STATE OF IOWA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURES		Policy Number IO-SC-08	Applicability ☒ DOC ☐ CBC
		Policy Code Confidential	Iowa Code Reference 704; 904.505
Chapter 3 INSTITUTIONAL OPERATIONS	Sub Chapter SECURITY & CONTROL	Related DOC Policies IO-SC-09, IO-SE-25, IO-SC-25, HSP-911	Administrative Code Reference N/A
Subject USE OF FORCE		ACA Standards 4-4090, 4-4199, 4-4202, 4-4206, 4-4225	Responsibility Sheryl Dahm Diann Wilder-Tomlinson
		Effective Date June 2015	Authority Jerry Bartruff Director Signature on file at Iowa DOC

I. PURPOSE

To provide the personnel of the Iowa Department of Corrections (IDOC) with guidance regarding the use of force which could be essential to protect the public, employees and offenders.

II. POLICY

It is the policy of the IDOC to provide employees with proper training and guidance on the permissible use of force in its institutions and to ensure force is only used when necessary and only to the degree necessary to prevent injury to self or others, prevent escape, prevent serious destruction to property or restore order in the institution. The use of force, security equipment, and restraint equipment is intended only as a control measure and shall be utilized only when absolutely necessary. These measures are not intended, and shall not be used, as a means of punishment. **(4-4090)**

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IV. PROCEDURES

A. Legal Authority

1. Iowa Code 704 – Reasonable Force. 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.

2. Iowa Code 704.2 – 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.

As used in this section, "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.

3. Iowa Code 704.3 – Defense of Self or Another. A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any imminent use of unlawful force.

4. Iowa Code 704.4 – Defense of Property. A person is justified in the use of reasonable force to prevent or terminate criminal interference with the person's possession or other right in property.

5. Iowa Code 704.5 – Aiding Another in Defense of Property. A person is justified in the use of reasonable force to aid another in the lawful defense of the other person's rights in property or in any public property.

6. Iowa Code 704.8 – Escape from place of confinement. A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows is confined on a charge or conviction of any class of misdemeanor.

7. Iowa Code 904.505(3) – Use of Deadly Force. A Correctional Officer of a correctional institution or the officer's assistant shall, in case an offender resists the officer's or assistant's lawful authority, or refuses to obey the officer's or assistant's lawful command, only use such force as is reasonably necessary under all attendant circumstances. The use of a deadly weapon is justified under conditions of extreme necessity and

as a last resort to protect the life or safety of a person. The use of a deadly weapon is not justified solely to prevent damage to or destruction of property where there is no danger to the life or safety of a person. An officer or assistant is justified in using force which causes injury or death to an offender if the officer's or assistant's actions comply with the requirements of this subsection.

B. Guidelines

1. Corporal punishment, as used in this policy, is the deliberate infliction of pain as retribution for an offense or for the purpose of discipline. Corporal punishment is prohibited. Pain compliance techniques such as pressure points and wristlocks used in gaining control of a disruptive offender and when used in compliance with the Department policy on reasonable use of force is not considered corporal punishment.

2. Reasonable force - Any use of force must be reasonable under the law. Reasonable force may be used when necessary; however non force alternatives should be used whenever possible.

   a. Reasonable force may be used to prevent or stop the commission of crimes including, but not limited to, riot, assault, escape, hostage taking, etc.

   b. Reasonable force may be used to prevent an individual from injuring or killing themselves or others.

   c. Reasonable force may be used to prevent or stop the serious destruction of property.

   d. Reasonable force may be used to prevent physical harm to staff, the public or offenders.

   e. Reasonable force may be used in the enforcement of a lawful command.

3. Planned use of force must be authorized by the Warden/ Superintendent or designee and carried out only under their direction.

4. In a reactive use of force situation, the involved staff member(s) shall notify the designated supervisor as soon as possible.

[redacted]

6. Use of force decisions to accomplish legitimate correctional objectives shall be based upon the lowest reasonable force option necessary to control the offender and reduce the danger of injury to the general public, staff or offenders. Force may be increased to higher force options until the situation is controlled and decreased to lower force options as the situation comes under control.

7. Except in circumstances where immediate use of force is necessary to prevent injury, a warning or command shall be given and repeated, reasonable time to comply with the command shall be given,, and continued resistance encountered prior to use of force.

8. During any use of force incident in which an offender is physically restrained, staff needs to be aware of breathing difficulties or loss of consciousness by continuing to verbally communicate with the offender. Offender complaints and all breathing and speaking difficulties need to be carefully evaluated and immediately addressed in order to prevent positional asphyxia.

9. Only IDOC authorized equipment shall be used.

10. Staff is authorized to use those devices or equipment for which they have been appropriately trained.

11. The Warden/Superintendent or designee shall be immediately notified when any type of force is used.

C. Force Options

When non-force alternatives have been exhausted or are ineffective to control the situation, four levels of response are available to staff to control a situation. The types of force used in each situation shall depend on the circumstances related to each incident. No force shall be in excess of what is reasonable to control/resolve the situation. Where time and circumstances

allow, reasonable attempts shall be made to resolve the situation through verbal means. **(4-4206)**

D. Video Recording

2. Recordings of incidents shall be clearly identified with date, time and offenders name and number and stored as evidence. These recordings of incidents involving serious injury or death shall be kept for a minimum of five years from the date of the incident.

E. Use of Force Reporting Requirements

1. A use of force report, shall be prepared via the Critical Incident Reporting (CIR) module as soon as possible and no later than the conclusion of that shift.

2. All use of force reports shall be reviewed by the Associate Warden of Security and the Warden/Superintendent. **(4-4202)**

F. Follow-up Care

2. Staff injuries shall be assessed by the Health Services for initial first aid and stabilization, with recommendation for off-site referral if additional treatment is indicated. A full report shall be filed with the Warden/Superintendent on the nature and extent of those injuries. Reports shall also be filed with the appropriate staff for workers compensation purposes.

3. Offenders and staff exposed to blood borne pathogens require prompt consultation with Health Service staff. (See IDOC Policies **IO-SE-25**, Bloodborne Pathogens Exposure Control Plan and **HSP-911**, Blood and Body Fluid/Tissue Exposure).

4. In cases of serious injury or psychological trauma, mental health and/or medical professionals, either in-house or from other agencies, shall assess each employee involved in the emergency as soon as practical.

   a. Initial assessment is mandatory.

   b. Follow-up services shall be provided as determined to be appropriate by the health professional and the employee.

   c. In addition, engagement of the Staff Victim and Support Services Program and referral to the Employee Assistance Program (EAP) may be made.

G. Use of Force Reviews

1. Institutional Review

The designated supervisor or manager shall review every use of force incident as soon as practical within 24 hours and shall:

[redacted]

d. Follow up review by Associate Warden of Security and the Warden/Superintendent, as soon as practical.

2. Full Review

Following initial review by the Associate Warden of Security and the Warden/Superintendent, those incidents that are serious in nature and those with an indication of significant staff error shall be further reviewed by designated institutional staff. This shall include:

[redacted]

3. Where improper use of force is suspected the Warden/Superintendent shall order further investigation which may include involvement of DIS. The Regional Deputy Director shall be informed of all incidents of suspected improper use of force.

4. At the conclusion of the investigation the investigative report shall be filed with a copy (hard copy or electronic) forwarded to the Regional Deputy Director.

H. Escapes While Under Supervision

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

5. Escape from Escorted Trip or Offender Transport

a. Section 704.8 of the Code of Iowa specifies that "deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows is confined on a charge or conviction of any class of misdemeanor".

[redacted]