

ALASKA POLICE OFFICER USE OF DEADLY FORCE

DATA QUALITY ASSESSMENT AND CASEFILE REVIEW | 2010-2020



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EXECUTIVE SUMMARY

The Alaska Department of Law Office of Special Prosecutions (OSP) and the Alaska Justice Information Center (AJiC) partnered to answer two questions regarding police officer use of deadly force. First, to what extent existing OSP investigative casefiles could be used to fully describe the nature of uses of lethal force incidents in Alaska. Second, to describe lethal use of force incidents using the available information. We found that while OSP casefiles files contained sufficient information for OSP's purpose of determining whether criminal charges are warranted under the circumstances, the OSP casefiles lacked some information of interest to policymakers and the public.

AJiC analyzed all OSP casefiles involving officer uses of lethal force from 2010 to October 2020, covering a total of 92 incidents, 100 citizens, and 295 officers. Just over half of citizens died as a result of the incident in which deadly force was used, with another quarter sustaining serious injuries. Nearly every citizen involved displayed or used a weapon. No human officers were killed in the incidents reviewed, but two police dogs were killed, and three officers were seriously injured.

Over a third of incidents involved the citizen making statements indicating they wanted to commit suicide-by-cop, and over two-thirds of incidents involved a citizen exhibiting some indication of mental illness during the incident. A third of incidents involved a citizen who had consumed alcohol, and methamphetamine/amphetamine was the most common drug other than alcohol, involved in more than a quarter of incidents.

We offer the following recommendations for data collection based on our project:

1. The State of Alaska should develop a comprehensive statewide data collection regarding police officer uses of lethal force housed at an agency that can compile and use the information to drive policy.
2. OSP casefiles can serve as a starting point for data collection, but OSP case files cannot be the sole data source.
3. The development of a comprehensive data collection platform should include mandatory standardized data elements, starting with the FBI's National Use-of-Force Data Collection Elements.
4. Other data elements should be considered for inclusion by a broad group of stakeholders from inside and outside of the criminal justice system.
5. Detailed use of lethal force incident data should be public where possible – but that may not always be possible or advisable.

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INTRODUCTION

Nationally, the picture of exactly how many police officers use lethal force every year is not clear. Currently there is no national government database of police officer uses of lethal force available to the public, a fact that has been written about in many publications in the past several years¹. Several third parties have attempted to collect this information in recent years. For example, the Washington Post attempted to address this knowledge gap with the development of a database going back to 2015.² Others have created similar databases.^{3,4} The FBI began the National Use of Force Data Collection in 2019⁵ in response to these efforts. In 2020, the number of reporting agencies to this voluntary data collection was 42%. As a result, the only information publicly reported to date by the FBI has been the percentage of participating agencies.⁶

To address the need for comprehensive Alaska data regarding the use of lethal force, the Alaska Department of Law Office of Special Prosecutions (OSP) and the Alaska Justice Information Center (AJiC) partnered to describe the nature of uses of lethal force incidents in Alaska using investigative casefiles provided to OSP by the investigating agency. Such an undertaking is both important and timely in the modern era, considering that public trust and confidence in police are at historical lows.⁷

This project had two goals. First, we sought to conduct a data quality assessment to determine the extent to which existing information submitted to OSP can be used to fully describe incidents in which officers use lethal force in Alaska. Put simply, our data source (OSP case files) was not meant to contain a comprehensive description of every aspect that is of public or policy interest. OSP's casefiles are compiled for a very specific purpose: to determine whether there is sufficient evidence to charge officer(s) with a crime related to a specific use of lethal force and whether criminal charges are legally appropriate. The information required for this legal analysis is not necessarily the same as the information needed to fully describe incidents, officers, and civilians. For example, the particular race of various participants in a given incident is usually not a legally relevant charging factor but describing the distribution of race may assist in understanding who has used force and against whom.

Second, we sought to describe the incidents in which a law enforcement officer uses lethal force in Alaska using the available information. OSP casefiles generally include narrative reports from law enforcement officers involved in the incident as well as those responding to the incident in a support role; autopsy narratives; toxicology reports; criminal histories; transcripts of interviews with officers, suspects, witnesses, family members, and significant others; computer-aided dispatch data; scene photos and diagrams; hospital records; forensic analyses; and, when applicable, the Office of Special Prosecution's declination letter.⁸

¹ For one example, refer to <https://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/>

² <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

³ <https://mappingpoliceviolence.org/>

⁴ <http://homicidecenter.org/services/resources/police-shootings/>

⁵ <https://www.fbi.gov/services/cjis/ucr/use-of-force>

⁶ The FBI's data considerations for the National Use of Force Data Collection state that aggregate data may only be published when data representing 80% or more of the total officer population are present. See <https://crime-data-explorer.app.cloud.gov/officers/national/united-states/uof>.

⁷ See <https://fas.org/sgp/crs/misc/R43904.pdf> and <https://news.gallup.com/poll/317135/amid-pandemic-confidence-key-institutions-surges.aspx>

⁸ As a technical matter, this is a decision letter, sent by OSP to the chief executive of the agency at which the officer(s) are employed. It is commonly referred to as a declination letter, however, because OSP has typically declined to file criminal charges. Criminal charges were filed in no case examined for this analysis; no one we spoke with during this project could recall any case in Alaska where officers were charged with a crime as a result of using lethal force.

THE OIS INVESTIGATION PROCESS IN ALASKA

The entity responsible for making a legal determination regarding criminal liability following an officer's use of lethal force is the State of Alaska Department of Law. The Alaska Attorney General has delegated this responsibility to the Office of Special Prosecutions. This office, housed within the Attorney's General Office, analyzes the pertinent facts of an officer use of lethal force incident using documentation provided by the investigating law enforcement agency. It is useful to briefly describe this process to understand how the casefiles used in this analysis were created.

When a law enforcement officer uses lethal force, the employing agency typically handles the initial response and the investigation. This includes steps such as securing and documenting the scene of the incident, collecting evidence such as the firearm used or officer's uniform, and conducting interviews with officers involved and witnesses. Smaller agencies or agencies lacking experience in homicide investigations often ask for investigative assistance from the Alaska State Troopers, which is typically conducted by the Alaska Bureau of Investigation's Major Crimes Section.

The facts of the case are largely crafted out of the combined evidentiary landscape that is constructed by investigators in this stage. When the number of officers and citizens involved is low and the circumstances of the officer use of lethal force incident are plain, the investigative task is straightforward. But often the events are complex and chaotic. Such incidents can take considerable time to fully investigate and document. Even in "simple" incidents, autopsies and toxicology reports take time, witnesses often come forward long after the incident occurred, and injured witnesses can be in the hospital for an extended period of time as they recover from injuries.

The extent of OSP's involvement in this stage of the investigation varies. OSP is often notified when the incident occurs, and some agencies directly involve OSP during the investigation. After the investigation is concluded to the satisfaction of the agencies involved, a copy of the investigative case file is delivered to OSP. OSP must then determine whether there is sufficient evidence to believe that the officer(s) committed a crime given the circumstances of their behavior and whether criminal charges are legally appropriate.

It is important to be clear about OSP's role: OSP makes a determination regarding criminal liability. The office makes no statements about the correctness of officer or citizen behavior, whether the actions taken were the most effective or morally appropriate given the circumstances, or whether the involved officers violated the department's applicable use-of-force policies. OSP does not examine whether civil liability may attach to the citizens' or officers' actions; OSP also does not typically review the behavior of officers who were killed in the line of duty for criminal liability.

Similarly, AJiC did not seek to determine whether officers used an appropriate amount of force, beyond reporting OSP's decision regarding criminal liability. We neither sought, nor conducted a thorough review of the tactics used, and we take no position on whether any of the incidents reviewed constituted excessive use of lethal force, either legally or in the more colloquial sense. While we believe this is likely the most important question regarding police officer use of lethal force, our purpose was more modest. We sought only to describe the available data and what it could tell us about these incidents.

DATA QUALITY ASSESSMENT

OSP's role in police officer use of potentially lethal force is to determine whether there is sufficient evidence to warrant charging the involved officers with a criminal offense. This focus is necessarily narrow – and is more narrow than what is required to fully describe incidents. Understandably, there are no objective standards or requirements for specific data elements that must be reported to OSP by the investigative agency.

Some variables have a high percentage of missing data, particularly when those variables are routinely legally irrelevant. This includes information about officer demographics (age, race, gender), officer tenure with current agency and other civilian agencies, officer and citizen military background, citizen alcohol and drug use, and whether officers had prior contact with citizens involved.

Some case processing details, such as when OSP received the officer use of lethal force incident file from the investigating agency, were also frequently not present in the casefiles. Much of this information may have been available from other sources. Our task, however, was to describe incidents using the information available in OSP's casefiles, and to describe the extent to which OSP casefiles could be used to fully describe the incident and persons involved. We were not attempting to build the most comprehensive record we could build from any and all sources.

DEFINITIONS

We collected information on incidents, citizens, and officers.

An *incident* was one case file forwarded to the Department of Law, Office of Special Prosecutions. Typically, this was one police-citizen encounter recorded by a law enforcement agency where at least one officer employed by a law enforcement agency (at the time of the deadly force incident) used deadly force in the course of their duties. An "incident" may include multiple locations, multiple citizens, multiple officers, and multiple uses of both non-lethal and lethal force.

Accidental automobile collisions that occurred outside the context of a larger police-citizen encounter are excluded. Incidents in which officers used deadly force but were themselves killed by citizens were also excluded when there were no surviving officers who used deadly force. This is understandable, given OSP's role is to review the incident for criminal liability on the part of officers.

A *citizen* was a person against whom the police used any level of force, including verbal threats of force, during a police-citizen encounter that resulted in deadly force. Citizens need not have had potentially deadly force used against them to be included in our data, but they must have been the target of some force (including verbal threats of force) by officers during a police-citizen encounter that resulted in deadly force. As we describe in other sections, the majority of incidents in our data involve a single citizen against whom deadly force was used.

An *officer* was a state-certified law enforcement officer employed by a state or municipal law enforcement agency in Alaska at the time of the deadly force incident who used or threatened to use any level of force against any citizen during a police-citizen encounter in which any officer used deadly force against any citizen. Use and threats of use of force included verbal threats to use force and/or holding any weapon regardless of whether the weapon was pointed, used, or fired at any citizen.

Our definition of *officer* required that the officer(s) have been involved in the chain of events leading to the deadly use of force. We excluded officers tasked with evidence collection, witness interviews, traffic control, or other administrative tasks not immediately connected to the chain of events leading to the use of deadly force. Also excluded are law enforcement officers and agents employed by federal law enforcement agencies. OSP typically does not review federal law enforcement officer lethal uses of force in Alaska.

DATA AVAILABILITY

Data elements were not always available in the casefiles we reviewed for this analysis. That was expected and is not an indication of the quality of information used by OSP for the purpose of determining criminal liability on the part of officers. Simply put, OSP's purpose did not require all of the information we were seeking. In analyses of administrative data, it is common for data elements to have low availability when the files were created for a purpose different from that of the researchers. Part of the scope of our project was determining what was available in the files and what was not.

We categorized the availability of data elements as full, high, fair, or poor. Full availability elements were present in all instances; there were zero missing instances of that data element. High availability meant there were some missing instances of that data element, but fewer than 20% were missing. Fair availability meant that between 20 and 39.9% of instances were missing that element. Poor availability data elements were missing in 40% or more instances.

We summarize availability below; full information is in the Appendix Table 15, Table 16, and Table 17.

Incident-Level Characteristics

Incident-level characteristics were generally fully available. The only characteristic with less than high availability was the date OSP received the file, which was missing for 46.7% of incidents. It is possible that other records within OSP contain this date, and the files made available to us omitted this date.

Citizen-Level Characteristics

Some citizen-level characteristics, such as name, race, whether the citizen was injured, and the nature and extent of the citizen's use or threats of force were always documented in OSP's casefiles. Other indicators were rarely missing, such as injury seriousness, injury weapon, and whether the citizen was charged with crimes as a result of the incident in which deadly force was used.

Our indicators of mental and behavioral health required some evidence in the file to be marked yes – and absence of that evidence was considered a no. This method resulted in high availability for these variables.

Citizen alcohol and drug use was measured differently. For alcohol and drug use, we did not assume that the lack of evidence meant that alcohol/drugs were not a factor. Alcohol and drug use required a negative mention in the file to be coded no, such as a negative toxicology screen. In more than a third of incidents, alcohol use simply was not mentioned in the casefile at all, one way or the other. In 40% of incidents, drugs were not mentioned, one way or the other. It may be that many of these incidents did not involve alcohol/drugs.

Details regarding criminal charges filed against citizens relating to the incident were not available at least 50% of the time. Arrest tracking numbers (ATN) were missing 50% of the time, and case numbers were missing 60% of the time. For both of these measures, the base was the number of citizens who were charged in the incident – those should therefore be interpreted as “given that the citizen was charged, was there documentation of the ATN or case number in the file?” The decision about whether charges should be filed against a citizen for actions of the citizen during the incident are determined by a District Attorney's Office, and not OSP. This may explain why charging information for citizens was frequently not present in OSP files reviewed by the research team.

Whether the citizen's criminal history (or lack thereof) was known to officers was not documented for 58% of citizens. Of these, 38 citizens had criminal history while 18 did not. Finally, the citizen's military history was very rarely documented.

We are certain that other sources would have at least some of this citizen information, but again our task was limited to the OSP casefile.

Officer-Level Characteristics

The availability of officer characteristics is complicated by the intersection of the purpose of OSP's review and our definitions. Recall that OSP's task is to determine if there is sufficient evidence to believe that officers who used deadly force committed one or more crimes and whether criminal charges are legally appropriate. Our definition of officer included officers who merely issued commands. These officers would often be less relevant to OSP's analysis, and we therefore should not expect to have complete information on these officers. We also included two police dogs (commonly called “K9s” by law enforcement) who were killed in the line of duty in two separate incidents, in an attempt to better capture the threat to officer safety.

Nearly all incidents involved one or more officers who fired a firearm (90 of 92 incidents). Officers who fired any firearm are therefore a reasonable proxy for officers who used deadly force. In the Appendix Table 17, we report on data availability for both all human officers (293 officers, total) and all human officers who fired a firearm (158 officers, total). In general, more information is available for officers who used a firearm.

Officer name, agency, injuries, and use of weapons were always available. Officer rank and duty assignments were nearly always available, and whether the officer was in uniform at the time of the incident also had high availability.

Officer demographics were frequently missing. Officer date of birth (and therefore age) was missing for more than half of all officers and more than a third of officers who used a firearm. Officer sex and race are both missing more frequently for all officers than for officers who used a firearm. Still, even among officers who used firearms, 12.7% were missing officer sex and more than a third (34.8%) were missing officer race.

The extent of the officer's law enforcement experience with their current agency and with other agencies was missing more frequently than it was present for both all officers and only those officers who used a firearm. Officer military experience was also rarely available.

The officer's weapon use was nearly always available, as was the officer's use of verbal commands or threats, but whether the officer had prior contact with the citizens involved was rarely documented. Even for officers who used a firearm, whether the officer had prior contact with the citizen was not documented nearly 70% of the time.

DATA QUALITY SUMMARY

OSP's casefiles contain enough information to serve their intended purpose (determination of whether criminal charges against officers are appropriate). We again stress that we were attempting to use OSP's casefiles for a purpose they were simply not meant to serve – many of the variables we were interested in examining were not often legally relevant.

Nevertheless, the extent of missing data limits what we can report elsewhere in this report. We cannot, for example, describe the number of years of law enforcement and/or military experience officers had prior to the use of lethal force incident. Nor can we reasonably report on officer age or race due to the high proportion of missing data.

Some characteristics of interest to the research team – such as citizen mental and behavioral health and alcohol/drug use – are likely to be mentioned in the investigative casefiles only when they are obviously present. Determining the extent to which these characteristics are present, even when not obvious, is difficult. From the information available to us, when there is no documentation of mental health issues, we cannot differentiate between (a) non-existent mental health issues versus (b) there being no mental health issues documented in the casefile.

Overall, readers are cautioned that characteristics that are not legally relevant to OSP's analysis are less likely to be documented in the casefiles available to the research team, and therefore are less likely to appear in this report.

OFFICER USE OF LETHAL FORCE IN ALASKA 2010 – OCT 2020

We collected information on incidents, citizens, and officers from casefiles used by the Department of Law, Office of Special Prosecutions to make a determination of criminal liability on the part of officers. There were 92 incidents, 100 citizens, and 295 officers (including two police dogs) involved in officer lethal use of force incidents from January 2010 through October 2020. See the prior section for complete definitions of incident, citizen, and officer.

INCIDENTS

Location of Incidents

Table 1 shows the geographic distribution of officer lethal use of force incidents in Alaska from 2010 to October 2020. A third of incidents (33.7%) occurred in Anchorage. More than half of all incidents (52.1%) occurred outside of the three largest population centers: Anchorage, Fairbanks, and Juneau.

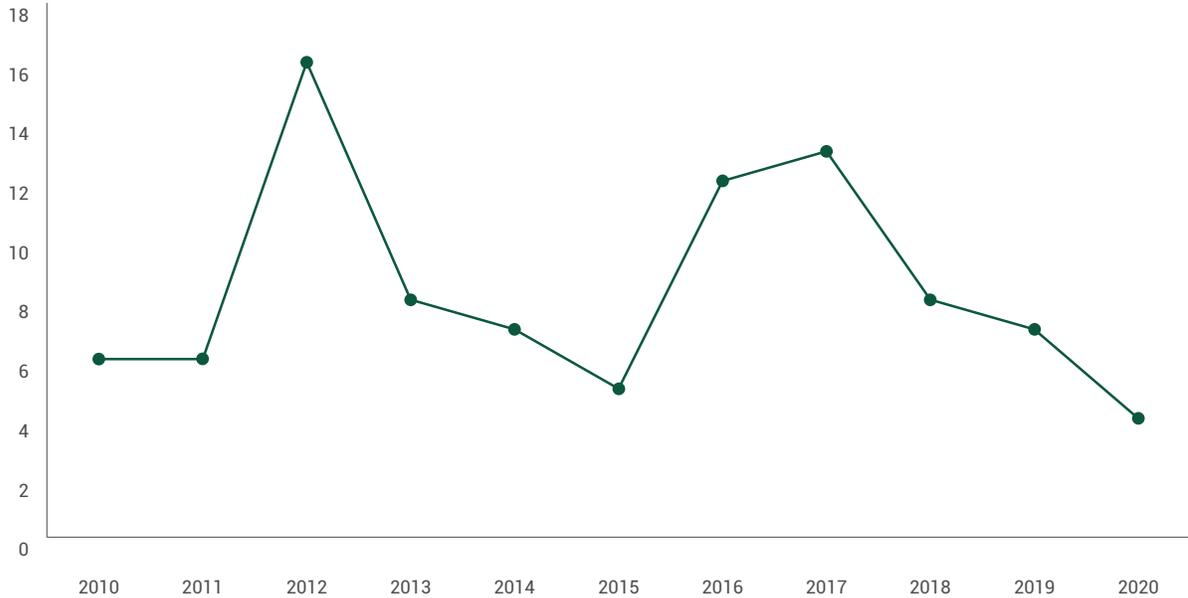
Table 1: Geographic Distribution of Officer Use of Lethal Force Incidents in Alaska 2010-2020

| LOCATION | COUNT | PERCENT OF INCIDENTS |
|---|-----------|----------------------|
| Anchorage | 31 | 33.7% |
| Fairbanks | 10 | 10.9% |
| Palmer | 5 | 5.4% |
| Wasilla | 4 | 4.3% |
| Juneau | 3 | 3.3% |
| Bethel | 2 | 2.2% |
| Barrow | 2 | 2.2% |
| Big Lake | 2 | 2.2% |
| Other towns and villages | 23 | 25.0% |
| Outside of a town/city or along a highway | 10 | 10.9% |
| TOTAL | 92 | |

Distribution of Incidents by Year

The distribution of officer lethal use of force incidents in Alaska is displayed in Figure 1. Excluding 2020 due to lack of data for that complete calendar year, there was an average of 8.8 officer use of lethal force incidents per year from 2010 through 2019. There were nearly twice the average number of incidents in 2012 (16 incidents) and both 2016 and 2017 exhibited a high number (12 and 13 respectively).

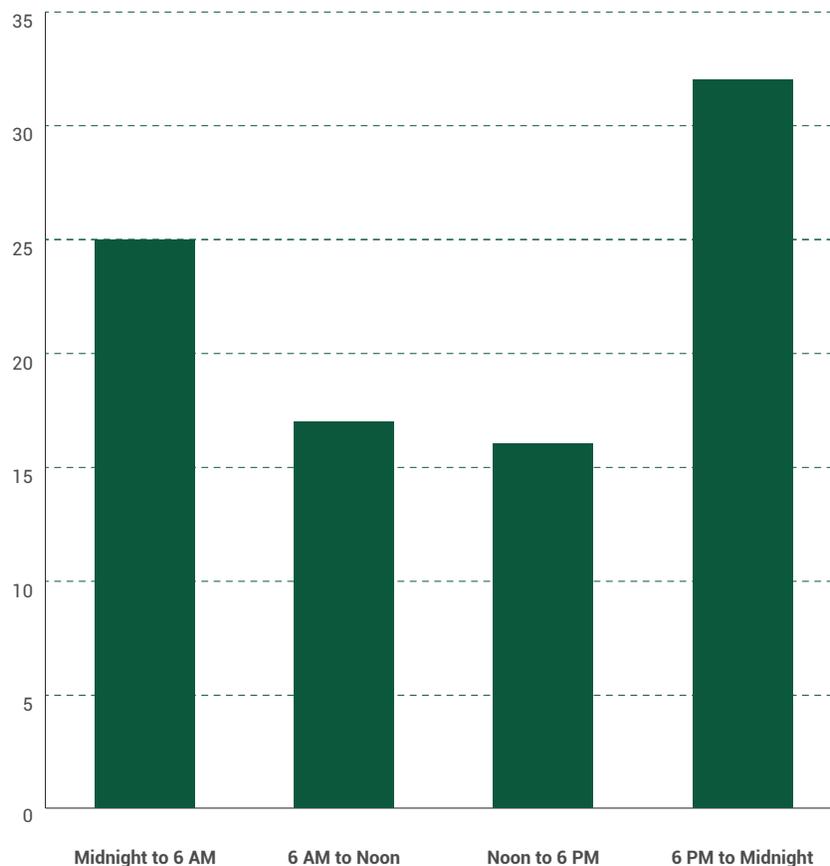
Figure 1: Number of Officer Lethal Use of Force Incidents in Alaska by Year, 2010 – Oct 2020 (n=92)



Distribution of Incidents by Time of Day

Figure 2 shows the distribution of officer use of lethal force incidents by time of day with the exception of two incidents for which time of occurrence was unknown. Times of day were categorized into six-hour periods. Most events (57 out of 92 or 62%) occurred during typical nighttime hours (6 pm to 6 am) as opposed to daytime (6 am to 6 pm). In particular, 6 pm to midnight was the time slot during which the plurality of incidents occurred (34.8%).

Figure 2: Number of Officer Lethal Use of Force Incidents in Alaska By Time of Day, 2010 – Oct 2020 (N=90)



Incident Characteristics

Most incidents (92.4%) involved a single citizen. Half of all incidents involved one (21.7%) or two (28.3%) officers who used any level of force. Incidents were initiated by citizens 72 out of 92 times (78.3%) and officers 20 out of 92 times (19.6%). A citizen-initiated encounter typically involved police officers responding to a citizen request for assistance, such as a 911 call regarding a domestic disturbance. Police-initiated encounters, on the other hand, were initiated without a citizen request. Examples of police-initiated encounters include traffic stops and the execution of search warrants.

Table 2 shows the initial incident type. Traffic indicates an incident initiated by a traffic stop, Disorder/ Disturbance is typically a citizen-initiated encounter where officers are called to a disturbance such as a suspicious person, argument, or noise complaint. Property crime and Violent Crime are incidents initiated by the investigation of specific crime types. Warrant / Writ Service incidents are those that occur

as a result of officers serving court documents or someone noticing a wanted citizen. Mental health / Wellness check incidents are instances of a citizen or another person calling emergency services requesting officers respond to a situation in which a citizen is potentially suicidal or acting in a manner that indicates they are experiencing an acute mental health crisis.

Table 2: Initial Incident Type

| INCIDENT TYPE | COUNT | PERCENT OF INCIDENTS |
|--------------------------------|-----------|----------------------|
| Traffic | 15 | 16.3% |
| Disorder / Disturbance | 19 | 20.7% |
| Property Crime | 11 | 12.0% |
| Violent Crime | 38 | 41.3% |
| Warrant / Writ Service | 6 | 6.5% |
| Mental health / Wellness Check | 3 | 3.3% |
| TOTAL | 92 | |

Timing of Officer Use of Lethal Force

Table 3 shows the phase of the incident when lethal force was used against the citizen. Nearly half (47.8%) of all incidents occurred after officers arrived, but before attempting an arrest. This category is described as after at least two verbal exchanges between officer(s) and citizen or more than two minutes after arrival but prior to any attempt to arrest the citizen. When combined with immediately on officer arrival, officers used lethal force before attempting an arrest in 61 out of 92 incidents – 66.3% of all incidents.

Table 3: Phase of Incident When Force Was Used

| PHASE | COUNT | PERCENT OF INCIDENTS |
|---------------------------------|-----------|----------------------|
| Immediately on officer arrival | 17 | 18.5% |
| After arrival but before arrest | 44 | 47.8% |
| During arrest | 9 | 9.8% |
| Upon subject fleeing | 21 | 22.8% |
| Other/Unknown | 1 | 1.1% |
| TOTAL | 92 | |

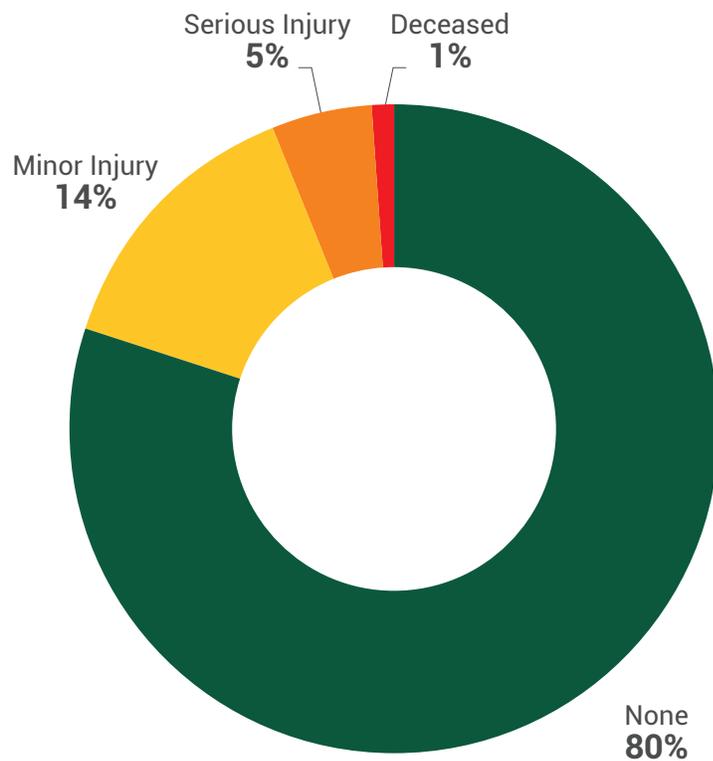
Bystander Injuries

Bystanders are those who are not immediately involved in the police-citizen encounter. Bystanders may be victims of the citizen involved in the police-citizen encounter, or they may be entirely unrelated persons who were incidentally injured. One or more bystanders were injured in 19.6% of incidents (18 of 92). Most bystander injuries were caused by citizens rather than police (17 out of 18). One incident involved a bystander injured by only an officer, and in one incident a bystander was injured by both a citizen and an officer.

While most bystander injuries were not life-threatening, one bystander died as a result of their injuries. Regarding the method of injury, hand-to-hand fighting was the most common method, accounting for eight injuries. Firearms accounted for five injuries, melee weapons accounted for four injuries, and other weapons caused two injuries.

Figure 3 shows the outcomes of those 19 incidents.

Figure 3: Bystander Injury Seriousness Resulting from Officer Use of Lethal Force Incidents



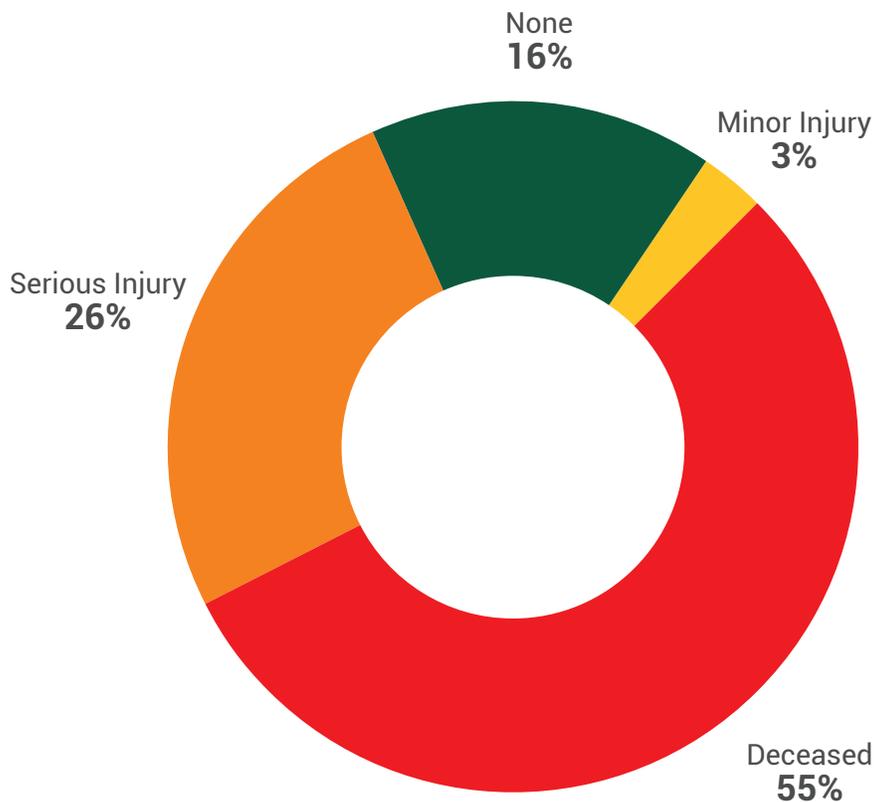
CITIZEN VARIABLES

In this report, a citizen is any person against whom police used any level of force, including verbal threats of force, during a police-citizen encounter that resulted in deadly force. AJiC collected data for all citizens, regardless of whether they were the target of lethal force. For example, a passenger in a vehicle would be included in our data, even when the primary target of potentially lethal force was the driver. Even so, more than 90% of incidents involved just one citizen.

Citizen Injuries

Injury seriousness was available for all but one citizen. More than half (55%) of citizens involved in officer lethal use of force incidents were killed. More than a quarter (26%) suffered a serious injury; a small number (3%) suffered minor injuries. The remainder (16%) suffered no injuries. Firearms were involved in the vast majority of injuries (82), other weapons accounted for one injury. Figure 4 shows the distribution of citizen injury seriousness.

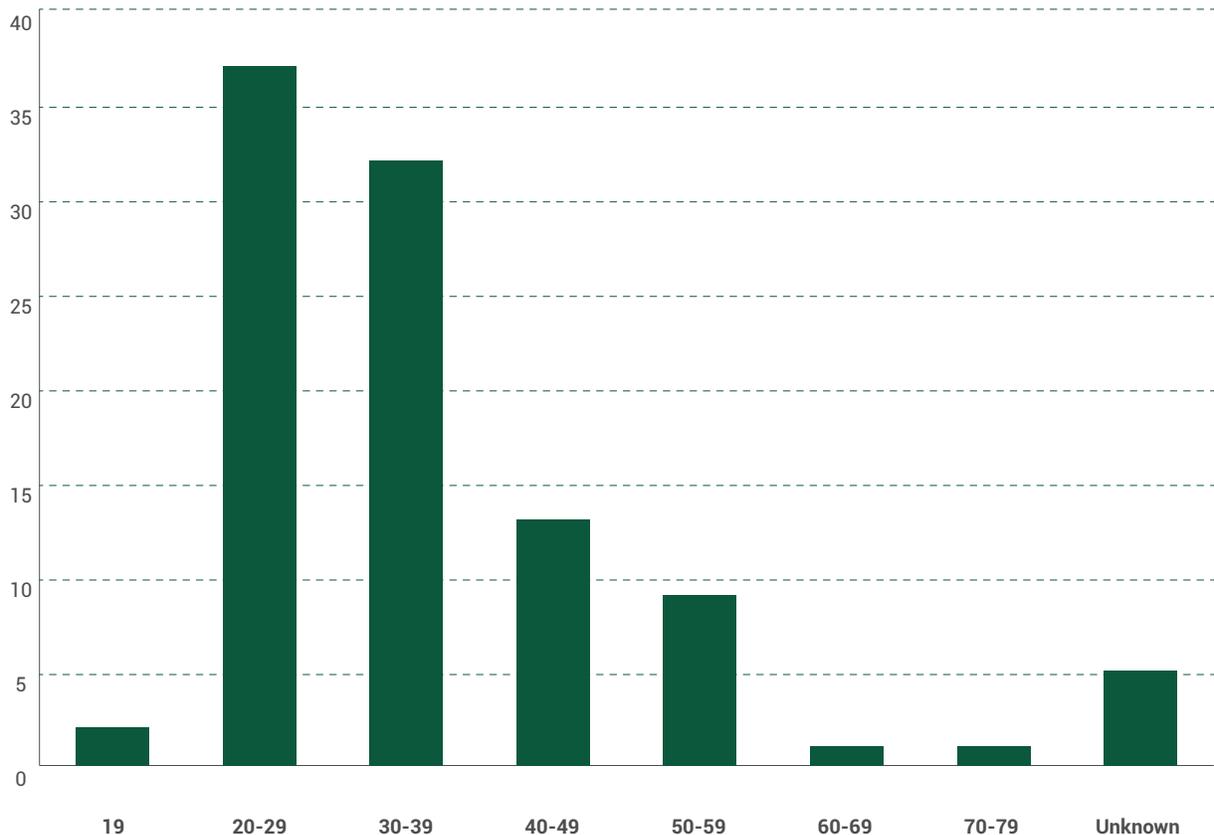
Figure 4: Citizen Injury Seriousness Resulting from Officer Use of Lethal Force Incidents



Age

Citizens ranged from 19 to 75 years old with an average of 34.3 years. More than two-thirds of citizens (69%) were in their 20s or 30s. Citizens' age distribution is shown in Figure 6.

Figure 5: Distribution of Citizens' Age



Sex

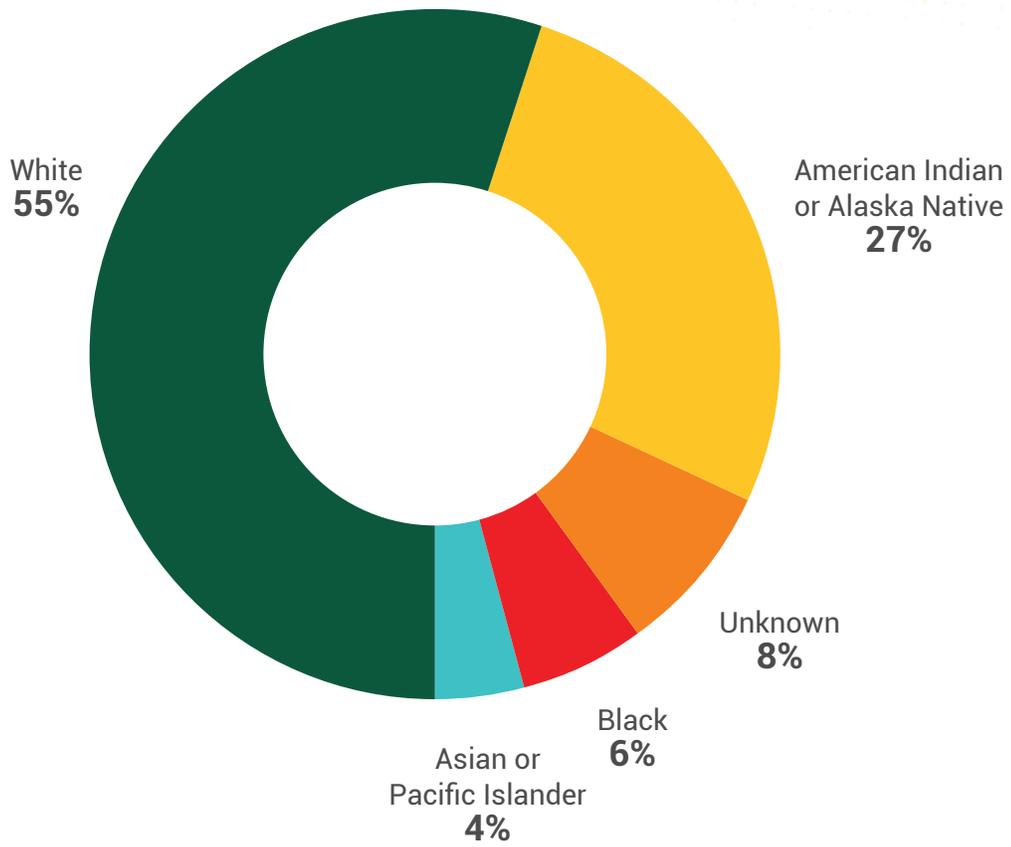
The vast majority of citizens involved in officer use of lethal force incidents were males (91%), and 5% were female. A small percentage of citizen sex (4%) was unknown.

Race

A majority of citizens involved in officer use of lethal force incidents were white (55%). Just over a quarter of citizens (27%) were American Indian or Alaska Native, six percent were Black, and four percent were Asian or Pacific Islander. Relative to the overall population of Alaska, Asians or Pacific Islanders and White were under-represented. American Indians or Alaska Natives and Blacks were involved as citizens in officer use of lethal force incidents nearly double their overall representation in Alaska's population.⁹ Citizen's race distribution is shown in Figure 6.

⁹ Population data averaged over the years 2010-2019, using population estimates from the Alaska Department of Labor and Workforce Development at <https://live.laborstats.alaska.gov/pop/>. The average percent White was 66.7%, American Indian or Alaska Native was 15.2%, Black was 3.6%, and Asian or Pacific Islander was 7.3%.

Figure 6: Race of Citizens in Officer Use of Lethal Force Incidents



Mental and Behavioral Health

For the purposes of this report, we defined mental illness as any indication of any psychiatric or psychological dysfunction. Our measures did not require medical diagnoses and included any evidence in the investigative casefile of suicidal ideation, manic or psychotic episodes, delusion, or evidence that the citizen was in any state that significantly distorts or disrupts their processing of objective reality, including when such a state is caused by the ingestion of drugs. While our definition is quite broad, in many instances, these factors were not legally relevant for the analysis OSP provides. It is possible that there were incidents with indicators of mental illness but those indicators were not obvious to officers or were not documented in the case file.



More than two-thirds (68.5%) of incidents involved at least one citizen who showed one or more indicators of mental illness. We coded the first instance of any on-scene officer becoming aware of citizen mental illness as documented in the casefile. Due to the chaotic nature of many incidents, some officers could know of mental illness while others were not aware of mental health involvement. Table 4 describes the phase during which on-scene officers discovered citizen's mental illness.

68.5% OF INCIDENTS INVOLVED A CITIZEN WITH A MENTAL ILLNESS

Prior to the application of lethal force, officers were aware of mental health involvement in slightly more than one in five incidents (22.8%). In half of incidents involving a citizen with an indicator of mental illness, officers were not aware of the citizen's mental illness until after application of potentially lethal force (35.9% of all incidents). For these incidents, evidence of mental illness was discovered during the investigation phase but there was no documentation that officers who were involved in the incident were aware of possible mental illness issues.

Table 4: Earliest Phase of Incident When Responding Officers Suspected Mental Illness of Suspect

| EARLIEST PHASE OF INCIDENT WHEN OFFICERS DISCOVERED MENTAL ILLNESS | COUNT | PERCENT OF INCIDENTS |
|--|-------|----------------------|
| Before Use of Lethal Force | 21 | 22.8% |
| During Use of Lethal Force | 9 | 9.8% |
| After Use Of Lethal Force (includes investigation phase) | 33 | 35.9% |
| No mental Illness | 29 | 31.5% |

Officers were made aware of citizens' mental illness in various ways during each phase of the incident. Mental health involvement could become known to officers because a citizen told officers, because officers had prior history with the citizen, because other people told the officers of mental health issues, or due to officer observation. In some incidents, multiple methods of discovery were present, and it was often difficult to determine which discovery method occurred first from the information available.

Table 5 shows the phase of incident by method of discovery. Categories in Table 5 are not mutually exclusive; some incidents have multiple phases and multiple methods of discovery. Two facts are clear from the table. First, it was rare for an officer to know of a citizen's mental illness due to prior history with the citizen. This was documented just once in the case files reviewed for analysis. Second, by far, the most common discovery method was another person telling officers of the citizen's mental state – and this frequently occurred after the use of force.

Table 5: Phase of Incident by Method of Discovery of Mental Illness

| PHASE OF INCIDENT | HOW OFFICERS LEARNED OF MENTAL ILLNESS INVOLVEMENT | | | |
|----------------------------|--|--|----------------------------|---------------------|
| | CITIZEN TOLD OFFICERS | OFFICER HAD PRIOR HISTORY WITH CITIZEN | OTHER PERSON TOLD OFFICERS | OFFICER OBSERVATION |
| Before lethal use of force | 8 | 1 | 14 | 6 |
| During lethal use of force | 7 | 0 | 1 | 3 |
| After lethal use of force | 9 | 0 | 25 | 1 |

Note: Categories are not mutually exclusive; multiple discovery methods at multiple points in time are possible.

The available information in the case files did not generally allow us to separate various diagnoses. The sole exception was suicide. This phenomenon, commonly referred to as suicide-by-cop, has been studied in the criminological and public health literature for decades.¹⁰ The single most common indicator of mental illness was a citizen's wishes that officers end the citizen's life. This was so common and so clear in initial reviews of case files during pilot testing our methods that we added items specifically to capture suicide.

AJiC's coding rules required documentation in the casefile that the citizen made unambiguous statements regarding their wishes. Our measure does not include officers or others hypothesizing about the cause of a citizen's behavior. There had to be at least one clear, unambiguous statement made by the citizen to either officers directly or someone close to the citizen (typically revealed in interviews after the incident) that clearly indicated the citizen's intentions.

¹⁰ For more information on research about suicide by cop, see, e.g.:
<https://doi.org/10.1111/j.1556-4029.2008.00981.x>
[https://doi.org/10.1016/S0196-0644\(98\)70064-2](https://doi.org/10.1016/S0196-0644(98)70064-2)
<https://doi.org/10.1520/JFS14690J>

In our data, 33 out of 92, or just over one-third of all incidents involved a citizen who indicated to at least one person that they wished to commit suicide-by-cop. This category of mental illness indicator made up about half of all mental illness in the sample.

Even though the information available to the research team was limited, we were able to determine that these incidents often posed substantial challenges for both officers and citizens. The citizen displayed, threatened/attempted to use, or actually used a firearm in 70% of suicide-by-cop incidents (23 incidents). In the majority of suicide-by-cop incidents, officers on-scene were not aware of the citizen's intentions prior to using lethal force. In 30% of incidents where the citizen desired to use the police as a weapon to commit suicide (10 incidents), officers were aware of the citizen's suicidal intentions prior to the application of lethal force. In all but one of these incidents, the citizen displayed, threatened, attempted to use, or used a firearm.

Our data source does not allow comprehensive measurement of the extent to which involved citizens were able to seek and receive relevant psychiatric care; these are details that are frequently not legally relevant and are therefore not documented during the investigation. Even so, in several incidents, family members interviewed by police after an incident spontaneously discussed failed attempts to get psychiatric help for the citizen.



**SUICIDE BY COP
ACCOUNTED FOR 36%
OF ALL OFFICER USE OF LETHAL
FORCE INCIDENTS.**

Drug and Alcohol Use

We measured drug and alcohol use in multiple ways, including blood tests, citizen observations (where another person tells an officer that the citizen in question used drugs or drank alcohol), or observation by the officer (either direct observation of drug/alcohol use, scent of alcohol on the breath, or observation of behavior consistent with intoxication).

More than a quarter (27.2%) of incidents simply did not mention drugs and alcohol – there was no indication of whether alcohol and/or drugs played a role at all. It is possible that in some of those incidents drugs and/or alcohol were contributing factors but were not mentioned in the case file. Still, drug and alcohol use were commonly documented in the casefile, with over two-thirds of incidents (68.5%, 63 incidents) involving one or more citizens who had used drugs and/or alcohol.

The most common drug involved was alcohol. One-third (33.7%, 31 incidents) of incidents involved one or more citizens with suspected or confirmed alcohol intoxication. Twenty citizens had blood-test confirmed¹¹ BAC levels, the average of which was .164, over twice the legal limit for driving in the state.

¹¹ In other incidents where there was no blood test or toxicology report, there were clear indicators of alcohol intoxication, such as the citizen admitted to alcohol use or officers noted a breath odor of alcohol.

Table 6 shows the cross-tabulation of alcohol and any drugs other than alcohol. In approximately half of incidents with alcohol intoxication, other drugs were also involved (16 incidents).

Table 6: Drug Use by Alcohol Use

| DRUGS OTHER THAN ALCOHOL | ALCOHOL | | | TOTAL |
|--------------------------|-------------|-----------------|-----|-------|
| | NOT TESTED* | NO [†] | YES | |
| Not tested* | 25 | 0 | 7 | 32 |
| No [†] | 0 | 4 | 8 | 12 |
| Yes | 5 | 27 | 16 | 48 |
| TOTAL | 30 | 31 | 31 | 92 |

Notes:

*Not tested means there was no evidence in the file of drug and or alcohol intoxication and no toxicology results.

†No means there were negative toxicology results or other evidence of no drug/alcohol involvement, such as a notation in an officer report that alcohol/drugs were not involved.

There was evidence of citizen drug use other than alcohol in about half of all incidents (52.2%, 48 incidents). The most common drug other than alcohol was methamphetamine or amphetamine, occurring in 28.3% of all incidents (26 of 92 incidents), closely followed by marijuana (25 out 92 incidents or 27.2%). Other drugs were less common (see Table 7). In only 4 incidents were all citizens confirmed to have no drugs in their system with negative toxicology results, but in an additional 25 incidents neither drugs nor alcohol were mentioned in the casefile.

Table 7: Citizen Drug Use

| DRUG TYPE | COUNT | PERCENT OF INCIDENTS |
|--|-------|----------------------|
| Alcohol | 31 | 33.7% |
| Methamphetamine/Amphetamine | 26 | 28.3% |
| Marijuana | 25 | 27.2% |
| Opiates/Opioids | 10 | 10.9% |
| Other | 10 | 10.9% |
| Crack/Cocaine | 1 | 1.1% |
| Toxicology report negative for all drugs | 4 | 4.3% |
| No drug or alcohol testing information in file | 25 | 27.2% |

Note: Citizens could be intoxicated by multiple drugs simultaneously.

Crime Suspicion and Criminal History

In our data collection, criminal suspicion included indicators that the citizen was actively wanted for suspicion of crimes committed prior to the incident that resulted in police using lethal force. Criminal suspicion included the citizen having open warrants, matching the description of a wanted person, violations of parole, or violations of domestic violence protective orders. We coded the presence of suspicion of other crimes and whether there was any indication that any officer on scene was aware of that suspicion prior to the use of lethal force.

Nearly two-thirds of officer use of lethal force incidents (65.2%, 60 incidents) involved a citizen who was suspected of criminal behavior prior to the incident in which lethal force was used by police. One in five incidents (21.7%, 20 incidents) involved citizens with one or more open warrants; in half of those incidents (11 incidents) officers were aware of the open warrant(s) prior to the use of force. In over forty percent of incidents (43 incidents, 46.7%) one or more citizens matched the description of a suspect wanted for prior crimes. This includes five incidents in which citizens both matched the description of a suspect and had open warrants.

The nature of citizen criminal suspicion is described in Table 8.

Table 8: Citizen's Criminal Suspicion

| NATURE OF SUSPICION | COUNT | PERCENT OF INCIDENTS |
|--|-------|----------------------|
| Matched description of a suspect | 43 | 46.7% |
| Open warrants <u>known</u> to officers | 11 | 12.0% |
| Open warrants <u>unknown</u> to officers | 9 | 9.8% |
| Other suspicion | 2 | 2.2% |
| No suspicion | 32 | 34.8% |

Note: Citizens can have more than one type of criminal suspicion

The incident case file included a criminal history report for 57% of citizens (57 of 100 citizens). We searched the publicly-available CourtView records for 41 citizens to determine criminal history. For two citizens, the case files did not include criminal history and also did not include the date of birth; we were unable to determine criminal history for these two citizens.

More than four out of every five incidents (76 incidents or 82.6%) involved citizens with a criminal history as reported by APSIN (when included in the file) or CourtView. We found no indication that officers were aware of the citizen's criminal history in most incidents. Just 11 incidents included documentation that officers were aware of the citizen's criminal history prior to the lethal use of force.

The most common type of criminal history was a misdemeanor history of violence. Table 9 shows the seriousness of criminal history by whether it included crimes of violence. There were 25 incidents that involved one or more citizens with a misdemeanor history of violence. Non-violent felonies were nearly as common, followed by violent felonies.

Table 9: Criminal History of Citizens by Seriousness and Violence

| SERIOUSNESS | NON-VIOLENT | VIOLENT | TOTAL |
|--------------------|-------------|---------|-------|
| Misdemeanor (only) | 13 | 25 | 38 |
| Felony | 22 | 18 | 40 |

Note: Incidents do not sum to the total number of incidents involving citizens with a criminal history due to a small number of incidents involving citizens with differing criminal histories.

Citizen Resistance And Weapon Use

Every case file contained evidence of active resistance or an active public safety threat by one or more citizens.

Citizen threats (verbal threats to use weapon), attempts (reaching for or unholstering weapon but not using it), and uses (firing, slashing, etc.) of various types of weapons were common. Just two incidents did not involve the immediate use of a weapon. In one of these incidents, the citizen failed to yield to a police officer, brandished a firearm, and drove a vehicle on the wrong side of a highway at high speed. In the other incident without the immediate use of a weapon, a police officer fired a warning shot into the air to stop a citizen from fleeing.

We collected information on the targets of citizen weapon use and the type of weapon used. Some incidents include multiple weapon types. Multiple targets were more common than multiple weapon types.

Firearms were the most common weapons used by citizens. In three out of five incidents (57 incidents, 62.0% of incidents) in these data, citizens either displayed, threatened, attempted to use, or used a firearm. When citizens threatened, attempted to use, or used a firearm, police officers were the most common target. In 51 incidents (55.4%), citizens threatened, attempted to use, or used a firearm against officers – and in 21 incidents (22.8%), citizens used (fired) a firearm against officers.

Citizens used firearms less frequently against other persons. Twenty-two incidents (24%) included the threat, attempt, or use of a firearm against another citizen. Thirteen incidents included one or more citizens who threatened, attempted to use, or used a firearm against themselves. In nearly all of the self-harm incidents, the citizen also threatened other people or officers. Just one self-harm incident involving a firearm included only self-harm without threats, attempts, or use of a firearm against other persons. As shown in Table 10, the second most common weapon used by citizens were vehicles. Note, however, that citizens can use multiple weapons in an incident – and in more than half (10) of the incidents where vehicles were used as weapons, firearms were used as well.

Table 10: Weapons Used in Incidents

| WEAPON TYPE | COUNT OF INCIDENTS |
|---------------------------------|--------------------|
| Firearm | 57 |
| Vehicle | 18 |
| Knives and other bladed weapons | 14 |
| Other weapons | 5 |
| Blunt objects | 7 |
| Simulated weapons | 3 |

Note: Counts do not sum to the total number of incidents; multiple weapons were used in some incidents.

OFFICERS INVOLVED

An officer in this data is a law enforcement officer employed by a law enforcement agency in Alaska at the time of the officer's use of lethal force incident who used or threatened to use any level of force against any citizen during a police-citizen encounter, including verbal threats of force. We also included two K9s (police dogs) as officers in our analysis. Our analysis therefore includes officers who were present at the time of the use of force but who did not use lethal force.

We collected data only on officers who were involved in the chain of events that led to the use of lethal force. Officers tasked with evidence collection, witness interviews, traffic control, prisoner transport, and other administrative tasks not immediately connected to the chain of events that gave rise to the use of lethal force are excluded.

Number of Officers

A total of 295 officers were involved in the 92 incidents. This includes two K9s (police dogs) who were killed in the line of duty during the incident and 158 officers who fired a firearm during the incident. The typical number of officers involved was one or two. Half of the 92 incidents involved either one officer (25.0% of incidents) or two officers (30.4% of incidents). Only 25% of incidents involved more than four officers.

Agency of Employment

Table 11 shows the agencies of employment of officers who used any level of force in included incidents. Three-quarters of incidents involved either the Alaska State Troopers or Anchorage Police Department (and in one incident, both agencies). More incidents involved the Alaska State Troopers than any other agency (46.7% of all incidents). More than a quarter of incidents involving one or more Alaska State Troopers (12 incidents) also included another agency. More than half of the incidents involving one or more officers from the Wasilla Police Department also included one or more Alaska State Troopers. More than a third of incidents involving the Fairbanks Police Department also included one or more Alaska State Troopers. The Homer Police Department, Kotzebue Police Department, Palmer Police Department, and UAF Police Department were also involved in single incidents that also involved one or more Alaska State Troopers. The Anchorage Police Department was involved in 31.5% of all incidents, with one of these also involving an Alaska State Trooper.

Table 11: Officer Agency

| SINGLE-AGENCY INCIDENTS | | COUNT |
|--|-----------------------------|-------|
| Alaska State Troopers | | 31 |
| Anchorage Police Department | | 28 |
| Fairbanks Police Department | | 5 |
| Juneau Police Department | | 3 |
| North Slope Borough Police Department | | 3 |
| Wasilla Police Department | | 3 |
| Bethel Police Department | | 2 |
| Anchorage Airport Police Department & Fire | | 1 |
| DOC (Parole & Probation) | | 1 |
| Dillingham DPS | | 1 |
| Petersburg Police Department | | 1 |
| Seward Police Department | | 1 |
| MULTIPLE-AGENCY INCIDENTS | | |
| Alaska State Troopers | Wasilla Police Department | 4 |
| Alaska State Troopers | Fairbanks Police Department | 3 |
| Alaska State Troopers | Anchorage Police Department | 1 |
| Alaska State Troopers | Homer Police Department | 1 |
| Alaska State Troopers | Kotzebue Police Department | 1 |
| Alaska State Troopers | Palmer Police Department | 1 |
| Alaska State Troopers | UAF Police Department | 1 |

Officer Rank and Duty Assignment

The typical officer use of lethal force incident involved a patrol officer as the highest-ranking on-scene officer (52.2% of all incidents). Nearly one in three included a sergeant—this is typically an officer who supervises a number of patrol officers and has a higher level of experience. Nearly twenty percent (18.5%) of incidents involved an officer who held ranks above sergeant, such as lieutenant, captain, deputy chief, or chief.

Table 12: Highest Rank of Responding Officers

| OFFICER RANK | NUMBER OF INCIDENTS | PERCENT OF INCIDENTS |
|----------------------|---------------------|----------------------|
| Line-level Patrol | 48 | 52.2% |
| Sergeant | 27 | 29.4% |
| Higher than sergeant | 17 | 18.5% |

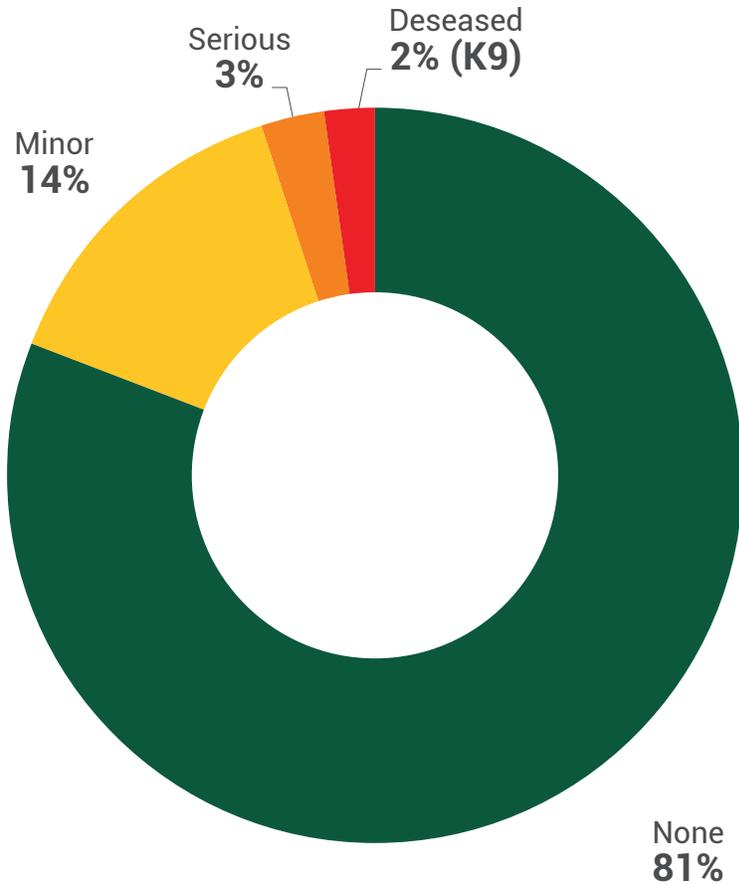
Three-quarters (73.9%, 68 incidents) involved only officers with a primary duty assignment of patrol (including two incidents with K9 officers). Eleven incidents (12.0%) involved one or more Special Emergency Reaction Team or Special Weapons And Tactics (SERT/SWAT) officers while acting in their SERT/SWAT capacity. SERT/SWAT officers have specialized training to respond to high-risk situations. In Alaska, SERT/SWAT is often an additional voluntary assignment, in which case officers have other primary duty assignments. Officers were noted as SERT/SWAT only when interviews and/or other materials in the file confirmed the officer had SERT/SWAT training, experience, and was deployed in a SERT/SWAT capacity at the time lethal force was used.

SERT/SWAT incidents are typically different from non-SWAT incidents in a number of ways, many of which were not captured in our data. In our data, the primary difference was that a greater number of responding officers were present on scene in SERT/SWAT incidents. On average, a SERT/SWAT incident had 6.5 officers; a non-SERT/SWAT incident had 2.8 officers on average.

Officer Injury

Figure 7 shows the distribution of seriousness of injuries incurred by officers during incidents in which potentially lethal force was used by officers. Officers were injured in 18 incidents (19.6% of all incidents). In one of these incidents, two officers were injured. No human officers were killed in these incidents, but two police dogs were killed in two separate incidents.¹²

Figure 7: Seriousness of Officer Injury (percent of incidents)



¹² There were other incidents throughout Alaska during the study period (January 2010 through October 2020) in which law enforcement officers were killed in the line of duty. Those incidents, however, were not reviewed by OSP for criminal liability on the part of officers and therefore do not appear in our data.

Firearms were the most common weapon used to injure officers. Eight officers were injured by firearms in seven incidents. Half of these injuries were not life-threatening. Two officers were seriously injured by firearms; two K9s (police dogs) were killed by firearms. Five officers were injured by vehicles (all non-life-threatening injuries). Four officers were injured in hand-to-hand combat, one with life-threatening injuries. Other weapons caused minor injuries to two other officers.

Deadly Force Used by Officers

Officers used firearms in all but two incidents. Sidearms (pistols) were the predominant firearm used in officer use of lethal force incidents – at least one officer used a sidearm in 70.7% of incidents. In 47 incidents (51.1% of all incidents), a sidearm was the only firearm used. Verbal commands or threats to the citizen were used in 88 out of the 90 incidents in which an officer used a firearm.

Firearms were not used in only two incidents. In one of those incidents, the officer used a hand-to-hand compliance hold as well as a TASER. In the other incident, the citizen gained control of the officer's firearm and committed suicide with the officer's weapon in a suicide-by-cop related incident. Detailed firearms data is displayed in Table 13.

Table 13: *Firearm Types Used by Officers*

| FIREARMS | NUMBER OF INCIDENTS | PERCENT |
|-----------------|----------------------------|----------------|
| Sidearm | 65 | 70.7% |
| Patrol Rifle | 35 | 38.0% |
| Shotgun | 6 | 6.5% |
| None | 2 | 2.2% |

Other Uses of Force

Nearly all incidents (89 incidents, 96.7% of all incidents) included at least one officer who issued verbal commands, verbal threats of deadly force, or verbal threats of less-lethal force.

Hand-to-hand techniques such as compliance holds were rarely used in lethal use of force incidents, occurring in just five incidents (5.4% of incidents). In four of those five, a firearm was also used at some point by at least one officer. There were no incidents where hand-to-hand techniques were the only force used by officers.

We collected whether less-lethal weapons were used, but our data cannot be used to determine the effectiveness of less-lethal weapons. By definition, our data includes only potentially fatal encounters that were reviewed for the officers' criminal liability by OSP. Incidents in which less-lethal weapons were successfully deployed and caused only minor injuries were not routinely reviewed by OSP.

Less-lethal weapons (pepper spray or mace, conducted electrical weapons such as TASERs, bean bag rounds, batons) were used by one or more officers in more than a quarter of incidents (27 incidents, 29.3% of incidents). In most of these incidents (24 incidents) only one type of less-lethal weapon was used.

Conductive electrical weapons (TASERs) were the most common less-lethal weapon, used in 15 incidents (16.3%) and displayed but not used in an additional three incidents (3.3%). Pepper (OC) spray or mace was used in five incidents (5.4%). Beanbag rounds were also used in five incidents, and a weapon that fired beanbag rounds was displayed but not fired in one additional incident. Other less-lethal weapons were used in three incidents and were displayed in one additional incident.

Table 14: Officer Use of Less-lethal Weapons

| LESS-LETHAL WEAPONS | NUMBER OF INCIDENTS | PERCENT OF INCIDENTS |
|---------------------|---------------------|----------------------|
| Taser | 15 | 16.3% |
| Pepper Spray / Mace | 5 | 5.4% |
| Bean Bag / ARWEN | 5 | 5.4% |
| K9 | 5 | 5.4% |
| Baton | 1 | 1.1% |
| Other | 3 | 3.3% |
| None | 65 | 70.7% |

Note: More than one less-lethal weapon was used in three incidents

SUMMARY

This project had two purposes. First, we sought to assess the extent to which existing OSP case files could be used to build a comprehensive data collection platform regarding incidents in which Alaska police officers use deadly force. Second, we sought to describe these incidents with the information available.

Overall, our work suggests that OSP's casefiles contain more than enough information to make the determination OSP is tasked with making – that is, is there sufficient evidence to warrant charging an officer with a criminal offense under Alaska law and are criminal charges legally appropriate given the circumstances? OSP's casefiles can also provide a useful starting point for the creation of comprehensive data, but they do not contain all information of public interest and policy significance.

In general, the research team was able to extract incident-level characteristics from the OSP casefile successfully. Citizen characteristics were also frequently fully available or highly available. Exceptions include clear negative results for alcohol/drug use – most often when there was no alcohol/drug use suspected. These aspects were simply absent from the file instead of a clear notation that alcohol/drugs were not involved. The citizen's military status was also rarely in the file. Criminal case processing details for the citizen (case numbers, ATNs) were also frequently absent. Finally, whether a citizen's criminal history was known to officers prior to the use of force was missing more than half the time as well.

Officer-level demographics and experience were more problematic. As we describe in the data quality assessment, this is due in part to our definition of officer, which included officers who did not apply deadly force. Even when limiting our analysis to officers who used deadly force, OSP's casefiles were missing officer date of birth and race more than a third of the time. Officer sex was missing more than 10% of the time (and much of the time, we derived this from pronoun use in interviews with officers). Officer experience with their current agency and/or other agencies, and officer military experience were missing more frequently than not.

We can describe officer use of lethal force incidents with the available information. The typical incident in which an officer used deadly force occurred between 6pm and 6am and was initiated by another citizen. Between one and two officers responded and used deadly force relatively early in the police-citizen encounter. Half of citizens who had deadly force used against them were actually killed by police; most of the remainder suffered serious injuries. Most of those fatalities and injuries were due to gunshot wounds. Officers were typically line-level patrol officers with a duty assignment of patrol. Approximately three quarters of officers involved in lethal use of force incidents worked for either the Alaska State Troopers or Anchorage Police Department. Most incidents ended with no serious injuries to officers, although in three incidents serious injury to officers occurred and two police dogs were killed. No human officers were killed in the incidents reviewed for this report, although there were incidents not reviewed for this report in which officers were killed during the study period (see footnote 12 on page 29). When officers were injured, firearms were the most common weapon used against them.

Nearly all incidents involved officers issuing commands or threats of force, and nearly all incidents involved one or more police officers firing a firearm. In half of incidents, officers used only pistols; patrol rifles were used in 38% of incidents. Less-lethal weapons were used in a third of incidents, with conductive electrical weapons (TASERs) being the most common.

Incidents typically involved a single male citizen who was in his 20's or 30's. While the majority of citizens were white, American Indians or Alaska Natives and Blacks were involved at rates approximately double their proportion of the population. The citizen was more likely than not to be under the influence of drugs and/or alcohol, and nearly all citizens displayed or used a weapon. Citizens were more likely than not to either match the description of a wanted suspect or have open warrants for their arrest, and to have a criminal history prior to the incident in which officers used deadly force.

Citizens who had deadly force used against them were more likely than not to be in a mental health crisis. More specifically, fully a third of incidents involved a citizen who had made unambiguous statements to others that he wanted to end his life, and that he wanted to provoke an encounter with police to achieve that goal. Officers were not aware of the citizen's intention most of the time, and in most of these incidents, the citizen threatened to use, attempted to use, or used a firearm against officers or another person.

RECOMMENDATIONS

Our project was not designed to evaluate police officer strategies and tactics, nor was it designed to determine if officers used excessive force (in either the legal sense or the more colloquial sense). We therefore offer no recommendations to officers or agencies regarding the actions of officers in these incidents beyond our descriptions above.

We offer the following recommendations regarding data collection based on our project:

The State of Alaska should develop a comprehensive statewide data collection regarding police officer uses of lethal force housed at an agency that can compile and use the information to drive policy.

Currently, there is no comprehensive official data source that can be used by policymakers and the general public to examine and describe police officer uses of lethal force in the State of Alaska. At present, policymakers and the public are limited to what information is reported by the news media. Incidents are reported singly, with varying amounts of detail and differing definitions of key aspects of the incident. A comprehensive statewide data collection could help further discussions to improve policy and practice while also increasing transparency.

There are policy and practical issues to housing such a data collection. While the full enumeration of these issues is outside the scope of this report, we offer a few suggestions for characteristics of the agency tasked with this data collection. At minimum, the agency must have the ability to 1) collect and maintain criminal justice information in a manner consistent with applicable state and federal regulations; 2) issue reports from the data; 3) vet external requests for the data; 4) provide policy-level insights on police practices; 5) maintain legitimacy in the eyes of the public. Given OSP's current role in officer use of deadly force events, some of these characteristics likely fall outside of OSP's mandate.

OSP casefiles can serve as a starting point for data collection – but OSP files cannot be the sole data source.

OSP's casefiles are not designed to be a canonical record of every reasonable data element of public interest in officer use of lethal force incidents. It is therefore unfair to expect these files to serve that role alone. Our analysis found that OSP's casefiles could be a reasonable starting point for developing a comprehensive data collection regarding officer use of lethal force.

The development of a comprehensive data collection should include mandatory standardized data elements, starting with the FBI's National Use-of-Force Data Collection elements.

In response to public pressure, the FBI engaged national stakeholders and piloted a use of force data collection from 2015–2019. The resulting FBI National Use of Force Data Collection should serve as a model for Alaska's data collection. The Alaska Department of Public Safety is already taking steps to implement the voluntary collection of certain data points; we recommend a statutory mandate for agencies to report specific data elements.

The FBI's data collection includes the following information on incidents, citizens, and officers:

Incident

- Date/time
- Number of officers who applied force
- Location and location type
- Did the officer(s) approach the subjects?
- Was it an ambush incident?
- Was a supervisor or senior officer consulted during the incident?
- Reason for initial contact
- If the initial contact was for unlawful activity, what was the most serious offense the subject was suspected of?
- NIBRS record number or local incident number
- Case/report numbers for other agencies when multiple agencies are involved

Citizen/subject information

- Age, sex, race, ethnicity, height and weight
- Injury/death of subject
- Type of force used
- Did the subject direct a threat to the officer or another person?
- Did the subject resist?
- Type of resistance or weapon involvement
- Did the subject have a known or apparent impairment, such as mental health condition or being under the influence of drugs or alcohol?
- Was the subject believed to have a weapon?

Officer

- Age, sex, race, ethnicity, height and weight
- Years of service in law enforcement
- Was the officer a full-time employee?
- Was the officer on duty?
- Did the officer discharge a firearm?
- Was the officer injured, and if so, what was the injury type?

Other data elements should be considered for inclusion by a broad group of stakeholders from inside and outside of the criminal justice system.

There may be data elements of interest in addition to the FBI's National Use-of-Force Data Collection elements. Alaska-specific elements should be identified by key stakeholders through a public process. At the implementation level, care should be taken to maintain compatibility with national data collections (e.g., conflicting definitions should not be used). Care should also be taken to ensure that data collection is not overly burdensome to agencies.

Detailed use of lethal force incident data should be public where possible – but that may not always be possible or advisable.

Where possible, data regarding police officer use of lethal force should be publicly available to ensure transparency and enable the public to produce their own analyses. This includes sufficient documentation to describe data elements and the data generating process. Data should be publicly available in aggregated form in reports and digital publications. The raw data should also be readily available to the public, where possible. Some data elements, such as mental health status and other identifiable information, may need to be restricted to research organizations to preserve privacy of individuals. Clear guidelines for the release and use of restricted data should be created. Many data elements of public interest, however, should have no such restriction.

APPENDIX – DATA AVAILABILITY FOR EACH ELEMENT

Table 15: Incident-Level Data Availability

| CHARACTERISTIC | PERCENT MISSING | AVAILABILITY |
|--|-----------------|-------------------------------------|
| Incident date | 0.0 | Full availability (0% missing) |
| Incident address | 0.0 | Full availability (0% missing) |
| Incident type | 0.0 | Full availability (0% missing) |
| Date OSP issued declination letter | 0.0 | Full availability (0% missing) |
| Number of citizens on scene when deadly force used | 0.0 | Full availability (0% missing) |
| Number of officers on scene when deadly force used | 0.0 | Full availability (0% missing) |
| Citizen or officer-initiated incident | 0.0 | Full availability (0% missing) |
| When during incident lethal use of force occurred | 0.0 | Full availability (0% missing) |
| Whether bystander was injured | 0.0 | Full availability (0% missing) |
| Bystander injured by what weapon? | 0.0 | Full availability (0% missing) |
| Citizen stopped by deadly force? | 1.1 | High availability (1-19.9% missing) |
| Bystander injury extent | 1.1 | High availability (1-19.9% missing) |
| Incident time | 2.2 | High availability (1-19.9% missing) |
| Date OSP received file | 46.7 | Poor availability (40%+ missing) |

Table 16: Citizen-Level Data Availability

| CHARACTERISTIC | PERCENT MISSING | AVAILABILITY |
|--|-----------------|--------------------------------------|
| Citizen name | 0.0 | Full availability (0% missing) |
| Citizen race | 0.0 | Full availability (0% missing) |
| Citizen suspected of crimes | 0.0 | Full availability (0% missing) |
| Citizen injured? | 0.0 | Full availability (0% missing) |
| Citizen use and threats of force | 0.0 | Full availability (0% missing) |
| Citizen mental health indicators | 1.0 | High availability (1-19.9% missing) |
| Citizen injury seriousness | 1.0 | High availability (1-19.9% missing) |
| Citizen injury weapon | 1.0 | High availability (1-19.9% missing) |
| Citizen resistance active/passive | 1.0 | High availability (1-19.9% missing) |
| Citizen resistance weapon type | 1.0 | High availability (1-19.9% missing) |
| Citizen charges stemming from incident? | 2.0 | High availability (1-19.9% missing) |
| Citizen criminal history | 2.0 | High availability (1-19.9% missing) |
| Citizen sex | 4.0 | High availability (1-19.9% missing) |
| Citizen DOB | 5.0 | High availability (1-19.9% missing) |
| Citizen alcohol use | 37.0 | Fair availability (20-39.9% missing) |
| Citizen alcohol BAC | 37.5 | Fair availability (20-39.9% missing) |
| Citizen drug use | 40.0 | Poor availability (40%+ missing) |
| Citizen ATN for incident | 50.0 | Poor availability (40%+ missing) |
| Citizen criminal history known to officers before force used | 58.0 | Poor availability (40%+ missing) |
| Citizen case number for incident | 60.0 | Poor availability (40%+ missing) |
| Citizen military status | 97.0 | Poor availability (40%+ missing) |

Table 17: Officer-Level Data Availability

| CHARACTERISTIC | PERCENT MISSING | | AVAILABILITY |
|--|-------------------------------|---|--------------------------------------|
| | All human officers n = 293 | All officers who fired a firearm n = 158 | |
| Officer name | 0.0 | 0.0 | Full availability (0% missing) |
| Officer agency | 0.0 | 0.0 | Full availability (0% missing) |
| Officer DOB | 53.2 | 37.3 | Fair availability (20-39.9% missing) |
| Officer sex | 28.3 | 12.7 | Fair / high |
| Officer race | 51.9 | 34.8 | High / fair |
| Officer tenure with present agency | 78.5 | 65.8 | Poor availability (40%+ missing) |
| Officer tenure with other agencies | 88.4 | 80.4 | Poor availability (40%+ missing) |
| Officer injured and extent of injury | 0.0 | 0.0 | Full availability (0% missing) |
| Officer injured by what weapon | 0.0 | 0.0 | Full availability (0% missing) |
| Officer prior contact with citizens | 78.8 | 69.6 | Poor availability (40%+ missing) |
| Officer rank | 2.0 | 0.6 | High availability (1-19.9% missing) |
| Officer duty assignment | 2.4 | 0.6 | High availability (1-19.9% missing) |
| Officer in uniform | 13.7 | 4.4 | High availability (1-19.9% missing) |
| Officer military experience | 94.5 | 90.5 | Poor availability (40%+ missing) |
| Officer verbally threatened to use force | 3.4 | 1.9 | High availability (1-19.9% missing) |
| Officer used hand to hand technique | 0.3 | 0.0 | Full availability (0% missing) |
| Officer use of less-lethal weapons | 0.0 | 0.0 | Full availability (0% missing) |
| Officer use of a firearm | 0.0 | 0.0 | Full availability (0% missing) |
| Type of firearm used by officer | 0.3 | 0.0 | Full availability (0% missing) |