 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 702	Page(s) 1 of 5
	USE OF FORCE BY FMFM STATE FOREST OFFICERS PROCEDURE	Date Approved: November 1, 2002	

A. AUTHORIZATION/REFERENCE


- THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451;
- PART 5, GENERAL POWERS AND DUTIES, as amended, BEING SECTIONS 324.501 TO 324.51514 OF THE MICHIGAN COMPILED LAWS ANNOTATED
- PART 89, LITTERING, as amended, being sections 8901 to 8907, MCL 324.8901 to MCL 324.8907.
- PART 515, BURN PERMITS, INTENTIONALLY CAUSING FIRE, as amended, being sections 51501 to 51514, MCL 324.51501 to MCL 324.51514.
- PART 742, CAMP REGISTRATION CARD, as amended, being sections 74201 to 74207, MCL 324.74201 to 423.74207.
- PART 811, ORV, as amended, being sections 81101 to 81150, MCL 324.81101 to MCL 324.81150.
- PART 821, SNOWMOBILES, as amended, being sections 82101 to 82160, MCL 324.82101 to MCL 324.82160.
- PART 831, FOREST RECREATION, as amended, being sections 83101 TO 83109, MCL 324.83101 to MCL 324 .83109.
- THE REVISED JUDICATURE ACT, 1961 PA 236, as amended by 2000 PA 80, BEING SECTION 600.8801 OF THE MICHIGAN COMPILES LAWS ANNOTATED.
- State land use rules provided in R 299.921 through R 299.933 of the Michigan administrative code.
- MICHIGAN VEHICLE CODE, 1949 PA 300, Sections 255, 311, 624a, 674, 904, 904a, MCL 257.255,257.311,257.624a, 257.674, 257.904, 257.904a.
- MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, Section 703, MCL 436.1703
- THE MICHIGAN PENAL CODE, 1931 PA 328 Chapter 48, MCL 750.335 to 750.347, Chapter 52, MCL 750.356 to 750.367c, Sections 377a, MCL 750.377a, Section 243a to 243e, MCL 750.243a to 750.243e., and Section 167, MCL 750.167
- THE PUBLIC HEALTH CODE, 1978 PA 368, Sections 7403 and 7404, MCL 333.7403 and 333.7404.
- FMFM Policy 700 - General State Forest Officer and Enforcement Procedure
- FMFM Policy 701 - Law Enforcement Administrative Procedure
- FMFM Policy 702 - Use of Force by FMFM State Forest Officers Procedure
- FMFM Policy 703 - Handling Intoxicated Individuals Procedure
- FMFM Policy 704 - Impoundment of Personal Property Procedure
- FMFM Policy 705 - Eviction from Department Facilities Procedure
- FMFM Policy 706 - Incidents, Property Damage and Larceny Procedure
- FMFM Policy 707 - Disposal of Alcoholic Beverages and Narcotics Procedure
- FMFM Policy 708 - Transportation of Prisoners Procedure

B. POLICY

State Forest Officers shall use physical force only in an enforcement situation where there is reason to believe it is necessary to protect themselves or others from a threat of harm by an assault, or if necessary and reasonable in the making of an arrest.

C. EXPLANATION

In today's law enforcement environment, Forest, Mineral and Fire Management (FMFM) State Forest Officers must be able to respond to physical confrontations with a degree of professional judgement and skill. The consequences of failing to perform properly may result in injury or worse to the State Forest Officer, a forest user, or the suspect. An error may also result in litigation involving use of excessive force. It is essential that the State Forest Officer act within the boundaries of the law, ethics, good judgement, and accepted law enforcement practices. The State Forest Officer must be prepared and properly trained to function within State and Federal laws and Division and Department policy. State Forest Officers, as peace

 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 702	Page(s) 2 of 5
	USE OF FORCE BY FMFM STATE FOREST OFFICERS PROCEDURE	Date Approved: November 1, 2002	

officers, are charged with the responsibility to protect life and property, detain or arrest criminals, and deter criminal behavior. The protection of life, including the State Forest Officer's, must at all times take precedence over the apprehension of criminal offenders.

D. PROCEDURE

State and Federal laws define the legal levels of force that law enforcement officers may use in the performance of their duties. When consent or an emergency is not present, or when there is no probable cause to make an arrest, the touching of another by a State Forest Officer may constitute a crime, as well as result in civil liability. When probable cause or an emergency does exist, criminal and civil liability may result if the limits of the law are exceeded.

Society recognizes that State Forest Officers also have the right to be free from any unjustified violations of their physical integrity. Society also recognizes and sanctions the use of reasonable measures by State Forest Officers to protect themselves against assaults and resistance that may be intended to inflict injury upon them.


In all cases, State Forest Officers will use the lowest level of control that will achieve a positive outcome. The following will apply to any use of force:

1. The State Forest Officer's use of force is the direct result of the subject's resistance and can be escalated to the Force Continuum to meet such resistance.
2. Should the resistance diminish in level, or cease all together, the force used by the State Forest Officer must be reduced or eliminated in response.
3. The use of reasonable and necessary force is justified under the following circumstances:
 - a. To protect the State Forest Officer or another from injury or death.
 - b. To stop potentially dangerous and unlawful behavior.
 - c. To prevent subjects in custody from injuring themselves.
 - d. To effect a lawful arrest.

LETHAL FORCE

"LETHAL FORCE", as used in this policy, is defined as any force which a reasonable and prudent person would consider likely to cause death or grave bodily harm.

Note: The use of batons, flashlights, vehicles, and a variety of other methods and devices, can be considered lethal force under certain circumstances.

 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 702	Page(s) 3 of 5
	USE OF FORCE BY FMFM STATE FOREST OFFICERS PROCEDURE	Date Approved: November 1, 2002	

It shall be recognized:


1. The use of lethal force is authorized only as a last resort, after all reasonable alternatives have been exhausted.
2. State Forest Officers may use lethal force to protect themselves or others from what is reasonably believed to be an immediate threat of death or grave bodily harm.
3. The use of lethal force is NEVER justified to apprehend, subdue, or prevent the escape of a misdemeanor or a person who has committed a civil infraction.
4. It is unlawful for any State Forest Officer to use lethal force to prevent the escape of a suspect, unless the State Forest Officer has reliable knowledge that the suspect has committed a felony using lethal force, or has threatened the use of lethal force, or a substantial risk of harm to the community would result if apprehension is delayed. The State Forest Officer must give verbal warning, where feasible, prior to the use of lethal force.
5. No distinction shall be made relative to the age, sex, or race of the intended target of lethal force.
6. State Forest Officers in emergency situations, making or attempting to make a lawful arrest, conducting an investigation, or using force in accordance with this policy, shall be considered as on duty for the purpose of liability protection and employee benefits.

WEAPONS

1. State Forest Officers shall not carry a non-issued weapon. The issued baton and chemical agent may be carried whenever on duty.
2. The issued baton and chemical agent shall be carried only by commissioned State Forest Officers, who are certified for the specific device(s) carried.
3. State Forest Officers shall not display or use the baton or chemical agent unless the State Forest Officer is attempting to prevent a further escalation of force or to control resistive behavior.
4. State Forest Officers shall monitor a subject who has been exposed to chemical spray and administer first aid until the effects wear off, or the subject is turned over to an EMT, other State Forest Officer, or other law enforcement agency.
5. When State Forest Officers turn a suspect who has been exposed to a chemical agent over to another State Forest Officer or agency, the State Forest Officer shall inform them of chemical use to prevent unnecessary contamination of others and to insure proper monitoring/treatment of the subject.

HANDCUFFS

Handcuffs are designed to provide a safe means of controlling the movement of a person under arrest. When properly used, handcuffs not only restrain movement, but also protect the State Forest Officer, the suspect, and others.

 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 702	Page(s) 4 of 5
	USE OF FORCE BY FMFM STATE FOREST OFFICERS PROCEDURE	Date Approved: November 1, 2002	

1. Handcuffs will be carried only by State Forest Officers.
2. Handcuffs will be carried in an enclosed case and attached to the issued duty belt.
3. Suspects will normally be handcuffed behind the back, with cuffs always double locked.
4. Some physical or environmental conditions may require front cuffing.
5. The suspect will be thoroughly searched after handcuffing.
6. Additional restraining techniques can only be used to control extreme behavior by suspects, and to prevent injury.

MEDICAL CONSIDERATIONS

Whenever a State Forest Officer injures another person, or renders them unconscious, the State Forest Officer shall:

1. Render first aid to the victim as appropriate.
2. Summon emergency medical assistance.
3. Notify the Chain of Command of the use of force incident, as soon as practical.


SURVIVAL TACTICS TRAINING

State Forest Officers will be instructed in the legal and ethical aspects of the use of physical force, as well as accepted survival tactics techniques. All State Forest Officers will be required to attend annual survival tactics recertification sessions after they have completed the initial course. Failure to remain certified shall result in suspension of the commission, which includes revocation of baton, handcuff and chemical spray carrying privileges. Recertification and practice sessions will be scheduled annually by the Training Officer. State Forest Officers will be required to actively participate in such training unless suffering from a temporary documented physical condition, which precludes participation. In the case of a temporary documented physical condition, the State Forest Officer will be relieved of law enforcement responsibilities by the FMFM Unit Manager, in writing, until such time as the State Forest Officer can complete recertification.

THE DIVISION INVESTIGATIVE PROCESS

State Forest Officers shall report all instances of use of force to the FMFM Management Unit as soon as practical following the incident. The FMFM Management Unit will notify the Chain of Command. A follow-up Incident Report, Form R1004e, must be submitted by the State Forest Officer involved to the FMFM Management Unit within 24 hours following the incident.

All applications of the use of force will be reviewed by a review committee consisting of the FMFM Management Unit and District Supervisors, Field Coordinator, an FMFM Survival Tactics instructor appointed by the Field Coordinator, and a designee from Law Enforcement Division. A report, including a

 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 702	Page(s) 5 of 5
	USE OF FORCE BY FMFM STATE FOREST OFFICERS PROCEDURE	Date Approved: November 1, 2002	

copy of the Incident Report, and as a minimum, answers to the following questions, will be submitted by the Field Coordinator to the Chief of FMFM within 10 days following the incident.

1. The need for application of force, taking into account the circumstances of the situation and the knowledge, experience, training, and physical capabilities of the State Forest Officer involved.
2. The relationship between the need for the application of force, nature of force, and the amount of force that was used.
3. Whether the force was applied in a good faith effort to restore and maintain control.
4. Identification of education or training issues resulting from the incident.

CIVIL RIGHTS INVESTIGATION

FMFM will respect the rights of the State and Federal government to conduct an independent investigation to identify any civil rights violation that may have occurred. FMFM will not order or request any of its State Forest Officers who may be the subject of such an investigation, to confer with State and Federal investigators without the advice of counsel.

PSYCHOLOGICAL SERVICES FOR THE STATE FOREST OFFICER

If a person has been seriously injured or killed as a result of action by a State Forest Officer, the involved State Forest Officer will be placed on Administrative Leave and be required to undergo consultation with a DNR furnished mental health expert within five days of the incident. The purpose of this consultation will be to allow the State Forest Officer to express their feelings, and to deal with the after effects of the incident. The visit shall not be related to any investigation of the incident and nothing will be reported to the Department unless authorized by the State Forest Officer.

In addition, the involved State Forest Officer's family will be offered the services of a DNR provided mental health expert or a chaplain. The purpose of this offer is to provide the State Forest Officer and family with a source of professional counseling to aid them in dealing with the effects of a lethal force incident.

Other State Forest Officers or employees who may be witness to similar situations, but not personally responsible, should be identified by the FMFM Unit Manager and reported to FMFM for possible Traumatic Incident Stress Management intervention.