

Anchorage Police Department Regulations and Procedures Manual	Operational Procedures 3.05.040	
Policy and Procedure Title Chemical Agents	Effective Date October 20, 2023	Page 1 of 6
Replaces Prior Policy: April 5, 2021	Approved by: Chief Michael Kerle	

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.

3.05.040 Chemical Agents

PURPOSE

The purpose of this Policy is to establish guidelines and procedures governing Anchorage Police Department Officers' use of a chemical agent while performing their duties.

POLICY

The policy of the Anchorage Police Department is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. The Department has adopted the use of a less than lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Any use of chemical agents must comply with the Department's Response to Resistance Policy [3.05.025](#).

DEFINITIONS

Actively Resisting: When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, or pushing.

Chemical Agents: A chemical compound that irritates the eyes and causes tears, pain, and even temporary blindness. Chemical agents are intermediate weapons that are classified as less than lethal. It may be used, however, when an Officer is met with active resistance.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance. De-Escalation is also a tactic designed to place officers in a position of advantage when dealing with irrational, unpredictable, or suicidal persons. De-Escalation helps officers stay focused and

calm during crisis situation to bring chaotic moments to as peaceful a resolution as the suspect will afford without risking the safety of the officer or suspect.

Feasible: Reasonably capable of being carried out under circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

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, 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.

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: A threat that, based on a reasonable officers perception of the suspects apparent means, intent, and ability is likely to cause harm to the officer or others, and must be confronted or addressed.

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 less than lethal. It should only be used, however, when an officer is met with a certain degree of resistance or aggression through their actions.

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.

I. PROCEDURES:

A. USE OF FORCE STANDARD

The following are applicable use of force standards directly related to the deployment of chemical agents:

1. The use of chemical agents involves the application of force.
2. Each application of chemical agents involves a separate, additional use of force.
3. Multiple applications of chemical agents cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an Officer or others.

Note: Except in exigent circumstances, Officers should allow time for the chemical agent to take effect.

4. Any decision to apply multiple applications of chemical agents must take into consideration whether a subject is capable of complying with the Officer's commands.
5. The chemical agent is not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a less than lethal alternative.
6. SWAT personnel may use any department approved chemical agent in the performance of their duties per SWAT training protocol.

B. AUTHORIZATION TO CARRY AND USE CHEMICAL AGENTS

1. Only chemical agents meeting current Department specifications and issued by the Department may be used by police Officers in the course of law enforcement responsibilities, both on and off duty.
2. The use and carry of chemical agents are restricted to Officers who are trained and demonstrate proficiency of use.
3. All Officers assigned to uniformed patrol shall carry an approved chemical agent once it has been issued to them and they have been trained in its proper use.
4. PepperBall Launching System is an optional chemical agent delivery system.
 - a) The Department authorizes and issues the PepperBall Variable Kinetic System (VKS) with the following ammunition:
 - (1) Live-X, VXR Live-X, Glass Breaker, Marking, Water Filled and Inert
 - b) Only certified instructors shall train Officers in the use and handling of the PepperBall Launching System.

- c) Officers shall not carry or use the PepperBall Launching System until properly trained and certified.

C. PERMITTED USE OF CHEMICAL AGENTS

Officers are only permitted to use chemical agents in accordance with training in the following instances:

1. Against subjects who are engaging in or about to engage in violent behavior.
2. To incapacitate a subject who poses a threat of imminent physical injury to themselves.
3. During a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective.
4. Against aggressive animals that pose a threat of physical injury to Officers or others.
5. PepperBall launching systems may be used when a subject is actively resisting and other means would be more intrusive or less effective.
6. During Department authorized training programs and/or demonstrations.
7. Officers are to consider their surroundings to reduce the risk of exposure to involved bystanders.
8. Officers are required to remove a subject exposed to chemical agents from a face-down position as soon as it is safe to do so.

D. RESTRICTIONS ON USE OF CHEMICAL AGENTS

Department issued chemical agents may **not** be used in the following circumstances:

1. To effect the arrest of a person that is only passively resisting. (e.g., going limp, offering no physical resistance)
2. On individuals with frail health, young children, the elderly, women believed to be pregnant, or persons with known respiratory conditions. Chemical agents may only be used under exceptional circumstances involving an imminent danger of suffering serious physical injury, and the use of the chemical agents are the **only reasonable method** to control the child or elderly in order to avoid such harm.
3. Once a suspect succumbs, becomes incapacitated, or is restrained.
4. To wake up an intoxicated individual.
5. To threaten or elicit information from a person.

6. In crowded areas, Officers should obtain Supervisor approval after taking into account all of the circumstances, including possible exposure to uninvolved bystanders.
7. Except in exigent circumstances, in closed or poorly ventilated spaces to prevent secondary exposure to innocent bystanders.

E. VERBAL COMMANDS

1. A verbal warning, and time to allow the subject to comply, must be given prior to the use of chemical agents, unless a warning would present a danger to the Officer or others.
2. Verbal commands before, during, and after the application of the chemical agents are important in order to de-escalate any situation and gain compliance and control.
3. Officers should make an assessment as to whether the person is capable of obeying the verbal commands given.

F. APPLICATION TECHNIQUES

1. Chemical agents are to be used in a manner consistent with Department training.
2. OC Spray
 - a) Direct discharge into the eyes should be avoided if closer than three feet if possible.
 - b) Additional discharges may be used if the initial burst proves ineffective. Allow a brief time for the chemical agent to take effect before additional applications. Be prepared to take other appropriate action should the spray fail to be effective.
3. PepperBall
 - a) Initial volley should consist of 3-5 rounds striking the intended target followed by an opportunity for the subject to respond and/or comply. Follow-up rounds require articulable facts that justify additional applications.
 - b) The face, neck, spine, and groin should not be targeted with PepperBall (see Diagram 1).

G. POST USE DECONTAMINATION AND TREATMENT

1. Once a chemical agent has been applied, and/or empty-hand techniques are being used, commands must be given to tell the subject what is required and how to stop the pain of a compliance technique.
2. Subjects should be assured that the effects of the chemical agent are temporary.

3. A suspect shall be examined by a Fire Department paramedic or qualified health care provider when an individual is exposed to a chemical agent.
4. After the chemical agent has been used and the subject has been restrained and moved to an uncontaminated area, the affected areas of the subject should be flushed with water as soon as possible.
5. Subjects should be asked if they suffer from any respiratory diseases or problems. If a subject displays respiratory problem, the subject should be exposed to fresh air if possible and medical attention should be sought immediately.
6. While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of breathing difficulty, nausea, or other physical discomfort. A subject should never be left unattended until the effects of the chemical agent have completely diminished, or the individual indicates that they have fully recovered from the effects of the spray.
7. Under normal circumstances, OC Spray symptoms should disappear within 30 to 45 minutes and PepperBall symptoms should disappear within 10-20 minutes. If the symptoms persist beyond 45 minutes, medical attention should be sought immediately.
8. Subjects shall be inspected 45 minutes after use of the chemical agent to determine whether or not additional decontamination or first aid measures are required if the subject is still in police custody.
9. Detention facility personnel shall be informed when a subject has been sprayed with a chemical agent.

H. TRAINING AND CERTIFICATION IN THE USE AND OPERATION OF CHEMICAL AGENTS.

1. Each Department Officer who has been assigned chemical agents, as part of the official equipment, must be trained and certified as a user by Department certified instructors, prior to carrying or using the weapon.
2. In order to meet the quality standards, all trained police Officers shall be recertified every two years.
3. All training, including remedial training, shall be documented.

I. REPORTING REQUIRED

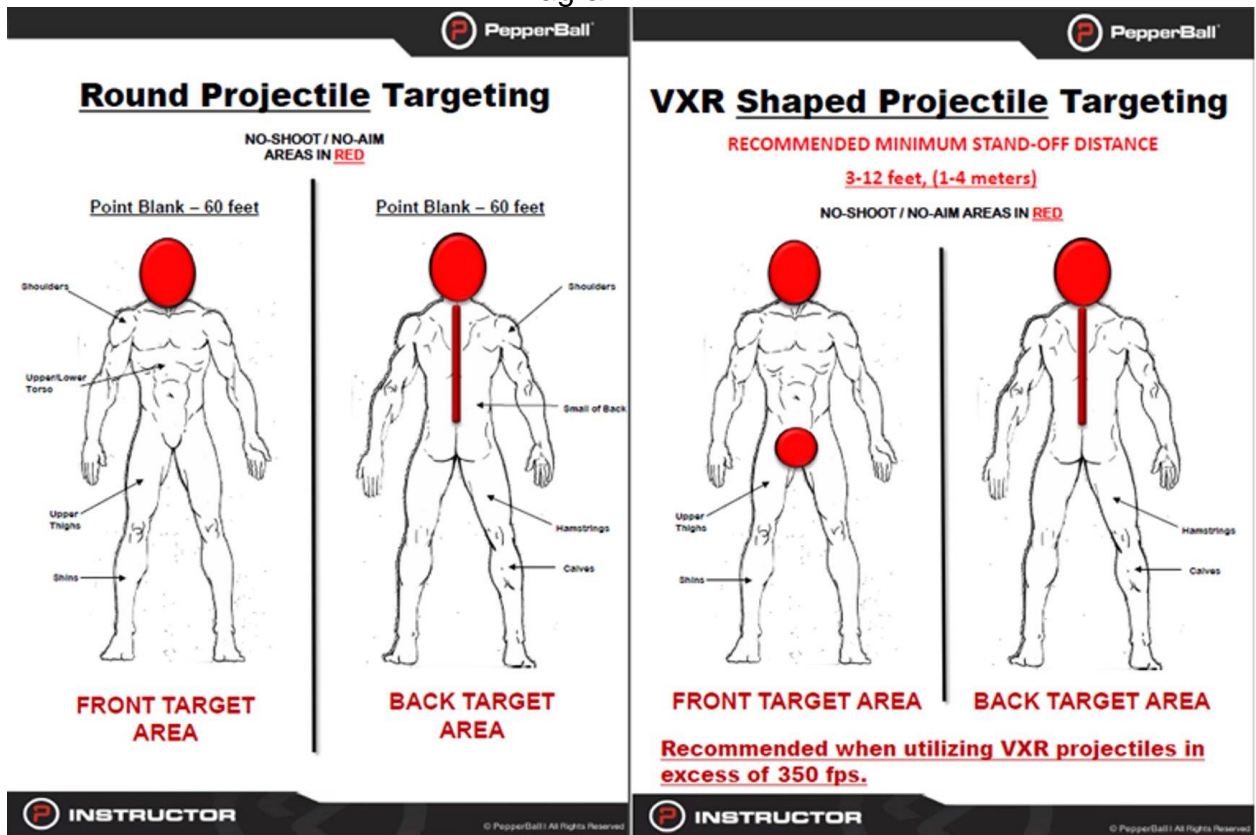
1. After deploying a chemical agent, the Officer shall notify a Supervisor as soon as it is practical to do so.

2. After deployment of a chemical agent, the Officer who discharged the agent shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy [3.05.020](#), and shall include:
 - a) The facts and circumstances which dictated the Officer's use of force.
 - b) Commands given to the subject, including any appropriate warning.
 - c) Manner in which the subject refused to comply (subject's actions).
 - d) Target (face, upper torso or other)
 - e) Witnesses to the discharge of the chemical agent.
 - f) Number of discharges.
 - g) Estimated distance at which the chemical agent discharge(s) occurred.
 - h) Extent, if any, of the subject's injuries.
 - i) Description of first aid provided and
 - j) The name of the Supervisor notified.

J. SUPERVISORY RESPONSIBILITY

1. Department Supervisors shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy [3.05.020](#).
2. Any misapplication or misuse of the chemical agents is subject to disciplinary action, along with criminal and civil liability.

Diagram 1



END OF DOCUMENT