

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

/

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, LARRY JENUWINE, as Personal Representative of the Estate of JOHN JENUWINE, by and through his attorneys, Flood Law, PLLC, states the following for his First Amended Complaint against Defendants:

INTRODUCTION

On January 6, 2026, at 2:07 in the morning, three Washtenaw County Sheriff's deputies shot JOHN JENUWINE to death inside a wrecked van that could not move. He was alone. He was unarmed. In a matter of seconds the deputies fired approximately thirty-four rounds at him through the windshield and underside of the vehicle. Seven hit him. Six of the seven entered his body from below and behind.

Thirty-four minutes earlier, dispatch had told every deputy on the channel that two Black men in a white van had pulled a handgun on a woman. Within a minute of finding JOHN's van, the deputies knew he was one white man. Two of them looked straight at him and saw that what he was holding was a glass bottle. They chased him anyway, at low speed, through empty streets, for thirteen minutes. Halfway through the chase they confirmed over radio that the van was driven by a single white male. A deputy rammed the van while it was stopped against a grassy hill at the edge of a school parking lot. The deputy in his passenger seat had been urging him on ("get him, get him") and, after the crash, yelled "fuck you, you piece of shit." Another deputy ran up and stabbed at the van's tire with a folding knife but

hit the wheel rim. The deputy who had rammed the van then announced on the County radio, “I am going to take primary and finish this,” and flipped the van onto its side with a PIT maneuver on a residential street. Sixteen seconds later, multiple deputies ran at the overturned van with their pistols out, one of them shouted “gun,” and three of them opened fire. Exhibit F 0:00–0:16¹ and Exhibit J 0:00–1:14.²

There was no gun. After the shooting stopped, a deputy put out over the radio that JOHN was “armed with a shotgun.” No one had said “shotgun” before the shooting. There was no shotgun. The Sheriff’s Office’s own detective closed the search of the van with the words: “No firearm was located in the vehicle.”

Then they let him die. For the next twenty minutes the deputies watched JOHN respond to their commands by moving, kicking and crying “help” inside the van. They narrated it to one another and over the radio, and did nothing to save him. The Sheriff’s Office’s own policy required them to render or request medical aid “as soon as practical.” Ambulances were minutes away and then staged blocks away. The University of Michigan’s Level I trauma center was minutes from the scene. Instead, the deputies barricaded themselves behind their cars, waited for SWAT operators who were thirty to forty-five minutes out, and let a wounded, unarmed man bleed to death from a survivable chest wound. SWAT operators pushed a “New

¹ Dash camera footage: <https://bit.ly/3Tb6PmS> (16 seconds of a 34:32 video)

² Dash camera footage: <https://bit.ly/4AhGyE9> (1:14 of a 4:08:30 video)

York Hook” through the front window to prod his body for a response, then opened the van at about 4:06 a.m. and found him dead, one hour and fifty-nine minutes after he was shot. Exhibit P 0:00–5:22³ and Exhibit Q 0:00–4:13.⁴



JOHN JENUWINE as SWAT operators found him, with the “New York Hook” they used to check whether he was alive.

The three deputies who fired have never given an account of what they saw or why they shot. Each filed a report that says only “No Narrative.” When the Michigan State Police asked whether they carried full magazines, so that

³ Footage: <https://bit.ly/4hxaXai> (5:22 of combined 4:30:48 body camera and in-car video)

⁴ Dash camera footage: <https://bit.ly/4xZjR67> (4:13 of a 4:08:30 video)

investigators could count the shots, the deputies, on the advice of Washtenaw County's lawyer, refused to answer.

Plaintiff brings this action under 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments, and under Michigan law for gross negligence, willful and wanton misconduct, assault and battery, and wrongful death, M.C.L. § 600.2922. The individual Defendants are sued in their individual capacities. Washtenaw County is sued under *Monell v. Department of Social Services* for the failures of supervision, training and policy that were the moving force behind JOHN JENUWINE's death.

JURISDICTION AND VENUE

1. This is a civil action for money damages arising from the police shooting and killing of JOHN JENUWINE on January 6, 2026, in Ypsilanti, Michigan.
2. This action is brought under 42 U.S.C. § 1983, which creates a right to sue any person who, acting under color of state law, deprives another of rights secured by the United States Constitution.
3. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction over the Michigan state-law claims under 28 U.S.C. § 1367 because they arise from the same facts as the federal claims and form part of the same case or controversy.

4. Plaintiff seeks all damages allowed under 42 U.S.C. § 1983 and M.C.L. § 600.2922, punitive damages against the individual Defendants on the federal claims, and costs, interest, expert fees, and attorney fees under 42 U.S.C. § 1988.
5. Venue is proper in the Eastern District of Michigan under 28 U.S.C. § 1391 because all Defendants reside in this District and every event giving rise to this Complaint occurred in Washtenaw County, Michigan.
6. The amount in controversy exceeds \$75,000, exclusive of interest, costs and attorney fees.

PARTIES

7. The decedent, JOHN JENUWINE, was 34 years old and, at all material times, a resident of China Township, Michigan.
8. Plaintiff, LARRY JENUWINE, is John's father, a resident of Cottrellville, Michigan, and the duly appointed Personal Representative of the Estate of JOHN JENUWINE, appointed by the St. Clair County Probate Court.
9. Defendant, WASHTENAW COUNTY, is a municipal entity organized under the laws of the State of Michigan that operates, manages, and controls the Washtenaw County Sheriff's Office, headquartered at 2201 Hogback Road, Ann Arbor, Michigan. The County employs, trains, supervises, and disciplines the deputies named below and is responsible for the policies,

customs, and practices of the Sheriff's Office, including its policies on vehicle pursuits, ramming and PIT maneuvers, the use of deadly force, de-escalation, and the duty to render medical aid.

10. The Washtenaw County Sheriff's Office publicly acknowledges that its authority must be exercised "judiciously and with respect for equitable treatment, human rights, dignity, and the sanctity of all human life." "Subject Control/Use of Force" (3.04 GO), Exhibit A, p. 2.
11. Defendant, DEPUTY JACOB CUSO, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a deputy sheriff employed by the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan. He is one of the three deputies who shot JOHN JENUWINE.
12. Defendant, DEPUTY VON HEATH, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a deputy sheriff employed by the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan. He initiated the stop, led the pursuit, and is one of the three deputies who shot JOHN JENUWINE.
13. Defendant, DEPUTY GABRIEL BECHTOL, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a

deputy sheriff employed by the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan. He is one of the three deputies who shot JOHN JENUWINE.

14. Defendant, DEPUTY JACOB GOMBOS, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a deputy sheriff and K-9 handler employed by the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan. He rammed JOHN JENUWINE's van and then flipped it with a PIT maneuver.
15. Defendant, DEPUTY JONATHAN EARLEY, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a deputy sheriff employed by the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan. He rode in the passenger seat of Defendant GOMBOS's patrol car and urged the ramming.
16. Defendant, SERGEANT THOMAS PENNINGTON, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a sergeant and the east-side patrol supervisor for the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and

belief, resides in Michigan. He was the supervisor responsible for the deputies in the pursuit.

17. Defendant, DEPUTY BRYAN TRIPP, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a deputy sheriff employed by the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan.
18. Defendant, SERGEANT SAMUEL WALLACE, is sued in his individual capacity. At all relevant times, he was acting under color of state law as a sergeant and the West Operations Command officer for the Washtenaw County Sheriff's Office, within the scope of his employment, and, on information and belief, resides in Michigan. He was a command officer with authority over the pursuit and, after the shooting, requested the SWAT and negotiation response and helped direct the "barricade" that kept medical aid from JOHN JENUWINE.

FACTUAL ALLEGATIONS

A. The 911 calls

19. At about 1:24 a.m. on January 6, 2026, a man named Matthew Craiger called Washtenaw County 911 to report a "white turtle top construction van" driving erratically near Hunter and Holmes in Ypsilanti Township. He reported no weapon and gave no description of the driver.

20. At about 1:30 a.m., a man named Christopher Cummings called 911 while driving. He said a white van had been following his wife on Clark Road and that “they just waved a gun at my wife.” He said, “they pulled up to the side of her and showed her a gun.”
21. Mr. Cummings had not seen the van do anything to his wife. He was on the phone with her while she drove home. He was repeating what she told him.
22. When the dispatcher asked whether he saw who was in the van, Mr. Cummings said: “It’s two black guys, I think it’s two black guys, two guys in the vehicle.” When asked what kind of gun, he said: “She said it was a handgun.”
23. At 1:33 a.m., Washtenaw County dispatch broadcast to every deputy on the Metro East channel that a white construction van “occupied by two black males” had “pulled a handgun” on the caller’s wife. The word “think” did not make it into the broadcast. Neither did the fact that the caller had seen nothing himself.
24. Mr. Cummings’s wife, Macenzie Caddell, was the only person who saw the van on Clark Road. She was interviewed four times by the Sheriff’s Office. Every interview was recorded. In none of them did she say she saw a gun.
25. At 1:33 a.m., dispatch sent Defendant TRIPP and Deputy DiCicco to the felonious assault call. The County’s CAD record logs a unit arrival at 1:38:00

a.m. Both deputies wrote that they went to 427 Allston Court, were let in, and interviewed Ms. Caddell and Mr. Cummings in their living room. Defendant TRIPP wrote that his body camera was on the whole time.

26. According to Defendant TRIPP's own report, Ms. Caddell told them there was one man in the van and no passengers; that she could not describe him; and that he "appeared to have something in his hand" and was "waiving/pointing it at her while yelling." She did not tell them she saw a gun.
27. Defendant TRIPP and Deputy DiCicco wrote that they then left the house and, "a few moments later," heard Defendant HEATH announce over the radio that he was behind the van. Based on that information, then by about 1:40 a.m., roughly twenty-seven minutes before the shooting, two Washtenaw County deputies knew and failed to inform Heath, and their other colleagues, that the only eyewitness did not see "two black males" or a "handgun."
28. Nothing in the County's CAD record between the 1:33 a.m. dispatch and 1:55 a.m., when deputies first broadcast that the van was reversing toward them, shows that any deputy broadcast to the pursuing units what the complainant had actually said, or confirmed that a crime had occurred. Neither TRIPP's nor Deputy DiCicco's report gives the time of the visit. Deputy DiCicco's report puts the dispatch at "approximately 0100 hours," a half-hour before the call came in. When Detective Austin Pearson went looking for the couple later

that morning, he had to run reverse searches in CLEMIS to find their phone numbers.

29. At about 1:56 a.m., with the pursuit already underway, a deputy in Defendants CUSO and BECHTOL's patrol car said, as recorded on Defendant BECHTOL's body camera, that "we have a good FA." That is the first and only point in the record where anyone purported to confirm that a felonious assault had happened, and it came from a moving patrol car in the middle of a chase.
30. Defendant TRIPP and Deputy DiCicco interviewed Ms. Caddell before the pursuit, learned that the broadcast was wrong and that no gun had been seen, and that information was never passed to, or was ignored by, the deputies who pursued, rammed, and shot JOHN JENUWINE.
31. After the shooting, while JOHN lay bleeding in the van, Defendant TRIPP went back to his patrol car and called Ms. Caddell "to get a better statement." The call is on his body camera. She told him again there was "only one in [the] car." Asked whether she thought the driver had a gun, she said: "it looked like he had something, like a gun or something." She said she "tried not to make eye contact because [she] was scared." Asked what color the object was: "Nope, wasn't trying to look." Asked whether she could identify the driver: "I did not get a good look, no."

32. Later that morning Detective Pearson interviewed her a third time. His report records that she “believes she saw a firearm, but she was not certain that she actually saw it,” and that each time she described it she raised both arms “as if she would be shouldering a rifle or shotgun.” Before that interview, no witness had said anything about a long gun. The 911 caller said “handgun.” The dispatch broadcast said “handgun.” The word “shotgun” entered this case at 2:07:34 a.m., from a deputy at the scene, after the shooting had stopped.
33. Prior to 2:07 a.m., no deputy ever said they saw a gun in JOHN JENUWINE’s hand or in his van. Indeed, the evidence supports that JOHN JENUWINE never had a gun.

B. John Jenuwine

34. The man in the white van was JOHN JENUWINE. He was alone. He was a white man, 34 years old. He was driving a 2012 white Nissan NV cargo van registered to him, with a paper temporary plate in the back window. His driver’s license was in his pocket.
35. At 1:32 a.m., JOHN pulled into the Circle K at Clark and Prospect and spoke with the clerk, who was outside on a break. JOHN told the clerk he was “waiting on police to come and get him” and that he had been wronged by a woman. He was upset, and he was not hiding. He was a man in crisis asking for the police.

C. The deputies knew within a minute that JOHN did not match the description

36. At 1:53 a.m., Defendant HEATH, with Deputy Ahmed in his passenger seat, came up behind JOHN's van near Prospect and Michigan Avenue. The van's headlights were off. Heath broadcast that he was behind a Nissan transit van with no plate and no lights.
37. At 1:54 a.m., Defendant HEATH broadcast that the driver was a "white male driver, yelling out the window." Dispatch logged "WM DRIVER" at 1:54:45 a.m. At 1:55 a.m., a deputy on Defendant CUSO's body camera said "older white male." At 1:56 a.m., a deputy reported the van was "occupied by one white male," and dispatch confirmed "one white male." At 1:58 a.m., a deputy said, "It's a heavy-set white male. I don't think he's going to get far."
38. At 1:55 a.m., JOHN backed his van and stopped next to a deputy standing in the roadway, giving that deputy a clear view of JOHN, his hands and his arms. No weapon was seen. Exhibit B.
39. Deputy Ahmed, in Defendant HEATH's passenger seat, wrote in his own report what he saw when the van pulled into the parking lot at 28 S. Prospect Street: "I got a good view of the driver. I identified the driver as a white male with black hair. ... I observed the driver flash what appeared to be a glass bottle at us." He later saw the driver smoking. Nowhere in his report does Deputy

Ahmed describe a gun, a shotgun, or anything in JOHN's hands other than a bottle.

40. Defendant HEATH was sitting next to Deputy Ahmed, looking through the same windshield at the same man from the same distance. Upon information and belief, what Deputy Ahmed saw, Defendant HEATH saw. Defendant HEATH started the stop, led the pursuit, and was the first of the three deputies who fired.
41. The bottle was real. Hotel surveillance video collected by Sheriff's detectives shows JOHN leaving his Canton hotel at 12:17 a.m., about an hour before Clark Road, carrying what appears to be a wine bottle. Based on information and belief, that bottle was what Ms. Caddell saw waved at her. A glass bottle was in the van. A gun was not.
42. In less than five minutes, it was confirmed at least four separate times, on the radio and on camera, that JOHN JENUWINE was one white man and not the "two black guys" with a "handgun" that dispatch had broadcast. The only thing connecting JOHN's van to the 911 call was that it was white and it was in Ypsilanti.
43. Despite this, the deputies continued their pursuit of JOHN JENUWINE, and no deputy or supervisor ever broadcast that the driver did not match the

description, that the “weapon” seen by the two deputies closest to him was a bottle, or that the felony basis for the pursuit should be re-examined.

D. The pursuit

44. The pursuit lasted about thirteen minutes, through residential neighborhoods around Prospect Road, mostly at 20 miles per hour, at most 45 miles per hour at limited times. Deputies broadcast “no traffic, no peds” repeatedly. JOHN repeatedly stopped, turned around in the road, and pulled into parking lots.
45. At 2:00 a.m., JOHN drove into the Dollar General parking lot on Ecorse Road and stopped. He was followed by two patrol cars. Five patrol cars were on Ecorse Road. Rather than contain the van in the lot, the deputies moved out of its path and let the pursuit continue. Exhibit C 0:00–0:40.⁵
46. At about 2:01 a.m., a different white van drove past the pursuit in the opposite direction. No officer made any attempt to investigate it, even though it was by then clear that JOHN was not “two black guys” and had shown no sign of a weapon. Exhibit D 0:00–0:11.⁶

⁵ Dash camera footage: <https://bit.ly/4v0Noeh> (40 seconds of 4:43:49 combined in-car video)

⁶ Dash camera footage: <https://bit.ly/4v0mNOm> (11 seconds of 5:55:06 combined in-car video)

47. At 1:56 a.m., Defendant CUSO got out of his patrol car holding an open knife, said “I’m going to stab his fucking tire,” and walked toward JOHN’s van. This was CUSO’s first attempt to stab JOHN’s tire. The van drove away.
48. Between about 2:01 and 2:05 a.m., Defendant EARLEY, riding in the passenger seat of Defendant GOMBOS’s K-9 patrol car, repeatedly urged Gombos to ram the van, yelling “get him, get him.” Gombos said he would do it “if it wasn’t for the dog.” Earley told him to “do it” the next time the van went into a parking lot.
49. At about 2:02 a.m., a Washtenaw County deputy told the Ypsilanti Police officers in the pursuit to “get behind them” so the Sheriff’s deputies could take the lead. At 2:04 a.m., a deputy pleaded, “YPD! Please, please stop!” Exhibit E 0:00–0:22.⁷
50. Tire deflation, a tool that stops a vehicle without a collision, was available and was being used. Defendant WALLACE, the West Operations Command officer, wrote that earlier in the pursuit he threw stop sticks across the eastbound lanes of Ecorse Road as the van passed and that the van “swerved to the right, dodging the stop sticks.” He collected them, paralleled the pursuit, and set up again at Maus Avenue and Emerick Street for a second deployment. By his own account, he was placing the stop sticks in the roadway there, on

⁷ Dash camera footage: <https://bit.ly/4rj1ree> (22 seconds of a 4:08:30 video)

the van's path, when Defendant CUSO broadcast that the van had turned into the East Middle School parking lot at 510 Emerick Street. That is where, one block from a tire-deflation stop that required no collision, Defendant GOMBOS rammed it.

E. The ramming

51. At 2:05:20 a.m., in the parking lot of East Middle School at 510 Emerick Street in Ypsilanti, JOHN's van backed into a grassy hill at the edge of the lot and stopped. One second later, at 2:05:21 a.m., Defendant GOMBOS accelerated his patrol car into the driver's door of the stopped van. The van's side-curtain airbags deployed. Defendant EARLEY yelled, "fuck you, you piece of shit." Exhibit F (0:00–0:16).⁸ Defendant CUSO, without fear, in a second attempt, ran up and stabbed at the van's front driver-side tire with his knife, only to hit the wheel rim. Exhibit G 0:00–0:21.⁹
52. The use of deadly force was not justified. JOHN had committed traffic offenses. He had not hurt anyone. He had no weapon. He did not match the description of the men the deputies were looking for, and every deputy on the radio knew it. And at the moment Defendant GOMBOS rammed him, the van was stopped.

⁸ Dash camera footage: <https://bit.ly/3Tb6PmS> (16 seconds of a 34:32 video)

⁹ Body camera footage: <https://bit.ly/4yIcuQB> (21 seconds of a 30:45 video)

53. Defendant GOMBOS's own words after the ramming were: "For the tape, it was my patrol vehicle that rammed him, we are all ok in my car." No supervisor had directed or authorized the ramming. No supervisor objected to it.
54. The van drove off, damaged, its airbags deployed, and its handling compromised. At 2:06:08 a.m., a deputy reported the van was "having some mechanical issues." Any resistance JOHN had offered was decreasing, and the deputies knew it.
55. The Sheriff's Office's Use of Force policy required the deputies to reduce their force as resistance decreased: "The level of force shall be de-escalated immediately as the level of resistance encountered decreases, provided that the employee remains in control and as safety permits." Exhibit A, pp. 3–4; Exhibit H, p. 3. The deputies did the opposite.
56. At 2:06:19 a.m., Defendant GOMBOS got on the radio and said: "I am going to take primary and finish this."
57. Defendant PENNINGTON, the supervising sergeant, was monitoring the pursuit on the radio and was paralleling it in his own patrol car. He heard the ramming reported. He heard "finish this." He did not order the pursuit terminated, forbid a second collision, or say anything at all. He later described what Gombos did, in a phone call recorded by his own body camera, as

“Gombos rams intentionally, fatal force,” and in his own report he listed Defendant GOMBOS, with the three deputies who fired, as one of “the four deputies involved in the use of force.”

58. Defendant WALLACE, the West Operations Command officer, was likewise on the radio, had left the station to join the pursuit area, and had positioned himself on the route with stop sticks. He heard the same broadcasts, including “he’s been rammed and airbags deployed.” He too said nothing.
59. The Sheriff’s Office’s Vehicle Pursuits policy is, in its own words, “a ‘restrictive’ policy” that “allows little or no deviation from its terms” and combines 1) “carefully defined constraints, 2) active supervision, 3) a qualitative review process, and 4) prohibits pursuits in certain circumstances.” Exhibit I, p. 4.
60. This policy places “overall authority for the pursuit” in the on-duty command officer, who “shall be responsible for monitoring the pursuit including but not limited to 1) the reasons that led to the pursuit and 2) ensuring the pursuit’s compliance with all agency policy and procedure,” who “[m]ay at any time terminate the pursuit,” and who “shall ... [o]rder the termination of a pursuit when there is no immediate and/or apparent threat to public safety.” Exhibit I, p. 18.

61. Further, the policy requires the employee and the on-duty supervisor to weigh “whether it is known, not merely suspected, that the individual being pursued [sic] committed the offense.” Exhibit I, p. 9.
62. Importantly, the policy also requires that “[s]upervisors must monitor radio communications and assess the need to respond when aware of employees using de-escalation techniques.” Exhibit H, p. 4.
63. The same policy limits a pursuit to a primary vehicle and no more than two secondary vehicles; provides that “[n]o other agency vehicles or personnel, other than the primary and secondary pursuit vehicles, shall become directly involved in the pursuit unless so authorized by the on-duty command officer”; and provides that a secondary vehicle “shall not ... [p]ass the primary pursuit vehicle unless requested to do so by the primary vehicle.” Exhibit I, pp. 14–15.
64. Defendant GOMBOS’s K-9 unit joined the pursuit as the fourth Sheriff’s Office vehicle, passed other units at 2:06:27 a.m. to move up, and then announced it would “take primary and finish this.” Based on information and belief, no on-duty command officer authorized the K-9 unit to become involved in the pursuit, to pass the other units, to take the primary position, or to ram or PIT the van, and no on-duty command officer ordered the pursuit terminated.

F. The PIT maneuver

65. Twenty seconds after announcing that he would “finish this,” at 2:06:39 a.m., on Prospect Street north of Michigan Avenue, with the van traveling about 40 miles per hour in a 25-mile-per-hour residential zone, Defendant GOMBOS steered his patrol car into the rear driver-side quarter of the van, a PIT maneuver. That attempt missed. At 2:06:47 a.m., his second attempt connected. The van spun, struck the curb at 2:06:50 a.m., and rolled onto its passenger side. Exhibit J (in-car video, patrol vehicle 74, occupied by Defendants CUSO and BECHTOL), 0:10–0:17¹⁰ Exhibit K (clinic surveillance video), 0:00–0:39.¹¹
66. A Nissan NV is a tall, high-roof cargo van. Every trained officer knows a vehicle of that kind is likely to roll over in a PIT maneuver, and that a rollover can kill the occupant. A PIT maneuver is an intentional collision of the patrol car with the fleeing vehicle to alter its course. Under the Sheriff’s Office’s own policies, that is “ramming,” and it is prohibited “unless the use of deadly force is justified.” Exhibit I, pp. 3, 6, 12; Exhibit A, p. 37.
67. Nothing justified deadly force. There was no traffic, and there were no pedestrians; the deputies had said so on the radio a minute earlier. The van

¹⁰ Dash camera footage: <https://bit.ly/4AhGyE9> (1:14 of a 4:08:30 video)

¹¹ Security footage: <https://bit.ly/4ipLFfb> (39 seconds of a 1:59:59 video)

was damaged and “having mechanical issues.” Its driver was a lone man whose identity could be obtained from the temporary plate in his window. The only people near the van were deputies who had chosen to stay close to it.

68. The PIT maneuver did not merely end the pursuit. It created every condition that the deputies would, sixteen seconds later, treat as a reason to kill: a man thrown from his seat and out of view, a dark cabin, a wrecked vehicle that could not be seen into, and a fire under the van. Defendant GOMBOS manufactured the confrontation, and the shooting followed directly from it.

69. The van was now lying on its right side, partly in the northbound lane and partly on the snow-covered shoulder. It could not move. The passenger door and passenger windows were the floor of the cabin. The driver’s seat was in the air. Whatever threat the van had posed as a moving vehicle was over.

Exhibit J, 0:17–0:19.¹²

70. JOHN had just been in a rollover crash after being rammed. He was on the low side of the cabin, lying on his right side on the passenger door. His body would later show the bruises and scrapes of that crash on his right flank, right lower back, right buttock, both knees, both wrists and his left foot.

¹² Dash camera footage: <https://bit.ly/4AhGyE9> (1:14 of a 4:08:30 video)

71. Two frames from the deputies' own cameras, taken from similar vantage points in front of the van's grille, show the van before and after the deputies fired. Exhibits L and M.



Exhibit L — The van on its passenger side after the PIT maneuver, before shots were fired. The windshield is intact.



Exhibit M — The same van seconds later, after Defendants CUSO, HEATH, and BECHTOL fired. The windshield is perforated by a cluster of bullet holes.

72. Exhibit L is what the deputies confronted: a cargo van lying on its side in the road, wheels off the ground, driver's door facing the sky, engine stalled, its driver thrown from his seat and no longer visible through the windshield. It could not move. Exhibit M is what they did to it. Nothing in either frame, and nothing in any video produced to date, shows a weapon or anything being pointed at any deputy from inside the van.
73. At about 2:06:57 a.m., seconds after the van overturned, a small fire ignited under it. Smoke was visible in and above the van. The deputies did not address the fire before rushing the van; they left their patrol cars and ran toward the front of the van with their pistols drawn. At about 2:10 a.m., after the shooting,

Defendant CUSO retrieved a fire extinguisher from a patrol car and put the fire out, walking close enough to the van to do so while no deputy would approach it to help the man inside.

G. The shooting

74. Defendants CUSO, HEATH, BECHTOL, and TRIPP ran toward the front of the overturned van with their pistols drawn and pointed at the windshield. Defendant BECHTOL moved to the right side of the van. Defendant TRIPP wrote that he “reached the engine block of the overturned van” as deputies announced “gun.” Deputy DiCicco, who had driven Tripp’s patrol car, wrote that she “ran to the van with my service weapon unholstered” and was at the front of Defendant CUSO’s patrol car when the shooting began. Defendants GOMBOS and EARLEY, who had driven into the animal-clinic lot facing the van, were on scene with weapons drawn. Defendant PENNINGTON arrived at 2:07:05 a.m., as the shots were fired, and did not leave his patrol car until they stopped. Exhibit J, 0:19–0:28.¹³

75. The Sheriff’s Office’s de-escalation policy told the deputies what to do with a non-compliant subject in a disabled vehicle: “Attempt to isolate and contain the subject”; “Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate

¹³ Dash camera footage: <https://bit.ly/4AhGyE9> (1:14 of a 4:08:30 video)

threat that may require the use of force”; “Request additional resources, such as Crisis Intervention Team (CIT) trained employees, or Crisis/Hostage Negotiation Team members”; and “take as much time as reasonably necessary to resolve the incident, without having to use force if possible.” Exhibit H, p.

3. The deputies did none of that. They ran at the van.

76. The deputies knew exactly what that policy required, because they did it, forty seconds too late. At 2:07:40 a.m., after the three shooters had emptied or nearly emptied their magazines, Defendant GOMBOS got on the radio and told the deputies to “treat it like a barricade.” Exhibit J, 1:08–1:14.¹⁴ They pulled back behind their patrol cars. They drove a patrol vehicle up for cover. They called for a negotiator. They requested SWAT.
77. Every one of those steps was available at 2:06:50 a.m., when the van came to rest on its side and could not move. Nothing about JOHN JENUWINE’s situation changed between 2:06:50 and 2:07:40 except that he had been shot seven times. The “barricade” the deputies declared at 2:07:40 protected no one from anything; JOHN was on the floor of the van bleeding. It was the containment that the Sheriff’s Office’s own policy required at 2:06:50, when it would have saved his life.

¹⁴ Dash camera footage: <https://bit.ly/4AhGyE9> (1:14 of a 4:08:30 video)

78. The deputy who called the barricade was the same deputy who, at 2:06:19 a.m., had announced “I am going to take primary and finish this,” and who then flipped the van. Defendant GOMBOS created the situation, watched it end in gunfire, and only then applied the policy that would have prevented it.
79. At about 2:07:00 a.m., ten seconds after the van came to rest, as the deputies reached the front of the van, deputies shouted, “show me your fucking hands! Show me your fucking hands!”¹⁵
80. At 2:07:03 a.m., about three seconds later, in the dark, without pausing to assess, without waiting for any response, and without giving JOHN, who had just been through a rollover crash, any time to comply, a deputy shouted “He’s got a gun! He’s got a gun! He’s got a gun! Gun! Gun! Gun!”
81. Within about one second of that shout, Defendants CUSO, HEATH and BECHTOL opened fire through the windshield and into the cabin. Deputy Ahmed, standing to the far left, described it as “multiple gun shots discharged by deputies at the front of the suspect vehicle through its windshield.”
82. Defendant CUSO fired every round in his magazine, approximately seventeen rounds in all.

¹⁵ Clock times in this Complaint are taken from the Michigan State Police review of the in-car camera recordings unless otherwise stated. The clocks on individual body-worn cameras, in-car cameras, the clinic surveillance camera and the County’s dispatch system differ from one another by up to several seconds.

83. Defendant HEATH fired until he had two rounds left in his magazine, then swapped it for a full one, approximately fifteen or sixteen rounds.
84. Defendant BECHTOL fired approximately three rounds.
85. Deputy Ahmed ran to the front of the overturned van beside Defendants CUSO, HEATH and BECHTOL with his pistol drawn. His body camera captures the shouts of “gun” and the gunfire. Deputy Ahmed did not fire. The Michigan State Police confirmed that morning that every one of his magazines was still full. The one deputy who had actually looked at the driver and seen what he was holding, standing in the same place at the same moment with the same view, did not shoot. Neither did Defendants GOMBOS, EARLEY or TRIPP, each of whom had a weapon drawn and a view of the van, nor Defendant PENNINGTON, who arrived as the shots were fired.
86. In all, the three deputies fired approximately thirty-four rounds, based on the Michigan State Police’s count of spent casings and the ammunition remaining in their pistols and magazines, from three 9mm Glock pistols, into a wrecked van lying on its side, in a matter of seconds, at one unarmed man.
87. The Michigan State Police documented where those rounds went. On January 6, 2026, MSP Traffic Crash Reconstructionist Spl/Sgt. Gregory Kamp surveyed the scene with survey-grade RTK GPS equipment while the MSP Aviation Unit photographed it from a drone, and produced scale diagrams of

the evidence. Exhibit N. His measurement log records thirty surveyed “HOLE” points in and around the van and two “HOLE_OUT” points where rounds exited.

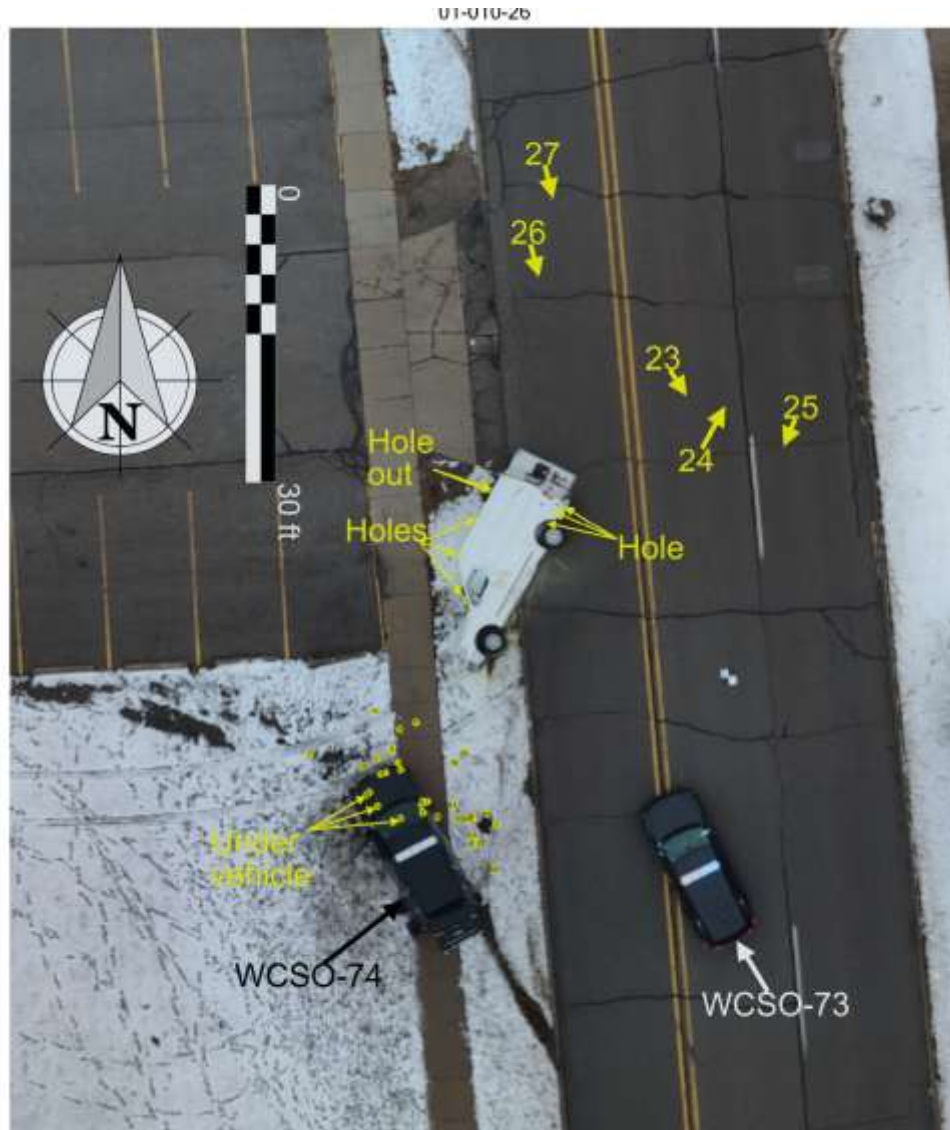


Exhibit N (detail) — MSP scale diagram, Prospect Street, 1:177. The van on its side at top center with surveyed holes marked; a cluster of evidence items “under vehicle” beneath patrol car WCSO-74 (Defendants CUSO and BECHTOL); items 23–27 on the roadway; patrol car WCSO-73 (Defendants HEATH and Deputy Ahmed).

88. The diagram shows what the deputies' own cameras show: the holes are concentrated at the front of the van, where the deputies were standing, and the fired cartridge casings are clustered under and around the patrol car from which Defendants CUSO and BECHTOL had just emerged, a car's length or more from the van. The deputies were not being fired upon from the van. They were firing into it.
89. Defendant BECHTOL yelled "crossfire" while the shooting was going on. The deputies' shooting positions, two at the windshield and one to the side of the van, put them in each other's lines of fire and were dangerous and reckless. Deputy DiCicco, who had run past the shooters toward the van, wrote that she "heard several gunshots coming from behind me."
90. The Sheriff's Office's Use of Force policy provides that the circumstances justifying deadly force "apply to each discharge of a firearm or application of deadly force," that "[e]mployees shall reassess the situation, when safe, to determine whether the subject continues to pose an active threat," and that deadly force is to be used "only as a last resort when reasonable alternatives have been exhausted or are not possible." Exhibit A, pp. 7, 35. The deputies did not reassess after the ramming, after the PIT, before the first shot, or before any of the roughly thirty-four discharges of their weapons.

91. The Use of Force policy also requires that, “[i]f doing so would not increase the danger to the employee or another innocent person, an employee shall give a verbal warning to submit to the authority of the Sheriff’s Office before discharging a firearm or using other deadly force,” and that “[t]o the extent feasible, an employee shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of the employee or another person.” Exhibit A, p. 35. No deputy warned JOHN JENUWINE that he would be shot. Three deputies fired from positions that put them in each other’s lines of fire.
92. JOHN did not fire at anyone. No shot came from the van. No deputy has ever claimed to have been shot at.
93. JOHN JENUWINE did not have a gun or a weapon of any kind on his person or in his vehicle.
94. Within seconds of the shooting, as recorded on Defendant BECHTOL’s body camera, BECHTOL asked another deputy where JOHN was, and the deputy answered that he was “in the back barely moving.” Defendant TRIPP wrote that when the shooting stopped he moved toward Defendant CUSO “to see inside of the vehicle” and “observed the suspect laying down in the back of the van.” From the first moment after the gunfire, the deputies knew that the man they had shot was down, wounded, and in the rear of the van, away from the windshield.

H. How JOHN was shot: the autopsy and the findings of Plaintiff's expert

95. Dr. Allecia Wilson, the medical examiner, performed an autopsy at Michigan Medicine and found seven gunshot wound paths through JOHN's body.
96. Six of the seven bullets traveled upward through his body. The bullets entered JOHN's body through his right buttock, his left buttock, his groin, the back of his right knee, the inside of his right thigh and the inside of his left thigh, and traveled from back to front and from low to high.
97. The full wound-trajectory chart, with the autopsy measurements for each entrance and exit, is attached as Exhibit O. The seven wound paths, as documented by the medical examiner, are as follows:

Path	Entrance (autopsy label)	Exit/projectile	Direction (anatomic position)	Injury
1	Left upper chest (A)	None — bullet recovered behind the spleen	Front to back, right to left, DOWNWARD	Fatal: left lung, diaphragm, stomach, spleen; 1,400 mL blood in left chest
2	Right buttock, lateral (D)	Shored partial exits, right hip (B, C) — bullet recovered at B	Back to front, UPWARD	Hip was pressed against a hard surface when the bullet exited
3	Back of right knee (G)	Exit back of thigh (F); re-entry inner thigh (E); fragments recovered in thigh	Back to front, right to left, UPWARD	Entered behind the knee and traveled up the leg

Path	Entrance (autopsy label)	Exit/projectile	Direction (anatomic position)	Injury
4	Right groin, medial (H)	None — bullet recovered in right kidney	UPWARD	Fractured pelvis; right external iliac vein, bladder, psoas, kidney
5	Inner right thigh (J)	Exit front of right thigh (I)	Back to front, left to right, UPWARD	Through-and- through
6	Inner left thigh (L)	Exit front of left thigh (K)	Back to front, right to left, UPWARD	Through-and- through, about 27 cm up the thigh
7	Underside of left buttock (N)	Exit top of left buttock (M)	UPWARD	Short path through soft tissue

Wound paths per Michigan Medicine Autopsy Report AU-26-18 (Dr. Allecia Wilson). Labels A–N are the pathologist’s and do not indicate sequence. Range of fire for every wound: distant/indeterminate. Five projectiles or fragments were recovered from the body.

98. Read together, six of the paths describe one body position. Each of the six rounds entered JOHN’s body from below and behind: through the back of the right knee, the underside of the buttocks, the inner thighs and the groin, and traveled upward. That is a man lying on his right side on the floor of an overturned van with his legs toward the windshield and his chest below the muzzles of the deputies standing at the front of it. When six of the bullets struck him, he was not standing up in a window with a shotgun.

99. One bullet entered the front of his left upper chest and traveled downward through his left lung, his diaphragm, his stomach, and his spleen. The position of the bullet suggests JOHN was moving to a standing position, in an attempt to exit the now wrecked vehicle. The fact remains JOHN was unarmed, and no shotgun was ever present, but HEATH, CUSO, and BECHTOL fired approximately thirty-four rounds. The remaining six bullets that punctured JOHN's body came when he was lying down. JOHN was never a threat.
100. The exit wound on JOHN's right hip was "shored," meaning his right hip was pressed against a hard surface when the bullet came out. He was lying on his right side, on the floor of the overturned van, when he was shot.
101. A man is not shot six times, in the buttocks, the groin and the backs and insides of his legs, from below, while standing up and pointing a gun out a window. That wound pattern belongs to a man lying on the floor of a wrecked van with his legs toward the windshield.
102. Based on information and belief, the moment six of the bullets struck JOHN JENUWINE, he was lying on his right side on the floor of the overturned van. That is, on the passenger door and windows, with his hips and legs toward the front of the van and toward the deputies who were shooting at him.
103. Based on the forensic pathologist's report: six of the seven wound paths travel upward through the body and enter from behind and below, through the

buttocks, the perineum, the back of the right knee, and the inner thighs; the exit wound on the right hip is shored, meaning the right hip was pressed against a hard surface when the bullet left the body; the rollover injuries are on the right side of the body.

104. Forensic pathologist, Dr. L. Dragovic, has opined that JOHN JENUWINE did not die instantly or quickly. He bled to death. That process is not instantaneous. It unfolds over an undetermined period of time, during which the victim remains conscious, aware, and in extreme pain. JOHN's recorded movements, kicks, and cries for help for at least twenty minutes after the shooting are consistent with the period of consciousness expected from this manner of death.
105. The pain JOHN JENUWINE experienced was extreme. In addition to the chest wound, he had a fractured pelvis, a perforated bladder, a lacerated iliac vein and kidney, and six additional gunshot wounds through the soft tissue of his buttocks, groin and thighs. He was conscious, moving, kicking and crying for help for at least twenty minutes after he was shot, and the deputies heard and saw him doing it.
106. Based on information and belief, JOHN JENUWINE's injuries were survivable. A penetrating chest wound with hemothorax, bleeding into the

chest cavity, is a wound that trauma surgeons at a Level I trauma center treat successfully with high frequency.

107. The University of Michigan Level I trauma center is approximately three miles and six minutes by ambulance from Prospect Street. Ambulances were dispatched at 2:07:08 a.m. and staged at Prospect and Maus by 2:20 a.m. Had JOHN JENUWINE been taken out of the van and transported to that trauma center within the first fifteen to twenty minutes after he was shot, he would, more likely than not, have survived. Instead, no paramedic reached him until SWAT operators entered the van at about 4:06 a.m., one hour and fifty-nine minutes after the shooting. The County's own dispatch notes show that HVA's tactical medics did not even approach the scene until 3:28:38 a.m.

I. The shotgun that was never there

108. Before the shooting, no deputy said anything about a shotgun. The 911 call said "handgun." The dispatch broadcast said "handgun."
109. At 2:07:34 a.m., after the shooting had stopped, a deputy put out over the radio that JOHN was "armed with a shotgun." Dispatch repeated it.
110. However, it is undisputed that JOHN never had a gun during this episode. And furthermore, there is no portion of the video that shows he had a gun.
111. Whatever movement JOHN made in the dark cabin in the seconds after the rollover, when six of the bullets struck him, the evidence points that JOHN

was on the floor, on his right side, with his legs toward the deputies. The evidence is not consistent with JOHN standing and raising a long gun towards the deputies.

112. The Michigan State Police searched the van under a warrant. The Sheriff's Office searched it. The Sheriff's Office's own detective wrote: "No firearm was located in the vehicle."
113. On January 7, 2026, the Sheriff's Community Action Team walked the entire pursuit route looking for anything thrown from the van. They found nothing.

J. The deputies let him die

114. At 2:07:08 a.m., five seconds after the first shots, a deputy radioed "PIT, PIT, PIT, start HVA," and a Huron Valley Ambulance unit was dispatched. By 2:20:47 a.m. dispatch logged that HVA was en route from St. Joseph Mercy Hospital to stage at Prospect and Maus, a few blocks from the van. By 2:30:36 a.m. fire and medical units were staged at Prospect and Maus. They stayed there. No Defendant ever allowed the medics to reach JOHN while he was alive.
115. After the shooting, the deputies pulled back behind their patrol cars. At 2:07:40 a.m., Defendant GOMBOS said on the radio, "just for the tape, shots

fired by police,” and told the deputies to “treat it like a barricade.” Exhibit J, 1:08–1:14.¹⁶

116. At 2:08:16 a.m., Defendant GOMBOS acknowledged on the radio that JOHN had likely been hit. Defendant CUSO, who had just fired at JOHN, did not answer over the radio, but his body camera records him answering the question aloud: “Ah ya.” At 2:10:08 a.m., asked directly whether JOHN was hit, Gombos answered, “Yeah probably.” Every Defendant on that scene knew, from the first minute, that the man in the van had been shot.
117. The deputies could see and hear JOHN. At 2:07:27 a.m. a deputy reported, “eyes on him, he’s moving around a little bit.” At about 2:08 a.m., Defendant BECHTOL said, “[he is] still kinda moving.” Exhibit P, 0:00–0:30.¹⁷ At about 2:12 a.m., Bechtol said “he’s moving again” and “he’s yelling,” and yelling can be heard from the van. At 2:13:31 a.m., a deputy reported over the radio, “He is kicking around inside the vehicle right now,” and dispatch logged it. Deputy Ahmed watched JOHN’s “arms and legs being lifted in the air” in the back of the van. Defendant TRIPP, holding a ballistic shield at the front of the perimeter, wrote that he “observed the suspect kick his feet, turn over, hit the

¹⁶ Dash camera footage: <https://bit.ly/4AhGyE9> (1:14 of a 4:08:30 video)

¹⁷ Footage: <https://bit.ly/4hxaXai> (5:22 of combined 4:30:48 body camera and in-car video)

interior of the van and yell for an extended period of time.” Exhibit P, 0:30–1:51.

118. At 2:14:17 a.m. and 2:14:25 a.m., as recorded on the body-worn camera in Exhibit P, JOHN can be heard yelling “help” from inside the van. The deputies did not respond to him. Instead, one deputy said, “focus on the shotgun. Where is it?” Defendant PENNINGTON said “No idea.” Exhibit P, 1:53–2:25.
119. At 2:15:19 a.m., JOHN cried “HELP” loudly enough to be heard clearly on the recording. No deputy responded, and no deputy acknowledged the cry, even to one another. Exhibit P, 2:37.
120. Defendant WALLACE, who had arrived at the crash location at 2:09:35 a.m., joined the deputies at the cover position at 2:15:50 a.m. No one told him that JOHN had been crying for help. When Wallace asked, “Have we seen any movement at all?”, Defendant PENNINGTON answered, “Ya oh ya, he is kicking his feet.” No one added that the man kicking his feet had been calling for help. Exhibit P, 3:13–3:25.
121. At 2:17:07 a.m., ten minutes after the shooting, deputies began addressing JOHN through a loudspeaker. Over the next five minutes they issued sixteen commands: to show his hands, to yell if he could hear them, to move his feet. At 2:22:15 a.m., a deputy announced, “if you need medical assistance, yell out to us now.” JOHN yelled. Multiple deputies reported it: “He is yelling,”

“He is trying to get up,” “He yelled, I can’t hear what he said.” The deputies’ next words over the loudspeaker were not that help was coming. They were: “Keep your hands empty while you move.” No deputy had seen anything in JOHN’s hands. Another deputy said, “I heard him yell, but I didn’t hear what it was.” Exhibit P, 3:25–4:13.¹⁸

122. Having asked a man with seven gunshot wounds to yell if he needed medical help, and having heard him yell, the deputies did not send help. They told him, at 2:23:06 a.m., to “call into 911 right now.” Exhibit P, 4:13–4:34.
123. After six more commands to raise his hands, move his feet or yell, a deputy announced at 2:26:20 a.m., “Keep your hands straight up. If you can’t do that right now, start kicking your feet.” JOHN moved his feet. The deputies dismissed it: “He is not moving on his commands”; “Naw, he’s just flop... flopping his legs.” Exhibit P, 4:40–5:06. The video paints the picture of pain that JOHN JENUWINE was going through.
124. At 2:27:15 a.m., a deputy announced, “If you can’t move your hands, kick your feet.” Three seconds later, at 2:27:18 a.m., JOHN kicked. JOHN followed the commands of the deputies to no avail. That is the last movement anyone recorded from JOHN JENUWINE. It came twenty minutes and fifteen

¹⁸ Footage: <https://bit.ly/4hxaXai> (5:22 of combined 4:30:48 body camera and in-car video)

seconds after Defendants CUSO, HEATH and BECHTOL shot him. Exhibit P, 5:10–5:22.

125. At 2:37:10 a.m., a deputy radioed, “It’s been about six minutes since we had movement from the vehicle.” It was clear that JOHN was passing, and the deputies had let him die.
126. For the entire period in which JOHN was alive, moving and yelling, the deputies had everything they needed to reach him safely. They had ballistic shields on the scene and in use: Defendant WALLACE directed Defendant GOMBOS to take the shield from the back of Wallace’s patrol car, and Defendant TRIPP held a shield at the front of the perimeter. They had patrol rifles and shotguns for cover, patrol cars already positioned as cover, at least a dozen officers, two sergeants, and a fire crew and an ambulance staged blocks away. Nothing the SWAT operators used to approach the van at 3:57 a.m., shields, cover and a team of officers, was missing at 2:15 a.m. What the deputies on the scene lacked was not the means to go to the van. It was any intention of going to it while the man inside was still alive.
127. Defendant PENNINGTON, from a position with a clear view of the van, watched JOHN move and heard him call for help, and repeatedly refused to let anyone go to him. At 2:13:44 a.m., as JOHN flailed his legs, PENNINGTON said, “We are in a no move situation,” and then

acknowledged, “ya he is injured.” After JOHN cried “help” at 2:15:19 a.m., PENNINGTON told Defendant WALLACE, “I am not going to move, I have him at shotgun point.” Three seconds later, at 2:15:22 a.m., dispatch logged his unit: “630 HAS 1 AT GUN POINT.” At 2:16:50 a.m. he said, “Ya, there is nothing we can do to move at this point fellas.” At about 2:31 a.m., after four minutes without movement from the van, when a deputy suggested that JOHN was injured and that a different approach might be needed, PENNINGTON answered, “We are in a standoff now, we can’t approach,” and, when it was suggested that someone get a better view of the van, “We got two shotguns and a rifle that is perfect cover, I am not going to give that up.” By about 2:36 a.m., Pennington’s own body camera records him saying, “I think he is a K,” police shorthand for dead, “no movement in last 9 minutes.”

128. Defendant WALLACE, the command officer, arrived at the crash location at 2:09:35 a.m. but did not come to the cover position until 2:15:50 a.m. His first act there was to reassign the deputies who had been watching JOHN, not to ask about JOHN’s condition. He then asked, “have we seen any movement at all,” was told that there had been, and asked nothing more. No one told him that JOHN had been crying for help, and he did not ask. At 2:26:25 a.m., after ten more minutes of loudspeaker commands and of yelling and movement

from the van, WALLACE asked the same question again, and again asked nothing more. After JOHN's last recorded movement, WALLACE ordered the deputies to "continue to hold him down, continue to communicate with him." At 2:30:28 a.m., when a deputy pointed out that the loudspeaker commands were not working and that JOHN might be seriously injured, WALLACE answered, "this is all we got."

129. At 3:57 a.m., ninety minutes after JOHN was last seen moving, a group of at least seven SWAT operators approached the van with ballistic shields, fired two 40mm sponge rounds into the rear window, and used a "New York Hook," a long pole with bent ends, to punch a hole in the front windshield and prod JOHN's body to elicit a response. Exhibit Q 0:00–4:13.¹⁹ There was none.
130. SWAT operators then entered the back of the van and found JOHN dead. A Huron Valley Ambulance paramedic attached monitor leads and confirmed death at 4:06 a.m., one hour and fifty-nine minutes after he was shot.
131. The deputies knew JOHN JENUWINE was alive and had been shot from the moment the shooting stopped. For more than twenty minutes after that, while he was moving, kicking and yelling for help, no deputy made any attempt to reach him, and no deputy called the medics forward. Twenty minutes was long

¹⁹ Dash camera footage: <https://bit.ly/4xZjR67> (4:13 of a 4:08:30 video)

enough to put him in an ambulance and on an operating table. Instead, the deputies stood behind their cars and watched him die.

132. Based on information and belief, experts will opine that the death was preventable with prompt medical care.
133. The Sheriff's Office's own policies required the deputies to obtain medical aid for a person they had shot: "Following the use of deadly force, employees shall render or request medical aid as soon as practical." Exhibit A, p. 35. Medical evaluation is "mandatory" for any subject exposed to deadly force. Exhibit A, p. 7. Deputies who witness excessive force "have a duty to provide aid to the victim of such force." Exhibit H, p. 6. They did not. They watched him bleed, in the dark, until he died.

K. The deputies' silence

134. The Michigan State Police were called in to investigate. That morning an MSP detective went to the Sheriff's Office to count the rounds left in each deputy's pistol and magazines. He asked, through the deputies' union president, whether the deputies would tell him if they carry their magazines full, so he could determine how many shots were fired. The union president consulted Washtenaw County's Corporation Counsel and reported that the attorney had said the deputies "would not share that information."

135. Defendants CUSO, HEATH and BECHTOL, the three shooters, and Defendant GOMBOS, who rammed and flipped the van, each filed a report in the Sheriff's Office case file that reads, in its entirety, "No Narrative." Every other involved deputy submitted a report only "under threat of discipline" and invoking *Garrity*. Through counsel, the involved deputies declined to be interviewed by the Michigan State Police.
136. Eight months later, the Sheriff's Office has never produced, and its deputies have never given, any written or recorded account of why they shot JOHN JENUWINE.
137. Based on information and belief, the physical evidence has been left untested. The four pistols seized from CUSO, HEATH, BECHTOL and Deputy DiCicco went to the Michigan State Police crime laboratory in Lansing on January 20, 2026 and came back to the MSP property room on May 19, 2026. The property record for each shows no laboratory number and no report. The five bullets and fragments the medical examiner recovered from JOHN's body, including the intact bullet from the fatal chest wound, were logged into the MSP property room on January 20, 2026 and were still sitting there at a property audit on July 7, 2026.
138. The first public account of the shooting, attributed by a Detroit television station on January 6, 2026 to a Sheriff's Office commander, stated that after

the crash “the driver pulled out a shotgun and started shooting.” That was false. When the Michigan State Police asked the commander about it a month later, he said the station’s account “was not what his press release said.” The Sheriff’s Office did not publicly correct the account until after a gun had been searched for and not found.

L. Washtenaw County

139. Everything the deputies did that night they did in uniform, in marked cars, on the County radio, under County sergeants, and according to the training, customs and practices Washtenaw County gave them.
140. The County’s written pursuit rules were in the deputies’ hands that night. When Defendant HEATH began the pursuit, Defendant PENNINGTON, the east-side patrol supervisor, “pulled up the most recent directive on Vehicle Pursuits issued by Undersheriff Matthew Harshberger on 11/13/2025.” That directive authorizes a pursuit only where there is probable cause that an occupant has committed a life-threatening felony, a violent felony, an aggravated assault and battery, or a domestic assault with injury. Pennington and Defendant WALLACE were together in the sergeant’s office at Sheriff Station 2 when the pursuit began. Pennington’s own account is that once deputies broadcast that the van had “attempted to ram” a patrol car, “per

departmental directive, the pursuit was allowed to continue,” and that he then “paralleled” the pursuit, “not directly involved.”

141. That is the County’s system of pursuit supervision as it actually operated: a supervisor consults a directive to decide whether a pursuit may begin, and from that point forward exercises no control over it. No supervisor evaluated whether the felony that justified the pursuit had actually occurred, whether the driver matched the description, whether the vehicle could be identified without a chase, or whether the pursuit should be terminated. No supervisor authorized or forbade a single tactical decision. A line deputy who was not even a primary pursuit vehicle announced on the County radio that he would “finish this,” rammed a stopped van and then flipped a moving one, and neither sergeant said a word. The County’s written policy classifies what he did as deadly force. In practice, the County permitted deadly force by vehicle to be self-authorized by whichever deputy chose to use it.
142. Washtenaw County has written policies that forbid ramming absent justification for deadly force, that treat any intentional vehicle-to-vehicle contact, including a PIT maneuver, as ramming, that require de-escalation as resistance decreases, that require containment and time and distance before force, that require justification for each discharge of a firearm, and that require medical aid for persons subjected to force. Exhibit A, pp. 3–4, 7, 35, 37;

Exhibit I, pp. 3, 6, 12, 15, 18; Exhibit H, pp. 3–4, 6. On January 6, 2026, six deputies and two sergeants violated every one of those policies, in sequence, over thirteen minutes and then over two hours, and no one, including either supervising sergeant, objected. That is not the conduct of officers who have been trained in and held to those policies. It is the conduct of officers whose actual custom and practice is different from what is written down.

143. Based on information and belief, Washtenaw County failed to train its deputies that a suspect description that does not match the driver ends the justification for a felony-level pursuit; that a low-speed pursuit for traffic offenses does not justify ramming or a PIT maneuver; that a PIT maneuver on a high-roof cargo van is likely to roll it and kill the occupant; that a disabled, overturned vehicle is to be contained from cover and not rushed on foot with pistols drawn; that a shout of “gun” by one deputy, without any independent perception of a weapon, does not justify the others in firing; that firing must stop, and each deputy must reassess, when the perceived threat stops; and that a person they have shot must be given medical aid, using the cover, armor and tactics available to them, rather than left in a “barricade” until he stops moving.
144. Every one of those situations is one that Washtenaw County deputies meet as a matter of course: a pursuit of a vehicle whose driver may not match a

secondhand description; a decision whether to end a pursuit by vehicle contact; an approach to a stopped or wrecked vehicle on a report of a gun; a fellow deputy's shout of "gun"; and a wounded person after a police shooting. The need for training on each is obvious, and the consequence of failing to train, an unjustified shooting and death, is highly predictable. The County's deputies had the tools for each situation, stop sticks that were already in play, ballistic shields, rifles, patrol cars for cover, negotiators and staged medics, and, apart from one stop-stick attempt that a line deputy then abandoned in favor of ramming, used none of them until JOHN JENUWINE was dead.

145. Based on information and belief, Washtenaw County either had no policy, practice or training requiring that corrected suspect information obtained from a complainant or eyewitness by responding deputies be broadcast to pursuing units before a stop, pursuit, or use of force is undertaken on the strength of the original dispatch description, or they do and did not follow such a policy.
146. Based on information and belief, Washtenaw County had no policy, practice or training that required a supervisor to take command of a scene after a police shooting and direct that a wounded person receive medical aid. The County's response to a man its deputies had shot was to activate SWAT and a negotiation team, notify the Undersheriff, who authorized the SWAT activation, and wait. No one in the County's chain of command, from the

sergeants on the scene to the Undersheriff who was consulted that night, directed that the wounded man be reached.

147. Based on information and belief, the events of January 6, 2026 were not the first time that Washtenaw County deputies inappropriately engaged a suspect and Washtenaw County's practice has been not to investigate or discipline such conduct.
148. After the shooting, Washtenaw County, through its Corporation Counsel, instructed the deputies not to answer the Michigan State Police's question about their magazines. Washtenaw County accepted "No Narrative" reports from the three deputies who fired and from the deputy who flipped the van. Washtenaw County has not disciplined any of them, has not disciplined, retrained or counseled any deputy for failing to relay what Ms. Caddell said or what Deputy Ahmed saw, has not sought a ballistics comparison, and has changed no policy. On information and belief, Washtenaw County's final policymakers for law enforcement, the Sheriff and Undersheriff, have reviewed the deputies' conduct and approved it, and have thereby ratified it.
149. Washtenaw County's policies, customs, training and supervision failures were the moving force behind the violation of JOHN JENUWINE's constitutional rights and his death.

M. The video record

150. The ramming, the PIT maneuver, the rollover, the deputies' approach to the overturned van, the shooting, the deputies' retreat, and the hour and fifty-nine minutes that followed were recorded by in-car and body-worn cameras in the Sheriff's Office's own patrol vehicles and on its own deputies, and by a surveillance camera at an animal clinic on Prospect Street. The following recordings are attached to and incorporated in this Complaint: Exhibit C (40 seconds of 4:43:49 combined in-car video, showing stop in Dollar General lot); Exhibit D (11 seconds of 5:55:06 combined in-car video, showing second white van); Exhibit E (22 second clip of the 4:08:30 in-car video, Ypsilanti Police units); Exhibit F, 16 seconds of a 34:32 in-car video from the K-9 patrol vehicle driven by Defendant GOMBOS, showing the ramming; Exhibit G (21 seconds of a 30:45 body-worn camera video, Defendant CUSO stabbing the tire rim); Exhibit J, 1:14 of 4:08:30 in-car video from patrol vehicle 74, occupied by Defendants CUSO and BECHTOL, showing the PIT maneuver, the rollover, the approach, the shooting and the retreat; Exhibit K, 39 seconds of a 1:59:59 surveillance video from the animal clinic parking lot into which Defendant GOMBOS drove after the PIT maneuver, showing the PIT maneuver and rollover on a camera with a date-and-time stamp; Exhibit P (5:22 of 4:30:35 of combined body-worn camera, and in-car video capturing

the twenty minutes after the shooting); and Exhibit Q (4:13 of a 4:08:30 in-car video, the SWAT approach). Each is an excerpt of a longer recording. The Michigan State Police reviewed the full in-car recordings, and its review is cited in this Complaint for clock times. Courtesy links to the same recordings are provided in the footnotes and index.

151. Exhibits L and M are still frames from the deputies' in-car and body-worn cameras showing the overturned van immediately before and immediately after the shooting.
152. Exhibit O is the wound-trajectory chart prepared from the medical examiner's autopsy report. Exhibit N consists of the three scale diagrams produced by MSP Spl/Sgt. Gregory Kamp (Report No. 01-010-26): an area overview, the Prospect Street overview, and the Prospect Street detail reproduced in part above.
153. Exhibit F, the ramming. Exhibit F opens with JOHN JENUWINE's van ahead of the K-9 patrol car in the school parking lot, moving slowly, with patrol cars converging on it from two directions with their emergency lights activated (0:00-0:06). The van turns across the lot toward the grass at its edge. At about nine seconds into the recording, Defendant GOMBOS drives the front of his patrol car into the driver's side of the van; the driver's door and driver's window fill the frame (0:07-0:11). The patrol car stays pressed against the

side of the van for about two to three seconds, with the shadow of the patrol car's passenger, Defendant EARLEY, cast on the van's side panel (0:11-0:13). The van then pulls away onto the grass and drives out of the lot, and the patrol car follows (0:13-0:16). The Michigan State Police review of the full recording states that the "[s]uspect vehicle backs into grassy hill and stops at 02:05:20" and that the "WCSO K9 patrol vehicle intentionally rams driver's side of suspect vehicle, deploying the side curtain airbags in suspect vehicle at 02:05:21." Defendant GOMBOS rammed a van that had just stopped.

154. No supervisor directed or authorized the ramming. The radio traffic and body-camera recordings reviewed by the Michigan State Police contain no order or authorization from Defendant PENNINGTON, Defendant WALLACE or anyone else to ram the van. The only radio traffic about the ramming came after it, when Defendant GOMBOS announced: "For the tape, it was my patrol vehicle that rammed him, we are all ok in my car."
155. Exhibit J, the PIT maneuver and rollover. Exhibit J is recorded from patrol vehicle 74, occupied by Defendants CUSO and BECHTOL, as it follows the K-9 patrol car north on Prospect Street (0:00-0:10). At about ten seconds into the recording, the K-9 patrol car driven by Defendant GOMBOS moves up on the left rear of the van and the van begins to rotate (0:10-0:12). Between about thirteen and fifteen seconds, the van spins, leaves the roadway and rolls onto

its passenger side, coming to rest with its undercarriage toward the pursuing patrol cars, partly in the northbound lane and partly on the snow-covered shoulder (0:13-0:17). The Michigan State Police review of the full recording states that the second PIT maneuver connected at 2:06:47 a.m. and that the “[s]uspect vehicle rotates from the PIT maneuver and strikes the curb at 02:06:50, causing it to roll over onto the passenger side.”

156. Exhibit K, the same event, on a clock. Exhibit K shows the PIT maneuver and rollover from the animal clinic parking lot on a camera with a date-and-time stamp. At 2:06:49 a.m., the van comes into view northbound on Prospect Street with patrol cars alongside it (0:06). At 2:06:50 a.m., the van rotates. By 2:06:53 a.m., the van has overturned and come to rest (0:11-0:13). Between 2:06:55 and 2:06:59 a.m., the K-9 patrol car drives through the clinic parking lot and stops facing the overturned van (0:14-0:23). By 2:07:01 a.m., figures are visible at the van (0:22). The recording continues to 2:07:18 a.m. The Michigan State Police review of the in-car recordings places the first shots at 2:07:03 a.m., about ten seconds after the van came to rest (0:25).
157. Exhibit J, the approach. For about two to three seconds after the van comes to rest (0:13 to 0:17 of Exhibit J), the van lies motionless on its side in the headlights of the patrol car. Nothing moves in or around it. No door opens. Nothing is thrown or fired from it. At about 0:19 to 0:20, the first deputy is on

foot toward the van, and a deputy crosses directly in front of the camera toward the van with his pistol extended in both hands (0:19-0:20). By about 0:24 to 0:28, deputies are at the front of the van (0:24-0:28).

158. Exhibit J, the shooting and the retreat. The Michigan State Police review of this recording places the first shots at 2:07:03 a.m. (0:27). Between about 0:24 and 0:28 of Exhibit J, smoke is visible above the van (0:24-0:28). Between about 0:28 and 0:36, deputies back away from the van toward the patrol cars with their pistols still extended toward it; one deputy backs up until he is directly in front of the camera (0:28-0:36). From about 0:36 to the end of the recording at 1:14, deputies stand in front of the van and behind the patrol cars with their pistols aimed at the van (0:36-1:14). From the moment the van comes to rest to the end of the recording, the van does not move, no one emerges from it, and nothing is fired from it.
159. Exhibits F (0:00-0:16), J (0:00-1:14) and K (0:00-0:39) do not show any supervisor directing, authorizing or terminating the ramming or the PIT maneuver; any deputy taking cover or waiting for a response to commands before advancing on the overturned van; any weapon; any muzzle flash or shot from the van; or any deputy approaching the van to render aid after the shooting.

160. The recordings, the radio traffic, the Computer-Aided Dispatch notes and the in-car and body-camera clocks reviewed by the Michigan State Police establish the following sequence on January 6, 2026: 2:05:20 a.m., the van stops against the grass in the school lot; 2:05:21 a.m., Defendant GOMBOS rams it; 2:06:08 a.m., a deputy radios that the van is “having some mechanical issues”; 2:06:19 a.m., Defendant GOMBOS radios, “I am going to take primary and finish this”; 2:06:39 a.m., the first PIT attempt misses; 2:06:47 a.m., the second PIT attempt connects; 2:06:50 a.m., the van strikes the curb and rolls onto its passenger side; 2:07:00 a.m., deputies reach the front of the van; 2:07:03 a.m., “gun” and the first shots; 2:07:05 a.m., Defendant PENNINGTON arrives; 2:07:08 a.m., a deputy radios “PIT, PIT, PIT, start HVA”; 2:07:34 a.m., a deputy radios “[a]rmed with a shotgun”; 2:07:40 a.m., Defendant GOMBOS radios “[j]ust for the tape, shots fired by police” and that the deputies will “treat it like a barricade”; 2:09:35 a.m., Defendant WALLACE arrives; 2:10:08 a.m., asked whether JOHN JENUWINE was hit, Defendant GOMBOS answers, “Yeah probably”; 2:13:31 a.m., a deputy radios, “He is kicking around inside the vehicle right now”; 2:14:17, 2:14:25 and 2:15:19 a.m., JOHN cries “help”; 2:22:15 a.m., deputies ask JOHN to yell if he needs medical assistance, and he yells; 2:27:18 a.m., JOHN’s last recorded movement; 2:37:10 a.m., a deputy radios, “It’s been about six

minutes since we had movement from the vehicle”; 3:28:38 a.m., according to the Computer-Aided Dispatch notes, Huron Valley Ambulance’s tactical medics approach the scene; 3:57 a.m., SWAT operators approach the van; about 4:06 a.m., SWAT operators enter the van, a paramedic attaches monitor leads, and death is confirmed.

161. The recordings show what Washtenaw County’s training and supervision produced on the street: a line deputy who announced on the County radio that he would “finish” a low-speed pursuit and, without a word from either sergeant on duty, rammed and then flipped a van that the County’s own policies told him he could not ram unless deadly force was justified; deputies who advanced on an overturned, motionless vehicle within seconds rather than containing it from cover; three deputies who fired approximately thirty-four shots within about a second of a single shout; and a perimeter that held for more than an hour, with medics staged blocks away, while the man inside cried for help and bled to death.

COUNT I

UNLAWFUL USE OF EXCESSIVE AND DEADLY FORCE — 42 U.S.C. § 1983

DEFENDANT DEPUTY JACOB GOMBOS (Ramming, 2:05:21 a.m.)

162. Plaintiff incorporates all prior allegations by reference.

163. Plaintiff brings this Count under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment, applied to the States through the Fourteenth Amendment.
164. JOHN JENUWINE had a clearly established right under the Fourth Amendment to be free from unreasonable seizure and from excessive and deadly force.
165. Defendant GOMBOS is a “person” under 42 U.S.C. § 1983 and at all relevant times acted under color of state law within the scope of his employment with the Washtenaw County Sheriff’s Office.
166. Defendant GOMBOS intentionally drove his patrol car into the driver’s door of JOHN JENUWINE’s van while the van was stopped. Intentionally ramming an occupied vehicle with a patrol car is a use of deadly force; the Sheriff’s Office’s own policy says so. Gombos did it to end a low-speed pursuit of a lone driver for traffic offenses, based on a report that the deputies already knew did not match him, in an empty school parking lot at 2:05 in the morning, with no traffic and no pedestrians.
167. At the moment of the ramming, JOHN JENUWINE posed no immediate threat of death or serious injury to Defendant GOMBOS or to anyone else. His van was stopped. The only persons anywhere near it were deputies who had driven up to it. The severity of the crime at issue was minor, and the

deputies knew that the felony report that had started the pursuit did not describe him.

168. The ramming was not a split-second judgment. Defendant EARLEY had been urging it for four minutes, and Defendant GOMBOS had discussed when to do it. It was a deliberate choice to use deadly force where none was justified.
169. The ramming violated the Sheriff's Office's own policies, including "Subject Control/Use of Force" (3.04 GO) and "Vehicle Pursuits" (3.05 RR). Exhibit A, p. 37; Exhibit I, pp. 3, 6, 12. No supervisor authorized it.
170. It was clearly established long before January 6, 2026, that stopping a moving vehicle by intentionally colliding with it is a seizure under the Fourth Amendment, *Brower v. County of Inyo*, 489 U.S. 593, 597–99 (1989); *Scott v. Harris*, 550 U.S. 372, 381 (2007); that a seizure by deadly force is reasonable only where the officer has probable cause to believe that the person poses a significant threat of death or serious physical injury to the officer or others, *Tennessee v. Garner*, 471 U.S. 1, 11 (1985); *Graham v. Connor*, 490 U.S. 386, 396–97 (1989); and that the reasonableness of force used to end a pursuit turns on the danger the fleeing driver actually posed to others, *Scott*, 550 U.S. at 383–86. A van stopped against a hill in an empty school parking lot at 2:05 in the morning posed no such danger to anyone.

171. No reasonable officer would have used that force under those circumstances. Defendant GOMBOS acted intentionally, maliciously, and with reckless disregard for JOHN JENUWINE's clearly established rights.
172. The ramming injured JOHN JENUWINE, deployed the airbags in his cabin, damaged his van, and was the first act in an unbroken sequence of escalating force by Defendant GOMBOS that ended, one minute and forty-two seconds later, with JOHN JENUWINE trapped in an overturned van and shot.
173. The misconduct of Defendant GOMBOS directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:
- a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
 - b. Death;
 - c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help before he died;
 - d. Fright and shock;
 - e. Mental anguish and emotional distress;
 - f. Loss of family, society, companionship, love and support, and the family's grief;
 - g. Medical, funeral and burial expenses;

- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest, and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT II

UNLAWFUL USE OF EXCESSIVE AND DEADLY FORCE — 42 U.S.C. § 1983

DEFENDANT DEPUTY JACOB GOMBOS (PIT Maneuver, 2:06:47 a.m.)

174. Plaintiff incorporates all prior allegations by reference.

175. Plaintiff brings this Count under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment, applied to the States through the Fourteenth Amendment.

176. JOHN JENUWINE had a clearly established right under the Fourth Amendment to be free from unreasonable seizure and from excessive and deadly force.

177. Defendant GOMBOS is a “person” under 42 U.S.C. § 1983 and at all relevant times acted under color of state law within the scope of his employment with the Washtenaw County Sheriff’s Office.
178. Less than ninety seconds after ramming the van, Defendant GOMBOS announced on the County radio that he was going to “finish this,” and performed a PIT maneuver at about 40 miles per hour on a high-roof cargo van that he knew was already damaged, had its airbags deployed, and was “having mechanical issues.” The van flipped onto its side.
179. Under the Sheriff’s Office’s own policies, the PIT maneuver was an intentional collision with the fleeing vehicle, ramming, and was prohibited unless the use of deadly force was justified. Exhibit I, pp. 3, 6, 12; Exhibit A, p. 37. Defendant GOMBOS knew JOHN JENUWINE’s resistance had decreased and was required to de-escalate. Exhibit A, pp. 3–4; Exhibit H, pp. 3–4. Instead, he escalated to a maneuver that any trained officer knows is likely to roll a van of that kind and injure or kill its occupant.
180. JOHN JENUWINE posed no immediate threat of death or serious injury to anyone when Gombos flipped his van. The deputies had broadcast “no traffic, no peds.” The pursuit was at low speed through empty residential streets. The van was faltering. The driver’s identity was available from the plate in his window. A command officer was laying stop sticks on the van’s path a block

from the school lot. Every deputy in the pursuit could have backed off at any moment, and the Sheriff's Office's policy required the supervisor to order exactly that where there was no "immediate and/or apparent threat to public safety." The only danger the PIT maneuver addressed was the deputies' frustration that the chase had not ended.

181. The intent behind the PIT maneuver is on the County's own radio recording: "I am going to take primary and finish this." That is not the language of an officer protecting the public from a fleeing vehicle. It is the language of an officer who has decided to end a chase by force, whatever the consequence to the man in the van.
182. It was clearly established long before January 6, 2026, that intentionally colliding with a moving vehicle to stop it is a seizure, *Brower v. County of Inyo*, 489 U.S. 593, 597–99 (1989); *Scott v. Harris*, 550 U.S. 372, 381 (2007), and that deadly force may be used to seize a person only where the officer has probable cause to believe the person poses a significant threat of death or serious physical injury to the officer or others, *Tennessee v. Garner*, 471 U.S. 1, 11 (1985); *Graham v. Connor*, 490 U.S. 386, 396–97 (1989). The Sixth Circuit had held repeatedly before 2026 that an officer who uses deadly force against the driver of a vehicle that poses no immediate threat to anyone violates clearly established law, and that "[w]here a police officer

unreasonably places himself in harm's way, his use of deadly force may be deemed excessive.” *Kirby v. Duva*, 530 F.3d 475, 482 (6th Cir. 2008); *Smith v. Cupp*, 430 F.3d 766, 776–77 (6th Cir. 2005); *Godawa v. Byrd*, 798 F.3d 457 (6th Cir. 2015); *Sigley v. City of Parma Heights*, 437 F.3d 527 (6th Cir. 2006). The Sheriff's Office's own policy told Defendant GOMBOS the same thing: a PIT maneuver is ramming, ramming is deadly force, and deadly force was not justified.

183. No reasonable officer would have used that force under those circumstances.
184. The PIT maneuver left JOHN JENUWINE injured, disoriented and helpless on the floor of an overturned van, in the dark, with a fire under it, and set in motion the shooting that followed sixteen seconds later. The shooting was the direct, foreseeable and intended consequence of Defendant GOMBOS's decision to “finish this,” and Defendant GOMBOS is liable for the injuries and death that resulted from it.
185. The misconduct of Defendant GOMBOS directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:
 - a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
 - b. Death;

- c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help before he died;
- d. Fright and shock;
- e. Mental anguish and emotional distress;
- f. Loss of family, society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT III

UNLAWFUL USE OF EXCESSIVE AND DEADLY FORCE — 42 U.S.C. § 1983

DEFENDANT DEPUTY JACOB CUSO (Shooter)

186. Plaintiff incorporates all prior allegations by reference.

187. Plaintiff brings this Count under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment, applied to the States through the Fourteenth Amendment.
188. JOHN JENUWINE had a clearly established right under the Fourth Amendment to be free from unreasonable seizure and from excessive and deadly force.
189. Defendant JACOB CUSO is a “person” under 42 U.S.C. § 1983 and at all relevant times acted under color of state law within the scope of his employment with the Washtenaw County Sheriff’s Office.
190. Defendant CUSO ran at JOHN JENUWINE’s disabled, overturned van with his pistol drawn and, within about a second of a deputy shouting “gun,” fired approximately seventeen rounds, emptying one magazine through the windshield and into the van at JOHN JENUWINE.
191. It was clearly established in the Sixth Circuit long before January 6, 2026, that a person has the right not to be shot unless he is perceived to pose a threat of death or serious physical harm to the officer or others, *Sample v. Bailey*, 409 F.3d 689, 699 (6th Cir. 2005); *Bletz v. Gribble*, 641 F.3d 743, 752 (6th Cir. 2011); *Bougress v. Mattingly*, 482 F.3d 886 (6th Cir. 2007); that the same rule protects the occupant of a vehicle that no longer poses a danger to anyone, *Smith v. Cupp*, 430 F.3d 766, 776–77 (6th Cir. 2005); *Godawa v. Byrd*, 798

F.3d 457 (6th Cir. 2015); and that deadly force is justified, if at all, only for as long as the threat that justified it continues, *Plumhoff v. Rickard*, 572 U.S. 765, 777 (2014); *Tennessee v. Garner*, 471 U.S. 1, 11 (1985); *Graham v. Connor*, 490 U.S. 386, 396–97 (1989).

192. JOHN JENUWINE was unarmed, alone, injured, and for most of the interaction lying dying on his right side on the floor of a wrecked van. He posed no threat to anyone, and he never had a gun. No reasonable officer in Defendant CUSO's position could have believed otherwise.
193. There was no weapon in the van for Defendant CUSO to see. To the extent he claims to have perceived one, that perception was not reasonable. Defendant CUSO had been told on the radio, minutes earlier, that the driver was one white man and not the "two black males" with a "handgun" dispatched; he had been within feet of the van at 1:55 a.m. and seen no weapon; he had run to the van at 2:05 a.m. to stab at its tire and seen no weapon; and he reached the overturned van in the dark, seconds after a rollover, and fired within a second of another deputy's shout, without pausing to look, to wait for a response to commands, or to take cover. A shout of "gun" is not probable cause to kill a man. Each officer who fires must himself have probable cause to believe that the person poses an immediate threat; another deputy's shout is not a substitute for that judgment.

194. Even if a reasonable officer could have believed for an instant that JOHN JENUWINE had a weapon, no reasonable officer would have continued firing approximately seventeen rounds, emptying one magazine into a man who was down, who had not fired, and who posed no ongoing threat. Each discharge of Defendant CUSO's pistol was a separate use of deadly force requiring separate justification, and a reassessment "to determine whether the subject continues to pose an active threat." Exhibit A, p. 35.
195. Defendant CUSO's actions constituted excessive and deadly force in violation of the Fourth Amendment. He acted intentionally, maliciously, and with reckless disregard for JOHN JENUWINE's clearly established rights.
196. The misconduct of Defendant CUSO directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:
- a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
 - b. Death;
 - c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help before he died;
 - d. Fright and shock;
 - e. Mental anguish and emotional distress;

- f. Loss of family, society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT IV

UNLAWFUL USE OF EXCESSIVE AND DEADLY FORCE — 42 U.S.C. § 1983

DEFENDANT DEPUTY VON HEATH (Shooter)

- 197. Plaintiff incorporates all prior allegations by reference.
- 198. Plaintiff brings this Count under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment, applied to the States through the Fourteenth Amendment.

199. JOHN JENUWINE had a clearly established right under the Fourth Amendment to be free from unreasonable seizure and from excessive and deadly force.
200. Defendant VON HEATH is a “person” under 42 U.S.C. § 1983 and at all relevant times acted under color of state law within the scope of his employment with the Washtenaw County Sheriff’s Office.
201. Defendant HEATH ran at JOHN JENUWINE’s disabled, overturned van with his pistol drawn and, within about a second of a deputy shouting “gun,” fired approximately fifteen or sixteen rounds through the windshield and into the van at JOHN JENUWINE.
202. It was clearly established in the Sixth Circuit long before January 6, 2026, that a person has the right not to be shot unless he is perceived to pose a threat of death or serious physical harm to the officer or others, *Sample v. Bailey*, 409 F.3d 689, 699 (6th Cir. 2005); *Bletz v. Gribble*, 641 F.3d 743, 752 (6th Cir. 2011); *Bouggess v. Mattingly*, 482 F.3d 886 (6th Cir. 2007); that the same rule protects the occupant of a vehicle that no longer poses a danger to anyone, *Smith v. Cupp*, 430 F.3d 766, 776–77 (6th Cir. 2005); *Godawa v. Byrd*, 798 F.3d 457 (6th Cir. 2015); and that deadly force is justified, if at all, only for as long as the threat that justified it continues, *Plumhoff v. Rickard*, 572 U.S.

765, 777 (2014); *Tennessee v. Garner*, 471 U.S. 1, 11 (1985); *Graham v. Connor*, 490 U.S. 386, 396–97 (1989).

203. JOHN JENUWINE was unarmed, alone, injured, and for most of the interaction lying dying on his right side on the floor of a wrecked van. He posed no threat to anyone, and he never had a gun. No reasonable officer in Defendant HEATH's position could have believed otherwise.
204. Of all the deputies on that scene, Defendant HEATH had the least basis to believe JOHN JENUWINE was armed. He had found the van. He had broadcast that the driver was one white man. He had sat beside Deputy Ahmed as they both got "a good view of the driver" and watched him "flash what appeared to be a glass bottle." He had followed the van for thirteen minutes without seeing a weapon. There was no weapon in the van for him to see, and to the extent he claims to have perceived one in the second before he fired, that perception was not reasonable in light of what he already knew. A shout of "gun" by another deputy is not probable cause to kill a man, least of all for a deputy who has already seen with his own eyes that the object in the man's hand was a bottle. Each officer who fires must himself have probable cause to believe that the person poses an immediate threat; another deputy's shout is not a substitute for that judgment.

205. Even if a reasonable officer could have believed for an instant that JOHN JENUWINE had a weapon, no reasonable officer would have continued firing approximately fifteen or sixteen rounds into a man who was down, who had not fired, and who posed no ongoing threat. Each discharge of Defendant HEATH's pistol was a separate use of deadly force requiring separate justification, and a reassessment "to determine whether the subject continues to pose an active threat." Exhibit A, p. 35.
206. Defendant HEATH's actions constituted excessive and deadly force in violation of the Fourth Amendment. He acted intentionally, maliciously, and with reckless disregard for JOHN JENUWINE's clearly established rights.
207. The misconduct of Defendant HEATH directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:
- a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
 - b. Death;
 - c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help, for the nearly two hours before he died;
 - d. Fright and shock;

- e. Mental anguish and emotional distress;
- f. Loss of family, society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT V

UNLAWFUL USE OF EXCESSIVE AND DEADLY FORCE — 42 U.S.C. § 1983

DEFENDANT DEPUTY GABRIEL BECHTOL (Shooter)

208. Plaintiff incorporates all prior allegations by reference.

209. Plaintiff brings this Count under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment, applied to the States through the Fourteenth Amendment.

210. JOHN JENUWINE had a clearly established right under the Fourth Amendment to be free from unreasonable seizure and from excessive and deadly force.
211. Defendant GABRIEL BECHTOL is a “person” under 42 U.S.C. § 1983 and at all relevant times acted under color of state law within the scope of his employment with the Washtenaw County Sheriff’s Office.
212. Defendant BECHTOL ran at JOHN JENUWINE’s disabled, overturned van with his pistol drawn, moved to the right side of the van, and, within about a second of a deputy shouting “gun,” fired approximately three rounds into the van at JOHN JENUWINE from a position that put his fellow deputies in his line of fire, as he himself acknowledged by yelling “crossfire.”
213. It was clearly established in the Sixth Circuit long before January 6, 2026, that a person has the right not to be shot unless he is perceived to pose a threat of death or serious physical harm to the officer or others, *Sample v. Bailey*, 409 F.3d 689, 699 (6th Cir. 2005); *Bletz v. Gribble*, 641 F.3d 743, 752 (6th Cir. 2011); *Bouggess v. Mattingly*, 482 F.3d 886 (6th Cir. 2007); that the same rule protects the occupant of a vehicle that no longer poses a danger to anyone, *Smith v. Cupp*, 430 F.3d 766, 776–77 (6th Cir. 2005); *Godawa v. Byrd*, 798 F.3d 457 (6th Cir. 2015); and that deadly force is justified, if at all, only for as long as the threat that justified it continues, *Plumhoff v. Rickard*, 572 U.S.

765, 777 (2014); *Tennessee v. Garner*, 471 U.S. 1, 11 (1985); *Graham v. Connor*, 490 U.S. 386, 396–97 (1989).

214. JOHN JENUWINE was unarmed, alone, injured, and for most of the interaction lying dying on his right side on the floor of a wrecked van. He posed no threat to anyone, and he never had a gun. No reasonable officer in Defendant BECHTOL's position could have believed otherwise.
215. Defendant BECHTOL claimed to have seen a weapon, and his account is refuted by the physical evidence. Three minutes after the shooting, he told a fellow officer that JOHN "stood up with the shotgun in the window after he got up off the ground." When most of the bullets struck him, JOHN was not standing in a window. Six of the seven bullets that struck him entered from below and behind, through the buttocks, groin, back of the knee and inner thighs, and traveled upward; his right hip was pressed against the floor of the van when a bullet exited it; and no wound on his hands, arms, shoulders, head or face is consistent with a man raising a long gun toward the deputies. There was no shotgun. There was no gun. Defendant BECHTOL's account is false, and to the extent he perceived anything at all in the dark cabin of an overturned van, seconds after a rollover and in the second between a shout and his own shots, that perception was not a reasonable basis for deadly force. Each officer who fires must himself have probable cause to believe that the person poses

an immediate threat; another deputy's shout is not a substitute for that judgment.

216. Defendant BECHTOL's false statements were the basis on which the scene was run as a barricade and medical aid was withheld from JOHN JENUWINE for the rest of his life.

217. Defendant BECHTOL's actions constituted excessive and deadly force in violation of the Fourth Amendment. He acted intentionally, maliciously, and with reckless disregard for JOHN JENUWINE's clearly established rights.

218. The misconduct of Defendant BECHTOL directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:

- a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
- b. Death;
- c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help, for the nearly two hours before he died;
- d. Fright and shock;
- e. Mental anguish and emotional distress;

- f. Loss of family, society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT VI

FAILURE TO INTERVENE — 42 U.S.C. § 1983

DEFENDANTS EARLEY, PENNINGTON, WALLACE, GOMBOS AND TRIPP

219. Plaintiff incorporates all prior allegations by reference.

220. An officer who observes or has reason to know that another officer is using excessive force, or is denying a person needed medical care, and who has a realistic opportunity and the means to prevent the harm, has a duty to intervene. An officer who fails to do so is liable under 42 U.S.C. § 1983 where

he “observed or had reason to know that excessive force would be or was being used” and “had both the opportunity and the means to prevent the harm from occurring.” *Turner v. Scott*, 119 F.3d 425, 429 (6th Cir. 1997); see *Bruner v. Dunaway*, 684 F.2d 422, 426 (6th Cir. 1982).

221. There were three opportunities to intervene on January 6, 2026, and each of the Defendants named in this Count had at least one of them. The first was the twenty-eight seconds between Defendant GOMBOS’s announcement at 2:06:19 a.m. that he would “take primary and finish this” and his PIT maneuver at 2:06:47 a.m., during which a word from the deputy beside him or from either sergeant on the radio would have stopped it. The second was the shooting itself, which lasted long enough for Defendant CUSO to empty a magazine while four other armed Defendants stood at or within sight of the van and did not fire. The third, and the longest, was the twenty minutes after the shooting during which JOHN JENUWINE was moving, kicking and crying for help, and the hour after that, during which every Defendant on the scene could have insisted that the medics staged blocks away be brought forward, proposed a rescue under cover with the shields and armor on scene, or simply told the sergeants that the man in the van was calling for help.
222. Defendant EARLEY sat beside Defendant GOMBOS for the entire pursuit. He knew JOHN JENUWINE was one white man and not the “two black

males” with a “handgun” that dispatch had broadcast; he knew no weapon had been seen; he knew the van had been rammed, was damaged, and was “having mechanical issues”; and he knew a PIT maneuver on a high-roof van was likely to roll it. Rather than stopping Gombos, he urged him to ram the van, “get him, get him,” told him when to do it, and then rode beside him for the twenty-eight seconds between “finish this” and the PIT maneuver without a word of objection. He was facing the van with his weapon drawn when the shooting began and did not call a cease-fire. He was on the scene for the twenty minutes during which JOHN was moving and calling for help, and did nothing to get him aid.

223. Defendant PENNINGTON was the east-side patrol supervisor and was monitoring the pursuit by radio. He heard the deputies confirm that the driver was one white man who did not match the description. He heard the ramming reported. He heard “finish this.” Under the Sheriff’s Office’s own policy, he had the authority to order the pursuit terminated and to forbid any vehicle contact, and he had twenty-eight seconds in which to key a microphone and do so. He said nothing. He arrived at the scene as the shots were fired. For the next two hours he directed a “barricade” against a man he knew was wounded and alive, saying “ya he is injured,” “he is kicking his feet,” and “I am not going to move,” and never ordered anyone to reach him.

224. Defendant WALLACE was the West Operations Command officer. He monitored the pursuit by radio, positioned himself on its route, and heard the same broadcasts Defendant PENNINGTON heard. He had the same authority to terminate the pursuit and forbid vehicle contact, and the same twenty-eight seconds. He gave no order. He arrived at the scene at 2:09:35 a.m., while JOHN JENUWINE was alive and moving, and as the command officer requested a SWAT and negotiation response rather than directing medical aid. He asked twice whether there had been “any movement,” was told there had, and both times asked nothing more and directed no one to reach the wounded man.
225. Defendant GOMBOS created the conditions that led to the shooting by ramming and then flipping the van. He was at the scene with his weapon drawn when the shooting began and did not call a cease-fire. He acknowledged on the radio within a minute that JOHN had likely been hit, and again at 2:10:08 a.m., “Yeah probably.” He declared the scene a “barricade” rather than calling the medics forward, and for the next two hours did nothing to get aid to the man in the van.
226. Defendant TRIPP interviewed the only eyewitness with his body camera running and learned that there was one man in the van, that he could not be described, and that no gun had been seen. He never broadcast that to the

pursuing units. By his own account, he was at the engine block of the overturned van with his weapon drawn when “gun” was shouted and the shooting began, and did not call a cease-fire.

227. Defendant TRIPP saw JOHN “laying down in the back of the van” when the shooting stopped, held a ballistic shield at the front of the perimeter while JOHN kicked, turned over, hit the interior of the van and yelled, and, instead of getting aid to him, went back to his patrol car to call the eyewitness “to get a better statement” while JOHN lay bleeding.

228. Each of these Defendants observed or had reason to know that excessive force was being used against JOHN JENUWINE and that he was being denied needed medical care, and each had a realistic opportunity and the means to prevent the harm. None did. Their failures to intervene directly and proximately caused JOHN JENUWINE’s injuries and death.

229. The misconduct of Defendants EARLEY, PENNINGTON, WALLACE, GOMBOS, and TRIPP directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:

- a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
- b. Death;

- c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help, for the nearly two hours before he died;
- d. Fright and shock;
- e. Mental anguish and emotional distress;
- f. Loss of family society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT VII
DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED — 42
U.S.C. § 1983
FOURTH AND FOURTEENTH AMENDMENTS — ALL INDIVIDUAL
DEFENDANTS

230. Plaintiff incorporates all prior allegations by reference.
231. Officers who shoot a person, or who seize a person they know has been shot, must take reasonable steps to obtain medical care for him. *Estate of Owensby v. City of Cincinnati*, 414 F.3d 596, 602–04 (6th Cir. 2005); *Estate of Carter v. City of Detroit*, 408 F.3d 305, 312–13 (6th Cir. 2005). A serious medical need is one “so obvious that even a layperson would easily recognize the necessity for a doctor’s attention.” *Carter*, 408 F.3d at 312. A person who has been shot seven times has an obvious and serious medical need, and every Defendant knew it.
232. Every individual Defendant knew JOHN JENUWINE had been shot; Defendant GOMBOS said so on the radio within a minute. Every one of them could see or hear, or was told, that he was alive, moving, kicking and yelling inside the van. At 2:22:15 a.m., the deputies asked him to yell if he needed medical assistance, and he yelled.
233. The van was on its side and could not move. JOHN was on the floor in the rear of the cabin, “barely moving,” as the deputies said to one another within seconds of the shooting. He was unarmed and had fired no shots. No shot had

ever come from the van. The two deputies who had looked at him closest had seen a bottle in his hand, not a gun. Ambulances were dispatched at 2:07:08 a.m. and staged blocks away, and a Level I trauma center was minutes away.

234. The Defendants' stated reason for withholding aid, that JOHN was a "barricaded gunman" with a "shotgun," was unreasonable from the first minute. It rested on a single shout in the dark, contradicted by everything the deputies knew before it, and on a statement by Defendant BECHTOL that the physical evidence proves false. Deputy Ahmed and, upon information and belief, Defendant HEATH, knew the object in the van was a bottle and said nothing.

235. Even on their own theory, the Defendants had every means to reach a wounded man safely and quickly: ballistic shields, rifles for cover, armored patrol vehicles, a fire crew and medics staged at Prospect and Maus, and at least a dozen officers on scene. Those means were used, eventually, to approach the van with shields at 3:57 a.m., after JOHN had been motionless for ninety minutes. They could have been used at 2:15 a.m. Nothing changed between 2:15 a.m. and 3:57 a.m. except that JOHN JENUWINE stopped moving and died.

236. For more than twenty minutes while he was moving and calling for help, and for an hour after that, no Defendant approached JOHN, sent medics to him, or

made any attempt to render or obtain medical aid. They chose to wait for him to stop moving.

237. That choice was objectively unreasonable and deliberately indifferent to JOHN JENUWINE's obvious and serious medical need, whether measured under the Fourth Amendment's standard of objective reasonableness or the Fourteenth Amendment's standard for persons in custody, *Browner v. Scott County*, 14 F.4th 585 (6th Cir. 2021); *Owensby*, 414 F.3d at 602–04, and it violated both.
238. Based on information and belief JOHN JENUWINE's chest wound was survivable with prompt care. JOHN bled to death over an undetermined period of time from a gunshot wound. He was conscious for at least twenty minutes after the shooting, as his recorded movements, kicks and cries for help show; and that had he been taken out of the van and transported to the University of Michigan Level I trauma center, three miles and six minutes away, within fifteen to twenty minutes of being shot, he would, more likely than not, have survived. Ambulances were dispatched at 2:07:08 a.m. and staged at Prospect and Maus by 2:20 a.m. No paramedic reached JOHN until SWAT operators entered the van at about 4:06 a.m. The Defendants' failure to provide or summon care caused his death and caused him to suffer, alone and in pain, for the last moments of his life.

239. The misconduct of the individual Defendants directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:

- a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution, including the right to be free from deliberate indifference to his obvious and serious medical needs while seized and in the custody of the Defendants;
- b. Death;
- c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help before he died;
- d. Fright and shock;
- e. Mental anguish and emotional distress;
- f. Loss of family society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in

his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT VIII
SUPERVISORY LIABILITY — 42 U.S.C. § 1983
DEFENDANTS SERGEANT THOMAS PENNINGTON AND SERGEANT
SAMUEL WALLACE

240. Plaintiff incorporates all prior allegations by reference.

241. Defendant PENNINGTON was the east-side patrol supervisor for the deputies involved in the pursuit and shooting. Defendant WALLACE was the West Operations Command officer. Under the Sheriff's Office's Vehicle Pursuits policy, "overall authority for the pursuit" rested in the on-duty command officer, who was required to monitor the pursuit, ensure its compliance with policy, and order its termination when there was no immediate threat to public safety. Exhibit I, p. 18. Both sergeants were together at Sheriff Station 2 when the pursuit began, both left to respond to it, and both monitored it on the radio throughout.

242. Defendant PENNINGTON's own account is that when the pursuit began he consulted the Undersheriff's November 13, 2025 pursuit directive, concluded that the pursuit was "allowed to continue," and thereafter "paralleled" it, "not directly involved." That is an admission that he exercised no supervision at

all. He heard the deputies confirm that JOHN JENUWINE did not match the dispatched description, heard the ramming reported, heard Defendant GOMBOS announce he would “finish this,” and did not terminate the pursuit, forbid the ramming or PIT maneuver, or direct the deputies to contain rather than confront. He arrived at the scene as the shots were fired, went to his car for a shotgun, and then, for nearly two hours, participated in directing a “barricade” operation against a wounded, unarmed man rather than directing medical aid to him. He knew, and said, that JOHN was “kicking his feet,” and did not send anyone to him.

243. Defendant WALLACE was on the radio for the entire pursuit, deployed stop sticks once and was laying them a second time on the van’s path when it was rammed a block away, heard the same broadcasts, and gave no order to terminate the pursuit or forbid vehicle contact. He arrived at the scene at 2:09:35 a.m., within three minutes of the shooting, while JOHN JENUWINE was moving and alive. As a command officer he directed, in his own words, that “due to the suspect being armed with a shotgun” the situation be treated “as a barricaded gunman,” requested the activation of SWAT and a negotiation team, and the scene was thereafter run as a barricade under his and Defendant PENNINGTON’s direction. He asked whether there had been “any

movement,” was told there had been, and did not direct that the wounded man be reached.

244. Defendants PENNINGTON and WALLACE each, at a minimum, implicitly authorized, approved and knowingly acquiesced in the unconstitutional conduct of the deputies under their command, and each, by his own conduct in directing the barricade rather than medical aid, was a direct cause of JOHN JENUWINE’s death. That is sufficient for supervisory liability under 42 U.S.C. § 1983. *Peatross v. City of Memphis*, 818 F.3d 233 (6th Cir. 2016); *Shehee v. Luttrell*, 199 F.3d 295, 300 (6th Cir. 1999) (quoting *Hays v. Jefferson County*, 668 F.2d 869, 874 (6th Cir. 1982)).
245. The misconduct of Defendants PENNINGTON and WALLACE directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:
 - a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
 - b. Death;
 - c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help, for the nearly two hours before he died;

- d. Fright and shock;
- e. Mental anguish and emotional distress;
- f. Loss of family society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Punitive damages (individual Defendants only);
- j. Attorney fees and costs under 42 U.S.C. § 1988;
- k. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus punitive damages against the individual Defendants and costs and attorney fees under 42 U.S.C. § 1988.

COUNT IX
MONELL LIABILITY — 42 U.S.C. § 1983
DEFENDANT WASHTENAW COUNTY

246. Plaintiff incorporates all prior allegations by reference.

247. The individual Defendants acted under color of law to violate JOHN JENUWINE's constitutional rights.

248. A municipality is liable under 42 U.S.C. § 1983 when its own policy or custom, including a failure to train or supervise that amounts to deliberate indifference to the rights of the people its officers encounter, is the moving force behind a constitutional violation. *Monell v. Department of Social Services*, 436 U.S. 658, 690–94 (1978); *City of Canton v. Harris*, 489 U.S. 378, 388–90 (1989). Where the need for training or supervision is so obvious, and the violation so highly predictable a consequence of its absence, that the municipality’s inaction amounts to deliberate indifference, a single incident is enough. *Canton*, 489 U.S. at 390 & n.10; *Board of County Commissioners v. Brown*, 520 U.S. 397, 409 (1997); *Connick v. Thompson*, 563 U.S. 51, 63–64 (2011). A municipality is also liable when its final policymakers approve a subordinate’s unconstitutional decision and the basis for it. *City of St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1988) (plurality opinion); *Pembaur v. City of Cincinnati*, 475 U.S. 469, 480–81 (1986).

249. Those violations were caused by Washtenaw County’s own policies, customs, practices, training and supervision, and by its deliberate indifference to the rights of the people its deputies encounter, including:

- a. a failure to supervise vehicle pursuits, under which the County’s actual practice was for a supervisor to decide only whether a pursuit could begin and thereafter to “parallel” it while line deputies, including

deputies who were not primary or secondary units, decided for themselves whether to ram, PIT or otherwise use deadly force by vehicle, with no supervisory authorization required in practice, no termination criteria applied, and no coordination between a command officer laying stop sticks and a line deputy choosing to ram;

- b. a custom and practice, contrary to the County's written policy, of permitting deputies to ram vehicles and to perform PIT maneuvers on rollover-prone vehicles, including high-roof cargo vans like the Nissan NV, in order to end low-speed pursuits for non-violent offenses, and a failure to train deputies that such a maneuver is likely to roll the vehicle and is deadly force;
- c. a failure to train deputies to terminate or downgrade a pursuit when the driver does not match the dispatched suspect description, and a failure to have any policy or practice requiring corrected suspect information obtained from a complainant or eyewitness by responding deputies to be broadcast to pursuing units before a stop, pursuit or use of force is undertaken on the strength of the original dispatch description;
- d. a failure to train deputies to contain a disabled, occupied vehicle from cover, using time and distance, rather than rushing it on foot with pistols drawn within seconds of a rollover;

- e. a failure to train deputies that one deputy's shout of "gun," without an independent perception of a weapon by the firing officer, does not give each shooter probable cause to use deadly force; that each discharge of a firearm requires its own justification; and that firing must stop, and reassessment must occur, when the perceived threat stops and at every reload;
- f. a failure to train deputies and supervisors on the duty to render and obtain medical aid for a person they have shot, including how to reach a wounded person under cover using the shields, armor and personnel available, and a failure to have any policy or practice requiring a supervisor to take command of a post-shooting scene for the purpose of getting medical aid to the wounded person rather than declaring a "barricade" and waiting;
- g. a failure to train and supervise sergeants in controlling pursuits, terminating escalation, and directing post-shooting scenes; and
- h. a custom of tolerating and ratifying deadly force by accepting "No Narrative" reports from the deputies who use it, directing deputies through County counsel not to cooperate with outside investigation, and imposing no discipline, retraining or policy change.

250. Washtenaw County's deputies are routinely required to decide whether and how much force to use in vehicle pursuits and in confrontations with people they believe may be armed, and are routinely required to deal with people they have injured. The need for training and supervision on those decisions is obvious, and the consequences of failing to provide it, unjustified shootings and deaths like JOHN JENUWINE's, are so highly predictable that the County's failure amounts to deliberate indifference. That is so whether or not the County can point to written materials on those subjects, because training that exists on paper but is not enforced, evaluated, or reflected in what deputies actually do on the street is no training at all. On January 6, 2026, six deputies and two sergeants violated every one of the County's written policies, in sequence, in the same direction, at the same time, and no one, including either supervising sergeant, objected or recognized that anything was being done wrong. That is not the failure of eight individual officers. It is the failure of a training and supervision system that never instilled the written rules, and of a pursuit-supervision practice that, as Defendant PENNINGTON's own account admits, consisted of consulting a directive to decide whether a pursuit could begin and thereafter exercising no control at all.

251. Had the individual Defendants been adequately trained and supervised, they would have downgraded or terminated the pursuit once they confirmed JOHN JENUWINE did not match the description; would not have rammed his van or performed a PIT maneuver on it; would have contained the overturned van from cover and de-escalated; would not have fired, or would have stopped firing, at a man who posed no threat; and would have obtained medical care for him after the shooting.
252. Washtenaw County's final policymakers for law enforcement, the Sheriff and Undersheriff, knew of these deficiencies. The Undersheriff was consulted during the incident itself and authorized the SWAT activation without directing that the wounded man be reached.
253. Independently, the County ratified the deputies' conduct and the basis for it after the fact. Through its Corporation Counsel, the County instructed the deputies not to answer the Michigan State Police investigator's question about whether they carry full magazines. The County accepted "No Narrative" reports from the three deputies who fired and from the deputy who flipped the van. The County has not disciplined, retrained or counseled any deputy, has not sought a ballistics comparison of the bullets recovered from JOHN JENUWINE's body to the pistols that fired them, and has changed no policy. On information and belief, the Sheriff and Undersheriff have reviewed the

deputies' conduct and approved it, and have thereby ratified both the conduct and the reasons the deputies have given for it.

254. Washtenaw County's policies, customs, training and supervision failures were the moving force behind the violation of JOHN JENUWINE's constitutional rights and his death.

255. Washtenaw County is liable to the Estate of JOHN JENUWINE, and to Plaintiff LARRY JENUWINE as Personal Representative on behalf of those entitled to recover under M.C.L. § 600.2922, for all damages allowed under 42 U.S.C. §§ 1983 and 1988 and the Michigan Wrongful Death Act.

256. The misconduct of Defendant WASHTENAW COUNTY directly and proximately caused JOHN JENUWINE to suffer injuries and damages including:

- a. Violation of his Fourth Amendment rights (applied through the Fourteenth Amendment), including the right to be free from unreasonable seizure and excessive force;
- b. Death;
- c. Conscious pain and suffering, including the pain and terror of lying wounded and alone in the van, calling for help, for the nearly two hours before he died;
- d. Fright and shock;

- e. Mental anguish and emotional distress;
- f. Loss of family society, companionship, love and support, and the family's grief;
- g. Medical, funeral and burial expenses;
- h. Economic loss;
- i. Attorney fees and costs under 42 U.S.C. § 1988;
- j. Any other damages allowed by law or identified through discovery.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendant WASHTENAW COUNTY, jointly and severally with the individual Defendants, for damages exceeding \$75,000, exclusive of costs, interest and attorney fees, plus costs and attorney fees under 42 U.S.C. § 1988.

COUNT X

STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON MISCONDUCT

DEFENDANT DEPUTY JACOB GOMBOS

257. Plaintiff incorporates all prior allegations by reference.
258. Defendant GOMBOS owed JOHN JENUWINE a duty to act reasonably and lawfully, to operate his patrol vehicle with due care, to avoid unnecessary, excessive and deadly force, and to render and obtain medical aid for a person subjected to force.

259. Defendant GOMBOS breached those duties, including by:

- a. Joining and continuing a felony-level pursuit as an unauthorized fourth vehicle after the deputies had confirmed JOHN JENUWINE did not match the dispatched description;
- b. Passing other pursuit vehicles and taking the primary position without authorization;
- c. Intentionally ramming an occupied, stopped van with his patrol car;
- d. Announcing he would “finish this” and performing a PIT maneuver at about 40 miles per hour on a damaged, high-roof cargo van that he knew was likely to roll;
- e. Failing to de-escalate as resistance decreased, in violation of Sheriff’s Office policy;
- f. Directing that a shot, unarmed, wounded man be treated as a “barricade” rather than obtaining medical aid for him;
- g. Failing to intervene to stop fellow deputies from using excessive and deadly force;
- h. Any additional acts or omissions revealed in discovery.

260. Defendant GOMBOS’s conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L.

§ 691.1407(2), and it was the proximate cause, the one most immediate, efficient and direct cause, of JOHN JENUWINE's injuries and death: it was Defendant GOMBOS who put JOHN JENUWINE on the floor of an overturned van in front of deputies with drawn pistols, and who then declared the van a "barricade." Defendant GOMBOS is not entitled to governmental immunity.

261. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs, and attorney fees.

COUNT XI

STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON MISCONDUCT

DEFENDANT DEPUTY JACOB CUSO

262. Plaintiff incorporates all prior allegations by reference.

263. This Count is directed to Defendant CUSO's grossly negligent conduct apart from the intentional shooting of JOHN JENUWINE, which is pleaded as assault and battery in Count XVIII.

264. Defendant CUSO owed JOHN JENUWINE a duty to act reasonably and lawfully, to avoid unnecessary, excessive and deadly force, and to render and obtain medical aid for a person subjected to force.

265. Defendant CUSO breached those duties, including by:

- a. Rushing a disabled, overturned van on foot with his pistol drawn, in the dark, seconds after a rollover, instead of containing it from cover as required by Sheriff's Office policy;
- b. Failing to give JOHN JENUWINE any time to respond to commands before firing;
- c. Taking a firing position that put fellow deputies in a crossfire;
- d. Failing to render or obtain medical aid for JOHN JENUWINE after shooting him, and for the twenty minutes during which he was heard calling for help, while walking close enough to the van to extinguish a fire under it;
- e. Failing to intervene to stop fellow deputies from using excessive and deadly force;
- f. Any additional acts or omissions revealed in discovery.

266. Defendant CUSO's conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE's injuries and death. Plaintiff pleads in the alternative, as permitted by Fed. R. Civ. P. 8(d), that Defendant CUSO's conduct was the proximate cause of JOHN JENUWINE's death, in that the bullet that killed him was, on information and belief, fired by Defendant CUSO, who fired more rounds than any other deputy, and in that Defendant CUSO's failure to obtain medical aid was the one most immediate, efficient and direct cause of a death that prompt care would have prevented. Defendant CUSO is not entitled to governmental immunity.
267. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs, and attorney fees.

COUNT XII
STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON
MISCONDUCT
DEFENDANT DEPUTY VON HEATH

268. Plaintiff incorporates all prior allegations by reference.
269. This Count is directed to Defendant HEATH's grossly negligent conduct apart from the intentional shooting of JOHN JENUWINE, which is pleaded as assault and battery in Count XVIII.
270. Defendant HEATH owed JOHN JENUWINE a duty to act reasonably and lawfully, to avoid unnecessary, excessive and deadly force, and to render and obtain medical aid for a person subjected to force.
271. Defendant HEATH breached those duties, including by:
- a. Initiating and continuing a felony-level pursuit after personally confirming and broadcasting that the driver was one white male, and after seeing that the object in the driver's hand was a bottle;
 - b. Failing to broadcast to the other deputies, the supervisors or dispatch that the driver did not match the description and that the object he had seen was a bottle;
 - c. Rushing a disabled, overturned van on foot with his pistol drawn, in the dark, seconds after a rollover, instead of containing it from cover as required by Sheriff's Office policy;

- d. Failing to give JOHN JENUWINE any time to respond to commands before firing;
- e. Taking a firing position that put fellow deputies in a crossfire;
- f. Failing to render or obtain medical aid for JOHN JENUWINE after shooting him, and failing, for the two hours the scene was run as a “barricaded gunman,” to tell anyone that the “shotgun” was in all likelihood a bottle;
- g. Failing to intervene to stop fellow deputies from using excessive and deadly force;
- h. Any additional acts or omissions revealed in discovery.

272. Defendant HEATH’s conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE’s injuries and death. Plaintiff pleads in the alternative, as permitted by Fed. R. Civ. P. 8(d), that Defendant HEATH’s conduct was the proximate cause of JOHN JENUWINE’s death, in that the bullet that killed him was, on information and belief, fired by Defendant HEATH, and in that Defendant HEATH’s silence about the bottle, and his failure to obtain medical aid, were the one most

immediate, efficient and direct cause of a death that prompt care would have prevented. Defendant HEATH is not entitled to governmental immunity.

273. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs, and attorney fees.

COUNT XIII

STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON MISCONDUCT

DEFENDANT DEPUTY GABRIEL BECHTOL

274. Plaintiff incorporates all prior allegations by reference.

275. This Count is directed to Defendant BECHTOL's grossly negligent conduct apart from the intentional shooting of JOHN JENUWINE, which is pleaded as assault and battery in Count XVIII.

276. Defendant BECHTOL owed JOHN JENUWINE a duty to act reasonably and lawfully, to avoid unnecessary, excessive and deadly force, to report

accurately what he observed, and to render and obtain medical aid for a person subjected to force.

277. Defendant BECHTOL breached those duties, including by:

- a. Rushing a disabled, overturned van on foot with his pistol drawn, in the dark, seconds after a rollover, instead of containing it from cover as required by Sheriff's Office policy;
- b. Failing to give JOHN JENUWINE any time to respond to commands before firing;
- c. Moving to the side of the van and firing from a position that put his fellow deputies in a crossfire, as he himself recognized by yelling "crossfire";
- d. Reporting, falsely and recklessly, within minutes of the shooting, that JOHN JENUWINE was "armed with a shotgun" and had "stood up with the shotgun in the window," a report on the strength of which the scene was run as a barricade and medical aid was withheld from JOHN JENUWINE until he was dead;
- e. Failing to render or obtain medical aid for JOHN JENUWINE after shooting him, while watching and narrating his movements and hearing him yell;

f. Failing to intervene to stop fellow deputies from using excessive and deadly force;

g. Any additional acts or omissions revealed in discovery.

278. Defendant BECHTOL's conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE's injuries and death. Plaintiff pleads in the alternative, as permitted by Fed. R. Civ. P. 8(d), that Defendant BECHTOL's conduct was the proximate cause of JOHN JENUWINE's death, in that his false "shotgun" report was the one most immediate, efficient and direct cause of the decision to withhold medical aid from a man whose wound was survivable with prompt care. Defendant BECHTOL is not entitled to governmental immunity.

279. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable

under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs and attorney fees.

COUNT XIV
STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON
MISCONDUCT
DEFENDANT DEPUTY JONATHAN EARLEY

280. Plaintiff incorporates all prior allegations by reference.

281. Defendant EARLEY owed JOHN JENUWINE a duty to act reasonably and lawfully, to avoid unnecessary, excessive and deadly force, and to render and obtain medical aid for a person subjected to force.

282. Defendant EARLEY breached those duties, including by:

- a. Urging and directing Defendant GOMBOS to ram the van, “get him, get him,” yelling “fuck you, you piece of shit,” and telling him when to execute the ram;
- b. Failing to intervene to stop the ramming and PIT maneuver, including during the twenty-eight seconds between “finish this” and the PIT maneuver;
- c. Approaching the overturned van with his weapon drawn instead of calling for containment and de-escalation;
- d. Failing to intervene to stop fellow deputies from firing;

e. Failing to render or obtain medical aid for JOHN JENUWINE for nearly two hours while he was known to be alive and wounded;

f. Any additional acts or omissions revealed in discovery.

283. Defendant EARLEY's conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE's injuries and death. Defendant EARLEY is not entitled to governmental immunity.

284. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs, and attorney fees.

COUNT XV
STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON
MISCONDUCT
DEFENDANT SERGEANT THOMAS PENNINGTON

285. Plaintiff incorporates all prior allegations by reference.
286. Defendant PENNINGTON owed JOHN JENUWINE a duty to act reasonably and lawfully, to supervise and control the pursuit and the deputies under his command, to avoid unnecessary, excessive, and deadly force, and to render and obtain medical aid for a person subjected to force.
287. Defendant PENNINGTON breached those duties, including by:
- a. Failing, as supervising sergeant, to exercise any control over the pursuit after consulting the pursuit directive, and instead “paralleling” it;
 - b. Failing to terminate the pursuit after the deputies confirmed JOHN JENUWINE did not match the dispatched description;
 - c. Failing to forbid the ramming and PIT maneuver after hearing the ramming reported and hearing Defendant GOMBOS announce he would “finish this”;
 - d. Directing and participating in a two-hour “barricade” operation against a wounded, unarmed man rather than directing medical aid to him, while knowing and saying that the man was “kicking his feet around”;

e. Failing to intervene to stop fellow deputies from using excessive and deadly force;

f. Any additional acts or omissions revealed in discovery.

288. Defendant PENNINGTON's conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE's injuries and death. Defendant PENNINGTON is not entitled to governmental immunity.

289. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs and attorney fees.

COUNT XVI
STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON
MISCONDUCT
DEFENDANT DEPUTY BRYAN TRIPP

290. Plaintiff incorporates all prior allegations by reference.
291. Defendant TRIPP owed JOHN JENUWINE a duty to act reasonably and lawfully, to communicate to fellow deputies and supervisors the material facts he learned, to avoid unnecessary, excessive and deadly force, and to render and obtain medical aid for a person subjected to force.
292. Defendant TRIPP breached those duties, including by:
- a. Having interviewed the only eyewitness, with his body camera running, and learned that there was one man in the van, that he could not be described, and that no gun had been seen, failing to broadcast that information to the pursuing deputies, the supervisors or dispatch before or during the pursuit;
 - b. Continuing and assisting a felony-level pursuit after learning JOHN JENUWINE did not match the dispatched description;
 - c. Failing to intervene to stop the ramming and PIT maneuver;
 - d. Approaching the overturned van with his weapon drawn instead of calling for containment and de-escalation;
 - e. Failing to intervene to stop fellow deputies from firing;

- f. Failing to render or obtain medical aid for JOHN JENUWINE for nearly two hours while he was known to be alive and wounded, and instead, while JOHN lay bleeding, calling the eyewitness “to get a better statement”;
- g. Any additional acts or omissions revealed in discovery.

293. Defendant TRIPP’s conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE’s injuries and death. Defendant TRIPP is not entitled to governmental immunity.

294. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs, and attorney fees.

COUNT XVII
STATE LAW — GROSS NEGLIGENCE AND WILLFUL AND WANTON
MISCONDUCT
DEFENDANT SERGEANT SAMUEL WALLACE

295. Plaintiff incorporates all prior allegations by reference.
296. Defendant WALLACE owed JOHN JENUWINE a duty to act reasonably and lawfully, to supervise and control the pursuit and the deputies on the scene, to avoid unnecessary, excessive and deadly force, and to render and obtain medical aid for a person subjected to force.
297. Defendant WALLACE breached those duties, including by:
- a. Failing, as a command officer with authority over the pursuit, to terminate it after the deputies confirmed JOHN JENUWINE did not match the dispatched description, and failing to coordinate his own stop-stick deployment with the pursuing units so that the van would be stopped by tire deflation rather than by ramming;
 - b. Failing to forbid the ramming and PIT maneuver after hearing the ramming reported and hearing Defendant GOMBOS announce he would “finish this”;
 - c. Arriving at the scene within three minutes of the shooting, while JOHN JENUWINE was alive and moving, and requesting a SWAT and negotiation response rather than directing medical aid to him;

- d. Asking whether there had been “any movement,” being told there had, and directing no one to reach the wounded man;
- e. Directing and participating in a two-hour “barricade” operation against a wounded, unarmed man rather than directing medical aid to him;
- f. Any additional acts or omissions revealed in discovery.

298. Defendant WALLACE’s conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. It was gross negligence and willful and wanton misconduct within the meaning of M.C.L. § 691.1407(2), and it was the proximate cause of JOHN JENUWINE’s injuries and death. Defendant WALLACE is not entitled to governmental immunity.

299. Plaintiff is entitled to all damages allowed under the Michigan Wrongful Death Act, M.C.L. § 600.2922, including conscious pain and suffering, loss of society and companionship, medical, funeral and burial expenses, and loss of financial support.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs and attorney fees.

COUNT XVIII
STATE LAW — ASSAULT AND BATTERY
DEFENDANTS CUSO, HEATH, BECHTOL AND GOMBOS

300. Plaintiff incorporates all prior allegations by reference.
301. Defendants CUSO, HEATH and BECHTOL intentionally shot JOHN JENUWINE. Defendant GOMBOS intentionally rammed and then flipped the van JOHN JENUWINE was in. Each was an intentional, harmful and offensive touching of JOHN JENUWINE's person, and each placed JOHN JENUWINE in reasonable apprehension of an imminent harmful contact.
302. The force used was not reasonable or necessary under the circumstances, and no privilege justified it. A police officer's privilege to use force extends only to force that a reasonable officer would believe necessary; force used against an unarmed man lying on the floor of a wrecked van, or against a stopped or faltering van in an empty lot and an empty street, is outside it. These Defendants acted in bad faith and with malice, and they are not entitled to governmental immunity.
303. These intentional acts caused JOHN JENUWINE's injuries and death, and Plaintiff is entitled to all damages allowed under M.C.L. § 600.2922.

WHEREFORE, Plaintiff, ESTATE OF JOHN JENUWINE, deceased, by LARRY JENUWINE, Personal Representative, asks the Court to enter judgment in his favor and against Defendants, jointly and severally, for all damages recoverable

under the Michigan Wrongful Death Act, M.C.L. § 600.2922, in an amount exceeding \$75,000, plus interest, costs, and attorney fees.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims so triable.

Dated: September 25, 2026

Respectfully submitted,

By: /s/ Todd F. Flood
Todd F. Flood (P58555)
FLOOD LAW, PLLC
Attorneys for Plaintiff
155 W. Congress, Suite 350
Detroit, MI 48226
(248) 547-1032

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2026, I served the foregoing First Amended Complaint and Jury Demand on all parties or their counsel of record by filing with the Court's CM/ECF system in accordance with the Federal Rules of Civil Procedure.

Dated: September 23, 2026

Respectfully submitted,

By: /s/ Todd F. Flood
Todd F. Flood (P58555)
FLOOD LAW, PLLC
Attorneys for Plaintiff
155 W. Congress, Suite 350
Detroit, MI 48226
(248) 547-1032

INDEX OF EXHIBITS

Exhibit A	Washtenaw County Sheriff's Office, "Subject Control/Use of Force" (3.04 GO)
Exhibit B	Still Frame: 1:55 a.m., van stops beside deputy in roadway
Exhibit C	In-car video, 2:00 a.m., Dollar General parking lot, Ecorse Road (40 seconds of 4:43:49 combined in-car video) Dash camera footage can be found here: https://bit.ly/4v0Noeh
Exhibit D	In-car video, about 2:01 a.m., second white van passes the pursuit (11 seconds of 5:55:06 combined in-car video) Dash camera footage: https://bit.ly/4v0mNOm
Exhibit E	In-car video (Cuso), 2:02–2:04 a.m., Ypsilanti Police units directed to fall back. (22 seconds of a 4:08:30 video) Dash camera footage can be found here: https://bit.ly/4rj1ree
Exhibit F	In-car video, K-9 patrol vehicle (Defendant Gombos), the ramming, 2:05:21 a.m. (16 seconds of a 34:32 video) Dash camera footage can be found here: https://bit.ly/3Tb6PmS
Exhibit G	Body-worn camera video, Defendant Cuso stabbing the van's tire, 2:05 a.m. (21 seconds of a 30:45 video) Footage can be found here: https://bit.ly/4yIcuQB
Exhibit H	Washtenaw County Sheriff's Office, de-escalation policy
Exhibit I	Washtenaw County Sheriff's Office, "Vehicle Pursuits" (3.05 RR)
Exhibit J	In-car video, patrol vehicle 74 (Defendants Cuso and Bechtol), PIT maneuver, rollover, approach, shooting and retreat (1:14 of a 4:08:30 video) Dash camera footage can be found here: https://bit.ly/4AhGyE9
Exhibit K	Animal-clinic surveillance video, Prospect Street, 2:06:39–2:07:18 a.m. (39 seconds of a 1:59:59 video) Security footage can be found here: https://bit.ly/4ipLFfb
Exhibit L	Still frame: overturned van before shots fired (windshield intact)
Exhibit M	Still frame: overturned van after shots fired (windshield perforated)

Exhibit N	Michigan State Police scale diagrams, Spl/Sgt. Gregory Kamp, Report No. 01-010-26 (three sheets)
Exhibit O	Wound-trajectory chart prepared from Michigan Medicine Autopsy Report AU-26-18
Exhibit P	Body-worn camera and in-car video, 2:07–2:27 a.m., movement and cries for help from the van (5:22 of combined 4:30:48 body camera and in-car video) Footage can be found here: https://bit.ly/4hxaXai
Exhibit Q	In-car video, 3:57 a.m., SWAT approach to the van (4:13 of a 4:08:30 video) Dash camera footage can be found here: https://bit.ly/4xZjR67

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Subject:	Subject Control/Use of Force
Chapter:	Use of Force/Firearms
Status:	Revised 2/26/24
Compliance:	Class 1
Supersedes:	All Previous Directives
Standards Reference:	United States Constitution, United States Bill of Rights
Prepared by:	Kurt Schiappacasse, Commander, Lt. Chad Teets
Reviewed by:	Commander Kurt Schiappacasse, Captain Nancy Hansen and Lt. Chad Teets
Issued by:	Mark Ptaszek, Undersheriff
Issuing Authority:	Jerry L. Clayton, Sheriff
Date of Issue:	April 6, 2022
Public Facing:	Yes

The mission of the Sheriff's Office is to create public safety, provide quality service, and build strong and sustainable communities. In accordance with our mission and the law enforcement officer code of ethics, employees are expected to treat all whom they are sworn to serve with courtesy, professionalism, dignity, and respect while providing the highest quality of service in their daily interactions with the community.

This document establishes policies and reporting procedures regarding subject control and the use of force. It builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and establishes a higher level of expectations than the constitutional standard and state law. Its purpose is to guide employee decision-making regarding the use and application of force to ensure that such applications are used only when necessary to effect arrest, lawful detention, or to legitimately bring a situation under control, thereby supporting the Sheriff's Office in achieving its mission and its highest priorities.

Sheriff's Office employees shall never employ excessive force. They are expected to exercise sound judgment and critical decision making when considering and using force options. Understanding the fluidity of situations and circumstances they may be facing as an incident occurs, employees will seek voluntary compliance and operate with minimal reliance on the use of force by using rapport- building communication and crisis intervention and de-escalation tactics before resorting to physical means of control. These are key factors in safeguarding the public's trust and maintaining legitimacy with the community.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Understanding that no policy can predict every situation, the type of techniques and tactics selected should not increase risk to employees or another person and will vary depending upon the circumstance. Each incident is unique.

I. PURPOSE

- A. To establish policy and procedures for the use of force.
- B. To designate approved use of force options.
- C. To establish the reporting requirements in every instance involving the use of force.
- D. To provide for the treatment of any injury or complaint of injury arising from the use of force.
- E. To ensure compliance through training and dissemination of this policy and procedure.

II. SCOPE

This General Order applies to all Sheriff's Office full-time employees, part-time employees, and volunteers trained in, and authorized to use force.

III. POLICY

A. SAFEGUARDING HUMAN LIFE AND DIGNITY

The authority to use force is a serious responsibility given to Sheriff's Office employees by the people who expect them to exercise that authority judiciously and with respect for equitable treatment, human rights, dignity, and the sanctity of all human life.

B. ESTABLISH COMMUNICATION

Communication with non-compliant subjects is often most effective when Sheriff's Office employees attempt to establish rapport, use the proper voice intonation, ask questions, and provide advice to defuse conflict and achieve voluntary compliance before resorting to force-related subject control options.

C. DE-ESCALATION

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Sheriff's Office employees shall employ de-escalation techniques throughout the encounter and provide repeated verbal warnings in order to decrease the likelihood of the need to use force and to increase the likelihood of voluntary compliance in situations where they can do so safely, without increasing risk to themselves or another person. Moreover, Sheriff's Office employees shall attempt to understand and consider the possible reasons why a subject may be noncompliant or resisting attempts to gain compliance.

A subject may not be capable of understanding the situation because of:

1. Environmental factors
2. Medical condition(s) i.e., mental, physical, or hearing impairment
3. Language barrier
4. Drug interaction
5. Emotional crisis
6. Those who have no criminal intent

These situations may not make the subject any less dangerous but understanding a subject's condition may enable employees to calm the subject and to allow for the use of de-escalation techniques while maintaining the safety of the public and the employee(s). Employees who act to de-escalate an incident, which can reasonably delay taking a subject into custody, while keeping the public and employees safe, will not be found to have neglected their duty. This act helps to fulfill a service priority of the agency.

Employees shall strive to gain voluntary compliance and use the minimum amount of force necessary to accomplish their lawful purpose.

Special Note:

Employees shall continue to use de-escalation techniques after initiating, or being witness to, a use of force incident. The level of force shall be de-escalated immediately as the level of resistance encountered decreases, provided that the employee remains in control and as safety permits.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Employees shall continue to use de-escalation techniques after initiating, or being witness to, a use of force incident. The level of force shall be de-escalated immediately as the level of resistance encountered decreases, provided that the employee remains in control and as safety permits.

D. PROPORTIONALITY

When determining the appropriate level of force, employees shall balance the severity of the offense committed and the level of resistance encountered based on the totality of the circumstances known to, or perceived by, the employee at the time. It is particularly important that employees apply proportionality and critical decision making when encountering a subject who is armed with a weapon other than a firearm, i.e., an edged weapon or a weapon of opportunity.

1. The totality of circumstances must be considered. The question is whether the officer's actions are objectively reasonable in light of all the facts and circumstances confronting the officer, at the time the subject control tactic is used. The term objectively reasonable refers to *Graham v. Connor* 490 U.S. 386 (1989), a case heard by the United States Supreme Court. *Graham v. Connor* held that determining the reasonableness of a seizure requires a careful balancing of the nature and quality of the intrusion on the individual against the attempt at 'countervailing' and under the guise of governmental interests, being at stake. The Supreme Court went on to list the factors for balancing an individual's rights against the law enforcement officers. The list is specific:
 - a) What was the severity of the crime?
 - b) Did the suspect pose an immediate threat to the safety of the officers or the public?
 - c) Was the suspect actively resisting arrest or attempting to evade arrest by flight?
 - d) Were the officer's actions reasonable for other officers with similar training and experience?

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Special Note:

It is important to note that the Supreme Court found that the use of force should be judged from the perspective of a reasonable officer on the scene, not with the 20/20 benefit of hindsight. In most excessive force claims, the question of fact is whether the officer's actions are reasonable considering all the facts and circumstantial considerations confronting him/her at the time of the incident.

2. Circumstantial considerations include, but are not limited to:
 - a) The type of crime committed or attempted.
 - b) Relative size/stature of both the employee and the subject.
 - c) Exigent conditions.
 - d) Number of employees.
 - e) Number of subjects involved.
 - f) Availability of back up.
 - g) Reaction time.
 - h) Relative strength.
 - i) Subject(s) access to weapons.
 - j) Subject(s) under the influence of alcohol or drugs.
 - k) Exceptional abilities/skills (i.e. martial arts).
 - l) Injury to or exhaustion of the officer.
 - m) Weather or terrain conditions.
 - n) Immediacy of danger.
 - o) Distance from the subject.
 - p) Special knowledge (i.e., subject's prior history of violence, etc.).
3. The degree of force used must be balanced against the certainty of an individual's involvement in a crime.
4. The immediate need for an employee to protect themselves, or others, from physical assault.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

5. In all cases, the use of force, especially lethal (deadly) force, must be balanced against the risk of injury to innocent persons. By way of example, the risk of injury to innocent persons would need to be considered when deciding force or control options in a busy sports arena.
6. In arrest situations or where a need to preserve or restore order exists, the use of force must be weighed against the consequence of failing to use sufficient force, i.e., the dangers of escape or allowing the situation to continue unchecked.
7. Situations may occur where certain, immediate, and drastic measures must be undertaken by an employee as a last resort to protect human life. Force used in these situations may involve the use of techniques or weapons not specifically authorized by policy (e.g., neck restraint in deadly force encounters, striking with flashlight or vehicle, etc.).
8. Employees are prohibited from using force against persons in restraints, i.e., handcuffs and leg irons, except as objectively reasonable to prevent imminent bodily harm to the employee(s) or another person, to overcome active resistance, or where physical removal, i.e., lifting a person, is necessary to overcome passive resistance.
9. Unless actively engaged in a situation where s/he has no other option or is otherwise placed in a situation where enforcement action is unavoidable to protect themselves or another person, the employee shall only use force options in which they have been trained. Employees will only carry use of force tools and equipment that are issued and authorized by the Washtenaw County Sheriff's Office.
10. The use of 'warning shots' is prohibited.
11. The control options authorized by the Sheriff's Office are verbal commands, compliance controls (muscling techniques, pressure points, joint manipulation), physical controls (strikes and takedowns), intermediate controls (use of impact devices, police service dog apprehensions, and TASER probe deployments), and deadly force options (firearms and improvised tools of opportunity used in a manner likely to cause death or serious physical injury).

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

-
- a) Employees will report any use of force technique used to overcome subject resistance in order to gain compliance.
 - 12. Sheriff's Office employees shall only use deadly force only as a last resort when reasonable alternatives have been exhausted or are not possible to protect the safety of the employee(s) or the public.
 - 13. The level of force applied will decrease and increase proportionately to the level of resistance encountered.
 - E. **MANDATORY MEDICAL EVALUATION**

Medical evaluation is mandatory for subjects that have been exposed to ASR, Physical Control(s), TASER deployments, impact device strikes, police service dog apprehensions, all other forms of Intermediate Control, and Deadly Force. Medical evaluation is also mandatory for subjects who complain of injury, when an employee observes an injury, or where a reasonable officer believes that an injury may have a delayed introduction, such as a subject falling and hitting a vital area.

The decision for treatment options rests on Command Officers and will be based on the totality of the circumstances at the time of the incident.
 - F. **CRISIS INTERVENTION**

When it is safe to do so without increasing risk to the public or another person, employees trained in crisis intervention shall respond to calls for service, wherever possible, involving individuals in mental or behavioral health crisis.
 - G. **DUTY TO INTERVENE AND PROVIDE AID**

Except in extraordinary circumstances, Sheriff's Office employees shall intervene on a person's behalf when they know or have reason to know, that another law enforcement officer is about to use, or is using, force that is excessive or is otherwise in violation of this policy.

This duty prevails regardless of rank or agency affiliation. Employees shall report any use of unnecessary force and the efforts made to intervene to a supervisor as soon as practical. If the witnessing employee is a supervisor, s/he will issue a

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

direct order to stop the violation. Further, employees have the duty to provide aid to the victim.

H. FAIR AND UNBIASED POLICING

Employees shall carry out their duties, including the use of force, in a manner that is fair and unbiased.

I. CHEMICAL IMPAIRMENT

Employees of the Sheriff's Office will not carry a firearm or any other control tools, E.g., ECD or ASR, after consuming alcohol or any other substance that would render him/her as being impaired.

IV. DEFINITIONS

A. ACTIVE AGGRESSION

Subject is aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person. Examples include but are not limited to lunging toward the officer, striking the officer with hands, fists, kicks, or any instrument that may be perceived as a weapon. It is reasonable to expect that active aggression causes an imminent threat to the officer or the public.

B. ACTIVE RESISTANCE

Subject exhibits physically evasive movements to defeat an officer's attempt at control. Examples of active resistance include, but are not limited to, bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. Active resistance generally does not cause an intentional imminent threat to the safety of the officer or the public.

C. COMPLIANCE CONTROL

Muscling techniques, using touch pressure on nerve centers (pressure points), joint manipulation (wrist locks), and applying hand or leg restraints in conjunction with muscling techniques.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

D. COMPLIANT

Subject offers no resistance and complies with officer direction(s).
Compliant subjects are not an imminent threat to the safety of the officer or the public.

E. CONSTITUTIONAL STANDARD

Graham v. Connor, 490 U.S. 386 (1989)

Tennessee v. Garner 471 U.S. 1 (1985)

The United States Supreme Court Case Graham v. Connor, 490 U.S. 386 (1989), and other subsequent cases have established that an officer's right to make an arrest or investigatory stop necessarily carries with it the right to use physical coercion or threat thereof to affect it. An employee's use of force is considered a seizure under the 4th Amendment and must therefore be objectively reasonable when analyzed under the "Objective Reasonableness" standard as defined above. In Tennessee v. Garner, 471 U.S. 1 (1985), the Supreme Court held that under the 4th Amendment, a police officer may not use deadly force to prevent the escape of a fleeing suspect unless the officer has probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others.

F. CONTROL

The method(s) an employee uses to neutralize the unlawful actions of a subject, or to protect the subject from injuring themselves or others.

Special Note:

Not all means of control is force. By way of example but not limitation, compliantly escorting, holding, guiding, or placing restraints on a subject (including an emergency restraint chair) would constitute a means of control, not force if used according to training and policy.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

G. CRISIS

Situation in which an individual is exhibiting extreme emotional disturbance or behavioral distress, considering harm to self or others, disoriented or out of touch with reality, has a compromised ability to function, or is otherwise agitated and unable to be calmed.

H. DEADLY FORCE

Any use of force likely to cause death or serious physical injury, including the use of a firearm, neck holds and neck restraints, or strike to the head, neck, clavicle, or throat with a hard object.

I. DEADLY FORCE ASSAULT

Any subject action likely to result in serious bodily injury or death of the officer or another person. A deadly force assault causes an imminent life-safety concern for the officer or the public.

J. EMPLOYEES

All Sheriff's Office employee classifications, full-time, part-time, or volunteers trained in, and authorized to use force.

K. EXTRAORDINARY CIRCUMSTANCE

Circumstances that are beyond what is usual, ordinary, regular, or established. Understanding that no policy can predict every circumstance that an employee may encounter, in the absence of clear policy parameters the employee's intended actions shall be to further the Mission of the Sheriff's Office – Public Safety, Quality Service, and to Build Strong and Sustainable Communities.

L. FORCE OPTIONS

Deployment tactics utilizing a layer of force measures. The layered response can range from employees' presence to lethal force. Force options may be used as a team response where employees are working in concert with one another through various force measures. This style of deployment allows the options to fluidly escalate and deescalate the force response.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

M. IMMEDIATE THREAT

Considered to exist when it is objectively reasonable to conclude that a person's actions are likely to cause death or great bodily harm to the employee or another person without intervention. To be considered an immediate threat, the employee reasonably believes the person has the present intent, means, opportunity, and ability to complete the threat regardless of whether the threatened action has been initiated.

N. IMMINENT THREAT

Considered to exist when it is objectively reasonable to conclude that a person's impending actions are likely to cause death or great bodily injury unless action is taken. To be considered an imminent threat, the employee reasonably believes the person has the present intent, means, opportunity, and ability to complete the threat regardless of whether the threatened action has been initiated.

O. IMPAIRED

An employee shall not carry a firearm or portable device that uses electro-muscular disruption (EMD) technology while under the influence of alcoholic liquor or a controlled substance or while having a bodily alcohol content of .02 BAC or above.

P. INACTIVE RESISTANCE

Subject does not attempt to defeat officer's effort(s) to gain compliance. Examples of inactive resistance include, but are not limited to, blank stare, or clenching the muscles of the jaw. Inactive resistance generally does not cause an imminent threat to the safety of the officer or the public.

Q. INTERMEDIATE CONTROL

Intermediate control poses a foreseeable risk of injury or harm but is neither likely nor intended to cause death. A level of force used to compel compliance that while less severe than lethal force, nonetheless, presents a significant intrusion upon an individual's rights. Intermediate control has

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

the potential to, but is not intended to, nor likely to, but may under certain circumstances, cause serious physical injury or death.

R. MINIMAL AMOUNT OF FORCE NECESSARY

The lowest level of force within the range of objectively reasonable force that is necessary to affect an arrest or achieve a lawful objective without increasing the risk to others.

S. OBJECTIVELY REASONABLE FORCE

The test by which courts will evaluate force used to affect an arrest or protect the officer or other persons. This standard that courts will use to examine whether a use of force is constitutional and justifiable was first set forth in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. This is based on a totality of the circumstances and the facts known to the officer at the time of the incident. Courts will evaluate the reasonableness of an officer's use of force from the perspective of the reasonable officer on-scene at the time of the action rather than with 20/20 hindsight. The United States Supreme Court recognized that courts must make some allowance for the fact police officers are often forced to make split second decisions with limited information in situations which are tense, uncertain, and rapidly evolving.

T. OFFICER PRESENCE

Law enforcement officer(s) being present at a scene.

U. PASSIVE RESISTANCE

Subject does not physically attempt to defeat officer's effort(s) to gain compliance but does not follow direction(s) given. Examples of passive resistance include, but are not limited to, failing to comply with instructions (i.e., direction to exit a vehicle), or by becoming 'dead-weight', thus necessitating the officer(s) to physically lift a subject, and so-on. Passive resistance generally does not cause an imminent threat to the safety of the officer or the public.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

V. PERSONAL BODY TOOLS

An employee's use of his/her body parts, including (but not limited to) hand, foot, knee, elbow, shoulder, hip, arm, leg or head by means of high velocity kinetic energy transfer (impact) to gain control of a subject, i.e., strikes or kicks.

W. PHYSICAL CONTROL

Physical Controls, such as control holds, takedowns, strikes to muscle masses with personal body tools, and other similar techniques are designed to gain compliance of and/or control over actively resisting subjects. Physical controls are not intended, or likely to, cause permanent injury.

X. REASONABLE FORCE

An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, based on the totality of the circumstances known to, or perceived by, the officer at the time of the incident.

Y. REPORTABLE FORCE

Any use of force technique used by an employee to overcome subject resistance in order to gain compliance.

Z. SERIOUS BODILY INJURY

Serious impairment of physical condition including, but not limited to, loss of consciousness, concussion, bone fracture, temporary impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

AA. SERIOUS PHYSICAL INJURY

Creates a substantial risk of death, causes death or serious injury, protracted disfigurement, or impairment of the function of any bodily organ or limb.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

BB. SHOW OF FORCE

Pointing or displaying a defensive weapon at a person, in preparation to make it ready, should the use of force become necessary. Examples of the display of a defensive weapon could include, but not be limited to the removal of a weapon from its holster/storage container, the shaking of an OC canister, the expanding of a baton, arcing of the electronic control device or projecting the device's laser beam.

A Show of Force form shall be completed if the tool displayed achieved the desired lawful objective without force being used.

CC. USE OF FORCE

The completed use of a defensive weapon as it was intended or designed. The application of physical techniques as listed in this policy, or any other means used to defend, restrain, overcome, or otherwise gain physical control of a person. Some examples of a completed use of a defensive weapon include: the spraying of OC at an individual, the striking of an individual with an ASP baton, or discharging an electronic control device at an individual.

DD. VERBAL/PSYCHOLOGICAL INTIMIDATION

Subject does not physically attempt to defeat officer's effort(s) to gain compliance but becomes, or remains, verbally abusive towards an officer. An example of verbal/psychological intimidation includes, but is not limited to, yelling at or insulting an officer. Verbal or psychological resistance generally does not cause an imminent threat to the safety of the officer or the public.

EE. VERBAL DIRECTION

Any verbal request or instruction that a law enforcement officer states to a person.

FF. VITAL AREAS OF THE BODY

Head, neck, face, throat, spine, groin and kidney.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

V. GENERAL REQUIREMENTS AND EXPECTATIONS GOVERNING ALL SUBJECT CONTROL SITUATIONS

A. USE OF FORCE MUST BE FOR A LAWFUL PURPOSE

Employees may use reasonable force options in the performance of their duties, in the following circumstances:

1. To effect a lawful arrest, detention, or search.
2. To overcome resistance or to prevent escape.
3. To prevent the commission of a public offense.
4. In defense of others or in self-defense.
5. To gain compliance with a lawful order.
6. To prevent a person from injuring himself/herself. However, an officer is prohibited from using lethal force against a person who presents only a danger to himself/herself and does not pose an immediate threat of death or serious bodily injury to another person or officer.
7. Employees must not engage in unreasonable actions or tactics that precipitate the use of force, or that unduly jeopardize their own safety or the safety of others. Employees shall not use force to attempt to achieve compliance with a command that is unlawful.

B. USE OF FORCE EVALUATION - Determining when to employ objectively reasonable force.

The United States Supreme Court in *Graham v. Connor* (1989) 490 U.S. 386 held that an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time of the incident. The 'reasonableness' inquiry in reviewing use of force is an objective one: the question is whether the employee's actions are objectively reasonable in light of the facts and circumstances they are confronting. The employee's perception will be a consideration, along with other objective factors that may affect the reasonableness of the employed tactic. Common factors considered by the court are 'Graham Factors':

1. The severity of the crime at issue.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

2. Whether the suspect posed an immediate threat to the safety of the employee or others.
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

This policy builds upon the broad principles in Graham by adding additional factors upon which an employee's subject control tactic shall be evaluated. These standards are more conservative than the constitutional standard and state law. Employees must strive to gain voluntary compliance and use the minimal amount of force necessary without increasing risk to themselves or another person.

1. The reasonableness of a particular use of force must be judged from the perspective of a reasonable criminal justice professional on the scene, rather than 20/20 hindsight, and without regard to the employee's underlying intent and motivation. The reasonableness must account for the fact that employees are often forced to make split-second judgments and decisions, in circumstances that are tense, uncertain and rapidly evolving.
2. Factors for evaluating the use of force include but are not limited to:
 - a) Whether the use of force is proportional to the threat.
 - b) The availability of other feasible, less intrusive force options.
 - c) The employee's tactical conduct, decision making processes, and decisions preceding the use of force.
 - d) Whether the employee has reason to believe that the subject is mentally ill, has a physical, developmental or cognitive disability, is emotionally disturbed, or is under the influence of alcohol or drugs.
 - e) Whether there was an opportunity to provide a warning about the use of force prior to force being used, and if so, was such a warning given.
 - f) Whether there was any assessment by the employee of the subject's ability to cease resistance and/or comply with commands.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- g) Specialized knowledge, skills, or abilities of subject(s) involved.
- h) Prior contact with subject(s) involved.
- i) Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic and other hazards.
- j) Whether the subject's escape could pose a future safety risk.

Special Note:

Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

C. EMPLOYING MINIMAL USE OF FORCE TACTICS NECESSARY

When force is necessary and objectively reasonable, employees must strive to use the minimum amount of force necessary in the available range of objectively reasonable options.

Additionally:

1. While deploying a particular force option, employees should continually evaluate whether the force option may be discontinued while still achieving the arrest or lawful objectives.
2. Whether a particular use of force is the minimum amount of force necessary must be objectively judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The objective determination of "minimal" must account for the fact that officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving.
3. Employees should be prepared to employ various force options to control the person if one particular tactical option is not effective or the circumstances of the encounter change such that the tactical option is no longer reasonable. For example, an employee encountering a subject that shows no change in behavior following an ASR exposure should consider additional options, including disengaging, under a specific set of circumstances.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

4. Employees need not start at the lowest level of force in every situation. Before deploying a particular force option, officers should evaluate the array of objectively reasonable options to select an option anticipated to cause the least injury to the subject while achieving the arrest or lawful objectives, understanding that the evaluation process should not increase risk to the employee or another person.

D. DE-ESCALATION

When encountering a non-compliant subject or a subject armed with a weapon other than a firearm, employees shall use the following de-escalation tactics in an effort to reduce the need or degree of force. Accordingly:

1. Gather as much information possible about the incident.
2. Attempt to isolate and contain the subject.
3. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force.
4. Request additional resources, such as Crisis Intervention Team (CIT) trained employees, or Crisis/Hostage Negotiation Team members. Identify employees who may have a rapport with the subject.
5. Designate an officer to establish rapport and engage in communication with the subject.
6. Tactically re-position as often as necessary to maintain the reactionary gap, protect the public, and preserve officer safety.
7. Continue de-escalation techniques, such as advisements, warnings, verbal persuasion, other alternatives, and take as much time as reasonably necessary to resolve the incident, without having to use force if possible.
8. Employees will assess each incident to determine, based on policy, training, and experience, which option is best to achieve a legal outcome and bring the situation under control in a safe and prudent manner.
9. In general, once control of a combative subject is gained and there is no longer an objectively reasonable threat, further use of force is

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

prohibited. A degree of force which may have been justified earlier in an encounter does not remain justified indefinitely. Force shall be de-escalated proportionately and immediately as resistance decreases.

10. Other options, not listed above, may be available to assist in de-escalating the situation.

Special Note:

Supervisors who become aware of a situation where an employee is using de-escalation techniques shall monitor the radio communications and evaluate the need to respond to the scene. Incidents where de-escalation techniques were attempted shall be documented in the employee's report, as applicable. Such a report will include a disposition of the incident, i.e., the officer/supervisor will indicate if the de-escalation techniques attempted were successful.

It should be noted that the use of de-escalation techniques may not be possible in encounters that where employing such tactics would increase the potential of risk to the employee or the public.

E. CRITICAL DECISION-MAKING MODEL

Using a critical decision-making model, employees shall collect information, assess the threats and risk, consider law enforcement powers and the Sheriff's Office's policies, identify options and determine the best course of action. Employees are expected to continually assess the effectiveness of their actions and consider the desired outcome for the level of force used, including where feasible:

1. What can the employee do to de-escalate the situation or to minimize the need for the use of force?
2. Can the employee allow the subject time to submit to arrest before using force?
3. Is the employee using the minimum amount of force necessary to carry out lawful objectives?
4. Is the subject physically or mentally capable of complying with the employee's commands?

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

5. Does the employee have an opportunity or time to utilize additional resources to bring the situation to a peaceful resolution?
6. What is the severity of the subject's actions and is the risk of injury to either the subject or employee worth achieving the officer's lawful objective?
7. What is the proximity or access of weapons to the subject?
8. What is the time available to an employee to decide and what efforts has s/he made to provide additional time?
9. What are the physical considerations for the employee, E.g., exhaustion or injury during a physical confrontation?
10. Are innocent bystanders present who could be harmed if force is or is not used?
11. Are there hostile bystanders present who may be sympathetic to the subject?
12. When a confrontation escalates suddenly, the employee may use that degree of force necessary to defend themselves or others if the force is objectively reasonable.

F. UNLAWFUL PURPOSES

Michigan statute provides criminal penalties for law enforcement officers who, "Under color of authority, without lawful necessity, assaults or beats any person." An assault and battery committed by employees constitutes gross and unlawful misconduct and will be criminally investigated.

In addition to criminal prosecution, 42 U.S. Code § 1983 provides for civil action to be brought against "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws."

Any employee present and observing another officer using force that a reasonable officer would view as excessive or unnecessary under the circumstances has, when in a position to do so, the duty to safely

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

intercede to prevent the use of such force. Any employee witnessing, or who is aware of, or otherwise becomes aware of, the application of force that a reasonable officer would view as excessive or unnecessary has the duty to notify a command officer and provide aid to the victim as applicable.

G. SUBJECT(S) ARMED WITH A WEAPON – NOTIFICATION AND COMMAND

In situations where a subject is armed with a weapon, and is displaying unlawful intent, employees shall adhere to the following:

1. Initial Responders:

Upon being dispatched to, or otherwise encountering, a subject with a weapon, an employee shall notify Metro Dispatch and a supervisor as soon as tactically feasible.

2. Command:

When notified that employees are dispatched to or otherwise encounter a subject armed with a weapon, a supervisor shall as soon as tactically feasible:

- a) Notify Metro Dispatch, monitor radio communications, respond to the incident.
- b) Notify other responding employees, while en-route (absent an immediate life-safety concern that increases risk to the employee or the public, or other articulable reason why it would be unsafe to do so, i.e., to protect life) isolate and contain the subject, maintain distance, find cover, build rapport, engage in communication without time constraint, and call for appropriate resources, E.g., mental health employees, employees trained in crisis negotiation, or employees with an established rapport with the subject.
- c) Upon arrival, and when appropriate, the supervisor shall assume command, and ensure appropriate resources are on-scene or are responding.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

VI. LEVELS OF RESISTANCE

It should be noted that subjects can enter the below continuum at any level. Additionally, a subject's level of resistance can escalate and de-escalate at any time during an encounter. While deploying a particular force option, employees shall continually evaluate whether the force option may be discontinued while still achieving the arrest or lawful objective. See appendix 1, 'Resistance v. Control Chart' for information regarding levels of resistance encountered versus the level of control that may be used to achieve lawful objectives.

A. Compliant

Subject offers no resistance and complies with officer direction(s). Compliant subjects are not an imminent threat to the safety of the officer or the public.

B. Inactive Resistance

Subject does not attempt to defeat officer's effort(s) to gain compliance. Examples of inactive resistance include, but are not limited to, blank stare, or clenching the muscles of the jaw. Inactive resistance generally does not cause an imminent threat to the safety of the officer or the public.

C. Verbal/Psychological Intimidation

Subject does not physically attempt to defeat officer's effort(s) to gain compliance but becomes, or remains, verbally abusive towards an officer. An example of verbal/psychological intimidation includes, but is not limited to, yelling at or insulting an officer. Verbal or psychological resistance generally does not cause an imminent threat to the safety of the officer or the public.

D. Passive Resistance

Subject does not physically attempt to defeat officer's effort(s) to gain compliance but does not follow direction(s) given. Examples of passive resistance include, but are not limited to, failing to comply with instructions (E.g., direction to exit a vehicle), or by becoming 'dead-weight', thus necessitating the officer(s) to physically lift a subject, and so-on. Passive

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

resistance generally does not cause an imminent threat to the safety of the officer or the public.

E. Active Resistance

Subject exhibits physically evasive movements to defeat an officer's attempt at control. Examples of active resistance include, but are not limited to, bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. Active resistance generally does not cause an intentional imminent threat to the safety of the officer or the public.

F. Active Aggression

Subject is aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person. Examples include, but are not limited to lunging toward the officer, striking the officer with hands, fists, kicks, or any instrument that may be perceived as a weapon. It is reasonable to expect that active aggression causes an imminent threat to the officer or the public.

G. Deadly Force Assault

Any subject action likely to result in serious bodily injury or death of the officer or another person. A deadly force assault causes an imminent life-safety concern for the officer or the public.

VII. LEVELS OF CONTROL AND CONTROL OPTIONS

Employees shall strive to gain voluntary compliance and use the minimum amount of force necessary to accomplish their lawful purpose. While deploying a particular force option, employees shall continually evaluate whether the force option may be discontinued while still achieving the arrest or lawful objective.

The control options authorized by the Sheriff's Office are verbal commands, compliance controls (muscling techniques, pressure points, joint manipulation), physical controls (strikes and takedowns), intermediate controls (use of impact devices, police service dog apprehensions, and TASER deployments), and

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

deadly force options (firearms and improvised tools of opportunity used in a manner likely to cause death or serious physical injury).

It should be noted that employees are prohibited from using force against persons in restraints, i.e., handcuffs and leg irons, except as objectively reasonable to prevent bodily harm to the employee(s) or another person, to overcome active resistance, or where physical removal, e.g., lifting a person, is necessary to overcome passive resistance.

Special Note:

Medical evaluation is mandatory for subjects that have been exposed to ASR, Physical Control(s), TASER deployments, impact device strikes, police service dog apprehensions, all other forms of Intermediate Control, and Deadly Force. Medical evaluation is also mandatory for subjects who complain of injury, when an employee observes an injury, or where a reasonable officer believes that an injury may have a delayed introduction, such as a subject falling and hitting a vital area.

A. Officer Presence

Law enforcement officer(s) being present at a scene. The mere presence of a uniformed employee may dramatically change a rapidly evolving situation. In some instances the presence of the uniformed employee will suffice in gaining compliance. Conversely, in others, the presence of a uniformed employee may prompt further resistance.

B. Verbal Direction

Any verbal request or instruction that a law enforcement officer states to a person.

C. Compliance Control

Any technique or tactic an employee uses that is neither intended nor likely to cause injury. Examples of Compliance Controls are muscling techniques, using touch pressure on nerve centers (pressure points), joint manipulation (wrist locks), and applying hand or leg restraints in conjunction with muscling techniques. It should be noted that the sole compliant application of restraints is not considered to be force.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

D. Aerosol Subject Restraint

Aerosol Subject Restraint (ASR), a chemical agent, is a control option available to employees. ASR does not fall into one particular level of control or force, rather it may be deployed when the employee feels that lower forms of control or force, i.e., solely relying on verbal commands or muscling techniques, will not be sufficient given the level of resistance being encountered.

Purpose of ASR

ASR can be used to subdue an unarmed attacker or to overcome resistance that is otherwise likely to result in injury to either the subject or the employee. ASR devices shall not be brandished as a form of intimidation.

Considerations for the use of ASR

Chemical agents may reduce or eliminate the necessity to use other force options to gain compliance, consistent with Sheriff's Office training. Employees shall provide a warning prior to deploying a chemical agent, if doing so does not increase risk to the employee or another person:

1. Announce a warning to the subject and other employees of the intent to deploy ASR if the subject does not comply with verbal commands.
2. Give the subject a reasonable opportunity to voluntarily comply, unless such an opportunity increases the risk for the employee or another person or permits the subject to undermine the deployment of the ASR.
3. ASR should be deployed in a one (1) to two (2) second burst to the subject's face.

Post ASR deployment considerations.

Any person exposed to a chemical agent shall be medically assessed by emergency medical personnel. Any exposed person shall be kept under direct visual observation until he/she has been medically assessed. If an exposed person loses consciousness or has difficulty breathing, the

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

employee shall immediately request for emergency medical personnel, render first aid and monitor the subject until relieved by emergency medical personnel. Employees shall notify Metro Dispatch to expedite emergency medical personnel if the person loses consciousness or has difficulty breathing.

Subjects in custody exposed to a chemical agent must be transported in an upright position by two employees if staffing levels allow. The passenger employee shall closely monitor the subject for any signs of distress. If the subject loses consciousness or has difficulty breathing, employees shall immediately seek emergency medical attention. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands or to a fixed object.

Subjects experiencing, or claiming to be having, difficulty breathing will not be placed on their stomachs. Positional asphyxiation can occur in this position (where the subject's diaphragm is unable to expand, thus s/he is unable to breathe).

ASR deployments by employees shall be reported to a command officer as soon as tactically possible.

See Appendix 8 for additional information regarding ASR.

E. Physical Controls

Physical Controls, such as control holds, takedowns, strikes to muscle masses with personal body tools, and other similar techniques are designed to gain compliance of and/or control over actively resisting subjects. Physical controls are not intended, or likely to, cause permanent injury.

Purpose of Physical Controls

When a subject offers some degree of active resistance to a lawful order or objective, in addition to de-escalation techniques and appropriate communication skills, employees may use physical controls consistent

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

with Sheriff's Office training to gain compliance. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body tools, i.e., strikes, should be used.

Considerations for Using Physical Controls

Employees shall consider the relative size and possible physical capabilities of the subject compared to the size, physical capabilities, skills, and experience of the officer. When faced with a situation that may necessitate the use of physical controls, employees shall consider requesting additional resources to the scene prior to making contact with the subject, as long as such a delay in interception does not increase the risk to the employee or another person.

F. Intermediate Control

Intermediate control poses a foreseeable risk of injury or harm but is neither likely nor intended to cause death. A level of force used to compel compliance that while less severe than lethal force, nonetheless, presents a significant intrusion upon an individual's rights. Intermediate control has the potential to, but is not intended to, nor likely to, but may under certain circumstances, cause serious physical injury or death. Examples of Intermediate Control include Electronic Control Device (ECD) probe deployment(s) or impact device strikes (including baton and less lethal impact munitions (LLIM)).

1. Impact Device

Impact devices are designed to temporarily incapacitate a subject, not to cause permanent injury. Employees shall have impact devices (baton/LLIM) readily accessible when engaged in activities or assignments that may expose them to risk or have a high likelihood of employing control techniques.

For additional information regarding batons see Appendix 9.

2. Less Lethal Impact Munitions (LLIM)

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

The less lethal launcher system is an authorized device for Sheriff's Office personnel who have been trained in its use. The intent of deploying this device is to reduce the possibility of injury to both the offender and the employee.

The use of Less-Lethal force is a decisive action that can assist in achieving the goal of protection of life and the restoration of order. Such force should be considered whenever the use of less-lethal weapons would safely assist in facilitating an arrest and/or restoring order while reducing the risk of death or serious injury. Circumstances justifying the use of less-lethal weapons include, but are not limited to:

- a) Protect oneself or another from assault or the imminent threat of an assault.
- b) Control persons engaged in riotous or tumultuous behavior.
- c) Suicidal subjects
- d) Handling of emotionally disturbed persons; or
- e) Any situation deemed necessary that has been authorized by a command officer.

Those trained in the use of a LLIM must qualify annually in order to utilize the LLIM operationally. The LLIM shall be carried/stored in an approved agency case until deployment is deemed necessary.

The approved Less Lethal Launcher system is as follows:

- a) Defense Technology 40MM LMTS Tactical Single Shot Launcher
 - (1) Including agency equipped accessories (sighting system, etc.)

The approved Less Lethal Munition is as follows:

- a) Defense Technology 40MM eXact iMPact Sponge Round

When feasible, personnel should announce over the radio that less lethal is being utilized at the scene (removed from the vehicle/storage container for possible use).

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Whenever LLIM are deployed, lethal cover shall be provided to the user (unless deployed within the Washtenaw County Jail). Prior to deploying an LLIM munition, the operator, if feasible, will announce their intent to do so by stating, "impact, impact, impact." The announcement is intended to prevent sympathetic firing from other personnel.

Post deployment, the operator must log the spent munition casing into WCSO property room along with the projectile, if able to locate on scene. If unable to locate the projectile, the operator must document this in their case report.

All Less Lethal Launcher devices will be maintained by certified instructors. In the event that a munition is fired from the launcher, the employee must contact his/her supervisor so that replacement ammunition can be obtained.

Purpose of Impact Devices

An impact device (baton or LLIM) may be used in accordance to Sheriff's Office training to administer strikes to major muscle masses (not vital areas of the body such as the head, neck, face, throat, clavicle, spine, groin or kidney) which can subdue an assaultive subject who is actively and violently resisting and poses a threat to the safety of the employee or another person. Employees may resort to the use of other objects as impact devices, such as a flashlight or police radio, if exigent circumstances exist. Employees must articulate the reason for doing so.

Special Note:

Prior to using an impact device (baton/LLIM), an employee shall:

1. Announce a warning to the subject of the intent to use the impact device if s/he does not comply with employee's commands.
2. Give the subject a reasonable opportunity to voluntarily comply, except that employees need not do so where it would pose a risk to the public or the officer or permit the subject to undermine the use of the impact device.
3. Unless exigent circumstances exist, employees shall not intentionally strike vital areas such as the head, neck, face, throat, clavicle, spine, groin or kidney. The use of an impact device to a

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

vital area has the potential of causing physical injury or death, and the intentional use of an impact device to these areas shall only be used in situations where lethal force is justified.

4. Employees shall not:
 - a) Use the impact device to intimidate a subject or person, such as slapping the palm of their hand with an impact device where neither the use of an impact device or impact device warning is appropriate.
 - b) Strike a handcuffed prisoner who poses no threat. This action may result in disciplinary action and/or criminal prosecution.
5. Any employee who strikes a subject with an impact device (baton/LLIM) shall ensure the subject is assessed by hospital personnel.
6. Impact device strikes by employees shall be reported to a command officer as soon as tactically possible.

Electronic Control Device (ECD)

The ECD shall be carried on the employee's non-gun side/support side of their person on either their duty belt or external protective vest in a Sheriff's Office approved holster. An ECD is designed to fire two small dart-like electrodes, which stay connected to the main unit by conductors, to deliver electric current to disrupt voluntary control of muscles causing neuromuscular incapacitation. Someone struck by an ECD, such as a TASER, experiences pain and over-stimulation of sensory nerves and motor nerves, resulting in strong involuntary muscle contractions. TASERs will incapacitate, not simply causing pain compliance. The use of a TASER in Drive-Stun mode to cause pain compliance is prohibited.

Purpose of ECD

The Sheriff's Office will employ an ECD as a less than lethal force option in order to minimize the risk of injury to employees and the public. ECDs are to be deployed in a manner consistent with approved Sheriff's Office training. ECDs may be utilized when the employee can articulate a subject's actions constituted active resistance, active

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

aggression, and deadly force assaults (under specific conditions where another employee is providing lethal coverage).

Medical evaluation is mandatory for any subject exposed to a TASER application, either in probe or drive-stun mode.

Special Note:

The United States Court of Appeals-Fourth Circuit has ruled that TASERs may not be used on subjects solely displaying passive resistance. See [appendix 2](#) for more information regarding the use of TASERs.

Prior to using an impact device, an employee shall:

1. Announce a warning to the subject of the intent to use the ECD if s/he does not comply with employee's commands.
2. Give the subject a reasonable opportunity to voluntarily comply, except that employees need not do so where it would pose a risk to the public or the officer or permit the subject to undermine the use of the ECD.

Police Service Dogs (PSD)

Use of PSD's to assist in the apprehension of criminal suspects or in defense of human life or property is governed by the Sheriff's Office Subject Control/Use of Force policy. Note that the mere presence of a PSD at the scene of an arrest or use of a PSD solely to track a subject does not constitute an apprehension.

Deployment of a PSD:

The decision to use a PSD to apprehend a suspect in a criminal matter is the sole decision of the handler. The handler shall allow the PSD to use only the force necessary to affect the apprehension of the suspect the PSD was ordered to apprehend.

A PSD handler may deploy a dog to assist in the apprehension of a suspect, with the following restrictions:

1. The PSD will not be deployed if:

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- a) The suspect can be safely apprehended without the use of the PSD.
- b) It appears likely at the time that an innocent person may be injured.
2. The PSD handler must:
 - a) Balance immediate apprehension and arrest of a suspect against the safety of the public.
 - b) If the suspect visibly surrenders either before the dog begins to pursue or after the PSD is in pursuit, it is the handler's responsibility to make every reasonable effort to ensure that the dog does not bite the suspect.
3. Any subject apprehended by a PSD will be medically evaluated.

Special Note:

Prior to deploying a PSD, an employee shall:

1. Announce a warning to the subject of the intent to deploy the PSD if s/he does not comply with employee's commands.
 - a) The warning should be repeated should a search continue into a new area, i.e., a different story within the same building.
 - b) Give the subject a reasonable opportunity to voluntarily comply, except that employees need not do so where it would pose a risk to the public or the officer or permit the subject to undermine the deployment of the PSD.

PSD apprehensions shall be reported to a command officer as soon as tactically possible in accordance with the Police Service Dog Unit policy.

G. Deadly Force

Any use of force likely to cause death or serious physical injury, including the use of a firearm, neck hold, or strike to the head, neck, clavicle, or throat with a hard object.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Special Note:

The term 'neck hold' refers to one of the following: a carotid restraint hold, a lateral vascular neck constraint, or a hold with a hand, knee or other object to a subject's neck for the purpose of restricting the flow of blood or oxygen to the brain. A neck hold is considered lethal force. Mere incidental contact does not constitute a neck hold.

Without exception, the use of neck holds as defined above, or in any variant related to those defined and described above for the purposes of restricting the flow of blood or oxygen to the brain are prohibited except for situations where deadly force is required to achieve a lawful and legitimate objective.

Firearms and Other Forms of Deadly Force

Sheriff's Office employees shall use deadly force only as a last resort when reasonable alternatives have been exhausted or are not possible to protect the safety of the employee(s) or the public. The use of firearms and the use of other deadly force options is the most serious decision an employee may ever make. When safe under the totality of circumstances, employees shall consider other objectively reasonable force options before discharging a firearm or using other deadly force options, so long as that process does not increase risk to an employee or another person.

Nothing in this section is meant to prevent employees from having their firearms in a deployed position when confronted with situations which may escalate with such speed as the employee's ability to react defensively would be unacceptably slow as a result of having a holstered firearm.

For list of approved side arms, see 'Side Arms and Side Arms Regulations Appendix' (Appendix 3). For side arm modifications, see 'Side arm Modifications Appendix' (Appendix 12).

1. Handling, drawing, and pointing a firearm.
 - a) An employee shall handle and manipulate a firearm in accordance with Sheriff's Office-approved firearms training.
2. An employee may draw, exhibit or point a firearm in the line of duty when s/he has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety. When an employee

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

determines that the threat is over, s/he shall holster his or her firearm, place a shoulder weapon in the port-arms position (pointed in a safe direction) or slung in a manner consistent with Sheriff's Office approved firearms training.

3. Except for maintenance, safekeeping, inspection by an approved employee, Sheriff's Office-approved training, or as otherwise authorized by this policy, an employee shall not draw, exhibit or point a firearm.
4. The pointing of a firearm at a person is a seizure and requires legal justification. Such show of force must be reasonable under the objective facts and circumstances. No employee shall point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to justify deadly force. If an employee points a firearm at a person, s/he shall, if possible, safe, and whenever appropriate, advise the subject the reason why the employee(s) pointed the firearm.
5. Discharge of a firearm and other uses of deadly force:
 - a) An employee may discharge a firearm or use other deadly force techniques in any of the following circumstances:
 - (1) In self-defense when the employee has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury.
 - (2) In defense of another person when the employee has reasonable cause to believe that another person is in immediate danger of death or serious bodily injury. However, an employee may not discharge a firearm at, or use deadly force against, a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an immediate danger of death or serious bodily injury to the officer or any other person.
 - (3) To kill an animal posing an immediate threat.
 - (4) To apprehend a person when both of the following circumstances exist:

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- (a) The employee has probable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force;

AND

- (b) The employee has probable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to the employee or others if the person's apprehension is delayed.

Special Note:

The above circumstances (a. 1-4) apply to each discharge of a firearm or application of deadly force. Employees shall reassess the situation, when safe, to determine whether the subject continues to pose an active threat.

- a) If doing so would not increase the danger to the employee or another innocent person, an employee shall give a verbal warning to submit to the authority of the Sheriff's Office before discharging a firearm or using other deadly force.
- b) To the extent feasible, an employee shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of the employee or another person.
- c) An employee shall not discharge a firearm at the operator or occupant of a moving vehicle, vessel, or other means of similar mechanical conveyance unless the operator or occupant poses an immediate threat of death or serious bodily injury to employee or another person.
- d) Employees are prohibited from discharging a firearm from a moving vehicle, vessel, or other means of similar mechanical conveyance unless the operator, after considering the totality of circumstances, reasonably believes that the subject(s) poses an immediate threat to the employee or another person.
- e) Following the use of deadly force, employees shall render or request medical aid as soon as practical.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- f) Except for firearm discharges at an approved firearms range or during lawful recreational activity, an employee who discharges a firearm, on-duty or off-duty, shall report the discharge as soon as practical. This includes an intentional or unintentional discharge, regardless of location or jurisdiction at the time of the incident.
- g) An employee who applies other force that results in death or serious bodily injury shall report the incident as soon as tactically possible to a command officer. The command officer shall, regardless of whether possible misconduct occurred, immediately report the force to his/her commanding officer who shall determine which unit shall be responsible for further investigation.

6. Fleeing Felons

This policy builds upon the broad standard set in *Tennessee v. Garner*, 471 U.S. 1 (1985), where the Supreme Court held that under the 4th Amendment, a police officer may not use deadly force to prevent the escape of a fleeing suspect unless the employee has probable cause to believe the suspect poses an immediate threat of death or serious bodily injury to the employee or another person.

- a) Deadly force will never be used against fleeing misdemeanants.
- b) Deadly force may only be used against a fleeing felon if, after considering the totality of circumstances:
 - (1) The employee(s) has probable cause to objectively believe that the underlying felony involves an assault resulting in serious bodily injury or death – not property or paper crimes.

AND

- (2) The employee(s) has probable cause to objectively believe that the fleeing felon presents an immediate threat of death or serious bodily injury to the employee or another person if apprehension is delayed.

36 of 58

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

For information regarding sidearm-mounted illumination devices, see Appendix 5. For information regarding sidearm holsters, see Appendix 6. For information regarding sidearm magazines and magazine pouches, see Appendix 7. For information regarding shotguns, see Appendix 10. For information regarding patrol rifles, see policy 3.01RR. For information regarding firearms training, see Appendix 13.

H. Vehicle Interventions

Employees shall not ram or utilize roadblock techniques on the fleeing vehicle or individual unless the use of deadly force is justified.

The Sheriff's Office's policies concerning vehicle pursuits and intervention tactics are set forth in Sheriff's Office Policy and Procedure 3.05-Vehicle Pursuits.

VIII. SHOW OF FORCE REPORTING

A. Reportable show of force

Employees shall report any show of force technique(s) used which resulted in the desired lawful objective without using force.

1. Notification of show of force

- a) An employee shall notify his/her supervisor immediately or as soon as practical of any reportable show of force.

A show of force includes pointing or displaying a defensive weapon, in preparation to make it ready, should the use of force become necessary. Some examples include but are not limited to: Conducting a felony stop with firearms drawn, fielding a less lethal launcher while attempting to secure a suicidal subject, displaying a TASER or ASR while attempting to secure an incarcerated individual, conducting a building search with a firearm drawn and encountering an occupant. All scenarios regarding a show of force resulting in no force being used.

2. Show of Force review

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- a) A supervisor shall review all show of force submissions ensuring no force was used.
- B. Procedures
 - 1. Officer responsibilities
 - a) Any show of force will be investigated by a higher-ranking employee.
 - b) A show of force incident shall be documented in a Show of Force form in evidence.com. Depending on the type of incident, additional documentation may be necessary in an incident report, supplemental incident report, or statement form.
 - 2. Supervisor responsibilities
 - a) When notified of a show of force, the supervisor shall ensure that no force was used.
 - b) Review Show of Force forms for incidents occurring during their shift(s) and within their assigned areas.
 - c) Assign the Show of Force form to the next level supervisor for review once approved.

Commentary:

Much attention is given to police use of force including various measures within both the professional and academic arenas. The data regarding situations that are resolved without the use of force is meager.

The aim of collecting show of force (SOF) information is to, in part, provide such data. Doing so improves the balance in use of force data in general, allows us to measure change over time, and improve policy, practice, and use of force related training.

IX. USE OF FORCE REPORTING

- A. Reportable use of force

Employees shall report any use of force technique(s) used to overcome subject resistance in order to gain compliance.
- 1. Notification of use of force

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- a) An employee shall notify his/her supervisor immediately or as soon as practical of any reportable use of force.
2. Use of force evaluation
 - a) A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force.
 - b) The operational lieutenant assigned to oversee the area or unit where the force occurred will review all use of force incidents occurring therein. For example, the lieutenant assigned to oversee West operations would ultimately review all use of force occurring in that operational area. Concerns arising from that review would be expressed to the Division Captain and so-on.
3. Claims of excessive force
 - a) Every allegation of excessive force shall be subject to the reporting and investigative requirements of this policy and applicable policies.

Special Note:

Incidents where de-escalation techniques were attempted shall also be reported. Such a report will include a disposition of the incident, i.e., the officer/supervisor will indicate if the de-escalation techniques attempted and whether they were successful.

B. Procedures

1. Officer responsibilities
 - a) For the purposes of this section, the term 'officer' pertains to any employee using force. Accordingly, any use of force will be investigated by a higher-ranking employee, as applicable.
 - b) Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible. Employees will cite specific levels of resistance encountered and the specific techniques that were attempted to gain compliance.
 - c) Subject Control/Use of force reports will be completed in evidence.com and will be submitted prior to the conclusion of

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

the officer's tour of duty, unless exceptional circumstances preclude that from occurring, such as the employee being physically unable due to injury or illness.

- d) When the employee using force is preparing the incident report, s/he shall include the following information:
 - (1) The subject's action necessitating the use of force, including a description of the threat presented by the subject.
 - (2) Efforts to de-escalate the situation prior to the use of force and if not, why not.
 - (3) Any warning given and if not, why not.
 - (4) The type of force used, by way of example but not limitation, "Compliance Controls in the form of Muscling Techniques."
 - (5) Descriptions of any injury sustained by the subject; provide post-initial treatment photographs of any injuries claimed or observed and if not, why not.
 - (6) Injury sustained by the officer or another person; photographs will be collected regardless of claim of injury or lack of visible injury. Any deviation from this practice will be noted in the report.
 - (7) Information regarding medical assessment or evaluation, including whether the subject refused.
 - (8) The name and rank of the supervisor notified; and if not, why not.
 - e) If an officer cannot document his/her use of force due to exceptional circumstances, another officer shall document this use of force in an incident report, supplemental incident report or statement form at the direction of a supervisor.
2. Supervisor responsibilities
- a) When notified of the use of force, the supervisor shall evaluate what occurred to:
 - b) Determine whether the force used appears reasonable.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- c) Determine whether the force complies with the provisions of this General Order.

The supervisor shall:

- a) If in the supervisor's assigned area, immediately respond to the scene unless a response is impractical or poses a danger to the employee or other person.
- b) Ensure the scene is secure and observe injured subjects or employees, immediately requesting or affirming that appropriate medical resources will be, or have been, provided.
- c) Ensure that witnesses (including employees) are identified and interviewed, and that this information is included in the incident report. The number of witnesses may preclude identification and interview of all witnesses; however, supervisors shall ensure identification to the best of their ability.
- d) Ensure post-initial treatment photographs of injuries, or claimed injuries, are taken and all other evidence is secured and properly managed.
- e) The supervisor will review:
 - (1) Employee's incident report
 - (2) Employee's subject control form in evidence.com
 - (3) Any supplemental incident report(s)
 - (4) Any other written statement(s)

The reviewing supervisor will ensure that all reports meet threshold for approval and are free of contextual and grammatical errors.

Special note:

1. A supervisor shall not approve an incident report or written statement involving a use of force that does not comply with the requirements outlined by this General Order.
2. The investigating supervisor shall notify a higher-ranking employee of any application of force that appears to not be reasonable.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- a) As applicable, ensure the supervisor's reason for not responding to the scene is included in the incident report.
- b) Complete supervisor Subject Control/Use of Force review in evidence.com, indicating whether the force used appears reasonable as soon as practical.
- c) Ensure that all applicable reports, photographs, and statements are included in the Subject Control/Use of Force form in evidence.com.
- d) Submit completed Subject Control/Use of Force form in evidence.com to the assigned higher-ranking employee.

Special note:

If a supervisor determines that an employee's use of force is unnecessary or that an employee has applied force that results in serious physical injury or death, the supervisor shall immediately notify his/her commanding officer.

3. Senior command responsibility

When a senior command officer is notified of reasonable force, s/he shall:

- a) Review the Subject Control/Use of Force form in evidence.com, resubmitting it to the completing supervisor to correct contextual or grammatical errors as applicable.
- b) Submit Subject Control/Use of Force form to the division Captain.

When a senior command officer is notified of unnecessary force or force that results in serious bodily injury or death, s/he shall:

- a) Respond to the scene and assume command, as practical.
- b) Notify Sheriff's Office Administration and ensure all other notifications are made to higher-ranking employees.
- c) Complete an internal investigation containing preliminary findings, conclusions and/or recommendations, if appropriate.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

C. Additional reporting responsibilities

1. Recording

Sheriff's Office Administration shall maintain documentation on all reportable use of force by all employees. Regardless of employee assignment within the Sheriff's Office all use of force information will be memorialized in one database.

Sheriff's Office Administration will monitor subject control and use of force trends in order to perform a non-punitive review to determine the number, types, proper application, and effectiveness of uses of force. The information developed shall be used to identify training needs and mitigate risk while providing quality service to the community. See Appendix 4 for an example of a subject control and use of force annual assessment form.

2. Data collection and analysis

The Sheriff's Office will collect and analyze its use of force data in the Subject Control/Use of Force database. Statistics and analysis will include at a minimum:

- a) The type of resistance encountered by employees.
- b) The type of control(s) used by employees.
- c) De-escalation techniques attempted.
- d) De-escalation techniques used successfully.
- e) The types and degree of injury to suspect and employee.
- f) Date and time.
- g) Employee's assignment.
- h) Geographic location where the use of force occurred.
- i) Number of employees using force in the incident.
- j) Employee's activity when force was used (e.g., handcuffing, search warrant, pursuit).

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- k) Employee's demographics (age, gender, race/ethnicity, rank, number of years with the Sheriff's Office, number of years as a police officer or corrections officer).
- l) Suspect demographics including race/ethnicity, age, gender, gender identity, primary language and other factors such as mental illness, cognitive impairment, developmental disability, drug and alcohol use/addiction and homelessness.

3. Use of Force Investigative Team (UFIT)

The UFIT is comprised of designated staff, all of whom are responsible for reviewing select use of force incidents. The purpose of the review is to improve both individual and Sheriff's Office performance by examining what happened prior to the incident, why it happened, and what can be done differently, if anything, to improve performance.

The UFIT will generally be activated or requested when use of force occurred that is unnecessary or when an employee applied force that results in serious physical injury or death in order to:

- a) Complete and submit reports, investigative inquiries, or any other duty as assigned by a higher-ranking employee.
- b) Act as a trusted advisor to higher-ranking employees.
- c) UFIT members involved in the incident scheduled for review may not participate in the UFIT evaluation process.
- d) UFIT members conducting the initial use of force evaluation in the incident scheduled for review may not participate in the UFIT evaluation process.

X. Use of Force/Subject Control Special Considerations

The Washtenaw County Sheriff's Office recognizes the significance of its interaction with youth and other populations requiring special considerations. While youth and those requiring special considerations are afforded the same constitutional protections as any member of the public, the Washtenaw County Sheriff's Office recognizes and appreciates the need for additional protective measures and considerations during its interactions with these populations.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

The requirement for Sheriff's Office staff to fully utilize and embrace the concepts, systems and principles outlined in this policy is especially critical during encounters with youth or those requiring special considerations. Minimal reliance on force as a means to resolve situations increases legitimacy in the eyes of the communities we serve and ultimately assists us to realize the Mission of the Sheriff's Office.

These concepts, systems and principles include, but are not limited to:

- A. Establishing communication
- B. Proportionality
- C. Using the most effective control tactic and/or minimal amount of force required to achieve a lawful objective
- D. Definitions
 - 1. Youth

For the purposes of this policy, a youth is a person under the age of 18; youth is differentiated by age group. Approved control and force options vary by age group, except for situations where the youth's actions will likely result in serious bodily injury to, or death of, the officer or another person. Youth age groups are identified as:

 - a) 10 years and younger
 - b) 11 years to 14 years
 - c) 15 years to 17 years
 - 2. Populations requiring special considerations

Includes, but is not limited to youth, those feeble from age, people with physical disabilities, and people with intellectual disabilities.
 - 3. Disability

A physical or intellectual impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such a disability.

 - a) Physical disability

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the neurological, musculoskeletal, or special sense organs body systems.

b) Intellectual disability

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

E. Use of Force Considerations – Age Dependent (Youth and the Feeble from Age)

Understanding that distinguishing a person's age may be difficult in situations that are tense and rapidly developing, employees have to use their best judgment during their interactions. Approved control and force options vary by age group, except for situations where the person's actions will likely result in serious bodily injury to, or death of, the officer or another person.

While it is acknowledged each age segment is capable of resisting, utmost discretion should be used when determining a subject's ability to actually be a danger.

Considering the totality of circumstances, and all the facts known to or perceived by the officers during the incident, age is a critical consideration for the application of proportionate control or force technique.

1. 10 years and younger

a) Employees shall use de-escalation techniques, such as time and space, prior to the application of muscling techniques to achieve a lawful objective. Employees may use muscling techniques if verbal direction fails to achieve a lawful objective.

b) Employees shall not use pressure points, joint manipulation, strikes or takedowns on youth appearing to be 10 years old or younger, except for situations where the youth's actions

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

will likely result in serious bodily injury to themselves, the officer, or another person.

- c) Employees shall not use or display restraints (handcuffs, leg irons, etc.), ASR, TASER, baton or firearms, except for situations where the youth's actions will likely result in serious bodily injury to, or death of, the officer or another person.

- (1) Use of restraints on the youth may be appropriate in situations where their actions are likely to result in self-injury or death.

2. 11 years old to 14 years old

- a) Employees may utilize options consisting of compliance controls, e.g., muscling techniques or joint manipulation, if verbal direction fails to achieve a lawful objective. Understanding the possibility of size and strength disparities (i.e., totality of circumstances) in teenage youth, joint manipulation or pressure points may be appropriate in order to achieve a lawful objective.
- b) Employees shall use time and space to their advantage whenever doing so does not increase risk to the officer or another person prior to the application of any force technique.
- c) Employees shall not use or display a TASER, baton or firearm, except for situations where the youth's actions will likely result in serious bodily injury to, or death of, the officer or another person.

3. 15 years old to 17 years old

- a) Employees may utilize options consisting of compliance controls or physical controls if verbal direction fails to achieve a lawful objective, based on the totality of circumstances.
- b) Understanding the possibility of size and strength disparities in teenage youth, joint manipulation, pressure points or the application of ASR or TASER may be appropriate in order to achieve a lawful objective.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- c) Employees shall use time and space to their advantage whenever doing so does not increase risk to the officer or another person prior to the application of any force technique.
- d) Employees shall not use or display a firearm, except for situations where the youth's actions will likely result in serious bodily injury to, or death of, the officer or another person.

4. Feeble from Age

- a) Employees may utilize options consisting of compliance controls or physical controls if verbal direction fails to achieve a lawful objective, based on the totality of circumstances.
- b) Understanding the possibility of size and strength disparities and the varying ability to carry out threats (totality of circumstance), joint manipulation, pressure points or the application of ASR or TASER may be appropriate in order to achieve a lawful objective.
- c) Employees shall use time and space to their advantage whenever doing so does not increase risk to the officer or another person prior to the application of any force technique.

F. Use of Force Considerations – Intellectual Disability

Individuals with intellectual disabilities are more likely to come into contact with law enforcement officers than members of the general population. While the reasons for this are complex, communication difficulties, i.e., ability to comprehend an employee's directions, may be a contributing factor. Moreover, some individuals may be eligible for protection under the Americans with Disabilities Act. An employee encountering a dynamic and violent situation may be required to use approved subject control tactics to achieve a lawful objective.

Important subject control and use of force considerations concerning people with intellectual disabilities includes, but is not limited to, reason for law enforcement contact, ability to comprehend and obey an employee's

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

direction, a person's ability to carry out a threat, likelihood to comply with parent or guardian interaction or control, cooperation of involved parties, and prior established history.

1. Employees shall consider the following known factors throughout the entire interaction:
 - a) Nature of complaint or reason for contact
 - (1) Is there a crime?
 - (a) If so, what type of crime has been committed?
 - (2) What is the likelihood the subject(s) is armed?
 - b) Subject's perceived level of intelligence, mental capacity, and ability to comprehend and obey directions
 - (1) The capacity for a subject to comprehend an officer's direction based on intellectual disability shall be considered.
 - (2) Considering the totality of circumstances, an employee is expected to adjust their approach or tactic to gain voluntary compliance prior to the application of force.
 - (3) Understanding people with intellectual disabilities are capable of resisting, utmost discretion should be used when determining a subject's ability to actually be a danger.
 - c) Intellectual disability and ability to act on threats
 - (1) The ability for a subject to carry out a threat shall be evaluated by the officer based on the perceived intellectual disability of the subject.
 - (2) Officers shall use the minimum amount of force required to achieve a lawful objective.
 - d) Prior established history
 - (1) An officer shall consider prior encounters with a subject, if known.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

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- (2) Without increasing risk to the officer or another person, successful tactics used during previous encounters shall be considered.
 - e) Likelihood to comply with parent or guardian interaction or control
 - (1) When safe to do so when evaluating the totality of circumstances, the success of involving a parent or guardian shall be considered prior to the application of force.
 - (2) Whenever possible, and when safe to do so when evaluating the totality of circumstances, officers shall consider involving other employees who may have a rapport with the subject(s).
 - f) Cooperation of involved parties
 - (1) When considering all the facts and circumstances, the officer should gauge the subject's level of cooperation during an encounter.
 - (2) Whenever possible without increasing risk to the officer or another person, time and space should be used by the officer(s) to gain voluntary compliance prior to the application of force.
 - G. Use of Force Considerations – Physical Disabilities

Some people with physical disabilities may be eligible for protection under the Americans with Disabilities Act. An employee encountering a dynamic and violent situation may be required to use approved subject control tactics to achieve a lawful objective.

Important subject control and use of force considerations concerning people with physical disabilities includes, but is not limited to, reason for law enforcement contact, ability to comprehend and obey an employee's direction, a person's ability to carry out a threat, likelihood to comply with parent or guardian interaction or control, cooperation of involved parties, and prior established history.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

1. Employees shall consider the following known factors throughout the entire interaction:
 - a) Nature of complaint or reason for contact.
 - (1) Is there a crime?
 - (a) If so, what type of crime has been committed?
 - (2) What is the likelihood the subject(s) is armed?
 - b) Subject's perceived level of physical ability to comprehend and obey directions
 - (1) The capacity for a subject to comprehend an officer's direction shall be considered. This includes segments of the population who cannot understand an officer's direction based on physiological condition, E.g., subjects who are hard of hearing or deaf.
 - (2) Considering the totality of circumstances, an officer is expected to adjust their approach or tactic to gain voluntary compliance prior to the application of force.
 - (3) Understanding people with physical disabilities are capable of resisting, utmost discretion should be used when determining a subject's ability to actually be a danger.
 - c) Physical condition and ability to act on threats
 - (1) The ability for a subject to carry out a threat shall be evaluated by the officer based on the perceived physical condition of the subject.
 - (2) Officers shall use the minimum amount of force required to achieve a lawful objective.
 - d) Prior established history
 - (1) An officer shall consider prior encounters with a subject, if known.
 - (2) Without increasing risk to the officer or another person, successful tactics used during previous encounters shall be considered.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

- e) Likelihood to comply with parent or guardian interaction or control
 - (1) When safe to do so when evaluating the totality of circumstances, the success of involving a parent or guardian shall be considered prior to the application of force.
 - (2) Whenever possible, and when safe to do so when evaluating the totality of circumstances, officers shall consider involving other employees who may have a rapport with the subject(s).
- f) Cooperation of involved parties
 - (1) When considering all the facts and circumstances, the officer should gauge the subject's level of cooperation during an encounter.
 - (2) Whenever possible without increasing risk to the officer or another person, time and space should be used by the officer(s) to gain voluntary compliance prior to the application of force.

XI. RESPONSIBILITY AND QUALITY ASSURANCE SUMMARY BY POSITION AND RANK

The below list of duties by position and rank is a summary. It should not be interpreted as all inclusive. Employees in the various positions may be directed to perform or be responsible for duties and tasks other than those outlined; or, the outlined duties and tasks may be modified by the Division Commander or higher.

A. Employee

For the purposes of this section, 'employee' refers to an employee of the Sheriff's Office using force or control.

1. Exercise authority to use control and force judiciously and with respect for equitable treatment, human rights, dignity, and life.
2. Attempt to establish rapport, use the proper voice intonation, ask questions, and provide advice to defuse conflict and achieve voluntary compliance before resorting to force- related subject control options.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

3. Employ de-escalation techniques and provide repeated verbal warnings in order to decrease the likelihood of the need to use force and to increase the likelihood of voluntary compliance in situations where they can do so safely, without increasing risk to themselves or another person.
4. Balance the severity of the offense committed and the level of resistance encountered based on the totality of the circumstances known to, or perceived by, the employee at the time.
5. Carry use of force tools and equipment that are issued and authorized by the Sheriff's Office.
6. Use approved force options in which they have been trained, unless actively engaged in a situation where s/he has no other option or is otherwise placed in a situation where enforcement action is unavoidable to protect themselves or another person.
7. Facilitate medical evaluation for subjects that have been exposed to ASR, Physical Control(s), TASER deployments, impact device strikes, police service dog apprehensions, all other forms of Intermediate Control, and Deadly Force. Medical evaluation is also mandatory for subjects who complain of injury, when an employee observes an injury, or where a reasonable officer believes that an injury may have a delayed introduction, such as a subject falling and hitting a vital area.
8. Consider requesting employees specially trained in crisis intervention to respond to calls for service, wherever possible, involving individuals in mental or behavioral health crisis.
9. Intervene when the employee knows or has reason to know, that another law enforcement officer or employee is about to use, or is using, unnecessary force. Further, employees have the duty to provide aid to the victim.
10. Employees shall carry out their duties, including the use of force, in a manner that is fair and unbiased.
11. Strive to use the minimum amount of force necessary in the available range of objectively reasonable options.
12. Continually evaluate whether the force option(s) employed may be discontinued while still achieving the arrest or lawful objectives.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

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13. Use deadly force only as a last resort when reasonable alternatives have been exhausted or are not possible to protect the safety of the employee(s) or the public.
 14. Document, in detail and in accordance to the parameters set forth by this General Order, any reportable use of force.
 15. Seek clarity for any information, technique, or tactic unclear to the employee.
- B. Training Officer**
1. For the purposes of this section, 'training officer' refers to any employee assigned to train another employee, or groups of employees, in the use and application of force and control.
 2. Deliver training in a manner that best reflects the Mission of the Sheriff's Office and the spirit of this General Order.
 3. Ensure that employees attending training understand information, techniques, or tactics being instructed.
 4. Submit accurate training records to appropriate point of contact.
 5. Seek clarity for any information, technique, or tactic unclear to the trainer.
 6. Provide clarity for any information, technique, or tactic unclear to the employee(s) attending training.
- C. Use of Force Investigative Team (UFIT)**
1. Respond as requested by higher-ranking employee, generally for use of force that is unnecessary or when an employee applied force that results in serious physical injury or death.
 2. Complete and submit reports, investigative inquiries, or any other duty as assigned by a higher-ranking employee.
 3. Seek clarity for any information, technique, or tactic unclear to the UFIT member.
 4. Provide clarity for any information, technique, or tactic unclear to employees.
 5. Act as a trusted advisor to higher-ranking employees.
- D. Supervisor**

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

For the purposes of this section, 'supervisor' refers to employees charged with managing, supervising, and regulating subordinate employees.

1. Ensure employees exercise authority to use control and force judiciously and with respect for equitable treatment, human rights, dignity, and life.
2. Ensure employees attempt to establish rapport, use the proper voice intonation, ask questions, and provide advice to defuse conflict and achieve voluntary compliance before resorting to force-related subject control options.
3. Ensure employees use de-escalation techniques and provide repeated verbal warnings in order to decrease the likelihood of the need to use force and to increase the likelihood of voluntary compliance in situations where they can do so safely, without increasing risk to themselves or another person.
4. Ensure employees balance the severity of the offense committed and the level of resistance encountered based on the totality of the circumstances known to, or perceived by, the employee at the time.
5. Ensure employees carry use of force tools and equipment that are issued and authorized by the Sheriff's Office.
6. Ensure employees use approved force options in which they have been trained, unless actively engaged in a situation where s/he has no other option or is otherwise placed in a situation where enforcement action is unavoidable to protect themselves or another person.
7. Ensure employees facilitate medical evaluation for subjects that have been exposed to ASR, Physical Control(s), TASER deployments, impact device strikes, police service dog apprehensions, all other forms of Intermediate Control, and Deadly Force. Medical evaluation is also mandatory for subjects who complain of injury, when an employee observes an injury, or where a reasonable officer believes that an injury may have a delayed introduction, such as a subject falling and hitting a vital area.
8. Ensure employees consider requesting officers specially trained in crisis intervention to respond to calls for service, wherever possible, involving individuals in mental or behavioral health crisis.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

9. Intervene, and ensure employees intervene, when the supervisor knows or has reason to know, that another employee or law enforcement officer is about to use, or is using, unnecessary force. Further, supervisors have the duty to immediately request or affirm that appropriate medical resources will be, or have been, provided.
10. Carry out, and ensure that employees carry out, their duties, including the use of force, in a manner that is fair and unbiased.
11. Strive to, and ensure employees strive to, use the minimum amount of force necessary in the available range of objectively reasonable options.
12. Continually evaluate, and ensure employees continually evaluate, whether the force option(s) employed may be discontinued while still achieving the arrest or lawful objectives.
13. Use deadly force, and ensure employees use deadly force, only as a last resort when reasonable alternatives have been exhausted or are not possible to protect the safety of the employee(s) or the public.
14. Document, and ensure employees document, in detail and in accordance to the parameters set forth by this General Order, any reportable use of force.
15. Determine if the use of force is reasonable and within the parameters set forth by this General Order.
16. Ensure that all reports meet threshold for approval and are free of contextual and grammatical errors.
17. Complete supervisor Subject Control/Use of Force form review in evidence.com.
18. Notify commanding officer if an employee's use of force is unnecessary or that an employee has applied force that results in serious physical injury or death.
19. Complete any supplemental report(s) as directed by commanding officer.
20. Seek clarity for any information, technique, or tactic unclear to the supervisor.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

21. Provide clarity for any information, technique, or tactic unclear to the employee.
22. Request Use of Force Investigative Team (UFIT) for use of force that is unnecessary or when an employee applied force that results in serious physical injury or death.

E. Administration

For the purposes of this section, 'administration' refers to employees charged with managing, supervising, and regulating subordinate employees, reviewing use of force and subject control, completing investigative inquiries, or any other duty as assigned by a higher ranking employee.

1. Review Subject Control/Use of Force forms in evidence.com, resubmitting it to the completing supervisor to correct contextual or grammatical errors as applicable.
2. Submit approved Subject Control/Use of force report to division Captain in evidence.com.
3. Respond to the scene and assume command, as practical, when notified of unnecessary force or force that results in serious bodily injury or death.
4. Ensure all other any requisite notifications are made to higher ranking employees when notified of unnecessary force or force that results in serious bodily injury or death.
5. Complete any investigative reports or investigations as directed by higher-ranking employee(s).
6. Maintain documentation on all reportable use of force by all employees.
7. Review subject control and use of force trends in order to perform reviews to determine the number, types, proper application, and effectiveness of uses of force.
8. Approve Use of Force Investigative Team (UFIT) call-out for use of force that is unnecessary or when an employee applied force that results in serious physical injury or death.
9. Ensure employees are trained in the use and application of force.

Washtenaw County Sheriff's Office

General Order

Subject Control/Use of Force

Reference Number: 3.04 GO



Jerry L. Clayton, Sheriff

10. Ensure compliance with the parameters of this General Order.

XII. MODIFICATION

- A. The Sheriff or Undersheriff may modify the provisions of this General Order.

XIII. COMPLIANCE

- A. All employees shall comply with all provisions of this General Order. A violation of any section is a Class 1 offense and may result in corrective discipline.
- B. A violation of this policy and procedure may also be a violation of other Sheriff's Office Professional Conduct Standards, which may result in corrective disciplinary action up to and including discharge.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit C

(In-car video, 2:00 a.m., Dollar General parking lot, Ecorse Road)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit D

(In-car video, about 2:01 a.m., second white van passes the pursuit)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit E

**(In-car video [Cuso], 2:02–2:04 a.m., Ypsilanti Police units directed to fall
back)**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit F

**(In-car video, K-9 patrol vehicle [Defendant Gombos], the ramming, 2:05:21
a.m.)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit G

(Body-worn camera video, Defendant Cuso stabbing the van's tire, 2:05 a.m.)

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



In June 2020, in response to the murder of George Floyd, Campaign Zero launched 8 Can't Wait. This initiative created a database to track how eight specific policies aimed at reducing police violence are implemented in major cities. This memorandum will detail how the Sheriff's Office's existing Use of Force / Subject Control policy aligns with these eight critical policies outlined by Campaign Zero.

The eight policies are:

1. Ban chokeholds and strangleholds.
2. Require de-escalation.
3. Require a warning before shooting.
4. Require that all alternatives be exhausted before shooting.
5. Require officers to intervene when excessive force is being used.
6. Ban shooting at moving vehicles.
7. Establish a Force Continuum.
8. Require comprehensive reporting.

1. Threshold One – Ban strangleholds and chokeholds

Allowing officers to choke or strangle civilians, in many cases where less lethal force could be used instead, results in the unnecessary death or serious injury of civilians.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Deadly Force

Any use of force likely to cause death or serious physical injury, including the use of a firearm, neck hold, or strike to the head, neck, clavicle, or throat with a hard object.

Special Note:

A neck hold, including carotid restraints and lateral vascular neck constraints, or any pressure applied to the neck to restrict blood or oxygen flow to the brain, is classified as lethal force (excluding incidental contact). Its use is strictly prohibited unless deadly force is necessary to achieve a lawful and legitimate objective.

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



Commentary:

The Washtenaw County Sheriff's Office acknowledges the serious implications of neck restraints. Therefore, using such a tactic to restrict blood or oxygen flow to the brain is classified as lethal force, permissible only in the direst circumstances. It is not considered a typical compliance technique. Sheriff's Office employees are authorized to use deadly force, including neck restraints, only as a last resort when reasonable alternatives have been exhausted or are impossible, and only to protect the safety of employees or the public.

2. Threshold Two – Require De-escalation

Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.

From the Washtenaw County Sheriff's Office Subject Control Policy:

DE-ESCALATION

Sheriff's Office employees must continuously employ de-escalation techniques and provide repeated verbal warnings to minimize the need for force and encourage voluntary compliance, provided it can be done safely without increasing risk. Additionally, they are expected to understand and consider the potential reasons behind a subject's noncompliance.

A subject may not be capable of understanding the situation because of:

1. *Environmental factors*
2. *Medical condition(s) i.e., mental, physical, or hearing impairment*
3. *Language barrier*
4. *Drug interaction*
5. *Emotional crisis*
6. *Those who have no criminal intent*

Understanding a subject's condition, even if it doesn't diminish their dangerousness, can enable employees to use de-escalation techniques to calm them while maintaining safety; such delays in taking a subject into custody, when public and employee safety are maintained, are considered a fulfillment of agency service priorities rather than neglect of duty.

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



Employees shall strive to gain voluntary compliance and use the minimum amount of force necessary to accomplish their lawful purpose.

Special Note:

Employees must continue de-escalation throughout a use-of-force incident, immediately reducing force as resistance decreases, provided safety and control are maintained.

Special Note:

Employees shall continue to use de-escalation techniques after initiating, or being witness to, a use of force incident. The level of force shall be de-escalated immediately as the level of resistance encountered decreases, provided that the employee remains in control and as safety permits.

When encountering a non-compliant or non-firearm-armed subject, employees must use de-escalation tactics to minimize the need for, or degree of, force.

Accordingly:

- 1. Gather as much information possible about the incident.*
- 2. Attempt to isolate and contain the subject.*
- 3. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force.*
- 4. Request additional resources, such as Crisis Intervention Team (CIT) trained employees, or Crisis/Hostage Negotiation Team members, and identifying employees who may have a rapport with the subject.*
- 5. Designate an officer to establish rapport and engage in communication with the subject.*
- 6. Tactically re-position as often as necessary to maintain the reactionary gap, protect the public, and preserve officer safety.*
- 7. Continue de-escalation techniques, such as advisements, warnings, verbal persuasion, other alternatives, and take as much time as reasonably necessary to resolve the incident, without having to use force if possible.*
- 8. Employees will assess each incident to determine, based on policy, training, and experience, which option is best to achieve a legal outcome and bring the situation under control in a safe and prudent manner.*

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



9. *In general, once control of a combative subject is gained and there is no longer an objectively reasonable threat, further use of force is prohibited. A degree of force which may have been justified earlier in an encounter does not remain justified indefinitely. Force shall be de-escalated proportionately and immediately as resistance decreases.*
10. *Other options, not listed above, may be available to assist in de-escalating the situation.*

Special Note:

Supervisors must monitor radio communications and assess the need to respond when aware of employees using de-escalation techniques. All attempted de-escalation efforts, along with their success or failure, should be documented in the employee's report. De-escalation techniques may not be feasible in situations where their use would elevate the risk to the employee or the public.

ESTABLISH COMMUNICATION

To effectively manage non-compliant subjects, Sheriff's Office employees should prioritize rapport-building communication, proper voice intonation, questioning, and advice to de-escalate conflict and gain voluntary compliance before using force.

3. Threshold three – Require Warning Before Shooting

Require officers to give a verbal warning, when possible, before shooting at a civilian.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Sheriff's Office employees are authorized to use deadly force only as a last resort to protect themselves or the public, and only after exhausting all reasonable alternatives or when such alternatives are not feasible. Before discharging a firearm or employing other deadly force options, employees must consider other objectively reasonable force options, provided it doesn't elevate risk to anyone.

Discharge of a firearm and other uses of deadly force:

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



An employee may discharge a firearm or use other deadly force techniques in any of the following circumstances:

1. *In self-defense when the employee has reasonable cause to believe that they are in immediate danger of death or serious bodily injury.*
2. *An employee may use deadly force to defend another person only when there's reasonable cause to believe that person faces immediate danger of death or serious bodily injury. However, deadly force cannot be used against an individual who only poses a danger to themselves, without also presenting an immediate threat to the officer or others.*
3. *To kill an animal posing an immediate threat.*
4. *To apprehend a person when both of the following circumstances exist:*
 - a. *The employee has probable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force,*
 - AND*
 - b. *The employee has probable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to the employee or others if the person's apprehension is delayed.*

Special Note:

The circumstances for deadly force or firearm discharge apply to each instance. Employees must reassess the situation when safe to determine if an active threat persists.

Before using deadly force or discharging a firearm, employees must issue a verbal warning to submit to Sheriff's Office authority, provided it doesn't increase danger to themselves or others.

4. Threshold 4 – Exhaust All Other Means Before Shooting

Require officers to exhaust all other reasonable means before resorting to deadly force.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



Sheriff's Office employees shall only use deadly force only as a last resort when reasonable alternatives have been exhausted or are not possible to protect the safety of the employee(s) or the public.

Sheriff's Office employees are authorized to use deadly force only as a last resort to protect themselves or the public, and only after exhausting all reasonable alternatives or when such alternatives are not feasible. Before discharging a firearm or employing other deadly force options, employees must consider other objectively reasonable force options, provided it doesn't elevate risk to anyone.

5. Threshold 5 – Duty To Intervene

Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Duty to intervene and provide aid:

Sheriff's Office employees are obligated to intervene if they know or have reason to believe another law enforcement officer is about to use, or is using, excessive or unauthorized force. This duty applies regardless of rank or agency affiliation.

Employees must report any unnecessary force and their intervention efforts to a supervisor as soon as practical. If the witnessing employee is a supervisor, they must issue a direct order to stop the violation. Additionally, employees have a duty to provide aid to the victim of such force.

6. Threshold 6 – Ban shooting at moving vehicles

Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Employees are prohibited from firing at a moving vehicle's or similar conveyance's operator or occupant unless that individual poses an immediate threat of death or serious bodily injury to the employee or another person.

Employees are prohibited from firing a weapon from a moving vehicle or similar conveyance unless the operator reasonably believes, based on the totality of

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



circumstances, that the subject poses an immediate threat to the employee or another person.

7. Threshold 7 – Require Use of Force Continuum

Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Deployment tactics employing a range of force measures, from officer presence to lethal force. This team-oriented approach allows employees to work together, fluidly escalating or de-escalating the force response as needed.

The lowest objectively reasonable force is that necessary to achieve a lawful objective or make an arrest without increasing risk to others.

Employees must balance the severity of the offense with the resistance encountered to determine the appropriate level of force, especially when facing subjects armed with non-firearm weapons, applying proportionality and critical decision-making based on the totality of the circumstances.

When force is necessary and objectively reasonable, employees must strive to use the minimum amount of force necessary in the available range of objectively reasonable options.

Employees must prioritize voluntary compliance and use the minimum force necessary to achieve their lawful objectives. They must continually evaluate whether the force can be discontinued while still meeting those objectives.

8. Threshold 8 – Require Comprehensive Reporting

Require officers to report each time they use force or threaten to use force against civilians.

From the Washtenaw County Sheriff's Office Subject Control Policy:

Reportable use of force:

Washtenaw County Sheriff's Office

Memorandum

8cantwait Subject Control Thresholds



Force is objectively assessed from the perspective of a reasonable officer at the time of the incident, considering the totality of the circumstances and without the benefit of hindsight.

Notification of use of force:

An employee shall notify his/her supervisor immediately or as soon as practical of any reportable use of force.

Use of force evaluation:

A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force.

Claims of excessive force:

Every allegation of excessive force shall be subject to the reporting and investigative requirements of this policy and applicable policies.

Special Note:

De-escalation attempts must be reported, noting the techniques used and their success in resolving the incident.

Commentary:

The Sheriff's Office voluntarily submits data on use of force incidents involving the use of firearms, use of force incidents resulting in great bodily injury, or use of force incidents leading to death to the FBI's National Use of Force Database.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

Subject:	Vehicle Pursuits
Chapter:	Use of Force, Firearms, Control
Status:	Revised
Compliance:	Class 1
Supersedes:	All Previous Directives
Standards Reference:	CALEA 41.2.2
Prepared by:	Mark Ptaszek, Undersheriff; Nancy Hansen, Captain
Reviewed by:	Keith Flores, Commander; Mark Ptaszek, Undersheriff
Issued by:	Mark Ptaszek, Undersheriff
Issuing Authority:	Jerry L. Clayton, Sheriff
Date of Issue:	12/22/20
Public Facing:	Yes

I. INTRODUCTION

The Sheriff's Office recognizes that there are numerous situations that arise in law enforcement that are unique, including those situations where Deputy Sheriffs' will encounter individuals who endanger public safety by their actions and/or refuse to comply with the law. Vehicular pursuits of fleeing suspects are such a situation.

By their nature, vehicular pursuits present a danger to the public, the suspect, and the law enforcement officers involved in a pursuit. Further, the tactics used to stop a fleeing vehicle may be considered a use of force. As such, deciding whether to pursue a motor vehicle and/or whether to continue the pursuit once it is initiated is among the more critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable circumstances.

The primary purpose of this policy is to secure a balance between the protection of life and property and a law enforcement officer's sworn duty to enforce the law and apprehend violators. To this end, it is a restrictive policy. It provides carefully defined constraints, active supervision, qualitative review, and prohibits pursuits for minor violations. Its intent is to guide a Deputy Sheriff's discretionary decision making, where such discretion is granted, in matters of vehicular pursuits.

Recognizing that it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances, with the apprehension of a fleeing suspect as with many other situations, time, distance and patience are sound tactics; and, whenever

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

possible, Deputy Sheriffs should take steps designed to de-escalate situations and avoid pursuits.

Engaging in a vehicle pursuit, where it is not prohibited in this or other Sheriff's Office policy and procedure, is a discretionary act. It is expected that every Deputy Sheriff will exercise thoughtful and deliberate judgment and discretion in carefully considering whether it is warranted to engage in a pursuit. As we value and protect life and property, we support a Deputy Sheriff's decision to avoid or disengage from a vehicular pursuit, given the totality of the circumstances faced, wherever possible.

While Deputy Sheriffs are trained in emergency vehicle operation (EVO), most alleged perpetrators do not have special training in the operation of motor vehicles.

II. PURPOSE

- A. To establish policy, procedures, and guidelines for the:
 - 1. Initiation and/or continuation of a pursuit.
 - 2. Way a pursuit is conducted.
 - 3. Termination of a pursuit.
 - 4. Documentation of a pursuit.
- B. To reduce risk and any associated harm from a pursuit.
- C. To maintain public trust and confidence in Sheriff's Office operations.
- D. To maintain the fundamental law enforcement mission to protect life and property as we enforce the law.

III. POLICY

It is the policy of the Sheriff's Office to:

- A. Protect life and property in the enforcement of the law and the performance of its myriad duties.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

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- B. Prohibit vehicle pursuits for minor traffic offenses and non-assaultive misdemeanors, where there is no other articulable reason to pursue.
 - C. Only engage in pursuits when the action is based upon articulable reasonable belief and/or probable cause, not just a mere hunch, assertion, or unsubstantiated opinion, considering 1) the degree of risk to which authorized employees (see definitions) expose themselves and others, and 2) weighing the need for immediate apprehension against the risk created by the pursuit.
 - D. Regulate the way vehicle pursuits are undertaken and performed including:
 - 1. Active Evaluation and Assessment: Engage in continuous evaluation and assessment of 1) the reason for a pursuit and 2) whether it is reasonable to believe that the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
 - a. Disengaging or discontinuing a pursuit is both permissible and encouraged as a part of 1) the initial assessment of whether to pursue and 2) the subsequent evaluation and assessment of whether to continue the pursuit.
 - 2. Force and Control: Use only that level of force necessary and authorized by the Sheriff's Office Subject Control/Use of Force policy when a vehicle pursuit is undertaken and when an associated apprehension is made.
 - a. Intentional vehicle-to-vehicle contact between the pursuing emergency vehicle(s) and the suspect vehicle is prohibited unless the action is in conformance with the agency's Subject Control/Use of Force policy.
 - 3. Use of Marked Vehicles: Allow only marked and fully equipped, authorized emergency police vehicles operated by fully uniformed Deputy Sheriff's to participate in a pursuit.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

-
4. Use of Emergency Equipment:
 - a. Always operate authorized emergency police vehicles in a safe and prudent manner, with due regard for public safety and in accordance with law.
 - b. Assure that all emergency equipment, in-car, and body-worn-camera video is fully activated and remains activated throughout the duration of the pursuit. In addition, in-car and body-worn-camera video shall remain activated during the apprehension of the suspect(s).
 5. Compliance with Law: Upon termination of a pursuit, authorized personnel shall reduce their speed to the posted speed or speed as authorized by statute, turn off all emergency equipment, and operate their assigned patrol unit in accordance with all traffic laws.
 6. Documentation: Assure that the fact-based reasonable belief and/or probable cause that justified the pursuit is clearly and objectively stated in the police report regarding the pursuit.
 7. Quality Assurance: Have pursuits that result in a fatality, serious personal injury, or serious property damage be investigated by another agency with jurisdiction not directly involved in the pursuit, if possible, at the time.

Commentary: This policy is a rule and regulation (See 1.01 GO). As such, it allows little or no deviation from its terms. It is, by intent and design, a “restrictive” policy. It combines 1) carefully defined constraints, 2) active supervision, 3) a qualitative review process, and 4) prohibits pursuits in certain circumstances.

It expects and requires Deputy Sheriffs to deliberately exercise the most fundamental of skills, i.e., their judgment, in determining whether a pursuit is warranted by balancing the importance and immediacy of apprehension against the potential risk to public safety.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

IV. SCOPE

- A. This policy and procedure:
 - 1. Applies to all authorized employees (see definitions) of the Sheriff's Office, in whatever positions or capacities they serve.
 - 2. Is a part of the Sheriff's Office overall policies concerning vehicle use and subject control/use of force; and in language, intent and application is closely allied to other documents that may govern such actions.
- B. The prohibitions in this policy apply to all employees of the Sheriff's Office, regardless of whether they are authorized to engage in a pursuit.

V. DEFINITIONS

- A. Authorized Employee: Employees of the Sheriff's Office who are licensed law enforcement officers in the State of Michigan.
- B. Channeling: The effort to direct vehicular traffic into a progressively narrow passageway or lane location on the roadway.
 - 1. Channeling is prohibited.
- C. Closing: The effort by an employee to catch-up to a violator of the law who is not fleeing from the employee. Closing is not a form of pursuit.
- D. Emergency Equipment: The following equipment in good working order:
 - 1. Police radio communication system.
 - 2. Audible alert system, i.e., siren.
 - 3. Any combination of rotating, flashing, or oscillating red or blue lights which can be seen in a 360-degree pattern around the emergency vehicle.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

-
- E. Emergency Vehicle: Any vessel, motorcycle, or four-wheel vehicle, equipped with emergency equipment, not being used to transport trailers, prisoners, witnesses, victims, or citizens regardless of whether the citizen has executed a Citizen Observer Waiver of Liability form.
 - F. Pacing: The positioning of an emergency vehicle at a stable, fixed distance behind a speeding vehicle to determine the speed of the violator. Pacing is not a form of pursuit.
 - G. Primary Pursuit Vehicle: A clearly marked, authorized emergency police vehicle which initiates or leads a pursuit. It is the emergency vehicle in the pursuit immediately following the fleeing vehicle.
 - H. Ramming: The intentional collision of the emergency vehicle with the fleeing vehicle(s) to disable, stop, or alter the course of the fleeing vehicle.
 - 1. See POLICY B., 3., a., i.e., *"Intentional vehicle-to-vehicle contact between the pursuing emergency vehicle(s) and the suspect vehicle is prohibited unless the action is in conformance with the agency's Subject Control/Use of Force policy."*
 - I. Roadblock: The placement of emergency vehicles or other vehicles or objects across any portion of the traveled roadway or projected path of a fleeing vehicle, with the exception of stop sticks deployed by trained personnel, in order to prevent or alter the passage of that vehicle.
 - 1. Roadblocks are prohibited.
 - J. Secondary Pursuit Vehicle: A clearly marked authorized emergency police vehicle which is assisting the primary pursuit vehicle in the pursuit and follows the primary pursuit vehicle at a safe distance.
 - K. Terminate or Termination: To abandon, end or abort the pursuit.
 - L. Termination Point: The specific location where the pursuit concludes.
 - M. Vehicular Pursuit: An active attempt by an authorized employee in full uniform operating a clearly marked, authorized emergency police vehicle with all emergency equipment activated to stop and/or apprehend one or

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

more occupants of a moving vessel or vehicle based upon reasonable suspicion and/or probable cause, providing the reasonable belief of the authorized employee that the driver of such vehicle is:

1. aware of the attempt, and is
2. resisting apprehension by maintaining or increasing their speed, and/or ignoring the authorized employee's attempt to stop them, or otherwise attempting to elude the authorized employee,

This definition establishes three (3) key elements:

1. The authorized employee is in full uniform in a marked authorized emergency police vehicle with all emergency equipment activated, including in car camera and body worn camera, and should therefore be recognizable as a law enforcement officer.
2. There is reasonable articulable belief that the operator of the vehicle being pursued is 1) aware that the law enforcement officer is attempting to stop them, and 2) resists the attempt.
 - i. By way of example but not limitation, resisting may include increasing or maintaining speed, operating in an evasive manner, ignoring attempts and signals to stop, etc.
3. The authorized employee has established 1) a reason for the pursuit based upon reasonable suspicion and/or probable cause, and 2) reasonable belief that the operator of the other vehicle is actively attempting to resist being stopped and/or apprehended.

Commentary: Though risk is ordinarily perceived as increasing in proportion to speed, even low or moderate speeds can create substantial risk in a congested area.

VI. DECIDING WHETHER TO PURSUE

- E. As a licensed law enforcement officer in the State of Michigan, a Deputy Sheriff, i.e., an "authorized employee" (see definitions), has the authority to attempt the stop of any person they have:

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

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1. Reasonable suspicion to believe the person has committed a criminal offense or traffic violation in accordance with Michigan statute or local ordinance.
 - a. Based upon the totality of circumstances, they have:
 - i. enough specific and articulable objective facts,
 - ii. taken together with rational inferences from those facts,
 - iii. that are associated with the specific person they are stopping.
 2. Probable cause to arrest for a criminal or traffic offense in accordance with Michigan statute, case law or local ordinance.
- F. Taken together, reasonable suspicions confirmed upon investigation may provide probable cause for a more in-depth investigation, such as a vehicle search and/or the arrest of a vehicle's occupants, depending upon the nature of the suspected violations.
- G. While it is the law enforcement officer who initiates the stop, it is the violator who initiates the pursuit. A Deputy Sheriff's decision to pursue should always be:
1. Based upon reasonable suspicion or probable cause.
 2. Undertaken with an awareness of the degree of risk to which they expose themselves and others. They must weigh the need for immediate apprehension against the risk created by the pursuit.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

VII. PROCEDURE

- A. Pursuit Considerations: In the event that a Deputy Sheriff is satisfied that a pursuit is warranted, they must still consider the following factors.
 - 1. The inherent dangerous nature of vehicle pursuits requires that authorized employees continuously analyze the risk/benefit of whether to initiate, continue, or terminate a pursuit.
 - 2. The following factors are to be considered by the employee and on-duty supervisor in determining if a pursuit should be 1) initiated, 2) continued or 3) terminated:
 - a. Reason and seriousness of the alleged offense, including whether it is known, not merely suspected, that the individual being pursued committed the offense. (See VI. Deciding Whether to Pursue.)
 - i. Pursuits for minor offenses are prohibited.
 - b. Known information about the suspect.
 - c. Presence, flow, and volume of vehicular or pedestrian traffic.
 - d. Location of the pursuit including but not limited to population density. E.g., is the pursuit taking place in or may likely move into a residential area, business area, school area, highway, freeway, etc.
 - e. Time of day or night; lighting and visibility.
 - f. Weather and environmental conditions including makeup of roadway surface and conditions.
 - g. Speeds involved.
 - h. Emergency vehicle and driver capability.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

-
- i. The apparent capability of the fleeing driver and fleeing vehicle.
 - j. The possible presence of innocent third parties in the fleeing vehicle.
 - k. The familiarity the authorized employee has with the geographical area in which the pursuit is occurring.
 - l. Whether the Sheriff's Office initiated the pursuit or is assisting another agency.
 - m. The likelihood of success of apprehension, considering all the above factors.
 - n. The potential for later apprehension, should the pursuit be terminated.
 - o. Any other conditions or situations that would create an unreasonable risk.
- B. Procedures – Primary Pursuit Vehicle
- 1. Safety: During a pursuit, all occupants of all emergency vehicles shall wear the safety belts and shoulder harnesses provided in the vehicle; and all emergency equipment shall be employed.
 - 2. Emergency Equipment: Upon 1) determining that a vehicle an authorized employee is attempting to stop is fleeing, and 2) the authorized employee makes the decision to pursue the fleeing vehicle, the employee shall, as soon as conditions allow:
 - a. Activate and/or affirm that all the emergency vehicle's emergency equipment is activated.
 - b. Assure that the emergency vehicle's emergency equipment remains activated until the termination of the pursuit. In addition, in-car video (ICV) and body worn camera (BWC)

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

are to remain activated until the apprehension of the suspect(s).

Special Note: Failure of any portion of an emergency vehicle's emergency equipment to operate at any point during a pursuit situation shall terminate the primary (or secondary) pursuit vehicle's involvement in the pursuit.

3. Documentation: The pursuing employee shall, as soon as possible, activate their body-worn camera (BWC) which shall operate in addition to and in conjunction with the in-car video (ICV).
4. Notification: The pursuing employee shall, as soon as practicable, notify Metro Dispatch of the pursuit on their primary radio channel, which will be utilized during the pursuit unless changed by Metro Dispatch; and provide Metro Dispatch with:
 - a. Unit identification.
 - b. Offense/reason/probable cause for which the suspect vehicle is being pursued.
 - c. Location of the initiation of the pursuit.
 - d. Direction of travel.
 - e. Description of the suspect vehicle, including but not limited to the license plate number, if possible.
 - f. Description and number of the suspect vehicle's occupants, including but not limited to whether the pursuing Deputy believes that the suspect is known to them, is a juvenile, etc.
 - g. Speeds traveled.
 - h. Weather and road conditions including but not limited to items such as construction area, poor repair, extreme curves.
 - i. Population density and volume of pedestrian traffic.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

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- j. Location of the termination of the pursuit.
 - 4. Continuous Communication Updates: The pursuing employee shall continuously update Metro Dispatch of the direction of travel, speeds traveled, road conditions (if they've changed), and any other relevant factors or conditions regarding the pursuit, as well as any evasive actions being taken by the fleeing vehicle, by way of example but not limited to running red lights, stop signs, traveling in the wrong lane of travel, or other egregious violations, etc.
 - 5. The employee shall always:
 - a. Operate the emergency vehicle in compliance with the law and with the policy requirements set forth within this rule and regulation. (See X. Legal Reference.)
 - b. Maintain a safe, reasonable distance and position in the roadway behind the fleeing vehicle.
 - 6. The employee shall not:
 - a. Ram or utilize roadblock or channeling techniques on the fleeing vehicle unless the use of deadly force is justified in compliance with the Sheriff's Office Use of Force policy.
 - b. Discharge a firearm into the fleeing vehicle unless the use of deadly force is justified in compliance with the Sheriff's Office Use of Force policy.

Commentary: Based upon the known information at the time, the on-duty command officer may, in their sole discretion, decide whether the pursuit should be terminated or allowed to continue. (See VI. Procedures, H. Responsibilities – On-Duty Command.)

B. Procedures – Primary Pursuit Vehicle: Termination of Pursuit

- 1. The employee shall terminate the pursuit any time, when:

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: **3.05 RR**



Jerry L. Clayton, Sheriff

-
- a. Risk: The risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
 - i. By way of example but not limitation, risk could include environmental conditions, weather conditions, or other variable factors including those listed within this rule and regulation.
 - b. Vehicle/Equipment Failure: Any of the emergency equipment on the emergency vehicle should fail to operate properly, or the emergency vehicle suffers damage or a mechanical defect which causes its continued operation to be unsafe.
 - c. Supervisory Order: Employee(s) are ordered to terminate the pursuit by a supervisor.
 - d. Identity of Offender: The offender's identity is known, and the offense is not life threatening.
 - e. Age of Offender: Information is available that the driver of the fleeing vehicle is a juvenile and the underlying offense constitutes a misdemeanor or non-serious felony.
 - f. Traffic, Injury or Other Emergency: A traffic crash or other emergency or injury is observed during the pursuit and there is no other unit reasonably available to render aid to any injured individuals.
 - i. If circumstances allow, the primary pursuing vehicle may delegate this responsibility to render assistance to a secondary pursuing unit or other unit.
 - g. Jurisdiction: The pursuit was initiated and being conducted by another agency and leaves the boundaries of Washtenaw County.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: **3.05 RR**



Jerry L. Clayton, Sheriff

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2. Upon termination of a pursuit, the employee shall notify Metro Dispatch of the following:
 - a. Location of termination of the pursuit.
 - b. Number of subjects in custody, if any.
 - c. Last seen direction of travel of the fleeing vehicle or other subjects.
 - d. Whether additional units are required to assist in the apprehension of offender(s).
 3. Re-Initiation of Pursuit: Should a Deputy Sheriff terminate a pursuit and then, for whatever reason, re-initiate the pursuit of the same vehicle and suspect(s), they are to immediately abide by and comply with all applicable provisions of Sheriff's Office policy and procedure, including immediate notification of Metro Dispatch that they have re-initiated the pursuit.
- C. Procedures – Post Pursuit Investigation
1. Upon termination of the pursuit and as a part of the overall incident report, the employee shall collect and/or catalogue any pursuit related evidence, including but not limited to impounding the fleeing vehicle, if deemed appropriate, given 1) the nature of the actions which led to the pursuit, and 2) the totality of circumstances encountered.
- D. Procedures – Secondary Pursuit Vehicle
1. The number of secondary pursuit vehicles shall not exceed two (2).
 2. Only one (1) secondary pursuit vehicle shall be utilized in the following situations:
 - a. The pursuit is initiated by another agency and that agency, or agencies, is still involved in the pursuit.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

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- b. There is only one (1) occupant of the fleeing vehicle.
 - 3. The secondary pursuit vehicle shall:
 - a. Notify Metro Dispatch, on an alternate dispatch channel if possible, when it can assist in the pursuit.
 - b. Upon joining the pursuit, shall inform Metro Dispatch on the primary dispatch channel.
 - c. Assume the responsibility for consistently updating Metro Dispatch of the pursuit's direction of travel, speed, evasive driving, and other information, when needed.
 - d. At all times maintain a safe and reasonable distance and position in the roadway behind the primary pursuit vehicle.
 - e. At all times during the pursuit, operate their emergency vehicle in compliance with the law and with the policy requirements set forth within this rule and regulation.
 - f. Terminate its involvement with the pursuit as required within this rule and regulation.
 - 4. The secondary pursuit vehicle shall not:
 - a. Pass the primary pursuit vehicle unless requested to do so by the primary vehicle, provided it can be done so in a safe manner.
 - b. Attempt to pass the fleeing vehicle at any time during the pursuit, unless so authorized by the on-duty command officer.
 - D. Procedures – Other Sheriff's Office Units
 - 1. No other agency vehicles or personnel, other than the primary and secondary pursuit vehicles, shall become directly involved in the pursuit unless so authorized by the on-duty command officer.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

2. Upon termination of the pursuit, other agency personnel may respond to the area in which the pursuit ended in order to assist in the apprehension of the fleeing subject(s), unless notified by the primary pursuit vehicle to the contrary.
3. At all times during the pursuit, or when responding to assist pursuing vehicles with the apprehension of fleeing offenders, Sheriff's Office personnel shall operate their emergency vehicles in compliance with the law and with the policy requirements set forth within this rule and regulation and other Sheriff's Office policy and procedure and professional standards. (See X. Legal Reference.)

Commentary: Care should be taken by on-duty (or off-duty) units in the area of a pursuit to exercise prudent discretion prior to converging upon the location where the pursuit terminated. First, other emergencies and situations may occur in other locations that require a timely and effective law enforcement response. Second, with sufficient units present to manage the scene where the pursuit ended, it may be more tactically sound for units to consider managing traffic in the area, acting to preserve evidence, or forming a perimeter if a subject fled from the vehicle being pursued in anticipation of the use of a police service dog to track the subject, etc.

E. Other Law Enforcement Agency Pursuit

1. The primary pursuit vehicle from another law enforcement agency shall remain the primary vehicle in Washtenaw County Sheriff's Office jurisdiction, unless:
 - a. The controlling pursuit authority specifically requests assistance from the Sheriff's Office.
2. Regardless of the request from another law enforcement agency to assume responsibility as the primary pursuit vehicle, Sheriff's Office employees may not assume responsibility for another agency's pursuit unless:
 - a. They have received permission to do so from on-duty command, who will determine whether the known facts regarding the pursuit permit a pursuit in accordance with this policy and procedure.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: **3.05 RR**



Jerry L. Clayton, Sheriff

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3. Mere notification or knowledge of the pursuit of another law enforcement agency shall not be construed as a request to participate.
- F. Procedures – Care and Consideration of Victims
1. The primary pursuit vehicle is responsible for ensuring assistance is provided to any individuals who they believe may have been injured during a pursuit.
 2. If circumstances allow, the primary pursuing vehicle may delegate this responsibility to render assistance to a secondary pursuing unit or other unit.
- G. Procedures – Air Support
1. If law enforcement Air Support is available and makes visual contact with a suspect vehicle, they may assume the responsibility of the primary unit.
 2. With the assistance of Air Support, the original primary, secondary, or additional ground units (as determined by the pursuit supervisor) will continue their response toward the location of the suspect vehicle and the supervisor will continue to evaluate the situation and determine the hazards related to the pursuit.
 3. Upon assuming responsibility as the primary unit, Air Support will, accordingly, assume responsibility for maintaining visual contact with the suspect vehicle and provide timely updates on pursuit conditions, location and the direction of travel of the suspect vehicle to ground units through Metro Dispatch on the primary radio channel for the pursuit.
 - a. Air Support can also provide best routes of travel to the suspect vehicle and informing ground units of any potentially hazardous conditions that may affect the pursuit in general and/or the involved ground units.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

H. Responsibilities – On Duty Command Officer

1. Authority: The on-duty command officer:
 - a. Has overall authority for the pursuit and shall be responsible for monitoring the pursuit including but not limited to 1) the reasons that led to the pursuit and 2) ensuring the pursuit's compliance with all agency policy and procedure.
 - b. May at any time terminate the pursuit or the agency's involvement in it, pursuant to the requirements in this rule and regulations or other Sheriff's Office policy, procedure, and professional standards.
2. The on-duty command officer shall:
 - a. Monitor the overall progress of the pursuit.
 - b. Direct and coordinate the allocation of agency personnel and resources with Metro Dispatch to support and assist in the pursuit.
 - c. Direct and/or coordinate 1) the support, assistance and resources of other agencies involved with the pursuit, or 2) in determining the Sheriff's Office involvement in another agency's pursuit.
 - d. Assure that adequate resources remain available for response to other situations or emergencies that may reasonably be anticipated or are occurring.
 - e. Order the termination of a pursuit when there is no immediate and/or apparent threat to public safety. Criteria for ordering the termination of a pursuit includes but is not limited to:
 - i. The suspects identify is known and an apprehension can occur at a later time.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

- ii. The offender is a juvenile and the offense is a misdemeanor or non-serious felony.

F. Responsibilities – Metro Dispatch

- 1. Upon notification of a pursuit, Metro Dispatch shall do the following:
 - a. Allocate “emergency radio traffic” to the primary pursuit vehicle on the primary dispatch channel.
 - b. Note the:
 - i. Time the pursuit was initiated.
 - ii. Reported location of the beginning of the pursuit.
 - iii. Apparent or known reason(s) for the pursuit.
 - iv. Primary and secondary pursuit vehicles and personnel assigned to the pursuit.
 - c. Confirm, as soon as practical, that on-duty command is notified and aware of the fact that a pursuit is taking place.
 - d. Obtain, if possible, the vehicle registration plate number and provide the registration information to the pursuing units and duty command.
 - e. Alert other law enforcement authorities of the reason and path of the pursuit as may be appropriate.
 - f. Under the direction of on-duty command, coordinate and support the involvement of:
 - i. Sheriff's Office personnel and vehicles in the pursuit.
 - ii. Other agencies involvement in the pursuit.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

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- iii. The response of additional units to assist in the apprehension of subjects who have fled from the suspect vehicle.
 - g. Make an electronic recording of the pursuit's radio traffic.
 - 2. Upon termination of the pursuit, Metro Dispatch shall note:
 - a. The location of termination.
 - b. The time when the pursuit was terminated.
 - 3. Upon receiving notification that the pursuit is entering another agency's jurisdiction, Metro Dispatch shall forward all critical information possessed to that agency including the reported reason(s) for the pursuit.
- G. Tire Deflation Devices
- 1. The use of tire deflation devices in a pursuit is authorized in situations where they can be safely deployed, subject to the following guidelines:
 - a. Training: The employee using such devices has been trained in the use of such devices in accordance with Sheriff's Office rules and regulations and the manufacturers recommended use.
 - b. Notification: All agencies involved in the pursuit that are in radio contact with the agency through Metro Dispatch are notified of the deployment of such devices. Such notification shall include location and related lane-use restrictions.
 - c. Deployment: The employee who deploys the device shall stay with the device and collect it. Used devices shall be returned to the on-duty command officer.

Special Note: When stop sticks have been deployed and become damaged, deputies must fill out the online Stop Stick form to get the damaged sticks replaced.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

<https://www.stopstick.com/home/pursuit-reporting>

- i. If a vehicle is involved in a crash after it strikes the tire deflation device, the duty command officer to whom it is returned, shall log it as evidence.
 - d. Restrictions: Tire deflation devices shall never be utilized on motorcycles, all-terrain vehicles (ATV), or similar "open" vehicles of any kind.
- 2. The primary and secondary pursuit vehicles will make every effort to avoid the tire deflation devices.

VII. REPORTING REQUIREMENTS

- A. All required reports shall be completed and submitted to the on-duty command officer prior to the end of the employee's tour of duty, unless exempted by the on-duty command officer. On-duty command shall then notify the operational area Lieutenant, Captain, Division Commander or a higher rank of such pursuit and paperwork completion.
 - a. Exemptions from this requirement should be rare. On-duty command should have clear and specific justification as to why they would recommend such an exemption.
- B. The Primary Pursuit Vehicle's report shall include but not be limited to:
 - a. Incident Report for the pursuit, detailing:
 - i. Offense/reason/probable cause for the initial contact/stop of the suspect vehicle.
 - ii. Employees in the primary pursuing vehicle.
 - iii. All agencies involved.
 - iv. Suspect vehicle description.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

-
- v. Suspects and other occupants of pursued vehicle (or their descriptions if names are unknown).
 - vi. Location and time of the beginning of the pursuit.
 - vii. Roads and directions traveled.
 - viii. Speeds traveled.
 - ix. Any evasive actions taken by suspect/suspect vehicle.
 - x. Termination point.
 - xi. Time of termination.
 - xii. Reason for termination.
 - xiii. Force utilized in the apprehension of the suspect(s), if any.
 - xiv. Any injuries or property damage resulting from the pursuit.
 - xv. Outcome of the pursuit.
 - xvi. Other pertinent information relevant to the circumstances and the criminal prosecution of the operator of the fleeing vehicle.
2. E-Impound form completed as appropriate.
- C. The Secondary Pursuit Vehicle's report shall include but not be limited to:
- 1. Employees in the secondary pursuing vehicle(s)
 - 2. Roads and directions traveled
 - 3. Speeds traveled
 - 4. Other pertinent information relevant to the circumstances and the criminal prosecution of the operator of the fleeing vehicle not covered in the primary pursuit vehicle's report.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: **3.05 RR**



Jerry L. Clayton, Sheriff

D. On-Duty Command Officer

1. General: Copies of all reports and memoranda prepared by Sheriff's Office employees shall be submitted to and reviewed by the on-duty command officer, prior to the end of their tour of duty.
 - a. Exemptions from this requirement should be rare. On-duty command should have clear and specific justification as to why this cannot be completed.
2. Duties: The on-duty command officer shall:
 - a. Internal Review: Review each pursuit for 1) accuracy and completeness of all required documentation and 2) compliance with Sheriff's Office policies.
 - b. Post Action Report: Prepare a summary memorandum addressed to the operational area Lieutenant, detailing 1) the circumstances that led to the pursuit, and 2) pursuit policy compliance, or non-compliance, of the agency employees involved.
 - i. This memorandum shall be completed and forwarded by the end of the next scheduled tour of duty of the command officer following the tour of duty in which the pursuit occurred; unless excused by the operational area Lieutenant, Captain, Division Commander or a higher rank.
 - ii. The operational area Lieutenant shall forward the memorandum and copies of reports to the Captain and Division Commander for review.
 - c. Video: Creates a case file within Evidence.com that includes all video related to the pursuit. Ensures all the videos are tagged appropriately with Pursuit and/or Use of Force if applicable. The case file will be shared with the operational area Lieutenant, Captain, and Commander.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

- d. Pursuit Related Vehicle Crash: Prepare a Uniform Crash Report (UD-10) should a motor vehicle crash(es) occur during the pursuit involving the fleeing vehicle or any Sheriff's Office vehicle(s) with each other or any third party and another agency is unavailable to complete the report.
- e. Pursuit Related Use of Force: Prepare a Use of Force Report, if applicable.
- f. Prepare any other reports or forms 1) as directed or 2) that may be required by agency policy.

VIII. QUALITY ASSURANCE REVIEW

A. Operational Lieutenant:

- 1. Reviews the ICV and BWC, memo submitted by on duty command and signs off on the memo then turning it over to the Captain.
- 2. Ensures the ICV and BWC files in the case file are tagged appropriately for proper retention period.

B. Division Captain: Reviews the ICV and BWC, memo and makes notes/recommendations to the Commander for final approval.

C. Division Commander: Reviews the ICV and BWC, memo and then approves or recommends any possible disciplinary actions.

- 2. Any pursuits that result in a fatality, serious personal injury, or serious property damage shall be investigated by another agency with jurisdiction not directly involved in the pursuit.

VIII. TRAINING

- A. All authorized employees (see definitions) shall receive training regarding vehicle pursuits.

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

1. In-service training may be held in general conjunction with annual use of force and firearms training and qualification.

B. An annual report shall be compiled and provided to the Sheriff that will confirm the in-service pursuit training of all authorized employees within the Police Services Division in conjunction with the annual use of force and firearms training and qualification.

IX. LEGAL REFERENCE

A. Michigan Motor Vehicle Code

MCLA §257.603 provides in pertinent part:

(1) The provisions of this chapter . . . apply to the drivers of all vehicles owned or operated by [any political subdivision] of the state, subject to the specific exceptions as are set forth . . . with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle when responding to an emergency call . . . may exercise the privileges set for in this section, subject to the conditions of this section.

(3) The driver of an authorized emergency vehicle may do any of the following:

- a) Park or stand irrespective of the provisions of this act.
- b) Proceed through a red or stop signal or stop sign but *only after slowing down as may be necessary to allow for safe operation.* (Emphasis added.)
- c) Exceed the prima facie speed limit so long as he does not endanger life or property.
- d) Disregard regulations governing direction or movement or turning in specified direction.

MCLA §257.632 provides in pertinent part:

Sec.632. The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation . . . *This exemption shall not, however, protect the driver*

Washtenaw County Sheriff's Office

Rule and Regulation

Vehicle Pursuits

Reference Number: 3.05 RR



Jerry L. Clayton, Sheriff

of any such vehicle from the consequences of a reckless disregard of the safety of others.
(Emphasis added.)

B. State Case Law

Fisher v. City of Ann Arbor (Michigan Supreme Court). Even though legally engaged in emergency driving or pursuit, an officer is not relieved of the duty to drive with "due regard" for the safety of all persons, nor is an officer protected from the consequences of any reckless disregard for the safety of others.

C. Federal Case Law

Brower v. County of Inyo (United States Supreme Court). Creating a roadblock in the path of a fleeing driver and pursuing them into it constitutes a "seizure" within the meaning of the fourth amendment to the United States Constitution.

City of Canton v. Harris (United States Supreme Court). Failure to train officers in a duty, where the need for training is obvious and lack of training is likely to result in violation of constitutional rights, can make a municipality liable.

X. MODIFICATION

The Sheriff or Undersheriff may modify the provisions of this policy and procedure.

XI. COMPLIANCE

- A. All employees shall comply with all provisions of this rule and regulation. A violation of any section is a Class 1 offense and may result in corrective disciplinary action up to and including discharge.
- B. A violation may also be a violation of other Sheriff's Office professional conduct standards which may result in corrective disciplinary action up to and including discharge.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit J

**(In-car video, patrol vehicle 74 [Defendants Cuso and Bechtol], PIT
maneuver, rollover, approach, shooting and retreat)**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit K

(Animal-clinic surveillance video, Prospect Street, 2:06:39–2:07:18 a.m.)







ESTATE OF JOHN JENUWINE v. WASHTENAW COUNTY, et al.
Autopsy Wound Trajectory Summary

#	Entrance (autopsy label, height)	Exit / terminus	Projectile recovered	Direction (normal anatomic position)	Injury / autopsy note	What the trajectory implies about position (analysis)
1	Left upper chest (A) — 85 cm below top of head, 2.7 cm left of midline	No exit. Deformed partially jacketed bullet recovered from left upper abdomen behind spleen	Yes — near spleen	Front to back, right to left, DOWNWARD	Fatal wound. Left lung hilum & lower lobe, diaphragm, stomach, spleen; 1400 mL left hemothorax, 50 mL hemopericardium. Only downward path.	Shooter above the wound, firing down into the cabin. Consistent with a deputy at the windshield of a van on its side, Jenuwine's torso below the shooter's muzzle. Does not require him to be standing.
2	Right buttock, lateral (D) — 95 cm above feet	Shored partial exits at right lateral hip (B, 85.5 cm; C, 84.4 cm). Projectile recovered from defect B	Yes — right hip	Back to front, UPWARD	Entered from behind; exit is shored (skin pressed against a hard surface at the moment of exit) — his right hip was against something solid.	Entered the back of his right hip and traveled toward the front and up. A shored exit on the right hip fits a body lying on its right side against the passenger door/floor of the overturned van.
3	Right knee, posterior (G) — 40 cm above feet	Exit posterior distal right thigh (F, 42.5 cm); re-entry posteromedial right thigh (E, 45.6 cm); no final exit. Fragmented projectile recovered from right thigh	Yes — right thigh	Back to front, right to left, UPWARD	One round entered behind the knee and traveled up the length of the leg.	Shooter was behind and below the knee relative to the leg axis — i.e., the leg was extended toward the shooter with its back surface exposed. Not a standing, facing posture.
4	Right groin / perineum (H) — 70 cm above feet	No exit. Deformed partially jacketed projectile recovered from right kidney	Yes — right kidney	UPWARD	Fractured right pelvis; perforated bladder, right external iliac vein, right psoas; penetrated right kidney.	Entered from below through the perineum and traveled straight up the body. Requires the crotch to be presented toward the muzzle — legs toward the shooter, body lower than or level with the gun.
5	Right thigh, medial (J) — 47.3 cm above feet	Exit right thigh anterior (I, 56.5 cm)	No (see note)	Back to front, left to right, UPWARD	Through-and-through of the thigh.	Inner thigh entrance, front exit, upward — consistent with legs toward the shooter and slightly apart.
6	Left thigh, medial (L) — 48.5 cm above feet	Exit left thigh anterior (K, 75 cm)	No (see note)	Back to front, right to left, UPWARD	Through-and-through; travels ~27 cm up the thigh.	Same geometry as wound 5, mirrored — inner left thigh to front of thigh, steeply upward.
7	Left buttock, inferior (N) — 86.5 cm above feet	Exit left buttock, superior (M, 84 cm)	No (see note)	UPWARD	Short path through buttock soft tissue.	Entered the underside of the left buttock and exited above it — shooter below and behind the buttock.

Note on projectiles: five projectiles/fragments were recovered (chest/spleen, right hip, right thigh, right kidney, and one loose in the underwear that Dr. Wilson attributes to wound path 5, 6 or 7). Wound labels A–N are the pathologist's and do not indicate sequence. Range of fire for every wound: distant/indeterminate (no soot or stippling). Cause of death: multiple gunshot wounds (7 paths). Manner: homicide.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit P

**(Body-worn camera and in-car video, 2:07–2:27 a.m., movement and cries for
help from the van)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Exhibit Q

(In-car video, 3:57 a.m., SWAT approach to the van)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JOHN JENUWINE, deceased, by
LARRY JENUWINE, Personal Representative,

Plaintiff,

vs.

WASHTENAW COUNTY; DEPUTY JACOB
CUSO, individually; DEPUTY VON HEATH,
individually; DEPUTY GABRIEL BECHTOL,
individually; DEPUTY JACOB GOMBOS,
individually; DEPUTY JONATHAN EARLEY,
individually; SERGEANT THOMAS
PENNINGTON, individually; DEPUTY BRYAN
TRIPP, individually; and SERGEANT SAMUEL
WALLACE, individually,

Defendants.

Case No. 2:26-cv-11937-
MFL-APP

Hon. Matthew F. Leitman

Mag. Judge Anthony P. Patti

PLAINTIFF’S INDEX OF MEDIA FILES

NOW COMES Plaintiff, by and through counsel and Flood Law, PLLC, and pursuant to Rule 6 and Rule 19(c) of the Court’s Electronic Filing Policies and Procedures, hereby files this Index of Exhibits in accordance therewith, submitting all media exhibits via the Court’s “Media File Upload” portal in CM/ECF, and states as follows:

Exhibit No.	Description of Exhibit	Main Paper (ECF No. 17)	Transcript Correlation	Timestamp Reference
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C	In-car video, 2:00 a.m., Dollar General parking lot, Ecorse Road	PageID.213 PageID.249	ECF No. 17-20	0:00–0:40 0:00–0:40
D	In-car video, about 2:01 a.m., second white van passes the pursuit	PageID.213 PageID.249	ECF No. 17-21	0:00–0:11 0:00–0:11
E	In-car video [Cuso], 2:02–2:04 a.m., Ypsilanti Police units directed to fall back	PageID.214 PageID.249	ECF No. 17-22	0:00–0:22 0:00–0:22
F	In-car video, K-9 patrol vehicle [Defendant Gombos], the ramming, 2:05:21 a.m.	PageID.200 PageID.215 PageID.249 PageID.250-251 PageID.253	ECF No. 17-23	0:00–0:16 0:00–0:16 0:00–0:16 0:00–0:16 0:00–0:16
G	Body-worn camera video, Defendant Cuso stabbing the van's tire, 2:05 a.m.	PageID.215 PageID.249	ECF No. 17-24	0:00–0:21 0:00–0:21
J	In-car video, patrol vehicle 74 [Defendants Cuso and Bechtol], PIT maneuver, rollover, approach, shooting and retreat	PageID.200 PageID.219 PageID.220 PageID.223 PageID.224 PageID.236 PageID.249 PageID.251-252 PageID.252-253 PageID.253 PageID.253	ECF No. 17-25	0:00–1:14 0:10–0:17 0:17–0:19 0:19–0:28 1:08–1:14 1:08–1:14 0:00–1:14 0:14–0:17 0:17–0:28 0:24–1:14 0:00–1:14
K	Animal-clinic surveillance video, Prospect Street,	PageID.219 PageID.249 PageID.252 PageID.253	ECF No. 17-26	0:00–0:39 0:00–0:39 0:06–0:25 0:00–0:39

	2:06:39–2:07:18 a.m.			
P	Body-worn camera and in-car video, 2:07–2:27 a.m., movement and cries for help from the van	PageID.201 PageID.236-237 PageID.237 PageID.237 PageID.237 PageID.238 PageID.238 PageID.238 PageID.239 PageID.249	ECF No. 17-27	0:00–5:22 0:00–1:51 1:53–2:25 2:37 3:13–3:25 3:25–4:13 4:13–4:34 4:40–5:06 5:10–5:22 0:00–5:22
Q	In-car video, 3:57 a.m., SWAT approach to the van	PageID.201 PageID.241 PageID.250	ECF No. 17-28	0:00–4:13 0:00–4:13 0:00–4:13

Respectfully submitted,

FLOOD LAW, PLLC

Dated: September 25, 2026

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 Maura B. Battersby (P79089)
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 mhaisha@floodlaw.com

Exhibit C

1 STATE OF MICHIGAN

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7 Transcription of EXHIBIT C,

8 Via Hanson Remote,

9 By Jessica Shahoud, TEMP CER-16860

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Exhibit C

Page 2

1 Exhibit C:

2 DASH CAM 1: Slowly rolling to a stop.

3 DASH CAM 2: All right. Eastbound E Course.

4 --swarming all the cops here on the road.

5 DASH CAM 3: Only rolling to a stop. All right.

6 Eastbound E Course.

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Exhibit C

Page 3

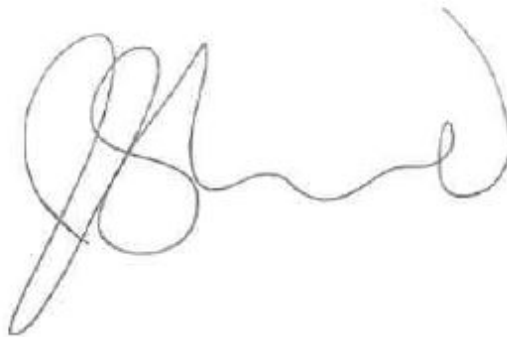
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CERTIFICATION

STATE OF MICHIGAN)
COUNTY OF MACOMB)

I certify that this transcript, consisting of 3
pages, is a true, accurate, and verbatim reproduction to the
best of my ability of the recording provided to me.

I further certify that I am a disinterested third
party and have no financial or personal interest in the
outcome of this action.



Jessica Shahoud TEMP CER 16860
CERTIFIED ELECTRONIC RECORDER
NOTARY PUBLIC
COUNTY OF MACOMB
My commission expires: 10/06/2032

Exhibit C

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-
--swarming 2:4
1
1 2:2
2
2 2:3
3
3 2:5
C
CAM 2:2,3,5 cops 2:4
D
DASH 2:2,3,5
E
Eastbound 2:3,6 Exhibit 2:1
R
road 2:4 rolling 2:2,5
S
Slowly 2:2 stop 2:2,5

Exhibit D

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2
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6
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STATE OF MICHIGAN

Transcription of EXHIBIT D,
Via Hanson Remote,
By Jessica Shahoud, TEMP CER-16860

Exhibit D

Page 2

1 EXHIBIT D:

2 SPEAKER 1: Still eastbound, speed's 30.

3 SPEAKER 2: Light traffic, no pedestrians. Light
4 traffic, no pedestrians.

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Exhibit D

Page 3

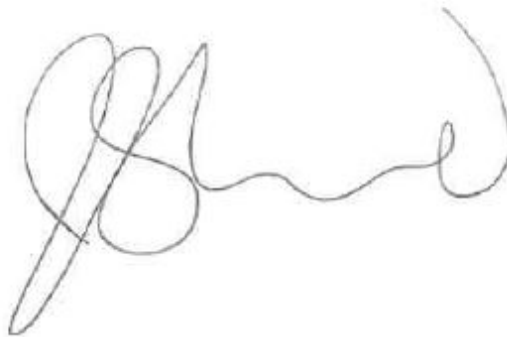
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Jessica Shahoud TEMP CER 16860
CERTIFIED ELECTRONIC RECORDER
NOTARY PUBLIC
COUNTY OF MACOMB
My commission expires: 10/06/2032

Exhibit D

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1 2:2
2
2 2:3
3
30 2:2
E
eastbound 2:2
EXHIBIT 2:1
L
Light 2:3
P
pedestrians 2:3,4
S
SPEAKER 2:2,3
speed's 2:2
T
traffic 2:3,4

Exhibit E

1 STATE OF MICHIGAN

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7 Transcription of EXHIBIT E,

8 Via Hanson Remote,

9 By Jessica Shahoud, TEMP CER-16860

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Exhibit E

Page 2

1 EXHIBIT E:

2 SPEAKER 1: Traffic, no peds. Pulling into Sunoco.
3 He's probably going to turn around here. Yep, turning
4 around, coming back onto Oaklawn. Southbound Oaklawn. Dude,
5 why are you YPD, please, please stop. Please. Southbound
6 Oaklawn through Auburndale. Speed's 38.

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Exhibit E

Page 3

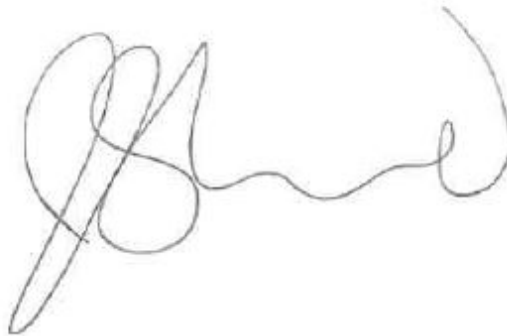
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outcome of this action.



Jessica Shahoud TEMP CER 16860
CERTIFIED ELECTRONIC RECORDER
NOTARY PUBLIC COUNTY OF MACOMB
My commission expires: 10/06/2032

Exhibit E**1**

1	T
1 2:2	Traffic 2:2
3	turn 2:3
38 2:6	turning 2:3
A	Y
Auburndale 2:6	YPD 2:5
B	
back 2:4	
D	
Dude 2:4	
E	
EXHIBIT 2:1	
O	
Oaklawn 2:4,6	
P	
peds 2:2	
Pulling 2:2	
S	
Southbound 2:4,5	
SPEAKER 2:2	
Speed's 2:6	
stop 2:5	
Sunoco 2:2	

Exhibit F

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STATE OF MICHIGAN

Transcription of EXHIBIT F,
Via Hanson Remote,
By Jessica Shahoud, TEMP CER-16860

Exhibit F

Page 2

1 EXHIBIT F:

2 SPEAKER 1: Reversing.

3 SPEAKER 2: Want to get them? I can almost get
4 them. Get them. Get them. Fuck you, you piece of shit!

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Exhibit F

Page 3

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CERTIFICATION

3 STATE OF MICHIGAN)

4 COUNTY OF MACOMB)

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Jessica Shahoud TEMP CER 16860

22

CERTIFIED ELECTRONIC RECORDER

23

NOTARY PUBLIC

24

COUNTY OF MACOMB

25

My commission expires: 10/06/2032

Exhibit F

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1
1 2:2
2
2 2:3
E
EXHIBIT 2:1
F
Fuck 2:4
P
piece 2:4
R
Reversing 2:2
S
shit 2:4
SPEAKER 2:2,3

Exhibit G

1 STATE OF MICHIGAN

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8 Transcription of EXHIBIT G,

9 Via Hanson Remote,

10 By Jessica Shahoud, TEMP CER-16860

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Exhibit G

Page 2

1 EXHIBIT G:

2 SPEAKER 1: Reversing.

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Exhibit G

Page 3

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4 COUNTY OF MACOMB)

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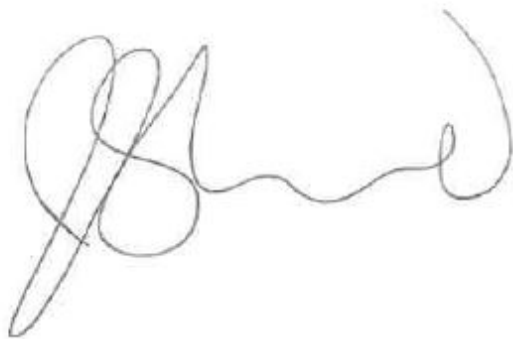
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CERTIFIED ELECTRONIC RECORDER

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NOTARY PUBLIC

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COUNTY OF MACOMB

25

My commission expires: 10/06/2032

Exhibit G

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1 2:2

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EXHIBIT 2:1

R

Reversing 2:2

S

SPEAKER 2:2

Exhibit J

1 STATE OF MICHIGAN

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8 Transcription of EXHIBIT J,

9 Via Hanson Remote,

10 By Jessica Shahoud, TEMP CER-16860

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Exhibit J

Page 2

1 EXHIBIT J:

2 SPEAKER 1: And I have one more car. Oh, fuck.
3 He's in the way.

4 SPEAKER 2: Go north on Prospect, passing Towner.

5 SPEAKER 1: Oops. Pit, pit, pit, pit. Start
6 H-B-X.

7 SPEAKER 3: Get him. We're on Prospect and Towner.

8 SPEAKER 4: Shots fired.

9 SPEAKER 2: Shots fired. Shots fired,

10 SPEAKER 3: Shots fired, 207.

11 SPEAKER 2: Everybody shots fired. Somebody shut
12 down Prospect right there.

13 SPEAKER 4: Those cars are on Prospect, stay right
14 there. Eyes on him. He's moving around a little bit.

15 SPEAKER 2: Armed with a shotgun.

16 SPEAKER 3: With a shotgun.

17 SPEAKER 4: 10-4. Just for the tape, shots fired
18 by police.

19 SPEAKER 3: I'm clear on it.

20 SPEAKER 5: Shooters in on Prospect and Michigan.

21 SPEAKER 4: 10-4. We're going to keep eyes on it,
22 but we're going to treat it like a barricade at this point.

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Exhibit J

Page 3

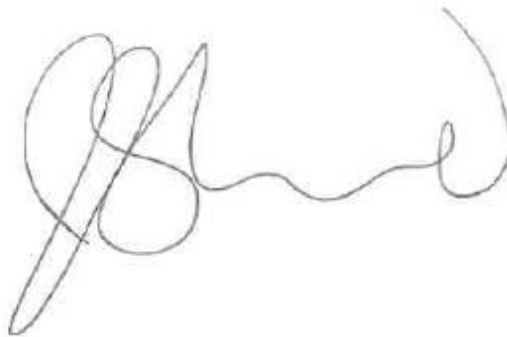
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NOTARY PUBLIC
COUNTY OF MACOMB
My commission expires: 10/06/2032

Exhibit J**1**

1	F	T
1 2:2,5	fired 2:8,9,10,11,17	tape 2:17
10-4 2:17,21	fuck 2:2	Towner 2:4,7
2	H	treat 2:22
2 2:4,9,11,15	H-B-X 2:6	
207 2:10	M	
3	Michigan 2:20	
3 2:7,10,16,19	moving 2:14	
4	N	
4 2:8,13,17,21	north 2:4	
5	O	
5 2:20	Oops 2:5	
A	P	
Armed 2:15	passing 2:4	
B	pit 2:5	
barricade 2:22	point 2:22	
bit 2:14	police 2:18	
C	Prospect 2:4,7,12,13,20	
car 2:2	S	
cars 2:13	Shooters 2:20	
clear 2:19	shotgun 2:15,16	
E	shots 2:8,9,10,11,17	
EXHIBIT 2:1	shut 2:11	
eyes 2:14,21	SPEAKER 2:2,4,5,7,8,9,10,11, 13,15,16,17,19,20,21	
	Start 2:5	
	stay 2:13	

Exhibit K

1 STATE OF MICHIGAN

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8 Transcription of EXHIBIT K,

9 Via Hanson Remote,

10 By Jessica Shahoud, TEMP CER-16860

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Exhibit K

Page 2

1 EXHIBIT K:

2 SPEAKER 1: Go, go, go, go, go!

3 SPEAKER 2: Go, go, go, go, go!

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Exhibit K

Page 3

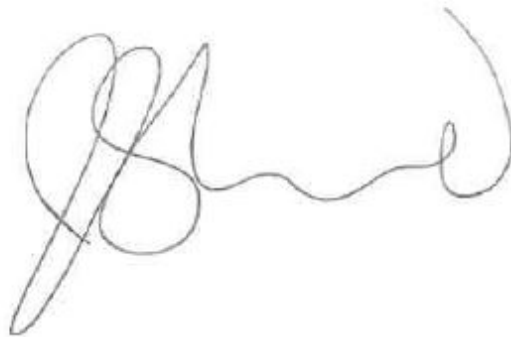
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COUNTY OF MACOMB
My commission expires: 10/06/2032

Exhibit K

1

1

1 2:2

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2 2:3

E

EXHIBIT 2:1

S

SPEAKER 2:2,3

Exhibit P

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STATE OF MICHIGAN

Transcription of EXHIBIT P,
Via Hanson Remote,
By Jessica Shahoud, TEMP CER-16860

Exhibit P

Page 2

1 SPEAKER 1: Where's he at?

2 SPEAKER 2: He's -- he's in the back. He's barely
3 moving.

4 SPEAKER 3: (in the background) -- the barracades.
5 [muffled shouting] -- to the barricade.

6 SPEAKER 2: He's still moving a little bit.

7 SPEAKER 4 (RADIO): -- we're going to keep our eyes
8 on it but we're going to treat it like a barricade at this
9 point.

10 (VIDEO SPED FORWARD)

11 SPEAKER 1: We got no cover. He's in the car armed
12 with a shotgun. He's on the ground, still kind of moving.

13 SPEAKER 5 (RADIO): Anybody aware if he was hit by
14 the shots?

15 SPEAKER 1: Yeah, yeah.

16 SPEAKER 2: Yeah, probably.

17 SPEAKER 1: He's still moving. There's his arm.

18 SPEAKER 3: Watch it.

19 (VIDEO SPED FORWARD)

20 SPEAKER 6: Everybody good?

21 SPEAKER 1: Yeah, we're good.

22 SPEAKER 6: Good work, fellas.

23 SPEAKER 3: Deep breaths. Deep breaths.

24 SPEAKER 6: Deep breaths. We're -- we're downhill
25 now.

Exhibit P

Page 3

1 (VIDEO SPED FORWARD)

2 SPEAKER 1: Probably going on about three minutes
3 now with no movement. Just for the tape.

4 (VIDEO SPED FORWARD)

5 SPEAKER 1: He's moving again. Moving again.

6 UNKNOWN SPEAKER: I'm going to request Ann Arbor
7 come take --

8 SPEAKER 1: Hang on.

9 UNKNOWN SPEAKER: -- one, one, one, one.

10 SPEAKER 1: He's yelling.

11 SPEAKER 6: What'd you say? Someone shot the --

12 SPEAKER 2: I don't know. He's yelling and hitting
13 the ground.

14 SPEAKER 1: Okay, so that's his feet.

15 SPEAKER 2: Yeah.

16 SPEAKER 1: That's two feet. So, his head's at the
17 back. His head's at the back end. Turn your radio down.

18 UNKNOWN SPEAKER: He' turned around there.

19 SPEAKER 1: Yep.

20 SPEAKER 1: 7:26. He's kicking around inside the
21 vehicle right now.

22 [Person screaming from van]

23 (VIDEO SPED FORWARD)

24 [Person screaming from van]

25 SPEAKER 2: Yeah he's injured.

Exhibit P

Page 4

1 SPEAKER 1: Mm-hmm. Focus on shotgun.
2 SPEAKER 2: Where is it?
3 SUSPECT: Help.
4 SPEAKER 1: No idea.
5 SPEAKER 2: I don't see it.
6 SPEAKER 1: I think it fell to the ground when he
7 fell.
8 SUSPECT: Help.
9 speaker 1: Unknown.
10 SUSPECT: Help.
11 (VIDEO SPED FORWARD)
12 SUSPECT: Help.
13 SPEAKER 1: I am if somebody wants to relieve.
14 SPEAKER 6: Yeah, we'll worry about that later.
15 UNKNOWN SPEAKER: Let me relieve you at least for
16 now until we --
17 SPEAKER 1: Okay.
18 SPEAKER 5: Who else we got from CNT here?
19 CNT: I'm the only CNT on.
20 SPEAKER 5: You're the only one?
21 CNT: Yeah.
22 SPEAKER 5: All right. Um --
23 (VIDEO SPED UP)
24 SPEAKER 5: Yeah, there's nothing we can do to move
25 at this point, fellas. Um, not without further endangerment.

Exhibit P

Page 5

1 Have we seen any movement at all?

2 SPEAKER 1: Yeah, oh yeah. He's kicking his feet.

3 SPEAKER 5: All right. So, and then, just for the
4 tape, I have two double-37s.

5 SPEAKER 7: Subject in the white van, this is the
6 Washtenaw County Negotiations Team in the Sheriff's Office.
7 I need you to put your hands up so we can see both hands. Do
8 it now.

9 (VIDEO SPED FORWARD)

10 SPEAKER 7: Subject in the white van, if you need
11 medical assistance, yell out to us now.

12 SPEAKER 1: He's yelling. Movement. I think he's
13 -- he's getting up? He's trying. He's trying to get up.

14 SPEAKER 2: Get up. Yelled. That's what he said.

15 SPEAKER 7: Keep your hands empty while you move.
16 Keep both hands empty.

17 SPEAKER 2: Do you guys hear anything?

18 SPEAKER 1: I heard him yell, but I didn't hear
19 what it was. Yeah, I heard him yell. I couldn't -- I
20 couldn't discern either.

21 SPEAKER 7: Subject in the white van, if you have a
22 cell phone, call into 911 right now. Do not move your hands
23 anywhere other than to call 911.

24 (VIDEO SPED FORWARD)

25 SPEAKER 7: Subject in the van, put both hands

Exhibit P

Page 6

1 straight up. If you cannot do that right now, start kicking
2 your feet.

3 SPEAKER 1: He just moved. Yeah, he's -- he's not
4 moving on his commands, but he's just moving. No. Nah, just
5 flop-flopping his legs.

6 SPEAKER 1: He keeps rotating -- like turning
7 right. turning left.

8 SPEAKER 7: So, the easiest way to communicate with
9 you right now is going to be with you listening to my
10 commands.

11 (VIDEO SPED FORWARD)

12 SPEAKER 7: If you cannot move your hands, kick
13 your feet.

14 SPEAKER 1: Legs are shook a little bit, but no
15 movement. Yeah.

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Exhibit P

Page 7

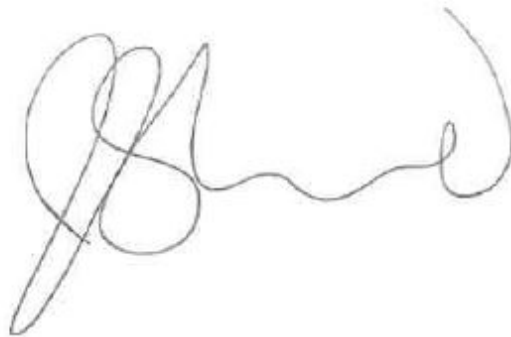
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Exhibit P**1**

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1 2:1,11,15,17,21 3:2,5,8,10,14,16,19,20 4:1,4,6,9,13,17 5:2,12,18 6:3,6,14
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2 2:2,6,16 3:12,15,25 4:2,5 5:14,17
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3 2:4,18,23
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4 2:7
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5 2:13 4:18,20,22,24 5:3
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6 2:20,22,24 3:11 4:14
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7 5:5,10,15,21,25 6:8,12 7:26 3:20
9
911 5:22,23
A
Ann 3:6 Arbor 3:6 arm 2:17 armed 2:11 assistance 5:11

aware 2:13

B

back 2:2 3:17

background 2:4

barely 2:2

barracades 2:4

barricade 2:5,8

bit 2:6 6:14

breaths 2:23,24

C

call 5:22,23

car 2:11

cell 5:22

CNT 4:18,19,21

commands 6:4,10

communicate 6:8

County 5:6

cover 2:11

D

Deep 2:23,24

discern 5:20

double-37s 5:4

downhill 2:24

E

easiest 6:8

empty 5:15,16

end 3:17

endangerment 4:25

eyes 2:7

F

feet 3:14,16 5:2 6:2,13

fell 4:6,7

fellas 2:22 4:25

flop-flopping 6:5

Focus 4:1

FORWARD 2:10,19 3:1,4,23
4:11 5:9,24 6:11**G**

good 2:20,21,22

ground 2:12 3:13 4:6

guys 5:17

H

hands 5:7,15,16,22,25 6:12

Hang 3:8

He' 3:18

head's 3:16,17

hear 5:17,18

heard 5:18,19

hit 2:13

hitting 3:12

I

idea 4:4

injured 3:25

inside 3:20

K

kick 6:12

kicking 3:20 5:2 6:1

kind 2:12

Exhibit P**2**

L	S	vehicle 3:21
left 6:7	screaming 3:22,24	VIDEO 2:10,19 3:1,4,23 4:11, 23 5:9,24 6:11
legs 6:5,14	Sheriff's 5:6	
listening 6:9	shook 6:14	W
	shot 3:11	Washtenaw 5:6
M	shotgun 2:12 4:1	Watch 2:18
medical 5:11	shots 2:14	What'd 3:11
minutes 3:2	shouting 2:5	white 5:5,10,21
Mm-hmm 4:1	speaker 2:1,2,4,6,7,11,13,15, 16,17,18,20,21,22,23,24 3:2, 5,6,8,9,10,11,12,14,15,16,18, 19,20,25 4:1,2,4,5,6,9,13,14, 15,17,18,20,22,24 5:2,3,5,10, 12,14,15,17,18,21,25 6:3,6,8, 12,14	work 2:22
move 4:24 5:15,22 6:12	SPED 2:10,19 3:1,4,23 4:11,23 5:9,24 6:11	worry 4:14
moved 6:3	start 6:1	Y
movement 3:3 5:1,12 6:15	straight 6:1	yell 5:11,18,19
moving 2:3,6,12,17 3:5 6:4	Subject 5:5,10,21,25	Yelled 5:14
muffled 2:5	SUSPECT 4:3,8,10,12	yelling 3:10,12 5:12
N		
Nah 6:4		
Negotiations 5:6		
O	T	
Office 5:6	tape 3:3 5:4	
P	Team 5:6	
Person 3:22,24	treat 2:8	
phone 5:22	Turn 3:17	
point 2:9 4:25	turned 3:18	
put 5:7,25	turning 6:6,7	
R	U	
radio 2:7,13 3:17	Unknown 3:6,9,18 4:9,15	
relieve 4:13,15	V	
request 3:6	van 3:22,24 5:5,10,21,25	
rotating 6:6		

Exhibit Q

1 STATE OF MICHIGAN

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8 Transcription of EXHIBIT Q,

9 Via Hanson Remote,

10 By Jessica Shahoud, TEMP CER-16860

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Exhibit Q

Page 2

1 EXHIBIT Q:

2 SPEAKER 1: All right, I'm on Sorry, I'm back here.

3 SPEAKER 2: All right, if you could just push up on
4 the control stage.

5 SPEAKER 1: Brand Logan.

6 SPEAKER 2: Yeah, they need to make some more --

7 SPEAKER 1: Uh, not this time, but I'll need one of
8 you to do a check on this white car --

9 SPEAKER 2: Okay, just let me know when you're
10 ready to go.

11 SPEAKER 1: So, there's a white plastic --

12 SPEAKER 2: Got it.

13 SPEAKER 1: So, do you want to take pictures of the
14 front of the vehicle?

15 SPEAKER 2: Yeah, let's do it.

16 SPEAKER 1: Okay, let's do it.

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Exhibit Q

Page 3

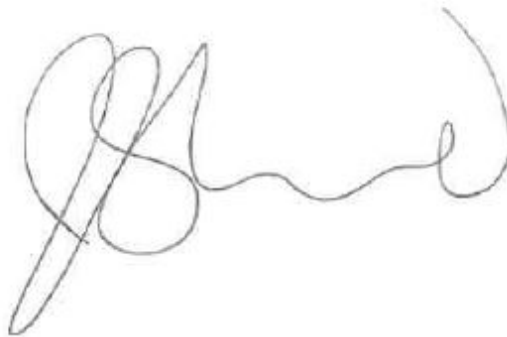
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Exhibit Q**1**

1	R
1 2:2,5,7,11,13,16	ready 2:10
2	S
2 2:3,6,9,12,15	SPEAKER 2:2,3,5,6,7,9,11,12, 13,15,16
B	stage 2:4
back 2:2	T
Brand 2:5	time 2:7
C	V
car 2:8	vehicle 2:14
check 2:8	W
control 2:4	white 2:8,11
E	
EXHIBIT 2:1	
F	
front 2:14	
L	
Logan 2:5	
M	
make 2:6	
P	
pictures 2:13	
plastic 2:11	
push 2:3	