City of Carroll

Brad Burke, Chief of Police **Police Department**

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MEMO TO: Mike Pogge-Weaver, City Manager MPW

FROM: Brad Burke, Chief of Police BB

DATE: December 17, 2020

SUBJECT: Deadly and Non-Deadly Force policy update

On June 16, 2020, President Donald J. Trump issued Executive Order (EO) 13929 on Safe Policing for Safe Communities. The EO's goal is to ensure that law enforcement agencies continue to provide transparent, safe, and accountable delivery of services to communities. The EO requires that law enforcement agencies are credentialed by an independent body which has been designated the Iowa Law Enforcement Academy (ILEA) by the U.S. Department of Justice. There are two standards through the EO that are needed for credentialing. They are that agencies have a policy on use of force that adheres to all applicable federal, state, and local laws, and that chokeholds are prohibited unless used in a deadly force situation. The attached policy update addresses those issues and will put the Carroll Police Department in a position to be credentialed by ILEA. We will apply to ILEA for credentialing once this policy has been approved and distributed department wide. The certification through ILEA will be valid for three years.

RECOMMENDATION: Council discussion and approval to adopt the Deadly and Non-Deadly Force policy for the Carroll Police Department.

Effective Date	Number

Subject		
Deadly and Non-Deadly Force		
Reference	Special Instructions	
Distribution	Reevaluation Date	No. Pages 4

I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of deadly and non-deadly force.

II. POLICY

This department recognizes and respects the value of each human life. Therefore, it is the policy of this department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another.

III. DEFINITIONS

A. *Deadly force:* Any use of force that creates a substantial risk of causing death or serious bodily injury.

B. *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.

C. *Objectively Reasonable:* The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of 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.

D. *Serious bodily injury:* Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss of impairment of the function of a body part or organ.

E. *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.

F. *Exigent Circumstances*: Those circumstances that would cause a reasonable person to

believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

G. *Choke Hold:* A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

H. *Vascular Neck Restraint*: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

I. *Warning Shot*: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

IV. PROCEDURES - DEADLY FORCE

A. General Provision
   1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
   2. Physical force shall not be used against individuals in restraints, except as objectively reasonable 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.
   3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her 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.
   4. An officer has 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.

B. De-escalation
   1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
   2. 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.

C. Use of 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 resisting individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment.
      1. To protect the officer or others from immediate physical harm,
      2. To restrain or subdue an individual who is actively resisting or evading arrest, or
      3. To bring an unlawful situation safely and effectively under control.

D. Use of Deadly Force
   1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstance. Use of deadly force is justified when one or both of the following apply:
      a. to protect the officer or others from what is reasonable believed to be

an immediate threat of death or serious bodily injury

b. 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.

2. 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.
3. Deadly Force Restrictions
   a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
   b. Warning shots are prohibited.
   c. Firearms shall not be discharged at a moving vehicle unless
      1. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
      2. The vehicle is 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 include moving out of the path of the vehicle.
   d. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
   e. Choke holds are prohibited unless deadly force is authorized.

E. Training and Qualifications
1. Deadly weapons:
   a. While on and off-duty, police officers shall carry only weapons and ammunition authorized and approved by the Chief of Police.
   b. Authorized weapons are those with which the officer has qualified and received departmental training on proper and safe usage, and that comply with departmental specifications.
   c. The police department shall schedule regular training and qualification sessions for all department-issued deadly weapons.
   d. Police officers will undergo all mandatory training as prescribed by state law for obtaining and retention of a professional (peace officer's) weapons permit.

F. Reporting Uses of Force
1. A written report or supplement will be required in the following situations:
   a. When a firearm is discharged outside of the firing range.
   b. When a use of force results in death or injury.
   c. When a non-lethal weapon is used on a person.

2. A supervisor will be immediately summoned to the scene and will investigate in any of the following situations.
   a. When a firearm is discharged outside of the firing range (except ordinary animal calls requiring destruction of the animal).
   b. When a use of force results in death or serious injury.
   c. When a subject complains that an injury has been inflicted.

G. Departmental Response
1. Deadly force incident:
   a. When a police officer's use of force causes death, the department shall

conduct both an administrative and criminal investigation of the incident. Outside agencies may be called in to assist in the investigation if deemed necessary by the Chief of Police.

b. When an officer is involved in a deadly force incident, the officer may be placed on administrative leave after completing all internal investigation requirements. The officer will also be referred to a mental health professional for counseling regarding the incident.

2. Administrative review of critical incidents:

a. Reported uses of force will be reviewed by the appropriate supervisor and/or the Chief of Police to determine whether:

(1) Departmental rules, policy or procedures were followed.
(2) The relevant policy was effective to cover the situation.
(3) Departmental training is currently adequate.

RESOLUTION NO.____

WHEREAS: The City Council of Carroll, Iowa meeting in regular session on the 21st day of December, 2020, has adopted this Resolution, and;

WHEREAS: The City Council supports the update of the Deadly and Non-Deadly Force policy for the Carroll Police Department;

WHEREAS: The City Council recognizes that Executive Order 13929, signed by President Donald J. Trump on June 16, 2020, requires law enforcement agencies to become credentialed by an independent body approved by the U.S Department of Justice;

WHEREAS: In order to be certified by the independent body, the Carroll Police Department shall update their policy of Deadly and Non-Deadly Force while banning the use of chokeholds unless in a deadly force situation.

THEREFORE: BE IT RESOLVED, that the City of Carroll, by this Resolution of the City Council, approves the Deadly and Non-Deadly Force policy for the Carroll Police Department.

Passed and approved by the City Council of the City of Carroll, IA, this 21st day of December, 2020.

CITY OF CARROLL, IOWA

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Jerry Fleshner, Mayor Pro Tem

ATTEST: _____
Laura Schaefer, City Clerk