



POLICY TITLE: *Use of Force*

STANDARD/REF #: 4.1.1; 4.1.2; 4.1.3; 4.1.4;
4.1.5; 4.2.1; 4.2.2; 4.2.3;
4.2.4; 4.2.5; 4.3.3; 4.3.4;
11.3.3; 11.3.4; 22.1.2a;
22.1.4

APPROVED BY: *Wayne Jerman, Chief*

REVIEWED DATE: *6/12/2020*

Division Commanders;

REQUIRED REVIEWERS: *Professional Standards;
Training Specialist*

REVISED DATE: *6/12/2020*

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 (CRPD), to delineate the Department's policy regarding the use of deadly force, and to establish policies under which the use of deadly force by officers is permissible.

The CRPD 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.

The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether they are actively resisting arrest or attempting to evade arrest by flight.

In addition, 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. The question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them.

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. [4.1.1; 4.1.2]

DEFINITIONS AND REFERENCES: [4.1.2]

Arrest

Refer to Chapter 804.5 of the Code of Iowa.

Choke Hold

A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Deadly Force

- Basic Definition:
 - Any force that creates a substantial risk of causing death or serious bodily injury.
- Formal Definition:
 - Refer to Chapter 704.2 of the Code of Iowa.



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De-Escalation [4.1.1]

Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Defense of Self or Another

Refer to Chapter 704.3 of the Code of Iowa.

Less Lethal Force

Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

- As used in this directive, “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.

Officer Involved Shooting

Any non-accidental discharge of a firearm by an officer outside of training or for the destruction of an animal as outlined in this directive.

Paid Administrative Leave

Leave with full pay and benefits authorized by the Chief of Police for administrative purposes. Members placed on Administrative Leave will continue to accrue seniority and all forms of leave.

Reasonable Force

- Basic Definition:
 - That amount of force that is objectively reasonable to affect a lawful police purpose and protect the safety of members or others based upon the totality of the circumstances.
- Formal Definition:
 - Refer to Chapter 704.1 of the Code of Iowa.



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Serious Injury

Refer to Chapter 702.18 of the Code of Iowa.

Shooting Review Board

The Shooting Review Board is a part of the administrative review process and may be utilized after an officer involved shooting. The board's function is to determine if an officer's actions complied with department policy, procedure, and training, and also to make recommendations in any of these areas. The 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 Lead Firearms Instructor will, if possible, become a member of the Shooting Review Board. If the Lead Firearms Instructor is not available, another Firearms Instructor may replace them, or the Shooting Review Board may proceed without them.

Use of Force by Peace Officers

- Basic Definition:
 - Any physical or mechanical intervention used by a member or employee to defend, overpower, restrain or overcome the resistance of an individual.
- Formal Definition:
 - Refer to Chapter 804.8 of the Code of Iowa.

PROCEDURE:

DE-ESCALATION: [4.1.1]

Officers are trained to use de-escalation techniques and other alternatives to higher levels of force when such delay will not compromise officer safety or the safety of another person. The Cedar Rapids Police Department is committed to avoiding and minimizing injury to all parties during potential and active force encounters.

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

DUTY TO INTERVENE:

Any officer who witnesses another officer, acting in their official capacity, use force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely



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and immediately intervene to prevent and/or discontinue the use of such force. The officer shall then immediately report the incident to a supervisor. [4.2.1b]

USE OF FORCE OPTIONS: [4.1.4]

The following are force options that officers are permitted to use; however, options are not limited to those as stated nor are they intended to be used in any particular order. Force options are based on the reasonableness of the option and with the information known to the officer at the time:

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

LESS-LETHAL FORCE [4.1.1; 4.1.4]

When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment: [4.1.4]

- To protect the officer or others from immediate physical harm.
- To restrain or subdue an individual who is actively resisting or evading arrest.
- To bring an unlawful situation safely and effectively under control.

Physical force shall not be used against individuals in restraints except as objectively reasonable to maintain custody and control of the prisoner to prevent their escape or prevent imminent bodily injury to the individual, the officer or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.



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USE OF DEADLY FORCE: [4.1.2]

Officers are authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:

- To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
- To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended

Where feasible, officers shall identify themselves as a law enforcement officer and warn of their intent to use deadly force.

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.

Deadly force should not be used against persons whose actions are a threat only to themselves or property.

Warning Shots:

Officers are not justified in firing warning shots. [4.1.3].

Shooting at or From Moving Vehicles:

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

- When the occupant of the vehicle is utilizing deadly force against officers or other persons
 - This includes a vehicle being operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- 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.



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Except in exigent circumstances, firearms shall not be discharged from a moving vehicle.

- Officers must have articulable reason for this use of deadly force.

Choke Holds and Vascular Restraints:

Choke holds, vascular restraints, and knees to the neck are prohibited unless deadly force is justified.

MEDICAL TREATMENT FOR PERSONS INJURED IN USE OF FORCE INCIDENTS: [4.1.5]

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. If it is believed that the suspect is injured or in need of medical aid, officers shall render medical aid as trained as soon as practical and shall request additional medical aid be summoned by the Joint Communication Agency (JCA) if aid is required beyond the basic abilities of officers. Depending upon the situation, an ambulance shall be requested or the suspect shall be transported to the hospital for medical attention.

- To avoid positional asphyxiation, upon being handcuffed, suspects shall be moved from the prone position as soon as practical.

Photographs shall be taken to document any injuries or complaint of injuries.

DISCHARGE OF FIREARMS:

Any discharge of a firearm other than for training will be documented in a written report as outlined.
[4.2.1a]

Animals:

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, ensure that it can be conducted safely and notify JCA. If such action must be immediately taken in order to protect the officer's or another person's safety, officers need not delay taking action in order to make this request. The involved officer will email to their Shift Commander and the Deputy Chief to report the incident.

[4.2.1a]

- Refer to Traffic, Accident Investigations for vehicle – Wildlife Accidents.

At the discretion of the Chief of Police, the Shooting Review Board may review incidents where firearms were used to destroy an animal.



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Unintentional Discharge: [4.2.1a]

In the event of an accidental discharge, the officer shall immediately notify an on-duty commander and send a written memo to their commanding officer and the Lead Firearms Instructor detailing the incident. The officer's Shift Commander shall investigate the incident, unless circumstances warrant the investigation be completed by Professional Standards.

OFFICER INVOLVED CRITICAL INCIDENT - OFFICER INVOLVED SHOOTING, SERIOUS INJURY, DEATH, OR IN-CUSTODY DEATHS:

If an officer is involved in a shooting, a use of force incident resulting in serious injury or death, or an in-custody death occurs:

- The Watch Commander shall contact Senior Command Staff. [11.3.3]
- The Criminal Investigation Division (CID) Commander or designee shall contact the Iowa Division of Criminal Investigation (DCI) to investigate officer involved shootings and Use of Force incidents resulting in serious injury or death. [11.3.4a]
 - DCI will lead the investigation.
 - The CRPD is responsible for:
 - Maintaining a perimeter and holding the scene for DCI
 - Refer to the CID packet on Officer Involved Critical Incidents
 - Collection of evidence through coordination with DCI
 - Conduct interviews through coordination with DCI
 - Contact the CRPD Peer Support Team's Coordinator
 - The CRPD will not formally interview involved officers, but initial commanders on scene will need to address basic questions for an understanding of the incident.

If a firearm is discharged in a use of force situation:

- The firearm shall be secured per directions set forth in the Officer-Involved Incident Protocol SOP.
- 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.
- A commander may issue a replacement weapon to the officer only if the weapon used is departmental issued.



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- A Use of Force Report (CRPD #753) shall be completed by someone other than the involved officer(s) [4.2.1a]

All CRPD officers (on-duty and off-duty) involved in a use of force incident resulting in serious injury or death, a shooting, or an in-custody death will be:

- Afforded due process during the criminal and administrative investigative process.
- At the discretion of the Chief of Police be temporarily provided CRPD issued equipment, including weapons, if weapons and/or equipment were taken as part of an investigation.
- Offered Peer Support Team representation to assist with personal and family needs. [22.1.4]
 - Debriefing as outlined in the Peer Support Team directive.
- Appraised of their duty status in a timely manner.
 - CRPD Officers shall be placed on Administrative Leave or be temporarily reassigned by the Chief of Police to temporary duty. This temporary duty will only involve work from within the Police Station. [4.2.3; 22.1.2a]
 - The employee will remain on such leave or reassignment until such time as the administrative review 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 Administrative Leave or Temporary Duty, all officers will be offered the services of the Employee Assistance Program (EAP).
 - Those involved in incidents where serious injury or death occurred will be required to attend, at minimum, one EAP session.
 - ✓ The Chief of Police may extend the employee's authorized leave or temporary duty status upon the recommendation of the Employee Assistance Program.
- Commanders that may be responsible for managing use of force incidents or other law enforcement actions that result in serious injury or death, or an in-custody death shall receive process training for managing such incidents during Command Meetings and/or Crime Strategies Meetings. [11.3.4e] Process training may include but not be limited to:
 - CID Worksheets
 - CID/DCI Notifications
 - Chief, Deputy Chief, PIO, Captains notifications



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- Addressing Injured Employees (physically and/or emotionally)
 - Scene Management
 - Evidence Collection
- All potentially impacted CRPD members will receive awareness level training regarding such incidents and follow-up training as needed through Peer Support Training. [11.3.4f]
 - Refer to Peer Support Team Directive for additional information.
 - At the discretion of the Chief of Police, an administrative review will be assigned to Professional Standards. If the critical incident was an Officer involved Shooting, the Shooting Review Board may be convened to review the actions of the involved officer. [11.3.4b]
 - Professional Standards or the Shooting Review Board, if applicable, will submit their findings to the Senior Staff for their review. Senior Staff will make any recommendations to the Chief of Police concerning:
 - Discipline
 - Change in training, equipment or policy
 - No action deemed necessary

Prosecutor's Office: [11.3.4c]

As the Chief Law Enforcement Officer of Linn County, the County Attorney has the discretion to convene a Grand Jury to investigate serious injury, death, or in-custody death incidents involving the CRPD. The County Attorney will review DCI's investigation. Once the investigation is complete, the County Attorney will make the final decision on any applicable criminal charges.

PRESS/MEDIA RELEASE: [11.3.4d]

Only the Public Safety Communications Coordinator, a Division Commander, Deputy Chief of Police, or Chief of Police shall release to the press or make public in any way, details of an officer involved used of force incident or any subsequent investigation.

- Until authorized by the Chief or designee, the name(s) of involved members will not be released by any CRPD members.
- All subsequent media releases relative to the incident will be reviewed by the assigned investigative agency, prosecutor's office, and the Chief of Police.
- Refer to the Media Relations directive for additional information.



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REPORTING A USE OF FORCE INCIDENT:

Any time officers use force, they shall: [4.2.1b]

- Mark the appropriate Use of Force check boxes on the Incident Report Form (CRPD #600)
- Complete a written Use of Force Report (CRPD #753) and submit to their immediate commander for review and sign off.
 - The Use of Force Report will then be forwarded to the Chief of Police through the chain of command. [4.2.1b; 4.2.1c; 4.2.1d].
 - The administrative review section of the report will be completed by commanders in the chain of command to determine if policy, training, equipment, or discipline need to be addressed. [4.2.2]

The following actions do not require the completion of the Use of Force Report Form (CRPD #753) or Use of Force boxes checked on the Incident Report (CRPD #600):

- Appropriate, precautionary positioning of weapons by officers, when such positioning is not directed at any person.
- Appropriate, proper application of handcuffs to a person in custody, which does not otherwise involve the use of force.

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, and shall include at minimum: [4.2.4]

- Date and time of incidents [4.2.4a]
- Types of encounters resulting in use of force [4.2.4b]
- Trends or patterns related to race, age, and gender of subjects involved [4.2.4c]
- Trends or patterns resulting in injury to any person including employees [4.2.4d]
- Impact of findings on policies, practices, equipment, and training [4.2.4e]

Assault on Sworn Officer Review: [4.2.5]

Annually the Training Specialist shall conduct a documented review of all assaults on CRPD officers to determine trends/patterns with recommendations to enhance officer safety, revise policy, or address training issues. This review will be submitted to the Administrative Operation's Captain who will forward to the Chief of Police.



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AUTHORIZATION:

Prior to authorization to carry a firearm or any less lethal weapon, officers shall receive a copy of and instruction in this policy. Policy receipt and curriculum delivery shall be documented. The policy may be a hard copy or electronic copy via PowerDMS. [4.3.4]

TRAINING:

All department members authorized to carry weapons shall receive annual in-service training on this policy. [4.3.3]

- Additional training shall be provided on a regular and periodic basis designed to:
 - Provide techniques for the use of and reinforce the importance of de-escalation
 - Simulate actual shooting situations and conditions
 - Enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.