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| **POLICY TITLE:** | *Use of Force* | **STANDARD/REF #:** | 1.3.1; 1.3.2; 1.3.3; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 1.3.13; 74.3.1 |
| **APPROVED BY:** | *Wayne Jerman, Chief* | **REVIEWED DATE:** | 6/17/2013 |
| **REQUIRED REVIEWERS:** | *Training Captain; CID Captain; Patrol Captain; Professional Standards* | **REVISED DATE:** | 1/16/2014 |
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**POLICY/PURPOSE**:
The purpose of this directive is to establish guidelines governing the use of force by the Officers of the Cedar Rapids Police Department, to delineate the Department's policy regarding the use of deadly force, and to establish policies under which the use of deadly force by Police Officers is permissible.

The Cedar Rapids Police Department will have a variety of force options available to them. Officers may pick any of these options based on their reasonable perception of threat and the totality of the circumstances known to the Officer at the time.

Cedar Rapids Police Officers will use only that amount of force, which is reasonably necessary to affect an arrest, defend oneself, or others and to accomplish lawful objectives [1.3.1/1.3.2].

**DEFINITIONS** [1.3.2]:
Deadly Force (Chapter 704.2, Code of Iowa)

- Force used for the purpose of causing serious injury.
- Force, which the actor knows, or reasonably should know, will create a strong probability that serious injury will result.
- The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official 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.
- The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be.
- 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.

Serious Injury (Chapter 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.

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Reasonable Force (Chapter 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 life 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.

Defense of Self or Another (Chapter 704.3, Code of Iowa)

- A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any imminent use of unlawful force.

Arrest (Chapter 804.5, Code of Iowa)

- Arrest is the taking of a person into custody when and in the manner authorized by law, including restraint of the person or the person's submission to custody.

Use of Force by Peace Officers Making an Arrest (Chapter 804.8, Code of Iowa)

- 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:
    - The person has used or threatened to use deadly force in committing a felony, or
    - 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.

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**PROCEDURE**:

Police Officers of the Cedar Rapids Police Department may fire weapons to stop or incapacitate an assailant to prevent serious injury or death to the Officer or others. For this purpose and to minimize danger to innocent bystanders, the Police Officer should shoot at the "center body mass" except in those situations where innocent persons would be in danger or the "center body mass" target is not effective and the Police Officer reasonably believes not taking immediate action would result in death or serious injury to the Police Officer or another person.

Police Officers may use deadly force to protect themselves or others from what he or she reasonably believes to be an immediate threat of death or serious injury.

No distinction shall be made relative to the age of the intended target. Self-defense and imminent threat shall be the policy guidelines for employing deadly force.

Police Officers are not justified in firing a warning shot [1.3.3].

Except under the following circumstances, shooting at a moving vehicle is strictly prohibited:

- When the occupant of the vehicle is utilizing deadly force against the Police Officer or other persons.
- As a last resort to prevent death or substantial harm to Officers or other persons.
- As a last resort to apprehend a person who has just committed a felony resulting in serious injury or death.
- The discharge of firearms shall not be utilized when circumstances do not provide a high probability of striking the intended target or when there is substantial risk to the safety of other persons.

Where deadly force is not authorized, Officers should assess the incident in order to determine which less lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner. Officers will use no more force than is reasonably necessary to gain control of an individual or situation. Officers are authorized to use only those departmentally approved techniques and equipment for the resolution of incidents.

Use of force is any action applied by an Officer that significantly restricts or alters the actions of another and compels compliance with the demands or instructions of the Officer.

Use of force by an Officer is justified in, but not limited to, the following situations:

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- To protect themselves or others from physical harm.
- To control an arrestee or a potentially violent person.
- To restrain or subdue a resistant individual.
- To bring an unlawful situation safely and effectively under control.

**USE OF FORCE OPTIONS**:
The following are force options that Cedar Rapids Police Officers are permitted to use, however options are not limited to those as stated nor intended to be used in any particular order but rather based on the reasonableness of the option with information known to the officer at the time:

- Presence and Dialogue
- Low level Compliance: escort and compliance holds
- Oleoresin Capsicum (O.C.)
- Passive Countermeasures
- Active Countermeasures
- Canine
- Taser - Electronic Control Device
- Impact Weapons
- Distraction Devices
- Chemical Munitions
- Less Lethal Munitions
- Deadly Force

**TASER POLICY**:
Taser Deployment and Documentation
The Taser is considered an Intermediate Weapon control option. The decision to use the Taser will be determined by the actions of the subject, the threat perceived by the Officer, and the totality of the circumstances surrounding the incident. Deployment is permitted when a subject poses an immediate, credible threat to the physical safety of an Officer or someone else. The device cannot be used to force compliance of people who do not pose an immediate threat.

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Tasers will only be utilized by those Officers who have been trained and certified on the use of the Taser. Officers certified in the use of the Taser shall wear the Taser on their duty belt. With their Commander's approval, the officer may remove their ASP baton from their duty belt if they cannot comfortably carry or proficiently access both the baton and Taser. The Commander approving the removal of the ASP will note that decision on the officer's monthly inspection form.

- Training is conducted in accordance with state, departmental, and Taser International standards.
- All Officers certified to carry/deploy the Taser shall receive refresher training on a bi-annual basis The Taser is deployed as an Officer safety tool and is an addition to other police self-defense techniques and tools. The Taser is to be used to control physically dangerous or violent subjects or animals, when a weapon is involved, or there is reasonable belief that it is unsafe for Officers to approach within physical contact range of the offender. An Officer is not expected to place himself at unreasonable risk to deploy the Taser nor shall an Officer deploy the Taser when facing a firearm or extended distance deadly force threat unless circumstances permit such use. The Taser should not be utilized where deadly force is justified.

The Taser shall not be used in the following circumstances:

- When the operator cannot approach the subject within the effective range of the device for safety or other reasons.
- In proximity to flammable liquids, gases, or blasting materials that may be ignited by use of the device, including but not limited to any subject who may have been contaminated with combustible liquids
- In conjunction with another Taser or any other electrical restraint device
- When persons are in wheelchairs or in control of a vehicle.
- Additionally, in non-lethal force situations, Officers should not use the Taser on the following:
    - Women known to be pregnant
    - Children or those under 80 pounds
    - Persons with known heart problems
    - Persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current
    - People with apparent debilitating illness or the elderly
    - Individuals with known neuromuscular disorders such as multiple sclerosis, muscular dystrophy

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or epilepsy

- When a subject is taken into custody after the use of the Taser, a field supervisor/commander will be notified and the subject will be provided a medical evaluation.

Use of the Taser is considered a use of force and is subject to the same reporting procedures as any other use of force required by the Cedar Rapids Police Department. Officers deploying the Taser will so note in the Incident Report. Photographs of any injuries to the subject will be taken to include the area where the probes attached to the subject's body. Photos will be taken of the spent cartridge and probes. These items can then be properly disposed of (probes in sharps container).

- Officers deploying the Taser will download the firing data from the Taser and include a copy with the Incident Report. The Use of Force Report shall be reviewed by the Patrol Division Commander and a copy of the Incident Report shall be forwarded to Professional Standards.
- After a Taser deployment, the Chief of Police may convene a Taser Review Board. The Taser Review Board shall consist of a Taser Instructor, a Defensive Tactics Instructor, and a third party selected by the first two (2) members. It will be the Board's responsibility to examine use of force issues, Taser deployment issues, and usage that is consistent with established Department Directives. The Board will select a chairperson who will make a report to the Chief of Police of their findings. The Taser Review Board will convene annually and review the use of the Taser by Department members for that period. They will make an annual report to the Chief of Police.
- Any Officer who has an unintentional discharge of their Taser will immediately notify their Shift Commander. The Officer will complete a memo describing the circumstances surrounding the incident. An Officer who has a negligent discharge of their Taser will be subject to Department discipline; and/or the Officer may be required to attend remedial training in the proper use and deployment of the Taser.

**AGITATED CHAOTIC EVENTS/AGITATED DELIRIUM**:
Agitated Chaotic Event/Agitated Delirium is an individual who may exhibit emotional disturbances such as anxiety, fear, depression, irritability, anger, euphoria, and apathy. There may be rapid unpredictable shifts from one emotional state to another. Acute Sudden Onset of symptoms is a powerful indicator.

Psychological Behaviors
Psychological behaviors include, but are not limited to:

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- Intense Paranoia
- Extreme Agitation
- Rapid Emotional Changes
- Described by other as just snapped or flipped out

Communication Behaviors

Communication behaviors include, but are not limited to:

- Screaming for no apparent reason
- Pressured, loud, incoherent speech (mumbling)
- Grunting; guttural sounds
- Irrational speech

Physical Behaviors

Physical behaviors include, but are not limited to:

- Violent behavior towards others and inanimate objects
- Running into traffic
- Stripping off clothing or being naked
- Having apparent superhuman strength

Medical Crisis

If someone shows signs of an Agitated Chaotic Event it should be treated as a Medical Emergency and Area Ambulance should be dispatched.

Action Steps

Normally the Police Department will be called to someone showing Acute Agitated behaviors. These steps will help secure the individual to prevent injury to themselves, other citizens, or Officers.

- Dispatchers Role - Should identify possible behavioral cues are present and dispatch Officers, Area Ambulance, and a supervisor.
- Assess Scene - If it is safe and reasonable Officers should scan the area looking for cover, concealment, and for others who may be in danger or having a medical crisis.

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- Plan – If safe and reasonable make a plan with other Officers and EMS providers.
- Capture the Person - Time may not allow Officers to complete the aforementioned steps. As safe as possible, quickly capture the person to minimize stress. Capturing tools include but are not limited to: Electronic Control Device (ECD), O.C., multiple Officers. To minimize injury to all involved an ECD has been shown to be the most effective for quickly capturing this category of individual.
- Control the person - Quickly control the person.
- Restrain the person - Restrain the person as quickly as possible using handcuffs, plastic or nylon cuffs, and/or leg restraints. If the person is face down after the restraints have been applied, roll the subject onto their side or upright if safe to do so.
- Transport the person - The person, if sedated or not, should be transported to the hospital by Area Ambulance with an Officer riding inside the ambulance.

A detailed report should be left by every Officer who was on scene and reviewed by the Watch Commander and Patrol Division Commander.

**DUTY KNIFE**:
Officers are authorized to possess and use a duty knife for general work as well as for limited defensive purposes. The primary purpose of a knife is for the use as a cutting or prying tool to assist officers in their daily duties. While not considered to be a primary weapon of choice for life defense, an officer may, under extraordinary circumstances use the duty knife for the defense of their own life or the lives of others. All officers who opt to carry a knife will receive training in its use for defensive purposes prior to authorization to carry the knife.

The following specifications will be adhered to, with the exception of specialty assignments, where by the use or carry of a knife is specific to the duties as prescribed in the assignment (i.e. SRT or HDU) and authorized by the Officer's unit or division commander:

- Officers may carry a manual opening/folding or fixed blade knife on their person, limited to blade length of 5 inches.
- A fixed blade knife will be in a scabbard or carrier.
- A folding knife may be carried in a covered pouch on the duty belt. The pouch will be consistent with the appearance of the duty belt.

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Any knife will be carried unobtrusively (preferably concealed). Officer and suspect accessibility to the knife should be considered when determining carry options.

Medical Treatment for Persons Injured by Use of Force

Police Officers should use verbal and non-verbal cues to identify the injured. Medical triage protocol, based on training, should be used to determine if people are injured, and to what extent they are injured. As soon as an injury is determined, Officers should notify Dispatch to start the appropriate emergency medical response and render emergency first aid as trained. [1.3.5]

Discharge of Firearms [1.3.6a]

Any time an Officer discharges a firearm while on duty for other than training, function testing, animal disposal or recreational purposes, a written report shall be submitted. The firearm needs to be secured by a Commander as soon as appropriate. Unless necessary for safety reasons the officer's firearm shall not be cleared at the scene. The Crime Scene Unit (CSU) shall be responsible for the clearing of the weapon. If CSU is not available, the weapon will be secured in an evidence gun box and turned in as evidence to be processed by CSU. If the weapon remained loaded, this shall be clearly identified on the exterior of the gun box and on the email sent to Police Identification Bureau for processing. The Commander may issue a replacement weapon to the Officer only if weapon used is departmental issued.

If an Officer's use of force causes a serious injury, or death, the Officer's supervisor shall immediately contact the Unit and Division Commander.

- It shall be the Division Commander's responsibility to notify the Deputy Chief of Police. If the Division Commander cannot be notified, the Commanding Officer shall notify the Deputy Chief of Police.

The Chief of Police will determine whether and how the incident will be investigated. An incident that is investigated will be handled as follows:

- Reassignment of an Employee Involved in Shooting, Serious Injury, or Death:
  - Any employee whose use of force or actions result in the death or serious bodily injury of any person shall be placed on administrative leave, or reassigned by the Chief of Police to temporary duty. This assignment will be in a capacity that does not involve the use of police authority. [1.3.8]

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  - The employee will remain on such leave or reassignment until such time as the administrative review, i.e., Internal Affairs Investigation is completed. The employee will return to normal duties only after the investigation is complete and it has been determined that the Officer acted in accordance with established policies and procedures, and then only upon authorization of the Chief of Police.
  - While on authorized leave or restricted or temporary duty, the employee's Division Commander will contact the City Health Nurse to coordinate the officer's attendance for evaluation in the Employee Assistance Program. The Chief of Police may extend the employee's authorized leave or temporary duty status upon the recommendation of the Employee Assistance Program.
- The investigation may be assigned to Professional Standards or a Shooting Review Board. After the investigation is complete, all information will be presented to the Chief of Police. The Shooting Review Board will consist of three (3) members, determined by the Chief of Police. No member of the involved Officer's chain of command shall be on the board. One (1) person will be selected as Chairperson by the board. The Department Range Master will, if possible, become a member of the Shooting Review Board. If the Range Master is not available, another Firearms Instructor may replace him or her, or the Shooting Review Board may proceed without him or her.
  - Professional Standards or the Shooting Review Board will make recommendations to the Chief of Police for corrective action where it is deemed necessary. This action could be:
    - Disciplinary.
    - Change in training, equipment or policy
    - No action deemed necessary.

Press Release (Outside Agencies) - Only the Public Information Officer (PIO), a Division Commander, Deputy Chief of Police, or Chief of Police shall release to the press or make public in any way, details of the incident or any subsequent investigation.

When it becomes necessary for an Officer to discharge a firearm to destroy an animal that presents a danger, 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 Police Officer or another person's safety, the Officer need not delay taking action in order to request this permission. The Watch Commander must be notified immediately after the firearm is used. In either case, the Officer will also give documentation to the Division Commander.

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Reporting a Use of Force Incident

Any time an Officer uses physical force beyond handcuffing and direct touching, a written Use of Force Report shall be completed by the Officer and submitted to their immediate supervisor for review and sign off. The Use of Force Report will then be forwarded to the Chief of Police through the chain of command. [1.3.6b; 1.3.6c; 1.3.6d].

- Appropriate, precautionary deployment of weapons by Officers, when such deployment is not directed at any person, does not require completion of a Use of Force Report.
- Appropriate, proper application of handcuffs to a person in custody, which does not otherwise involve the use of force, does not require completion of the Use of Force Report

The Chief of Police and/or Professional Standards designee will perform an annual analysis of all reports and incidents of force. An analysis of reports and incidents of force could reveal patterns or trends that indicate training needs and/or policy modifications. [1.3.7; 1.3.13]