

OPERATIONAL GUIDELINE, ADMINISTRATION, NUMBER 6
May 31, 2011
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Use of Force

B. PURPOSE:

To provide systematic guidelines and procedures in the use of force, including deadly force, in the performance of the police function.

This General Order is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department, and then only, in a nonjudicial, administrative setting.

C. POLICY:

It is the policy of the Department that employees of the Department shall use no more force than is necessary to protect life and property and to effect arrest in accordance with law.

D. PROCEDURES:

1. The use of force, including deadly force, shall be in accordance with the provisions established and set forth in the Iowa Code.
2. The decision to use reasonable force, including deadly force, shall rest solely with the individual employee's judgment.
 - a. Employees are expected to use sound judgment in deciding to use reasonable force.
 - b. Employees shall use reasonable force, including deadly force, only when legally authorized and shall not be relieved of their responsibility from using said force.
3. Employees may use physical force to defend himself or herself or another from bodily injury or death.
4. The type and degree of force used must be reasonable and based on the facts of each situation.

5. Only that force necessary and reasonable is authorized.
6. Use of physical force or authorized equipment not specifically referred to may be used when it becomes necessary to use force against any individual(s) in order to:
 - a. Overcome resistance to an arrest;
 - b. To ward off physical attack;
 - c. Or, when physical resistance is encountered and reasonable efforts to control the individual have failed.
 - d. Any employee who uses other physical force or authorized equipment, which inflicts injury upon the individual(s), shall complete a detailed Incident and/or Investigative Report.
7. Prohibited Neck Restraints and/or Choke Holds:
 - a. Any neck restraints and/or choke holds causing any force on the neck or throat which is intended to or does interrupt or restrict the flow of blood and/or oxygen is considered by this department to be deadly force.
 - b. Neck restraints and/or choke holds shall only be used when legal and department regulations allow the use of deadly force.
8. Personal Defense Spray/Foam and Chemical Agents:
 - a. Only Department approved chemical agents may be used by trained Waterloo Police Department personnel when it becomes necessary to use force against any individual(s) in order to:
 1. Overcome resistance to any lawful arrest and to maintain or gain control;
 2. Protect the officer(s) or other innocent person(s) from an assault that could result in injury;
 3. Control individuals or groups as per General Order, Operations, Number 18, High-Risk Incidents;
 4. Protect the officer or other innocent person from a violent animal attack.
 - b. Other chemical agents including C.N., C.S., and Smoke may be carried and deployed only by authorized Tactical Unit members.
 - c. Defensive spray and chemical agents shall **not** be deployed within

any hospital without authorization from the Director of Safety Services or designee.

9. Procedure After Use of Spray/Foam or Chemicals:
 - a. Persons contaminated by defensive spray/foam or chemical agents should be exposed to fresh air when possible in order to accelerate the decontamination process.
 - b. Areas of the body exposed to chemical agents must be flushed with large amounts of water as soon as possible.
 1. Eyes should be flushed with clear water when possible.
 2. Other areas can be washed with water, limiting subsequent residual effect when possible.
 - c. Buildings or rooms contaminated with chemical agents should be ventilated to facilitate the decontamination process.
 1. Occupants or persons deemed responsible for a building should be advised to ventilate rooms by opening doors and windows, by the on scene supervisor;
 2. Following the use of chemical agents by Tactical Unit personnel, the Tactical Unit Commander shall assess decontamination needs and acquire the assistance of the appropriate personnel or agency to enhance the decontamination process.
 - d. Any officer using defensive spray/foam or a chemical agent shall complete a detailed Incident and/or Investigative Report.
10. Use of Baton:
 - a. The baton shall be used and employed in a manner consistent with the authorized Department training.
 - b. The baton shall not be used in an unauthorized manner.
 - c. The baton may be used by an officer under the following circumstances:
 1. To effect the arrest of a violently resisting person.
 2. To protect himself/herself or an innocent person from an assault that could result in serious injury.
 3. In other situations where because of serious or extreme circumstances involved, the use of the baton may be justified.

- d. Any officer who uses the baton shall complete a detailed Incident and/or Investigative Report.
11. Use of Canines or Horses:
- a. The use of a police dog or horse by its handler to stop assaults, overcome resistance by arrestees, or defend an officer or another person shall be considered use of force.
 - b. Police canines and horses may be used to apprehend subjects or overcome resistance by arrestees only after due consideration of the following criteria and the handler reasonably believes such force is necessary and justified.
 - 1. The nature of the offense.
 - 2. The danger to the public or officers should the subject not be immediately apprehended or controlled.
 - 3. The possibility of evidence being destroyed or altered.
 - 4. Officer Safety.
 - 5. The officer reasonably believes such use of the animal will not cause undue risk or injury to innocent persons or officers.
 - c. Any canine team handler or mounted Officer that deploys their animal in a manner considered use of force, as detailed above, shall complete a detailed Incident and/or Investigative Report.
12. Use of Firearms - Not Permitted:
- a. For the purpose of warning.
 - b. From a moving vehicle unless the officer is presented with extreme circumstance where deadly force is authorized.
 - c. Towards a moving vehicle when there is risk of injury to innocent persons.
13. Use of Firearms - Permitted:
- a. At an approved range and/or for authorized training purposes.
 - b. To destroy animals seriously injured or dangerous, when other disposition is impractical.
 - c. When an officer reasonably believes that such force is necessary to protect himself/herself or another person from the use or threat of use of deadly force.

- d. When the officer(s) reasonably believes that such force is necessary to effect the arrest or escape of a person who the officer has probable cause to believe:
 - 1. Is committing a felony in which deadly force or serious bodily harm was used or threatened; or
 - 2. Will otherwise present a threat of death or serious bodily harm to the officer or others if not apprehended without delay;
 - 3. Provided the officer, when feasible, first gives a warning before using deadly force;
 - 4. In other circumstances provided by law;
 - 5. Additionally, if possible, the officer should make a reasonable attempt to make known his identity and intent of arrest.

- 14. Any officer who accidentally discharges a firearm with no injuries involved shall immediately notify a supervisor and/or watch commander.
 - a. The watch commander or designee shall notify the following as soon as possible.
 - 1. Director of Safety Services
 - 2. Division Commander
 - 3. Patrol Division - Lieutenant
 - 4. Department Armorer
 - b. The on-scene supervisor shall take immediate custody of and secure the firearm, ammunition, holster and any other equipment that is involved in the incident.
 - c. The department Armorer shall inspect the firearm, ammunition and equipment involved and submit a detailed report.
 - 1. The Armorer shall issue a replacement firearm, ammunition and equipment as soon as possible.
 - d. The officer involved and assigned supervisor shall complete a written incident and/or investigative report as soon as possible.
 - e. The Internal Affairs Unit shall receive a copy of and review all written reports, conduct an internal review and submit a detailed report to the Chief of Police.

- 15. The Internal Affairs Unit shall receive a copy of all offense reports involving the use of force after the appropriate supervisors have reviewed them.

- 16. It is impossible for this policy to foresee or allow for every circumstance with

which an officer may be faced. Accordingly, the department reserves the right to make exceptions to this policy when it finds an officer has acted reasonably or excusably under the totality of the circumstances involved.

BY ORDER OF:

Daniel J. Trelka
Director of Safety Services