

Oakland County Sheriff's Office
GENERAL ORDERS # 3.19



SUBJECT: Response to Resistance (formerly Use of Force)		NUMBER: 3.19
EFFECTIVE DATE: 6/1/2026	MACP Standard Impact: 1.10.2, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5 and 3.3.6	
REVIEW DATE: Annually		
REPLACES AND RESCINDS: GO 3.19 Issued 6/5/2025	DISTRIBUTION: All Personnel	NUMBER OF PAGES: 6

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with those contained within this document.

I. PURPOSE

The purpose is to provide deputies with the policy and procedures for the use of objectively reasonable force, now referred to as **Response to Resistance**.

II. POLICY

It is the policy of the Oakland County Sheriff's Office to use only the force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the deputy and others. **(MACP Standards 3.3.1 a)**

- A. A deputy's decision to use force requires careful attention to the facts and circumstances of each incident, including, but not exclusively:
 - 1. The severity of the incident at issue.
 - 2. Whether the subject poses an immediate threat to the safety of the deputy or others.
 - 3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
- B. Whether a deputy's response to resistance was "objectively reasonable" will be judged from the perspective of a reasonable deputy on the scene, without 20/20 hindsight. 20/20 hindsight means the full knowledge and complete understanding that one has about an event only after it has happened.
- C. The determination will take into consideration the facts and circumstances confronting the deputy at the time. It will also take into consideration the fact that law enforcement officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.
- D. This standard is derived from law, as interpreted by the United States Supreme Court, in cases such as *Graham v. Connor*, 490 U.S. 386 (1989).

Oakland County Sheriff's Office
GENERAL ORDERS # 3.19

III. DEFINITIONS (MACP Standards 3.3.1 b)

- A. Response to Resistance: The force used as a response to resistance by an individual.
- B. Deadly Force: For purposes of this order, deadly force means any use of force that creates substantial risk of causing death or great bodily harm.
- C. Active Resistance: Any action by a subject that attempts to prevent a deputy from gaining control of the subject. Active resistance does not require physical contact. Active resistance can include some outward manifestation, either verbal or physical, on the part of the subject that suggests non-compliance and conscious aggression or defiance.
- D. Intermediate Weapon: Intermediate weapons include, but are not limited to batons, oleoresin capsicum (OC) spray, Tasers, pepper balls, less lethal munitions or any other less lethal weapon.
- E. Meaningful Review: A documented review of an incident or occurrence, regardless of the outcome, prepared by or for the Sheriff or their designee. The review should indicate whether policy, training, equipment or disciplinary issues should be addressed.
- F. De-escalation: Typically refers to a process or collection of tactics used to prevent, reduce or manage behaviors associated with conflict such as verbal or physical agitation, aggression, violence or similar behaviors.

IV. PROCEDURES

- A. General Provisions (MACP Standards 3.3.1f,g)
 - 1. Before using force, a deputy shall assess each incident to determine (based on policy, training and experience) which response to resistance option the deputy believes is objectively reasonable and best to bring a situation under control in a safe and prudent manner.
 - 2. A deputy is authorized to use force in response to resistance that is objectively reasonable to:
 - a. Protect the deputy or others from immediate physical harm.
 - b. Restrain or subdue an individual who is actively resisting or evading an arrest or detention.
 - c. Bring an unlawful situation safely and effectively under control.
 - d. Maintain proper custody of a prisoner.
 - 3. A deputy's use of force shall comply with all Sheriff's Office Orders and training. Deputies shall use only tactics, techniques, equipment and training conducted or sanctioned by the Sheriff's Office. This includes the use of weaponless subject control or defensive tactics. Use of any force in a manner that is punitive or outside the scope of the deputy's authority is forbidden.
 - 4. Deputies have a legal duty to intervene to protect citizens, including arrestees and inmates, against the excessive use of force by another law enforcement officer or official. This means a deputy has a legal duty to intervene to prevent or stop the use of excessive force by another when the deputy observes or has reason to know that

Oakland County Sheriff's Office
GENERAL ORDERS # 3.19

excessive force would be or is being used and the deputy has both the opportunity and the means to prevent the harm from occurring by intervening when it is safe and reasonable to do so.

a. Intervention may encompass any range of acts necessary to prevent the citizen from being subjected to any further excessive force by the offender. Deputies should use their best judgement in deciding the method of intervention and acts of intervention may need to be increased if not immediately effective. Ultimately the reasonable use of force against the offender may be necessary to fulfill this legal duty and is acceptable under this order. **(MACP Standards 3.3.6)**

5. The Oakland County Sheriff's Office prohibits the use of a chokehold--a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation--except in those situations where the use of deadly force is allowed by law. **(MACP Standards 3.3.1 d,i)**

B. Restraints (MACP Standards 3.3.1h)

1. Subjects shall be handcuffed behind their backs unless there are medical injuries or circumstances that require the subject to be handcuffed in front. The reason why the subject was handcuffed in the front shall be documented in an incident report (e.g., pregnant females).
2. Handcuffs shall be double-locked, and the tightness shall be checked so as not to cause injury.
3. If the person wearing handcuffs complains that their handcuffs are too tight or are causing them pain, a deputy receiving such complaint shall check the handcuffs as soon as reasonably possible to check that they are applied properly and in accordance with training.
4. After applying handcuffs and once the incident is under control, deputies shall ensure that the subject is placed and remains in an upright or side position that will prevent positional asphyxiation, in accordance with training.
5. Deputies may also put restraints on the subject's ankles but shall not tie the restraints to the handcuffs ('hog-tying') to prevent positional asphyxiation.
6. Belly chains may be used for inmate transport and multiple arrests.

C. De-escalation (MACP Standards 3.3.1 c)

1. Whenever possible and appropriate, deputies shall attempt to de-escalate the situation.
2. De-escalation tactics include, but are not limited to: command presence, warnings, verbal persuasion, tactical positioning and use of distance and/or cover to produce discretionary time when applicable.
3. When a resisting subject de-escalates their resistance, the deputy shall also de-escalate the amount of force used to maintain an objectively reasonable level of force.

Oakland County Sheriff's Office
GENERAL ORDERS # 3.19

D. Intermediate Weapons

1. A deputy shall use intermediate weapons only in situations where the subject is actively resisting, in accordance with training. (**MACP Standard 3.3.1 g**)

E. Use of K9s

1. K9s may be used by deputy K9 handlers in situations where the subject is actively resisting or to protect the deputy or others from physical harm. The deputy K9 handler shall only use their K9 in a manner that is objectively reasonable as set forth in the Order.

F. Use of Deadly Force (MACP Standards 3.3.1 d,e)

1. Pursuant to MCL 780.972, a deputy who has not or is not engaged in the commission of a crime at the time they use deadly force, may use deadly force against another individual anywhere they have the legal right to be, with no duty to retreat, if either of the following applies:
 - a. The deputy honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death or imminent great bodily harm to himself/herself or another individual.
 - b. The deputy honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent sexual assault of himself/herself or another individual.

G. Use of Non-Deadly Force

1. Pursuant to MCL 780.972, a deputy who has not or is not engaged in the commission of a crime at the time they use force, other than deadly force, may use force other than deadly force against another individual anywhere they have the legal right to be, with no duty to retreat, if he/she honestly and reasonably believes that the use of that force is necessary to defend himself/herself or another individual from the imminent unlawful use of force by another individual.

H. Fleeing Felon

1. A deputy may not use deadly force to prevent the escape of a fleeing felon unless **both** the following exist:
 - a. The deputy has probable cause to believe that the subject has committed, or intends to commit, a life-threatening felony (i.e., a felony that poses a significant threat of death or serious physical injury to another); **AND** use of deadly force is necessary because all other reasonable efforts to apprehend the subject have either failed or cannot succeed without endangering the life of the deputy or other innocent persons.

2. This standard is derived from Tennessee v. Garner 471 U.S. 1 (1985).

I. Misdemeanor Situations

1. A deputy shall not use deadly force for the purpose of making an arrest or apprehending a person for a misdemeanor charge unless the deputy reasonably believes that the use of deadly force is necessary to prevent the imminent death or imminent great bodily harm to himself/herself or another individual.

Oakland County Sheriff's Office
GENERAL ORDERS # 3.19

- J. Weapons of Necessity (“Last Resort” Weapons)
1. Situations may occur where a deputy must take certain immediate and drastic measures to protect human life. Force used in these situations may involve the use of techniques or weapons that have not been covered in this policy. These situations will also be judged by the “objectively reasonable” use of force standard.
- K. Post-Incident Medical Care (MACP Standards 3.3.1 j)
1. As soon as possible after the scene is safe, a deputy shall provide appropriate medical care consistent with his/her training to any subject who:
 - a. Has visible or suspected injuries.
 - b. Complaints of being injured or in continued pain.
 - c. Does not recover from the effects of Intermediate Weapons within a reasonable and expected period of time.
 - d. Displays any other symptom or behavior that would indicate to a reasonable person that the subject may be ill or injured.
 - e. An arrestee who was tasered shall be transported directly to an emergency room for the purpose of medical clearance for incarceration. If the tasered arrestee is being transported directly to the jail, the transporting deputy shall radio ahead so that a jail medical health provider is present when the arrestee arrives to immediately conduct a pre-booking medical evaluation for clearance for incarceration.
- L. Documenting and Reporting Response to Resistance
1. Deputies shall immediately report to their command officer all incidents involving Response to Resistance, except in situations where the only force used was _____ compliant handcuffing or prisoner detention (unless injuries occur). This includes discharging a firearm and/ or Taser, whether intentionally or unintentionally, and for purposes other than training or approved recreational purposes. This also includes when a deputy points a firearm or Taser at a person for the purpose of obtaining and/ or maintaining control of that person, “in order to gain compliance”. If the deputy’s command officer is not available, then the deputy shall immediately report the use of force to the Operations Command Sergeant. Deputies shall follow the Responding to Deadly Force order in situations where deadly force was used. **(MACP Standards 3.3.2 a,b,c,d,e,f)**
 2. Each deputy involved in the incident will complete a Response to Resistance form (outlining their individual use of force) and complete a supplemental report to the original incident report.
 3. All Response to Resistance incidents shall be documented in the original incident report and Response to Resistance Form (attached to this policy), except in situations where the only force used was handcuffing for temporary detainment or prisoner detention and when no injuries occur.
 4. The following information shall be included in the report:
 - a. The type of force used.
 - b. The reason for using force.
 - c. Any injury or marks claimed or believed to be caused by the application of force.
 - d. Any post-incident after-care received by the suspect or deputy.
 5. All Response to Resistance incidents will initially be reviewed by the deputy’s command officer. **(MACP Standard 3.3.3)**

Oakland County Sheriff's Office
GENERAL ORDERS # 3.19

6. The Division Captain and Lieutenant shall conduct a meaningful review of all Response to Resistance reports in their respective commands. Upon the Division Captain's review, they may request further investigation be conducted by the Special Investigations Unit for policy violation or criminal acts. Once the review is completed, the Division Captain will forward a copy of the case report, Response to Resistance form, any supplemental reports and relevant video(s) to the Training Unit for policy compliance and training purposes. **(MACP Standards 3.3.1 k and 3.3.3 a)**
 7. Any deputy whose actions, pursuant to law enforcement authority, result in death or serious physical injury will be removed from patrol duties pending the completion of a meaningful review of the incident. **(MACP Standards 3.3.4)**
- M. Force Analysis & Training Unit Responsibilities
1. The Force Analysis Unit will review all Response to Resistance incidents and forward the findings to the HSWPD Captain. **(MACP Standards 3.3.3 a)**
 2. It is the responsibility of the Training Unit to research, develop, review, revise and implement the Response to Resistance and Defensive Tactics training program.
 3. The Training Unit shall ensure that all Sheriff's Office personnel receive annual Response to Resistance training. **(MACP Standards 1.10.2 a, b)**
 4. The Force Analysis Unit shall, on an annual basis, complete a documented summary of all Response to Resistance incidents with a written analysis and forward that summary to the HSWPD Division Commander for review. A final copy shall be provided to the Accreditation Manager. **(MACP Standards 3.3.3 b)**
 5. The Training Unit shall be responsible for maintaining and storing all Response to Resistance training protocols and keeping the training records of all Sheriff's Office personnel.
 6. This policy shall be reviewed annually by the Force Analysis & Training Units.
- MI. Data Collection
1. The Oakland County Sheriff's Office will participate in the DOJ/FBI National Use of Force Data Collection program. **(MACP Standards 3.3.5)**
- MII. Deputy Questions
1. Any questions or concerns that a deputy may have should be addressed to the Training Unit Command staff for clarification.



ISSUED BY: Sheriff Michael J. Bouchard