

# Police Department Policy and Procedure Manual

## Chapter 4 — Operations

**Section Number:** 4-4-1

**Section Title:** Use of Force

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### I. Policy

- A. The purpose of this section is to establish policy and procedure regarding the reasonable, appropriate, and acceptable use of force, to provide for a high degree of officer safety, and to provide for the treatment of any injury or complaint of injury arising from the use of force.
- B. It shall be the policy of this department to employ the amount of force that is reasonable and necessary to overcome the resistance offered, affect a lawful arrest, and/or accomplish the lawful performance of duty while protecting the public.
- C. Founded allegation of the use of unreasonable or unnecessary force, and/or the failure to provide proper first aid or medical treatment following the use of force, will result in disciplinary action against those who use or allow the use of such force, or fail to provide for the care of persons in custody.

### II. Definitions

#### A. Control

- 1. The method/methods an officer uses to neutralize the unlawful actions of a subject, or to protect the subject's attempt to evade an officer's attempts to establish control.

#### B. Resistance

- 1. The subject's attempt to evade an officer's attempts to establish control.

#### C. Force

1. The attempt to establish control through physical means, in the presence of resistance. All force is a means of control, however, control can at times be achieved without the use of physical force.

D. Non-deadly Force

1. The amount of force that will not likely result in death or serious physical injury.

E. Chokehold

1. The intentional and prolonged application of force to the throat or windpipe that prevents or hinders or reduces the intake of air.

F. Vascular neck restriction

1. The intentional application of force temporarily disrupting the flow of blood to the brain for incapacitation.
2. Officers are not allowed to utilize vascular neck restrictions as a less lethal technique.

G. Deadly Force means any of the following:

1. Force used for the purpose of causing serious injury.
2. Force which the officer knows or reasonably should know will create a strong probability that serious injury will result.
3. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by an officer in the line of duty, 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, other than a firearm loaded with less lethal munitions and discharged by an officer in the line of duty, at a vehicle in which a person is known to be.
  - a. As used in this section, less lethal munitions means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.
5. The use of a chokehold.

H. Serious Injury- means any of the following:

1. Disabling mental illness.
2. Bodily injury which does any of the following:
  - a. Creates a substantial risk of death.
  - b. Causes serious permanent disfigurement.
  - c. Causes protracted loss or impairment of the function of any bodily member or organ.

I. Reasonable Belief- means that an ordinary and prudent person in the same or similar circumstances would believe based upon his/her knowledge of the facts surrounding the event as they existed at the time of the event.

J. Reasonable Force

1. Force in which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury of 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 even if an alternative course of action is available if the alternative entrails 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.

K. Last Resort

1. Situations are those wherein certain immediate and drastic measures must be undertaken by an officer to protect human life. Force used in these situations may involve the use of techniques or weapons not covered by policy; however, they remain to be measured by "reasonable" and "necessary" use of force standards.

L. Levels of Resistance

1. Psychological Intimidation
  - i Non-verbal cues indicating a subject's willingness to comply with control, through apparent resistive attitude, appearance, and physical readiness to resist.

2. Verbal Non-Compliance
  - i Verbal cues indicating a subject's unwillingness to comply with control, through resistive statements, threatening statements, or other "fighting words."
3. Passive Resistance
  - i Physical actions that do not prevent an officer's attempt at control but fail to assist in that control. An example is "dead weight."
4. Defensive Resistance
  - i Physical actions that attempt to prevent an officer's attempts at control, but do not attempt to harm the officer. Examples include pulling away or locking the body in a fetal posture.
5. Active Aggression
  - i Unarmed physical actions that attempt to harm the officer. Examples include punches and kicks.
6. Aggravated Active Aggression
  - i Armed assault upon the officer.

#### K. Levels of Control

When the use of force is necessary and appropriate, members shall not employ a more forceful measure unless it is determined that a lower level of force would not be adequate, or such level of force is attempted and found to be inadequate. The level of force continuum may include the following.

1. Officer Presence
  - a The control manifested by the mere presence of an officer, whether uniformed or not, on the scene.
2. Verbal Direction
  - a The control manifested by the officer's use of spoken commands and directions.
3. Empty Hand Control or Soft Hand Techniques

- a The use of empty hand techniques that are unlikely to result in physical injury. Examples include control holds, pressure point control techniques and joint manipulation.

#### 4. O.C. Spray

- a The use of O.C. spray is authorized if, in the opinion of the officer, the use of empty hand or “soft” hand techniques would pose unnecessary risk of injury to the offender and/or the officer, or if empty hand techniques would be ineffective in gaining control of the offender.

#### 5. Hard Empty Hand Control

- a The use of empty hand techniques that have an increased likelihood of resulting in physical injury. Examples include punches, strikes and kicks.

#### 6. Soft Intermediate Weapon Control

- a The use of an implement to effect control, in a manner that is unlikely to result in physical injury. Examples include handcuffs and aerosol subject restraints.

#### 7. Hard Intermediate Weapon Control

- a The use of an implement to effect control, in a manner that manifests an increased likelihood of physical injury. Examples include baton strikes.

#### 8. Less Lethal Force

- a The use of an implement to effect control, in a manner that manifests an increased likelihood of physical injury. Examples include bean bag projectiles, Tasers, stun guns, etc.

#### 9. Deadly Force

- a The use of an implement or technique, in a manner that is reasonably likely to result in death or serious bodily harm. Examples include firearms, motor vehicles and impact weapon strikes to the head or throat.

### III. Authorization for the Use of Force

- A. During an officer’s tour of duty, it may be necessary to use some level of control to affect an arrest or to protect others. In many situations control may be achieved without the use of physical force. In other instances, based on the resistance offered, the officer may find

it necessary to use varying levels of physical force to control the subject's actions. That amount of force may be as low as placing a hand on a subject's shoulder or arm and directing that subject to place their hands in an appropriate position in order to apply handcuffs. This amount of force would be considered "mere physical contact."

- B. However, depending on the level of resistance offered, the officer may use techniques that may rise to a level of physical force that is intended to influence behavior through pain compliance, in order to establish control. These techniques would consist of touch pressure, leg/hand strikes, chemical agents, impact weapons, or even the use of firearms if justified by the resistance offered.

#### IV. Use of Force Procedures

- A. The use of force will be examined from two (2) perspectives, resistance, and control. Both resistance and control can be in the form of verbal responses (subject) or directives (officer), or physical actions.
- B. Officers should assess the incident in order to determine the level of control that would be appropriate. When possible, officers should attempt to gain control by means of verbal directives or commands.
- C. If verbal directives or commands are ineffective, or not feasible given the circumstances of the situation, the officer may find it necessary to escalate to control methods that involve the use of physical force. If force is necessary, the officer must decide which technique(s) or authorized equipment will best de-escalate the incident and bring it under control in a safe manner.
- D. Officers are authorized to use department approved control techniques and authorized equipment for resolution of incidents, as follows:
  - 1. To stop potentially dangerous and unlawful behavior.
  - 2. To protect the officer or another from injury or death.
  - 3. To protect subjects from injuring themselves.
  - 4. And in the process of affecting a lawful arrest when subject offers resistance.

#### V. Deadly Force Procedures

- A. Use of Deadly Force

- a. Deadly force may only be used when an officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury (**Iowa Code §804.8**)
  - b. Annually, training on the policy dealing with deadly force procedures shall be conducted. Conditional terms in the policy such as reasonable belief, serious physical injury or similar terms shall be included in the training.
- B. Whenever any of the conditions described above are present, where feasible, officers shall identify themselves and provide a warning before the force is applied.
- C. Use of Deadly Force Prohibited or restricted.
1. Deadly force is prohibited in the following situations:
    - a. Solely because a subject fails to stop for a blockade or roadblock or fails to obey a command to stop.
    - b. To fire “warning” shots.
  2. Discharge of a firearm from a moving vehicle is discouraged and should only be used as an option of “last resort.”

## VI. Escalation and De-escalation of Force

- A. Escalation of force may be justified when an officer reasonably believes that the level of force being used is insufficient to stop or control the resistance.
- B. Officers may escalate to the level of force that is “reasonable” and “necessary” to control the situation, based on the level of resistance encountered. As the subject begins to de-escalate or lessen the resistance offered, the officer should de-escalate in a similar manner.
- C. The officer should consider the following variables when making a decision to escalate or when to de-escalate the level of control:
  1. Officer/Subject: size, physical abilities.
  2. Environmental Conditions: such as close or confined areas.
  3. nature of contact.

4. Exigent Circumstances/Conditions: number of officers, number of subjects involved, and availability of back-up.
5. Reaction Time: The officer must consider that action is faster than reaction; thus, the officer must pay attention to the above factors when preparing for a course of action.
6. Reactionary Gap: Officers should be cognizant of and utilize a reactionary gap during all police contacts. The reactionary gap is defined as a safety zone between the officer and subject which affords the officer more time to react to aggression:
  - a. The average distance is six feet or more.
  - b. Varies with the type of weapon the subject may possess.
  - c. The officer always has two “Reactionary Options” available.
    - (a) Penetrate the gap to attempt control.
    - (b) Disengage to create distance.

#### D. De-escalation techniques

1. If possible, limit the number of officers in the immediate area of the subject (do not surround.)
2. Have only one officer as the point of contact with the subject.
3. Speaking with authority and credibility, showing respect and dignity to the subject involved.
4. Allow the subject time to comply with verbal directions.

#### VII. Motor Vehicles as Force

- A. Officers must be aware, and acknowledge, that in many instances a motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be the use of force.
- B. “Boxing in” maneuvers and so called “rolling roadblocks,” create a high probability of contact between the officer’s and subject’s vehicle. As a result, these techniques may also be considered a use of force.
- C. The use of any such methods, techniques or actions must be justifiable and in accordance with departmental guidelines.

D. The use of any such methods, techniques or actions has a possibility of causing death or serious physical injury. The use of any such methods, techniques or actions could therefore be classified as the use of deadly force as defined in this order.

VIII. Medical Considerations. The physical well-being of any person who is injured during the course of a police action is the responsibility of the responding officer and all other officers at the scene. As soon as practical, the individual shall be placed in a physical position that allows for easier breathing and less physical discomfort.

A. During the course of a police action medical treatment shall be made available to a subject when:

1. The subject requests medical treatment.
2. The subject complains of injury or continued pain.
3. Any officer observes or suspects injury to the subject.
  - a. A specific officer should be designated to monitor the subject.
  - b. Any subject upon whom force is used should be monitored closely.
  - c. Persons exhibiting signs of unusual distress, such as excited delirium, should be transported to a medical facility for treatment.
4. The subject does not substantially recover from the effects of an Aerosol Subject Restraint (ASR) within the reasonable and expected period of time.
5. The subject is unconscious.
6. Directed by a Supervisor or acting Supervisor.

B. Officers that provide a subject with medical treatment shall document same, along with the nature of the injury or complaint of injury, in the incident report and the Use of Force report from.

C. Medical treatment will be provided at a departmentally designated medical facility and/or by any other certified medical provider, (i.e., EMT, Paramedic, County Health Nurse, etc.) If transportation to a medical facility is necessary, an ambulance will be used except in instances of minor injury or complaint of pain.

- D. Officers who provide a subject with medical treatment shall, prior to removing the subject from the medical facility, receive written authorization from the attending physician to do so.
- E. Officers that provide a subject with medical treatment shall, while at the medical facility, notify the on-duty Supervisor (or acting Supervisor, or on-call Supervisor in the absence of an on-duty Supervisor) of the incident and injuries sustained as a result of the incident.

#### IX. Investigation of Use of Force

- A. The officer's Supervisor will review every incident in which force is used.
- B. All applications of force shall be reported by the involved officer(s) to the on-duty Supervisor, or the acting Supervisor as soon as practical.
- C. As soon as reasonably possible, officers that have used force shall complete an incident report and the Departmental Use of Force report form.
- D. All reports of the use of force received by an acting Supervisor shall be forwarded to the involved officer's Supervisor as soon as practical, for review.
- E. After conducting a review of the circumstances attending the use of force, the Supervisor shall submit a written report of the results of the investigation to the Chief of Police through the chain of command.
- F. The Chief of Police and/or designee will review all reports and incidents of force annually. A review of reports and incidents of force could reveal patterns or trends that indicate training needs and/or policy modifications.
- G. All use of force reports will be entered into the Guardian Tracking System.

#### X. Use of Force Training

A. All agency personnel authorized to carry lethal and less lethal weapons shall receive all use of force policies and related instruction before authorization to carry a weapon. Policy receipt and curriculum delivery must be documented. The related instruction shall include the following:

1. The completion of a department approved defensive tactics training program at least every 2 years. Elements of this training shall include, but not limited to, handcuffing, weapon retention, pressure point control techniques, joint

locks, come-a-longs, the resistance/control continuum, resistance /control reporting procedures, and the Department's use of force policy

2. Annual department firearms training. Elements of this training shall include, but not limited to, low light firing, cold or inclement firing, decision making skills, multiple adversaries, simulation or role-playing scenarios, concealed carry training, proficiency testing, and the Department's use of force policy.

3. Training with any authorized weapons, prior to their use or carry. This shall apply to restraint devices, aerosol weapons, impact weapons and any other weapons with which an officer is equipped or is authorized to carry.



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