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. [1.3.1; 1.3.2]

DEFINITIONS AND REFERENCES: [1.3.2]
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
Refer to Chapter 704.2 of the Code of Iowa.
De-Escalation
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.

Reasonable Force
Refer to Chapter 704.1 of the Code of Iowa.

Serious Injury
Refer to Chapter 702.18 of the Code of Iowa.

Use of Force by Peace Officers Making an Arrest
Refer to Chapter 804.8 of the Code of Iowa.
**Use of Force**

**DE-ESCALATION:**
Officers are trained to use de-escalation techniques and other alternatives to higher levels of force when such delay will not compromise officer safety. 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.

**USE OF FORCE OPTIONS:** [1.3.4]
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**
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: [1.3.4]

- 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 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.

Officers have a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
- An officer also has the duty to report their observations to a commanding officer.

**USE OF DEADLY FORCE:** [1.3.2]

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, the officer shall identify himself or herself as a law enforcement officer and warn of his or her 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. [1.3.3].

**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
   o 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.

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:
Choke holds are prohibited unless deadly force is authorized.

**MEDICAL TREATMENT FOR PERSONS INJURED BY USE OF FORCE:**
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 the Joint Communications Agency (JCA) to start the
appropriate emergency medical response and render emergency first aid as trained. [1.3.5] Photographs
should be taken to document any injuries or complaint of injuries.

**DISCHARGE OF FIREARMS:** [1.3.6a]
If a firearm is discharged in a use of force situation, the firearm must 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 status shall be clearly identified on the exterior of the gun
box and an email shall be sent to “Police ID Processing” indicating the loaded status of the gun and
request for processing. A commander may issue a replacement weapon to the officer only if the weapon
used is departmental issued.
If an officer’s use of force causes a serious injury, or death, the officer’s commander 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 commander shall notify the Deputy Chief of Police.
- The Criminal Investigation Division (CID) Commander or designee shall contact the Iowa Department of Criminal Investigation (DCI) to investigate all officer involved shootings and Use of Force incidents resulting in serious injury or death.

An incident that is investigated will be handled as follows:

- Reassignment of an officer involved in shooting, serious injury, or death: [1.3.8]
  - 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. [22.2.1a]
  - 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 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 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.
**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, request permission to do so from an on-duty commander. If such action must be immediately taken in order to protect the officer’s 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. The involved officer will notify their Division Commander of the incident via email.

**PRESS RELEASE:**

Only the Public Safety Communications Coordinator formerly known as 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 an officer involved used of force incident or any subsequent investigation.

**REPORTING A USE OF FORCE INCIDENT:**

Any time an officer uses physical force beyond handcuffing and direct touching, or takes action resulting in or is alleged to have resulted in injury or death of another person, the officer shall: [1.3.6b]

- 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, [1.3.6b; 1.3.6c; 1.3.6d].

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):
POLICY TITLE: Use of Force

STANDARD/REF #: 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 1.3.11; 1.3.12; 1.3.13; 22.2.1a; 74.3.1

APPROVED BY: Wayne Jerman, Chief

REVIEWED DATE: 12/14/2018

REQUIRED REVIEWERS: Division Commanders; Professional Standards; Training Specialist

REVISED DATE: 12/14/2018

- 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. [1.3.7; 1.3.13]

AUTHORIZATION:

Prior to authorization to carry a firearm or any less lethal weapon, officers shall receive a copy of and instruction in this policy. The copy may be a hard copy or electronic copy via PowerDMS. [1.3.12]

TRAINING:

All department members authorized to carry weapons shall receive annual in-service training on this policy. [1.3.11]

- 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
  - Stimulate actual shooting situations and conditions
  - Enhance officers’ discretion and judgment in using less-lethal and deadly force in accordance with this policy.