



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401

EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



**TO:** Hamburg Township Board

**FROM:** Chief Richard Duffany

**DATE:** February 1, 2023

**RE:** Annual Analysis

---

## Introduction

The following report is a best practice as identified by the Michigan Law Enforcement Accreditation Commission (MLEAC) and is now required by department policy to be submitted on an annual basis. The report is designed to summarize and analyze the 2022 administrative investigation of complaints of misconduct as well as the department's use of force incidents, vehicle pursuits and foot pursuits. The report serves to further the department's mission by accurately and transparently presenting data as part of the meaningful review process. While this report provides data on the number of incidents in each area, it is also used to identify trends and evaluate the need for additional training, equipment or policy revisions.

## Internal Affairs-Complaints of Employee Misconduct (MLEAC 1.3.1)

Allegations of employee misconduct are historically low in the department. Throughout 2022 officers responded to approximately 4800 dispatched calls for service, had over 15,500 self-initiated calls for service and made approximately 1229 traffic stops. Of all these citizen contacts the department only received 6 citizen complaints in 2022 (two formal complaints and four informal complaints).

It is the policy of the Hamburg Township Public Safety Department-Police Division (HTPD) to continuously strive to improve the quality of police services provided to the citizens of Hamburg Township through an objective procedure of handling complaints against department personnel.

- Through this process, citizen confidence in the integrity of the department and its personnel can be achieved and maintained. It is the policy of the department to investigate all citizen complaints alleging employee misconduct in a fair, objective and thorough manner.
- It is also the policy of the department to investigate all complaints diligently while ensuring that all employee rights as set forth in the U.S. Constitution, current state and federal law as well as applicable collective bargaining agreements are strictly protected.



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



Internal investigations are typically handled by the Deputy Director of Police, although some complaints are handled by shift-level supervisors. Reported employee misconduct is investigated even if a formal complaint is not desired or the reporting person wishes to withdraw the complaint. The lack of a formal complaint does not preclude the imposition of disciplinary or corrective sanctions in appropriate situations.

An investigation can include interviewing the complainant, the involved officer(s), and reviewing camera footage to determine if policy violations exist that would warrant discipline and/or additional training.

Upon receipt of the investigator's report, the Director of Public Safety reviews the investigative report and makes one of the following determinations:

**Not Sustained** – The investigation failed to disclose sufficient evidence to support the allegation(s), the investigation proved that the allegation is false and did not occur or the investigation revealed that the acts complained of were lawful, justified and proper.

**Sustained** – The investigation disclosed sufficient evidence to support the allegation(s) made in the complaint.

Final authority and responsibility for determining the disposition of a complaint rests solely with the Director of Public Safety.

### **Employee Misconduct Complaints in 2022 (Two Formal, Four Informal)**

Two formal complaints of misconduct were made in 2022. Both formal complaints were received by the Director of Public Safety via email. An additional four allegations of misconduct were reported, but no formal complaint was filed. For all four informal complaints, the alleged misconduct was reported to a supervisor, with two of the notifications being by phone, one being reported to a supervisor personally and one being sent by email.

The two formal complaints alleged officers improperly handled a call for service. In both cases the investigation found officers followed policy and took legal and appropriate actions. Both formal complaints were found to be **Not Sustained**.

The two allegations reported to a supervisor over the phone were both from the same subject against the same officer. The two incidents were separated by about six months and both involved traffic stops. In both instances the subject alleged the officer was harassing him, had unlawfully impounded his vehicle and questioned the validity of the arrest/citations.



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



The subject was instructed to reduce his complaints to writing and failed to do so. Both complaints were made after the subject was found guilty/responsible in court of all charges. The allegations were investigated. A review of the in-car/body camera video verified the traffic violations did in fact occur and the officer was justified in his actions. The fact that the same officer initiated both contacts was found to be coincidental. The allegation was found to be **Not Sustained**.

For the remaining two allegations, no formal complaint was made, but the incidents were thoroughly reviewed. The review found the call for service/investigations were handled properly. However, a policy violation was identified in one of the incidents that did not impact the integrity of the investigation or have a bearing on the merits of the original complaint. The officer found to be in violation of policy received a written reprimand. The original allegation was found to be **Not Sustained**.

In 2021, the department received one formal complaint of employee misconduct, alleging “unequal treatment” and an informal complaint alleging officers failed to take the proper police action. In both instances it was found the allegations were without merit as officers acted lawfully and within policy. Therefore, both complaints were found to be **Not Sustained**.

### **Annual Employee Misconduct Complaint Analysis**

A meaningful review was conducted in each allegation of employee misconduct to examine officer performance, policy, equipment, and training in order to ascertain any need for changes in any of those areas. It should be noted that body cameras were extremely helpful in the review of the allegations as they provided much more detail than in-car cameras alone.

A review of the employee misconduct allegations did not reveal a clear-cut pattern as it related to officer performance. The only corrective measure taken had no bearing on the underlying allegation.

Prior to 2022 HTPD did not consistently track informal complaints which accounts for the increase of informal allegations of misconduct. All allegations of misconduct were reviewed but informal complaints were not tracked. The informal misconduct complaints may continue to increase as HTPD only recently starting tracking minor informal complaints of misconduct that are typically handled by frontline supervisors.

The practice of tracking informal misconduct complaints will improve the overall quality of police service provided to Hamburg Township by allowing the department to identify any patterns/issues earlier and take proactive corrective action when necessary. This should also reduce the need for disciplinary action by identifying potential problems early before disciplinary action is necessary.

For 2022, my review of complaints of misconduct as it relates to policy changes, training, equipment and disciplinary issues is as follows:



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



---

**Policy-** Necessary changes to the policy were made to align with MLEAC best practices.

**Training-** Instruction for supervisors will be done to identify the process for consistent tracking informal complaints.

**Equipment-** No equipment issues were identified.

**Disciplinary/Corrective Action-** The year-end analysis did not identify any disciplinary issues or patterns of misconduct.

## Use of Force Incidents (MLEAC 3.3.1)

HTPD reviews all Use of Force incidents involving officers. Officers are required to complete a Use of Force form when they use force at a level higher than routine handcuffing and/or verbal direction. The form is forwarded through the chain of command. All Use of Force incidents are thoroughly reviewed to evaluate policy compliance, any training needs, equipment concerns, and any policy changes that may be identified.

The HTPD recognizes and respects the value and special integrity of each human life. Officers are instructed that use of force shall never be considered routine. Department members shall use only objectively reasonable force to overcome resistance while affecting a lawful arrest, bringing an incident under control, or protecting the public in the lawful performance of duty. The use of unreasonable, unnecessary or excessive force, and/or the failure to provide medical treatment following the use of force is unacceptable.

Each officer of the department has an affirmative duty to safely intervene in instances where the circumstances are such that the officer should reasonably conclude that another officer is using inappropriate, unreasonable or excessive force on a person in violation of this policy or any state/federal law.

As a matter of background, our department's Use of Force policy addresses utilizing force from two perspectives: *resistance* and *control*. Resistance is defined as actions that are directed from the subject toward the officer; while control is action directed from the officer toward the subject. As a guiding principle, the amount of force used by an officer is predicated by the resistance a subject is displaying.

**Levels of Resistance:** The amount of resistance or force used by a subject to resist compliance with the lawful order or action by an officer.

- a. **Inactive Resistance** – Resistance that may include psychological intimidation and/or verbal resistance (e.g., blank stare, clenching of fist(s), tightening of jaw



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



muscles, etc.).

- b. **Passive Resistance** – Any type of resistance whereby the subject does not attempt to defeat the officer’s attempt to control the subject, but still will not voluntarily comply with verbal and physical attempts to control (e.g., dead weight, does not react to verbal commands, etc.). This is the lowest level of physical resistance. At this level, the offender never makes any attempt to defeat the physical contact of the officer. In passive resistance situations, officers should, whenever possible, secure assistance in lifting or wheeling an uncooperative subject to a transporting patrol vehicle. As long as the subject’s level of resistance does not exceed the passive resistance stage an officer’s response shall not exceed “compliance controls” in the force category. Physical controls such as hard empty hand techniques shall not be used unless it becomes necessary to protect the safety of the officer, subject, or others. Physical controls and/or Intermediate controls may be justified when an officer can articulate their reason to believe the subject or other persons on the scene are using or likely to use greater resistance.
- c. **Active Resistance** – Any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away, blocking, etc.). At this level the offender attempts to push/pull away in a manner that does not allow the officer to establish control. However, the subject never attempts to strike the officer.
- d. **Active Aggression** – Physical actions/assaults against the officer with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.). At this level the subject attacks the officer to defeat the officer’s attempt to control him/her. The attack is a physical assault on the officer in which the offender strikes or uses techniques in a manner that may result in injury to the officer or others.
- e. **Deadly Force Assault** – Any force used against an officer and/or another person that may result in great bodily harm or the loss of human life.

**Levels of Control:** Force that an officer uses to gain control over a subject’s resistant actions.

- a. **Officer Presence/Verbal Direction** – Identification of Authority (i.e., uniformed presence or identification as a police officer); Verbal Direction (i.e., for arrest or to control subject’s movements); and/or Use of Restraint Devices (i.e., compliant handcuffing). If the officer is not in uniform, this level would require verbal identification.





# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



- b. **Compliance Controls** – Soft Empty Hand Techniques (e.g., physical control such as strength techniques, leverage locks, pain compliance techniques and pressure points).
- c. **Physical Controls** – Hard Empty Hand Techniques are applied when lower forms of control have failed or **appear to be insufficient**. Techniques that fall into this level of force have a probability of creating soft or connective tissue damage, skin lacerations that require medical attention, or bone fractures (e.g., take downs, strikes, PPCT Shoulder Pin Restraint System, etc.). Strikes may be delivered with an officer’s open hand, fist, forearm, leg, knee, or foot.
- d. **Intermediate Controls** – Intermediate Controls (i.e., impact weapons, less-lethal weapons, chemical agents, and/or TASER© device) when used consistently within training deployment standards, provides a method of controlling subjects when deadly force is not justified but when empty hand control techniques **have failed or appear to be insufficient** in controlling, moving or effecting an arrest. The officer’s intent should always be to temporarily disable an offender and not to inflict permanent injury.
- e. **Deadly Force** – Any force used by an officer that may result in great bodily harm or the loss of human life. Neck restraints or choke holds, whether applied by empty hand or intermediate weapon, constitute deadly force and can be used only when such force is justified.

## *Use of Force in 2022*

There were eight documented use of force incidents during 2022. Subjects were charged with a criminal offense in six of the incidents. In all eight instances subjects displayed active resistance. Outside of officer presence/verbal direction, officers utilized only compliance controls in three incidents, physical controls in three incidents and intermediate controls in the remaining two incidents. For the two intermediate control situations the TASER© was used with probe deployment once and the other time the TASER© was used in the drive stun mode.

The two incidents where a person wasn’t charged with a criminal offense involved subjects experiencing a mental health crisis where an officer intervened to provide medical or mental healthcare. Michigan law states that a law enforcement officer may take an individual experiencing a mental health crisis into protective custody using that degree of force which would be lawful were the officer effecting an arrest for a misdemeanor without a warrant. In taking the individual into protective custody, a law enforcement officer may take reasonable steps to protect themselves.



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



In the previous year (2021) there were seven use of force incidents with Officers utilizing only compliance controls in two incidents, physical controls in two incidents and intermediate controls in three incidents. For intermediate controls the TASER© was used twice with probe deployment and once in the drive stun mode.

All incidents where force must be utilized in response to resistance have the possibility of injury to both the subject and officer(s) involved. In 2022 three use of force incidents reported minor abrasions/lacerations to the subject and no officers reported any injury. In the previous year (2021) one use of force report indicated a minor abrasion/laceration to a subject and another use of force report indicated a minor abrasion to an officer.

## **Review of Use of Force Incidents**

MLEAC requires a meaningful review be conducted on every use of force incident. The meaningful review is an individualized assessment of the incident that evaluates whether policy was followed, whether discipline is warranted, whether additional training is required, if equipment changes are recommended, and whether a change in policy is recommended. A meaningful review is conducted by an uninvolved supervisor. Each incident is additionally reviewed up the chain of command with the final determination on whether the Use of Force was justified made by the Director of Public Safety.

## **Annual Analysis of Use of Force Incidents**

In 2022, HTPD officers arrested 91 subjects and handled 60 calls to assist individuals that were experiencing a mental health crisis. As mentioned, there were eight use of force incidents and none of these eight instances resulted in a determination that the force used was inappropriate, excessive, or unjustified. The fact that these 151 contacts (where individuals were taken into custody) resulted in officers using force above verbal direction only eight times, and have been determined to be justified and reasonable, is reflective of the training, professionalism and patience of our officers.

**Policy-** The year-end analysis did not identify the need for any policy revisions, however, the Use of Force policy was updated in 2022 to comply with MLEAC standards.

**Training-** A review of the 2022 Use of Force incidents did not identify any training needs based on this analysis. HTPD has recently sent an officer to be certified as a de-escalation instructor and the department will be training the entire police department in de-escalation techniques in 2023.

**Equipment-** OC spray is an option for officers, however, it hasn't been deployed since at least 2020. I have requested that department use of force instructors review whether OC spray should



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



---

continue to be issued once the current spray is expired.

***Disciplinary/Corrective Action-*** The year-end analysis did not identify any disciplinary issues or patterns of improper use of force in 2022.

## **Vehicle Pursuits (MLEAC 3.5.2 / Roadblocks and Forcible stopping MLEAC 3.5.3)**

Historically, HTPD has a low number of vehicle pursuits. It is the policy of the department to pursue violators of the law and to use all reasonable means of apprehension to that end.

It is also the policy of the department to protect all persons and property to the greatest extent possible while engaging in the apprehension of criminal suspects. Vehicular pursuits of fleeing suspects are inherently dangerous and pose substantial risk to the public, officers, and suspects.

Therefore, it is the policy of the department to conduct vehicle pursuits using reasonable tactics, in conformity with all current state and federal statutory and case law, to minimize the risks associated with vehicle pursuits.

### **Analysis of Vehicle Pursuits**

MLEAC requires a meaningful review must be conducted on every vehicle pursuit or when roadblocks or forcible stopping tactics are utilized. Stationary roadblocks are prohibited by department policy. The meaningful review is an individualized assessment of the incident that evaluates whether policy was followed, whether discipline is warranted, whether training is required, if equipment changes are recommended and whether a change in policy is recommended. A meaningful review is done by an uninvolved supervisor. Each incident is additionally forwarded up the chain of command with the final determination made by the Director of Public Safety.

In 2022 HTPD participated in two vehicle pursuits. One pursuit was of an intoxicated driver which ended when the fleeing vehicle ran off the road and struck a tree. The driver and sole occupant was uninjured and apprehended. The second incident involved a pursuit of five stolen vehicles. Stop-Sticks® were successfully deployed by HTPD, ending the pursuit and leading to the apprehensions of the suspects. This was a reduction from eight pursuits the department participated in the previous year (2021).

***Policy-*** Both incidents were determined to be in compliance with policy. The department's Vehicle Pursuit policy was updated in 2022 to comply with MLEAC standards.

***Training-*** The review identified a lack of consistent and formalized "hands on" Stop-Stick® training as required by the MLEAC. Although all officers have been





# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401

EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



trained in Stop-Sticks®, the training has only been completed in the Field Training Program. Formalized Stop-Stick® training will be held during 2023 with all officers.

**Equipment-** A set of Training Stop-Sticks® was purchased by the department to facilitate “hands on” training with the deployment of Stop-Sticks®.

**Discipline/Corrective Action-** While one officer did receive discipline (written reprimand) for his actions in one of the pursuits in 2022, the year-end analysis did not identify any disciplinary issues or patterns of improper actions during pursuits warranting any corrective action.

### **Foot Pursuits (MLEAC 3.5.7)**

Prior to 2022, the department did not have a policy covering foot pursuits, however, MLEAC requires a foot pursuit policy as part of accreditation and the department has adopted one. The purpose of this procedure is to establish a balance between protecting the safety of the public and police officers during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

Foot pursuits are inherently dangerous police actions. The safety of department members and the public is the primary consideration when determining whether a foot pursuit should be initiated or continued.

HTPD officers did not participate in any foot pursuits during 2022. In 2021 the department had two foot pursuits.

**Analysis of the Foot Pursuit Policy-** The department’s foot pursuit policy was recently adopted to comply with MLEAC standards and no changes in policy have been deemed necessary at this time.

**Training-** All officers were issued and were required to become familiar with Public Safety SOP #300-42: *Foot Pursuits*.

**Equipment-** No equipment issues were identified during the annual analysis.

**Discipline/Corrective Action-** No disciplinary issues were identified.

As indicated, this annual report is required by MLEAC for accreditation and is now required by department policy. I feel that this report is extremely beneficial as our department strives to be transparent in our actions not only with the Board but with the community that we serve. Please feel free to contact me any time if you have any questions or want any additional information.



# Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 · FAX: (810) 231-9401

EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

*RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY*



Respectfully,

A handwritten signature in cursive script, appearing to read "Richard Duffany".

Chief Richard Duffany  
Director of Public Safety