

law enforcement action forum

Newsletter

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By Matt Heins, Law Enforcement Action Forum Coordinator

Risk Reduction Strategies and Best Practices

PERSPECTIVES ON: LEADERSHIP

Ride-Along Programs

Ride-along programs can foster community support while giving participants insight into the daily challenges faced by officers, the issues they help address, and the skills required for their roles. Students in college and university-sponsored programs can gain valuable experience.

However, ride-along programs also pose inherent risks for everyone involved. Law enforcement activities can be unpredictable, with significant threats arising in seconds. This may put participants in real danger and exposes municipalities to potential liability. A well-structured program with clear guidelines and strict regulations can help mitigate these risks, but cannot eliminate them.

While employees, volunteer reserve/auxiliary officers, and volunteer firefighters are usually covered by their entity's workers' compensation and general liability insurance policies, such policies do not cover ride-along program participants. This fact must be emphasized to potential participants, to be sure they understand they will have no insurance coverage in the event of injury or becoming involved in a lawsuit.

If your agency has a ride-along program, you should have a written ride-along policy that is current and, at a minimum, contains the following requirements:

1. Participants must be at least 18 years old and be willing to undergo a background check.
2. Participants may not be currently under arrest, under court supervision, or involved in a pending criminal case, and must never have been convicted of a felony.

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3. Participants may not be, or have ever been, an adverse party involved in a civil matter concerning the municipality, governmental entity, or its employees as defendants.
4. Participants are required to sign a waiver and acknowledgement that they will not be covered by workers' compensation or liability insurance in the event of injury or legal involvement related to their ride-along.
5. Participants do not have police authority and must not perform any law enforcement activities.
6. Participants must follow the program rules and must strictly and promptly obey all instructions given by the commanding officer, any officer to whom they are assigned, and any staff member they are observing.
7. Participants must remain in the police vehicle at all times during the ride-along.
8. Participants are prohibited from possessing or carrying a firearm, mace, pepper spray, or any other weapons during the ride-along.

A ride-along program can be a valuable tool for educating the public about various aspects of law enforcement but it is important to consider and mitigate the potential risks involved. If your department has a ride-along program, it is essential to establish a clear policy and ensure that both department members and participants closely adhere to it.

LESSONS LEARNED: Year-End Operational Audits

At the end of each calendar year, your agency should conduct a comprehensive set of operational audits to examine performance, compliance, and readiness. Such audits provide insights into your operations, highlighting areas of success as well as those needing attention. They help ensure accountability, transparency, and continuous improvement. They are also excellent for risk management, helping reduce department liability.

Audits may seem overwhelming and too consuming of staff time. However, the benefits are extremely valuable and managing them becomes more efficient once you establish a process and create checklists.

Areas to be evaluated, at a minimum, are:

Use-of-Force

- Review all incidents involving force, including lethal and non-lethal methods and confirm compliance with department policies and legal standards
- Confirm that use-of-force incidents are documented according to policy and reviewed by a supervisor
- Identify patterns or trends that may indicate training or policy gaps

Pursuits (Vehicle/Foot)

- Review whether all pursuits comply with policy
- Confirm that all pursuits are documented per policy and reviewed by a supervisor
- Identify patterns or trends that may indicate training or policy gaps

Employee Injury/Exposure Incidents

- Review whether all injuries and exposure incidents are reported and documented per policy
- Confirm that medical evaluations are completed
- Review whether opportunities for workplace safety improvements are identified and addressed appropriately
- Verify compliance with MIOSHA and department policies

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Fiscal Controls

- Review whether procurement and fraud prevention procedures are followed
- Confirm that supervisors are reviewing compliance with procedures on a regular basis
- Verify grant compliance

Internal Affairs and Complaints

- Review internal investigations, complaints, and disciplinary actions
- Verify timely resolution and proper documentation of complaints and internal investigations
- Look for recurring issues or personnel concerns

Evidence and Property Room

- Perform random sample audits
- Review whether proper chain-of-custody procedures are being followed
- Check for missing, mislabeled, or improperly stored items
- Confirm compliance with retention and disposal policies

Equipment and Vehicle

- Review inventory of weapons, protective gear, and other assets
- Inspect vehicle fleet condition and maintenance records

Policy Compliance

- Review whether all personnel are adhering to updated policies and procedures
- Review policy changes made during the year and their implementation status

RECENT COURT DECISIONS

By Dave Sperry

Stanley Jackson v. Washtenaw County

US Court of Appeals for the Sixth Circuit, 2017

During a 2010 drug investigation, police observed Stanley Jackson engaged in suspected drug trafficking in his mother's driveway. Two uniformed officers approached him and asked what he was doing. Mr. Jackson clutched his waistband and began backing away toward the garage, saying "I didn't do it." Officers commanded Mr. Jackson to stop and he turned and ran into his mother's house. One officer pursued Mr. Jackson into the house and drew his Taser, ordering Mr. Jackson again to stop. Fearing Mr. Jackson would pull a weapon from his waistband, the officer fired his Taser at him. Mr. Jackson fell to the floor after being struck by the Taser probes. A second officer arrived and they attempted to handcuff Jackson. An ambulance was called when officers realized Mr. Jackson was not blinking and his eyes and his jaw had locked. A third officer arrived and all three attempted to handcuff Mr. Jackson as he continued to resist. In total, officers tased Mr. Jackson four times and punched him in the face once before finally getting him restrained. A plastic bag with cocaine, cash, and an ankle tether were found on him. Jackson was combative with medical personnel in the ambulance and at the hospital where he was taken. Doctors administered a sedative to try to get Jackson to relax.

Two minutes later Mr. Jackson became unconscious and was pronounced dead soon after. The cause of death was listed as cardiac arrest associated with an acute stress reaction, with the Taser application recorded as a potential contributor to stress.

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Mr. Jackson's personal representative brought a 42 U.S.C. § 1983 claim for excessive force in violation of the Fourth and Fourteenth Amendments and under Michigan tort law for gross negligence. The district court granted defendants' motion for summary judgement on the basis of qualified immunity and declined jurisdiction over the state law claims.

Circuit Court Findings:

The Circuit Court, in applying *Graham* to the excessive force claim, looked at each individual Taser discharge and evaluated whether Mr. Jackson could be considered to be actively resisting officers or otherwise posing a potential threat to officers. The Court found that the first tasing was initiated because the officer reasonably perceived a potential threat that Mr. Jackson might produce a weapon from his waistband. The Court concluded the other three tasings were the result of his continued active resistance to being handcuffed and not due to involuntary convulsions caused by the tasing or a failure to comply due to unconsciousness. The punch to Mr. Jackson was found to be a reasonable level of force to prevent him from biting one of the officers as she attempted to handcuff him. Summary judgement was affirmed for all defendants on the ground of qualified immunity.

United States v. Robert Jackson

US Court of Appeals for the Sixth Circuit, 2025

In July 2021, Lansing Police Department officers pulled over Robert Jackson for driving an uninsured vehicle. Mr. Jackson pulled the car into the driveway of an active business and stopped. Officers questioned him and he revealed that he did not possess a valid driver's license and the vehicle belonged to his girlfriend. Mr. Jackson was placed under arrest and the vehicle was impounded as the officers did not want to move it out of the driveway themselves, because it was uninsured, or wait for Mr. Jackson's girlfriend to retrieve the car. During a search of the vehicle, officers discovered a semi-automatic handgun inside an opaque plastic bag. Mr. Jackson later admitted the gun belonged to him. He was charged with illegally possessing the handgun and being an armed career criminal.

The defendant moved to suppress admission of the handgun, arguing that the search violated the Lansing Police Department's policy for inventory searches and the policy failed to provide sufficient guidance to meet constitutional requirements. The district court denied the defendant's motion.

Appeals Court Findings:

Citing the U.S. Supreme Court case *Florida v. Wells* (1990), the Sixth Circuit noted that a vehicle inventory search is reasonable when it has standardized criteria or follows an established routine. The plain language of the Lansing PD policy manual states that after a driver's arrest the vehicle will be impounded by a non-preference tow service unless it is legally parked. The manual goes on to state an officer may waive the tow for an illegally parked vehicle if either the owner/driver consents to have a licensed driver at the scene take possession of the car or the owner asks the officers to park the car in a legal spot. The appeals court agreed with the district court that the officers at the scene were not able to move the illegally parked car due to the lack of insurance on the vehicle, the arrest occurred after hours so they were not able to ask the business owner if the vehicle could remain illegally parked there, and there was no licensed driver on scene to take possession.

With respect to a lack of sufficient guidance in the policy, the Court noted that the department policy manual need not explicitly reference the opening of closed containers if it refers to an inventory of the contents of the vehicle or articles and property within the vehicle. Additionally, written policies may be supplemented by unwritten practices of a police department. At the suppression hearing, officers were able to testify to an unwritten policy of inventorying all personal items and opening containers.

The Court held that the written and unwritten policies of the department provided sufficient guidance directing officers to open all containers within an impounded vehicle to catalog any valuables, and was, therefore, constitutionally sufficient.

LEGAL INSIGHTS

The Purpose of a Probationary Period

Managing employees remains a challenging task. The benefit of having an employee undergo a probationary period cannot be underestimated.

A minimum one-year probationary period allows the department to assess, train, and evaluate a new employee. It also allows a new employee to either shine, demonstrate competence, or indicate that additional training is needed, and perhaps probation should be extended. Alternatively, the probationary period may reveal that an employee is not a good fit for the position or the department.

Do not ignore warning signs. While on probation, employees should be putting their best foot forward. At that point, there is no guarantee of continued employment. If poor performance or misconduct occurs, pay attention. If it happens now, there is a strong likelihood it will continue into the future.

Keep an eye on the clock and conduct a serious review of each probationary employee before the review period expires.

**By Audrey Forbush
Plunkett Cooney**



MIOSHA MOMENT

Listen Up! Are You Compliant with Noise Conservation Requirements?

MIOSHA Part 380 requires employers to implement a noise conservation policy if employees are exposed to noise at or above 85 decibels (dBA). Depending on the caliber, a single shot from a pistol generally falls within the range of 150 to 170 dBA. To be compliant with Part 380, employers must:

- Have a written hearing conservation policy (posted in the range).
- Perform annual noise monitoring.
- Provide audiometric testing to employees who have prolonged exposure to excessive noise levels (usually your range officers).
- Provide hearing protection to employees.
- Provide annual training to employees on the effects of noise on hearing; the selection, use, and care of hearing protection; and audiometric testing purpose and procedures.

Additionally, employers must maintain records of noise exposure monitoring, employee audiograms, and audiometer calibration.

MIOSHA Consultation, Education & Training Division

The Consultation Education and Training (CET) Division offers free, statewide safety and health assistance to employers and employees. Call: 517-284-7720.

Do you have questions about
any material in this newsletter?

Do you have a suggestion for topics
to be covered in future editions?

Call or email Matt Heins at
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LEAF MEMBER SPOTLIGHT

Keith Mankel

Chief of Police
Walker Police Department



THE LAW ENFORCEMENT ACTION FORUM (LEAF)

LEAF includes police chiefs, sheriffs, and public safety directors from
law enforcement agencies of all sizes and all over Michigan.

LEAF members meet regularly to discuss relevant public policy matters and
assist in developing model policies for the MML *Law Enforcement Risk Control Manual*.

The *Manual* is available free of charge to law enforcement executives of
MML Liability & Property Pool and Workers' Compensation Fund member communities.

To access to the manual of model policies, complete the request form at:
<https://mml.org/programs-services/risk-management/leaf/request-access-form/>

(Note: If you move to a different law enforcement agency, you must reapply.)

**A service of the Michigan Municipal League
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