

2022 Annual Use of Force Analysis & Assault on Officer Review

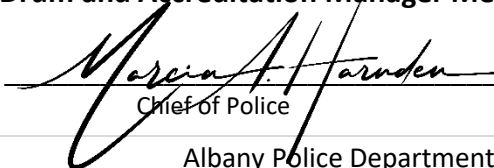
Albany Police Department



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Approved by:


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Introduction

The Albany Police Department conducts an annual analysis of its use of force activities every calendar year. This report includes an analysis of department policy and practices as well as a review of assaults on sworn officers as required by CALEA standards 4.2.4 and 4.2.5. The use of force incidents analyzed are officer responses to calls with a display of force requiring a supervisor's review and report per the department's Use of Force Policy 240.

A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, policy modifications, and/or disciplinary actions. The process of collecting and reviewing the reports is also critical to this analysis.

This use of force analysis was completed using Albany Police Department data from 2020, 2021, and 2022. The Albany Police Department used force in 166 incidents in 2020, 172 incidents in 2021, and 195 incidents in 2022. Data analyzed for this report include the following:

- Classification of Initiating Call (what officers responded to)
- Breakdown and Comparison by Gender, Race, and Age
- Resistance Encountered by Officers
- Type of Force Used
- Total Arrests and Calls for Service versus Total Use of Force Incidents
- Day and Time of Incident
- Injuries to Any Person Including Officers

Synopsis

The 2022 Use of Force Report was completed using the Albany Police Department's use of force database. The Albany Police Department (APD) responded to 32,442 calls, resulting in 4,811 arrests, with only 195 incidents requiring use of force as defined by the Albany Police Department. Use of force incidents occurred during 0.60% of all calls for service in 2022 and 4.1% of incidents involving arrests. It is important to note that the Department of Public Safety Standards and Training (DPSST) and many agencies across the country do not include "handgun displayed" as a formal use of force for reporting purposes. In July 2020, APD changed the policy regarding display of firearm. The previous policy required officers to report a use of force anytime they unholstered their firearm. The new policy language states, "Display of firearm is defined as the pointing of an officer's firearm at a person as a means to gain compliance or in reasonable anticipation of use of deadly force." This policy change reduced the number of use of force reports for handgun display.

There were several incidents that involved high-risk traffic stops. These incidents require multiple officers who are trained to display their handgun while approaching the suspect vehicle. Each officer that displays their handgun is required to complete a use of force incident report for each person that was in the vehicle. For example, if there are 4 subjects in the vehicle during a high-risk stop, and 5 officers who each display their handgun at the subjects, this one incident results in 20 uses of force.

This analysis revealed the uses of force over the past three years are relatively consistent, between 166 and 195 incidents. It was determined that when comparing the volume of calls for service and actual arrests made by the Albany Police Department to the number of use of force incidents, only 4.1 percent of arrests required use of force and .60 percent of all calls for service required use of force.

Officers use de minimis force whenever possible. De minimis force is defined as a physical interaction meant to separate, guide, and/or control without the use of formal control techniques or other techniques that are intended to, or reasonably likely to cause any pain or injury. The use of force requires notification and report when physical force, except de minimis force, is used.

The analysis reveals that sworn officers of the Albany Police Department have effectively responded with physical force in compliance with department policy and legal standards.

Quarterly Reports

Beginning in 2020, APD started compiling quarterly use of force reports. These reports offer much of the same information that the annual report offers. The quarterly reports are designed to provide supervisors and training coordinators with information regarding use of force incidents. This information is utilized to identify patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.

Policy Review

The Use of Force Policy 240 is continuously reviewed for accuracy to ensure department policy aligns with current best practices and updated laws. The Albany Police Department follows best practices set by the Police Executive Research Forum (PERF). PERF created the [Guiding Principles on Use of Force](#) in 2016. Our policies and practices reflect PERF's 30 Guiding Principles on Use of Force. No additional changes are recommended at this time. Our department policies are available to the public via our website at <https://www.cityofalbany.net/police/about/apd-policies>.

Impacts of the Pandemic

The largest contributing factor to the decline in use of force is due to the COVID-19 pandemic. The Linn County Jail placed restrictions on the number of inmates housed at any given time. Due to these restrictions, officers were not taking physical custody of arrestees in many incidents. In lieu of arrest, officers were issuing citations to appear in court for their criminal charges. These changes affected physical arrests in 2020 and 2021.

Classification of Initiating Call

The following information outlines the types of calls that initiated the need for use of force by the Albany Police Department. Due to the large number of call types, this information has been condensed into eight categories.

Fight or Disturbance: Assault, Disorderly Conduct, Interfering, Resisting Arrest, Domestic, Harassment, Menacing, Weapons.

Assist Other Agency/Warrant: Warrants served by the department, or while assisting other agencies.

Traffic: Traffic Crime, DUII, Pursuit, Elude, Hit & Run, Careless Driving.

Property Crime: Burglary, Theft, Criminal Mischief, Fraud, Shoplifting, Stolen or Recovered Vehicle.

Mental Health or Suicidal: Emotionally Disturbed Person, Suicidal Subject, Police Officer Hold.

Drug Related: Narcotics warrant or any other incident where drugs were a primary causal factor.

Other: Miscellaneous Crime, Warrant, Welfare Check, Public Indecency, Trespass, Curfew, Exclusion, Restraining Order Violation, Sex Offense, Runaway, Suspicious Person, Suspicious Circumstances, Reckless Endangering, MIP, Robbery, Animal Complaints.

Other - Multiple Offenses: This category references situations where more than one type of call initiated the use of force. No specific call types are listed here as all fall into another category when separated.

Classification of Initiating Call	2020	2021	2022	2020	2021	2022
Fight or Disturbance	49	52	66	29.5%	30.2%	33.8%
Assist Other Agency/Warrant	36	37	26	21.7%	21.5%	13.3%
Traffic	9	20	18	5.4%	11.6%	9.2%
Property Crime	30	16	36	18.1%	9.3%	18.5%
Mental Health or Suicidal	6	11	6	3.6%	6.4%	3.1%
Drug Related	7	1	0	4.2%	0.6%	0.0%
Other	29	35	43	17.5%	20.3%	22.1%
Total Responses	166	172	195	100.0%	100.0%	100.0%

Mental Health Crisis and Intoxication

APD tracks how many incidents involved a subject experiencing a mental health crisis and if the subject was under the influence of alcohol or drugs based on the perceptions of the officers involved. This is the first full year of tracking both these factors. There was a total of 46 use of force incidents in 2022 that involved a person experiencing a mental health crisis. Of the 213 subjects involved in the 195 use of force incidents, 82 (38.5%) of the subjects were perceived to be under the influence during the time of the incident. Subjects perceived to be under the influence and experiencing a mental health crisis accounted for 28 (13.1%) of the incidents.

Breakdown and Comparison by Gender, Race, and Age

There were 195 total incidents of use of force, but some of those incidents involved multiple subjects. In 2022, there were 213 subjects that had force used against them. The male to female ratio for use of incidents has remained relatively consistent over the past three years.

Perceived Gender	2020		2021		2022	
Male	142	80.2%	148	81.3%	179	84.0%
Female	35	19.8%	34	18.7%	34	16.0%
Total	177	100.0%	182	100.0%	213	100.0%

Use of force incidents have remained relatively consistent regarding race of the subject over the past three years. The most recent U.S Census Bureau information for the City of Albany was reported on July 1, 2022; the information states the City of Albany demographics are: 85.0% White, 13.2% Hispanic, 2.0% Asian/Pacific Islander, 1.1% Native American, and 0.4% Black.

Perceived Race	2020		2021		2022	
White	146	82.5%	151	83.0%	175	82.2%
Hispanic	18	10.2%	21	11.5%	24	11.3%
Black	8	4.5%	10	5.5%	11	5.2%
Native American	3	1.7%	0	0.0%	1	0.5%
Asian/Pacific Islander	1	0.6%	0	0.0%	2	0.9%
Unknown	1	0.6%	0	0.0%	0	0.0%
Total	177	100.0%	182	100.0%	213	100.0%

The age of subjects involved in use of force incidents has remained relatively consistent over the past three years.

Age	2020		2021		2022	
17 and Younger	5	2.8%	10	5.5%	5	2.3%
18 - 20	5	2.8%	10	5.5%	12	5.6%
21 - 30	65	36.7%	51	28.0%	72	33.8%
31 - 40	56	31.6%	64	35.2%	69	32.4%
41 - 50	28	15.8%	26	14.3%	32	15.0%
51 - 60	16	9.0%	18	9.9%	16	7.5%
60 and Older	2	1.1%	3	1.6%	6	2.8%
Unknown	0	0.0%	0	0.0%	1	0.5%
Total	177	100.0%	182	100.0%	213	100.0%

Resistance Encountered by Officers

The resistance encountered by officers is broken down into 18 different categories, many of which are seldom encountered. The category 'Other' has been highly utilized in the past but shows a significant decline in 2020. However, an increase is noted in 2021 due to reporting changes. In reviewing what factors are listed in the other category, it was discovered that many instances have multiple resistance factors or variable risk factors. Beginning in the third quarter of 2021, two new categories were added to this list: high-risk subject and active resistance. For the purposes of being consistent with previous years' data, these were added to the other category for 2021. The 2022 annual use of force report will include a full year of data reporting with those added categories. During the second quarter use of force meeting in July 2022, it was determined that "charging" needed to be added as a category of resistance encountered as this was often reported in the "other" category. Due to the relatively low number of some encounters, small differences in data points can sometimes indicate large percentage changes in the data. Changes in the data, positive or negative, are not always an accurate indicator of a trend or a result of officer actions.

Resistance	2020		2021		2022	
Verbally Aggressive	97	18.7%	99	17.8%	120	13.5%
Push/Shove/Pull	72	13.9%	57	10.3%	85	9.6%
Fighting Stance	40	7.7%	48	8.6%	45	5.1%
Passive Resistance	62	12.0%	49	8.8%	61	6.9%
Attempt to Escape	54	10.4%	68	12.3%	43	4.8%
Other	49	9.5%	110	19.8%	28	3.1%
Hiding/Barricaded	27	5.2%	20	3.6%	40	4.5%
Elude on Foot/Bicycle	38	7.3%	32	5.8%	41	4.6%
Leg/Knee/Foot Strike	15	2.9%	8	1.4%	8	0.9%
Hand/Elbow Strike	10	1.9%	5	0.9%	6	0.7%
Stabbing Instrument	14	2.7%	11	2.0%	8	0.9%
Elude Vehicle	18	3.5%	21	3.8%	38	4.3%
Suicidal	11	2.1%	13	2.3%	13	1.5%
Firearm - Handgun	8	1.5%	6	1.1%	6	0.7%
Impact Weapon	1	0.2%	8	1.4%	6	0.7%
Firearm - Shotgun	0	0.0%	0	0.0%	0	0.0%
Firearm - Rifle	2	0.4%	0	0.0%	5	0.6%
OC Chemical Spray	0	0.0%	0	0.0%	1	0.1%
High Risk Subject					188	21.1%
Active Resistance					144	16.2%
Charging					4	0.4%
Total	518	100.0%	555	100.0%	890	100.0%

Type of Force Used

The type of force used by officers is broken down into 29 different categories. During the second quarter use of force meeting in July 2022, it was decided to add “lateral recovery restraint” as a category of type of force used. The lateral recovery restraint allows officers to gain control of the subject without restricting their airway. This technique was taught to officers during annual defensive tactics training earlier this year.

There were several new officers in training during 2022. When officers are in training, they ride with a Field Training Officer. With two officers arriving on scene for many incidents, this could be a reason the total number of types of force used increased from the past two years.

Display of a weapon is defined as the pointing of an officer’s firearm or less lethal weapon at a person as a means to gain compliance. Due to the relatively low number of some uses, small differences in data points can sometimes indicate large percentage changes in the data. Changes in the data, positive or negative, are not always an accurate indicator of a trend or a result of officer actions.

Type of Force Used	2020 Times Used		2021 Times Used		2022 Times Used	
40mm LL Display	13	3.5%	7	1.8%	15	2.6%
40mm LL Fired	3	0.8%	0	0.0%	1	0.2%
Arm Bar/Takedown	34	9.1%	26	6.8%	22	3.9%
ASP Baton Deploy	2	0.5%	2	0.5%	0	0.0%
ASP Baton Display	1	0.3%	0	0.0%	1	0.2%
Bent Wrist Lock	27	7.2%	31	8.2%	27	4.7%
Carbine Display	9	2.4%	10	2.6%	11	1.9%
Carbine Fired	0	0.0%	0	0.0%	3	0.5%
Escort Hold	14	3.7%	32	8.4%	42	7.4%
Focused Blow	19	5.1%	12	3.2%	8	1.4%
Hair Hold Takedown	4	1.1%	4	1.1%	3	0.5%
Handgun Display	65	17.3%	67	17.6%	103	18.1%
Handgun Fired	0	0.0%	1	0.3%	1	0.2%
K-9 Bite	7	1.9%	2	0.5%	1	0.2%
K-9 Deploy	5	1.3%	14	3.7%	7	1.2%
K-9 Display	4	1.1%	2	0.5%	11	1.9%
Leg Sweep	14	3.7%	11	2.9%	17	3.0%
Mandibular Pressure Point	2	0.5%	2	0.5%	1	0.2%
O.C. Deploy	0	0.0%	0	0.0%	0	0.0%
O.C. Spray Display	0	0.0%	1	0.3%	0	0.0%
Other	17	4.5%	12	3.2%	19	3.3%
Push/Shove	5	1.3%	30	7.9%	85	14.9%
Shotgun Display	3	0.8%	1	0.3%	7	1.2%
Subclavian/Shoulder Lock	2	0.5%	7	1.8%	14	2.5%
Tackle/Takedown	12	3.2%	24	6.3%	47	8.2%
Taser Deploy	33	8.8%	21	5.5%	14	2.5%
Taser Display	51	13.6%	33	8.7%	71	12.5%
Wrap Restraint	29	7.7%	28	7.4%	29	5.1%
Lateral Recovery Restraint					10	1.8%
TOTAL	375	100.0%	380	100.0%	570	100.0%

Total Arrests Versus Total Use of Force Incidents

There was a significant reduction in arrests in 2020 and continuing into 2021. The COVID-19 pandemic caused some changes for booking at the Linn County Jail, which placed restrictions on the number of inmates housed at any given time. Due to these restrictions, officers were not taking physical custody of arrestees in many incidents. In lieu of arrest, officers issued a citation to appear in court for their criminal charges. In addition to the pandemic, Oregon Measure 110 went into effect on February 1, 2020. This bill decriminalized personal possession of illegal drugs. Possession of smaller amounts of controlled substances was reduced from a misdemeanor crime to a Class E violation. This is likely a significant factor in arrests.

Arrests vs. Incidents	2020	2021	2022
Arrests	5,960	5,030	4,811
Use of Force Incidents	166	172	195
Total Percentage	2.8%	3.4%	4.1%

Total Calls for Service Versus Total Use of Force Incidents

Use of force incidents based on calls for service have remained at a similar percentage over the past three years. Calls for service have likely decreased over the past two years due to reduced police officer staffing levels. Refer to APD's 2022 Annual Crime Analysis Report for more details regarding calls for service.

Calls for Service vs. Incidents	2020	2021	2022
Calls for Service	36,960	31,643	32,442
Use of Force Incidents	166	172	195
Total Percentage	0.45%	0.54%	0.60%

Day of Week/Time of Day

The Albany Police Department use of force incidents by day of week in 2022 ranged from 24 to 31 incidents. Most days of the week had similar numbers of incidents, with Wednesday, Friday, and Saturday having the highest incidents.

Use of force incidents by time of day are broken down in four-hour increments beginning at midnight. Most use of force incidents occurred between 1601 hours and 0000 hours at 40.0%, and the least between 0401 hours and 0800 hours at 8.7%.

There is nothing within the day of week or time of day data which indicates a concerning pattern or reoccurrence.

Day of Incident	2020		2021		2022	
Sunday	19	11.4%	25	14.5%	27	13.8%
Monday	19	11.4%	25	14.5%	28	14.4%
Tuesday	25	15.1%	29	16.9%	24	12.3%
Wednesday	21	12.7%	22	12.8%	31	15.9%
Thursday	31	18.7%	25	14.5%	25	12.8%
Friday	22	13.3%	28	16.3%	30	15.4%
Saturday	29	17.5%	18	10.5%	30	15.4%
Total	166	100.0%	172	100.0%	195	100.0%

Time of Incident	2020		2021		2022	
0001 - 0400	37	22.3%	38	22.1%	29	14.9%
0401 - 0800	13	7.8%	13	7.6%	17	8.7%
0801 - 1200	21	12.7%	21	12.2%	37	19.0%
1201 - 1600	25	15.1%	33	19.2%	34	17.4%
1601 - 2000	32	19.3%	28	16.3%	42	21.5%
2001 - 0000	38	22.9%	39	22.7%	36	18.5%
Total	166	100.0%	172	100.0%	195	100.0%

Reporting

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the department requires the completion of a Use of Force Report which is reviewed by a supervisor. Once the use of force report is approved by the supervisor as being complete, the use of force is reviewed through the use of force review process. The use of force report is combined with the incident report and reviewed by the sergeant, lieutenant, training coordinator, and captain. The review includes policy adherence, training needs, equipment status, and disciplinary issues.

Equipment Review

The Tasers are nearing their expiration dates. All tasers will be replaced in 2023 to the upgraded version. There were no other equipment issues noted during the analysis.

Use of Force Training

All sworn personnel receive various use of force instruction during basic police training including case law, defensive tactics, baton, oleoresin capsicum spray (OC), handcuffing, firearms, less lethal, APEX Officer, and more. Continuing education for all Albany police sworn personnel on use of force occurs multiple times each year. The formal use of force training during 2022 consisted of:

January 2022	0.5 hours	Scenario-based De-escalation Training
February 2022	4.5 hours	Use of Force Training and Recertification
March 2022	4 hours	Firearms/Night Range
May 2022	8 hours	Survival Skills/Active Threat
July 2022	4 hours	Firearms/Range
October 2022	4 hours	Defensive Tactics with APEX Officer
November 2022	2 hours	Emergency Vehicle Operations Course EVOC
December 2022	4 hours	Firearms/Night Range

DPSST requires eight hours of ongoing Firearms/Use of Force training each year. The Albany Police Department consistently trains more than the minimum required. Sworn officers also received numerous training bulletins on force issues. De-escalation training occurred during the four-hour use of force training in October, in addition to several training bulletins related to de-escalation. Training bulletins in 2022 that related to use of force included: de-escalation, stress recognition, bias-based policing, mental health, foot pursuits, all hazard response, officer involved shooting, and ethics.

Officer Injuries

Most use of force incidents (95.2%) were resolved with no injury to an officer. Of the 352 officers involved in use of force incidents, 17 (4.8%) resulted in a minor injury to the officer. Minor injuries that did not require medical attention include injuries such as a scratch, bruise, or complaint of pain.

Officer Injuries During Use of Force	2020		2021		2022	
No Injury	210	95.5%	234	91.1%	335	95.2%
Minor - No Medical Attention	8	3.6%	18	7.0%	11	3.1%
Minor - Medical Attention	2	0.9%	5	1.9%	5	1.4%
Hospital	0	0.0%	0	0.0%	1	0.3%
Fatality	0	0.0%	0	0.0%	0	0.0%
Total	220	100.0%	257	100.0%	352	100.0%

22-03620

Officers responded to a trespass call at the Albany Transit Station. A male subject was reported to be in the lobby breaking items. Two officers arrived on-scene and observed the subject sitting on a bench outside of the transit station. As soon as the first officer exited his patrol vehicle, the subject stood up and charged directly at the officer in a full sprint. The subject was hissing, snarling, and foaming at the mouth while aggressively swinging his arms to fight and bite the officer. The second officer quickly assisted to restrain the subject. It wasn't until a third officer arrived, that they were able to gain control of the subject and place him in the WRAP restraint. The first officer injured his elbow during the incident and was evaluated at the hospital. The subject was taken to the hospital for evaluation and clearance to be lodged in jail. He was charged with Robbery II, Resisting Arrest, Assault Public Safety Officer, Burglary, Criminal Mischief II, and Disorderly Conduct II.

Other Persons Injured

Most use of force incidents (85.4%) were resolved with no injury to any person. Minor injuries that did not require medical attention include injuries such as a scratch, bruise, or complaint of pain. The number of persons injured has been consistent over the past three years. Hospitalizations have decreased over the past three years.

Person Injuries During Use of Force	2020		2021		2022	
No Injury	134	75.7%	149	81.9%	182	85.4%
Minor - No Medical Attention	17	9.6%	17	9.3%	14	6.6%
Minor - Medical Attention	18	10.2%	13	7.1%	16	7.5%
Hospital	8	4.5%	3	1.6%	1	0.5%
Fatality	0	0.0%	0	0.0%	0	0.0%
Total	177	100.0%	182	100.0%	213	100.0%

Summary of Hospitalizations

22-03486

Officers were dispatched to a local convenience store for a male acting suspicious. The vehicle description matched a stolen vehicle involved in a robbery earlier that day in Linn County. Officers attempted to contact the subject who fled in the vehicle leading officers on a pursuit lasting approximately ten minutes. The suspect vehicle struck a Fed Ex delivery vehicle then struck two other vehicles before coming to a stop. The suspect vehicle suffered major damage and the male suspect had to be extricated by Albany Fire Department personnel. The suspect was transported to the hospital for evaluation prior to being lodged in jail and charged with Unauthorized Use of a Motor Vehicle, Burglary II, Reckless Driving, Elude, and Criminal Mischief.

Assault on Officer Review

During 2022, there were 17 reported assaults or attempted assaults on officers. These crimes are charged as Assault of Public Safety Officer, Attempted Assault of Public Safety Officer, and Aggravated Harassment.

Trends and patterns for these incidents are:

- Calls resulting in Assault or Attempted Assault on a Police Officer stemmed mostly from calls for service rather than self-initiated activity.
- Four incidents involved the subject kicking at the officer.
- Seven incidents involved the subject fighting with the officer(s).
- Six incidents involved female subjects.
- Seven incidents involved the use of the WRAP restraint device.
- Most incidents mentioned above occurred during a stop or an arrest of a subject. Prior to the detention or stop, most of the subjects displayed some type of fight or flight behavior. Most incidents were rapidly evolving and had little known risk factors.

Conclusion and Recommendations

The review of use of force incidents during 2022 revealed the actions by Albany Police Department staff in each incident were justified and within policy. The force used reasonably appeared necessary to bring each incident under control, given the facts and circumstances perceived by the officer at the time of the event.

During 2022, the department has continued to train patrol officers in the area of de-escalation and critical incident recognition. The department has 31 patrol officers who have attended and passed a 40-hour Crisis Intervention Training (CIT) course. It is the goal of the department to have all officers trained in CIT within the next two years. Verbal Judo training continues to be implemented and integrated with defensive tactics and de-escalation in-service training.

The department continually looks for balance between using de-escalation techniques, physical force, and control devices. Officers received situational scenario training during use of force in-service training in 2022. Tactics involving distance, communication, approach, resources, and reasonable force were all included in the trainings. These trainings provided officers tools to adequately and reasonably deal with potential hostile situations or events. Use of force training will continue to emphasize de-escalation techniques, control holds, proper use of control devices, duty to intercede, and de minimis tactics.

The department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.