



USE OF FORCE

<i>Original Date of Issue</i> April 28, 2001	<i>General Order Number</i> 99-05
<i>Effective Date of Reissue</i> September, 2015	<i>Section Code</i> OPS-03
<i>Reevaluation Date</i> October, 2016	<i>Amends</i>
<i>C.A.L.E.A.</i> 1.3.1 – 1.3.8, 1.3.13	<i>Reference</i> (see “INDEX AS”)

INDEX AS:

- Use of Force
- Reporting
- Significant Force
- Investigation
- Use of Force Model
- Canine
- Arrests
- Warning Shots

I. PURPOSE

The purpose of this policy is to provide members of the Iowa City Police Department with guidelines on the use of deadly and non-deadly force.

II. POLICY

The Iowa City Police Department recognizes and respects the value and special integrity of each human life. In investing officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the Iowa City Police Department that police officers shall use only that force that is reasonable and necessary to accomplish lawful objectives and effectively bring an incident under control, while protecting the lives of the officers and others.

III. DEFINITIONS

- A. Deadly Force (Section 704.2, Code of Iowa) – For the purpose of this policy, shall mean any of the following:
1. Force used for the purpose of causing serious injury.

2. Force which the actor knows, or reasonably should know, will create a strong probability that serious injury will occur.
 3. The discharge of a firearm, in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious physical injury can be shown.
 4. The discharge of a firearm, at a vehicle in which a person is known to be.
- B. Serious Injury (Section 702.18 Code of Iowa) – Means disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- C. Reasonable Force (Section 704.1, Code of Iowa) – Is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment.
- D. Reasonable Officer: Objective Standard
1. "The 'Reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight. *Graham v. Connor*, 109, S.Ct. 1865, 1872. (1989)
 2. "Reasonableness" also takes into account that police officers make judgments in a split second under circumstances that are "tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. *Graham v. Connor*, 109 S.Ct. 1865, 1872. (1989)
- E. Less Lethal Munitions (as used in this policy) – Any Department approved weapons and/or munitions system designed to stun, temporarily incapacitate, or cause temporary discomfort to a person.
- F. Use of Force – Any contact applied by an officer that significantly restricts or alters the actions of another and/or compels compliance with the demands or instructions of the officer. This includes the use of restraint devices such as handcuffs.
- G. Verbal Commands/Directives – Verbal communication by an officer directing someone to perform or not to perform an act: e.g. "Stop", "Don't move", "Put your hands up", or "Get on the ground".
- H. Verbal De-escalation – Verbal communication techniques by an officer to generate cooperation and gain voluntary compliance with someone who is passively resistive and not unlawfully fleeing, and/or not engaged in violence directed towards the officer or others. Said techniques may also be referred to as Verbal Judo, Tactical Communication or Verbal Defense and Influence etc.

IV. Code of Iowa – Use of Force in Making Arrests and Preventing Escape

A. Section 804.8 Use of force by peace officer making an arrest.

A peace officer, while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the use of deadly force is only justified when a person cannot be captured any other way and either:

1. *The person has used or threatened to use deadly force in committing a felony, or*
2. *The peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.*

A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which the peace officer would be justified in using if the warrant were valid, unless the peace officer knows that the warrant is invalid.

B. Section 804.13 Use of force in preventing an escape.

A peace officer or other person who has an arrested person in custody is justified in the use of such force to prevent the escape of the arrested person from custody as the officer or other person would be justified in using if the officer or other person were arresting such person.

V. PROCEDURES

A. DEADLY FORCE

1. Purpose of statement

- a. To delineate the Department's policy regarding the use of deadly force.
- b. To establish policies under which the use of deadly force is permissible.

2. Policy

- a. Officers of the Iowa City Police Department may use deadly force to stop or incapacitate an assailant to prevent serious bodily injury or death. For this purpose and to minimize danger to innocent bystanders, the officer should shoot at the center body mass, whenever possible.
- b. An officer may use deadly force to protect him/her or others from what he/she reasonably believes to be an immediate threat of death or serious injury.
- c. An officer may use deadly force to effect the capture or prevent escape if:
 - i. The person used or threatened to use deadly force in committing a felony, and
 - ii. The peace officer reasonably believes the person would use deadly force against a person unless immediately apprehended.
- d. No distinction shall be made relative to the age of the intended target.
- e. Warning shots by officers of the Iowa City Police Department are prohibited.

- f. A verbal warning shall be utilized prior to an officer discharging a weapon unless it would compromise the safety of the officer or others.
 - g. Shooting at or from a moving vehicle is prohibited, except under the following circumstances:
 - i. When the occupant of the vehicle is utilizing deadly force against the police officer or other persons.
 - ii. As a last resort to prevent death or serious injury to officers or other persons.
 - iii. As a last resort to apprehend a person who has just committed a felony resulting in death or serious injury.
 - iv. The discharge of firearms shall not be utilized when circumstances do not provide a high probability of striking an intended target or when there is substantial risk to the safety of other persons, including the risk of causing vehicle accidents.
3. Injuries resulting from Use of force.
- a. Officers shall render appropriate first aid to any person injured or complaining of pain following the use of force.
 - b. EMS will be summoned to the scene to ensure delivery of appropriate medical treatment when:
 - i. Requested by the subject(s) involved.
 - ii. The extent of an injury is unknown or not visible.
 - iii. The nature or extent of the injury dictates.
 - c. Officers shall err on the side of caution, requesting EMS to respond to the scene if in doubt about the existence or extent of an injury.
4. Surrender of firearm.
- When officers or employees discharge a firearm that results in personal injury or death to any person, the officer or employee shall surrender that firearm to his/her supervisor or a higher authority consistent with departmental directives. Firearms involved in police shooting incidents shall not be unloaded, cleaned, nor in any way altered from the condition immediately following discharge other than to make the weapon safe for transport.
- a. When more than one officer or weapon has been involved in a shooting situation resulting in any injury or death, the involved weapons must be surrendered to the commanding officer in accordance with departmental directives.
 - b. The commanding officer receiving such firearm or firearms shall immediately secure and document the same as evidence.

B. LESS LETHAL FORCE

1. Where deadly force is not authorized under this policy, officers should assess the incident in order to determine which less lethal technique will best de-escalate the incident and bring it under control in a safe manner. Officers shall use no more force than is reasonably necessary to gain control of an individual or situation. Officers are authorized to use force consistent with the Use of Force model.
2. An officer shall use no more force than that officer reasonably feels is necessary in the performance of their official duties. Use of force by an officer is justified in, but not limited to, the following situations:
 - a. To protect the officer or others from physical harm.
 - b. To control an arrestee or a potentially violent person.
 - c. To restrain or subdue a resistant individual. Approved restraint devices are handcuffs (hinged and chain style), flex-cuffs and nylon leg restraints.
 - d. To bring an unlawful situation safely and effectively under control.
3. Officers shall offer medical treatment to any non-combative person who has been exposed to a chemical irritant / OC spray. Officers shall decontaminate a person exposed to a chemical irritant and continue to monitor the condition of that person until they are no longer in the custody of the officer.

B. NOTIFICATIONS

1. Any officer who discharges a firearm in the course of their duty, shall immediately contact his/her supervisor. (This does not apply to animal euthanasia where supervisory permission to discharge the weapon must be sought prior to the destruction of the animal ((see section B in "REPORTING USE OF FORCE INCIDENTS"))) or training situations) If this is not practical, the officer shall contact the on-duty patrol supervisor. The notified supervisor shall then contact the following individuals:
 - a. The involved officer's Division Commander.
 - i. It shall be the Division Commander's responsibility to notify the Chief of Police.
 - ii. If the Division Commander cannot be notified, a watch supervisor shall notify the Chief of Police.
 - b. The County Attorney of the county in which the incident occurred.
 - c. The City Attorney.
 - d. The City Manager.
 - e. The Criminal Investigation Commander or his/her designee.
 - f. Other as Required by the Mandatory Call Matrix
2. The on-duty watch supervisor shall be immediately notified or summoned to the scene of any incident where use of force results in a physical injury.
3. The on-duty watch supervisor shall be immediately notified when a chemical irritant / OC spray is utilized.
4. The on-duty watch supervisor shall be immediately notified when a conducted energy device is discharged.

C. REPORTING USE OF FORCE INCIDENTS

1. Discharge of Firearms – report required.

Any officer who discharges a firearm for any reason or purpose other than those exceptions listed in this section, shall make a written report to his/her immediate supervisor as soon as circumstances permit. This written report will then be forwarded through the chain of command to the Chief of Police for review. Exceptions to the requirement of a written report apply to the following circumstances in which no accident or injury results:

 - a. The discharge of firearms on firearm ranges or in an area for firearms practice.
 - b. Sporting events to include lawful hunting and organized shooting matches.
2. When, in accordance with applicable law, it becomes necessary for an officer to discharge a firearm to destroy an animal which presents a danger or is seriously injured or ill, the officer will, prior to discharging the firearm, request permission to do so from the on-duty supervisor. If such action must be immediately taken in order to protect the officer's or another person's safety, the officer need not delay action in order to request this permission. In this circumstance, however, the Watch Supervisor must be notified immediately after the firearm is used. A Use of Force report is required.
3. Review Committee.
 - a. Use of force incidents shall be reviewed by a committee consisting of a minimum of three sworn personnel.
 - i. The committee shall consist of a Division Commander, the Sergeant of Planning and Research and/or Training Sergeant, and a third person designated by the Division Commander.
 - ii. This group will, at a minimum, meet every three months to review the Use of Force Reports from the previous three months.
 - iii. The purpose of this committee shall be to review all facts and reports concerning use of force incidents for: appropriateness of force used, for any training which may be necessary, and/or any need for policy changes. This committee will make recommendations on these matters to the Chief of Police.
 - b. All non use of force firearms discharges (e.g. accidental/negligent discharge), with the exception of the destruction of animals which are reviewed by the Use of Force Committee, shall be reviewed in a manner consistent with General Order 99-06: *Internal Affairs Investigations* as assigned by a Division Commander.
 - i. At a minimum, this will consist of a *Report of Inquiry* and supervisory review.
 - ii. The Division Commander and the Training and Accreditation Sergeant will review the investigation and findings to identify any training recommendations which are necessary, and/or any need for policy changes. Recommendations on these matters will be forwarded to the Chief of Police.
4. Use of Force Reports.

- a. A Use of Force Report with a written narrative regarding any use of force incident will be submitted in addition to any incident report. The report(s) shall contain the following information:
 - i. Arrestee/suspect information.
 - ii. Incident number(s), date and time of incident, and reporting officer.
 - iii. Description of actual resistance encountered.
 - iv. All required fields completed in Use of Force report.
 - v. The force used by the officer to overcome the resistance and the specific weapon or technique used.
 - vi. A description of any alleged or actual injuries to either the officer or suspect.
 - vii. Pictures taken of any injuries to either the officer or suspect
 - viii. Exposure to Chemical Irritant / OC spray will additionally require the documentation of medical treatment being offered, supervisor notification, and decontamination procedures.
 - ix. A Conducted Energy Device deployment will additionally require the documentation of medical treatment, if medical treatment is refused by the suspect, supervisor notification, and the number of cycles/applications used.
- b. When the only use of force is the application of handcuffs, double locked, no use of force report is necessary. The application of handcuffs, double locked will be documented on a written complaint or citation or in the body of an incident report.
- c. A supervisor of the reporting person shall review the report for adherence to Department policy and procedure and document their conclusions.
- d. All reports concerning use of force shall be forwarded through the chain of command to the Division Commander for review.

5. Executive Review.

At a minimum, the Chief of Police and/or designee will conduct a documented analysis of all reports and incidents of force annually. An analysis of reports and incidents of force could reveal patterns or trends that indicate training needs, equipment upgrades and/or policy modifications.

D. INVESTIGATION OF USE OF FORCE RESULTING IN DEATH OR SERIOUS INJURY

1. When any member of the police department is involved in an incident resulting in death or serious injury, a thorough and objective investigation of facts and circumstances will be initiated as soon as practical by the Chief of Police's designees and completed as soon as practical.
2. The Chief of Police or his/her designee shall decide whether the DCI and/or any other outside agency shall be called to assist in the investigation.
3. If an incident resulting in death or serious injury which involves a sworn Iowa City police officer occurs in another police jurisdiction, the officer shall cooperate with that jurisdiction, as set forth in Iowa City Police Department directives.

4. The on-duty watch commander/supervisor shall ensure that appropriate case reports are initiated and that potential evidence is preserved.
5. The officer(s) or employee involved in the death or serious injury shall be relieved of field duty without the loss of pay or benefits, pending the results of the departmental investigation. Other officers or employees involved in the incident also may be relieved of field duty without loss of pay or benefits at the discretion of the Chief of Police, while the investigation is pending:
 - a. The officer or employee shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to duty at any time. The officer or employee must receive permission from the Chief of Police, or the Chief's representative, prior to leaving the area. If such permission is given, the officer or employee shall supply the phone number(s) of his/her location and duration of the absence.
 - b. The officer or employee will not discuss the case with anyone except the prosecuting attorney and/or persons designated by the Chief of Police or their designee. This does not prohibit the officer or employee from discussions with his/her attorney. If the officer or employee may be the subject of internal review or criminal charges, his/her constitutional rights and administrative protections will be maintained. The officer or employee will attend post-traumatic stress counseling at the discretion of the Chief of Police.
 - c. At the discretion of the Chief of Police, the officer or employee may be returned to duty upon departmental receipt of notification from the counselor or mental health professional indicating the officer's fitness for duty.
6. The investigation and administrative leave policy outlined herein is not intended to imply or indicate the officer or employee has acted improperly, but is designed to safeguard the officer or employee and the Department.
7. The Chief of Police may appoint one or more individuals to conduct a separate yet parallel (administrative) investigation into a use of force incident to ensure all personnel followed departmental policies and guidelines.

VI. USE OF FORCE MODEL

- A. Police officers are given the unique right to use force, even deadly force, against others for legitimate law enforcement purposes. The right to use force carries with it an obligation to use that force in a responsible manner. Police agencies have an obligation to provide their employees with the policies, training, and tools necessary to accomplish their mission. Selection of a use of force response from the options articulated in this model will be based on: the skills, knowledge, and ability of the officer; the perceived threat and amount of resistance offered by a subject; and consideration of the situational framework. A defined Use of Force Model will enhance the department's ability to manage the use of force and will benefit the officer by providing guidance, resources, and options.

- B. Officers of the Iowa City Police Department shall follow the principles of the Use of Force Model. The model describes an escalation of force, which is based on a reasonable officer's perception of threat or resistance. As a subject's resistance escalates, more force options become available to the officer. When resistance stops, the officer must de-escalate, but only after control (e.g. handcuffing) is accomplished. Officers of the Iowa City Police Department must generally employ the tools, tactics, and timing of force utilization consistent with the Model's proscription and training protocols. Due to the fact that officer/citizen confrontations occur in environments that are potentially unpredictable, "tense, uncertain, and rapidly evolving" (Graham v. Connor, 109 S.Ct. 1865, 1872. (1989) the officer may utilize tools, tactics, and timing outside the parameters of the Model. However, these applications of force must meet the same test of reasonableness as those which have been previously identified and approved by the Department.
- C. Officers shall use verbal de-escalation techniques when the subject is passively resistant, not unlawfully fleeing, and not engaged in violence directed towards the officers or others.
- D. Reasonable officer's perception/Reasonable officer's response (see attached matrix)

VII. CIVILIAN OFFICERS (COMMUNITY SERVICE AND ANIMAL CONTROL OFFICERS)

- A. Community Service Officers assigned to the road and Animal Control Officers shall carry chemical irritants (OC) under this policy for the sole purpose of self-defense from persons or from animals.
- B. When dealing with upset persons, civilian officers must first attempt to deescalate the situation, if it is reasonable to do so, by backing away from the situation to a place of safety (vehicle or other barrier) and calling for a sworn officer to come to the scene. If after attempting to deescalate the situation, the civilian officer reasonably believes that they are going to be assaulted, the officer may deploy their chemical irritant in a manner consistent with training.
- C. When dealing with aggressive animals, civilian officers should try backing away from the situation to a place of safety (vehicle or other barrier) and call for a sworn officer to come to the scene to assist. If the civilian officer is unable to make it to a place of safety and they reasonably believes that they may be attacked, the officer may deploy their chemical irritant at the animal in a manner consistent with training.
- D. Civilian officers that deploy chemical agents at a person are subject to all reporting requirements set forth in this policy. Additionally, they are responsible to immediately contact the on duty Watch supervisor as well as summoning medical personnel to the scene for any injuries.
- E. Civilian officers that deploy chemical agents at an animal shall notify their supervisor to make them aware that a chemical agent was deployed as well as the circumstances involved.
- F. When dealing with persons, a civilian officer will be held to the "Reasonable officer's perception/Reasonable officer's response" standard. (see level four and five in the attached matrix)

Samuel Hargadine, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

LEVEL ONE

Perception – Subject is compliant

Response – Cooperative controls (includes: mental preparation, spatial positioning, communications skills, handcuffing positions and techniques, searching techniques, arrest and transport controls)

COOPERATIVE CONTROLS	
USE OF FORCE MODEL – FUNCTIONAL PROFILE	
COMPLIANT: LEVEL 1	COOPERATIVE CONTROLS
MENTAL PREPARATION	<ul style="list-style-type: none"> > PERCEPTION SKILLS > RISK ASSESSMENT > SURVIVAL ORIENTATION
SPATIAL POSITIONING	<ul style="list-style-type: none"> > OFFICER STANCE > BODY LANGUAGE > RELATIVE POSITIONING
COMMUNICATION SKILLS	<ul style="list-style-type: none"> > VERBAL <ul style="list-style-type: none"> - VERBAL COMMANDS/DIRECTIVES - VERBAL DE-ESCALATION TECHNIQUES > NON-VERBAL
HANDCUFFING POSITIONS	<ul style="list-style-type: none"> > WALL > STANDING > PRONE > KNEELING
HANDCUFFING TECHNIQUE	<ul style="list-style-type: none"> > CONTROLLED
SEARCHING TECHNIQUES	<ul style="list-style-type: none"> > WALL > STANDING > PRONE > KNEELING
SPECIALIZED TECHNIQUES	<ul style="list-style-type: none"> > OPPOSITE SEX > FRISK > STRIP
ARREST TECHNIQUES	<ul style="list-style-type: none"> > SINGLE OFFICER > MULTIPLE OFFICERS
ESCORT CONTROLS	<ul style="list-style-type: none"> > SINGLE OFFICER > MULTIPLE OFFICERS
TRANSPORT CONTROLS	<ul style="list-style-type: none"> > SINGLE OFFICER > MULTIPLE OFFICERS

LEVEL TWO

Perception – Subject is passively resistant

Response – Contact controls (includes: contact controls, conflict management techniques, mass formation arrest techniques (multiple officer lifts, stretchers, wheelchairs etc.)

CONTACT CONTROLS	
USE OF FORCE MODEL –FUNCTIONAL PROFILE	
RESISTIVE (Passive): LEVEL 2	CONTACT CONTROLS
FORCE OPTIONS (also includes all options from lower Levels)	
COMMUNICATION SKILLS	> VERBAL - VERBAL DIRECTIVES - VERBAL DE-ESCALATION TECHNIQUES > NON-VERBAL
CONTACT CONTROLS	> ARM > WRIST > HAND
ARREST TECHNIQUES	> ESCORT TECHNIQUES > TRANSPORT TECHNIQUES > MASS FORMATION

LEVEL THREE

Perception – Subject is actively resistant

Response – Compliance techniques (includes: neuromuscular controls, joint manipulation, nerve compression, chemical irritants, e.g. OC spray, controlled stopping devices for fleeing vehicle incidents)

COMPLIANCE TECHNIQUES	
USE OF FORCE MODEL – FUNCTIONAL PROFILE	
RESISTANT (Active): LEVEL 3	COMPLIANCE TECHNIQUES
FORCE OPTIONS (also includes all options from lower Levels)	
COMPLIANCE CONTROLS	<ul style="list-style-type: none"> > NERVE COMPRESSION TECHNIQUES > CHEMICAL IRRITANTS, CROWD CONTROL CHEMICAL MUNITIONS > CONTROL TACTICS
NERVE COMPRESSION TECHNIQUES: NEURO-MUSCULAR CONTROLS	<ul style="list-style-type: none"> > HEAD > NECK > ARM > LEG
CONTROL TACTICS	<ul style="list-style-type: none"> > WRIST ROTATION > ELBOW LEVERAGE
BICYCLE	<ul style="list-style-type: none"> > TAKE DOWN TECHNIQUES
VEHICLE PURSUIT TACTICS	<ul style="list-style-type: none"> > COMMUNICATIONS/ASSESSMENT SKILLS > PACING/TRAILING TECHNIQUES

LEVEL FOUR

Perception – Subject is physically assaultive and may cause bodily injury

Response – Defensive tactics (includes: personal weapon defense, e.g. hands, knees, feet, active countermeasures, etc.; impact weapons, e.g. ASP, weapon retention techniques, conducted energy devices)

DEFENSIVE TACTICS	
USE OF FORCE MODEL – FUNCTIONAL PROFILE	
ASSAULTIVE (Potential Bodily Harm): LEVEL 4	DEFENSIVE TACTICS
FORCE OPTIONS (also includes all options from lower Levels)	
PERSONAL WEAPON DEFENSES	<ul style="list-style-type: none"> > HEAD > HANDS > ELBOWS > FEET > KNEES
IMPACT WEAPONS (ASP)	> STRIKES
LESS LETHAL WEAPONS	<ul style="list-style-type: none"> > IMPACT PROJECTILES > CANINE OPERATIONS > CONDUCTED ENERGY DEVICES > OTHER OPTIONS
WEAPON RETENTION TECHNIQUES (Less Lethal)	<ul style="list-style-type: none"> > FRONT > REAR > SIDE
OTHER WEAPONS CANINE*	> CONTROL / APPREHENSION TECHNIQUES

*Deployment of canine for apprehension/protection shall be preceded by actions of suspect which are consistent with Level 4 (Assaultive – Potential Bodily Harm) behavior. The exception to this is the deployment of canine for building searches or related circumstances, where the suspect actions are not known. In this circumstance procedures spelled out in the “Canine Operations” General Order (99-04) shall be followed.

LEVEL FIVE

Perception - Subject is assaultive and likely to cause SERIOUS bodily injury or death

Response- Deadly force (includes: weapon/weapons attack defense, lethal force utilization with service/supplemental weapons, forcible stopping techniques for assault with vehicle incidents)

DEADLY FORCE	
USE OF FORCE MODEL – FUNCTIONAL PROFILE	
ASSAULTIVE (Serious Bodily Harm/Death): LEVEL 5	DEADLY FORCE
FORCE OPTIONS (also includes all options from lower Levels)	
ATTACK DEFENSE	<ul style="list-style-type: none"> > WEAPON > WEAPONLESS > WEAPON RETENTION TECHNIQUES
LETHAL FORCE UTILIZATION	<ul style="list-style-type: none"> > SERVICE WEAPON > SUPPLEMENTAL WEAPON > OTHER OPTIONS
OTHER OPTIONS: FORCIBLE STOPPING TECHNIQUES	<ul style="list-style-type: none"> > CONTACT > ROADBLOCK