



GENERAL ORDERS: Chapter 5

PUBLISHED DATE: 9/12/2018

EFFECTIVE DATE: 9/12/2018

APPROVED BY: Chief of Police

REVISED DATE: 6/17/2019

Use of Force

I. **Purpose:** This policy establishes guidelines for the use of force.

II. Policy

- A. Employees shall value and preserve human life.
- B. Officers shall only use force that is objectively reasonable to make an arrest or effectively bring a person or incident under control, while protecting the safety of the officer and others.
 - 1. 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.”
 - 2. “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.”
- C. Nothing in this policy requires an officer to be exposed to injury before applying reasonable force.
- D. An analysis of use of force policies, practices, training and legal updates will be performed annually.

III. Definitions

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.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

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.

Objectively Reasonable: The determination that the necessity for using force and the degree of force used is based upon the officer’s evaluation of the situation considering the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations and is consistent with Iowa Code section 704.1.

Deadly Force: Any use of force that creates a substantial risk of causing death or serious injury and includes definitions found at Iowa Code section 704.2.

Serious Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ and includes definitions found at Iowa Code section 702.18.

IV. Procedures

A. General Provisions

1. While making a lawful arrest, force may be used as is justified under Iowa Code section 804.8.
2. Use of force should be discontinued when resistance ceases or when the incident is under control.
3. Physical force shall not be used against individuals in restraints, except as objectively reasonable to control or prevent their escape or prevent imminent bodily injury to any person.
4. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
5. Officers have a duty to intervene to prevent or stop the use of unreasonable force by another officer when it is safe and a reasonable opportunity exists.
6. All uses of force shall be documented and reviewed pursuant to department policies.

B. De-escalation

1. When reasonable, an officer should consider the use of de-escalation techniques allowing an individual time and opportunity to submit to verbal commands, without compromising the safety of the officer or another.

C. Use of Less-Lethal Force

1. When objectively reasonable, an officer should consider the use of less-lethal force to control a non-compliant or actively resistant individual, utilizing agency-approved, less-lethal force techniques and issued equipment to:
 - a. Protect the officer or others from immediate physical harm,
 - b. Restrain, subdue, or control an individual who is actively resisting or evading arrest, or
 - c. Assist in controlling unlawful situations safely and effectively.

D. Use of Deadly Force

1. Authorized Deadly Force
 - a. The use of deadly force is authorized when one or more of the following apply:
 - (1) to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious injury.
 - (2) to prevent the escape of a fleeing subject when the officer reasonably believes that there is an imminent risk of serious injury or death to the officer or another person if the subject is not immediately apprehended.
 - (3) or as justified under Iowa Code section 804.8.
 - b. When feasible, the officer should identify themselves as a law enforcement officer and issue some warning or instructions.
2. Deadly Force Restrictions
 - a. The discharge of a firearm to serve as a "warning shot" is prohibited.
 - b. Firearms shall not be discharged at a moving vehicle except in self-defense or the defense of another and all other reasonable means of defense have been exhausted, to include moving out of the path of the vehicle.

- c. Firearms shall not be discharged from a moving vehicle except in articulable exigent circumstances.

V. Training

- A. All use of force training will be documented.
- B. All officers shall receive annual training on this use of force policy and related legal updates.
- C. Classroom, online and hands on (practical) training will be provided periodically to enhance officers' judgment and ability to use techniques such as de-escalation, less-lethal force, and deadly force.

VI. State of Iowa Code References

704.2 Deadly Force

1. The term "*deadly force*" means any of the following:
 - a. Force used for the purpose of causing serious injury.
 - b. Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.
 - c. 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.
 - d. 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.

704.1 Reasonable Force

Reasonable force means 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 even 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.

702.18 Serious Injury

1. "*Serious injury*" means any of the following:
 - a. Disabling mental illness.
 - b. Bodily injury which does any of the following:
 - (1) Creates a substantial risk of death.
 - (2) Causes serious permanent disfigurement.
 - (3) Causes a protracted loss or impairment of the function of any bodily member or organ.
 - (4) Any injury to a child that requires surgical repair and necessitates the administration of general anesthesia.
2. "*Serious injury*" includes but is not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four years.

804.8 Use of force by a peace officer

1. 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 of the following apply:

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