

Use of Force
(Section F)

Officer Involved Shooting
Pepper Aerosol Spray
Use of Force
Vehicular Use of Force

F1.00
F2.00
F3.00
F4.00

Wrangell Police Department Policies and Procedures

<i>Subject</i> Pepper Aerosol Spray	<i>Effective Date</i> 09-25-03	<i>Number</i> F2.00
<i>Accreditation Reference</i>	<i>Review Date</i>	<i>No. Pages</i> 2
	<i>Chief of Police</i> Chief Doug McCloskey	

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of oleoresin capsicum (OC) aerosol restraint spray.

II. POLICY

This agency has issued OC aerosol restraint spray to provide officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of this agency that officers use OC when warranted, but only in accordance with the guidelines and procedures set forth here and in this agency's use-of-force policy.

III. PROCEDURES

1. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
2. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees shall be required to carry departmentally authorized OC while on duty.
3. Uniformed officers shall carry only departmentally authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry OC in alternative devices as authorized by the agency.

A. Usage Criteria

1. OC spray is considered a use of force and shall be employed in a manner consistent with this agency's use-of-force policy. OC is a force option following verbal compliance tactics on the use-of-force continuum.
2. OC may be used when
 - a. verbal dialogue has failed to bring about the subject's compliance, and
 - b. the subject has signaled his intention to actively resist the officer's efforts to make the arrest.

3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.
 4. An officer may use deadly force to protect himself from the use or threatened use of OC when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated.
 5. Once a suspect is incapacitated or restrained, use of OC is no longer justified.
- ### B. Usage Procedures
1. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.
 2. An officer should maintain a safe distance from the suspect of between two and 10 feet.
 3. Two spray bursts of between one and three seconds should be directed at the suspect's eyes, nose and mouth. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.
 4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.
- ### C. Effects of OC and Officer Response
1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
 2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect—to include, if necessary, other force options consistent with agency policy—if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.
 3. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing

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difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or other medical problems or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.

4. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
5. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
6. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him by rinsing with clean water and drying the exposed area.
7. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent. All such incidents shall be reported as soon as possible to the officer's immediate supervisor and shall be detailed in an incident report.

D. Reporting Procedures

1. Accidental discharges as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
2. A use-of-force report shall be completed following all discharges of OC spray except during testing, training, malfunction or accidental discharge.

E. Replacement

1. All OC spray devices shall be maintained in an operational and charged state by assigned personnel. Replacements for damaged, inoperable or empty devices are the responsibility of officers to whom they are issued.
2. Replacements of OC spray canisters shall occur when the unit is less than half full, as determined by weighing the canister.
3. OC canisters shall be inspected and weighed at the firing range during firearms qualification. A record of this fact shall be maintained by the Rangemaster.
4. Unexplained depletion of OC canisters shall require an investigation and written report to the officer's supervisor.

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<i>Subject</i> Officer Involved Shooting	<i>Effective Date</i> 09-25-03	<i>Number</i> F1.00
<i>Accreditation Reference</i>	<i>Review Date</i>	<i>No. Pages</i> 5
	<i>Chief of Police</i> Chief Doug McCloskey	

I. PURPOSE

The purpose of this policy is to define responsibilities related to officer involved shootings. Additionally, this procedure is intended to minimize additional trauma to an officer involved in a shooting by clearly detailing post shooting actions which will be taken.

II. POLICY

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that may forever substantially affect the lives of those involved, both department members and citizens alike. It is the policy of this agency to provide clear guidelines to assist all personnel in carrying out their duties, immediately following as well as at later times, in dealing with the stressful situation of an officer involved shooting.

III. DEFINITIONS

Officer-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

IV. SCENE PROCEDURES

The following procedures will apply when 1) an officer discharges a firearm at another person when that person is using or attempting to use deadly physical force against another person or the officer, or 2) an officer accidentally or intentionally discharges a firearm resulting in injury or death to another person.

A. Involved Officer Responsibilities.

1. Immediately notify the police dispatcher of the incident and location. Do not delay the required notification except:
 - a. to protect others;
 - b. to render first aid;
 - c. to maintain the arrest or prevent the escape of a felon;

- d. to protect a crime scene;
- e. when the officer is incapacitated.

2. Determine the physical condition of any injured person, request necessary emergency medical aid, and render first aid when appropriate.
3. Secure the scene and preserve evidence.
4. Remain at the scene (unless injured) until relieved by the on-scene supervisor.
5. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, i.e., violent crowd, the non-involved ranking officer at the scene shall have the discretion to instruct the officer to go to another more appropriate location.
6. Protect his / her weapon for examination, and give it to the on-scene supervisor.
7. Inform the on-scene supervisor as to where the incident occurred, where possible evidence is located, and of any witnesses to the incident.

B. First Responding Patrol Officer's Responsibilities.

1. Respond in a safe and appropriate manner.
2. Check on the welfare of the officer and other persons involved in the shooting and obtain preliminary interview information as to the location of the incident, location of evidence, and possible location of any witnesses.
3. Provide first aid when appropriate.
4. Secure the scene and preserve the visible evidence.
5. Brief the on-scene supervisor and investigative personnel.
6. Separate witnesses and obtain preliminary information.
7. Document actions in a written report.

C. Communications Unit Responsibilities.

When notified of an officer involved shooting, the police dispatcher will:

1. Dispatch the patrol sergeant or designate the next most senior on-duty person as the on-scene supervisor;
2. Dispatch necessary patrol units;

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3. Dispatch medical personnel;
 4. Ensure incident log is kept.
 5. Notify police command personnel as requested by the on-duty supervisor.
- D. On-Scene Supervisor's Responsibilities.**
1. Ensure suitable and adequate personnel and other resources are dispatched, and respond appropriately to the incident scene.
 2. Ask only questions necessary to supervise the scene from the involved officer(s) and advise them a more detailed debriefing will be conducted at a later time.
 3. Assign the involved officer(s) a companion officer(s) at the scene as soon as is practical.
 4. Assign an officer to transport the involved officer and companion officer to the station. If the involved officer is transported to the hospital assign an officer to accompany him / her in addition to the companion officer.
 5. Assume or designate Incident Command for the scene and maintain security of the shooting scene until relieved by a detective or an appointed investigating agency.
- E. Detective Section Duties.**
1. Investigative personnel arriving at a shooting incident scene will:
 - a. Assist with securing of the scene;
 - b. Assist designated outside agency investigators with their investigation and interview of potential witnesses as requested.
 - c. Assist designated outside agency investigators, as requested, by securing evidence, that will by its nature, diminish in time. This evidence may include but is not limited to:
 - Blood samples from all involved parties;
 - Urine samples from all involved parties;
 - Photographs of the involved parties as they were dressed during the incident, and;
 - Gun Shot Residue (GSR) exams.
- F. Companion Officer's Responsibilities.**
1. Provide for the involved officer's welfare and safety.
 2. Remain with the involved officer until relieved by a Trauma Team member or person requested by the involved officer.
 3. Ensure no caffeine or other stimulants or depressants are given to the involved officers unless administered by medical personnel.

4. Advise the involved officer(s) of the standard investigations that will occur.
5. Advise the involved officer(s) to not discuss the incident with anyone except a personal or agency attorney, or departmental investigator until the conclusion of the preliminary investigation.

G. Transport Officer's Responsibilities.

1. Transport the involved officer and companion to the police station.
2. Avoid discussing the shooting.
3. Take the involved officer and companion officer to a quiet room.
4. Provide the involved officer an opportunity to contact an attorney, a family member, and/or the clergy.
5. Not allow the involved officer to wash his/her hands until applicable tests are administered.
6. Restrict access to the involved officer to investigative personnel or persons specifically requested by the involved officer.
7. Allow the involved officer to change his/her clothing after photos have been taken. Secure photos, outer clothing and equipment as evidence when appropriate.
8. Advise the on-duty supervisor of the involved officer's location.

H. On-Duty Supervisor's Responsibilities.

(including if they are the scene supervisor as well)

1. Notify or ensure notification of the:
 - a. Patrol Sergeant or, if unavailable, another officer, who will notify or ensure notification, as is appropriate, of the:
 - State Crime Lab;
 - District Attorney;
 - Chief of Police;
 - b. The Chief of Police will notify or ensure notification of the:
 - City Attorney;
 - City Manager;
 - Traumatic team member from the call-out list or a person requested by the involved officer;
 - Police Psychologist;

All notified supervisors will ensure their subordinates are informed of the incident on a timely basis.

2. Assign secondary responding officers to:
 - a. Assist in crowd and media control.

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- b. If assigned to accompany any involved person to the hospital, direct them to:
 - Write down any statements;
 - Secure evidence, i.e., clothing;
 - Protect personal property;
 - Assume the duties of the transport officer.
3. Call for an impound tow for any involved vehicle (including officer's vehicle) if it is determined to have evidentiary value related to the shooting.

I. Investigative Responsibilities.

1. The shooting investigation will consist of two separate but simultaneous investigations; an incident investigation and an internal affairs investigation.
 - a. The incident will be investigated by a law enforcement agency selected by the Chief of Police. The Officers will assist as requested by the investigating agency.
 - The State Crime Lab will process the scene when appropriate.
 - The investigating agency and our officers will coordinate retention of all evidence from the incident and will be responsible for its processing, with the exception of evidence collected specifically for an internal investigation.
 - The investigating agency will have first access to the involved officer for an interview after the officer has a reasonable opportunity to contact and consult with an attorney.
 - The internal affairs or civil investigators will not be present during the incident investigation interview.
 - The involved officer will be read his / her Miranda Rights at the beginning of the interview by an investigator from the investigation team.
 - If the officer waives his/her rights, a written or tape recorded statement will be taken and that statement may serve as the officer's report.
 - If the officer invokes his/her rights, the interview will be terminated. The investigator will then notify the internal affairs investigator.
 - Incident investigators will not have access to internal or civil investigator files and investigators for Internal Affairs and Civil

Investigations will not share information with investigators conducting the criminal investigation.

- b. An Internal Affairs Officer and other investigators, if necessary, will be designated by the Chief of Police. This team will be responsible for the Internal Affairs investigation. The purpose of this portion of the investigation is to determine if department policy and procedures were followed during the shooting incident, and to evaluate employee and department performance related to the shooting.

(1) The Internal Affairs team will interview the involved officer after the investigating agency interview. This interview should be delayed until a decision is made by the District Attorney's office about the possibility of criminal prosecution resulting from the criminal investigation of the incident.

(2) The Internal Affairs investigator will ascertain from the incident investigator if Miranda Rights were read and whether they were waived or invoked.

(3) If the officer invoked their Miranda rights, the Internal Affairs Officer will give the involved officer the Garrity Advisement.

"You have been read your Miranda Rights and have chosen not to speak with an Incident Investigator at this time. I am the Internal Affairs Investigator assigned to this incident, and I wish to advise you that you are being questioned as a part of an official investigation of the Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the Police Department. If you do answer, neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges."

(4) Statements taken under Garrity Advisement are for Internal Affairs purposes only. There will be no information sharing

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between Internal Affairs, the investigating agency, and Civil Investigators. Additionally, the investigating agency will not have access to Internal Affairs Investigative files.

(5) If the involved officer refuses to give an Internal Affairs interview, after the Garrity Advisement, the Chief of Police will be notified immediately.

(6) An Internal Affairs file will be prepared on the incident.

(7) Internal Affairs investigators will report their findings only to the Chief of Police.

J. Public Information Officer Duties.

1. The Public Information Officer will:
 - a. Go to the incident scene;
 - b. Contact the on-scene supervisor for a briefing;
 - c. Make no press releases without prior approval from the Chief of Police;
 - d. Follow Policy on News Media Procedures.

V. ADMINISTRATIVE LEAVE

Employees involved in a use of force situation that results in the death or serious physical injury of another person shall be placed on Administrative Leave pending the completion of any investigations and departmental reviews. During this period the employee(s), and family members if necessary, will be afforded assistance as determined appropriate by the Chief of Police.

VI. MANDATORY FOLLOW-UP

- A. A department critique of the shooting incident will convene as soon as practical after the incident. The Chief of Police will designate a person responsible for scheduling and chairing the critique.
 1. All personnel involved in the incident will be included in the critique.
 2. Any interested department personnel may voluntarily attend the critique.
- B. **The critique will consider, but will not be limited to the:**
 1. Effectiveness of the performance of the department and its personnel;
 2. Use of resources;
 3. Potential problems;
 4. Recommendations for any needed changes in department policies or procedures.

5. Effectiveness of the performance of other agencies and their personnel (i.e., Communications, EMS, etc.).

VII. POST-INCIDENT PROCEDURES

- A. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.
- B. All officers directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
 1. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;
 2. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;
 3. What will be the best continued course of counseling.
- C. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.
- D. The Operations Commander will brief other agency members concerning the incident so that rumors are kept to a minimum. Agency members are encouraged to show the involved officers their concern.
- E. All personnel involved in a shooting incident will be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
- F. To protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
- G. Officers directly involved in the shooting incident shall be required to requalify as soon as practical.
- H. Daily Stress Recognition
 1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
 2. A supervisor may order an officer to seek assistance or counseling from a mental health

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specialist upon a reasonable belief that stress may be disrupting the officer's job performance.

I. Training

1. The agency shall provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this policy.
2. Supervisors are responsible for making available to their unit members information about the agency's peer counseling group and mental health services.

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Appendix

Checklist-- Officer Involved Shootings

This checklist is intended to provide basic reminders to a supervisor at the scene of an officer-involved shooting.

Officer or Others Injured

Immediate considerations:

- Secure scene
- Request ambulance
- Crime broadcast
- Request additional personnel
- Locate and identify witnesses
- Transport involved officers to station
- Have appropriate notifications made

Notifications:

- Area Station OIC
- Area Commanding Officer
-
- Area Investigators
-
- Coroner

Establish CP if necessary:

- Appoint CP staff as required
- Record action taken
- Brief personnel
- Establish perimeter security
- Press relations
- Press relations

NOTE: Only information authorized by _____ shall be released.

Specialized units and equipment:

- Air Support
- Metro
- SWAT

IHD-FCP Fleet

SID

Barricades

Light Truck

Discharge of Firearm – No Injury

- Incident occurred while on duty
- Incident occurred within county while officer off duty. Conduct complete investigation of the circumstances of the shooting incident; obtain the following information for the purpose of preparing a detailed chronological narrative

Chronological narrative:

- Date and time call received
- Names, serial number, and rank of officers involved
- Current assignment and details
- Uniform or plainclothes
- Types of vehicles
- Description of scene including background

Weapons:

- Officer's - serial number, make, model, caliber, double action
- Supervisor's - serial number, make, model, caliber, double action

Type of ammunition/holster:

- Officer's - type, manufacturer, number of rounds fired, type holster
- supervisor's type, manufacturer, number of rounds fired, type holster
- Book cartridges, cases and/or expended slugs

Personnel at scene:

- Identify all police personnel at scene

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- Name, rank, serial number, current assignment
- Name of first supervisor at scene
- Other related persons, e.g., ambulance

Suspects:

- Include all known information
 - Description
 - Prior record
 - Parole/Probation information

Vehicles and evidence:

- Vehicle(s) description
 - Disposition - impound, hold, etc.
 - Evidence booked

Witnesses:

- Location and observations

Communications:

- Dispatch Information

Diagram scene:

- Position of officer, suspect, and witness and path of bullet
- Supplement with photos if necessary

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<i>Accreditation Reference</i> AS11.81.335, AS11.81.370	<i>Review Date</i>	<i>No. Pages</i> 6
	<i>Chief of Police</i> Chief Doug McCloskey	

I. PURPOSE

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

II. POLICY

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Because a police officer's duties often present situations in which the use of force, or even deadly force, may be necessary, the law and department policy authorize the use of such force in certain circumstances and require that the officer be armed while on regular duty. It is the policy of this department that use of force by its members be:

1. Justified under applicable state law;
2. Consistent with the more specific policies which follow;
3. Professionally accomplished according to approved training and with approved equipment;
4. In all cases employed to accomplish a legitimate tactical objective;
5. Limited to that degree and duration which the officer reasonable believes necessary to accomplish that objective; and
6. Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

Therefore, it is the policy of this department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others.

See the Wrangell Correctional Center's Policy and Procedure Manual for use of force in the Correctional

Center. All Correctional Officers shall abide by the same rules as police officers under the use of force continuum.

III. DEFINITIONS

Deadly force: Any use of force that is likely to cause death or serious bodily harm.

Non-deadly force: Any use of force other than that which is considered deadly force.

IV. CONTINUUM OF FORCE DEFINED.

The Continuum of Force is a graphic description of the escalation and de-escalation of force used by police personnel in response to actions taken by a suspect or offender. It serves to illustrate the legal duty of an officer to use only reasonable force in response to the threat perceived by the officer.

A. Force Continuum Component Parts.

The Force Continuum is divided into six specific component parts:

- 1) Threat Assessment,
- 2) Considerations of Force Escalation,
- 3) Levels of Resistance,
- 4) Levels of Force,
- 5) Justification, and
- 6) Control Techniques.

1. *Threat Assessment.* Every situation contains impact factors which define the threat assessment. The officer must continuously Assess, Plan, and Act. The term "threat" is used to describe any person capable of causing physical injury, serious physical injury or death. The threat must exhibit intent, means, and opportunity to justify the use of force.

2. *Considerations Of Force Escalation.* The officer must select the most reasonable option relative to the situation, taking into account:
 - a. the totality of the circumstances.

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- b. has the Threat had the opportunity to comply with your commands, if commands were possible and appropriate.
 - c. is the current course of action achieving control or compliance?
 - d. does the option selected warrant the risk of injury to yourself or the Threat?
3. Levels Of Resistance.
- a. static. (passive). The Threat refused to comply with commands such as balking, becoming dead weight, or grasping a solid object.
 - b. active. The Threat physically resists the officer's verbal commands and/or attempts to gain physical control by means such as pulling away, attempting to run, or powering through a control hold.
 - c. ominous. (assaultive). The Threat demonstrates the willingness to engage in combat through verbal challenge, threats and/or aggressive behavior.
 - d. lethal. The Threat possesses both the intent and the means to inflict serious physical injury or death. The means can be with a weapon or empty handed. Example: The Threat uses a deadly weapon (handgun, knife, shank) or a dangerous weapon (lead pipe, broken bottle, tire iron) to inflict or attempt serious physical injury. Or the Threat inflicts serious injury through superior size, strength or combative skill.
4. Levels Of Force.
- a. presence. The officer has an expectation that inappropriate behavior will stop at the officer properly identifies his police authority.
 - b. verbal commands, (tactical communications). The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.
 - c. physical contact. Directing a subject by touch, or controlling a subject with an escort hold.
 - d. physical control holds. Use of chemical or organic weapons, pressure points, joint manipulation techniques, or physical control holds.
 - e. serious physical control. Use of electronic stun devices, focused blows, impact weapons, and the carotid restraint.
 - f. deadly force. Any force capable of causing serious physical injury or death.
5. Basic Rules Of Engagement. An officer employing force against any person(s) may

continue that application until the resistance or threat that caused the officer to take the action has been stopped or controlled.

B. Procedures.

When dealing with suspects and offenders, officers should attempt to apply the Force Continuum, starting at the lowest appropriate level. The mere presence of uniformed police personnel may be enough to control a suspect's actions. Should aggression or resistance escalate, officers should respond with the level of force appropriate to control the situation. If during a situation a suspect's resistance de-escalates, officers should decrease the level of force to an appropriate level to maintain control.

1. If control is lost, the officer may escalate to the level of force necessary to regain and maintain control, or consider disengaging as a tactical option. Some situations encountered may not be controllable with on-site assets. If further escalation of the force continuum would not be warranted, and continued contact may result in unacceptable risk to the officers or others, disengagement may be exercised as the most proper option until the situation can be properly addressed.
2. It is important to recognize that a situation may require an officer to start at the highest level, or to pass over levels due to suspect actions. By properly applying the Continuum of Force concept, officers will respond lawfully by using only the force necessary to control a situation.
3. Levels of force that may be applied vary and in most situations may be affected by the officer's training, experience, and the information and circumstances known to the officer at the time. The various levels of force and the circumstances under which they may be used, beginning with the least and elevating up the scale to deadly physical force, are illustrated on the charts which follow, and are discussed below.

C. Verbal Command.

In the majority of situations requiring police intervention the officer's verbal command is the only force necessary. The officer's confidence, tone of voice and attitude, the clarity of directions, and choice of words are factors which bear on the effectiveness of a verbal command.

D. Hand Control.

If the use of a verbal command is not effective, or is not likely to be effective in controlling an individual, an officer may need to resort to the second level of force which is the use of hand control or an aerosol subject

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restraint. When using hands or aerosol subject restraint, the officer may only use that force necessary to control the individual. This force may range from a gentle but firm hold of a person's arm to the use of escort/control holds or a Kubotan-type devise. Once a person complies, the force used is reduced in proportion to the compliance and is maintained at a level necessary to maintain control. If an officer is unable (or if the officer believes he or she will be unable) to control a subject by use of hand controls, the officer is justified in using a higher level of force, or prior to making any physical contact, may opt to use an aerosol restraint prior to making actual physical contact where there is a likelihood of injury to the officer or any other person.

E. Aerosol Subject Restraint.

1. The use of oleoresin capsicum to subdue a person who is resisting arrest or is otherwise combative is authorized when resistance or threats of violence represents potential escalation of necessary force and officers fear potential injuries to the officers, the arrestee, or others present. The officer should consider that the officer utilizing Oleoresin Capsicum may be affected to a greater degree than the person who is resisting, and the effect of the Oleoresin Capsicum
2. All officers are required to carry the Department issued oleoresin capsicum provided the officer has satisfactorily completed an approved training session. This training shall be documented in the officer's training file.

F. Impact Weapons.

1. The baton is a defensive weapon designed for blocking, jabbing, and striking. The use of the baton is proper to overcome force of resistance and to control.
2. All officers may carry a baton provided the officer has satisfactorily completed an approved training session regarding the use of the baton. Related training shall be documented in the officer's training file.

G. Carotid Control.

The carotid control hold is utilized to overcome aggressive resistance in which a lower level of force is ineffective or inappropriate under the circumstances.

H. Deadly Physical Force.

No action on the part of a law enforcement officer can have more far-reaching consequences for the officer, Department and community than the use of deadly physical force. Deadly physical force, therefore, can only be justified in the protection of the officer or another from serious physical injury or death or to

prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant and immediate threat to human life should escape occur.

V. USE OF REASONABLE PHYSICAL FORCE.

While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would be ineffective under the particular circumstances. What may be reasonable force under one set of circumstances may be unreasonable force under a different, though similar, set of circumstances.

Officers are permitted to use only that force which the officer reasonably believes is necessary to protect others or themselves from bodily harm or to effect any other lawful police action. The officers authority to use physical force is provided for under AS11.81.335 and AS11.81.370 and this policy is intended to conform to the provisions of this statute.

A. Minimizing Risk Of Death Or Serious Injury.

1. *Non-Deadly Force:* Every use of force carries the risk that some injury or even death may result, even though the type of force used is not categorized as "deadly" force. The goal in every use of non-deadly force is to gain control over the action of the person in order to take and maintain custody, overcome resistance to arrest, prevent the immediate commission of dangerous or criminal acts, or a combination of those objectives. Once the goal is achieved, further use of physical force must be discontinued. Until that goal is achieved, the level and extent of force used must be limited to that which is reasonably believed necessary by the officer to achieve the goal.
2. *Deadly Force:* When circumstances justify the use of deadly force, the unavoidable risk is that someone will be killed or seriously injured. Although an officer has no specific intent or desire to kill the person, death may be the result. Circumstances justifying the use of deadly force often happen quickly in circumstances of great physical and mental stress. It is rarely possible for the officer to direct the use of deadly force to a nonfatal area of the threat. The goal in using deadly force is neither to kill nor to wound without killing; it is simply and exclusively to incapacitate the threat to produce voluntary surrender or render that person incapable of

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continuing the dangerous conduct which justified the use of deadly force in the first place. Where deadly force is justified, an officer may continue its use until satisfied that the goal has been achieved, and then must discontinue its use. Officer safety and the safety of persons other than the threat must be a continuing consideration to the officer using deadly force.

VI. REGULATIONS GOVERNING THE USE OF FORCE.

The unnecessary or excessive use of force against any person is prohibited. Appropriate medical treatment will be provided for any person injured as a result of an officer's use of force, by officers, ambulance or emergency medical staff, and/or hospital personnel :

Persons subjected to chemical irritants such as oleo capsicum resin, shall have the affected areas flushed with water as soon as safe and practical, utilizing the eye wash and flush equipment furnished in the patrol cars, police department, or correctional facility.

All physical injuries shall be promptly treated as soon as safe and practical by trained medical personnel. Any injuries other than minor bruises, cuts or abrasions shall be examined and treated as required at the hospital emergency room.

Any person in custody alleging to have been injured by an officer shall be transported to the hospital for examination and/or treatment.

If any loss of consciousness results from a use of force, that person will be examined by trained medical personnel.

A. Guidelines Governing the Use of Force.

Specific instruments utilized include, but are not limited to:

1. *Flashlights.* If a flashlight is used as a baton in the absence of an impact weapon, Section III.H shall apply.
2. *Aerosol Subject Restraints.* Officers may utilize the authorized/department issued oleoresin capsicum aerosol restraint spray following the orientation and training regarding the use, its affects, ingredients, means of delivery and first aid to be administered. Following use of the aerosol agent, the subject shall be treated by rinsing the contaminated areas with cool, clean water. Any vehicles or interiors of buildings should be ventilated. Oleoresin Capsicum may be used on animals as a deterrent to aggressive behavior when an officer reasonably believes

that such aggression may cause injury to the officer or any other person who is present.

3. *Restraints/Handcuffs.* Every person taken into custody shall be handcuffed, unless such handcuffing is impossible (e.g., an amputee) or impractical. In such an event, an officer shall use appropriate safeguards to secure the person. These may include the use of flex ties and waist hobbles.
4. *Carotid Restraint.* A carotid restraint is any physical hold applied to the neck of another person that is:
 - a. Intended to inhibit blood flow through the carotid arteries of the neck by exerting pressure, to one or both sides of the neck through the member's use of hands, arms, or any other instrument.

Carotid restraint constitutes serious physical force. It is the policy of this Department that a carotid hold will not be applied to any person except in the protection of life, for the prevention of bodily injury, or in the apprehension of a person who the officer reasonably believes poses a serious danger to the officer or the public.

The Carotid Restraint MAY BE used as a controlling maneuver.

- (1) When other control techniques have failed and it is clear the person or officer may be harmed in an effort to gain control.
- (2) Only those officers instructed in the use of the "CAROTID HOLD" in authorized training that whose skills are current may use such a hold.
- (3) Medical attention by qualified medical personnel shall be sought and administered following an unconscious state which is the result of the application.

VII. GUIDELINES GOVERNING THE USE OF DEADLY FORCE.

These guidelines re-state legal principles of justification for the use of force, which are represented by the Use of Force Continuum set forth in Section III. Officers shall be directed by the following general guidelines:

A. Use Of Deadly Force.

Deadly force will be used only for the protection of life or the prevention of serious bodily injury or to prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant and

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immediate threat to human life should escape occur.

B. **Exhaust Reasonable Means.**

Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly force. Reasonableness and practicality are to be judged based upon the circumstances which actually exist and are perceived by the officer at the time and place that deadly force is used.

C. **Safety Of Bystanders.**

The use of any weapon must be done with proper regard for the safety of bystanders or other people in the immediate area.

D. **Officer Discretion.**

Even when an officer may be permitted to use deadly force, the officer may refrain from doing so if the officer believes the use of such force is inadvisable under the particular circumstances.

E. **Decision To Display Firearms.**

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer should, as soon as practical, secure or holster the firearm. These judgments are matters committed to the discretion of the officer in each instance. The officer must decide what actions are necessary in order to maintain control.

F. **Justification On The Use Of Deadly Force.** An officer may not use deadly force simply to arrest or prevent the escape of persons committing a crime. The only exception is if any such felons present an immediate threat to the life of an officer or a citizen, should their immediate apprehension not be made.

An officer is authorized to employ deadly force whenever it appears to the officer that there is no reasonable alternative under the following circumstances:

1. The officer reasonably believes that the use of deadly force is necessary to protect the officer or any other person from the use or threatened imminent use of deadly physical force;
2. The officer reasonably believes that the use of deadly physical force is necessary to protect the officer or any other person from death or serious physical injury;

3. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant and immediate threat to human life should escape occur.

G. **Other Authorized Uses Of Firearms.**

An officer is further authorized to discharge a firearm in the performance of the officer's official duties under the following circumstances with supervisor approval:

1. To destroy or deter a dangerous animal or, with permission from a supervisor, to destroy a badly injured animal to prevent further suffering. When a firearm has been discharged for this purpose the officer shall request a case number and generate a report on the incident.
2. At a firing range pursuant to all safety rules and regulations.

H. **Signals Prohibited.**

Discharging a firearm is not authorized as a signal, warning, or communication method except in remote areas for emergency purpose of location

I. **Accidental discharges.**

Any accidental discharge of a firearm by an officer occurring during a law enforcement related function will be immediately reported to the on duty supervisor. An incident report will be generated, and copies forwarded to the department rangemaster and chief of police.

VIII. DEADLY FORCE WARNING

Wherever practical under the circumstances, an officer shall give some warning before using deadly force (ie: loud, clear verbal commands). Warning shots shall not be fired.

IX. REPORTING THE USE OF FORCE.

Whenever an officer must employ an amount of force capable of causing injury, a case number will be established and assigned in regard to the incident. If that force is employed in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation (assault), appropriate criminal allegations should be charged immediately.

A. **Involved Officers.**

The officers involved in the use of force and any other officer notified by a supervisor shall report the use of force in the narrative section of a written report when:

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1. Any injury is apparent to either an officer or citizen;
2. Medical treatment is required or requested;
3. When a non-lethal weapon is used on a person.
4. The force used relates to a criminal charge, irrespective of whether or not the incident results in an arrest.

The incident narrative shall describe the force used. The narrative shall also articulate the facts observed by the officer and the beliefs held by the officer that lead the officer to decide that the level of force used was justified. Weapons used, injuries, medical care received, and details of the altercation shall be reported in detail. Witnesses shall be listed. If possible, a copy of medical records shall be attached.

The written report should be submitted by the end of the shift. The officer's immediate supervisor shall complete a "Supervisor's Review" and submit it along with a copy of the written report flagged "Use of Force Review" to the Chief of Police for administrative review through the chain of command.

B. Incident Review.

1. Determinations will be made at each level of the Chain of Command whether or not all departmental guidelines were met. Each level in the Chain of Command will recommend actions in regard to those officers involved in the use of force incident.
2. The Chief of Police, based on the Use of Force Review, may conduct an Administrative Hearings to examine the use of force incident and may take appropriate action. The Use of Force Review process will be completed as expeditiously as possible.
3. The Departmental Review shall be based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy and procedures, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision regarding use of force.
4. An annual review will be conducted of all use of force incidents which resulted in a "Supervisor's Review" and an incident report being forwarded through the chain of command. The purpose of the review will be to examine use of force incidents which may be useful in identifying department policy and/or training needs.

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

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<i>Subject</i> Vehicular Use of Force	<i>Effective Date</i> 09-25-03	<i>Number</i> F4.00
<i>Accreditation Reference</i>	<i>Review Date</i>	<i>No. Pages</i> 3
	<i>Chief of Police</i> <i>Chief Doug McCloskey</i>	

I. PURPOSE

To provide guidance and direction to personnel in the vehicular use of force continuum, and specific deployment criteria for those levels constituting physical control of a vehicle beyond that of a traffic stop.

II. POLICY

The use of force by a police officer in accomplishing a lawful objective is a serious matter in every instance. The use of an object, such as a weapon or vehicle, in applying that force is even greater in its potential consequences and ultimate ramifications thereby requiring additional procedures, training, incident review, and documentation. It shall be the policy of this department to afford all officers all reasonable means to accomplish a lawful objective, including the use of a vehicle as a means of force.

III. DEFINITIONS

1. Vehicular Use of Force Continuum: The current table outlining resistance to the stopping of a suspect vehicle, levels of force available, and possible results of the force used.
2. Channelization: A temporarily constructed barrier on the roadway, the purpose of which is to channelize the suspect, attempting to deny access to a certain direction(s).
3. Vehicular Ramming: Intentional vehicular contact, outside the parameters of the Precision Immobilization Technique, the purpose of which is to immediately stop the suspect vehicle.
4. Roadblock: A temporarily constructed barrier on the roadway, the purpose of which is to stop a suspect or keep him/her from traveling in a certain direction.

IV. DEPLOYMENT

Deployment of techniques shall be consistent with the Vehicular Use of Force Continuum and other applicable procedures.

A. Channelization.

1. Channelization is considered to be a level of force equivalent to a physical control technique.

2. Channelization is a method to direct a suspect. It may consist of vehicles, flares, traffic cones, or other objects, the purpose of which is to encourage the suspect to travel in a desired direction.

3. Channelization shall be utilized only when sufficient distance, visibility, and warning may be established to allow all vehicles to safely stop or avoid the temporary barrier and any related dangers.

4. Channelization shall always allow a route, lane, or path of travel through or around the temporary barrier in the event a vehicle does not conform to the Channelization effort, or stop.

5. Channelization may be coordinated with other vehicle use of force techniques.

B. Vehicular Ramming.

1. Use of Vehicular Ramming is considered to be equivalent to the use of deadly force.
2. Vehicular ramming must be considered only when all lesser means have failed and the officer reasonably believes that:

- the use of deadly force is necessary to protect the officer or any other person from the use or threatened imminent use of deadly physical force; or
- the use of deadly physical force is necessary to protect the officer or any other person from death or serious physical injury.

3. Officers utilizing vehicular ramming must be cognizant of and consider the inherent danger in the use of vehicle ramming not only to the themselves and the suspect, but to any others in the vicinity.

C. Roadblocks

1. Roadblocks are considered to be equivalent to the use of Deadly Force and the conditions under "D (2) above must be met.
2. The purpose of a roadblock is to stop a vehicle which constitutes a continuing threat of serious physical injury or death to the officer or any

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citizen, and all lesser means have failed or are not possible. Roadblocks may be constructed of vehicles, barriers or objects sufficient to impede or stop the suspect vehicle.

3. The roadblock must be visible for a reasonable distance, allowing sufficient time for the suspect and all other vehicles to safely stop, taking into account speed, visibility, road conditions, traffic, weather, lighting, and any other factors then present.
4. If patrol cars are utilized to construct the roadblock, all emergency lights shall be illuminated.
5. No one shall be seated in any vehicle (patrol or private) used in constructing the roadblock.
6. Due caution for the safety of other citizens and the surrounding area must be used when constructing the roadblock.
7. The existence and location of the roadblock shall be communicated to all other units involved in the incident.
8. Action must be taken to release or detour private vehicles not involved in the incident that reach the roadblock prior to the suspects arrival out of the danger area.
9. The use of moving vehicles to form a "moving roadblock" is not authorized.

V. AFTER DEPLOYMENT

In any incident where an officer exercises a vehicular use of force equivalence to physical control, serious physical control, or deadly force, as defined in this Policy and the Vehicular Use of Force Continuum, a report by the initiating officer shall be completed. A Supervisory Review of Incident report must also be completed.

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VEHICULAR USE OF FORCE CONTINUUM

RESISTANCE TO STOPPING	LEVEL OF FORCE <small>(Method of force delivery to counter resistance of threat)</small>	RESULT OF FORCE USED
NONE <small>(Field interview or call for service)</small>	PATROL VEHICLE PRESENCE No lights or siren	No injury potential
NONE <small>("Routine" or unknown risk stop)</small>	TRAFFIC STOP * Lights and possibly siren <small>(Similar to verbal commands in person use of force continuum.)</small>	No physical contact Little or no injury potential
DRIVER ATTEMPTS TO ELUDE <small>(Pursuit)</small>	PHYSICAL CONTROL CONTINUATION OF PURSUIT * Lights and siren * Consider continuing pursuit or termination of pursuit. <small>(Similar to physical control in person use of force continuum.)</small>	Possibility of injury to threat, officers, and/or citizens
DRIVER CONTINUES TO ATTEMPT TO ELUDE <small>(Pursuit)</small> Threat to citizens	PHYSICAL CONTROL SPIKE STRIPS * Deploy spike strips * Channelization <small>(Similar to use of chemical irritant in person use of force continuum.)</small>	Physical contact with spike strips May lessen chance of injury to threat, officers and/or citizens.
DRIVER CONTINUES TO ATTEMPT TO ELUDE <small>(Pursuit)</small> High threat to citizens	SERIOUS PHYSICAL CONTROL * Precision Immobilization Technique (PIT) <small>(Similar to impact weapons in person use of force continuum.)</small>	Potential for physical contact of vehicles. Potential for physical injury to threat and officers.
DRIVER CONTINUES TO ATTEMPT TO ELUDE <small>(Pursuit)</small> High threat to citizens if pursuit continues or nature of offense(s) justifies use of deadly force	DEADLY FORCE Any force which has the potential for serious physical injury or death. * Vehicle ramming * Roadblocks * Firearms	Significant potential for serious physical injury or death of threat.

Due to the hazards of vehicle pursuits the continuation of the pursuit must be continually evaluated by the officer at all levels of this continuum