

# 2021 Annual Use of Force Analysis & Assault on Officer Review

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Albany Police Department

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Approved by: \_\_\_\_\_

Chief of Police

Date: \_\_\_\_\_

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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 2019, 2020, and 2021. The Albany Police Department used force in 263 incidents in 2019, 166 incidents in 2020, and 172 incidents in 2021. 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 2021 Use of Force Report was completed using the Albany Police Department's use of force database. The Albany Police Department (APD) responded to 31,643 calls, resulting in 5,030 arrests, with only 172 incidents requiring use of force as defined by the Albany Police Department. 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.

This analysis revealed the uses of force over the past three years are relatively consistent, between 166 and 263 incidents. The decline between 2019 and 2020 is partially attributed to the new definition of handgun display. 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 3.4 percent of arrests required use of force and .54 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 be utilized to identify patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.

## **Policy Review and Revisions**

The Use of Force Policy 240 is continuously reviewed for accuracy to ensure department policy aligns with current best practice and updated laws. The policy was last revised on October 4, 2021. Changes to the use of force policy included adding language provided by the Commission on Accreditation for Law Enforcement Agencies (CALEA) regarding the duty to intervene. The use of force policy was also revised on March 24, 2021. This revision added the that a use of force form shall be complete by each officer per use of force incident. Prior to this policy change, officers were able to complete combined use of force reports when other officers were present.

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 that are housed at any given time. Due to these restrictions, officers are not taking physical custody of arrestees in many incidents. In lieu of arrest, officers are 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 Disabled 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	2019	2020	2021	2019	2020	2021
Fight or Disturbance	67	49	52	25.5%	29.5%	30.2%
Assist Other Agency/Warrant	80	36	37	30.4%	21.7%	21.5%
Traffic	21	9	20	8.0%	5.4%	11.6%
Property Crime	33	30	16	12.5%	18.1%	9.3%
Mental Health or Suicidal	10	6	11	3.8%	3.6%	6.4%
Drug Related	18	7	1	6.8%	4.2%	0.6%
Other	30	29	35	11.4%	17.5%	20.3%
Other - Multiple Offenses	4	0	0	1.5%	0.0%	0.0%
<b>Total Responses</b>	<b>263</b>	<b>166</b>	<b>172</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

This information provides the reason for the initial call type. APD also tracks how many incidents involved a subject experiencing a mental health crisis. Even though 11 calls were initially dispatched as mental health calls, there were a total of 28 use of force incidents in 2021 that involved a person experiencing a mental health crisis.

## Breakdown and Comparison by Gender, Race, and Age

There were 172 total incidents of use of force, but some of those incidents involved multiple subjects. In 2021, there were 182 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.

<b>Gender</b>	<b>2019</b>		<b>2020</b>		<b>2021</b>	
Male	225	77.6%	142	80.2%	148	81.3%
Female	65	22.4%	35	19.8%	34	18.7%
<b>Total</b>	<b>290</b>	<b>100.0%</b>	<b>177</b>	<b>100.0%</b>	<b>182</b>	<b>100.0%</b>

Use of force incidents have remained relatively consistent regarding race of the subject over the past three years. The most recent Census information for the City of Albany was reported on July 1, 2021. The Census information states the City of Albany demographics are: 86.6% White, 12.6% Hispanic, 1.8% Asian/Pacific Islander, 1.1% Native American, and 0.5% Black.

<b>Race</b>	<b>2019</b>		<b>2020</b>		<b>2021</b>	
White	248	85.5%	146	82.5%	151	83.0%
Hispanic	22	7.6%	18	10.2%	21	11.5%
Black	16	5.5%	8	4.5%	10	5.5%
Native American	2	0.7%	3	1.7%	0	0.0%
Asian/Pacific Islander	2	0.7%	1	0.6%	0	0.0%
Unknown	0	0.0%	1	0.6%	0	0.0%
<b>Total</b>	<b>290</b>	<b>100.0%</b>	<b>177</b>	<b>100.0%</b>	<b>182</b>	<b>100.0%</b>

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

<b>Age</b>	<b>2019</b>		<b>2020</b>		<b>2021</b>	
17 and Younger	15	5.2%	5	2.8%	10	5.5%
18 - 20	25	8.6%	5	2.8%	10	5.5%
21 - 30	100	34.5%	65	36.7%	51	28.0%
31 - 40	68	23.4%	56	31.6%	64	35.2%
41 - 50	53	18.3%	28	15.8%	26	14.3%
51 - 60	18	6.2%	16	9.0%	18	9.9%
60 and Older	11	3.8%	2	1.1%	3	1.6%
<b>Total</b>	<b>290</b>	<b>100.0%</b>	<b>177</b>	<b>100.0%</b>	<b>182</b>	<b>100.0%</b>

## 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 previously 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. 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.

<b>Resistance</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	
Verbally Aggressive	165	97	99	<b>17.8%</b>
Push/Shove/Pull	68	72	57	<b>10.3%</b>
Fighting Stance	47	40	48	<b>8.6%</b>
Passive Resistance	126	62	49	<b>8.8%</b>
Attempt to Escape	71	54	68	<b>12.3%</b>
Other	189	49	110	<b>19.8%</b>
Hiding/Barricaded	0	27	20	<b>3.6%</b>
Elude on Foot/Bicycle	57	38	32	<b>5.8%</b>
Leg/Knee/Foot Strike	21	15	8	<b>1.4%</b>
Hand/Elbow Strike	11	10	5	<b>0.9%</b>
Stabbing Instrument	11	14	11	<b>2.0%</b>
Elude Vehicle	30	18	21	<b>3.8%</b>
Suicidal	17	11	13	<b>2.3%</b>
Firearm - Handgun	10	8	6	<b>1.1%</b>
Impact Weapon	7	1	8	<b>1.4%</b>
Firearm - Shotgun	3	0	0	<b>0.0%</b>
Firearm - Rifle	1	2	0	<b>0.0%</b>
OC Chemical Spray	0	0	0	<b>0.0%</b>
<b>Total</b>	<b>834</b>	<b>518</b>	<b>555</b>	<b>100.0%</b>

## Type of Force Used

The type of force used by officers is broken down into 28 different categories. There is a significant decrease in total types of force used from 2019 to 2020. The handgun display change in 2020 was mentioned earlier in this report. As well as officers were duplicating their reporting of display and deploy. Officers now only report on the final use of force, such as if they displayed their taser and then deployed the taser, taser deploy would be selected, rather than deploy and display.

This was the first year since 2014. That an officer fired a handgun when using force. The incident is described in detail later in this report.

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	2019 Times Used	2020 Times Used	2021 Times Used	2021
40mm LL Display	13	13	7	1.8%
40mm LL Deploy	4	3	0	0.0%
Arm Bar/Takedown	38	34	26	6.8%
ASP Baton Deploy	0	2	2	0.5%
ASP Baton Display	1	1	0	0.0%
Bent Wrist Lock	4	27	31	8.2%
Carbine Display	20	9	10	2.6%
Carbine Deploy	0	0	0	0.0%
Escort Hold	19	14	32	8.4%
Focused Blow	32	19	12	3.2%
Hair Hold Takedown	7	4	4	1.1%
Handgun Display	107	65	67	17.6%
Handgun Fired	0	0	1	0.3%
K-9 Bite	4	7	2	0.5%
K-9 Deploy	13	5	14	3.7%
K-9 Display	13	4	2	0.5%
Leg Sweep	23	14	11	2.9%
Mandibular Pressure Point	3	2	2	0.5%
O.C. Deploy	0	0	0	0.0%
O.C. Spray Display	0	0	1	0.3%
Other	10	17	12	3.2%
Push/Shove	1	5	30	7.9%
Shotgun Display	4	3	1	0.3%
Subclavian/Shoulder Lock	2	2	7	1.8%
Tackle/Takedown	~	12	24	6.3%
Taser Deploy	44	33	21	5.5%
Taser Display	112	51	33	8.7%
Wrap Restraint	43	29	28	7.4%
<b>TOTAL</b>	<b>517</b>	<b>375</b>	<b>380</b>	<b>100.0%</b>

### 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 that are housed at any given time. Due to these restrictions, officers are not taking physical custody of arrestees in many incidents. In lieu of arrest, officers issue 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 were reduced from a misdemeanor crime to a Class E violation. This is likely a significant factor in arrests.

<b>Arrests vs. Incidents</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Arrests	7,214	5,960	5,030
Use of Force Incidents	263	166	172
<b>Total Percentage</b>	<b>3.6%</b>	<b>2.8%</b>	<b>3.4%</b>

### 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 declined 19% from 2019 to 2020 and 15% from 2020 to 2021, which is likely due to the COVID-19 pandemic.

<b>Calls for Service vs. Incidents</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Calls for Service	45,606	36,960	31,643
Use of Force Incidents	263	166	172
<b>Total Percentage</b>	<b>0.58%</b>	<b>0.45%</b>	<b>0.54%</b>



## Day of Week/Time of Day

The Albany Police Department use of force incidents by day of week in 2021 ranged from 18 to 29 incidents. Most days of the week had similar numbers of incidents, with Tuesday and Friday 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 2001 hours and 0400 hours at 44.8%, and the least between 0400 hours and 0800 hours at 7.6%.

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

Day of Incident	2019	2020	2021
Sunday	39	19	25
Monday	31	19	25
Tuesday	39	25	29
Wednesday	39	21	22
Thursday	36	31	25
Friday	40	22	28
Saturday	40	29	18
<b>Total</b>	<b>264</b>	<b>166</b>	<b>172</b>

Time of Incident	2019	2020	2021	
0001 - 0400	44	37	38	22.1%
0401 - 0800	12	13	13	7.6%
0801 - 1200	37	21	21	12.2%
1201 - 1600	63	25	33	19.2%
1601 - 2000	48	32	28	16.3%
2001 - 0000	59	38	39	22.7%
<b>Total</b>	<b>263</b>	<b>166</b>	<b>172</b>	<b>100.0%</b>

## 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, Multiple Interactive Learning Objectives (MILO), 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 2021 consisted of:

May 2021	8 hours	Use of Force Training
August 2021	4 hours	Emergency Vehicle Operations Course EVOG
October 2021	4 hours	Active Threat/Defensive Tactics Training
December 2021	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 2021 that related to use of force included: de-escalation, stress recognition, bias-based policing, mental health, foot pursuits, and all hazard response.

## **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**

There were no equipment issues noted during the analysis.

## Officer Injuries

Most use of force incidents (91.1%) were resolved with no injury to an officer. Of the 257 officers involved in use of force incidents, 23 (8.9%) 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.

<b>Officer Injuries During Use of Force</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	
No Injury	371	210	234	<b>91.1%</b>
Minor - No Medical Attention	17	8	18	<b>7.0%</b>
Minor - Medical Attention	0	2	5	<b>1.9%</b>
Hospital	1	0	0	<b>0.0%</b>
Fatality	0	0	0	<b>0.0%</b>
<b>Total</b>	<b>389</b>	<b>220</b>	<b>257</b>	<b>100.0%</b>

## Other Persons Injured

Most use of force incidents (81.9%) 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 decreased in 2021 from the two previous years.

<b>Person Injuries During Use of Force</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	
No Injury	247	134	149	<b>81.9%</b>
Minor - No Medical Attention	26	17	17	<b>9.3%</b>
Minor - Medical Attention	11	18	13	<b>7.1%</b>
Hospital	6	8	3	<b>1.6%</b>
<b>Total</b>	<b>290</b>	<b>177</b>	<b>182</b>	<b>100.0%</b>

## Summary of Hospitalizations

### 21-00901

Officers responded to a report of a felony shoplift. The subject had fled the store with over \$1,200 of merchandise. An officer located the subject running down a nearby street. The officer commanded the subject to sit on the ground and advised him that he was under arrest. The subject did not comply and continued to retreat away from the officer. The officer deployed the patrol K9 and maintained control of the K9 while continuing to give commands to the subject. The officer noticed a large knife on the hip of the subject. Two other officers arrived on scene, one deployed a Taser, while the other officer tackled the subject to the ground. With the assistance of three officers, they were able to detain the subject. During the struggle, the subject

sustained injury to his face and elbow, and one officer sustained injury to his forehead, hands, neck, and blood exposure. The subject was transported to the hospital and treated for his injuries prior to being lodged in jail. The officer was treated at the hospital for his injuries. The subject was arrested for Theft I, Possession of a Restricted Weapon by a Felon (x4), Carrying a Concealed Weapon (x2), Resisting Arrest, and multiple outstanding warrants.

#### **21-01235**

Officers responded to the report of a domestic disturbance. The caller reported hearing a female screaming for help. Officers determined the need for Community Caretaking based on witness statements and forced entry into the residence. The subject barricade himself in a room. Officers used tactical entry and several warnings prior to deploying the K9. The K9 bit the subject, and an officer deployed the Taser on the subject. The subject was detained and immediately treated by medics for the bite and Taser probe removal. The subject was arrested for several existing warrants and Resisting Arrest.

#### **21-08452**

Officers responded to a call to contact an adult male suspect for Violation of a Restraining Order. During the encounter the officer advised the male suspect had a knife and told him he wasn't going back to jail. The subject threatened the officer and advanced on him with a knife in each hand. The officer repeatedly ordered the suspect to drop the knives before discharging his duty weapon striking the subject in the leg.

The suspect dropped his knives and officers provided lifesaving efforts. The suspect was transported to a local area hospital with a gunshot wound. The suspect was subsequently arrested for Violation of a Restraining Order and Unlawful Use of a Weapon.

## **Assault on Officer Review**

During 2021, there were 20 reported assaults or attempted assaults on officers. These crimes are charged as Assault of Public Safety Officer, Attempted Assault of Public Safety Officer, or Aggravated Harassment.

### **21-00081**

Officers were dispatched to the report of an assault on medical professionals. Two officers contacted the female subject and placed her in handcuffs. The female subject was seated on her knees and started lunging her head towards one of the officers. Officers attempted to control the female subjects' movements and she began to kick at the officers. The officers requested for additional units to respond with a WRAP restraint. The officers were able to place the female subject in the WRAP and seated her in the backseat of a patrol car. Officers contacted several victims to regarding the initial assault. The female subject was arrested for Attempted Assault of a Public Safety Officer, Harassment (x2), Criminal Mischief III, Resisting Arrest, and Disorderly Conduct II.

### **21-00275**

Officers were dispatched to attempt to locate a driver who was possibly under the influence of intoxicants. One officer arrived at the location and found a female asleep in the driver's seat of a vehicle not in a parking space. It took the officer several attempts to wake the female. The officer requested medical personnel to the scene. Once the female was awake the officer began conducting a field sobriety test in which the subject failed and was placed under arrest. The female subject resisted arrest and fought with two officers. They were able to place her in the WRAP restraint, seated her in the back of a patrol vehicle and drove her to the hospital for evaluation. Once they arrived at the hospital, officers attempted to grab the WRAP restraint and place her on a gurney provided by hospital staff. The female subject headbutted one officer in the head causing pain. Once the female subject was cleared from the hospital, she was driven to jail and charged with Driving Under the Influence of Intoxicants, Reckless Driving, Criminal Mischief III, Resisting Arrest, and Attempted Assault on a Public Safety Officer.

### **21-0521**

An officer responded to the report of a stolen vehicle. The officer took the report and marked the vehicle as stolen. A few hours later the vehicle was spotted driving through town. Officers conducted a high-risk traffic stop. The subject refused to exit the vehicle and sped away from the traffic stop. Officers did not pursue the vehicle as they believed it was not safe. Officers drove to the subject's known residence and found the stolen vehicle and the subject. Officers attempted to detain the subject and place her in handcuffs, she fought with the officers and kicked one in the knee, hyperextending the officers knee. The subject was arrested for Unauthorized Use of a Vehicle, Elude, Assault on a Public Safety Officer, and Resisting Arrest.

### **21-00687**

Officers responded to the report of a female yelling and trespassing on business property. One officer arrived and began talking with the female and told her she had to leave the premises. The female subject refused to leave, continued yelling, while pulling a sleeping bag over her head and laying down on the ground. The officer began writing a citation for the female subject violating a

trespass agreement. The subject began walking away and spit on the officers' patrol car. The subject then threw a bag of food at the patrol car and continued to walk away. The officer commanded the subject to stop and she continued to walk away. The officer followed the subject through another business parking lot where the female subject pulled down her pants and urinated in the parking lot. An additional officer arrived on scene to assist with arresting the subject. The two officers were able to detain the subject and place her handcuffs. As they escorted her to the patrol car, the subject spit on one of the officers. The female subject was transported to jail and charged with Aggravated Harassment, Criminal Trespass II, Resisting Arrest, Criminal Mischief III (x2), Escape III, Interfering with a Peace Officer, and Littering.

#### **21-02523**

Officers responded to a report of a domestic disturbance. The male subject was placed in handcuffs. The subject was saying erratic comments, some of which did not make sense. The subject began to bang his head on the patrol car. It became apparent that the male was having a medical emergency. The officers took the male to the emergency room. Upon arrival they put the male subject into the WRAP restraint before admitting him to the hospital. The subject spit in one of the officers faces when the officer was applying the WRAP. The medical attention needed for this subject was not due to the officers' actions. The subject was charged with Aggravated Harassment.

#### **21-02674**

Officers responded to a request for assistance from Detectives to arrest a wanted subject. The officers and detectives knocked on the apartment door of the subject and ordered him to exit. The male subject exited his apartment and was placed in handcuffs and arrested for his outstanding warrant. He was transported to the Albany Police Department. During the transportation, the subject threatened to punch the officer in the face several times. Upon arrival to the police department the subject spit on one of the officers. The subject was transported to jail and charged with Aggravated Harassment, Failure to Register-Felony, and a Parole Violation warrant.

#### **21-03818**

Officers responded to the report of a disturbance between two males. Officers determined that one of the two males would be placed under arrest. The subject to be arrested did not obey directives to be placed in handcuffs. The subject struggled with officers and attempted to punch one of the officers in the head. During the struggle one officer sustained an injury to the knee and the subject sustained a small cut to his cheek and arm. Officers requested medical personnel to the scene to evaluate the subject's injury. The subject was cleared from medical personnel and transported to jail. He was lodged for Attempted Assault in the Second Degree, Unlawful Use of a Weapon, Attempted Assaulting a public Safety Officer, Menacing, Resisting Arrest, and Criminal Trespass in the Second Degree.

#### **21-04041**

Officers responded to the report of a male subject jumping in front of cars. While officers were enroute they received an update that the male was laying on the ground and holding onto a vehicles tire. An officer and a lieutenant contacted the male and attempted to assist him in

standing up. The male immediately started kicking and punching the officers. One of the officers was punched in the face and kicked in the groin. The officer responded with focused blows while taking ahold of the male's arm. The lieutenant used his taser in the drive stun mode and tased the male subject in the back in order to grab ahold of his other arm. The officers were able to handcuff the male, stand him up, and get him to the sidewalk out of the roadway. Medics were on scene and able to evaluate the male. Officers escorted the subject to a patrol vehicle and the male became angry again, kicked his feet on the patrol car to avoid entering the backseat. Officers retrieved the WRAP restraint and spit hood and secured the male prior to transporting to the hospital for further medical evaluation. He was released for transportation to jail and charged with Resisting Arrest, Assault on Public Safety Officer, Attempt Assault on Public Officer, and Disorderly Conduct II.

#### **21-04177**

One officer responded to the report of a male trespassing in a neighborhood. The officer attempted to engage in conversation with the subject, but the man ignored the officer. The male walked away from the officer towards a sword that was laying in the grass. The officer took a hold of the subject's arm as the subject continued to disobey commands and near closer to the sword. The subject tensed up and the officer took the subject to the ground and called for a cover officer. The subject spit on the officer. The officer held the subject head down on the ground until another officer arrived to assist with handcuffing the subject. The subject was transported to jail and charged with Aggravated Harassment and Resisting Arrest.

#### **21-04263**

One officer responded to a welfare check on a male and female outside of a convenient store. The male subject had an outstanding warrant for his arrest. The officer called for a second unit to arrive to assist with the arrest. When the second officer arrived, they attempted to handcuff the male and the male subject resisted arrest. The officers took the subject to the ground in order to gain control of him. During the struggle one of the officer's wrists was trapped under the subject on a curb. The officer sustained a sprained wrist. The male subject was transported to jail and charged with Parole Warrant, Resisting Arrest, and Assault on Police Officer.

#### **21-04704**

Officers responded to the report of a fight between two females outside of a restaurant in the early morning hours. One of the females (a juvenile) was highly intoxicated and screaming. Officers attempt to calm down the female. Officers called for medics to respond to the scene to evaluate her. Officers placed her handcuffs for safety reasons until medics arrived. When medics arrived, they removed the handcuffs from the female. The female subject slapped one officer and kicked him in the leg. The officers were able to secure the female on a medical gurney to be transported to the hospital for evaluation. The female juvenile was referred to the Juvenile Department for MIP-Alcohol, Disorderly Conduct, and Harassment.

#### **21-05876**

Officers responded to the report of a suspicious circumstance of a male subject threatening to fight a convenient store clerk. The male subject admitted to the officer that he was in possession of a knife and a felon. The male subject continued to ask the officer to arrest him and stated he wanted to go back to jail. The male subject had not committed a crime, so the officer was not

able to arrest him. The male subject got very upset, removed his hat and sweatshirt, and threatened to become violent with the officers if they did not arrest him. The male kicked the store window, punched the ice machine, and threatened the officers again. At this time, officers had cause to arrest the male and placed him in handcuffs with no incident. The subject was transported to jail and charge with Attempted Assault on Police Officer (x3) and Disorderly Conduct II.

#### **21-06014**

An officer responded to the report of a female trespassing on a business property. The female subject was in the parking yelling at cars and refusing to leave. The officer contacted the female and advised her to leave the premises. The subject refused to leave and continued to yell at the officer. The officer attempted to detain the subject in handcuffs, but the female resisted and continued to be verbally aggressive toward the officer. The officer was able to place her in handcuffs and call for a cover officer to assist. The female subject continued to yell at the officer and spit on the officer several times stating that she had COVID. Additional officers arrived on scene and were able to detain the female with handcuffs and a spit hood and seat her in the back of patrol car. The female subject was transported to the jail and charged with Aggravated Harassment, Resisting Arrest, and Criminal Trespass.

#### **21-06101**

Officers responded to the report of a male subject trespassing on business property. Officers contacted the male and told him to leave the property. The subject refused to leave after several requests from the officers. The subject was placed under arrest for criminal trespass and ask to place his hands behind his back. The subject refused to cooperate, raised both of his hands, and clenched his fists. Officers grabbed the subjects' arms and the subject attempted to elbow one of the officers in the face. The officers tackled the male to the ground causing one officer to sustained abrasions to both elbows and cuts to the left knee. Three officers were able to place the subject in handcuffs and waited for additional officers to arrive with the WRAP. Several officers assisted with placing the subject in the WRAP restraint and seating him in the back of a patrol car. The subject was transported to jail and charged with Attempt Assault on Public Safety Officer, Resisting Arrest, Disorderly Conduct II, and Criminal Trespass II.

#### **21-06294**

Officers responded to a report of a male trespassing in the backyard of a residence around midnight. Officers arrived and contacted the male, who officers recognized from previous incidents as very aggressive, unpredictable, and carries firearms. The male subject had previously been trespassed from this property. The male subject appeared willing to comply by getting on his knees and spreading his arms out wide. One officer attempted to grab his wrist, the subject stood up and started running away. Officers commanded the subject to stop, but he continued to elude on foot across the street and jumped over a fence. The subject stated he gave up from the other side of the fence. Officers took the subject to the ground and detained him in handcuffs. During the struggle, one officer sustained a cut on the forearm and a different officer was hit in the face leaving a red mark above the eye. The subject continued to fight with officers as they escorted him to the patrol vehicle. Due to the subjects continued aggression and failure to follow commands, officers placed the subject in the WRAP restraint and transported the subject to the hospital for evaluation. The subject was medically cleared, transported to jail, and charged with



Criminal Tress II, Escape III, Interfering, Resisting Arrest, Harassment, and Assault on Public Safety Officer.

#### **21-06559**

Officers were dispatched to a criminal trespass complaint, where a male subject that was previously trespassed had returned to the business property. When the officer arrived, there were two LCSO deputies on scene and chasing the male subject on foot. The APD officer was able to catch up to the subject his in patrol vehicle. The officer gave the male subject commands to stop. The subject stopped, turned towards the officer, and balled his hands into fists. The officer commanded the subject to the ground, and he complied. The officer was able to place the subject in handcuffs. The subject, on the ground in handcuffs, raised up, turned and spit on the officer. At this time a sergeant arrived and was able to assist with placing a spit hood and WRAP restraint on the subject. The male subject was transported to jail and charged with Aggravated Harassment, Assault IV, Criminal Mischief III, and Criminal Trespass II.

#### **21-06660**

Officers responded to the report of domestic disturbance. The male subject was throwing glass into the roadway and attempting to fight people. When officer arrived, they observed scattered broken sharp porcelain in the roadway in front of the residence. The male subject was verbally aggressive towards the officers. Officers decided to arrest him for Offensive Littering. The male subject resisted arrest and it took three officers to placed him in handcuffs. The officers escorted the subject outside to the patrol vehicle where the male subject attempted to pull away from the officers and kicked one of the officers. The officers requested the WRAP restraint to the scene. The male subject called one of the officers a bias driven derogatory word. Officers were able to secure the subject in the WRAP and seat him in the back of a patrol vehicle. The male subject was transported to jail and charged with Assault Public Safety Officer, Harassment, Bias Crime II, Resisting Arrest, Disorderly Conduct II, and Offensive Littering.

#### **21-07327**

Officers were dispatched to a suicidal subject, reporting a male was intoxicated and threatening to cut his wrists. When officers arrived, they located the male yelling and throwing personal belonging out of the residence onto the sidewalk. The male was verbally aggressive towards the officers, but willingly was placed in handcuffs. Once detained, the male subject spit on one of the officers, kicked the patrol vehicle, and continued to spit at the officers. The officers were able to place a spit hood and WRAP restraint on the male. He was transported to jail and charged with Disorderly Conduct and Aggravated Harassment.

#### **21-08455**

A Field Training Officer (FTO) was on patrol with a recruit officer when the FTO noticed an older truck driving with plates that did not match the description of the vehicle. The FTO activated lights to initiate a traffic stop on the vehicle. The driver pulled over, exited the vehicle, and shut the door. The officer explained the reason for the traffic stop and the male subject stated he was borrowing the vehicle. The subject gave the officers a false name and did not have identification. The FTO told the subject that he was going to be detained until the FTO could figure out what was going on with the vehicle. The male subject turned and ran away from the officer. The officers chased the subject on foot and the male subject fired a handgun at the officers. The male subject

fled on foot and was not located during this incident. The recruit officer sustained minor injury from gravel hitting his face from the gunshot. The male subject was later identified and arrested. The subject was transported to jail and charged with Attempted Aggravated Murder (x2), Felon in Possession of Firearm, Unlawful Use of Weapon, Fail to Appear I, Fail to Appear II, Fail to Appear on Criminal Citation, Fail to Appear - Bench Warrant (x13), and Parole Violation.

## **21-08490**

Officers responded to the report of a vehicle crash and a male subject fled the scene on foot. While one officer was enroute, the officer located a male matching the description walking down the road near the crash. The officer contacted the male and asked for his identification. The male subject stated he had warrants and would not give his name. The officer approached the subject to detain him and the subject pulled away and punched the officer in the face and fled on foot. The officer gave chase, the conditions were dark with snow on the ground. The officer lost sight of the subject but was able to track footprints in the snow. It appeared that the subject had entered a residence. The officer was able to speak with the resident regarding the ongoing incident. Officers were outside the residence and heard yelling that the subject was inside the home. Officers ran into the house and located the resident and subject struggling in the garage. Officers ensued in a struggle with the subject, which resulted in him being handcuffed on the ground. The subject continued to resist and be verbally aggressive to persons that were present. Officers escorted the male subject into the back of a patrol car and learned the male subject was a juvenile. The subject was evaluated by medical professionals on scene, and he was transported to the hospital for further evaluation. The hospital cleared the subject for transportation to Albany Police Department while waiting for proper arrest documentation. Officer received the required PC affidavit and transported the juvenile to the juvenile detention center. The juvenile was charged with Assault of Public Safety Officer, Resisting Arrest, Harassment, and Burglary I.

### **Trends and patterns for these incidents are:**

- Calls resulting in Assault or Attempted Assault on a Police Officer stemmed from both self-initiated work and calls for service.
- Seven incidents involved the subject kicking at the officer.
- Eight incidents involved the subject spitting at or on the officer.
- Six incidents involved female subjects.
- Two incidents involved juveniles.
- Nine 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 2021 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 2021, the department has continued to train patrol officers in the area of de-escalation and critical incident recognition. The department has 14 patrol officers who have attended and passed a 40-hour Crisis Intervention Training (CIT) course. It is the goal of the department to have as many officers as possible trained in CIT. 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 2021. 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.