

Anchorage Police Department Regulations and Procedures Manual	Operational Procedures 3.05.025	
Policy and Procedure Title Response to Resistance	Effective Date June 6, 2020	Page 1 of 13
Replaces Prior Policy: February 4, 2019	Approved by: Chief Justin Doll	

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

3.05.025 Response to Resistance

PURPOSE

To establish Anchorage Police Department's guidelines and limitations concerning the appropriate and acceptable use of deadly and non-deadly force. Anchorage Police Department's use of force is governed by Federal and Alaska law, including, but not limited to, the United States Constitution.

POLICY

It is the policy of the Anchorage Police Department to provide clear procedures to sworn members regarding the use of force in the performance of their duties. The safety of innocent persons and Officers is of paramount importance.

The main responsibility of the Officers of the Anchorage Police Department is to protect the life and property of the citizens. In compliance with applicable law, members shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the Officers or others. We must take into account that there is a compelling public interest that the Officers authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Officers who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of police authority, and hinder the Department's ability to provide effective law enforcement services to the community.

Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. Use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Anchorage Police Department will thoroughly review and/or investigate all uses of force by members to assure compliance with all legal requirements and this policy.

DEFINITIONS

Actively Resisting: When a subject's verbal or physical actions are intended to prevent an Officer from placing the subject in custody and taking control. Examples include, but are not limited to bracing, tensing, pulling away, pushing, punching, biting, kicking, or barricading.

Authorized Weapons: Officers are allowed to carry weapons that meet Department specifications and for which Officers successfully complete proficiency and safety training.

Compliant Handcuffing: Occurs whenever the subject complies with the Officer's verbal commands and/or without resistance allows the Officer to position their arms in order to apply handcuffs, or the subject positions their arms as commanded for the application of handcuffs.

Critical Firearm Discharge: When an Officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly force is an extreme measure and should only be used in accordance with the law and as stated in this Policy.

De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible and reduce or eliminate the necessity to use physical force.

Electronic Control Weapon (ECW): An incapacitating, intermediate weapon used for subduing a person by administering an electric shock for the purpose of disrupting superficial muscle functions. This weapon is classified as non-deadly.

Escorting: The use of a sleeve guide or escort position to move a compliant person from one location to another. The subject must move freely without being compelled to move by physical exertion.

Extended Range Impact Weapon Munitions: Kinetic energy projectiles that increase the potential for positive outcomes in dynamic situations to gain control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, pointing a firearm at a human being, use of chemical spray, vascular restraints, hard empty hand control techniques, use of an Electronic Control Weapon (ECW), taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances.

Hard Empty Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck). Techniques in this category include stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet.

Harm: Injury inflicted upon a person, whether visible or not.

Immediate Threat: A threat that is happening at the moment of perception. This typically occurs when an Officer is faced with a subject that has the means, intent, and ability to carry out a threat.

Imminent Threat: An Officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending danger even if he or she is not pointing or brandishing a weapon at the Officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the Officer has reason to believe a weapon is available.

Impact Weapons: Department approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control. These include extended range impact weapon munitions and the PepperBall Launching System.

Level of Control: The amount of force that an Officer uses to gain control over a subject.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an Officer.

Non-Deadly: Any use of force not intended to cause, nor likely to cause, death or serious physical injury.

Non-Verbal and Verbal Non-Compliance: When a subject expresses his/her intentions not to comply with an Officer's directive through verbal and non-verbal

means. An Officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

Objectively Reasonable Force: The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police Officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable Officer on the scene, based on the facts and circumstances known to and confronting the Officer at the time (See, *Graham v. Connor*, 490 US 388 (1989)). In determining the appropriate level of force to be used, Officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense, the level of threat or resistance presented by the subject, the risk or apparent attempt by the subject to escape, and whether the subject was posing an imminent threat to Officers or others.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membrane and eyes to cause tears and pain. It is an intermediate weapon that is classified as being non-lethal.

Passive Resistance: When a subject does not cooperate with an Officer's commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

PepperBall Launching System: A unique less lethal chemical agent delivery system that uses high pressure air launchers to deliver projectiles from a distance. It can be used on individual suspects as well as large groups of people for riot and crowd control. PepperBall projectiles are plastic, frangible spheres that are filled with PAVA powder. The projectiles, when delivered by an air powered launching device, burst on impact and release the PAVA powder. The PepperBall can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

PAVA: A combination of Pelargonic Acid and Vanillylamine which are naturally occurring compounds found in pepper plants. PAVA is non-flammable and non-oil based.

Reasonable Belief: Facts or circumstances that may cause a reasonable, similarly-trained police Officer to act or think in a similar manner, under similar circumstances.

Serious Physical Injury: A bodily injury that creates a substantial risk of death, serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of any bodily member or organ, or that unlawfully terminates a pregnancy.

Soft Empty Hand Control: The use of physical strength and skill in defensive tactics to control arrestees that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Physical contact or escort holds may be appropriate for use against levels of passive physical resistance.

Supervisor: A Supervisor includes a Sergeant and above who is assigned responsibility for supervising Officers.

Verbal Commands: The use of directives, advice, persuasion, and/or warnings prior to resorting to actual physical force. In an arrest situation Officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

Weapon: Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other bodily injury.

I. PROCEDURES:

A. USE OF FORCE AUTHORIZATION AND LIMITATIONS

Members of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:

1. To effect an arrest or prevent the escape from custody of a person whom the Officer reasonably believes has committed an offense.
2. To defend the Officer or others from the use, or imminent use, of physical force.
3. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.
4. To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
5. To assist a licensed physician or psychologist in providing necessary medical treatment.
6. To control a situation, and to overcome passive or active resistance to a lawful order.
7. To neutralize an unlawful assault and defend themselves or others from harm.

The authorized use of physical force ends when resistance ceases and/or the Officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the Officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of Officers and/or offenders present, and the availability of other options.

Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

B. VERBAL WARNING

When tactically feasible, an Officer will identify him/herself as a police Officer and issue verbal commands and warnings prior to the use of force. When feasible, an Officer will allow the subject an opportunity to comply with the Officer's verbal commands. A verbal warning is not required in circumstances where the Officer has to make a split second decision, or if the Officer reasonably believes that issuing the warning would place the safety of the Officer or others in jeopardy.

C. USE OF DEADLY FORCE

An Officer is justified in using deadly force only when he or she reasonably believes such force is necessary to:

1. Defend the Officer, or a third person, from the imminent threat of death or serious physical injury.
2. Effect an arrest of a person whom they reasonably believe has committed, or attempted to commit, a felony involving the infliction or threatened infliction of serious physical injury; AND the Officer reasonably believes this person still poses a significant threat of death or serious physical injury to the Officer or other persons. Where feasible, the Officer should give warning of the intent to use deadly physical force.
3. Prevent the escape from custody while in possession of a firearm on or about the person.

See, Tennessee v. Garner, 471 U.S.1, 85 (1985): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. **Deadly force may not be used against an unarmed, non-violent, property crime offender.** The United States Supreme Court decision went on to state that when an Officer is justified in the use of deadly force he will, **if feasible**, first give a verbal warning. (Example: "Police Officer, Stop").

D. DEADLY FORCE RESTRICTIONS

1. Warning Shots Prohibited

Officers are prohibited from discharging their firearms as a means of warning or frightening a person.

2. Shooting at or from Moving Vehicles

Use of Deadly Force. Other than under extenuating circumstances, Officers shall not fire at or from a moving vehicle unless use of deadly force is justified by something other than the threat from the moving vehicle. Such discharges will be rigorously scrutinized. Officers should avoid tactics that could place them in a position where a vehicle could be used against them. When confronted with an oncoming, moving vehicle, Officers must attempt to move out of its path and should generally avoid placing themselves in situations where the use of deadly force is more likely.

3. Risk to Innocent Bystanders

When Officers are about to discharge their firearms they should be aware of their field of fire, including the backstop, so as to not unnecessarily create a substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. (e.g., discharging a firearm into a crowded vehicle or at a vehicle in a crowded area)

4. Drawing and Pointing Weapons

Officers are prohibited from pointing their firearms at or in the direction of a person absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, Officers shall, as soon as practicable, secure or holster their firearms. It is the rule of this department that drawing a firearm and pointing it at a subject is considered a use of force.

5. Use of Firearm to Destroy Animals

Officers may use deadly force against an animal that represents a threat to the public or to the Officer's safety, or as a humanitarian reason, where the animal is seriously injured and the Officers have received authorization from the animal's owner (to the extent practicable) and the Officers' Supervisor.

6. Use of Department Weapons for Training and Other Purposes

Officers may discharge their firearms for the purpose of practice, firearms training, when on the police range or other established shooting ranges, or when authorized by the Chief of Police to participate in law enforcement events.

7. Security, Storage, and Safe Handling of Firearms

Officers shall be trained in accordance with Department guidelines, and shall obey all safety rules when handling any firearm or any other weapon.

Officers will take reasonable steps to secure and store duty related firearms, both on and off duty.

E. USE OF NON-DEADLY FORCE

Officers shall only use weapons that are issued and/or approved for use by the Department. The use of non-deadly force shall be limited to defensive and control purposes. Officers shall use only the reasonable amount of force necessary to overcome resistance or accomplish the police task. The use of non-deadly force shall conform to applicable Department Standards of Conduct, policies, procedures, and training. Officers shall not carry any less lethal weapons prior to successfully completing the relevant Anchorage Police Department approved training for each weapon.

1. Authorization to Use Non-deadly Force

Officers are authorized to use Department approved, non-deadly force techniques and authorized weapons to:

- a) Prevent the escape from custody, or to effect a lawful arrest, of a person whom the Officer reasonably believes has committed an offense; or
- b) Protect or defend the Officer or others from what he/she reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

NOTE: Nothing in this policy is intended to discourage Officers from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.

2. Non-Deadly Force Restrictions

The following tactics of Non-deadly force may be permitted in circumstances only when deadly force is authorized by this policy:

- a) Any chokeholds, with or without a device, that restricts a person's airway;
- b) Vascular neck restraints;

- c) Any strike with an impact weapon or object to a person's head or neck; and/or
- d) Any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons.

In **extremely limited** circumstances when a confrontation escalates suddenly, an Officer may use any means or device at hand such as a flashlight, radio and other issued equipment, to defend him/herself, as long as the level of defensive action is objectively reasonable given the existing circumstances.

- e) Force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the Officer or another person or persons, to prevent attempted escape, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

3. Impact Weapons

Authorized impact weapons may be used only when an Officer is confronted with active resistance against him/herself or another person.

- a) The use of an approved impact weapon to strike a blow to a subject's arms or legs will be considered use of non-deadly force. The use of any such items to intentionally strike a subject's head or neck is prohibited except where deadly force is authorized by this policy.
- b) Only approved extended range impact weapon munitions and PepperBall Launching Systems are approved for use.

4. Oleoresin Capsicum (OC Spray)

Authorized OC spray is an alternative to physical control techniques and the use of other intermediate weapons. As with any other use of force, OC spray must not be used indiscriminately or without just cause. Officers must be able to articulate the reason(s) the subject was sprayed with OC spray.

OC spray shall be utilized as issued and authorized to prevent injury to the subject(s), Officers and others. (Refer to Chemical Agents Policy [3.05.040](#) for specifics regarding the authorized use of an OC spray.)

5. Electronic Control Weapon (ECW)

An Electronic Control Weapon (i.e., TASER) shall only be used in situations where the subject is actively resisting or attempting to

avoid arrest by escape and poses an immediate threat to the safety of him/herself, another person, or the Officer. (Refer to Electronic Control Weapons Policy [3.05.005](#) for specifics regarding the authorized use of an electronic control device.)

6. Total Restraints

Total restraints are only to be used in a manner consistent with department Defensive Tactics training. Total restraints are used to prevent subjects from injuring themselves or Officers and prevent the destruction of Municipal property, such as windows in police vehicles. When placing a subject in total restraints, Officers shall do the following:

- a) Monitor the subject for any apparent medical issues from the time he/she is placed in total restraints.
- b) Notify a Supervisor prior to transporting the subject.
- c) A Supervisor shall make all attempts to respond to the scene prior to a subject being transported in total restraints. Upon arrival at the scene, the Supervisor shall determine if the subject needs to be transported in total restraints or if the subject can be transported in the seated position. Supervisors should always attempt to gain the compliance of the subject so he/she can be removed from total restraints.
- d) If the subject is transported in total restraints, a second Officer will ride with the transporting Officer to properly monitor the subject.
 - (1) Reasonable efforts should be made to transport the subject in vehicles with flat plastic seats or in SUV patrol vehicles.

F. USE OF FORCE STANDARDS

The analysis of the use of force must take into account the fact that police Officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. The use of force should be measured by what the Officer knew at the scene, not by the 20/20 vision of hindsight. The test of reasonableness is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case, including :

- (1) the severity of the crime,
- (2) Whether the suspect poses an immediate threat to the safety of the Officers or others, and

(3) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight (*Graham v. Connor*).

In addition, an Officer should take into account his or her abilities and the abilities of the subject(s).

Tactical withdrawal is a reasonable option when considering Officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be appropriate responses to a situation, and should always be considered.

G. TRAINING AND QUALIFICATIONS

In addition to training required for firearms qualification (see Firearms Policy [3.05.035](#)), Officers shall receive Department authorized training designed to simulate actual situations and conditions and, as otherwise necessary, to enhance Officers' discretion and judgment in using deadly and less lethal force in accordance with this policy.

1. All Officers shall, at least annually, receive in-service training in the Department's Response to Resistance Policy and related case law updates.
2. All Officers qualified in the use of impact weapons, OC spray, electronic control device, and control techniques shall, at least every two years, re-certify on such weapons or techniques under the instruction of a certified instructor.
3. Training and proficiency results for any authorized weapon will be documented in the training files.
4. All Officers who fail to demonstrate the required proficiency with Department issued weapons shall receive remedial training. Remedial instruction for Department issued firearms, or firearms used under the color of authority shall follow the Department's Firearms Policy. (cross reference to Firearms Policy [3.05.035](#))
5. An Officer failing to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.
6. Only Officers demonstrating proficiency in the use of Department authorized weapons shall be approved to carry such weapons (cross reference to Firearms Policy and any other relevant training policies).

H. PROVIDE MEDICAL AID

Any time a person has visible injuries or complains of being injured as a result of force used against him/her by an Officer, the Officer must take appropriate actions to provide medical care for the injured person. This includes providing first aid, requesting emergency medical services,

and/or arranging for other transportation to a hospital or emergency medical facility. A Supervisor **will be notified** of any injuries or complaints of injuries from the subject.

Officers shall be trained in proper treatment procedures for persons exposed to chemical agents and the effects of other less-than-lethal force. If the person is offered and/or refuses treatment, this refusal shall be recorded in the police report, along with all relevant information. Photographs shall be taken of the person's injuries and the injuries shall be documented in the police report.

I. USE OF FORCE REPORTING

Officers shall complete a report, along with the ***Use of Force Tab*** in Packet Writer, whenever they use force against a suspect above compliant handcuffing and escorting. This requirement shall not apply when an Officer simply draws or carries his/her firearm while on scene. Any Officer who witnesses force outside of this policy shall advise a shift Supervisor, or appropriate commanding Officer, and shall submit required supplemental reports.

1. Office of the Chief

The Deputy Chief or his designee will review the Use of Force entry into Blue Team to determine:

- a) Whether the action was consistent with policy and procedure
- b) Whether the action warrants further administrative review / investigation
- c) Recommendations on equipment upgrades, training, and/or policy issues, if applicable.

The Deputy Chief may confer with Department instructors/trainers who specialize in the field of force used, as needed. The Chief of Police will be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.

II. ADMINISTRATIVE CONSIDERATIONS

A. All use of force investigations that are believed to be outside of policy will be forwarded to Internal Affairs. Internal Affairs will then complete the use of force entry as well as conduct the complaint investigation of the incident (see Reporting and Investigating Force Policy [3.05.020](#) for further guidance).

B. Force Review. Internal Affairs or an assigned designee shall review all evidence pertaining to the following Use of Force issues.

1. Any Use of Force by an employee that results in substantial injury to the subject:

2. Anytime a firearm is discharged at another person.
3. Anytime an employee uses hard hand control or above more than three times in a 12 month time period.
4. Anytime the Chain of Command determines additional review is necessary.

C. Use of Deadly force resulting in injury – Evaluation Required

Psychological Evaluation and/or Counseling Automatically Required:
Whenever an employee of the Anchorage Police Department uses Deadly Force, and that force results in any serious physical injury or death, the employee shall automatically attend psychological evaluation and counseling. This shall be at Department expense. Psychological evaluations will be arranged by the captain of patrol.

D. Officers directly involved in a use of force which results in serious injury or death or that may lead to criminal prosecution shall be placed on administrative leave lasting 4 days...

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