

# **JUNEAU POLICE DEPARTMENT PROCEDURES**



<b>Title:</b>	<b>Use of Force</b>	<b>Chapter: 2.000</b>
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## **I. PURPOSE**

The purpose of this policy is to provide JPD officers with guidelines for the use of less-lethal and deadly force.

## **II. POLICY**

It is the policy of the Juneau Police Department to value and preserve human life. The Juneau Police Department recognizes the complexity of situations necessitating the use of force. Department members follow established authorizations to use force provided by state law under Alaska Statute AS 11.81.370. At times, officers are confronted with situations where control is required to effect arrests or protect the public safety. Attempts will be made to achieve control through advice, warnings, and persuasion. However, in situations where resistance, a threat to life, or a threat of physical force against officers or others is encountered and verbal persuasion has not been effective, is not feasible, or would appear to be ineffective, an officer may use objectively reasonable force.

Prior to the use of force, and when reasonably practical, officers should attempt to achieve control through de-escalation techniques and give a verbal warning that force is about to be used. When verbal commands, warnings, and other de-escalation techniques are used, the individual should be provided with a reasonable amount of time and opportunity to respond before force is used, with the understanding that such a pause should not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime.

In the event deadly force is utilized, a thorough investigation will be conducted. All use of force will be appropriately investigated, documented, and reviewed by supervisory and/or command personnel.

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Department members may use force to effect an arrest, prevent an escape, overcome resistance, in self-defense, or in the defense of others. The type and degree of force used must be objectively reasonable and based upon the facts and circumstances of the situation.

## III. DEFINITIONS

*Deadly Force* – Any use of force that creates a substantial risk of causing death or serious bodily injury.

*De-escalation* – Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

*Less-Lethal Force* – Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

*Objectively Reasonable Force* - The level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force.

Objectively reasonable force is not judged with hindsight and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend a suspect include, but are not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all use of force, including deadly force.

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## **IV. PROCEDURES**

### **A. Force Options**

1. All officers have a number of force options available for use in those situations where force is reasonably necessary. Those situations can include, but are not limited to the following:
  - a. Subduing or arresting a physically threatening or assaultive person.
  - b. Instances that threaten the safety of an officer or other person.
  - c. Stopping a person who is attempting to flee or escape a lawful detention/arrest.
  - d. Overcoming physical resistance in order to achieve compliance as appropriate.
  - e. Directing, controlling, or escorting physically resistive or physically uncooperative persons.
2. A physically threatening or assaultive person is one who could be considered physically threatening by an objectively reasonable officer involved in the encounter. There is no requirement that the person actually has to swing at or strike an officer to be considered physically threatening or assaultive, so long as an objectively reasonable officer has sufficient information (verbal threats, physical stance, etc.) to believe that a person is physically threatening and has the present ability to harm the officer. Officers are trained and equipped with tools to meet degrees of force with reasonable force and are expected to apply their training appropriately. The degree of force used by an officer is directly related to the facts and circumstances encountered by that officer. Force options currently available to officers are as follows:
  - a. Voice Commands
  - b. Chemical Agents
  - c. Physical Controls
  - d. Impact Weapon
  - e. Electronic Restraint Device (Taser)
  - f. Carotid Control Hold
  - g. Police Vehicles
  - h. Kinetic Energy Impact Projectiles
  - i. Deadly Force
3. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

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## **V. DEADLY FORCE**

### **A. Authorization to use deadly force**

1. JPD officers are authorized to use deadly force when one or both of the following apply:
  - a. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm;
  - b. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.
2. Officers may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.

### **B. Deadly Force Restrictions**

1. Firing warning shots is prohibited.
2. Firing a weapon at a moving vehicle is prohibited unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. The officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
3. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.
4. Deadly force should not be used against persons whose actions only threaten themselves or property.

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## **V. USE OF LESS LETHAL FORCE**

### **A. Authorization**

1. Officers are authorized to use Department approved, less-lethal force techniques when one or more of the following apply:
  - a. To protect the officer or others from physical harm;
  - b. To restrain or subdue a resistant individual;
  - c. To bring an unlawful situation safely and effectively under control.
2. Officers shall receive Department approved training in the use of less lethal weapon systems prior to using them.

### **B. Carotid Control Hold**

1. The carotid control hold may be used only when all other control techniques are inappropriate or have failed, and deadly force may become necessary if the hold is not used.
  - a. Officers will follow the directives and techniques related to the carotid control hold taught by Department instructors.
2. Once control is accomplished, the suspect will be handcuffed and searched for weapons.
3. If the suspect is unconscious, the officer will check the suspect's breathing and heartbeat and request for medics to respond.
4. In any case, if the officer applied compression to the neck of the suspect, the suspect will be transported to Bartlett Regional Hospital and a medical clearance will be secured before the suspect is booked at the Lemon Creek Correctional Center (LCCC)
  - a. The suspect should be observed as dictated by medical staff or for a period of at least one hour, as complications caused by internal bleeding or swelling may not be immediately apparent.
  - b. The officer will advise the LCCC personnel that the suspect was subjected to a carotid control hold and has been medically cleared.
5. The use of the carotid control hold will be noted in the arrest report, and the officer will complete a use-of-force report. The reasons for

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not complying with Department policy or procedure will be articulated in the use of force report.

## VI. “SHOOT - DON’T SHOOT” TRAINING

In addition to training required for firearms qualification, officers shall receive Department approved training designed to simulate actual shooting situations and conditions, and as otherwise necessary to enhance officers’ discretion and judgment in using deadly and non-deadly force in accordance with this policy.

## VII. REPORTING USE OF FORCE

**A.** When force is used by an officer in the course and scope of duty as a peace officer, the officer will notify their supervisor as soon as time and circumstances permit, and will document the details of such use on an arrest report and/or supplemental report. At a minimum, the details will include:

1. The reason for the police response to a call for service, or police initiated detention or arrest.
2. The behavior of the suspect which caused the officer to use force.
3. Type of force used (verbal and physical tools, techniques and/or tactics used).
4. Extent of injuries to any person and the post-force care provided.
5. Other relevant information regarding the circumstances of the use of force.

**B. Use of Force Report (JPD-5-10)** will be completed and submitted to the Chief of Police through the chain of command when that use of force meets the definition below. When officers deviate from Department policy or procedure, they are to articulate the reasons in the use of force report. All reports will be completed and submitted before securing from duty.

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## VIII. DEFINITION OF REPORTABLE FORCE

- A.** A reportable use of force is defined as any incident in which a sworn officer, either on or off-duty, exercises police powers and uses deadly force, a less-lethal weapon system, displays a firearm directly at a person, or any physical force to accomplish the following:
1. Compel a person to comply with the officer's direction; or
  2. Prevent escape or overcome resistance by a suspect during an arrest or detention; or
  3. Defend any person from aggressive action by a suspect.
- B. EXCEPTIONS:** The use of a firm grip control which does not result in injury, the appearance of injury or complaint of pain (e.g., the use of a grip to control the suspect's hands while searching or handcuffing); or, that force necessary to overcome passive resistance due to physical disability or intoxication which does not result in injury, the appearance of injury or complaint of pain (e.g., lifting an intoxicated person to a standing position).

## IX. SUPERVISORY RESPONSIBILITY WHEN FORCE IS USED

### A. Injuries

1. Whenever an officer or other person receives injuries that require treatment by a physician as a result of an officer's use of force, the officer's immediate supervisor will first notify the concerned Commander, and then personally respond to evaluate and actively participate in the investigation of the incident.
  - a. The normal use of a taser is an exception. Unless there is injury beyond the normal barb strikes, a command officer does not need to be immediately notified.
  - b. First aid treatment following the application of OC spray will not generally constitute an injury requiring treatment by a physician.
  - c. Medical bills that result from injuries sustained during an arrested person's failure to comply with the lawful direction of the arresting officer are the responsibility of the arrested person and not the City and Borough of Juneau.



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2. If an officer is seriously injured, another officer will accompany and remain with the injured officer at the hospital.
3. The injured officer's family will be notified in person when possible.
  - a. An officer will be assigned to transport the family members to the hospital or other location as soon as possible.
    - 1) The officer should remain with the family for security, support, control of the press, and other related matters.
4. The injured officer's name will not be released to the press or other unauthorized parties before the family is notified.
5. In cases of serious injury or death to anyone, the decision to establish incident command will be considered.
  - a. A recorder will be appointed to make a chronological record of activities at the scene.
    - 1) The recorder will take note of all persons present, actions taken by police personnel, and will include the names of emergency responders.
  - b. A diagram will be drawn and photographs taken of the scene.
  - c. A public information officer (PIO) will be assigned to meet with the press at a location away from the scene.
  - d. An investigator will be requested to respond to the scene to take over the investigation.
6. The Commander will notify the Deputy Chief of Police.
7. The Deputy Chief will notify the Chief of Police who will determine if the City Attorney, District Attorney, and CBJ City Manager will be notified.
8. When an officer's use of force results in serious injury or death, the Commander will conduct a thorough administrative review of the incident.
  - a. The involved officer will be given Garrity Warnings prior to the interview.

## **B. Use of Force Review**

1. Use of Force Report
  - a. In all cases, to assure accuracy and completeness, the supervisor will review all reports and body worn or in-car videos



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related to the use of force, and the use of force report (JPD 5-10) prepared by the officer(s) documenting the use of force.

- b. When officers deviate from Department policy or procedure, they are to articulate the reasons in the use of force report.
- c. The supervisor will check the box that the force used did or did not comply with JPD policy.

## 2. Use of Force Outside of Department Policy

- a. In cases where their team member did not comply with policy or procedures, the supervisor will investigate the circumstances and document the facts of the incident within the supervisor section of the use of force report.
  - 1) The supervisor may take photographs, video and/or audio recorded statements from witnesses, and gather other relevant evidence or statements.
- b. The supervisor will forward a copy of all relevant reports and videos to the Chief of Police through the chain of command before securing from duty.

## 3. Command Reports

- a. In cases where the use of force included the use of kinetic energy impact (KEI) projectiles, or firearms were fired other than to destroy an animal, the concerned Commander will respond, investigate, and report the circumstances of the discharge.
  - 1) The impact points on the suspect's body will be photographed.
  - 2) A determination will be included whether Department policy and procedure was followed.
- b. In cases where the use of force resulted in serious injury or death, the assigned Commander will provide a thorough and detailed report of the administrative review of the incident, including copies of all related reports and photographs.
  - 1) The report will be forwarded up the chain of command to the Office of the Chief of Police who will determine if any further action will be taken.

Derek Bos

A handwritten signature in black ink, appearing to read "Derek Bos".

Chief of Police