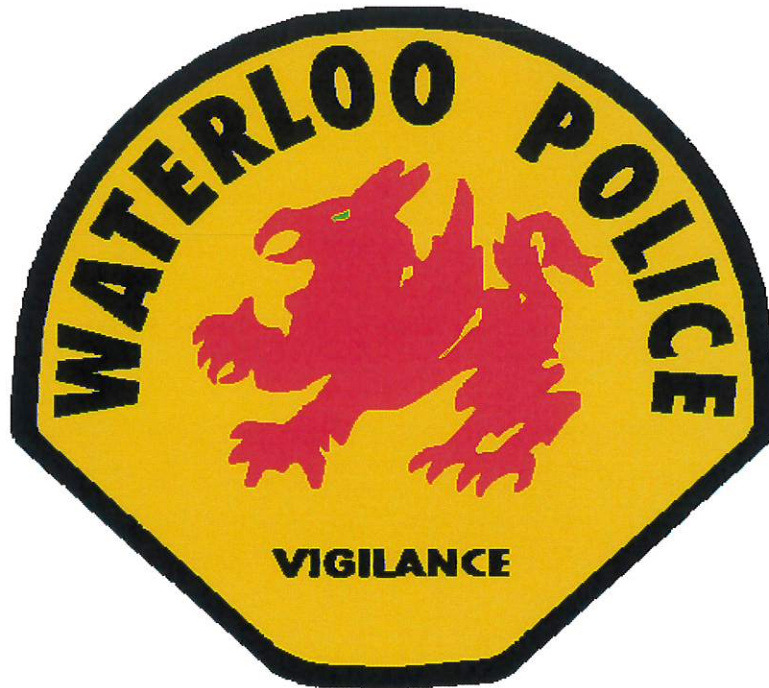




WATERLOO POLICE

D E P A R T M E N T



City Council Work Session
Monday, June 15, 2020
Chief Joel Fitzgerald
Part 1



WATERLOO POLICE

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OPERATIONAL GUIDELINE, ADMINISTRATION: #6

SUBJECT: USE OF FORCE

ISSUE DATE: 01-01-2018

REVISED: 06-04-2020

A. Purpose:

1. To provide systematic guidelines and procedures in the use of all levels of force, including deadly force, in the performance of the police function. The proper use of force is essential for policing during circumstances where individuals or groups will not comply with the law unless compelled or controlled by force. The departmental shall only proportionally match the level of force and intrusion upon an individual's constitutional rights.
2. This Operational Guideline 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 Operational Guideline, if proven, can only form the basis of a complaint by this Department, and then only, in a non-judicial or administrative setting.
3. In law enforcement encounters, a WPD officer may need to assess a plethora of factors before solving a problem. Officers shall utilize a Critical Decision Making (CDM) model: The CDM is a much more flexible and intelligent decision-making approach to use of force than use-of-force continuums, because it requires structured and organized reflection on what an officer is facing, and the best tactical approach to handling it. WPD Officers shall assess a situation before arriving on the scene of a call AND work through a 5-step process once on-scene:
 - a. Collect information
 - b. Situational assessment, threats, & risks.
 - c. Consider police powers & WPD policies.
 - d. Identify options & determine the best course of action.
 - e. Act, review, & reassess.
4. Under certain circumstances, an officer may have to use force when responding to active resistance or in defense of a third party. The use of force by officers is a matter of critical concern to both the public and the law enforcement community. This Department recognizes that some individuals will not comply with the law or submit to lawful control, and that an officer(s) may be called upon to use force in order to perform their duties and to protect themselves and others against assaults from resistive or violent individuals. The use of reasonable force, when warranted, is permitted by law and is an affirmative duty and responsibility of law enforcement officers. The legal standard used to determine the lawfulness of an officer's use of force in summary, is whether an officer's actions are "objectively reasonable" in light of the facts and circumstances, as they existed at the time of the action. An officer's actions are considered lawful, if a reasonable law enforcement officer could have believed the action to be lawful in light of clearly established law and the information the officer possessed at the time of the action.



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5. Conversely, the unreasonable use of force is contrary to law, the social contract we have that empowers us to enforce the law, places this Department in a position of civil liability, and the officer in jeopardy of disciplinary action, civil and criminal liability. Since no policy can realistically predict every situation an officer might encounter, each officer must be entrusted with well-reasoned and articulable discretion in determining the appropriate response in each incident; the decision shall include CDM and de-escalation considerations.
6. As a result, any reference to a linear use of force continuum has been eliminated. Use of Force continuums may unintentionally result in greater use of force because they suggest that situational conflict resolution may be achieved by elevating force to a higher level until the incident concludes, and as such, the WPD **use of force must meet the test of proportionality.**
7. **A reverence and respect for the dignity of all persons, the sanctity of all human life, our code of ethics, mission, vision, values, and guiding principles, shall guide all training, leadership, and direction, and shall guide all officers in the use of force.** Members of law enforcement derive their authority from the public; therefore, we must be mindful that we are also members of the community we serve. We work as guardians AND servants of the public, regardless of race, economic, or social status.
8. **As a police officer, you have a duty to and shall regardless of rank or tenure, immediately intervene to stop the unreasonable application or use of disproportionate force on any person(s). You will also immediately report acts of misconduct.**
9. The overall goal of this policy is to ensure officer safety, promote thoughtful resolutions to situations, and to reduce the likelihood of harm to all persons involved.

B. Definitions

1. **Choke hold:** intentional use of any technique or device that applies pressure to a person's throat or trachea area in a manner that restricts their airway or ability to breath (unauthorized by WPD).
2. **Control:** is the actual physical control of a subject that allows for the completion of a lawful arrest/detention.
3. **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force is not limited to the use of firearms.
4. **Distraction Techniques:** acts used to divert or redirect a subject's focus away from resistive or dangerous behavior in order to assist the officer in gaining control of the individual. Distraction techniques may include a controlled palm strike, pressure point or leverage technique targeting a specific area that has the greatest likelihood of effectiveness and not intended to cause serious bodily injury. If a distraction technique proves ineffective, a different distraction technique or force option should be considered. **This Department does not consider a closed fist or punch as a distraction strike.**
5. **Excessive Control/Force:** when the use of force is greater than that justified by the violator's level of resistance at the time force is used.
6. **Force:** defined as the compulsion or restraint exerted upon or against a person for the purpose of:



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- a. Compelling a person to comply with an officer's direction; or
 - b. Overcoming resistance by a suspect during arrest or detention; or
 - c. Defending any person, or yourself, from an aggressive action by a suspect or another that represents a threat of physical injury, or death.
7. **Hogtie Restraint:** is any form or variation of restraint by which the wrists are handcuffed behind the back, the ankles are bound together, and the bound wrists and ankles are tied together. The application of leg restraints is only authorized while an actively combative person in-custody is in an upright or seated position inside of a police vehicle.
 8. **Kettling (aka containment or corralling):** is an aggressive police tactic for controlling large crowds during demonstrations or protests. It involves the formation of large cordons of police officers who then move to contain a crowd within a limited area. Protesters either, leave through an exit controlled by the police, or are contained, prevented from leaving, and arrested. (**Unauthorized by WPD during peaceful protests or incidents of passive non-compliance, or when ordinary bystanders are unable to be identified from individuals to be legally arrested**).
 9. **Law Enforcement Vascular Neck-Restraint/Carotid Restraint techniques:** include the intentional use of any techniques, device, or physical contact that applies pressure to a person's lateral neck area in a manner that restricts vascular blood flow likely to result in unconsciousness (**Unauthorized by WPD**).
 10. **Objectively Reasonable Force:** a determination from the perspective of a reasonable officer on the scene that the decision to use force and the level of force used is appropriate when evaluating the situation in light of the circumstances known to the officer at the time of application of force.
 11. **Positional Asphyxia:** also known as postural asphyxia is a form of asphyxia that occurs when an officer's body weight and position prevents the person from breathing adequately (**Unauthorized by WPD**). Positional asphyxia may be a factor for people who die suddenly in a hog-tie restraint by police or during arrests involving one or multiple officers when subjects are on the ground.
 12. **Reasonable Force:** is an objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the time of the incident. Reasonableness is subject to the review and determination by the chain of command.
 13. **Serious Injury:** means disabling mental illness, or a bodily injury that, creates a substantial risk of death, causes serious permanent disfigurement or the protracted loss or impairment of any bodily member or organ.

C. Policy

1. It is the policy of the Department that employees safeguard the sanctity of life for all persons. Employees of this department shall use no more force than necessary during their performance of duties in accordance with the law. The application of deadly force is only authorized in extreme circumstances or potentially deadly confrontations.



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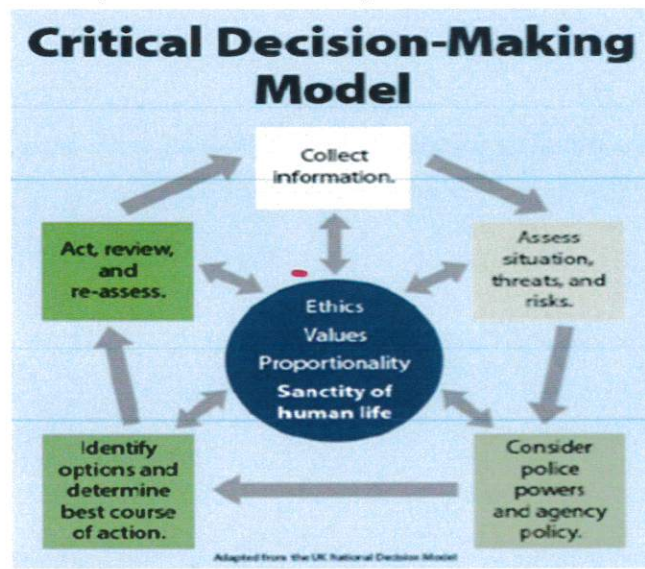
2. The most serious act in which an officer can engage is the use of force. With the authority to carry and use firearms (and other issued equipment) during the course of public service comes immense responsibility, therefore **a supervisor shall respond to use of force incident scenes in a timely manner AND to all calls when a potential violent confrontation is likely to exist.**
 - a. **The supervisory direction to respond to use of force scenes shall not prohibit:**
 - 1) An officer from employing force if permissible under the tenets of this overall policy.
 - 2) An officer from providing immediate medical attention to a person subjected to police office initiated force, or any other injured person(s).
 - 3) An officer from relocating a person who is subjected to force to a safer location, i.e., away from a crowd, to the hospital for potentially life-saving treatment, etc.
 - b. **The responding supervisor shall immediately request radio dispatch to make Command Staff notifications to the Captain, Major, and Chief of Police when injuries occur.**
3. The recipients of the Command Staff Notification shall determine whether the nature of injuries sustained because of use of force case should be forwarded to an external agency for investigation.
4. During a police contact a subject may be:
 - a. Compliant: A person contacted by an officer who acknowledges direction or lawful orders given and offers no passive/active, aggressive, or aggravated aggressive resistance.
 - b. Non-Compliant
 - 1) Passive Non-Compliance: The subject is not complying with an officer's commands and is not physically hindering or threatening in a harmful manner to physically hinder an officer from placing the subject in custody and taking control.
 - i. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move.
 - 2) Active Resistance: The subject displays behavior that consists of refusal to comply with an officer's commands and conveys a threat to physically hinder or is physically hindering the arrest/detention process that is not directed at harming the officer.
 - i. Examples include: walking or running away, breaking the officer's grip pulling away or a subject lying on their arms.
 - 3) Aggressive Resistance: The subject displays the intent to harm the officer, or another person, and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions that present an imminent threat of physical harm to the officer or another.
 - 4) Aggravated Aggressive Resistance: The subject's actions are likely to result in death or serious bodily harm to the officer, or another person. These actions may include a firearm, use of blunt or bladed weapon, and extreme physical force. Any force option is reasonable when an officer is responding to aggravated aggressive resistance.



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- i. NOTE : Whenever an officer applies a use of force option upon a subject that results in an injury or complaint of injury, the officer will notify a supervisor, monitor the subject, render first aid to the best of their skill level, and immediately summon professional medical attention.
5. Officers shall only use the minimum amount of force necessary to protect the sanctity of life while carrying out his/her duties.
6. Officers shall use the following Critical Decision Making Model (CDM) as an assessment tool to gauge the proportionality of a use of force response:



7. All provisions within this order are applicable to all full-time and reserve sworn officers whether on-duty or off-duty, regardless of rank or tenure as Waterloo police officers.

D. Procedures

1. The use of force, including deadly force, shall be in accordance with the provisions established and set forth in applicable Department Training, State, and Federal laws.
2. Prior to detaining, arresting, or searching, person(s), officers shall:
 - a. Identify themselves as police officers, if not in **full** uniform of the day.
 - b. If reasonable, officers will articulate their intent to detain arrest or search the subject.
 - c. **The type and degree of force used must be objectively reasonable based on the totality of the circumstances and facts of each situation.**
 - d. At times an officer must exercise control of a violent or actively resisting subject to make an arrest, or to protect the officer, other officers, or members of the community from risk of



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imminent harm. Not every potential violent confrontation can be de-escalated, however, law enforcement officers do have the ability to affect the direction and the outcome of many situations based on their training, decision-making skills, and/or the tactics they choose to employ **before** they use another/higher level of force.

- e. **When safely possible, an officer will utilize de-escalation techniques before moving to a higher level of force (See Section F, 1).**
- f. The use of objectively reasonable physical force and/or authorized equipment designed for defensive purposes may be used when it becomes necessary to use force against any individual(s) in order to:
 - 1) Overcome resistance to arrest/detention
 - 2) Defend yourself or others from attack and/or injury.
 - 3) When physical resistance is encountered, and reasonable efforts to gain control have failed.
 - 4) Conduct a lawful search
- g. **Officers shall actively avoid exposing prisoners/arrestees to positional asphyxia by:**
 - 1) When feasible, officers shall avoid the use of prone restraint techniques; including knees on the neck or back,
 - 2) Learning and following department guidelines and policy for situations involving physical restraint of individuals.
 - 3) Once the suspect is placed in handcuffs (or controlled), getting them off a facedown position.
 - 4) When engaged in an arrest requiring force, inquiring about the recent drug usage, whether the subject has a cardiac condition, or any respiratory conditions or diseases in order to determine whether medical assistance should be summoned to the scene.

E. Responsibility to Employ De-escalation

- 1. The Training Lieutenant shall ensure that all sworn WPD officers receive annual Use of Force Training that includes de-escalation tactics/scenarios.
- 2. Apart from mere officer presence on any scene, de-escalation takes the form of scene management, team tactics, and/or individual engagement. Officers should use de-escalation techniques including scene management and team tactics such as exhausting time, creating distance, and use of shielding unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation (especially when individual engagement is not feasible).
- 3. De-escalation tactics and techniques are actions used by officers, when safe and feasible without compromising law enforcement priorities, seek to minimize the likelihood of the need to escalate to additional force during an incident, and increase the likelihood of voluntary compliance.
- 4. When safe and feasible under the totality of the circumstances, **officers shall attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution.** Authorized control techniques and defensive weapons.



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5. The WPD shall review and evaluate de-escalation and other force options using a totality of the circumstances present at the time of the incident standard.
6. Officers shall conduct a basic threat assessment to avoid the unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in undue jeopardy, i.e., approaching a occupied felony vehicle alone, placing oneself in the path of a vehicle that is moving, parking a patrol vehicle adjacent to calls where a subject is armed, etc.
7. Team approaches to de-escalation are encouraged and should consider officer(s) training and skill level(s), number of officers, and whether any officer can or has successfully established rapport with the subject. Where officers use a team approach to de-escalation, each individual officer's obligation to de-escalate will be satisfied as long as their individual actions complement the overall approach.
 - a. Selection of de-escalation options/techniques should be guided by the totality of the circumstances with the goal of attaining voluntary compliance; considerations include:
 - 1) **Communication:** Using communication intended to gain voluntary compliance, such as:
 - a) **Verbal persuasion**-Advisements and warnings (including Taser/CEW spark or non-lethal weapon display to explain/warn prior to application), given in a calm and explanatory manner. Exception: Warnings given as a threat of force are not considered part of de-escalation.
 - b) **Clear instructions:** Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision-making. Avoiding language, such as taunting or insults that could escalate the incident. Considering whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to:
 - Medical conditions
 - Mental impairment
 - Developmental disability
 - Physical limitation
 - Language barrier
 - Drug interaction
 - Behavioral crisis
 - Fear or anxiety
 - 2) **Time:** Attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution.
 - a) Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members.
 - b) Avoiding or minimizing physical confrontation, unless necessary (for example, to protect someone, or stop dangerous behavior),
 - c) Calling extra resources or officers to assist, such as any officer that is CIT or Less Lethal Certified officers.



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- 3) **Distance:** Maximizing tactical advantage by increasing distance to allow for greater reaction time.
- 4) **Shielding:** Utilizing cover and concealment for tactical advantage, such as:
 - a) Placing barriers between an uncooperative subject and officers
 - b) Using natural barriers in the immediate environment
8. When safely possible, officers shall use de-escalation techniques consistent with department training before resorting to the next level force, and to reduce the need for employing weapons to make an arrest(s) or gain subject(s) compliance.
 - a. Officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
 - b. Officers shall tactically assess the resources available prior to escalation to force. Assessment of resources includes identifying whether any available officer (on-duty, on-call, or administrative) have Crisis Intervention Training (CIT) and can respond to the scene to intervene.
 - c. Officers may strategically reposition to an area that is tactically more secure or that allows them greater distance in order to consider or deploy a greater variety of force options.
 - d. Officers shall perform their duties in a manner that avoids unduly jeopardizing their own safety or the safety of others.

F. Force Options

1. De-Escalation: See section E, 1-8.
2. Officers shall be further guided in the use of force as follows:
 - a. Low Level Force - a level of force or control that is neither likely nor intended to cause injury, i.e., handcuffing a compliant arrestee for transport to jail or placing a subject in a prone position on a high-risk vehicle stop. Low Level Force includes:
 - 1) Officer Presence - Recognition of authority through a uniformed presence, marked police vehicle, identifiable police markings, logo, badges, police credentials, or verbal identification. Excludes physical force.
 - 2) Verbal Commands - Commands of direction or required compliance such as directions to drop a weapon, get on the ground, stop running, etc.
 - 3) Weaponless Strategies - Techniques designed to gain compliance through open hand control techniques (such as takedowns with no injury or handcuffing).
 - 4) Weapon Strategies - Techniques designed to gain compliance through the use of an approved control device such handcuffs, or use of an approved restraint device.
 - b. Intermediate Force - a level of force that has the potential to cause injury or substantial pain, and is greater than Low-Level Force.
 - 1) Weaponless Strategies - Techniques designed to gain compliance through empty hand control techniques such as strikes, takedown with injury, or pressure points.



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- 2) Weapon Strategies - Techniques designed to gain compliance through use of a departmentally approved control device such as impact weapons, OC Spray, other chemical agents, or Tasers/CEWs.
- c. Deadly Force – a level of force that is likely to produce death or serious bodily injury.
3. Use of Force Restrictions: these restrictions, like all written policies, may not cover every situation. Therefore, any deviations from this policy shall be examined rigorously on a case-by-case basis.
 - a. Officers shall not use deadly force in response to a verbal threat alone of serious bodily harm or death.

G. Other Control Techniques

1. Trained physical control techniques to include handcuffing.
 - a. Used to overcome passive or active resistance, not intended to and has a low probability of causing serious injury.
 - b. Officers are prohibited from handcuffing known juvenile offenders unless.
 - 1) The juvenile physically resists arrest.
 - 2) The juvenile threatens physical violence.
 - 3) The juvenile is being taken into custody for a violent act.
 - 4) In the reasonable judgement of the officer, the juvenile presents a risk of injury to the juvenile or others.
 - 5) The juvenile has a known history of physical violence.
2. Baton(s):
 - a. Shall be used and carried in a manner consistent with authorized departmental training and certifications.
 - b. Shall be maintained and available by the assigned officer.
 - c. When practical an officer deploying a baton will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.
 - d. The Baton may be used to:
 - 1) Effect the arrest of an active aggressive or above violently resisting person
 - 2) Protect the officer or others from imminent or immediate threat of physical harm, serious injury, or death.
 - 3) To prevent the commission of self-inflicted physical injury.
 - 4) To protect officers or others from a violent animal attack.
 - 5) In other situations where circumstances create a situation where the use is reasonably justified.



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e. **The Baton may not be used to strike a person's head.**

3. Oleoresin Capsicum Spray (OC Spray):

- a. Shall be used and carried in a manner consistent with authorized departmental training and certifications.
- b. Shall be maintained and inspected by the assigned officer.
- c. When practical an officer deploying OC Spray will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.
- d. OC Spray may be used to:
 - 1) Effect the arrest of an active aggressive or above violently resisting person.
 - 2) Protect the officer or others from imminent or immediate threat of physical harm, serious injury, or death.
 - 3) To prevent the commission of self-inflicted physical injury.
 - 4) To protect officers or others from a violent animal attack.
 - 5) In other situations where circumstances create a situation where the use is reasonably justified.
 - 6) Effect arrests of members of an actively violent or actively destructive crowd when authorized by a watch commander, or above.

4. Electronic Control Weapon (ECW)/Taser

- a. Shall be used and carried in a manner consistent with authorized departmental training and certifications.
- b. Shall be maintained and inspected (daily) prior to every shift by the assigned officer; deployment issues will be reported to a supervisor as soon as practical.
- c. When practical an officer deploying the Taser/CEW will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.
- d. Officers shall consider the physical condition of the subject and the subject's surroundings that could potentially result in a high-risk danger such as, but not limited to, a fall from a great distance or into the path of a moving vehicle when determining whether the CEW is an appropriate option.
- e. CEWs are prohibited on the following high-risk population unless exigent circumstances exist or to prevent serious bodily injury or death to the subject, the officer, or a third person:
 - 1) Infirm (frail, weak)
 - 2) Elderly
 - 3) Low body-mass index (BMI)
 - 4) Pregnant
 - 5) Small child
 - 6) Person in water (drowning risk)



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f. The Taser/CEW may be used to:

- 1) Effect the arrest of a violently resisting person. Minor offenses, passive non-compliance, or passive resistance **are not reasons to deploy the Taser/CEW**, i.e., subject tensing or bracing.
- 2) Protect the officer or others from imminent or immediate threat of physical harm, serious injury, or death.
- 3) To prevent the commission of self-inflicted physical injury.
- 4) To protect officers or others from a violent animal attack.
- 5) In other (similar) situations where circumstances create a situation where the use is reasonably justified.

- a) If Taser/CEW is successful, the officers will call the Fire Department to safely remove the probes if they are lodged into the face, neck, groin, arterial locations, etc. An officer may remove the probes, but if at all uncomfortable with the location of the probe strike, they may always call the Fire Department to assist.
- b) The probes will be placed back in the cartridge, seized, and tagged as evidence.
- c) The first supervisor on the scene of the Taser/CEW deployment shall notify the Training Lieutenant or designee to download data from the Taser/CEW for a use of force review by the Internal Affairs Lieutenant and Shift Lieutenant. When completing the Use of Force review involving an activation against a suspect, the Training Lieutenant or designee and Shift Lieutenant will assess the officer's Taser/CEW firing record and recommend and schedule remedial training if necessary.
- d) The only exceptions to documentation of CEW use are spark testing and official Training Division classes and demonstrations.
- e) Accidental Taser/CEW deployments must be reported to a supervisor and require remedial training from the training unit.
- f) If the scene is active and presents an officer-safety issue, it is permissible to relocate the person who is the subject of the Taser/CEW deployment to a safe location to meet the responding Fire Unit, or to the hospital.

g. Only department-issued CEWs are authorized; personally owned CEWs are not authorized.

h. Officers shall only draw or exhibit a CEW when:

- 1) Conducting the department-approved spark test to ensure the proper operation of the CEW, or
- 2) There is articulable belief that use of the CEW is in conformance with Training and Policy Guidelines.

i. All use of the CEW, whether drawing, as ARC display, in the drive stun mode, and/or in the cartridge mode shall be documented in an offense/incident report that the officer shall flag as "Use of Force." Accidental cartridge discharges shall be reported in a memorandum explaining the incident to the officer's immediate supervisor where it will be signed and forwarded to the Training Lieutenant.



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- 1) When completing the administrative Use of Force report involving an activation against a suspect, the supervisor will perform a download of the officer's CEW firing record. This information will be attached to the report.
- 2) The only exceptions to documentation of CEW use are spark testing and official Training Division classes and demonstrations.

j. Miscellaneous:

- 1) All CEWs and cartridges shall be inspected by Training Division personnel during CEW qualification.
- 2) No repair or alteration shall be performed on the CEW except by approved Training Division Lieutenant.
- 3) Any malfunction or necessary repair shall be immediately reported to the Training Division CEW coordinator for appropriate action.
- 4) All data stored in the CEW is subject to downloading by the Waterloo Police Department.
- 5) The Training Division Lieutenant shall maintain a current list of officers qualified to carry/use the CEW and a list of officers who have been issued CEWs.
- 6) Any type of horseplay with the CEW is prohibited.
- 7) CEWs shall be carried in an approved holster on the support (weak) side of the body.
- 8) Officers are prohibited from engaging in CEW demonstrations/presentations except when conducted by CEW instructors with the approval of the Training Division Lieutenant.

5. Less-than-lethal Weapons: Impact Projectiles/Gas Projectiles

- a. Shall be used (and carried) in a manner consistent with authorized departmental training, certifications, and the following variables, including but not limited to:
 - 1) Officer(s)/Subject(s) size, obvious infirmities or disabilities, and age.
 - 2) Environmental conditions.
 - 3) Reaction time.
 - 4) Totality of circumstances.
- b. General less-than-lethal weapons maintenance will be the responsibility of a department instructor/armorer.
 - 1) Shall be inspected by the assigned officer. Any weapon malfunctions will be immediately reported to a supervisor.
 - 2) Accidental projectile deployments must be reported to a supervisor and require remedial training from the training unit.
 - 3) When practical an officer deploying impact projectiles will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.
 - 4) Shall not be used on:
 - a) Passive crowds; a watch commander or above may authorize use on an actively violent, or actively destructive crowd,
 - b) Coercion of any type.
 - c) Escorting, prodding, or kittling individuals.
 - d) Waking unconscious or intoxicated individuals.
 - e) Individuals operating a moving motor vehicle.



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- f) Subjects on elevated platforms, or where immediate immobilization of the subject will cause death or serious bodily injury.
 - g) Breaching of windows or doors absent a clear target background.
 - h) Horseplay or practical jokes, or
 - i) When a subject is handcuffed, pregnant, elderly, or a juvenile.
- 5) Impact/Gas Projectiles may be used to:
 - a) Effect the arrest of a violently resisting person
 - b) Protect the officer or others from imminent or immediate threat of physical harm, serious injury, or death.
 - c) To prevent the commission of self-inflicted physical injury (direct impact sponge rounds or direct impact OC rounds only).
 - d) To protect officers or others from a violent animal attack.
 - e) Control actively violent individuals or violent groups.
 - f) In other situations where circumstances create a situation where the use is reasonably justified.
 - g) Deployment of an impact projectile should be at the direction of a Watch Commander or above, unless it is reasonably likely that failure to take immediate action would result in physical harm, serious injury, or death.
 - h) Where possible, officers should inform other police personnel in the immediate vicinity of the pending deployment of impact rounds in order to avoid the improper use of firearms by other officers.
 - i) Suspects struck with a projectile shall be evaluated by Fire/Rescue at the scene. Waterloo Fire will determine the appropriate transport method for the suspect to a medical facility, if required.
- 6. Firearms (includes all firearms utilized by the agency)
 - a. Only departmental authorized firearms and ammunition may be carried and deployed while on duty/off duty.
 - b. All firearms shall be used in a manner consistent with authorized departmental training and certifications.
 - c. General firearms maintenance will be the responsibility of the officers assigned the firearm training unit. Any weapon malfunctions will be immediately reported to a supervisor.
 - d. All department-authorized firearms will be worn (and carried) consistent with department training and regulations.
 - e. Accidental firearms discharges must be reported to a supervisor and require remedial training from the training unit before the officer may return to normal duties.
 - f. Before discharging a weapon, when reasonable, officers shall identify themselves and their intention to shoot, giving the subject reasonable time to respond to this directive.



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g. Officers may discharge their weapon to:

- 1) To stop an assailant from committing or completing an act which could result in serious injury or death.
- 2) To protect themselves or others from what is reasonable believed to be an imminent threat of death or serious injury.
- 3) To prevent the escape of a fleeing felon who the officer has probable cause to believe committed a violent felony crime and is an imminent threat to human life if escape occurs.
- 4) To destroy injured or dangerous animals at the direction of the Watch Commander.

h. Officers are prohibited from firing their weapon(s):

- 1) As a warning shot.
- 2) If it appears likely that an innocent person may sustain injury.
- 3) Either at or from a moving vehicle if they do not face a threat of death or serious bodily injury.

7. Police Canine

a. Only authorized departmental canines will be deployed by the Waterloo Police Department.

b. A nationally recognized certifying authority will certify WPD canines for narcotics work.

c. All canine deployments shall be consistent with authorized departmental training, certifications, guidelines, and national standards.

d. Canine upkeep and maintenance will be the responsibility of the handler. When applicable, a department-approved veterinarian shall address any medical issues that exist with the canine.

e. Request for canine handler:

- 1) Requests for canine handlers who are on duty shall be through the communications center.
- 2) Special or off duty requests shall be through the on-duty Watch Commander
- 3) Every attempt should be made to notify the canine supervisor when possible.

f. Canines approved use:

- 1) Canines will be used in accordance with department policies and training.
- 2) To stop an assailant from committing or completing an act which could result in serious injury or death.
- 3) To protect officers or others from what is reasonable believed to be an imminent threat of death or serious injury.



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- 4) To prevent the escape of a fleeing felon who the officer has probable cause to believe committed a violent felony crime and is an imminent threat to human life if escape occurs.
 - 5) To search for lost or missing persons
 - 6) To search structures and track criminal offenders
 - a) When searching for misdemeanor suspects the canine shall be on leash.
 - 7) To detect explosive materials.
 - 8) Other situations reasonably deemed necessary by the Canine team based on the totality of the circumstances.
 - 9) K9's shall not be used for a display of force, kittling, or crowd control, but a K9 officer is not prohibited from responding to assist other officers.
 - 10) When deployed to any assignment it shall be the handler's determination, once on scene, how the police canine may be utilized. This is based on the handler's assessment, training, policies, and experience.
 - a) The handler will as rapidly as possible determine if the suspect is armed or a continued threat.
 - b) Once the resistance has been overcome, the canine should be safely removed from the situation.
 - c) The Watch Commander and Canine Unit Supervisor shall be notified as soon as practical following a canine deployment resulting in bite.
- g. Unique circumstances may require items or techniques not specifically listed above be utilized in a manner to protect officers or others, assisting in affecting an arrest, or to gain control of violently resisting individuals. These incidents will be evaluated on a case-by-case basis using this policy, training, applicable State and Federal laws.

H. Post Use of Force Procedures

1. Initially involved/responding units shall:

- a. Take necessary and proper law enforcement action to ensure the scene is stabilized and all potential threats to officer safety are resolved.
- b. Immediately after securing the suspect, the officer will check for and provide treatment for injuries that require immediate treatment.
- c. Officers utilizing force shall notify a supervisor on-air via police dispatch with the call signs and badge numbers of those who use of force.
- d. Officers will continue verbally de-escalating the situation on-scene and during transport when possible.
- e. Officers will photograph all injuries and submit with incident and use of force reports.
- f. Employees who use force resulting in an investigation/interview by a third party (involving death and/or serious bodily injury, will not author a report. This includes any incidents designated by Command Staff for external review/investigation by an outside agency.



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- g. In all incidents requiring the use of force (except H,1-e) employees shall complete a detailed Use of Force Report that includes all available elements of the following when applicable:
 - 1) The severity of crime
 - 2) Whether the subject poses an immediate threat to the safety of the officer or others.
 - 3) Any warnings given and responses
 - 4) Why you were unable or did not give a warning
 - 5) Compliance or lack thereof
 - 6) Time given to comply
 - 7) Whether the subject is actively resisted arrest, and how; noting the verbal and non-verbal subject statements/actions.
 - 8) The influence of drugs/alcohol or mental state of the subject.
 - 9) The availability of resources to the situation
 - 10) The proximity of weapons to the subject
 - 11) The environmental factors and/or exigent circumstances
 - 12) De-escalation efforts
 - 13) Listing any recordings of the incident available to the officer
 - 14) Reference canine use, the handler will document the estimated duration of canine contact.
 - h. Provide immediate first aid to all other parties when reasonable and request appropriate medical assistance.
 - i. Ensure the crime scene is properly identified, and protected. If needed, request additional personnel. The crime scene perimeter should be of sufficient size to provide safety, security, and confidentiality.
 - 1) Identify, protect, and secure all evidence at the scene. Do not move anything unless necessary.
 - 2) If inside the inner perimeter of the identified crime scene, exit as soon as possible.
 - 3) If in charge of the Crime Scene Log, or if guarding the inner perimeter, make certain that anyone attempting to enter the inner crime scene perimeter has a legitimate investigative purpose for doing so.
 - 4) If feasible after supervisor arrival, canvass the area for witnesses. Obtain positive identification of all individuals in the immediate area who were or may have been involved or witnessed the incident. **Ensure witnesses are cared for and kept separated.**
2. The initial on-scene supervisor shall:
- a. Assume field command of the event, ensuring all activities are consistent with departmental procedures, determines the category within which the incident falls, makes the appropriate notifications, and remains in command unless relieved by a higher-ranking WPD supervisor.
 - b. Ensure the officer that employed force submits the Use of Force Report on the date of the incident or before reporting off-duty.
 - 1) All officers who use force shall prepare and enter a use of force report using the same case/incident number.



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- 2) All officers on the location who witness the use of force are identified in each use of force report.
- c. Evaluate and assess the medical or psychological needs of the involved employees and ensure employees remain at the scene unless conditions dictate otherwise.
- d. Ensure the creation of a crime scene log, if necessary. The crime scene log should document the name and badge number(s) of persons entering the crime scene on the crime scene log. It is not necessary to record the names of personnel, who arrive on the scene but do not enter the crime scene on the crime scene log.
- e. Ensure the submission of the crime scene log to the assigned WPD investigative and Internal Affairs Officer(s).
- f. Ensures that the applicable use of force documentation, including BWC/In-Car Camera and Use of force reports are provided to the Shift Lieutenant and Division Commander for after action critique. If the review/critique identifies any issues or departmental violations arising from the use of force, the Division Commander shall ensure the IAD Lieutenant is notified for incidents that result in injury or do not meet the criteria for Shift Level Discipline.
- g. During incidents involving officer discharges of firearms:
 - 1) Shall secure the discharging officer's used magazine(s).
 - 2) If all magazines are used, the supervisor shall provide the officer an unused spare magazine.
 - 3) Will establish a staging area for media and members of the public that are outside of the scene.
 - 4) Ensures that all officers on the scene uninvolved in the discharge of firearm(s) complete use of force reports.
 - 5) The officer(s) who discharged the firearms will be transported to the WPD by a supervisor and once they arrive, the firearm(s) will be submitted as evidence (for examination).

BY ORDER OF:

Chief of Police

Date

OPERATIONAL GUIDELINE, ADMINISTRATION, NUMBER 6
JANUARY 1, 2018 Updated 4/6/20
WATERLOO POLICE DEPARTMENT

A. SUBJECT: Use of Force

- B. Purpose: To provide systematic guidelines and procedures in the use of all levels of force, including deadly force, in the performance of the police function. The proper use of force is essential for policing during circumstances where individuals or groups will not comply with the law unless compelled or controlled by force. The departmental need must match the level of force and intrusion upon an individual's constitutional rights.

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 non-judicial, administrative setting.

C. Definitions

- a. **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force is not limited to the use of firearms.
- b. **Reasonable Force:** is an objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the time of the incident.
- c. **Serious Injury:** means disabling mental illness, or a bodily injury that, creates a substantial risk of death, causes serious permanent disfigurement or the protracted loss or impairment of any bodily member or organ.

- D. Policy: It is the policy of the Department that employees hold the highest regard for the dignity, life and liberty of all persons. Employees of this department shall use no more force than necessary during their performance of duties in accordance with the law. The application of deadly force is a measure to be employed in the most extreme circumstances.

E. Procedures:

- a. The use of force, including deadly force, shall be in accordance with the provisions established and set forth in applicable State and Federal laws.
- b. If it is not already known by the subject to be detained, arrested, or searched, officers should:
 - i. If not readily apparent officers shall identify themselves as police officers.
 - ii. If reasonable, officers will make clear their intent to detain arrest or

search the subject.

- c. The type and degree of force used must be objectively reasonable based on the totality of the circumstances and facts of each situation.
- d. The use of objectively reasonable physical force and/or authorized equipment designed for defensive purposes may be used when it becomes necessary to use force against any individual(s) in order to:
 - i. Overcome resistance to arrest/detention
 - ii. Defend yourself or others from attack and/or injury.
 - iii. When physical resistance is encountered and reasonable efforts to gain control have failed.
 - iv. Conduct a lawful search

F. De-escalation

- a. De-escalation techniques should be utilized in every interaction when possible. Clearly, not every interaction can be de-escalated. Officers may have the ability to impact the direction and outcome of offenders who do not present an immediate jeopardy to the life and safety of others, based on their decision making, communication, tactics and training.
 - i. When reasonable, under the totality of the circumstances, officers should attempt to gather facts and slow the incident down and coordinate a response.
 - ii. During their interaction with subjects, officers should use advisements, warnings and persuasion along with tactics as alternatives to escalated force.
 - iii. Officers should recognize their ability to withdraw to a position of greater distance and tactical advantage when available, increasing their force options and time for compliance.
 - iv. Officers should perform their duties in a manner that avoids unduly jeopardizing their own safety or the safety of others.

G. Authorized control techniques and defensive weapons

- a. Trained physical control techniques to include handcuffing.
 - i. Used to overcome passive or active resistance, not intended to and has a low probability of causing serious injury.
 - ii. Officers are prohibited from handcuffing known juvenile offenders unless.
 - 1. The juvenile physically resists arrest
 - 2. The juvenile threatens physical violence
 - 3. The juvenile is being taken into custody for a violent act
 - 4. In the reasonable judgement of the officer the juvenile presents a risk of injury to the juvenile or others.
 - 5. The juvenile has a known history of physical violence.
- b. Baton(s)
 - i. Shall be used and carried in a manner consistent with authorized departmental training and certifications
 - ii. Shall be maintained by the assigned officer.
 - iii. When practical an officer deploying a baton will give a warning prior

to deployment, giving the suspect a reasonable opportunity to comply.

iv. The Baton may be used to:

1. Effect the arrest of a violently resisting person
2. Protect the officer or others from imminent or immediate threat of physical harm, serious injury or death.
3. To prevent the commission of self-inflicted physical injury.
4. To protect officers or others from a violent animal attack.
5. In other situations where circumstances create a situation where the use is reasonably justified.

c. Oleoresin Capsicum Spray (OC Spray)

- i. Shall be used and carried in a manner consistent with authorized departmental training and certifications
- ii. Shall be maintained and inspected by the assigned officer.
- iii. When practical an officer deploying OC Spray will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.

iv. OC Spray may be used to:

1. Effect the arrest of a violently resisting person
2. Protect the officer or others from imminent or immediate threat of physical harm, serious injury or death.
3. To prevent the commission of self-inflicted physical injury.
4. To protect officers or others from a violent animal attack.
5. In other situations where circumstances create a situation where the use is reasonably justified.

d. Taser

- i. Shall be used and carried in a manner consistent with authorized departmental training and certifications
- ii. Shall be maintained and inspected by the assigned officer, deployment issues will be reported to a supervisor as soon as practical.
- iii. When practical an officer deploying the Taser will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.

iv. The Taser may be used to:

1. Effect the arrest of a violently resisting person
2. Protect the officer or others from imminent or immediate threat of physical harm, serious injury or death.
3. To prevent the commission of self-inflicted physical injury.
4. To protect officers or others from a violent animal attack.
5. In other situations where circumstances create a situation where the use is reasonably justified.

- v. If Taser probes are deployed successfully, the officers will remove the probes, unless they are embedded in soft tissue or in areas of a sensitive nature, such as face, head, neck, breasts or groin.

- vi. The probes will be placed back in the cartridge, seized and tagged

as evidence.

- vii. The data from the Taser will be collected and submitted with the Incident.
- viii. Accidental Taser deployments must be reported to a supervisor and require remedial training from the training unit.

e. Less-than-lethal Weapons: Impact Projectiles

- i. Shall be used and carried in a manner consistent with authorized departmental training and certifications
- ii. General less-than-lethal weapons maintenance will be the responsibility of a departmental instructor/armorer.
- iii. Shall be inspected by the assigned officer. Any weapon malfunctions will be immediately reported to a supervisor.
- iv. Accidental projectile deployments must be reported to a supervisor and require remedial training from the training unit.
- v. When practical an officer deploying impact projectiles will give a warning prior to deployment, giving the suspect a reasonable opportunity to comply.
- vi. Impact Projectiles may be used to:
 - 1. Effect the arrest of a violently resisting person
 - 2. Protect the officer or others from imminent or immediate threat of physical harm, serious injury or death.
 - 3. To prevent the commission of self-inflicted physical injury.
 - 4. To protect officers or others from a violent animal attack.
 - 5. Control individuals or groups as per General Order, Operations, Number 18, High-Risk incidents
 - 6. In other situations where circumstances create a situation where the use is reasonably justified.
- vii. Deployment of an impact projectile should be at the direction of a supervisor unless it is reasonably likely that failure to take immediate action would result in physical harm, serious injury or death.
- viii. Where possible, officers should inform other police personnel in the immediate vicinity that impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers.
- ix. Suspects struck with a projectile shall be evaluated by Waterloo Fire at the scene. Waterloo Fire will determine the appropriate transport method for the suspect to be examined at a medical facility.

f. Firearms (includes all firearms utilized by the agency)

- i. Only departmental authorized firearms and ammunition may be carried and deployed on duty.
- ii. All firearms shall be used in a manner consistent with authorized departmental training and certifications.
- iii. General firearms maintenance will be the responsibility of the officers assigned the weapon. Any weapon malfunctions will be immediately reported to a supervisor.

- iv. All department authorized firearms will be worn and carried in a manner approved by the department.
- v. Accidental firearms discharges must be reported to a supervisor and require remedial training from the training unit.
- vi. Before discharging a weapon, when reasonable, officers shall identify themselves and their intention to shoot, giving the subject reasonable time to respond to this directive.
- vii. Officers may fire their weapon to:
 - 1. To stop an assailant from committing or completing an act which could result in serious injury or death.
 - 2. To protect themselves or others from what is reasonable believed to be an imminent threat of death or serious injury.
 - 3. To prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape occurs.
 - 4. To destroy injured or dangerous animals at the direction of the Watch Commander.
- viii. Officers are prohibited from firing their weapon
 - 1. As a warning shot
 - 2. If it appears likely that an innocent person would get hurt
 - 3. Either at or from a moving vehicle, unless it is absolutely necessary to do so to protect against imminent threat to the life of the officer or others.

g. Police Canine

- i. Only authorized departmental canines will be deployed by the Waterloo Police Department.
 - 1. A nationally recognized certifying authority will certify WPD canines for narcotics work.
- ii. All canine deployments shall be consistent with authorized departmental training, certifications, guidelines and national standards.
- iii. Canine upkeep and maintenance will be the responsibility of the handler. Any medical issues will be addressed by a department approved veterinarian when applicable.
- iv. Request canine handler:
 - 1. Requests for canine handlers who are on duty shall be through the communications center.
 - 2. Special or off duty requests shall be through the on-duty Watch Commander
 - a. Every attempt should be made to notify the canine supervisor when possible.
- v. Canines approved use:
 - 1. Canines will be used in accordance with department policies and training.
 - 2. To stop an assailant from committing or completing an act which could result in serious injury or death.

3. To protect officers or others from what is reasonable believed to be an imminent threat of death or serious injury.
 4. To prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape occurs.
 5. To search for lost or missing persons
 6. To search structures and track criminal offenders
 - a. When searching for misdemeanor suspects the canine shall be on leash.
 7. Other situations reasonably deemed necessary by the Canine team based on the totality of the circumstances.
 8. Crowd Control (Only in extreme emergencies)
- vi. When deployed to any assignment it shall be the handlers determination, once on scene, how the police canine may be utilized. This is based on the handler's assessment, training, policies and experience.
1. The handler will as rapidly as possible determine if the suspect is armed or a continued threat.
 2. Once the resistance has been overcome the canine should be safely removed from the situation.
 3. The Watch Commander and Canine Unit Supervisor shall be notified as soon as practical following a canine deployment resulting in bite.
- h. Unique circumstances may require items not listed above be utilized in a manner to protect the officers or others, assist in affecting an arrest or gain control of violently resisting individuals. These incidents will be evaluated on a case by case basis. Using this policy, training, applicable State and Federal laws.

H. Post Use of Force Procedures

- a. Immediately after securing the suspect the officer will check for and provide treatment for injuries that require immediate treatment.
- b. Officers will begin to verbally de-escalate the situation during transport when possible.
- c. Officers will photograph all injuries
- d. Employees who use force resulting in an investigation/interview by a third party will not author a report.
- e. All other incidents of use of force employees shall complete a detailed report which contains some or all elements of the following when applicable:
 1. The severity of crime
 2. Whether the subject poses an immediate threat to the safety of the officer or others.
 3. Any warnings given and responses
 - a. Why you were unable or did not give a warning
 4. Compliance or lack thereof
 - a. Time given to comply
 5. Whether the subject is actively resisting arrest.

- a. Subjects verbal and non-verbal statements/actions
- 6. Subject or officers injured
 - a. Severity and treatment
- 7. The influence of drugs/alcohol or mental state of the subject.
- 8. The availability of resources to the situation
- 9. The proximity of weapons to the subject
- 10. The environmental factors and/or exigent circumstances
- 11. De-escalation efforts
- 12. Listing any recordings of the incident available to the officer
- 13. Reference Canine use, the handler will document the estimated duration of canine contact.

A handwritten signature in black ink, appearing to read 'Joe Leibold', with a long horizontal stroke extending to the right.

Joe Leibold
Major
Acting Chief



OPERATIONAL GUIDELINE, ADMINISTRATION: 23

SUBJECT: SOCIAL MEDIA

ISSUE DATE: 06-08-2020

REVISED: 06-08-2020

I. PURPOSE

- A. To establish a policy regarding use of social media and social networking by sworn and unsworn members of the Waterloo Police Department (WPD).
- B. The Waterloo Police Department endorses the secure use of social media as described below to enhance community engagement, communication, collaboration, and information exchange; streamline processes; and to foster productivity. This policy establishes this agency's position on the utility and management of social media and provides guidance on its management, administration, and oversight.
- C. In so doing, this policy sets forth expectations of WPD employees with respect to their use of social media and social networking, and the direct effect such use has upon the reputation, perception, and interests of the Department and its employees.
- D. As advances in technology constantly emerge, it is the intent of this policy to address social media in general, rather than any singular form or mode of social media or networking.
- E. The WPD Major shall assign the Community Relations Captain, Patrol Captain, and designee(s), to assist in the oversight of all WPD social media accounts.

II. BACKGROUND

- A. Social media provides a contemporary and potentially valuable means of assisting the WPD and its personnel in meeting several departmental strategies, including, but not limited to, community outreach, community problem solving, development of intelligence for investigations, and crime prevention. Social media also plays a significant role in the personal lives of numerous employees. However, the WPD recognizes formally and universally that personal use of social media has the potential to affect the Department, our profession, as well as individual members serving in their official capacities. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by WPD personnel.
- B. Social media refers to digital communication platforms that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, microblogging sites, photo and video sharing sites, wikis, blogs, vines, and news sites. Some examples of social media include Facebook, Twitter, Instagram, YouTube, Reddit, Tik Tok, and Tumblr.



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- C. As members of the WPD, employees are embodiments of its mission, values and guiding principles. It is, thus, essential that members accept their role as an ambassador of the Office. In doing so, each member must strive to maintain public trust and confidence, not only in his or her professional capacity, but also in his or her personal and on-line activities. Moreover, as members of law enforcement, WPD officers are held to a higher standard of behavior than members of the public who are not employed in law enforcement. As such, **on-line activities of employees of this Department shall always reflect high professional expectations/standards.**
- D. These policies address general use of social media and are not limited to one particular (or any emergent or new) form(s) of networking.

III. DEFINITIONS

- A. For the purpose of this policy, the following definitions apply:
 - 1. **Blog:** A series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary. Blogs can allow or disallow comments on entries.
 - 2. **Cloud:** often refers to the Internet, which more precisely means a datacenter full of servers connected to the Internet performing a service. However, the term "cloud computing" refers to the software and services that have enabled the Internet to become so prominent in everyday life.
 - 3. **Comments:** Responses to a blog post, news article, social media entry or other social networking post.
 - 4. **Social Media:** On-line sources that allow people to communicate, share, and/or exchange information with others via some form of on-line or cellular network platform. Information may include, but is not limited to, text, photographs, video, audio, and other multimedia files.
 - 5. **Social Networking:** Involves using such Internet or mobile formats as Myspace, Facebook, Twitter, Twitch, LinkedIn, Foursquare, Usenet groups, message or on-line bulletin boards, blogs and other similarly developed formats, to communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.
 - 6. **Internet:** A computer network consisting of a worldwide network of computer networks that use the TCP / IP network protocols to facilitate data transmission and exchange.
 - 7. **Post (noun):** An item inserted into a blog, or an entry to any type of computerized bulletin board, forum, or social media site.
 - 8. **Post (verb):** The act of creating, uploading, editing, or adding to any social media outlet. This includes text, photographs, audio, video, or any other multimedia file.



IV. POLICY

- A. It is the policy of the - Waterloo Police Department that all existing laws, rules, regulations, and directives that govern on- and off-duty conduct are applicable to conduct associated with social media and networking.
- B. The WPD will clearly identify its Official Social Media Accounts.
 - 1. Where possible, WPD social media accounts shall prominently display the following information and/or statements:
 - a. WPD contact information and a link to the WPD website.
 - b. That webpages are maintained by the WPD.
 - c. The purpose and scope of the WPD online presence on the websites.
 - d. That the opinions expressed by visitors to the pages do not reflect the opinions of the WPD.
 - e. That posted comments will be monitored and that the WPD reserves the right to remove comments at its discretion such as obscenities, off-topic comments, personal attacks, any comments that jeopardize an ongoing investigation or prosecution, or that otherwise impair the WPD's ability to provide effective law enforcement services to the community.
 - f. That any content posted or submitted for posting is subject to public disclosure.
- C. Employees May Use Non-Official Social Media Accounts for Investigations.
 - 1. Any employees using non-official social media accounts for investigative purposes will obtain written permission from the Chief, regardless of duty assignment.
 - 2. These employees will maintain a log of all social media postings to non-official accounts.
- D. Social Media Content is Subject to Information Technology and Records Management Laws and Policies.
 - 1. The Patrol Captain and Community Services Lieutenant may (when necessary) retrieve requested content from official WPD social media accounts in compliance with open records laws and policies.
- E. When engaging in social networking, employees will strictly adhere to any and all of the following:



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1. Existing federal, state, and local laws.
 2. Policies of the City of Waterloo and the WPD.
 3. Laws regarding public information on arrests, investigations, and personnel data.
 4. No Body Worn Camera (BWC) or In-Car Video/Audio files may be released from the WPD by anyone except the Chief or his/her designee.
 5. No pictures from any source may be captured as a result of official duties as employees of WPD or shared or released by any employee without the approval of the Chief of Police.
- F. The WPD prohibits employees from using their status as members of the WPD to endorse any product or service without prior written permission from the Chief or his/her designee.
- G. The WPD prohibits employees from posting images of law enforcement personnel working in an undercover capacity or identifying such personnel as law enforcement officers.
- H. The WPD prohibits employees from using City of Waterloo or WPD property excessively or in violation of the vehicle code to engage in the personal use of social media.
1. For the purpose of this policy, City property includes, but is not limited to, desktop computers, laptop computers, cell phones, hand-held digital or electronic devices, In-Car Audio/Video devices, BWC devices, mobile devices, e.g., iPhones, iPads, Android tablets, Android phones, Blackberry phones, laptops, etc., and any digital storage media on devices, websites, or residing in the “cloud.”
 2. Employees may not engage in social media if it reduces the efficiency of police operations.
- I. While in on-duty status, employees are prohibited from using privately owned property to engage in personal use of social media **while driving or assigned to incidents or calls**.
- J. Off-duty employees using privately owned property to engage in the personal use of social media, shall not represent the City of Waterloo, the WPD, or any official position maintained by either entity. Under such conditions, employees only represent only themselves and their personal interests.
1. This policy covers employee personal use of social media **affecting the workplace and/or the ability of WPD's to perform its public mission**,
 2. The Department recognizes the role that social media plays in the personal lives of some Waterloo employees. However, the personal use of social media can affect an employee's working conditions while in their official capacity, as you will always be held to a higher standard of conduct by the Department and by the community.



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3. Engaging in prohibited speech as outlined in this policy may provide grounds for disciplinary action, and may also undermine or impeach an officer's testimony in legal proceedings.
- K. There is no reasonable expectation of privacy when engaging in online social networking. As such, the WPD may obtain the content of social networking websites for use in criminal trials, civil proceedings, and WPD investigations.
- L. Employees may express themselves **as private citizens** on social media sites as long as employees do not:
 1. Make, share, or comment, in support of any posting that includes harassment, threats of violence, discrimination, racism, sexism, or similar conduct.
 2. Make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals.
 3. Make, share, or comment in support of any posting that suggests that Department personnel are engaged in behavior reasonably considered unlawful, reckless, or indifferent toward public safety.
 4. Divulge information that may endanger an investigation or a fellow employee.
 5. Otherwise, violate any law or WPD policy.
- M. Employees shall make reasonable efforts to remove content that appear on their existing social media account(s) that violates this policy upon learning of the offensive content. Employees are prohibited from using racial/ethnic slurs, profanity, personal insults, material that is harassing, defamatory, fraudulent, or discriminatory, or other content or communications that would not be acceptable in a City workplace under City or WPD guideline, policy or practice.
- N. Employees are prohibited from displaying sexually explicit and/or pornographic images, sounds, music, cartoons, jokes, messages, or other material that would be considered in violation of the City and Agency policy preventing Sexual Harassment in the City of Waterloo.
- O. Employees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the WPD.
- P. Employees may not make any statements, appearances, endorsements, or publish materials that could reasonably be considered to represent the views or positions of the Department.
- Q. Employees may not use their WPD email address to register a personal account on social media.



V. GENERAL CATEGORIES OF SOCIAL MEDIA USAGE

A. The WPD recognizes two general categories of social media usage among employees:

1. WPD-Authorized Use of Social Media.
2. Personal Use of Social Media.

B. Waterloo Police Department Authorized Use of Social Media:

1. WPD-authorized use of social media: the employment of such instruments for the specific purpose of assisting the WPD and its personnel in community outreach, problem solving, investigation, crime prevention, and other WPD-related objectives.
2. In addition to the rules and regulations set forth in Section 4 of this operational guideline, the following provisions shall apply to WPD-authorized use of social media.
 - a. WPD employees seeking to represent the Department via social media outlets (III-A, 2.) shall obtain the express permission of the Chief of Police or his/ her designee, prior to engaging in such activity.
 - b. Upon obtaining authorization, when engaging in authorized social media networking, employees shall:
 - 1) Properly identify themselves as members of the WPD.
 - 2) In instances whereby proper identification poses a risk to officer safety or may impede the progress of a criminal investigation, employees, with permission from the Chief of Police or their designee may exclude WPD membership from their profiles.
 - 3) At all times, conduct themselves as representatives of the WPD and, accordingly, adhere to all WPD policies and standards of conduct, and observe conventionally accepted protocols and proper decorum.
 - 4) Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
 - 5) Observe and abide by all existing City of Waterloo information systems policies, including, but not limited to, "Internet Use and Access" and "Electronic Mail and Messaging," and "Social Networking."
 - c. When engaging in WPD-authorized social media or social networking, WPD employees shall not under any circumstances:
 - 1) Make statements about the guilt or innocence of any prisoner, suspect or arrestee, or comments concerning pending prosecutions.



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- 2) Post, transmit, or otherwise disseminate confidential information, including photographs or videos related to WPD training, activities, investigations, or any other work-related assignment, without specific and express written permission from the Chief or their designee.
- 3) Conduct political activities or private business.

C. Personal Use of Social Media:

1. Personal use of social media is engagement or participation in any personal social networking platform, including but not limited to, personally owned sites and accounts, the sites and accounts of others (both known and unknown to the employee), news media pages, professional sites unaffiliated with the Waterloo Police Department, or other information exchange forums.
2. In addition to the rules and regulations set forth in Section 4 of this directive, the following provisions shall apply to personal use of social media while off-duty and using privately owned property.
 - a. Employees shall neither express nor imply that they are;
 - 1) Speaking or acting on behalf of the WPD.
 - 2) Representing or presenting the interests of the WPD.
 - b. Employees shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the agency.
 - c. Employees shall not post any depiction or illustration of the Official Seal of the City of Waterloo, or the WPD name, badge, logo, patch, or vehicles that give the appearance of an official site of the City of Waterloo or the WPD.
 1. Note: Depiction of the mourning crepe when authorized for use on the uniform badge will also permit employees to post the badge and mourning crepe, "Thin Blue Line" illustration, or combination with patch and/or badge onto social networking sites.
 - d. In addition to the above provisions, when engaging in personal use of social media, employees shall not post any text, photograph, audio, video, illustration, or any other multimedia file related to, or depicting, any of the following:
 - 1) Current, past, or pending WPD investigations.
 - 2) Criminal or civil proceeding pertaining to or arising from any matter involving the WPD, including allegations of misconduct.
 - 3) Brandishing of any weaponry (city-owned or privately owned; actual or simulated), or any contraband (actual or simulated).



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- 4) Brandishing of tactical instruments (both city-owned and privately owned), including, but not limited to firearm, ASP, baton, OC spray, Electronic Control Weapon (ECW), and mechanical restraints.
- 5) Note: WPD does not prohibit members from posting hunting photos, pistol/archery competition photos, etc.

Approved

CHIEF OF POLICE DATE



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D E P A R T M E N T

OPERATIONAL GUIDELINE, Administration: 24

SUBJECT: VISION, MISSION, CORE VALUES, & GUIDING PRINCIPLES

ISSUE DATE: 06-08-2020

REVISED: 06-08-2020

I. PURPOSE

- A. Citizens' established the Waterloo Police Department to maintain peace and order in the community, and to protect the citizens of the city. As guardians of the City of Waterloo, the Department shall provide continuous patrol services, response to citizens' calls for assistance, investigation of criminal offenses, apprehension of offenders, traffic enforcement, enforcement all municipal ordinances and laws, state and federal, of which it is charged with in a fair and impartial manner.
- B. The Waterloo Police Department is also a dynamic, progressive, and professional organization dedicated to initiating, developing, and maintaining community partnerships that promote a high quality of life for all who comprise the diverse population of this city. Every member of the department shares an expectation of treating all people with dignity, fairness, and respect, protecting their rights, and providing equal protection under the law without bias, as a law enforcement agency in the State of Iowa.

II. VISION

- A. The WPD, a law enforcement agency committed to excellence, will become a national benchmark in the professional delivery of law enforcement related services; we strive for high performance, equally high customer satisfaction, and accept and integrate innovative ideas and diversity in our all activities to remain dynamic and flexible.

III. MISSION

- A. The WPD is committed to service, procedural justice, and the sanctity of human life. Our duties encompass protecting the lives, property, and rights of all people within a framework of service, uncompromising integrity, fiscal responsibility, professionalism, vigilance, and bias free conduct.

IV. CORE VALUES

- A. Our Core Values are:

1. Service above self,
2. Uncompromising integrity,
3. Professionalism on/off the job, and
4. Vigilance in safeguarding our stakeholders.



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V. GUIDING PRINCIPLES

A. Our Guiding Principles are:

1. Professionalism and Organizational Excellence,
2. Community Engagement and Partnerships,
3. Operational Improvements/Performance Metrics, and
4. Intelligent Technology Development and Infrastructure Expansion.

VI. ETHICS STATEMENT

- A. As a Waterloo Police Officer, my fundamental duty is to serve society, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful to the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or confided to me in my official capacity will be kept secret, unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear of favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and accept it as a public trust, to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession—law enforcement.

Approved

CHIEF OF POLICE DATE



WATERLOO POLICE

D E P A R T M E N T

OPERATIONAL GUIDELINE, ADMINISTRATION: 26

SUBJECT: DEPARTMENT INTERACTIONS WITH TRANSGENDER INDIVIDUALS

ISSUE DATE: 06-08-2020

REVISED: 06-08-2020

I. POLICY

- A. This directive establishes policies and procedures for Waterloo Police Department personnel during their interactions with transgender individuals and for the protection of the constitutional rights of all residents and visitors.
- B. Consistent with the WPD Mission Statement, personnel will safeguard the rights of **all** people. WPD will do so, without consideration of a person's actual or perceived race, color, sex, gender, gender identity, gender expression, religious creed, sexual orientation, age, national origin, ancestry, or disability.
- C. Personnel will treat all persons with the courtesy and dignity, which is inherently due to every person. Department officers will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous and professional attitude during all contacts with the public.
- D. Personnel will not exhibit any bias, nor will they pre-judge, or discriminate against an individual or group of officers based on their actual or perceived sexual orientation, gender identity, or gender expression.
- E. Personnel will address officers of the public using pronouns, titles of respect, and name as expressed by the individual, regardless of what is listed on their government issued identification.
- F. Personnel will not make discourteous or disrespectful remarks regarding another person's actual or perceived race, color, sex, gender, gender identity, gender expression, religious creed, sexual orientation, age, national origin, ancestry, or disability.
- G. Personnel will adhere to the following procedures during departmental contacts with and arrests of transgender individuals.

II. DEFINITIONS

- A. **Sex Assigned at Birth:** Refers to the sex a person was told they were. The sex assigned at birth is usually determined by a doctor who looks at the infant's external genitalia, but this may or may not be the same as the person's gender identity.
- B. **Gender identity:** How someone identifies their own gender.
- C. **Transgender:** An umbrella term for a person whose gender identity differs from the sex they were assigned at birth. For example, if a person is born and then assigned female, but ultimately identifies as a male, that person would be described as a transgender male.
- D. **Gender Expression:** How a person expresses their gender. This can include clothing, hairstyles, makeup, mannerisms, behavior, speech patterns, and more.



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- E. **Sexual Orientation:** A person's attraction to others. This attraction could be physical, romantic, or emotional. Common sexual orientation labels include heterosexual/straight, gay, lesbian, bisexual, and queer. It is important to note that sexual orientation and gender identity are not the same; not all transgender people are gay and not all gay people are transgender.
- F. **Officer:** For this directive, the term "officer" includes all WPD employees.

III. PROFESSIONAL GUIDELINES

A. Personnel WILL:

1. Respect an individual's gender identity and gender expression.
2. Use pronouns as requested by the individual (e.g., "she, her, hers" for an individual who self-identifies as a female; "he, him, his" for an individual who self-identifies as a male; and "they, them, their" for an individual who self-identifies as non-binary).
3. Respectfully ask the individuals: "What pronouns do you use?"
4. Always address the individual by the name and pronouns they request to use, regardless of whatever may be listed on their government-issued identification.
5. Conduct ALL searches (custodial and/or strip) in accordance with existing policies and departmental procedures listed in Section 5 of this Operational Guideline.

B. Personnel WILL NOT:

1. Stop, detain, frisk, or search any person for the purpose of determining that person's gender identity, sex assigned at birth, gender expression, or sexual orientation.
 - a. The above limitation does not prevent an officer from following the established department procedures relative to ensuring the proper processing of persons arrested.
2. Except when legally necessary (i.e., processing an arrest), require proof of an individual's gender or debate an individual's gender identity.
3. Use demeaning or derogatory language; in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation.
4. Disclose an individual's sex assigned at birth, gender identity or sexual orientation to other arrestees, officers of the public, or other governmental personnel, absent a proper law enforcement purpose (i.e., transfer of custody to other personnel to ensure proper security of the prisoner).
5. Make assumptions about an individual's sexual orientation based upon an individual's gender identity or gender expression.
6. Use a person's actual or perceived gender identity or gender expression alone as reasonable suspicion that the individual is or has engaged in a crime, including prostitution.



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C. Gender Classification Guidelines for Transgender Individuals When Arrested

1. An arrestee's gender will be classified as it appears on the individual's government-issued identification card.
 - a. If an individual explicitly informs personnel that they are transgender, and an officer finds a record for an individual (NCIC or any other law enforcement record) that lists a different gender from what the individual is currently presenting, the officer shall notify the deputy sheriff or correctional officer (CO) before delivering the individual into their custody. The officers, if required to add any written documentation to the detaining facility, will document that notification in the "Notes" section of the incident report, prisoner flow chart, medical checklist, log, etc.
 - b. If the individual refuses to provide their gender identity, and is being held, or detained in a WPD facility, the individual will be housed in a single cell, and according to their gender expression.
 2. For the purposes of listing gender on citations, arrest reports, and other official documentation, officers shall use the designation listed in the most recent records in official government databases, starting with the BMV records.
 3. For purposes of listing the name, officers shall always write an individual's name as it appears on the individual's government-issued identification card.
 - a. If the arrestee identifies themselves using a different name, this name will be placed in the alias box on the arrest paperwork.
 - b. While the WPD recognizes the potential negative connotation associated with the term "alias," the use of such term is institutional of the criminal justice system and **is no way intended to be disrespectful to, or dismissive of, transgender individuals.**
 4. In the event that a government-issued identification card is unavailable, the arrestee will be classified according to their self-identification.
- D. In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for guidance on the appropriate classification.
1. In situations in which the arrestee does not have identification, and elects not to speak to police, supervisors can attempt to establish communication necessary to make a determination of the arrestee's gender, or use the arrestee's gender expression for classification).

IV. PROCEDURES

A. Investigations

1. Officers will record the following information on all Investigative Reports:
 - a. The advisement and request of gender preference.
 - b. The individual's response.
 - c. Whether or not the request was granted.
 - d. Reason for not granting the request, if applicable.



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2. If the transgender individual does not specify a gender preference, a female officer will conduct a frisk, if needed.

B. Searches

1. All searches will be conducted by officers of the gender requested by the detainee and in accordance with the established departmental procedures.
 - a. If the requested gender officer is not available, and it is imperative that an immediate search be conducted, officers will not compromise their safety or that of the public, in order to comply with this provision.
2. Officers taking individuals into custody, accepting custody of detainees, or conducting searches (custodial and/or strip) will be responsible for conducting a thorough search in accordance with departmental procedures.
3. Searches shall not be any more or less invasive than that of any other individual.
4. Requests to remove identity-related items such as prosthetics, clothing, wigs, and cosmetic items will be consistent with the requirements for the removal of similar items for non-transgender arrestees.
5. The possession of a needle which is purported to be for hormonal use shall not be presumed to be evidence of criminal misconduct. Likewise, any medication recovered pursuant to a search shall not be discarded, rather, it shall be secured by the officer and presented to the nurse (or supervisor) upon arrival at the holding facility.
6. If a strip/body cavity search is to be conducted, the Strip and Body Cavity Searches procedures must be adhered to with the same diligence and attention as any other arrested person.

V. TRANSPORTATION, DETENTION, AND PROCESSING

A. Absent exigent circumstances, transgender arrestees will be transported separately.

1. An officer of the individual's gender identity, when practical, will be present during the transport.
2. When a transgender arrestee is transported from a police facility to a prison, the arrestee will be transported separately from the male and female prisoners.
3. Transporting officers shall notify police dispatch with their starting and ending mileage.

B. Transgender arrestees (adults and juveniles) will be housed in a secure single cell.

1. If there is no empty cell for a juvenile prisoner at WPD Headquarters, the desk/shift supervisor will call the Blackhawk County Jail and request temporary secure holding placement.
2. Transgender juveniles taken into custody for offenses less than a misdemeanor will be taken directly to the designated non-secure holding facility.



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- C. Personnel will record a transgender individual's gender information on Department reports in accordance with Section 4 of this Operational Guideline and all other demographic information as it appears on their government-issued identification. Any name used by the subject other than what is listed on their government-issued identification, will be recorded as an alias.
- D. While the WPD recognizes the potential negative connotation associated with the term "alias," the use of such term is institutional of the criminal justice system and is no way intended to be disrespectful to, or dismissive of, transgender individuals.
- E. In the event a transgender individual requires immediate medical care or medication, including hormone therapy, the individual will be transported to the nearest medical facility to be treated by a physician and handled as a prisoner in a hospital.
- F. If an individual explicitly informs personnel that they are transgender, and an officer finds a record for an individual (NCIC or any other law enforcement record) that lists a different gender from what the individual is currently presenting, the officer shall notify the jail, deputy sheriff or correctional officer BEFORE delivering the individual into their custody by entering:
 - 1. Transgender male assigned female at birth,
 - 2. Transgender female assigned male at birth,
 - 3. Non-binary gender assigned male at birth, or
 - 4. Non-binary gender assigned female at birth.
 - 5. If the individual refuses to provide their gender identity, the individual will be housed in a single cell according to their gender expression.
- G. In situations involving the transfer of transgender prisoners to county prisons or other police agencies, the CBA/PCO will ensure that the paperwork accompanying the prisoner adequately describes gender identity information.

VI. RELEASE OF INFORMATION TO THE MEDIA REGARDING INCIDENTS INVOLVING TRANSGENDER INDIVIDUALS

- A. In all incidents involving transgender individuals (victim, witness, or arrestee), personnel will:
 - 1. Refer to the individual using the name based on their gender identity rather than that which is on their government issued identification.
 - 2. Use pronouns as requested by the individual (e.g., "she, her, hers" for an individual who self-identifies as a female; "he, him, his" for an individual who self-identifies as a male; and "they, them, their" for an individual who self-identifies as non-binary) and as used on the appropriate department reports (incident or arrest report).



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B. Even in the case of a person's death, officers of the Waterloo Police Department will use pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual.

1. In incidents where a transgender victim is deceased, personnel will refer to the victim's statements while they were alive, as reported by their next-of-kin or friends and community officers.
2. If the individual's self-reports of their identity conflict with government-issued identification or reports from their next-of-kin or friends and community officers, the individual's self-reports shall take precedence.

Approved

CHIEF OF POLICE DATE



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D E P A R T M E N T

OPERATIONAL GUIDELINE, OPERATIONS: 11

SUBJECT: IN-CAR VIDEO & BODY WORN CAMERAS

ISSUE DATE: 06-08-2020

REVISED: 06-08-2020

I. PURPOSE

- A. To establish a policy that applies to all officers who operate In-Car Video (ICV) or Body-Worn Camera (BWC) systems. The goal of these systems is to enhance public trust in the Waterloo Police Department (WPD) by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public.
- B. An officer is never expected to allow a person recording police action(s) to create officer safety hazards for involved parties. Extreme care must be used because recording, in and of itself, is a legal and protected activity. Arrests and the issuance of citations may only be used in extreme circumstances.
- C. The Department will continually audit and review both in-car and body-worn video programs, including this manual section and related training, considering changes in best practices, technology, legal standards, and stakeholder direction.

II. POLICY

- A. Recording with ICV and BWC
 - 1. The Department Assigns BWC Cameras and installs all ICV camera systems.
 - 2. Each officer will be issued a BWC and label them accordingly. Waterloo MIS will maintain spares to be issued out by a Sergeant in the event of a malfunction.
- B. The department will assign BWC cameras to officers individually. Officers may not wear any personally-owned camera device. The Department only authorizes those camera units issued by WPD.
 - 1. Officers who have been trained and have been Issued BWC equipment will wear and activate it during all non-exempt out of vehicle citizen interactions during their shift.
 - 2. An example of an exempt citizen interaction is recording while speaking with a citizen, privately using a bathroom, or entering your personal residence.



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D. Before officers deploy an ICV-equipped vehicle or BWC, they will complete Department training on the proper use of the equipment and procedures for uploading, tagging, and regulations on evidentiary standards and the permissible use of recorded video. This training will also include:

1. System preparation and operation.
2. Department policy on camera usage.
3. Pointing of the ICV camera and placement of the BWC camera.

III. PROCEDURE

A. As public and officer safety considerations permit, officers will make reasonable efforts to position the patrol vehicle and ICV camera to obtain useful recordings and capture critical evidence.

1. Officers will not position vehicles to avoid recording an event.
2. Officers will wear and/or an activate BWC camera while inside the police vehicle.
3. BWCs shall be worn in a secure and unobstructed manner on the upper torso.
4. Once officers have completed ICV/BWC training and have been issued the equipment, officers will deploy for their assignments with ICV/BWC cameras.
5. When outside of the police vehicle, officers are required to use the BWC to record all police related events.
6. All officers shall operate ICV and/or BWCs per this policy.

B. Field Training Officers shall be in uniform (except for the “Shadow-phase”) and shall wear a BWC camera.

C. Officers Address and Note System Malfunctions

1. At the start of the shift, officers will prepare ICV and BWC systems as outlined in training.
2. If assigned to a two-officer car, at least one officer will log into the ICV system and sync the ICV transmitter.
3. If an officer discovers an operational issue with ICV at any time during the shift, the officer will contact a supervisor. If the problem cannot be resolved the vehicle will be removed from service (if possible) and logged for repair.



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D. Officers will verbally give Miranda warnings on the recording before asking any questions that may incriminate the person under arrest as required.

1. Officers must read Miranda warnings to arrestees when recording any interrogation. As an example, even when a BWC or interrogation video room system is activated in the holding cell area for an interrogation, if Miranda was unread the investigator will read Miranda on camera.

E. When shall officers shall record activity:

1. When safe and practical, officers will begin recording the following police activity, even if the event is out of view of the camera:
 - a. Dispatched calls, starting before the officer arrives on the call to ensure adequate time to turn on cameras.
 - b. Traffic and Pedestrian/Terry stops.
 - c. On-view infractions and criminal activity.
 - d. Arrests and seizures.
 - e. Consent, Warrant and Warrantless, searches and inventories of vehicles, persons, or premises.
 - f. Transports (excluding ride-alongs, and passengers for meetings).
 - g. Following or riding in ambulances or medic units that are transporting persons involved in an event to a medical facility.
 - h. Vehicle eluding/pursuits.
 - i. Questioning victims, suspects, or witnesses (**This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event**).
2. If circumstances prevent recording at the start of an event, the officer will record as soon as they exit the vehicle or as soon as safe or practical.
3. Officers will record the entire event to its conclusion unless specifically instructed otherwise by this manual section.



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F. Officers may briefly stop BWC (not ICV) if the option is available during an event to view video that would assist in an investigation or during a pre-approved supervisor consultation.

1. The supervisor will direct the officers to go off camera.
2. Officers will immediately restart recording with BWC as soon as feasible after gathering the desired information.

G. Discretion in Recording.

1. Officers reasonably exercising discretion under policy subsections will not be subject to discipline for the decision to record or not record those portions of an event.
2. Unless otherwise prohibited by this policy, officers may initiate recording **any time** they determine it would not be in conflict with this operational order or state/federal law and beneficial to capture an event or activity.

H. BWCs may be used to record interviews related to a use of force investigation.

I. Recording in Sensitive Areas

1. Officers will not record in restrooms, jails, and the interiors of medical, mental health, counseling, or therapeutic facilities, unless for a direct law enforcement purpose, such as a crime in progress.
2. Officers will record in the interiors of ambulances/medic units.

J. Protecting Privacy and Dignity

1. There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event.
2. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWC would impede or limit the cooperation of a victim or witness.
3. When an officer believes such circumstances exist, the officer may remove the body camera and place it so it is not recording video but still capturing audio.
 - a. Officers may turn the camera off in situations that the recording is no longer relevant to the investigation and officer safety is assured.

K. Recording Protected Activity / Demonstrations



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1. Officers will not record people lawfully exercising their freedom of speech, press, association, assembly, or religion **unless they have probable cause to believe that criminal activity is occurring or when ordered to record by a supervisor**, as provided below:

- a. When an imminent risk to public safety or large-scale property destruction appears likely, supervisors at the squad level and/or the incident commander of an event may order officers to record with BWC. Under such direction, officers will record until ordered to cease recording.
- b. Protected activity unintentionally captured is not a violation.

L. Officers Stating the Reasons for Stopping BWC Recording(s)

1. Officers who stop recording during an event will state on the recording their intention to stop recording and explain the basis for that decision in an incident report.
2. If a Supervisor directs that a recording cease, the supervisor shall notify dispatch for a time stamp and direct the officer(s) to document the order in the Report.

M. Determining the Conclusion of an Recording Event

1. An event has concluded when both of the following apply:
 - a. The officer has completed his or her part of the active investigation; and
 - b. There is little possibility that the officer will have further contact with any person involved in the event or outside of the patrol vehicle.
 - c. For prisoner transports, an event concludes when the prisoner is turned over the jail or hospital staff.

- N. For transports to other locations, the event concludes when the officer reaches the transport destination and the subject is out of the vehicle and contact with the individual concludes.

O. Officers Will Enter Data for Events Recorded with ICV/BWCs

1. Officers will assign the appropriate event type for all ICV recordings and enter any related Report or event number(s) in the proper format. (YYYY-#####).

P. Officers Will Document the Existence of Video or Reason for Lack of Video

1. Officers will document the existence or absence of any BWC and/or ICV video in any related paperwork (e.g., Reports, Supplements, Field Contacts, Criminal Citations, etc.).



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2. When officers are aware that there is no recording or there was a delay in recording, officers will explain why in the submitted paperwork. When officers are not submitting any paperwork, they will enter a CAD update with this explanation.

3. Video captured for a CFS with no incident report, will be logged into the CFS.

Q. Officers Will Initiate Upload of Recorded Video and Recharging of Equipment Before Going Out of Service.

1. Before going out of service, officers will initiate dock their BWC cameras to initiate upload of BWC video and recharging. If the video upload process is not initiated before the end of shift, officers will notify a supervisor.
2. Officers will also dock their ICV transmitters for recharging.

R. Specialized Units May Request Exceptions

1. The department recognizes that in relatively rare circumstances units may perform specific tasks during their normal duties that make using the ICV or BWC impractical. Units may request exceptions to recording with ICV and/or BWC, for those specific tasks, from the Chief of Police. Any exceptions granted are valid for a term not to exceed one year and may be renewed annually at the discretion of the Chief of Police for good cause shown, i.e. Undercover Task Force Officers, Narcotics, ICAC, etc.
2. Units will request the exceptions by department memorandum outlining the specific tasks and good cause justification. All approvals will be for good cause, which will be set forth in writing, signed, and dated, expressly by the Chief of Police. The Chief of Police and affected shift/investigative commanders will maintain a file of approved exceptions. Shift/Investigative commanders will provide a copy to the IAD Lieutenant and may provide copies of the exceptions to the affected personnel under their command.

S. Reviewing Department Video

1. This policy applies to all officers who review ICV and BWC recordings.
2. All ICV and BWC Recordings and Related Data are the Property of the Waterloo Police Department
3. Department policy governs all access, review, and release of in-car and body-worn video.
 - a. Disclosure of Department records addresses video retention periods and release of video to the public, including persons wishing to file misconduct complaints.
 - b. Officers will not make copies of videos, by any means, for personal use.



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- c. Officers will not tamper with, edit, alter, or delete video.
 - 1) Exception: This does not apply to personnel tasked with system maintenance who purge videos under established retention guidelines.
- d. Officers may review their own recorded video for report writing accuracy.
- e. The Department, including supervisors, the Internal Affairs Lieutenant, Training, and investigatory personnel may view ICV and BWC recordings for the following purposes:
 - 1) Complaint
 - 2) Criminal investigation
 - 3) Officer-involved accident/collision
 - 4) Vehicle pursuit investigation or review
 - 5) Open Records Request
 - 6) Use of force review or investigation
 - 7) Audits, Quality Control, and Performance appraisals
 - 8) As part of any future Early Intervention System (EIS).
- 4. Minor infraction discovered during ICV and BWC review will not result in formal discipline.
 - a. If, in the course of viewing in-car or body-worn video, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, they will not result in discipline or a sustained finding. However, such acts may result in a training referral or counseling/mentoring/coaching, and cited in an officer's performance evaluation.
 - b. In the context of in-car and/or body-worn video review, acts of misconduct that do not rise to the level of serious policy violations handled the Watch/Unit Commander and cc'd to the Internal Affairs Lieutenant pursuant to Operational Guidelines.
- 5. Users will supplement and articulate the reason for viewing a video.
 - a. Any officer viewing a video after it has been uploaded will state the purpose for viewing the video and supplement the report.
- T. Preparing the In-Car and Body-Worn Video Systems
 - a. When deploying with body-worn video (BWC) or a vehicle equipped with an in-car video (ICV) system, an officer:
 - 1. Verifies that all indicators show that the ICV transmitter, and BWC camera are fully charged.
 - 2. Positions cameras correctly.



WATERLOO POLICE

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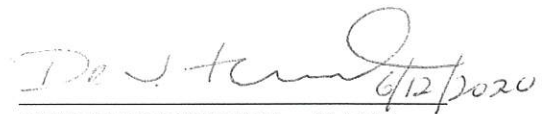
3. Synchronizes the ICV transmitter of the primary officer with the ICV system.
4. If the system malfunctions, troubleshoots using steps included in the initial training such as system reboot, re-synching of the portable transmitter(s), and “check out” of the storage media.
5. If the initial troubleshooting does not fix the problem, contacts the MIS Section and follows their instructions.
6. If the problem is resolved, makes an entry in the MDC log (car help desk) of the malfunction and steps taken to resolve it. If the problem is not resolved, notifies supervisor of the malfunction.

U. Supervisor responding to a malfunction of ICV or BWC

- a. After receiving a report that an ICV system or BWC camera has malfunctioned, a supervisor:
 1. For BWC, arranges for the officer to get a replacement BWC camera, if one is available.
 2. For ICV, assigns the officer(s) to visit MIS if available, if not switches the officer(s) to a vehicle with a functioning ICV system, if one is available. Notifies MIS of the issue.
 3. Approves the officer working without use of ICV and/or BWC if there are no vehicles with a functioning ICV system or spare body cameras available.
 4. Flags the patrol vehicle with the malfunctioning ICV system as “out-of-service.”
 5. Requests repair of the malfunctioning system by Waterloo MIS.

V. Officers will not utilize any recording device while employed as a member of the WPD to covertly record or videotape interactions with any City of Waterloo employee who is not under an official investigation (as authorized by the Chief or designee).

Approved


CHIEF OF POLICE DATE

Operational Guideline, Operations 11

February 15th, 2016

Waterloo Police Department

Revised 12/12/17

Subject: Mobile Recording Equipment (MRE)

A. Subject:

Mobile Recording Equipment (MRE) includes in-car and body-worn recording systems.

B. Purpose:

The purpose of this policy is to provide officers with guidelines for the use of mobile recording equipment issued by the Waterloo Police Department.

C. Policy

Mobile Recording Equipment has been demonstrated to be a valuable tool in evidence collection, prosecution of criminal offenses, evaluation of officer performance and training. Mobile Recording Equipment provides additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust. Use of MRE can reduce violent confrontations and complaints against officers.

This policy is intended to provide officers issued MRE with instructions on when and how to use mobile recording equipment.

D. Procedure:

1. Program Objectives

- a. The Department has adopted the use of Mobile Recording Equipment to accomplish several objectives, including:
 - i. Accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony.
 - ii. Enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

- iii. Documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
 - iv. The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of MRE does not reduce the requirement to provide thorough written documentation of an incident.
 - v. Due to the difference between the human performance capabilities and the enhanced digital recordings, persons reviewing recordings must consider all factors of an incident before conclusions are reached.
2. Operating Procedures: Officers shall adhere to the following procedures when utilizing Mobile Recording Equipment.
- a. The MRE should be utilized to:
 - i. Collect evidence that can be used in the prosecution of criminal offenses.
 - ii. Record contacts with the public in order to secure unbiased evidence in connection with investigations.
 - iii. Allow for supervisory review to ensure that department policies and procedures are followed.
 - iv. Capture footage that would be helpful for training.
 - b. Prior to using a MRE, officers shall receive Department-approved training on its proper operation and care and the Department's policy with respect to the use of the body-worn camera. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.
 - c. Mobile Recording Equipment should be used with reasonable care to ensure proper functioning and accountability. Equipment malfunctions shall immediately be brought to the attention of the officer's supervisor so that a replacement unit may be assigned (if available). Officers shall inspect and test MRE prior to each shift to verify proper functioning, and shall notify their supervisor of any problems.
 - d. In the event that a MRE is lost, upon discovery, the officer shall immediately notify his/her supervisor.
 - e. Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording. The body worn camera

may be moved to another location or covered in situations where we wish to protect privacy or to allow for covert recording of interviews.

- f. Body worn transmitters shall be synced and worn in a manner to provide the best recording of the event.
- g. Officers shall not use personally-owned MRE while on duty.
- h. Officers assigned a body-worn camera may use the camera at approved off-duty employment, but only in connection with their Department duties. If used for this purpose, the officer shall download all digital media evidence (DME) during their next regularly assigned on-duty shift.

3. Recording Procedure

- a. Except as otherwise provided in this policy, officers shall activate MRE to record all contacts with citizens in the performance of official duties.
 - i. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. The request to turn the camera off should be recorded, as well as the officer's response.
 - ii. Deactivation of the MRE shall occur when:
 - 1. The event has concluded.
 - 2. Victim and/or witness contact has concluded.
 - 3. All contacts have been released.
 - 4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility shall keep the officer's MRE activated until custody of the individual is transferred to the detention facility.
 - iii. If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons for doing so.
- b. Discretionary use of MRE to record contacts:
 - i. Encounters with persons acting as confidential sources.
 - ii. When an officer is on break or is otherwise engaged in personal activities.

iii. While working events where contact with the public is incidental to working the event.

1. The camera shall be activated while working the event if the officer is going to take enforcement action.

c. MRE shall not be used to record:

i. Communications with other police personnel, unless the officer(s) are principally involved in the incident.

ii. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room unless relevant to an investigation.

iii. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect, witness or victim.

iv. Officers shall not be required to activate MRE when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).

E. Handling of Digital Multimedia Evidence (DME)

a. All files from MRE shall be securely downloaded as necessary. Each file shall contain information related to the date, camera identifier, and assigned officer.

b. All files from MRE shall be securely stored in accordance with department policy.

c. All files from MRE shall be classified in the system appropriately for proper evidence storage.

d. In all cases that contain DME the officer will properly document the location of the DME in the incident or supplemental report.

e. To help ensure accuracy and consistency, officers are encouraged to review DME in order to assist in preparing accurate reports and giving formal statements.

f. No department personnel will have the access/rights/privileges to edit, alter, or erase MDE once submitted as evidence.

g. Supervisory Review of digital media evidence is restricted to:

i. The individual officer's chain of command including Internal Affairs and any supervisor as directed by the chief or designee.

- ii. Supervisory Review can be used to improve training, ensure compliance with department policy/training, reviewing complaints and in other situations in the best interest of the department.

F. Distribution of digital media evidence

- a. All stored DME maintained by the department will only be released with permission from the chief or designee. Officers will be given notice prior to any request/release of their DME for use in any manner other than criminal or civil prosecution. Much of the DME data including, but not limited to images, is of a sensitive and intimate nature. As such DME data is generally not an open, public record.
- b. Mobile Recording Equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. The personal use of all information recorded by body-worn cameras (including copies) shall only be pursuant to the prior written approval of the chief or designee.

G. Retention and destruction of DME.

- a. The retention and destruction of DME shall be pursuant to department public records retention guidelines.
- b. All recordings not flagged as evidence will be written over by the system.
- c. Mobile Recording Equipment for any purpose other than in accordance with this policy is prohibited.

By Order Of:



Daniel J. Trelka
Director of Safety Services



WATERLOO POLICE

D E P A R T M E N T

OPERATIONAL GUIDELINE, OPERATIONS: 12

SUBJECT: RACIAL PROFILING/BIASED FREE POLICING

ISSUE DATE: 06-02-2011

REVISED: 06-12-2020

I. PURPOSE

- A. This Operational Order reaffirms the commitment of the Waterloo Police Department (WPD) to unbiased policing in all encounters between WPD officers and those we serve. This policy reinforces trained procedures in field investigations and vehicle investigations, ensures the Department maintains public confidence, mutual trust, and the enhancement of procedural justice, by exercising the law enforcement powers granted to us in a fair and equitable fashion. Adherence to these guidelines can protect officers from unwarranted accusations of misconduct when acting within the scope of departmental policy, and in a manner consistent with federal and state law.
- B. It is the policy of the Waterloo Police Department to treat all persons with dignity, respect, and professionalism. The WPD provides police services to the community in a nonpartisan, fair, equitable, and objective manner, without consideration of race, color, gender, age, national origin, religion, disability, economic status, sexual orientation, gender expression, gender identity, transgender status, membership in a cultural group, or other individual characteristics or distinctions.
- C. Equal treatment provides that persons, irrespective of race or other distinction shall be treated in the same basic manner under the same or similar circumstances. Equal treatment does not mean all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable considerations and/or accommodations may be made when dealing with individuals with physical or mental disabilities, infirmity, illnesses, or similar conditions, or when information about them necessitates different treatment. Some transgender people, however, still prefer to use the medical term to describe themselves.

II. POLICY

- A. Officers shall police in a proactive manner and investigate suspected violations of law. It is the duty of the WPD to actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin, and to police within the scope of the Constitution.
- B. Officers are strictly prohibited from engaging in racial profiling as defined in this order. This order shall be applicable to officer's interactions with all persons, whether drivers, passengers or pedestrians.



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- C. Officers shall conduct themselves in a respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by the United States constitution are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The WPD will respect both, the rights of all persons to equitable treatment under the law, and the right to be free from unreasonable searches and seizures. **Engagement by any WPD officer in racial profiling or biased based policing is, both unacceptable, and strictly prohibited.**
- D. This order shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost, or confused. Nor does this order prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.
- E. Definitions
1. **Biased Policing:** Discrimination in the performance of duties, based on personal prejudices or partiality of officers that interferes with their professional judgment, training or adherence to law. Biased policing includes, but is not limited to, making prejudicial decisions affecting individuals in classes protected by federal, state, and local law.
 2. **Gender expression:** Person's external characteristics and behaviors including, but not limited to, dress, grooming, mannerisms, speech patterns, and social interactions that are socially-identified with a particular gender.
 3. **Gender identity** - Person's innate, deeply felt sense of gender, which may or may not correspond to the person's physical body or sex listed on their original birth certificate.
 4. **Car Stop, Vehicle Investigation, Motor Vehicle Stop:** A police officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.
 5. **Mere Suspicion:** Means that an officer suspects a person of criminal activity, but the officer has insufficient specific articulable reasons to state why they suspect the person.
 6. **Probable Cause:** Means that set of facts and circumstances that would lead a reasonable and prudent officer to believe that a crime has, or is about, to occur, and the person about to be arrested is responsible.
 7. **Racial Profiling/Biased-Based Profiling:** A law enforcement-initiated action based on an individual's race, ethnicity, gender, sexual orientation, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.



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8. **Reasonable Suspicion:** means that an officer, using their personal training and experience, can clearly and specifically articulate the reasons for suspecting a person of criminal activity and those reasons would lead a reasonable and prudent officer, in similar circumstances, to reach the same conclusions
 9. **Sexual orientation:** Heterosexuality, homosexuality, bisexuality, or being identified with such orientation.
 10. **Transgender:** Person who experiences and/or expresses their gender differently from conventional or cultural expectations including, but not limited to, those who express a gender that does not match the sex listed on their original birth certificate or who physically alter their sex.
 - a. **Intersex individuals:** Individuals who, because of their chromosomal make-up or other biological reasons are born with physical characteristics that make their biological sex ambiguous.
 - b. **Cross-dressers:** Individuals whose gender identity matches their birth-assigned sex, but who sometimes prefer to wear clothes not traditionally associated with their sex. Most individuals who consider themselves cross-dressers do not wear cross-gendered attire all of the time. The term "cross-dressers" should not be used to refer to individuals who are living as members of the opposite sex, in accordance with their gender identity.
 - c. **Transsexual:** An older term, that originated in the medical and psychological communities, and which is used to refer to individuals who wish to change, or have changed their birth-assigned sex, through hormones, surgery or other physical procedures. Just as many gay people prefer the term "gay" to the term "homosexual," many transgender people prefer "transgender" to "transsexual."
 11. **Race or Ethnicity:** Of a particular decent, including White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaska Native or American Indian.
 - a. Contact Disposition Codes: "Asian or Pacific Islander" replaces "Asian."
 - b. Contact Disposition Codes: "Alaska Native or American Indian" replaces "Other."
- F. The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin, or gender, as factors in a lawful temporary detention decision. Race, ethnicity, national origin, or gender may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching.



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G. WPD officers shall not engage in racial profiling, and therefore **shall not detain an individual and/or conduct an inquiry into that person's activities simply because of that individual's race, ethnicity, national origin, sexual orientation, or gender.** Examples include but are not limited to the following:

- 1) Issuing a traffic citation to a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity, sexual orientation, gender, or national origin.
- 2) Stopping or detaining the driver of a vehicle based upon the determination that a person of that race, ethnicity, gender, sexual orientation, or national origin, is unlikely to own or possess that specific make or model of vehicle.
- 3) Stopping or detaining an individual based upon the determination that a person of that race, ethnicity, gender, sexual orientation, or national origin does not belong in a specific part of town or a specific place.

a. The WPD derives the following principles from the adoption of the aforementioned definition of racial profiling:

- 1) That law enforcement officers shall not use racial, ethnic, sexual orientation, or gender stereotypes as factors in selecting whom to stop and search.
- 2) Racial profiling/Bias Based Profiling is not relevant as it pertains to witnesses, etc.
- 3) That police may not use racial, ethnic, or gender stereotypes as factors in selecting whom to stop and search, while police may consider race in conjunction with other known factors of the suspect.

H. Training

1. Officers are responsible for adhering to all Iowa Law Enforcement Academy (ILEA) and Departmental training.
2. All officers shall complete a training and education program on racial profiling or implicit bias bi-annually.

I. Limitations

1. Bias-based policing is prohibited both in enforcement of the law and delivery of police services.
2. Officers shall not use race, color, gender, age, national origin, religion, disability, economic status, sexual orientation, gender expression, gender identity, transgender status, membership in a cultural group, or an individual's ability/inability to speak English as the criteria for determining when or how to take enforcement action or provide police services.



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3. Nothing in this order prohibits officers from using the traits and characteristics of persons, such as race, ethnicity, or national origin, in combination with other facts, to assist in establishing reasonable suspicion or probable cause in the same manner that officers would use descriptions such as a specific hair color, height, gender or other identifying traits.
4. Officers shall not unreasonably endanger themselves or another person to conform to this Order. If a person refuses to provide information that facilitates an officer entering a disposition code based upon the self-identification of the person who is stopped, the officer shall enter the code that, in the opinion of the officer, is most accurate.
5. Any employee(s) who witness or are aware of instances of racial profiling/bias-based policing shall report the incident to their supervisor immediately.

J. Gender Classification Guidelines for Transgender Individuals

1. Officers shall:
 - a. Consider a person transgender if the person self-identifies as transgender or, if upon reasonable belief that person may be transgender; the officer asks and receives an affirmative response.
 - b. Respectfully treat individuals in a manner appropriate to the individual's gender, or gender identity/expression when known,
 - c. Use pronouns as requested by the individual (i.e., "she, her, hers" for an individual who self-identifies as a female; "he, him, his" for an individual who self-identifies as a male). If officers are uncertain by which gender the individual wishes to be addressed, they will respectfully ask the individual for clarification,
 - d. When requested, address the individual by the name based on their gender identity rather than that which is on their government issued identification, and
 - e. Avoid unnecessary personal questions regarding an individual's anatomy, transition status, or sexual history.
2. Officers shall not:
 - a. Stop, detain, frisk, or search any person for the sole purpose of determining that person's gender or in order to call attention to that person's gender identity/expression, unless following the established department procedures regarding the proper processing of arrestees,
 - b. Except when legally necessary, such as processing an arrest, either require proof of an individual's gender or challenge an individual's gender identity/expression,



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- c. Use language that a reasonable person would consider demeaning or derogatory; in particular, language aimed at a person's actual or perceived gender, gender identity/expression, or sexual orientation,
- d. Disclose an individual's gender identity or sexual orientation to other arrestees, members of the public, or other governmental personnel, absent a proper law enforcement purpose,
- e. Make assumptions about an individual's sexual orientation based upon an individual's gender or gender identity/expression, or
- f. Use a person's gender or gender identity/expression alone as reasonable suspicion that the individual is or has engaged in a crime or other violation of law.

K. Complaint Investigation

- 1. The WPD shall accept all complaints from any person(s) who believes s/he has been stopped or searched based on the following: racial, ethnic, gender, sexual orientation, or national origin profiling. No person shall be discouraged, intimidated, dissuaded, or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- 2. If an officer initiating a stop receives an allegation of racial profiling, the officer shall provide their full name to the individual with information on how to contact the Internal Affairs-Lieutenant and the officer's immediate supervisor. Any employee contacted shall provide to that person information on the department's process for filing a complaint. All employees will report any allegation of racial profiling to their supervisor before the end of their shift.
 - a. Officers shall provide information, including telephone number, mailing address, and email address for contacting Internal Affairs to any individual who inquires about reporting an incident perceived to be racially motivated, or who wishes to generate a compliment.
 - 1) **All officers receive general WPD business cards.**
 - 2) **All officers shall now carry business cards and distribute them, entering their prerequisite information onto the business card during contacts requiring reports, or upon request.**
 - 3) **Officers will now receive double-sided business cards that display additional information for citizens, enabling them to Commend an Officer or File a Complaint via email. The card will inform the recipient they have a right to**



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summon a supervisor to the scene and will advise the recipient of the Internal Affairs direct tel. number # (319) 291-4340 x3202.

- b. Any supervisor/manager receiving a racial profiling complaint shall notify the Internal Affairs Lieutenant in a timely manner of the complaint and the action taken.
- c. Supervisors shall monitor the adherence to the Racial Profiling/Biased based Policing regulations by all employees under their command and shall initiate an investigation into all alleged violations established under this policy.
3. The supervisor shall immediately assign an incident number/call for service number to all complaints.
4. The Shift Commander or the Internal Affairs Lieutenant shall provide the complainant acknowledgement (in writing) and updates regarding the disposition of the complaint within 30-days. The investigation shall be reduced to writing (or entered into the IA software, when applicable), categorized as Level-1-Shift Commander or Level-2-IAD Lieutenant, and must contain reviewer's comments or conclusions.
5. All complaints, whether level 1 or level 2 will receive numbers, and complaints requiring investigative conclusions shall be sent through the chain of command to the Chief of Police, or designee. When applicable, findings and/or recommendations for retraining, disciplinary action, or changes in policy shall be part of the reviewer's recommendation to the Chief of Police or designee.
6. Officers shall be subject to disciplinary action up to and including termination for engaging in racial profiling.
7. If there is a departmental video or audio recording of the events upon which forms the basis of a complaint of racial/biased based profiling, upon commencement of an investigation into the complaint, and written request of the officer made the subject of the complaint, WPD shall promptly provide a copy of the recording to that officer.

L. Public Education

1. The Waterloo Police Department will inform the public of its guidelines against racial/biased based profiling and the compliment and complaint process. Methods that may be utilized to inform the public of the process are news media, radio, service or civic presentations, the Internet, and prominently displayed on the WPD website.
2. **WPD will provide information on how to file a compliment or complaint in languages other than English on the WPD website and flyers.**



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Data Collection and Reporting

1. WPD collects data on all motor vehicle stops (driver only). Information for Field Investigations/Pedestrian Investigations and Vehicle Investigations are included on the CAD call log for data preservation.
2. Any vehicle equipped with video and/or audio capabilities shall retain the video and/or audio documentation in accordance with the division's standard operating procedures. The department shall retain any related documentation for at least 60 days after the stop or until final disposition/adjudication of the complaint.
 - a. If a complaint has been made the documented contact shall be retained by the Shift Internal Affairs Lieutenant until final disposition/adjudication of the complaint, if not longer, as required by law or policy.
3. Internal Affairs shall be responsible for compiling the number of racial profiling complaints and forwarding this information to the Chief of Police for submission to city council at end of the year.
4. The Chief of Police or designee may collect additional data in an effort to monitor enforcement actions and to provide an overview of department compliance with this order.
5. An annual Racial/Biased Based Profiling Report will be prepared based on the data collection and in accordance with this guideline and forwarded to the Mayor no later than 30 days after the 1st day of every year. Within the first 45 days of the 1st of every year the document will be distributed to the City Council.

Use of Video and Audio Equipment (BWC and ICV)

1. Each traffic stop made by an officer that is capable of being recorded by video and/or audio shall be recorded.
2. Data recorded will follow requirements of Order: OGA11 ICV and BWC.

Approved

CHIEF OF POLICE DATE

OPERATIONAL GUIDELINE, OPERATIONS, NUMBER 12
JUNE 2, 2011
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Field Investigative Contacts / Racial Profiling

B. PURPOSE:

To provide guidelines and limitations for officers of the Department when they are engaged in the investigation of criminal activity in the field which involves contact with persons who are reasonably suspected of being involved in such activity.

C. POLICY:

It is the policy of the Department that the rights of citizens shall not be unduly or illegally infringed upon and to that end, the following procedures shall be observed.

D. PROCEDURES:

1. Definitions

- a. Mere suspicion - means that a person is suspected of criminal activity by an officer, but the officer has insufficient specific articulable reasons to be able to state why he suspects the person.
- b. Reasonable suspicion - means that an officer, using the training and experience that he has, can clearly and specifically articulate his reasons for suspecting a person of criminal activity and those reasons would lead a reasonable and prudent officer, in like circumstances, to reach the same conclusions.
- c. Probable Cause - means that set of facts and circumstances which would lead a reasonable and prudent officer to believe that a crime has or is about to be committed and the person about to be arrested is responsible.

2. Officers may not take any action against a person based on mere suspicion or less. No Department written record shall be made based on mere suspicion or less.

3. Officers may briefly detain and question a person based on reasonable suspicion that the person is, has been or is about to be involved in specific criminal acts. However, a person may not be compelled to answer and must be released promptly unless probable cause develops.

4. Officers making a brief detention and questioning based on reasonable suspicion may make a written Department record of information gained. If it is determined that a newly discovered crime has been committed, an "Offense Form" may be initiated. If the investigative stop reveals information connected with an existing case, a "Supplemental Investigative Report" may be prepared. If neither of these conditions exists, a "Field Investigative Contact Card" may be completed. In some instances, a combination of the above may be appropriate.
5. Officers may make an arrest based on probable cause and appropriate written forms shall be completed.

E. Racial Profiling

1. Officers will not detain or question a person based on Racial Profiling as defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.
2. Officers will report to the Communications Center all vehicle/citizen contacts with individuals who are suspected of, or have been identified as being, engaged in traffic related or criminal activity.
3. Once the Officer has determined the disposition of the vehicle stop or citizen contact, the Officer will provide the Communications Center personnel with the appropriate disposition code (see attached Disposition Code Sheet).
4. Officers who are working special traffic enforcement or directed patrol projects will keep track of their contacts and disposition codes and will provide this information to the Communications Center personnel at the completion of the project.

BY ORDER OF:

Daniel J. Trelka
Director of Safety Services

VEHICLE / CITIZEN CONTACT DISPOSITION CODES

WHITE	MALE	15-30	A
		31-100	B
	FEMALE	15-30	D
		31-100	E

BLACK	MALE	15-30	G
		31-100	H
	FEMALE	15-30	J
		31-100	K

HISPANIC	MALE	15-30	M
		31-100	N
	FEMALE	15-30	P
		31-100	Q

ASIAN	MALE	15-30	S
		31-100	T
	FEMALE	15-30	V
		31-100	W

OTHER	MALE	15-100	Y
	FEMALE	15-100	Z

TRAFFIC	WNG	1
	SRCH/WNG	2
	CITE	3
	SRCH/CITE	4
	ARREST	5

INVESTIG	ID	6
	SRCH/ID	7
	WNG	8
	SRCH/WNG	9
	CITE	0
	SRCH/CITE	K
	SEARCH	Y
	ARREST	Z

Example

White
Male
15-30
Speeding
Citation
A-2