



The City of Grand Rapids and GRPD's Policy Violations Related to Patrick Lyoya's Shooting

Racial Profiling Policy

Current language

SPECIFIC RESPONSIBILITIES

1. Employees shall not engage in racial profiling or any other bias-based law enforcement practices.
2. Employees of the Grand Rapids Police Department, whether sworn or civilian, shall treat every person with courtesy and respect when interacting with the public, and will conduct all duties in a professional manner.
- 3.
4. Employees shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial/bias-related profiling, including but not limited to racial slurs or derogatory references about a specified characteristic. **Pages 1-2.**

The involved officer violated the above language based on his initial dialogue with Patrick at the beginning of the stop; such as saying "Do you speak English and not following up with any translation assistance even though he had this assistance at his disposal.

Lansing Connection

[Lansing Police Chief] Green also states that indiscriminate use of the Law Enforcement Information Network (LEIN) to scan license plates without an articulable and non-bias public safety reason is prohibited.

Traffic Enforcement Policy

Current language

Enforcement Procedures

In making contact with the driver or occupants, officers will present a professional image and treat the subjects with respect and courtesy. During the contact officers will remain cognizant that criminal activity unrelated to the traffic stop may be present. Page 2.

The involved officer violated the above language based on his initial dialogue with Patrick at the beginning of the stop; such as saying "Do you speak English and not following up with any translation assistance even though he had this assistance at his disposal.



Lansing Connection

[Lansing Police Chief] Green also states that indiscriminate use of the Law Enforcement Information Network (LEIN) to scan license plates without an articulable and non-bias public safety reason is prohibited.

Body Worn Camera Administrative Policy

Current language

Officers shall not deactivate the body-worn camera system, once activated, until he or she has disengaged contact with a witness, complainant, victim, or suspect, subject to the following exceptions:

a) De-activation is approved by a supervisor;

When a body-worn camera is not activated or an entire contact is not recorded, the officer shall document the reasons. **Page 3.**

The involved officer violated the above language based on the fact that his body worn camera was deactivated when it fell off the officer's person while the officer was engaging with and wrestling with Patrick. Also, it takes 3 seconds of consistently holding down on the body-worn camera for it to be deactivated. Additionally, the involved officer did not provide an adequate explanation in writing to the Police Chief on how the body-worn camera was deactivated during the encounter with Patrick. The Police Chief has expressed skepticism of the officer's explanation on how the body-worn camera was deactivated during the encounter with Patrick.

Use of Force Policy

Current language

Use deadly force only to defend themselves, another officer, or another person against a reasonable threat of death or serious bodily injury; or to prevent the escape of a subject who is fleeing from an inherently violent felony crime, when the officer has probable cause to believe the subject poses a reasonable threat of death or serious bodily injury to the officer or others. **Page 1.**

Physical Controls. Hard empty hand techniques such as kicks, strikes, take downs, etc. Hard empty hand techniques are used to counter active resistance or active aggression. They are applied when soft empty hand control has failed, or the officer reasonably believes that soft empty hand control will be insufficient to establish control, and the use of deadly force is not justified.

Intermediate Control. The level of control that utilizes Department-approved equipment (i.e., impact weapons, less lethal munitions, electronic control devices) when soft empty hand control and hard empty hand control has failed or the officer reasonably believes that empty hand control will be insufficient to establish control, and the use of deadly force is not justified.

Deadly Force. Any force used against an officer and/or another person that reasonably could result in death or serious bodily injury. **Page 4.**



Escalation and de-escalation of force

- a. When possible, officers should attempt to gain control by means of verbal directives or commands. Effective communication skills may prevent many physical confrontations from escalating. However, if verbal directives or commands are ineffective, or not feasible given the circumstances of the situation, the officer must be prepared to escalate to control methods that involve the use of physical force. If force is justified, the officer must decide which technique(s) or authorized equipment will bring the situation under control.
- b. Escalation of force may be justified when an officer reasonably believes that the level of force being used is insufficient to stop or control the resistance.
- c. Officers may escalate to a level of force that is “objectively reasonable” to control the situation, based on the level of resistance encountered. As the subject begins to de-escalate or lessen the resistance offered, the officer must de-escalate in a similar manner.
- d. The officer should consider the “totality of circumstances” when making a decision to escalate or when to de-escalate the level of control. The “totality of circumstances” would be all the facts and circumstances confronting the officer at the time the force is used including, but not limited to:
 - (1) Relative size/stature
 - (2) Multiple subjects/officers
 - (3) Relative strength
 - (4) Subject(s) access to weapons
 - (5) Subject(s) under the influence of alcohol or drugs
 - (6) Exceptional abilities/skills (e.g., martial arts)
 - (7) Ground position
 - (8) Subject/officer’s fitness level
 - (9) Injury to or exhaustion of the officer
 - (10) Weather or terrain conditions
 - (11) Imminent danger
 - (12) Distance from the subject
 - (13) Special knowledge (e.g., subject’s prior history of violence, etc.)
 - (14) Type of crime
 - (15) Reaction time (based on the knowledge that the initial action is always faster than the reaction to it)

Pages 4-5.



AUTHORIZED USE OF DEADLY FORCE

1. The use of deadly force is limited to the following situations:

- a. To protect the officer or another from what is believed to be a reasonable threat of death or serious bodily injury
- b. To prevent the escape of a subject who is fleeing from an inherently violent felony crime, when the officer has probable cause to believe that the subject poses a reasonable threat of death or serious bodily injury to the officer or others.

4. Whenever reasonably possible, officers shall provide verbal directives before deadly force is used.

Page 6.

The involved officer violated the above language since Patrick was unarmed and did not pose a reasonable threat to the officer or anyone else. Also, the involved officer never attempted to de-escalate the situation, including letting Patrick run away since he was not armed or about to commit a violent felony. Nor did the involved officer make any verbal directives to Patrick related to the use of deadly force.

Taser Policy

Justification for use

Current language

“Based on the totality of the facts and circumstances, the ECD may be employed in an objectively reasonable manner by trained personnel to effect control during a lawful arrest of a subject(s) who physically resists or threatens to physically resist an officer.” **Page 4.**

Change to...

- a. “A subject demonstrates active aggression such as physical actions/assaults against officers or citizens with less than deadly force (i.e., advancing, challenging, punching, kicking, grabbing, wrestling, etc.)
- b. An officer reasonably believes that empty hand controls will be insufficient to control the subject’s actions based upon the totality of circumstances.” **Pages 1-2.**
- c. And must exhaust use of de-escalation techniques and all non-lethal uses of force.



Firearm Policy

Justification for use

Current language

PROCEDURE

1. **Deadly Force Applications**

a. Officers may discharge a firearm in connection with the performance of their official police duties to:

- (1) Defend against a reasonable threat of death or serious bodily injury to himself/herself.
- (2) Defend against a reasonable threat of death or serious bodily injury to another officer or citizen.
- (3) Prevent the escape of a subject who is fleeing from an inherently violent felony crime, when the officer has probable cause to believe that the subject poses a reasonable threat of death or serious bodily injury to the officer or others. **Page 1.**

The involved officer violated the above language since Patrick was unarmed and did not pose a reasonable threat to the officer or anyone else.

Current language

Discharge of Firearms

a. Officers, upon discharging their weapon, shall:

- (2) Render assistance to the injured. **Pages 3 and 4.**

The involved officer violated the above language since he did not render aid to Patrick after discharging his firearm.

Use of Force Best Practices for Reform (based on New Jersey's Use of Force Policy)

Core Principles

- 1. The Sanctity of Human Life and Serving the Community.** In serving the community, law enforcement officers (hereinafter "officers") shall make every effort to preserve and protect human life and the safety of all persons. Officers shall respect and uphold the dignity of all persons at all times in a non-discriminatory manner.
- 2. Force as a Last Resort and Duty to De-Escalate.** Force shall only be used as a last resort when necessary to accomplish lawful objectives that cannot reasonably be achieved through verbal commands,



critical decision making, tactical deployment or de-escalation techniques. Force shall never be used as a retaliatory or punitive measure.

3. Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force. Officers shall use the least amount of force that is objectively reasonable, necessary and proportional to safely achieve the legitimate law enforcement objective under the circumstances.

4. Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury. Deadly force shall only be used as an absolute last resort and in strict compliance with this Policy. Other actions by law enforcement that create a substantial risk of death or serious bodily injury must be avoided or employed only under the strictest of conditions.

5. Duty to Intervene and Report. Every officer, regardless of rank, title, seniority, or status, has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with such policies, regulations, and laws, if possible, before a fellow officer uses excessive, illegal, or otherwise inappropriate force. Every officer has a duty to immediately report any improper use of force.

6. Duty to Render Medical Assistance. After any use of force, and when the environment is safe, officers shall promptly render medical assistance to any injured person consistent with the officer's training and shall promptly request emergency medical assistance for that person, if needed or requested. Officers also have a duty to monitor individuals for potential medical intervention after any officer uses force.

7. Duty to Report and Review Uses of Force. Every use of force must be reported and receive a meaningful command level review as set forth in a written department policy that includes review by the law enforcement executive. The law enforcement executive shall also conduct an annual review and analysis of the overall use of force by the department.

Definitions

Critical Decision-Making Model. The Critical Decision-Making Model is an organized way of making decisions about how an officer will act in any situation, including those that may involve potential uses of force.

Deadly Force. Force that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing death or serious bodily injury. Discharging a firearm, constitutes deadly force, unless the discharge occurred during the course of a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of an injured animal. A threat to cause death or serious bodily injury by the display of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.

Imminent Danger. Threatened actions or outcomes that are immediately likely to occur during an encounter absent action by the officer. The period of time involved is dependent on the circumstances and



facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous, for example, imminent danger may be present even if a subject is not at that instant pointing a weapon at the officer, but is carrying a weapon and running for cover to gain a tactical advantage.

Proportional Force. The minimum amount of force, of both type (e.g., physical, mechanical, enhanced mechanical, or deadly) and intensity, that is necessary to control a situation and achieve a legitimate law enforcement objective. The law permits officers to overcome unlawful force or resistance; thus, the term proportional force is not intended to mean a type and intensity of force that is exactly equal to the type and intensity of force being used by the subject. The term proportional force is intended to highlight that the level of force a law enforcement officer utilizes shall be no more than is necessary to overcome the unlawful force or resistance being confronted by the officer.

Reasonable Belief. A reasonable belief is an objective assessment based upon an evaluation of how a reasonable officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the officer at the scene.

Serious Bodily Injury. Serious bodily injury means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Serious bodily injury and serious bodily harm have the same definition the purposes of this Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).

Strategic Redeployment. Repositioning by an officer to increase space and time to react to a subject. It includes gaining time to de-escalate by withdrawing from the immediate vicinity of the subject if doing so will not create a threat to the safety of the public or the officer in doing so.

Tactical Communication. Verbal communication techniques that are designed to avoid or minimize the use of force. Such techniques include giving clear, simple instructions or directions, using active listening techniques to engage the suspect, and explaining the consequences of failure to comply with directions or instructions, including that force may be used.

Tactical Positioning. Making advantageous uses of position, distance, and cover to reduce the risk of injury to an officer and avoid or reduce the need to use force.

Time as a Tactic. A method to avoid forcing an immediate resolution to a situation if it can be safely done, including establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.

Lansing's Traffic Stop Ordinance

[Lansing Police Chief] Green said that the LPD uses a constitutional policing model and actively works to eliminate bias. The objective of implementing the guidelines are to improve the safety and quality of life for everyone.

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Work Product



As well as the new guidelines, Green reiterated that the LPD does not have ticket quotas and any sworn officer must have both lawful reason and good judgement when making a traffic stop.

"The intent of the following traffic stop guidelines are consistent with our overall constitutional policing model that is focused on protecting the individual constitutional rights of our citizens while eliminating any aspect, inferred or otherwise, of bias-based traffic policing practices," Green said.

Primary violations, which are labeled as "Public Safety Violations," remain of strong interest and encouraged action by LPD. These safety stops include failure to wear seat belt/child restraints, inoperable headlight/s after dusk hours, no brake lights, expired license plate, speeding, careless and reckless driving, violation of traffic control devices, impaired driving and other unsafe and dangerous driving situations.

Beginning on July 2, the order will prevent officers from initiating a traffic stop solely for a secondary violation and are allowed to provide written or verbal warnings for defective equipment violations.

Secondary traffic violations include those in which don't have a relationship with traffic safety, such as defective equipment, including cracked windshields, loud exhaust, inoperable license plate lamp, cracked tail lights, dangling ornaments, and window treatment.

Green also states that indiscriminate use of the Law Enforcement Information Network (LEIN) to scan license plates without an articulable and non-bias public safety reason is prohibited.

Violations of this order can result in educational-based disciplinary action, remedial training or, if the circumstances of the violation are exceptional, severe discipline including criminal investigation.

The Office of Internal Affairs and Chief of Police will conduct ongoing and quarterly reviews of the data collected from traffic stops and make sure it is released to the public.

Greens said that after 60 days the order for the guidelines will be examined and adjusted if needed.

"After 60-days, the Chief of Police and Police Board of Commissioners will examine data concerning the following guidelines and update LPD Policy 600.2 (Management Analysis of Traffic Stops) with any related or identified best practices and/or additions, deletions or corrections to this Order," Green said.

Schor said in the press release that Lansing will be one of the first cities in Michigan to implement the change and that it is a major step in the insurance of fair and impartial policing.

"This change is based on input and feedback from residents about what they want from their police department," Schor said. "Lansing will be one of the first communities in the state of Michigan to take this action. It is a major step in ensuring that we have fair and impartial policing here in Lansing."

https://statenews.com/article/2020/07/lansing-mayor-schor-implements-new-traffic-stop-guidelines-for-lansing-police-department?ct=content_open&cv=cbox_featured



Chicago Police Department's Foot Pursuit Policy Draft

Reminding officers to begin any interaction with tactics meant to reduce the possibility of a foot pursuit.

- Defining foot pursuits as appropriate only when there is probable cause for an arrest or it is believed an individual has committed, is committing or is about to commit a crime.
- Prohibiting foot pursuits stemming from minor traffic offenses.
- Detailing tactics to avoid a foot pursuit, including continual communication with a subject and encouraging officers to position themselves in such a way to reduce the opportunity for a foot chase.
- Outlining alternatives to foot pursuits that should always be considered by officers, including establishing a surveillance or containment area and/or apprehending an identified suspect at another time or place.
- Ensuring circumstances surrounding a foot pursuit are considered before any foot pursuit takes place. Officers must ask themselves if the need to apprehend the subject is worth the risk to responding officers, the public, or the subject.
- Prohibiting foot pursuits for criminal offenses less than a Class A misdemeanor, unless the person poses an obvious threat to the community or any person.
- Discontinuing foot pursuits if someone is injured and requires immediate medical assistance; if officers are unaware of their location; and if the need to apprehend the subject is not worth the risk to responding officers, the public or the subject.
- Informing Department members that they should not separate from their partner or from assisting units in a foot pursuit if the loss of visual contact, excessive distance or nearby obstacles interfere with their ability to come to the aid of their partner.
- Termination of a foot pursuit if officers engaged in the pursuit believe they would not be able to control the suspect if a confrontation were to occur.
- Outline responsibilities for supervisors, which allow them to instruct officers to discontinue a foot pursuit at any time.
- Requiring officers to notify the Office of Emergency Management and Communications (OEMC) of a foot pursuit.
- Ensuring officers engaged in foot pursuits activate body-worn cameras to record the entire incident in accordance with the Department's body-worn camera policy.

[CPD 26-May-21-Foot-Pursuit-Policy-1.ctm.pdf](#)