

Anchorage Police Department Regulations and Procedures Manual	Operational Procedures 3.05.030	
Policy and Procedure Title Officer Involved Use of Deadly Force and In-Custody Deaths	Effective Date 8/4/2020	Page 1 of 11
Replaces Prior Policy: Officer Involved Use of Deadly Force and In-Custody Deaths 10/20/2014	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.

3.05.030 Officer Involved Use of Deadly Force and In-Custody Deaths

PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shootings. The policy also provides guidance for investigation of in-custody deaths and other serious uses of force, in addition to the procedures outlined in the Reporting, Investigating, and Review of Use of Force Policy 3.05.025.

POLICY

It is the policy of this department that on and off duty officer-involved shootings, other serious uses of force, and in-custody deaths be investigated with the utmost thoroughness, professionalism, and impartiality so as to determine whether officer actions conform with applicable law and this department's policies, procedures, rules, and training.

DEFINITIONS

Critical Incident: An incident that is unusual, perhaps violent, and involves perceived threat to, or actual loss of, human life. The incident may be a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.

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.

Serious Physical Injury: Physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of function of a body member or organ, or that unlawfully terminates a pregnancy.

In-Custody Death: The death of an individual while in custody or while attempts to effect custody are being made.

Involved Officers: Unless otherwise indicated, refers to those sworn personnel in on-duty or off-duty status who discharge their firearm or are responsible for a firearm discharge in a hostile situation or by accident under the color of authority. Additionally this includes officers who use or intended to use deadly force on another under the color of authority, arrest, or are in the process of arresting an individual who subsequently dies.

Witness Officer: Sworn personnel in on-duty or off-duty status who witness an officer discharge their firearm or use/intend to use deadly force.

Peer Support Officer: An officer assigned to another officer to provide emotional support and assistance following a critical incident, such as an officer-involved shooting. The assigned officer is normally a member of the department's peer support program but may also be another officer who has had a similar experience, a close friend, or both.

Officer: All sworn law enforcement personnel employed by the Anchorage Police Department.

Officer-Involved Shooting: A discharge of a weapon by an officer under the color of authority while on-duty or off-duty, irrespective of injuries to suspects, officers, or third parties. This does not include shooting an animal or firearms training at the range. Depending on circumstances a negligent discharge may be considered an OIS.

Serious Use of Force: Any action by an officer that involves: 1) the use of deadly force, including all OIS; and/or 2) a use of force in which the person suffers serious physical injury, or requires hospital admission.

I. PROCEDURES

A. Officer Involved Shootings, Serious Physical Injury as a Result of Force and In-Custody Death Investigations

1. Serious Physical Injury as a Result of Force:

All incidents where force was used and an officer or subject was seriously injured will be investigated by the Homicide Unit.

2. In-Custody Deaths:

All in-custody deaths will be investigated by the Homicide Unit

3. Officer Involved Shootings:

All officer involved shootings will be investigated by the Homicide Unit.

B. Officer On-Scene Responsibilities

Officers at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate:

1. Identify any remaining threats and take necessary action;
2. Secure and separate suspects;
3. Notify Dispatch of the incident and location;
4. Relay information on fleeing suspects to Dispatch and other officers and work with them to establish a containment area;
5. Request a supervisor, additional backup, emergency medical services, if necessary, and any other assistance required immediately;
6. Unless injured, officers will remain at the scene until released by the on scene supervisor. However, if the circumstances are such that the continued presence of any officer at the scene might cause a more hazardous situation to develop (e.g. crowd violence), the shift supervisor at the scene shall have the authority to instruct an officer to move to another, more appropriate, location.
7. If injured, administer emergency first aid to oneself first if possible;

8. Determine the physical condition of any injured person and administer basic first aid, as necessary, pending arrival of emergency medical assistance;
9. Involved Officer's weapons will be processed at APD Headquarters. All other weapons will be secured at the scene until processed by the Crime Scene Team. Do not tamper with involved firearms;
10. Take note of the time and survey the entire area for relevant facts, including noting individuals who are present, individuals who departed the scene, witnesses, potential suspects, and suspect vehicles;
11. As time and capabilities permit, before supervisory and other assistance arrives:
 - a) Secure the area, establish a perimeter with crime scene tape, and limit access to authorized persons necessary to investigate the shooting and assist the injured.
 - b) Protect evidence from loss, destruction, or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
 - c) Record the names, addresses, and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement, whether or not they say they saw the incident.

C. Initial Supervisor Response / Incident Command Responsibilities

1. Upon notification of the incident, the shift supervisor shall proceed immediately to the scene.
2. The highest ranking officer at the scene who did not discharge their weapon shall take control of the scene and serve as incident commander (IC). As superior officers and investigators respond to the scene, and the officer is relieved of supervision responsibility, he/she shall brief superior officers on investigation status when turning over IC responsibility.
3. In addition to the responsibilities identified in the Response and Actions Required for Level 3 uses of force in the Reporting and Investigation Force Policy, 3.05.020, the following actions should be taken as appropriate in the order that the IC deems necessary:
 - a) Identify any remaining threats and take necessary action.

- b) Determine the physical condition of officers, suspects, and third parties; provide emergency first aid if necessary; and ensure that emergency medical assistance has been summoned.
- c) Ensure the adequacy of the inner perimeter. Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform.
- d) Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the perimeter.
- e) Ensure that all weapons are secured in place, to include ammunition and expended casings.
- f) Ensure that all information available about the suspect is collected from anyone at the scene.
- g) Ensure that all potential witnesses have been identified, separated, and ask that to remain on hand to provide a statement. If witnesses wish to leave, obtain their contact information for future communications.
- h) Ensure that all evidence is located, including any clothing or other personal items that may have been discarded or removed from suspects or officers by medical personnel.
- i) Secure, separate, and remove all Involved Officers from the immediate scene. Ensure that a supervisor or the supervisor's designee is assigned to each. Involved Officers may contact their spouse and clergy if desired.
- j) Direct all involved officers not to discuss any aspects of the shooting among themselves or with others with the exception of their attorney, their union representative, a qualified mental health professional, or authorized investigative personnel.
- k) Request a voluntary public safety statement from all Involved Officers in which the Sergeant asks questions limited to information relating immediate public safety concerns, such as:
 - 1.) Did you discharge your weapon?
 - 2.) Who else discharged their weapons?
 - 3.) What direction were those weapons discharged?
 - 4.) Is anyone injured? If so, where are they located?

- 5.) Are there any outstanding suspects? If so, what is the description, are they armed, direction of travel, and mode of travel?
- 6.) What crime is the suspect wanted for?
- 7.) Are there any weapons that need to be secured/protected?

l) Arrange transportation to APD Headquarters for the Involved Officers. Involved Officers should be transported by a supervisor or the supervisor's designee.

m) If an Involved Officer is transported to the hospital, ensure that a supervisor or the supervisor's designee accompanies him or her there.

- 1) The supervisor or the supervisor's designee should provide all reasonable support to the Involved Officer and act as liaison between the Involved Officer and the hospital.

- 2) If the Involved Officer is incapable of calling, the Supervisor shall notify or ensure that another department member notifies the Involved Officer's immediate family as soon as possible, and, whenever reasonably possible, in person. The notification shall provide the family members with basic information on the status of the Involved Officer and when and where they will be able to see the Involved Officer. The supervisor or the supervisor's designee shall arrange for the family member's transportation to the hospital or other location as required. In the case of serious injury or death, notifications shall be conducted in conformance with the department's Line of Death or Serious Injury Policy 2.06.020.

m) Whenever possible, ensure officers are photographed in the condition that they are in at the scene, to include any injuries sustained.

n) Offer a peer support counselor to the Involved Officer's family for security, support, and management of media inquiries and visitors.

o) Ensure all necessary department notifications have been made, such as those to the following:

- (1) Chief of police
- (2) Union President
- (3) Patrol Captain

- (4) Detective Captain
- (5) Homicide Lieutenant
- (6) Internal Affairs
- (7) Crime Scene Team
- (8) Public Information Officer
- (9) Medical Examiner
- (10) Peer support program coordinator

p) Establish a command post when it appears that an extended on-site investigation will be necessary.

q) Determine if video recordings were made by in-car cameras, surveillance cameras, or bystander videos and secure them as evidence as soon as reasonably possible.

r) Ensure that a media staging area is established beyond the outer perimeter and that it is appropriately staffed.

s) Ensure appropriate officers complete necessary reports to include supervisors. Involved Officers and Witness Officers shall not file individual police reports unless directed by Command.

t.) Make sure all appropriate interviews are conducted with witnesses, victims, suspects, Witness Officers, and Involved Officers.

u) Place officers who discharged their weapons on mandatory four day non-disciplinary administrative leave.

v) The agency shall facilitate contact between the department's designated qualified mental health provider and any officers that discharged their weapons. These officers will make themselves available to meet with the department's designated qualified mental health provider.

D. Investigator's Responsibilities

1. Investigations of a deadly-force incident are typically assigned to the Homicide Unit. The Chief of Police or designee will initiate an Internal Affairs investigation and assign an investigator. Investigations of deadly-force incidents will typically be assigned to Internal Affairs for administrative purposes.
- 2.

Whenever possible Criminal Investigators should do the following as necessary:

a) Receive a briefing from the Incident Supervisor, including details of the incident as available, a summary of all actions completed or in progress as noted in items B and F of this policy, and conduct a walk-through of the incident scene.

b) Secure the Involved Officer's weapon(s) as soon as practical after the officer has been transported to APD Headquarters. Weapons that were fired shall be secured as evidence, and primary service firearms shall be replaced by a similar firearm as soon as reasonably possible.

c) Ensure that all items of potential evidentiary value are identified, photographed, and properly collected.

d) Obtain audio and video statements from suspects, witnesses, Witness Officers and Involved Officers. Witness Officers should be interviewed on the day of the incident when appropriate. Involved Officers should not be interviewed the day of the incident; however the interview day and time should be coordinated prior to going home.

e) Ensure that efforts are under way to collect and compile information on the suspect(s).

f) Consult with the Medical Examiner and crime scene lead at the scene and at, or subsequent to, the autopsy, and compile information as available, such as, entrance and exit wounds, estimates of shooters' positions, the presence of alcohol or controlled substances in the suspect's body, and any other facts that may be deemed relevant.

g) Canvas the immediate area for video surveillance and potential witnesses who have not come forth and obtain information or statements as available.

h) Obtain search warrants for any containers, cellphones, residences, or vehicles as may be necessary.

i) Where possible, recorded interviews with EMTs, fire department personnel, and first responding officers regarding conditions at the shooting scene when they arrived to include any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.

j) Provide a summary of preliminary information concerning the shooting for the Chief of Police or designee if requested.

E. Scene Management

- 1) The Homicide Commander will respond to the scene and monitor the incident to ensure good scene management and that the assigned supervisor coordinates and assists with a thorough and proper preliminary investigation.
- 2) In general, the perimeter of the scene will be secured by the Patrol Division. The inner perimeter will be secured by the Crime Scene Team.

F. Investigative Process

The investigation of officer-involved shootings shall normally be conducted in two separate parts and by separate authorities—a criminal investigation and an administrative investigation. The criminal investigation is normally completed by criminal investigators within the Homicide Unit. The administrative investigation will normally be conducted by the department's Internal Affairs Unit.

1. Criminal Investigation Phase

The criminal investigators shall manage the criminal investigation. Parallel or sequential criminal investigations such as an investigation related to state offenses and the other by federal authorities, may be undertaken. Upon completion of the criminal investigation, findings shall be submitted through the Homicide Chain of Command to the Office of Special Prosecution (OSP). Criminal investigators will share the criminal investigation with Internal Affairs for use in the administrative investigation.

Once the Office of Special Prosecutions (OSP) notifies APD of charging decisions the administrative investigation can continue.

2. Administrative Investigation Phase

This investigation, undertaken by the department's internal affairs authority, must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of departmental policy, procedures, rules, or training have occurred and, if so, whether

disciplinary action should be recommended or modifications to policy, procedures, or training considered.

3. Criminal investigators may not be present during internal affairs questioning nor may information gained as a result of administrative interviews be shared with criminal investigators.

4. All criminal interviews shall be audio and video recorded in order to provide evidentiary record of statements. No officer involved in a criminal investigation will receive a Garrity warning or be ordered to participate in an administrative interview until the criminal case is closed or a declination letter has been received from OSP.

5. Investigators shall be cognizant of symptoms of post-traumatic stress during officer interviews, such as time and space distortions, confusion, hearing and visual distortions associated with recalling details of the incident, as well as emotional impairment during questioning.

G. Treatment of Involved Officers

1. In situations in which an officer used deadly force, the officer will be placed on administrative leave for a minimum of four consecutive days, which may include regular days off.

a) The Involved Officers' name will be released to the media three days post incident unless otherwise determined by the Chief of Police.

2. The Involved Officers shall be available at reasonable times after the incident and available for official interviews and statements regarding the case.

a) Interviews with Involved Officers should be coordinated prior to the officer going home after the incident.

b) Involved Officers shall notify the investigator of any planned leave to assist in the coordination of interviews.

3. Assignment to a "relieved of normal duty" status shall be non-disciplinary, with no loss of pay or benefits.

4. Relief from normal duty, during which the Involved Officer may be assigned administrative duties, serves two purposes:

a) To address the personal and emotional needs of an Involved Officer in the use of deadly force in which injury or death occurs; and

b) To assure the community that all the facts surrounding such incidents are thoroughly and professionally investigated.

5. Appropriate guidelines regarding the rights of the officers should be followed at all times.

6. Statements to the Homicide Unit by Involved Officers are voluntary in nature.

H. Post-Shooting Trauma

1. Supervisory, investigative, and other sworn and non-sworn employees shall be familiar with and follow the provisions established by this department in its policy on dealing with post-shooting emotional trauma in police personnel.

2. Awareness of, and attempts to mitigate, the potential effects of critical incident stress combined with professionally accepted investigative procedures provide the best opportunity for establishing an accurate record of events surrounding officer-involved shootings.

3. The Department will advise all Witness Officers and Involved Officers of available mental health resources available at the time of an incident.

I. Evidence

All evidence will be maintained for a minimum of two years unless released by OSP, Municipal Attorney's Office, and the Chief of Police or designee. This includes but not limited to:

1. All items seized under a search warrant
2. Involved weapons
3. Seized clothing
4. Vehicles

*****END OF DOCUMENT*****

