

DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL

CHAPTER 107	USE OF FORCE	
	Effective: <u>11/10/2015</u>	Commissioner Approval: <u></u>
	Authorities: <u>AS 11.81.900</u>	
	Applicability: OFFICERS	
	Special Instructions:	

107.100 INTRODUCTION

The department establishes protocol for an officer's appropriate use of force when carrying out the duties entrusted to the Department of Public Safety and establishes required practices for reporting the use of deadly force.

107.300 FORCE

An officer shall only engage in methods of safe control in which they have been trained and qualified by DPS.

A. ***Before using force.*** When practical, a verbal warning shall be given before using force to communicate that force would be used if the officer's orders were not obeyed.

B. ***Using force: general.*** Officers

1. will use force only in accordance with the policies set out in this chapter, and may not ever use force as punishment or in retaliation;
2. will use force only to the extent that it is reasonably necessary in any given situation to accomplish the officer's lawful objectives, such as making an arrest, preventing an escape, in defense of the officer or another person, or other situations where physical control of another person is necessary;
3. will be reasonable in their selection of a level of force and will not use excessive force in any situation. However, there is no requirement to use, or attempt to use, a lesser or more combative amount of force if that is not practical;
4. will bear in mind that the proper officer response can be thought of as "use of force options" that could involve several methods of safe control. The appropriate amount of force to be used is based upon the variables of the situation encountered, such as the subject's age, size, ability of the subject to escalate his/her use of force level, skill level, background, and other known factors within the circumstance; the officer's age, size, training, immediate physical condition (injuries, exhaustion); and the surrounding physical and social environment. Methods of safe control include: officer presence, verbal persuasion, directions, and commands; "soft" empty hand control; OC spray; OC projectiles; electronic weapons; "hard" empty hand control; batons; and deadly force.

CHAPTER 107 USE OF FORCE

C. Additional requirement for use of deadly force. The department, recognizing the integrity of human life, authorizes officers to use deadly force against another person only when, in addition to complying with the general policies regarding use of force, the officer has no other reasonable and practical alternative, and reasonably believes deadly force is necessary

1. to save his or her own life or the life of another;
2. to prevent serious physical injury [Ref AS 11.81.900] to the officer or another; or
3. because there is probable cause to believe the person has committed a felony using deadly force against another, and will immediately endanger life.

D. Firearms discharge. The department recognizes that every shot, even an inadvertent one, poses a risk of injury. Every discharge of a firearm must be reported as provided in section 107.310, and may subject the officer to discipline.

E. Warning shots prohibited. Warning shots and shots to disable vehicles will not be fired.

F. Other discharges of firearms. The department recognizes there may exist special circumstances that justify the discharge of a firearm not at a person, animal, or on a firing range. Officers are cautioned that every shot fired poses a risk of injury and no firearm should be discharged without due regard for the consequences of that action. Officers are not required to report a firearm discharge at an animal, unless it was done in defense of life or property.

G. Use of the carotid restraint. The department recognizes that every application of the carotid restraint is the use of deadly force. Even applications that do not result in loss of consciousness create a substantial risk of death. Every incident involving the use of the carotid restraint must be reported as provided in section 107.310.

107.310 AFTER FORCE IS USED OR A FIREARM IS DISCHARGED

A. Use of force must be justified. The department recognizes that an officer's decision to use force must often be made in a split second and based on the minimal information then available. However, the officer's decision must be reasonable under the circumstances known at the time and may be subject to review by the department, other agencies, the courts, or the public.

It is important, therefore, that every officer using force or discharging a firearm be able to articulate the circumstances known at the time of the incident that justified the amount and nature of force used, or the discharge of the firearm.

B. After force is used. A Use of Force or Firearms Discharge report shall be filed using [BlueTeam](#) by the primary officer involved within 24 hours of the incident. If in the performance of duty an officer deliberately takes any of the actions listed below, except during training, the action(s) must be documented. See paragraph C regarding multiple officers involved in a single incident and paragraph D for exceptions allowing for a supervisor to file on behalf of involved officers.

1. An individual report must be completed if an officer:
 - a. uses more force than is normal and incidental to handcuffing;

- b. struggles with a person;
- c. uses a pain compliance hold;
- d. strikes a person with a part of the officer's body or with any object;
- e. uses OC (spray or OC projectile);
- f. uses, prepares to use, or threatens to use an authorized electronic weapon;
- g. uses a baton or another object as an impact weapon;
- h. uses an explosive or distraction device, other than for animal or avalanche control; or
- i. uses, prepares to use, or threatens to use a firearm;
- j. uses, or prepares to use a carotid restraint or other tactic or device which is considered the use of deadly force.

2. In this section, the phrase "prepares to use" includes unholstering a weapon (gun, electronic weapon, etc.) with the intention of preparing to use it against a specific individual or group. Unholstering a weapon and directing it towards a specific person or group, even if that person is not aware of this action, requires a Use of Force Report. However, conducting a building search or similar operation with an unholstered weapon where no person or group is encountered, would not be reportable. It is not the mere unholstering of a weapon that triggers the reporting requirement, but the directing of that weapon against a particular person or group. In this section, the phrase "prepares to use" also includes preparing to use the carotid restraint, where the officer is able to get their arms into position, but without applying pressure (Level 1, neck lock with no compression).

C. *Group operations requiring a Use of Force Report.* Operations, raids or other similar group activities where multiple officers are involved in actions requiring the completion of the Use of Force Report must be filed as a single report with each officer's involvement documented using the [BlueTeam](#). The principal officer or supervisor in the operation shall document the names of the officers and their actions reportable under paragraph B1 in the Use of Force Report.

D. *Completion of Use of Force Report or Firearms Discharge Report by a supervisor.* The supervisor shall complete a Use of Force Report or Firearms Discharge Report using the [BlueTeam](#) as soon as practical for an officer when the officer is unable to complete the report due to injury, incapacitation, or when the officer's involvement resulted in serious physical injury or death to a person.

E. *Documentation also required in case reports.* If a case report is prepared covering an incident in which force was used it must include the facts that made force necessary and shall explain in detail the nature and amount of force used. It is the responsibility of the supervisor reviewing the report to ensure that thorough and accurate documentation is provided.

F. After discharge of firearm, use of a carotid restraint or other use of deadly force.

1. Officers who, in the performance of their duty, have deliberately or otherwise discharged a firearm, applied a carotid restraint, or used any form of deadly force (except in training) will immediately report the incident to their supervisor. The supervisor will insure that the use of deadly force is documented as described in sections B-D.
2. When an officer has applied a carotid restraint, regardless of whether or not the subject was rendered unconscious (level II or level III), that officer shall arrange for the subject to be medically screened prior to being remanded or released from law enforcement custody. Investigations and reviews of incidents in which a carotid restraint was used will be evaluated on a case by case basis by the director's office to determine the level of investigative response necessary.
3. Investigations and review of incidents in which deadly force was used or where a firearm was negligently or intentionally discharged will be conducted in accordance with [OPM Chapter 118](#) - Use of Deadly Force Investigation and Review.
4. When notified of an incident described in OPM 107.310 paragraph F.1, F.2, and/or F.3, a supervisor shall immediately notify the appropriate division director.
5. When notified of an incident described in OPM 107.310 paragraph F.1 or F.3, that director, in consultation with the commissioner's office, will immediately select, directly or by delegation, an investigation team, headed by the ranking officer. The director will notify the officer who discharged the firearm or used deadly force and the officer's supervisor of the name and rank of the person in charge of the investigation.
6. The selection of an investigation team does not relieve first responders of their responsibility to take initial investigative steps as set out in [OPM Chapter 118](#) and to protect the scene and witnesses until the arrival of the investigative team.
7. Investigations into the use of deadly force will be conducted as "criminal" investigations. Investigators shall comply with all departmental policies and procedures while conducting the investigation.

107.900 DEFINITIONS

Force – Any deliberate bodily impact or restraint for the purpose of gaining control of a person, or the use of explosives and distraction devices even if not directed toward a person, unless used for animal or avalanche control; "force" includes use of OC, chemical agents, electronic weapons, and deadly force.

CHAPTER 107 USE OF FORCE

Deadly force – Force used with the intent of causing, or knowing that there is a substantial risk of causing, death or serious physical injury; "deadly force" may include the use of a motor vehicle or vessel to collide with an occupied motor vehicle or vessel.

Electronic weapon – Taser or subsequent model of electronic weapon having similar characteristics and operation.

OC projectile – Jaycor Tactical Systems air powered launcher, or subsequent model having similar characteristics and operation.

