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# Iowa State University Department of Public Safety

Directive: 1.3

SUBJECT: RESPONSE TO RESISTANCE

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## POLICY:

The Iowa State University Department of Public Safety recognizes and respects the value of each human life. The primary duty of members of the department is to preserve the life of all individuals, including the lives of individuals who are in the custody of law enforcement. When vesting police officers with the lawful authority to use force to protect the public, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use the least amount of force they believe reasonable and necessary to effectively stop a threat or bring an incident under control. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

## DEFINITIONS:

"Administrative Review" is a time-sensitive assignment given to a command staff member to gather the facts of an incident. It may include but is not limited to reviewing initial written reports and videos. The purpose of an administrative review is to determine if there are policy or safety issues that require a more thorough internal investigation, or any violation of the law. If an internal investigation is not required, training and procedural recommendations may be made.

"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.

"Non-deadly force" refers to any use of force other than that which is considered deadly force.

"Reasonable force" is 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.

"Restraints" refer to devices such as handcuffs, leg irons, chemical restraints, and other restraints used to stabilize.

"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 protracted loss or impairment of the function of any bodily member or organ.
- c. Any injury to a child that requires surgical repair and necessitates the administration of general anesthesia.
- d. Includes but not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four years.

"Less lethal munitions" means projectiles that are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

"Law Enforcement Safety Act Identification Card" refers to the identification card required for law enforcement officers and described in 18 USC 926B).

"Internal Investigation" is an investigation to gather the facts of an incident in detail. An internal investigation may begin as an administrative review. For some incidents, the more complete internal investigation is required by policy. The internal investigation includes gathering information from interviews of the primary personnel related to an incident as well as other officers, arrested persons, victims, and witnesses. It may include but is not limited to reviewing written reports, video, reports from other agencies that produced reports, and physical evidence. When it is determined that discipline is a possible outcome, interviews will be in accordance with the discipline process. If it is determined through an internal investigation that a violation of law may have occurred, the Chief of Police may direct the initiation of a parallel criminal investigation. A criminal investigation is conducted by someone other than the person conducting the internal investigation, and information is not shared between the two.

"Conducted energy weapon probes" are projectiles launched from a conducted energy weapon (CEW) that uses an electric shock to incapacitate a suspect and are not likely or intended to cause serious injury or death.

"Periodic Analysis" is a review of a critical work product as prescribed by various policies. The purpose of a periodic analysis is to determine trends, identify training needs, and summarize a group of events. If a periodic analysis reveals a specific policy issue originating from a specific incident, an internal investigation of that incident may be initiated.

"Designated Supervisor" refers to the supervisor identified for completing a response to resistance report following an incident. The designated supervisor will generally be the on-duty shift supervisor. In the event that the on-duty shift supervisor is involved in an incident, the designated supervisor will be either the supervisor for the closest adjacent shift or the supervisor of investigations.

"Qualified law enforcement officer" means an employee of a governmental agency who:

1. Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of the law, and has statutory powers of arrest;
2. Is authorized by the agency to carry a firearm;
3. Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
4. Meets standards established by the agency which require the employee to regularly qualify in the use of a firearm;
5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
6. Is not prohibited by federal law from receiving a firearm.

## **PROCEDURE:**

### **1.3.1.1 FORCE TO ACHIEVE LAWFUL OBJECTIVES**

Department personnel shall use the least amount of force they reasonably believe will accomplish their lawful objectives. Whenever possible, officers should use trained de-escalation skills during conflict so as to use the lowest amount of force reasonably possible to resolve the situation. The following procedures shall generally govern the use of force by sworn department officers:

- A. The police officer's response to resistance may be necessary in order to enforce the law or in order to protect themselves or others. A police officer's authority to use any force, as well as the degree of force they may employ, is governed by

the United States Constitution, Iowa statutes, case law, and department policy. Police officers will assess each incident in order to determine which technique or weapon will bring the incident under control.

- B. Police are authorized to use department-approved force techniques and department issued or authorized equipment for resolution of incidents in the following situation:
  - 1. To protect themselves or another from physical harm; or
  - 2. To restrain or subdue a resisting person; or
  - 3. To bring a situation safely and effectively under control; or
  - 4. To affect a lawful arrest.
- C. The United States Supreme Court in *Graham v. Connor* ruled that the use of force by police officers must be "objectively reasonable" and officers should consider the following factors when considering what level of force, if any, to use:
  - 1. The severity of the alleged crime at issue;
  - 2. Whether the suspect poses an imminent threat to the safety of officers and/or others; and
  - 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.
- D. Varying degrees of force may be justified depending on the dynamics of a situation. Police officers must keep this in mind and are permitted to use only the force necessary to accomplish lawful objectives. In every instance where force is to be used, the police officer contemplating their response to resistance must have:
  - 1. A belief that the response to resistance in that situation is required AND a belief the amount of force contemplated is necessary; AND
  - 2. Both of these beliefs must be reasonable.

#### **1.3.1.2 DE-ESCALATION**

The following governs procedures related to de-escalation:

- A. Officers shall use de-escalation techniques to prevent or reduce the need for force when the officer reasonably believes it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.
- B. Examples of de-escalation techniques include but are not limited to:
  - 1. Providing a warning, when reasonable to do so, and exercising persuasion and advice prior to the use of force.
  - 2. Determining whether the officer may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
  - 3. Requesting additional personnel to respond or make use of specialized units or equipment, including crisis intervention team trained officers, as necessary and appropriate.

#### **1.3.1.3 FORCE OPTIONS**

The following shall generally guide force options used by sworn department officers:

- A. The department's approved force options shall include officer presence, verbal persuasion, chemical agent; conducted energy weapons; physical strength, impact weapon; and deadly force. Sound judgment and prevailing circumstances shall dictate the degree and/or type of force used by officers.
- B. Officer presence may be sufficient to maintain order or control. Officers shall ensure they have the legal right to be present before proceeding with any action.
- C. Verbal persuasion may be used to resolve many situations. Fear and/or anger must be managed before a person is able to comprehend an officer's commands. Utilizing good communication skills and patience may prevent verbal confrontations from escalating to more serious incidents.
- D. Chemical agents and/or conducted energy weapons may be used when there is active or threatened resistance. Once a person or crowd is under control, use shall no longer be justified. Conducted energy weapons shall not be intentionally targeted to the head, neck, or upper torso unless the use of deadly force is justified. Chemical agents and/or conducted energy weapons shall not be used for the following: to coerce a person to comply with an officer's order when no active resistance is imminent; to elicit information from any person; or as a means of retaliation for

physical or verbal abuse. Uniformed field officers shall carry conducted energy weapons on their person. Officers shall be required to carry chemical agents on their person.

- E. Physical strength may be used when there is active or threatened resistance or when a person fails to respond to verbal direction or resists in a passive or defensive manner.
- F. Impact weapons may be used to control persons when other measures are insufficient or inappropriate. Such weapons should be used with the intent of temporarily disabling a person rather than causing permanent injury. Impact weapons shall not be used on persons who are under control or as a means of retaliation for physical or verbal abuse. Intentional baton strikes to the head, neck, and clavicle shall not be employed unless the use of deadly force is justified. Although highly recommended, uniformed field officers shall not be required to carry impact weapons on their person. Plainclothes officers shall carry such weapons on their persons as deemed appropriate for assigned duties.
- G. Firearms may be used when officers reasonably believe the use of deadly force is justified. Officers shall be required to carry their assigned handgun on their person, absent an approved exception. Officers certified to use rifles shall ensure they are available for use. Rifles may be deployed in response to incidents or reports involving the following: shots fired; persons suspected of being armed with a firearm; armed and barricaded suspects; homicide in progress; armored suspects; high-risk stops; circumstances dictating increased range or accuracy; and as otherwise deemed tactically appropriate.

#### **1.3.2.1 USE OF DEADLY FORCE**

The following procedures shall govern the use of deadly force by sworn officers:

- A. Police officers may use deadly force only in the following circumstances:
  - 1. When the police officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
  - 2. To protect the police officer or others from what is reasonably believed to be an imminent threat of death or serious physical injury.
  - 3. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose an imminent threat to human life should escape occur.
  - 4. Firearms will not be discharged, nor other deadly force used when it appears likely that an innocent person might be injured unless the probability exists that a greater danger is posed by the suspect's continued actions toward the officer or other persons.
- B. Where deadly force is justified, an officer may use, when necessary, any weapon or tactic as they become available. This should not be construed as to allow carrying unauthorized equipment.

#### **1.3.2.2 RESPONSE TO USE OF DEADLY FORCE**

The following provides guidance to personnel in the event an officer is responsible for the use of deadly force that results in serious injury or death:

- A. Directly involved personnel shall:
  - 1. Render first aid and call for emergency medical assistance.
  - 2. Control the scene until relieved.
  - 3. Notify dispatch to request a police supervisor and the manager on call.
  - 4. Identify witnesses for subsequent interviews. Involved officers should not participate in the interview of witnesses.
  - 5. Brief responding law enforcement personnel about the incident.
- B. Responding officers shall:
  - 1. Assist in the stabilization of the incident.
  - 2. Attend to the medical requirements of officers/suspects.
  - 3. Preserve the scene and identify potential witnesses.
  - 4. Prepare reports as requested.
- C. On scene supervisor or designee shall:
  - 1. Initiate incident command protocol.
  - 2. Assume responsibility for the security and preservation of the scene.

3. Contact officers involved to identify the crime scene and identify potential witnesses.
  4. Get a brief verbal report from the officer(s) that are involved to guide the investigation, and so the officer(s) do not have to repeat the details of the incident repeatedly.
  5. Brief the manager on call.
  6. Establish a command post in conjunction with other agencies that may be involved in the incident.
  7. Temporarily move the involved officer(s) a short distance away from, but available to the scene, to a quiet location. The supervisor shall ensure the involved personnel are accompanied by a non-involved department officer, preferably a supervisor, if possible. The assigned non-involved department member shall remain with the involved officer until relieved by the assigned response to resistance investigator(s).
  8. Any conversations at this point could become part of the investigation. The officer(s) should not be given stimulants or depressants (caffeinated beverages) unless it has been directed by medical personnel.
  9. If the supervisor is involved in the incident, arrange for another Police supervisor to respond to the scene.
- D. Command staff, Manager on Call, or designee shall:
1. Learn the location and condition of involved officer(s).
  2. Respond to the scene.
  3. Ensure dispatch has notified the entire command staff and has followed the incident notification procedure.
  4. If other agencies are involved, liaise with them to understand how their investigation will proceed.
  5. The response to resistance investigator(s) shall be a police lieutenant or higher authority. The investigator(s) shall conduct interviews and complete the primary incident report. The Field Services Captain or designee shall complete an administrative review of the incident. The Iowa Division of Criminal Investigations shall assume complete charge of the external investigation. A lieutenant or higher authority shall be assigned to mirror the external investigation.
  6. Advise the involved officer(s) that they may seek legal counsel and that they should only discuss the incident with Department officials, personnel conducting an official investigation, a personal representative, agency attorney or personal attorney.
  7. If possible, arrange for the officer to be interviewed once by the entity doing the investigation to avoid potential problems and stress with the officer giving multiple interviews. A command staff member assigned to conduct the internal investigation should be present for this interview, if possible, to gather information related to the internal investigation to minimize the number of interviews of the involved officer.
  8. The involved officer should not view the video of the incident prior to an interview. Viewing of the video prior to any interview can affect the officer's memory, and perception of the event and should be avoided.
- E. Chief or designee shall:
1. Issue press releases and hold press briefings as appropriate.
  2. Arrange a mandatory critical stress debriefing for those involved.
  3. Ensure that employee assistance services have been offered to involved personnel.
  4. Assign a non-involved command staff member to conduct an internal investigation into the incident.
  5. Assign a non-involved command staff member to conduct an administrative review.
  6. Provide information to the department concerning the incident.
  7. Provide information to other department personnel as to the availability of employee assistance regarding Post Traumatic Stress Disorder.
- F. When a police officer's action or response to resistance results in the death of, or serious injury to, a human being:
1. The employee shall be removed from line-duty assignment, pending an administrative review.
  2. Prior to an officer's return to enforcement duties, an examination conducted by a medical professional(s) may be required to determine fitness.
  3. The department will direct an internal investigation, and an external investigation of the incident will be conducted by an outside agency.
  4. Officer(s) whose action or use force which results in death or serious injury will have a sample of their blood and/or urine taken by medical personnel as soon after the incident as possible and within time limits that would make the sample useful for determining chemical levels at the time of the incident.
- G. Weapons having evidentiary value shall be recovered from department personnel and secured into evidence, including service weapons, if applicable. If the firearm is a service weapon, the department member it was collected from will be issued a substitute weapon immediately unless immediate issuance is impractical.

- H. Involved officer(s) should cooperate in the investigation relating to the incident while maintaining rights under criminal, civil, and employment law. Officer(s) should also participate in mandatory critical stress debriefings and/or counseling sessions.
- I. If possible, between 24 and 72 hours after the response to resistance, the officers directly involved shall be interviewed by the assigned response to resistance investigator(s). Personnel directly involved in the use of deadly force shall not be required to complete an incident report. Involved personnel shall be interviewed by the assigned response to resistance investigator(s) and the investigator(s) assigned to conduct the external investigation separately, but the number of interviews will be limited as not to overburden the involved officers.
- J. The Story County Attorney's Office in conjunction with the Iowa Attorney General's Office will review all police shootings where injury or death occurs and all incidents that result in serious bodily injury or death to a person. The response to resistance investigator shall present the facts of the case to the assigned County Attorney and Iowa Attorney General. Department personnel may be required to appear at the County Attorney's Office for the review. After the reviewing County Attorney and Iowa Attorney General makes a decision, the letter containing their findings will be sent to the Chief of Police.
- K. Post-event, department personnel and supervisors should monitor the workplace for signs of stress that are manifesting themselves in performance or discipline issues. The Chief or designee should arrange fitness for duty counseling for officers that were directly involved in the incident.

### **1.3.3 FIREARMS USE**

The following procedures shall govern the use of firearms by sworn officers:

- A. Police officers are authorized to display and use firearms in the following circumstances:
  - 1. When deadly force is necessary;
  - 2. When an officer reasonably believes they might encounter a deadly force situation;
  - 3. During range practice or competitive shooting;
  - 4. To destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal appears to be seriously injured.
- B. Before using a firearm, police officers will, when reasonably possible, identify themselves and order the subject to desist from unlawful activity. This requirement shall be reinforced in officer training.
- C. Officers should fire their firearms at another person only as a last resort to stop a subject engaged in conduct that has caused or imminently threatens to cause death or serious injury to the officer or another person, and no other alternative would be reasonably likely to stop the threat.
- D. Police officers will adhere to the following restrictions:
  - 1. Except for maintenance or during training, police officers will not draw or exhibit their firearm unless circumstances create a reasonable belief that it might be necessary to use the firearm in conformance with this policy.
  - 2. Warning shots are prohibited.
  - 3. Police officers will not discharge a firearm from/at a moving vehicle unless no other reasonable option exists, and a greater imminent danger to an innocent person(s) is posed by the officer not discharging a firearm.
- E. Police officers may carry a handgun while off duty. While off duty, police officers will carry only handguns that are on the Department approved duty or off-duty lists.
- F. Officers should use extreme caution when taking prescription medication while armed.
- G. Carrying or using a firearm while under the influence of alcohol is prohibited.

#### **1.3.4.1 USE OF NONLETHAL WEAPONS, LESS LETHAL WEAPONS, AND TECHNIQUES**

The following procedures shall generally govern the use of nonlethal and less-lethal weaponry by sworn officers:

- A. A police officer will only use non-lethal weapons, less-lethal weapons, and techniques as specifically authorized by the department and must be qualified as determined by training procedures.

- B. The following are department-issued or authorized equipment or techniques:
  - 1. OC spray;
  - 2. Holds and throws;
  - 3. Hand/arm and foot/leg strikes;
  - 4. Conducted energy weapons;
  - 5. Incapacitating techniques;
  - 6. Baton;
- C. Where non-lethal or less-lethal force is appropriate, an officer may, under exigent circumstances, use available weapons or methods. This should not be construed to permit the carrying of equipment not authorized by the Department.
- D. The use of techniques that have a high likelihood of death, such as chokeholds or neck restraints, are not allowed unless the officer is justified in using deadly force, and no other alternative is available, likely to be effective, or tactically optimal.

#### **1.3.4.2 USE OF OLEORESIN CAPSICUM (OC)**

The following procedures shall govern the use of Oleoresin Capsicum (OC) by sworn officers:

- A. Oleoresin capsicum is authorized for use by officers of this department. Other chemical agents may be carried or used only at the direction of the command staff.
- B. Officers must be trained in the use of OC by an oleoresin capsicum aerosol training instructor.
- C. Officers trained in OC use are authorized to use OC to effect an arrest or control a situation. Oleoresin capsicum will be used in accordance with department training.
- D. Officers will take into consideration the location of others before using OC. An officer will not use OC on a person who is under physical control.
- E. Oleoresin capsicum is an irritant to many animals. Care must be exercised when police mounted, or canine units are present.

#### **1.3.4.3 USE OF CONDUCTED ENERGY WEAPONS (CEW)**

The following procedures shall govern the use of conducted energy weapons by sworn personnel:

- A. Only officers trained in the proper use of a CEW are permitted to carry them. Trained personnel may deploy a CEW in a manner consistent with their training and for specific tactical situations without supervisory approval.
- B. Authorized officers shall carry a CEW on their duty belt. The CEW will be placed on the belt on the opposite side of the officer's handgun. The CEW does not replace the baton for crowd control assignments.
- C. A CEW is not a substitute for deadly force. An officer should not deploy a CEW in a deadly force situation unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with a CEW should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
- D. The officer firing a CEW should, if possible, notify other officers in the area prior to launch and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options.
- E. A CEW deployment must be evaluated using the criteria of this policy. The firing of CEW probes is considered non-deadly force, and the CEW is considered an impact weapon. There should be no intentional deployment of CEW probes at the face, head, neck, chest, or groin. Deployment of multiple CEWs upon the same subject at the same time should be avoided whenever possible. While multiple activations of a CEW may be necessary to subdue an actively resisting subject, multiple activations with continuous cycling should be avoided whenever possible.
- F. Drive stuns should only be administered in a manner consistent with training.

- G. A CEW may be deployed on fleeing subjects if the immediate circumstances would justify the use of an impact weapon, including directly after a subject has caused injury to someone or actively resisted an officer.
- H. A CEW should not be deployed on a subject who is fleeing for reasons unknown to the officer. Other CEW deployments to be avoided unless exigent circumstances are present:
  1. On a handcuffed subject;
  2. On a person operating a motor vehicle;
  3. When features of the location (on stairs or in traffic) increase the risk of serious injury from falling;
  4. If the subject is likely to become submerged in water;
  5. On preteen children; and
  6. On persons who appear elderly, significantly ill, or disabled.
- I. The CEW is prohibited in the following circumstances:
  1. On persons whose skin/clothes appear contaminated with combustible substances.
  2. For coercion or intimidation.
  3. To escort or prod subjects.
  4. To awaken unconscious or intoxicated subjects.
  5. Against a subject offering passive resistance.
- J. After each field use, data from the CEW will be downloaded and saved as part of the case file to document the number of activations.
- K. A CEW can be effective against aggressive animals. Use against animals is permitted. The use of a CEW on an animal should be documented in an incident report.

#### **1.3.4.4 USE OF HANDCUFFS**

The following procedures shall govern the use of handcuffs by sworn personnel:

- A. Handcuffs will be used in a manner specified in department training. Handcuffs will be issued or individually authorized by the department. Types that are authorized are the following:
  1. Metal hinged or linked police handcuffs;
  2. Plastic disposable handcuffs/flex cuffs;
  3. Restraints used at the direction of medical personnel.
- B. An officer taking another person into custody has the duty and the responsibility to restrain the detained person in a safe manner and to take proper measures to prevent an escape.
- C. An officer has the authority to handcuff persons in custody for the safety of the officer, other citizens, and the person taken into custody.
- D. If an officer has reasonable grounds to believe the use of handcuffs is undesirable, the use of handcuffs in instances of physical arrest is not mandatory.
- E. The following are prohibited techniques:
  1. "Hogtying," i.e., restraining a person by handcuffing and tying hands to feet close together behind the back;
  2. Forcing a restrained person to remain handcuffed and lying face down for extended periods of time.

#### **1.3.5 MEDICAL AID AFTER USE OF WEAPONS/ FORCE**

The following shall specify procedures for ensuring the provision of appropriate medical aid after use of lethal or less-lethal weapons, or other response to resistance as defined by the agency:

- A. After OC has been used on a suspect, and the suspect is under control, the officer will assess the welfare of the person. If symptoms from the application of OC persist beyond 45 minutes, the person should be evaluated by medical personnel. Initial treatment for a person affected by aerosol chemical agents will include the following:
  1. Advise the person to remain calm and to try to breathe normally;
  2. Do not make the person lie face down for extended periods of time;
  3. Watch the person closely until the effects have worn off.
  4. If circumstances permit and the following can be safely achieved, the officer will:



- a. Remove the person to an area of fresh air and, if possible, face them into the wind;
  - b. Allow the person to flush the affected area with cool water or soap and water;
  - c. Allow a person wearing contact lenses to remove them;
  - d. Advise the person to not rub the affected area.
- B. All persons taken into custody who have been struck with a less-lethal impact projectile will be conveyed to a medical facility for medical clearance, or be met at the place of detention by medical personnel.
  - C. Officers shall evaluate all persons on whom a CEW has been deployed and provide for emergency medical attention if needed or requested. If CEW probes have penetrated the face, head, neck, groin, or a female's breast, the subject shall be conveyed to a medical facility for probe removal and medical clearance. If the probes are embedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedures.
  - D. A suspect struck with a nonlethal projectile should be, if feasible, medically cleared by medical personnel as soon as possible after a nonlethal projectile is used.
  - E. Whenever a person is injured as a result of force applied by an officer, officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as circumstances allow for aid.
  - F. Officers must be aware of the risk of sudden death in people with symptoms associated with excited delirium. Delirium is a true medical emergency. The behavioral characteristics suggestive of excited delirium are inappropriate shedding of clothes, excessive strength, bizarre actions, incoherent shouting, combativeness, aggression, hyperactivity, extreme paranoia, hallucinations, shivering, and profuse sweating. Street drugs implicated in the development of excited delirium include cocaine, amphetamines, methamphetamine, PCP, and LSD.

When a combination of these characteristics is viewed by an officer, EMS should be called as early in the contact as possible. Though treatment decisions will not be made by police, officers should be aware of the following details; the individual should be transported for definitive medical evaluation. The person should be placed in a non-prone position as soon as possible. Hobble-type restraints should be avoided. Officers should advise medical personnel of the need for continuous cardiac, oxygen, blood sugar, and temperature monitoring on an individual with the noted symptoms as soon as possible. (The average temperature of a person with this condition is 104 degrees.) The cessation of struggling should be viewed as ominous and prompt reevaluation should occur.

### **1.3.6 RESPONSE TO RESISTANCE REPORTS**

The following procedures shall govern reporting requirements associated with incidents during which force was either used or alleged to have been used:

- A. When any of the following occurs, information concerning the response to resistance must be verbally reported to the designated supervisor during the shift and included in the incident report:
  - 1. A firearm is discharged for other than training or recreational purposes;
  - 2. An action is taken that results in, or is alleged to have resulted in injury or death;
  - 3. A nonlethal weapon, less lethal, or lethal weapon is used on a person;
  - 4. Restraint beyond compliant handcuffing is used on a person.
- B. The designated supervisor shall complete a response to resistance incident report within 24 hours following the incident. The response to resistance incident report shall be used to document all pertinent details, to include the following: date, time and location of the incident; arrestee, witness and suspect information; actual resistance encountered; force used by the officer to overcome the resistance; weapons used; actual or alleged injuries to either the officer or the suspect; and pictures or other documentary evidence of any injuries received.
- C. The officers involved directly in the use of deadly force shall provide a brief verbal report, if possible, to the designated supervisor. This verbal report is intended to guide the investigation. Officer(s) should avoid repeating the details of the incident. The involved officers should not speak with one another regarding the details of the event until after report completion. Involved officers discussing the event could affect the memory and perception of the event and should be avoided.

### **1.3.7 RESPONSE TO RESISTANCE REVIEWS**

The following procedures shall govern reviewing requirements associated with incidents during which force was either used or alleged to have been used:

- A. A department police supervisor and/or manager shall review all reports involving the response to resistance.
- B. In cases where force is used above the level of compliant handcuffing, the approving police supervisor or manager will forward the case number and a brief synopsis of the incident to the appropriate manager for a timely administrative review. The review should determine if there are any policy, training, weapon/equipment, and/or discipline issues that should be addressed. For incidents where a firearm is discharged for other than training or recreational purposes or where the response to resistance results in serious injury or death, an immediate administrative review shall be initiated. In addition, a lieutenant or higher authority will be notified and will initiate an immediate internal investigation.
- C. Any allegation of inappropriate response to resistance shall be investigated.
- D. All press releases involving incidents in which an employee uses force involving a firearm, or uses force that results in death or serious injury of another person, must be approved by the Chief of Police or designee.
- E. The most senior management response to resistance instructor or designee shall produce an analysis on response to resistance annually. From the analysis of response to resistance, management shall determine whether trends or patterns reveal training needs, equipment upgrades, or policy modification needs. The annual analysis shall include the following:
  - 1. Date and time of incidents.
  - 2. Types of encounters resulting in the use of force.
  - 3. Trends and patterns related to race, age, and gender of subjects involved.
  - 4. Trends or patterns resulting in injury to any person, including employees.
  - 5. Impact of findings on policies, practices, equipment, and training.

### **1.3.8 REMOVAL FROM LINE DUTY**

The following procedures shall govern removal from line-duty assignment following certain response-to-resistance incidents:

- A. Any employee whose actions or response to resistance results in a death or serious injury shall be removed from line-duty assignment, pending administrative review of the incident.
- B. In circumstances where it is feasible, a replacement weapon should be provided to an officer if his or her duty weapon is taken after a shooting for investigative purposes.
- C. Employees involved in a critical or traumatic incident may be removed from line-duty status, depending upon existing circumstances.
- D. Employees shall remain in paid status during any administrative review period.
- E. The purpose of line-duty removal shall be twofold: to shield officers who have not exceeded their scope of authority from possible confrontations with the community; and to protect the community's interest when officers have exceeded their scope of authority through action or response to resistance.
- F. During the period of paid administrative leave, post-incident debriefing or counseling shall be provided for involved employees as deemed necessary. In some instances, the employee's family may also require assistance.
- G. The removal process may have a detrimental effect on employees involved if not properly understood. A review of this procedure shall, therefore, be routinely conducted during departmental training sessions.