and the incident is resolved without a use of force or a significantly lower level of force than would be reasonably allowed in response to the subject's actions.

De-Minimis Force: Usual and customary physical contact that is intended to guide, control and/or separate that does not include the use of formal control techniques (such as PPCT maneuvers) that are intended to, or reasonably likely to, cause post use physical pain or injury. For example, handcuffing and muscling techniques are de-minimis force. Additionally, using hands or equipment to stop, push back, separate, or escort a person in the normal course of duties are examples of de-minimis force. See *Kostrzewa v. City of Troy*, 247 F.3d 633, 639 (6th Cir. 2001). Note: Formal and trained PPCT maneuvers are not de-minimis force.

Force: Physical contact by an officer, either directly or through the use of equipment, to compel a subject's compliance. Additionally, formal and trained PPCT maneuvers are force.

Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control, restrain, or overcome the resistance of another. See MCL 780.972(2). This term is interchangeable with the term less-lethal force.

Objectively Reasonable Force: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the totality of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. This is the standard created by the United States Supreme Court. See *Graham v Connor*, 490 U.S. 386 (1989).

Passive Resistance: Mere non-compliance with an officer's lawful orders to comply. See *Goodwin v. Painesville*, 781 F.3d 314 (6th Cir. 2015).

Reportable Force: Any incident in which an officer or employee, whether on-duty or off-duty and whose occupation as a Police Officer is a factor uses any deadly force, a less lethal control device, or any other physical force. Reportable force includes but is not limited to:

- (a) Personal Chemical Agent (e.g., when sprayed on or at the person)
- (b) Conducted Energy Weapon Taser
- (c) Hard Empty Hands (e.g., elbow, palm, or knee strikes or punches)
- (d) Impact Device (e.g., baton, blunt object)
- (e) Formal and Trained PPCT Maneuvers
- (f) Use of Restraints Other Than Handcuffs - Restraint Chair (See Policy - 302 Handcuffing and Restraints)
- (g) Less Lethal Devices
- (h) Police K-9 Utilization
- (i) Deadly Force (including any discharge of firearms)
- (j) Any use of force resulting in injury
- (k) Specialty tactical munition deployment

Actions that meet the above definition of "reportable force" require the completion of the department supplementary use of force form. Any incident where an officer's use of force was limited to handcuffing to gain control and/or compliance of a subject and does not result in an injury to either the subject or officer does not need to be specifically reported as a use of force incident because that contact is de-minimis. When the force is de-minimis, the incident, subject's actions, and officer's resulting response need only be documented in detail in the narrative of the applicable police report. De-minimis physical contact during arrest is not reportable force. However, the use of formal and trained PPCT maneuvers are reportable force.

300.2 POLICY

Constitutional Use of Force. It is the policy of this Department that any use of force should be Constitutional. Therefore, any use of force by officers shall be "objectively reasonable," as defined by the U.S. Supreme Court in *Graham v Connor*, 490 U.S. 386 (1989), and applicable state law, including MCL 780.972. All use of force by officers of this Department shall adhere to these laws, legal concepts and their progeny. In short, Constitutional, lawful and reasonable force is acceptable. Unconstitutional, unlawful and excessive force is prohibited. *Rudlaff v. Gillispie*, 791 F.3d 638 (6th Cir. 2015).

Objectively Reasonable Use of Force. Constitutional use of force requires that members of the Department only employ an amount of force that is objectively reasonable. In determining objectively reasonable force, the Department recognizes that officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on an objective standard, that takes into consideration the totality of the circumstances known by the officer at the time and from the perspective of a reasonable officer on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight

Tactical Considerations and Sanctity Life. Objectively reasonable force considers the fact that discretionary decision making is an important aspect in police response. Importantly, safe police tactics are the expectation. Where an immediate use of force response is not required to protect the sanctity of life, such as an active shooter situation or an active weapon violence incident, it may, based on the totality of the circumstances, be an acceptable police practice to tactically disengage, re-evaluate the encounter and wait for back up and/or additional resources.

Therefore, unless the situation is an active shooter or an active weapon violence incident, the officer should attempt to control the need for the use of force by considering appropriate and viable de-escalation techniques.

300.3 USE OF FORCE CONSIDERATIONS

- A. Not Use of Force Continuum.** The Department does not teach what is commonly called the Use of Force Continuum in the decision making or analysis of a use of force encounter. The Department uses the Constitutional use of force standard of Objective Reasonableness, as established by the United States Supreme Court, which takes into consideration the totality of the circumstances. See *Graham v Connor*, 490 U.S. 386 (1989) and *Thomas v. City of Columbus*, 854 F.3d 361 (6th Cir. 2017) and *Vanderhoef v. Dixon*, 938 F.3d 271 (6th Cir. 2019).
- B. Use of Less Lethal Force During Medical/Mental Health Emergencies.** Sometimes, the use of force may be authorized when dealing with a medical or mental health emergency. When officers are faced with circumstances requiring the use of force on an individual experiencing a medical emergency, who has not committed a crime, is not resisting arrest, and is not directly threatening the officer, it is the policy of this Department that any use of force by officers be "objectively reasonable," as defined by the U.S. Supreme Court in *Graham v Connor*, 490 U.S. 386 (1989) and its progeny non-arrest cases, *Estate of Corey Hill v. Miracle*, 853 F.3d 306 (6th Cir. 2017) and *Palma v Johns*, 27 F.4th 419 (6th Cir. 2022).

The following factors, taken from *Estate of Corey Hill v. Miracle*, 853 F.3d 306 (6th Cir. 2017), shall be the primary factors used by the officer and the Department to determine the reasonableness of any use of force on a person experiencing a medical or mental health emergency who has not committed a crime, is not resisting arrest, and is not directly threatening the officer.

- (a) The person was experiencing a medical emergency that rendered he or she incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to themselves or others and;
 - 1. some degree of force is reasonably necessary to ameliorate (lessen) the threat and;
 - 2. the use of force used is not more than reasonably necessary under the circumstances.

Note: The use of deadly force shall be prohibited on subjects whose actions are only a threat to themselves (e.g., attempted suicide).

C. De-escalation Alternatives. The objective of every call is to de-escalate the situation and safely solve the problem presented. However, that may not always be safe, prudent or possible. Officers will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:

- (a) Exercising persuasion and advice and providing a warning prior to the use of force.
- (b) Determining whether the officer may be able to stabilize the situation through the use of time, distance or positioning to isolate and contain subject.
- (c) Requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention trained officers and other personnel.

The identification and use of de-escalation opportunities and techniques is the expectation in situations when doing so is appropriate based on the circumstances. If possible, it should be the goal in every encounter to look for ways to increase the likelihood of voluntary compliance through attempts at de-escalation while prioritizing the safety of the public, officers and subject involved.

D. Excessive Force. The use of excessive force is prohibited. Officers shall use the amount of force that is both reasonable and necessary based on the totality of the circumstances. *Rudlaff v. Gillispie*, 791 F. 3d 638 (6th Cir. 2015). Force used as punishment or retaliation is prohibited.

E. Choke Holds. Choke holds are prohibited unless used in a "last resort" situation. Choke techniques will be viewed as deadly force in this policy. See *King v United States*, 917 F.3d 409 (6th Cir. 2019).

F. Discretion. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned and prudent discretion in determining the appropriate use of force in each incident.

G. Improvised Device. It is also recognized that exigent circumstances may arise in which officers honestly and reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

H. Motor Vehicle Use of Force. Intentional collisions by using a motor vehicle by an officer may be considered the use of deadly force. See Policy 307 regarding Police Vehicle Pursuit.

I. Drawing of Firearms. Firearms may be drawn or displayed when, based on the totality of the circumstances, an officer honestly and reasonably believes that their safety is in peril and such danger could be construed as life threatening or when the person to be apprehended has committed or there is probable cause to believe the person to be apprehended has committed a violent felony offense and/or the possibility of confrontation with deadly force exists.

J. Discharging Firearm at Moving Vehicle. Discharging firearms at a moving vehicle is deadly force and shall be a last resort. It is only authorized when the officer honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to themselves or to another individual because the occupant is using a deadly force weapon from the interior of that vehicle or if the moving vehicle is being used as a means to cause immediate injury or death to the officer or another person.

Officers shall attempt to move out of the path of an approaching vehicle to avoid a deadly force encounter and officers should not shoot at any part of a vehicle (e.g., tires, engine) in an attempt to disable the vehicle. Shooting at a moving vehicle with occupants should only be considered as a last resort.

K. Duty to Intervene and Report. Officers have a duty to intervene. Department employees must intervene to protect individuals from the use of excessive force when they observe or have reason to know that excessive force will be or is being used and have both the opportunity and the means to prevent the harm from occurring. An officer who observes another employee or officer use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. See *Turner v. Scott*, 119 F.3d 425 (6th Cir.1997) and *Floyd v Detroit*, 518 F.3d 398 (6th Cir. 2008).

L. Render Medical Aid. Officers have a duty to render medical aid. A core mission of this Department is to protect and preserve the sanctity of human life and officers shall render aid to all persons whom force is used upon as soon as the circumstances of the use of force situation allow. See *City of Revere v. Mass. Gen. Hosp.*, 463 U.S. 239 (1983) and *Blackmore v. Kalamazoo County*, 390 F.3d 890 (6th Cir. 2004).

300.3.1 TOTALITY OF CIRCUMSTANCE FACTORS

When determining whether to apply force and evaluating whether an officer has used objectively reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Individual's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the individual has been effectively restrained and their ability to resist despite being restrained
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.

- (k) Potential for injury to officers, suspects and others.
- (l) Whether the individual appears to be resisting, attempting to evade arrest by flight or attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the individual or awareness of any propensity for violence.
- (q) Any other exigent, evolving or relevant circumstances. See *Sample v. Bailey*, 409 F.3d 689 (6th Cir. 2005).

300.4 DEADLY USE OF FORCE APPLICATIONS

Authorization. An officer's use of deadly force must be consistent with Michigan Law and Constitutional law. See MCL 780.972(1) and *Tennessee v Garner* 471 U.S. 1 (1985) and *Graham v Connor*, 490 U.S. 386 (1989).

Use of Deadly Force. Pursuant to Michigan law, MCL 780.972(1), an officer may use deadly force against another person if:

The officer honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to themselves or to another individual and/ or to prevent the escape of a subject who is fleeing from the commission of an inherently violent crime and the officer has probable cause to believe that the armed subject poses an immediate threat of death or serious bodily injury to the officer or the community. Importantly, deadly force may not be used solely to prevent the escape of a fleeing suspect. See *Tennessee v Garner* 471 U.S. 1 (1985) and *People v Riddle*, 467 Mich 116 (2002).

Deadly Force to Stop Lethal Threat. Once an officer has begun to use deadly force, the officer must stop when the officer no longer honestly and reasonably believes the imminent threat of death or great bodily harm exists. See *White v City of Vassar*, 157 Mich. App. 282 (1987).

Self-Harm. Deadly force should not be used against persons whose actions are a threat solely to themselves or property unless the officer honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to themselves or to another individual in close proximity.

Warning. If a verbal warning is feasible under the circumstances and doing so will not increase the risk of injury to the officer or others, officers should identify themselves as law enforcement and give a verbal warning of their intent to use force.

Render Medical Aid. Once the threat has stopped or the subject has complied, and it is safe to do so, officers shall attempt to render aid to anyone injured during the incident including the individual in which force was used. See *City of Revere v. Mass. Gen. Hosp.*, 463 U.S. 239 (1983) and *Blackmore v. Kalamazoo County*, 390 F.3d 890 (6th Cir. 2004). Medical treatment provided shall be properly documented in the incident report.

300.5 GENERAL USE OF FORCE APPLICATIONS

Authorization. An officer's use of non-deadly force must be objectively reasonable and otherwise consistent with Michigan and Constitutional law. See MCL 780.972 (2) and *Graham v Connor*, 490 U.S. 386 (1989). Officers may only use force that is objectively reasonable and necessary in order to ensure the safety of an officer or third person, stop an attack, make an arrest, control a subject, or prevent escape.

Use for Force – Defense Related. Pursuant to Michigan law, MCL 780.972(2), an officer may use non-deadly force against another person if:

The officer honestly and reasonably believes that the use of that force is necessary to defend themselves or another individual from the imminent unlawful use of force by another individual. The force must be both reasonable and necessary.

Use of Force – Compliance and Arrest Related. Officers may use only that level of force that is "objectively reasonable" as defined by the U.S. Supreme Court in *Graham v Connor*, 490 U.S. 386 (1989). The force must be both reasonable and necessary.

Render Medical Aid. Once the need for force has stopped, and it is safe to do so, officers shall attempt to render aid to anyone injured during the incident including the individual in which force, deadly or otherwise, was used. See *City of Revere v. Mass. Gen. Hosp.*, 463 U.S. 239 (1983) and *Blackmore v. Kalamazoo County*, 390 F.3d 890 (6th Cir. 2004) and MCL 780.972(2). Medical treatment provided shall be properly documented in the incident report.

300.6 CONTROL DEVICES AUTHORIZATION

Only those officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device. Officers should use the control device as a compliance tool. The application should have a cadence that includes an opportunity for the subject to comply. The officer should reevaluate the totality of the circumstances after each application if multiple applications are contemplated.

300.6.1 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that those officers who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary. For Taser and Extended Range Impact Weapons (ERIW) devices, officers will be required to qualify with the device annually. Other less lethal weapons training and proficiency assessments shall occur at least once every two years.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor. The training will include both the legal aspects and practical application of the weapon and/or tactic.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the use of force legal aspects and provisions will be provided with remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the use of force legal aspects and provisions of this policy after remedial training, the member will be

restricted from carrying the control device and may be subject to discipline, suspension, reassignment and/or fitness for duty evaluation.

300.6.2 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the provisions of this policy.

300.7 WEAPON RESPONSIBILITIES

Rangemaster Responsibilities. The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Any control device deemed in need of repair or service will be immediately removed from service. A replacement device will be issued by the Rangemaster until the member's device is serviceable. The Rangemaster will document all repairs on a weapon repair log.

Every control device will be inspected, at least annually, by the Rangemaster or a certified instructor for that particular control device. This inspection shall be documented.

User Responsibilities. All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

300.8 BATON SPECIFIC GUIDELINES

Authorized Use. The Livonia Police Department utilizes the ASP Collapsible Baton, authorized by the Chief of Police.

Officers may use an impact weapons/baton, when the subject, at a minimum, is actively resisting arrest and where its use would constitute an objectively reasonable use of force in a manner consistent with law and policy. When using an impact weapon and/or baton, officers may only use force that is objectively reasonable and necessary in order to ensure the safety of a member or third person, gain compliance, stop an attack, make an arrest, control a subject, or prevent escape. See *Cincinnati v Jones*, 736 F.3d 688 (6th Cir. 2012) and *McDowell v. Rogers* 863 F.2d 1302 (6th Cir, 1988).

Targeting. The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to themselves or others.

Compliance. Officers should use the impact weapons/baton as a compliance tool. The use of impact weapons/baton shall immediately stop once the subject complies. The officer should reevaluate the totality of the circumstances after each application if multiple applications are contemplated.

Carry. When carrying a baton, uniformed personnel should carry the baton in its authorized holder on the equipment belt. Plainclothes officers may carry the baton as authorized and in accordance with the needs

of their assignments or at the direction of their supervisors.

300.9 OLEORESIN CAPSICUM (OC) SPECIFIC GUIDELINES

Authorized Use. The Livonia Police Department utilizes Sabre Red OC Spray, authorized by the Chief of Police.

Officers may use PCA spray when the subject, at a minimum, is actively resisting arrest and where its use would constitute an objectively reasonable use of force in a manner consistent with law and this policy. When using OC related tools, officers may only use force that is objectively reasonable and necessary in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape. See *Champion v Outlook Inc*, 380 F.3d 893 (6th Cir. 2004), *Adams v Metiva*, 31 F.3d 375 (6th Cir. 1994) and *Grawey v. Drury*, 567 F.3d 302 (6th Cir. 2009).

Targeting. As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

Compliance. Officers should apply the PCA as a compliance tool. The use of PCA shall immediately stop once the subject complies. The officer should reevaluate the totality of the circumstances after each application if multiple applications are contemplated.

Carry. Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes officers may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

300.9.1 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water and fresh air to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

The following situations shall require the individual to be transported to a medical facility for treatment:

- (a) An individual who has been exposed to OC and has a respiratory problem.
- (b) An individual who does not show signs of recovering from the effects of OC within 30 minutes

300.9.2 POST TEAR GAS AND/OR OC APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

300.10 EXTENDED RANGE IMPACT WEAPON SPECIFIC GUIDELINES

This department is committed to reducing the potential for violent confrontations and assisting those

with medical and mental health emergencies. See 300.3 (B) and Estate of Corey Hill v Miracle 853 F.3d 306 (6th Cir 2017) and Palma v Johns 27 F.4th 419 (6th Cir. 2022). Extended Range Impact Weapon (ERIW) projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation and provide aid to medically and mentally compromised individuals.

This department utilizes two ERIW projectile systems. The first is the Deuce Launcher 37mm SAGE impact weapon. The approved ammunition is the K01 impact baton. The second is the Pepperball High Pressure Launcher. The approved ammunition is the .68 caliber plastic PAVA (Capsaicin) Pepperball. Any other projectiles used in either weapon system must be approved by the Chief of Police prior to their deployment.

Authorized Use. Only department-approved ERIW munitions shall be carried and deployed. Only officers who have been trained and have qualified with the ERIWs are authorized to deploy them. Use of the Pepperball Launcher will be restricted to trained supervisors and Western Wayne Special Operations Team (WWSOT) Members only. All training and qualifications must be monitored by a certified instructor.

Approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. When using an ERIW, deploying personnel may only use force that is objectively reasonable and necessary in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, assist those with medical and mental health emergencies or prevent escape.

Compliance. Officers should apply the ERIW munitions as a compliance tool. The use of ERIW shall immediately stop once the subject complies. The officer should reevaluate the totality of the circumstances after each application if multiple applications are contemplated.

Deployment Decision. Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers take priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate resolution option.

Verbal Warning. A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Targeting. Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate, distract or gain compliance of the individual must be weighed against the risk of causing serious injury or death. The head, face, neck, chest and groin should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

300.10.1 ERIW SAFETY PROCEDURES

Markings. ERIW with extended range projectiles will be specially marked in a manner that makes them readily identifiable as such.

Storage. When not deployed, ERIW devices will be unloaded and properly stored. The Deuce Sage Impact Weapon will be stored, unloaded, in the shift supervisor's patrol vehicle. When not in the shift supervisor's patrol vehicle, the Deuce Sage Impact Weapon will be stored in the equipment room or armory. The Pepperball Launcher will be stored, unloaded, in the armory.

Confirming Visual Inspection. When deploying an ERIW, officers shall visually inspect the ERIW projectiles to ensure that conventional ammunition is not being loaded into the ERIW and to ensure that the appropriate munition is being loaded into the ERIW.

300.10.2 TREATMENT FOR ERIW EXPOSURE

Persons who have been contacted with or otherwise affected by the use of the ERIW Deuce Launcher should be assessed by emergency medical services prior to any transporting of the individual.

Persons who have been contacted with or otherwise affected by the use of the ERIW Pepperball Launcher should be promptly provided with clean water and fresh air to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel prior to any transporting of the individual.

The following situations shall require the individual to be transported to a medical facility for treatment:

- (a) An individual who has been exposed to Pepperball and has a respiratory problem.
- (b) An individual who does not show signs of recovering from the effects of Pepperball within 30 minutes.

300.11 CONDUCTED ENERGY WEAPON – TASER® SPECIFIC GUIDELINES

When used as directed in probe-deployment mode, energy weapons are designed to temporarily incapacitate a person from a safer distance than some other force options, while reducing the likelihood of death or serious injury. However, any use of force, including the use of an energy weapon, involves risks that a person may get hurt or die due to the effects of the energy weapon, physical incapacitation, physical exertion, unforeseen circumstances or individual susceptibilities. Following departmental training and the Axon/Taser instructions and warnings will reduce the likelihood that energy weapon use will cause death or serious injury. The Taser Law Enforcement Handheld Energy Weapon Warnings, Instructions, and Information are included by reference within this policy, shall be reviewed during the Taser re-certification process and available from the training division or online at <https://www.axon.com/legal>. See Taser Law Enforcement Warnings and See MCL 750.224a(2)(a) and

Graham v Connor, 490 U.S. 386 (1989).

Authorized Use. The Taser device utilized by the Livonia Police Department and authorized by the Chief of Police is the Axon Taser 10.

The Taser may be used when a subject, at a minimum, is actively resisting arrest and Taser use would be an objectively reasonable use of force in a manner consistent with law and policy. See Hagens v Franklin County, 695 F.3d 505 (6th Cir. 2012).

The Taser may be used in any of the following circumstances, when the totality of the circumstances indicates that such application is objectively reasonable and necessary to control a person. See MCL 750.224a(2)(a) and Graham v Connor, 490 U.S. 386 (1989) and Kent v. Oakland Cnty., 810 F.3d 384 (6th Cir. 2016).

- (a) The subject is violent, physically resisting or making a display of force.
- (b) The subject is displaying active resistance towards officers.
- (c) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves or others.

Taser Training. Personnel who are authorized to carry the Taser device shall be permitted to do so only after successfully completing the initial department-approved training. All training and qualifications must be monitored by a certified instructor.

Any personnel who have not carried the Taser device as a part of their assignment for a period of six months or more shall be recertified by a qualified Taser device instructor prior to again carrying or using the device.

Personnel who fail to demonstrate proficiency with the Taser device will be provided remedial training. If a member cannot demonstrate proficiency with the Taser device after remedial training, the member will be restricted from carrying the Taser device and may be subject to discipline, suspension, reassignment, and/or fitness for duty evaluation.

Proficiency training for personnel who have been issued Taser devices should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for Taser devices will be documented in the officer's training files.

Command staff, supervisors and investigators should receive Taser device training as appropriate for the investigations they conduct and review.

Officers who do not carry Taser devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry Taser devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Receiving an application of Taser devices during training could result in injuries and is not mandatory for certification. Those who voluntarily choose to receive an application must sign the appropriate Axon/Taser Waiver and Release.

The Training Sergeant should ensure that all training includes:

- (a) Practical application training using scenario-based methodology.
- (b) A review of this policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the Taser device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

The Rangemaster shall keep accurate records of all Taser devices, magazines and battery packs. All Taser devices will be inspected, at least annually, by the Rangemaster or a certified Taser Instructor.

Flight. Mere flight from a pursuing officer, without other known circumstances or factors, is not an objectively reasonable use of the Taser to apprehend an individual.

Punishment Prohibition. The Taser shall not be used to psychologically torment, to elicit statements or to punish any individual.

Targeting. The preferred target areas are below the neck area for back shots and the lower center mass (below chest) for front shots. The preferred target areas increase dart-to-heart distance and reduce cardiac risks. Back shots are preferable to front shots when practicable.

The use of the Taser device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Particularly Susceptible Individuals. Taser applications on particularly susceptible individuals (if known) should be limited and/or avoided if possible, based on the totality of the circumstances. These

individuals include those who are already physiologically or metabolically compromised due to heart disease, asthma or other pulmonary conditions, and people suffering from excited delirium, profound agitation, severe exhaustion, drug intoxication or chronic drug abuse, or over-exertion from physical struggle. In human studies of electrical discharge from a single completed circuit of up to 15 seconds, the physiologic, metabolic, and stress hormone changes were comparable to or less than changes expected from physical exertion similar to struggling, resistance, fighting, fleeing, or from the application of some other force tools or techniques.

Cardiac Capture. Energy weapon exposure very near the heart has a low probability of inducing extra heart beats (cardiac capture). In rare circumstances, cardiac capture could lead to cardiac arrest. When practicable, avoid targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death.

Avoid Sensitive Areas. When practicable, avoid intentionally targeting the energy weapon on sensitive areas of the body such as the face, eyes, head, throat, chest area (area of the heart), breast, groin, genitals or known pre-existing injury areas.

Physiologic and Metabolic Changes. Officers should be aware that energy weapon use can cause physiologic or metabolic changes that may increase the risk of death or serious injury for some particularly susceptible individuals. These include changes in blood chemistry, blood pressure, respiration, heart rate and rhythm, and adrenaline and stress hormones, among others.

Secondary Injury Due to Loss of Control of Movement or Startle. In probe deployment mode the Taser device usually renders subjects temporarily unable to control their movements. Also, a Taser device use may cause a startle response. This loss of control or startle can in some circumstances increase the risks of serious injury or death resulting from loss of balance, falls, loss of control of vehicle/machinery, or drowning. Officers should be cognizant of likelihood secondary injury when assessing the totality of the circumstances relating to Taser deployment.

Stress and Pain. Officers should be aware that energy weapon use, anticipation of use, or response to use can cause startle, panic, fear, anger, rage, temporary discomfort, pain or stress, which may increase the risk of death or serious injury for some particularly susceptible individuals.

Operational Range. The Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the device. Although the Taser is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

Training and Assignment. Only officers who have successfully completed department-approved training may be issued and may carry the Taser (MCL 750.224a). Tasers are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Carry. Officers shall only use the Taser and cartridges that have been issued by the Department. Uniformed Officers who have been issued the Taser shall wear the device in an approved holster. Non-uniformed Officers may secure the Taser in the driver's compartment of their vehicles. Officers are not allowed to carry a Taser while off-duty.

Officers who carry the Taser while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon.

- (a) Whenever practicable, officers should carry the maximum number of cartridges on their person when carrying the Taser.
- (b) Officers shall be responsible for ensuring that the issued Taser is properly maintained and in good working order.
- (c) Officers should not hold a firearm and Taser at the same time.

Function Check. Members carrying the Taser shall perform a function check prior to every shift.

Verbal and Visual Warning. A verbal warning of the intended use of the Taser should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the Taser may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate the warning alert or the laser in a further attempt to gain compliance prior to the application of the Taser. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Taser in the related report.

Warning Feasibility. If feasible, immediately prior to the use of the Taser the deploying officer should announce in a loud, clear and commanding nature: "TASER! TASER! TASER!" This announcement should only be made if it would not endanger any civilians, officers or the suspect. The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Taser in the related report.

Compliance and Cycle Limitations. Officers should assess the situation after each 5 second cycle and allow the subject an opportunity to comply after each cycle. Additional cycles should be applied only when objectively reasonable to gain compliance. Avoid applying the Taser for more than a cumulative total of 15 seconds, intermittently or consecutively, on an individual in any one

incident, as it increases the risk of injury to the subject. See *Goodwin v Painesville* 781 F.3d 314 (6th Cir. 2015).

Officers should apply the Taser for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers working as a team should not intentionally apply more than one Taser at a time to a single individual.

If the first application of the Taser appears to be ineffective in gaining control or compliance of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the Taser, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact and achieving the desired result of

neuromuscular incapacitation (NMI).

- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Actions Following Deployment. Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Taser. As soon as practicable, officers shall notify a supervisor any time the Taser has been discharged. The expended cartridges, along with all deployed probes and wires, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Probe Removal. Consistent with department-approved training, officers may remove probes unless they are located in a sensitive area (e.g., face, neck, breasts, groin). If probes are located in a sensitive area, local medical personnel should remove the Taser probes. Used Taser probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. Officers will inspect the probes after removal to ensure the entire probe and probe barb has been removed. In the event a probe or probe barb has broken off and is still embedded in the subject's skin, the subject should be provided medical attention.

Medical Assessment. All persons who have been struck by Taser probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/ or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears in need of medical attention.
- (d) The Taser probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Subject Signs of Distress. Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

Deployment Notification. The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Taser (see the Medical Aid and Response Policy #429).

Post-Deployment Supervisor Responsibilities. When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Taser may be used. A supervisor shall respond to all

incidents where the Taser was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the Taser. The device's onboard memory should be downloaded via the device battery using the battery charging dock. The Taser device log should be saved with the related arrest/crime report and should be reviewed by a supervisor or the Rangemaster. Photographs of probe sites should be taken and witnesses interviewed.

300.12 REPORTING THE USE OF FORCE

Any use of force by an officer that is defined by "reportable force" under this policy, shall be documented promptly, completely, and accurately in an incident report as well as a department issued use of force supplemental report. The officer should articulate the totality of circumstance factors perceived and why they believed the use of force was objectively reasonable under the circumstances. Additionally, to collect data for the purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms.

300.13 NOTIFICATION OF SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any circumstance, beyond the application of handcuffs or the use of more than de-minimis force as defined in this policy. It is expected and preferred that the supervisor responds to the scene to conduct their initial review.

300.14 POST USE OF FORCE MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes

called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

300.15 POST USE OF FORCE SUPERVISOR RESPONSIBILITIES

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately interview the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived their Miranda rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charge.
 2. The fact that an interview was conducted should be documented in the Use of Force investigation.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation into policy compliance, training needs or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.16 POST USE OF FORCE SHIFT/BUREAU SUPERVISOR RESPONSIBILITY

The Shift/Bureau Supervisor shall conduct a meaningful review each use of force by any personnel within their command to ensure compliance with this policy. The meaningful review will include recommendations on policy revisions, training needs, equipment enhancements and disciplinary actions.

300.17 USE OF FORCE TRAINING COMPONENTS

Officers will receive periodic hands-on use of force related training and shall demonstrate their knowledge and understanding of this policy, on a yearly basis. Use of Force training on the legal aspects of police use of force shall be ongoing.

300.18 USE OF FORCE ANALYSIS

Annually, the Uniform Division Commander, or designee, shall prepare an analysis report on use of force

incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.19 USE OF FORCE REVIEW BOARD

The purpose of this administrative review is to provide for a systematic, objective and meaningful review and evaluation of the use of force by its members to ensure that their authority is used appropriately and consistent training and department policy. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

300.19.1 REMOVAL FROM DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment, based on the circumstances presented.

300.19.2 USE OF FORCE REVIEW BOARD

The Use of Force Review Board shall convene in person.

The Use of Force Review Board ("Board") may be convened and is empowered to investigate and conduct a systematic, objective and meaningful review of the circumstances surrounding every discharge of a firearm, whether the member was on or off-duty, excluding training or recreational use. Also, the Board may be convened when the use of force by a member results in a very serious injury or death to another person. Additionally, the Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Support Services Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved member to notify the Support Services Division Commander of any incidents requiring board review. The involved member's Division Commander or supervisor will also ensure that all relevant reports, documents, and materials are readily available for consideration and review by the Board.

300.19.3 COMPOSITION OF THE REVIEW BOARD

The Support Services Division Commander should staff the Use of Force Review Board with the following:

- (a) Training Coordinator
- (b) Patrol Operations Lieutenant
- (c) Division Commander of the involved officer's chain of command
- (d) Office of Professional Standards Lieutenant

The Chief of Police will appoint the Chairperson. The Chief of Police may alter the members of the Board as he deems appropriate for the circumstances.

300.19.4 RESPONSIBILITIES AND PROCESS OF THE BOARD INVESTIGATION

As part of their investigation, the Board members may request further investigation, request reports be submitted for the Board's review, call people to present information and request the involved member to appear for an investigative interview. The involved member will be notified of the meeting of the Board and may choose to have a representative present during the interview.

Any questioning of the involved member conducted by the Board will be in accordance with Livonia Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law. See also, *NLRB v Weingarten*, 420 U.S. 251 (1975) and *Wayne-Westland Education Association v Wayne-Westland Community Schools*, 176 Mich App 361 (1989).

The purpose of the investigative interview is to obtain information on the incident being investigated. Any questions that may be asked will be narrowly, specifically and directly related

to administrative matters, policies and the official business of the Livonia Police Department. See *Gardner v Broderick*, 392 U.S. 273 (1968). Importantly, all members shall answer all questions presented to them completely, truthfully and without misrepresentation. See Policy 320, Standards of Conduct.

In some circumstances, the Board review may be delayed. The Chief of Police will determine whether the Board should delay its review until a later date to accommodate the completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. In the event of a delayed review, the Board should be provided with all relevant and lawfully available material from these proceedings for its consideration.

The Board is convened to investigate compliance with Department and City of Livonia policies. In this capacity, at the conclusion of the investigation, the Board, by majority vote, shall make one of the following recommended findings to the Chief of Police:

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

The Board Chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation and related evidence when making a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved member's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated consistent with the relevant collective bargaining agreement.

At the conclusion of any additional reviews or actions, copies of all relevant reports and information will be filed with the Chief of Police.

Based on the information gained during the review, the Board may recommend additional investigations, training reviews to consider whether training should be developed or revised, and policy reviews or other inquiries as may be appropriate.

300.20 NATIONAL USE-OF-FORCE DATA COLLECTION

The Livonia Police Department will participate in the National Use-of-Force Data Collection program. It shall be the responsibility of the Patrol Operations Bureau Commander to report departmental Use-of-Force data to the FBI's Law Enforcement Enterprise Portal (LEEP) on a monthly basis. A department member who has been newly assigned as the Patrol Operations Bureau Commander must visit the LEEP website in order to create a username and password.