

Seward Police Department Regulations and Operations Manual



Title: Response to Resistance

Chapter: 4 Section: .04

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I. PURPOSE

The purpose of this policy is to provide SPD officers with guidelines for the Response to Resistance using deadly and non-deadly force.

II. POLICY

The Seward Police Department recognizes the complexity of situations necessitating the response to resistance. 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 affect 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 respond to resistance using objectively reasonable force. In the event deadly force is utilized, a thorough investigation will be conducted. All response to resistance will be appropriately investigated, documented, and reviewed by supervisory and/or command personnel. Department members may respond to resistance to effect an arrest, prevent an escape, overcome resistance, in self-defense, or in the defense of others. The type and degree of response to resistance used must be objectively reasonable and based upon the facts and circumstances of the situation.

III. DEFINITIONS

OBJECTIVELY REASONABLE RESPONSE TO RESISTANCE - Objectively reasonable response to resistance is that level of response to resistance which is appropriate when analyzed from the perspective of a

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reasonable officer possessing the same information and faced with the same circumstances as the officer who has responded to resistance.

Objectively reasonable response to resistance is not judged with hindsight and will consider, where appropriate, the fact that officers must make rapid decisions regarding the amount of response to resistance to use in tense, uncertain, and rapidly evolving situations. Important factors to be considered when deciding how much response to resistance 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 response to resistance, including deadly force.

IV. PROCEDURES

A. Response to Resistance Options

1. All officers have several response to resistance options available for use in those situations where response to resistance 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

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equipped with tools to meet degrees of response to resistance with reasonable force and are expected to apply their training appropriately. The degree of response to resistance used by an officer is directly related to the facts and circumstances encountered by that officer. Response to resistance options currently available to officers are as follows:

- a. Voice Commands
- b. Physical Controls
- c. Chemical Agents
- d. Electronic Restraint Device (Taser)
- e. Impact Weapon
- f. Kinetic Energy Impact Projectiles
- g. Carotid Control Holds
- i. Deadly Force

V. DE-ESCALATION

- A. Whenever possible, Officer's will strive to use verbal and non-verbal communication techniques to stabilize and lessen the immediacy of a given threat in order to create more time to make decisions and reason with suspects.
- B. When a suspect has been controlled to a point that they no longer constitute a threat to the officer or others, it is expected of all officers present to make every effort to calm the situation and protect the well-being of the suspect. The protection of the suspect's immediate health and life is the responsibility of the arresting officer(s) and care should be taken to ensure the suspect receives medical attention as quickly and as practicably as the situation will allow. Otherwise, the officer's role is the protector of the suspect until the suspect is safely remanded to the jail or released from lawful detention.

VI. USE OF LESS LETHAL FORCE

A. Authorization

1. Officers are authorized to use Department approved, less-lethal response to resistance techniques when one or more of the following apply:
 - a. to protect the officer or others from physical harm;

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- 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 APSC certified instructors.
2. Handcuff the suspect once control is accomplished and then search the suspect for weapons.
3. If the suspect is unconscious, check breathing, heartbeat and request paramedics respond.
4. In any case, if the officer applied compression to the neck of the suspect, transport the suspect to Providence Seward Medical Center and secure a medical clearance before remanding the suspect at the Seward Community Jail.
 - a. The suspect should be observed by medical staff for a period of at least one hour as complications caused by internal bleeding or swelling may not be immediately apparent.
 - b. Advise the jail personnel that the suspect was subjected to a carotid control hold and has been medically cleared.
5. Note the use of the carotid control hold in the arrest report and complete a Response to Resistance Report. Articulate any reasons for not complying with Department policy or procedure in the Response to Resistance Report.

VII. DEADLY FORCE

A. Authorization to use deadly force

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1. SPD 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. 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, if possible, 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.

VIII. REPORTING RESPONSE TO RESISTANCE

- A. When response to resistance is used by an officer in the course and scope of duty as a peace officer, the officer will notify his or her immediate 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:

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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 respond to resistance.
3. Type of response to resistance 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 response to resistance.

B. Response to Resistance Reports will be completed and submitted to the Chief of Police through the chain of command when that response to resistance meets the definition below. When officers deviate from Department policy or procedure, they are to articulate the reasons in the Response to Resistance Report. All reports will be completed and submitted before securing from duty.

IX. DEFINITION OF REPORTABLE RESPONSE TO RESISTANCE

A. A reportable response to resistance 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, or any physical force to:

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).

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X. SUPERVISORY RESPONSIBILITY WHEN RESPONSE TO RESISTANCE

A. Injuries

1. Whenever an officer or other person receives injuries that require treatment by a physician as a result of an officer's response to resistance, the officer's immediate supervisor will first notify the lieutenant, 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.
2. If an officer is seriously injured ensure that another officer accompanies and remains with the injured officer at the hospital.
3. Ensure the officer's family is notified in person when possible.
 - a. Assign an officer to transport them 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. Do not release the officer's name to the press or other unauthorized parties before the family is notified.
5. In cases of serious injury or death to anyone, consider establishing incident command.
 - a. Appoint a recorder to make a chronological record of activities at the scene.
 - 1) Note all persons present, actions taken by police personnel and include the names of emergency responders.
 - b. Cause a diagram to be drawn and photographs taken of the scene.
 - c. Ensure a public information officer (PIO) is assigned to meet with the press at a location away from the scene.
 - d. Request additional officers respond to the scene to assist in the investigation.

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6. The Lieutenant will notify the Chief of Police.
7. The Chief of Police will determine if the City Attorney, District Attorney and City Manager will be notified.
8. The Chief will be responsible for contacting an outside agency to investigate if the situation requires.
9. When an officer's response to resistance results in serious injury or death, the Lieutenant will conduct a thorough administrative review of the incident.
 - a. Give the involved officer Garrity Warnings prior to the interview.

B. Reporting

1. Use of Response to Resistance Report
 - a. In all cases, to assure accuracy and completeness, the supervisor will review the arrest report and/or supplemental report and the Response to Resistance Report prepared by the officer(s) documenting the response to resistance.
 - b. When officers deviate from Department policy or procedure, they are to articulate the reasons in the Response to Resistance Report.
2. Memorandum
 - a. In cases where an officer did not comply with Department policy or procedures, the supervisor will investigate the circumstances and document the facts of the incident in a memorandum.
 - 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 to the Chief of Police through the chain of command.
3. Command Reports
 - a. In cases where the response to resistance included the use of firearms which were fired other than to destroy an animal and did not result in injury to any person, a supervisor will respond, investigate and report the circumstances of the discharge.
 - 1) Include a determination if Department policy and procedure was followed.

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- b. In cases where the response to resistance resulted in serious injury or death, the lieutenant 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 to the Chief of Police who will determine if any further action will be taken.

Prepared by Acting Chief of Police, Alan D. Nickell for:

A handwritten signature in black ink that reads "Thomas L. Clemons".

Thomas L. Clemons
Chief of Police

SPD