

**2015
USE OF FORCE
REPORT**



ALBANY POLICE DEPARTMENT

The 2015 Use of Force Report was completed using the Albany Police Department's Use of Force database. The Albany Police Department responded to 59,409 calls, resulting in 4,722 arrests, with only 217 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. As an example, this year, the Albany Police Department had 77 instances where a handgun was displayed and was reported as a use of force. This is about one-third of the total uses of force (217) reported by officers of the Albany Police Department in 2015.

GRAPHS AND CHARTS

Classification of Initiating Call (what we responded to).
Breakdown and Comparison by Gender, Race, and Age.
Resistance Encountered by Officers.
Level of Force Used.
Total Arrests and Calls for Service versus Total Use of Force Incidents.
Number of Officers Responding to a Use of Force Call.

SUMMARY OF DATA:

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 4.6 percent of arrests required use of force and .37 percent of all calls for service required use of force.

Of the 217 Use of Force incidents during 2015, 21 percent were the result of a fight or disturbance call, 87 percent involved males, and 38 percent of suspects involved were between the ages of 21 and 30.

During 2015, the Albany Police Department use of Taser dropped around fifty percent and was replaced by the use of control holds. All of our other Use of Force data is consistent from 2013 through 2015.

Officers of the Albany Police Department must know and follow many definitions and directives when dealing with incidents where use of force may be required. In order to keep everyone equally informed, we are including this information in the same format as used by the Albany Police Department.

DEFINITIONS AND DIRECTIVES

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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.

DEFINITIONS

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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.

DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

USE OF FORCE TO EFFECT AN ARREST

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.235):

- (a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or
- (b) For self-defense or to defend a third person from what the officer reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.

- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 1. The subject is violent or physically resisting.
 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
 1. Females who are known to be pregnant
 2. Elderly individuals
 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

REPORTING THE USE OF FORCE

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.

INITIATING CALL BREAKDOWN AND DEFINITION

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, we have condensed this information into eight categories.

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

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

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

EDP or Suicidal: Emotionally Disabled Person, Suicidal Subject, Police Officer Hold.

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.

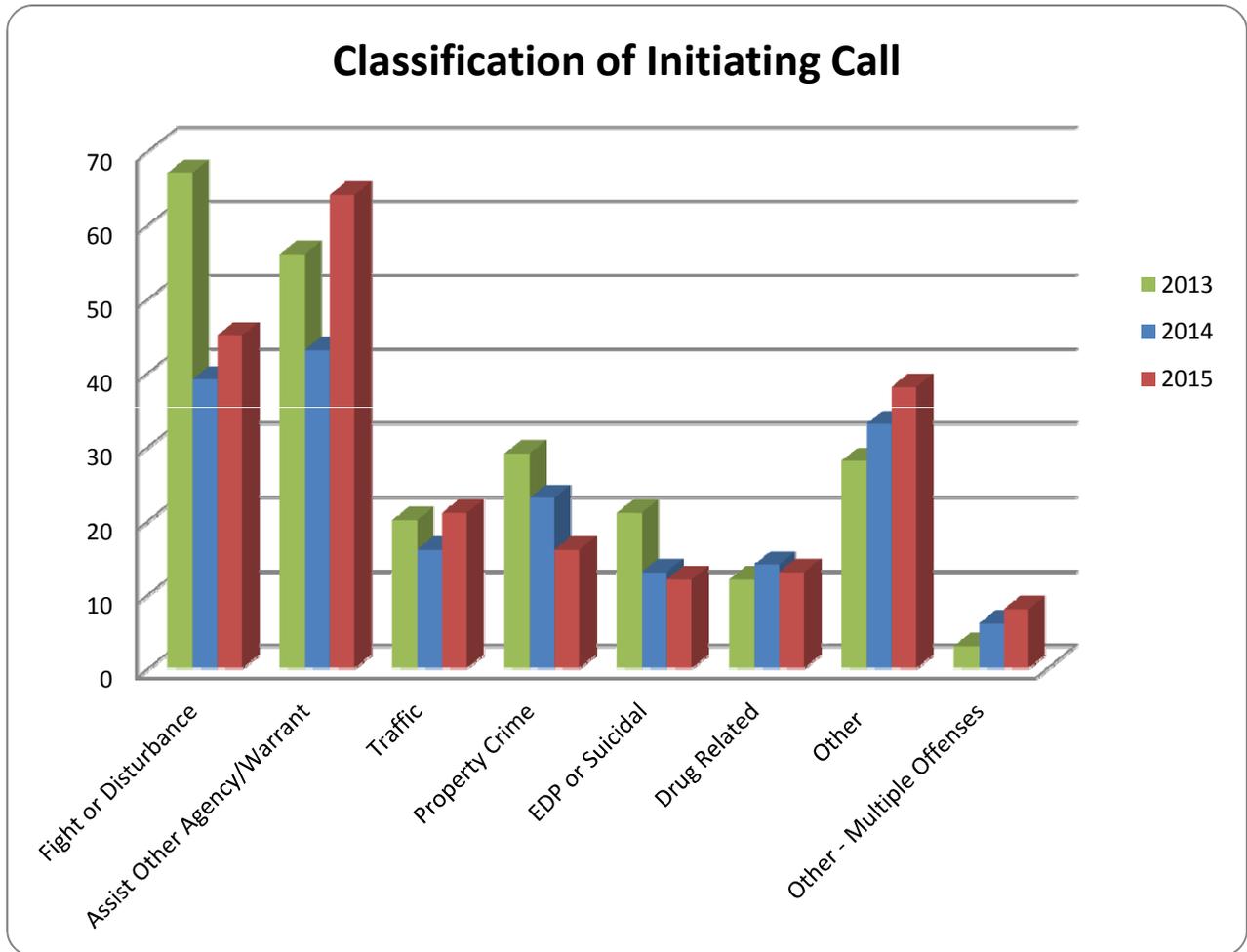
Assist Other Agency/Warrant: Warrants served by our Department, or with our assistance, for other agencies.

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

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.

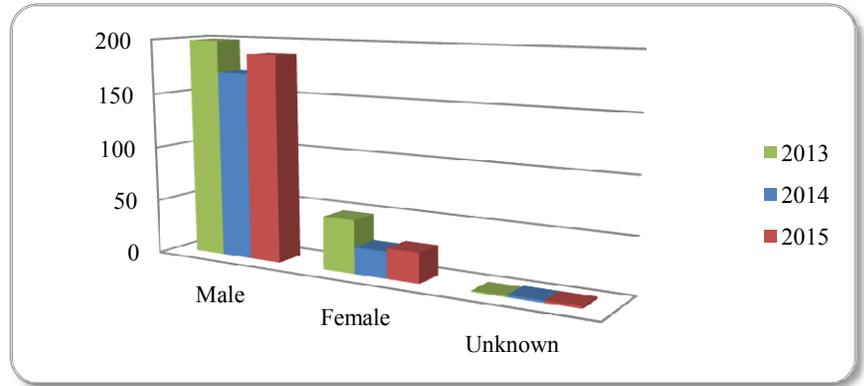
CLASSIFICATION OF INITIATING CALL

CLASSIFICATION OF INITIATING CALL	2013	2014	2015		2013	2014	2015
Fight or Disturbance	67	39	45		29%	21%	21%
Assist Other Agency/Warrant	56	43	64		24%	23%	29%
Traffic	20	16	21		8%	9%	10%
Property Crime	29	23	16		12%	12%	7%
EDP or Suicidal	21	13	12		9%	7%	6%
Drug Related	12	14	13		5%	7%	6%
Other	28	33	38		12%	18%	18%
Other - Multiple Offenses	3	6	8		1%	3%	4%
TOTAL RESPONSES	236	187	217		100%	100%	100%

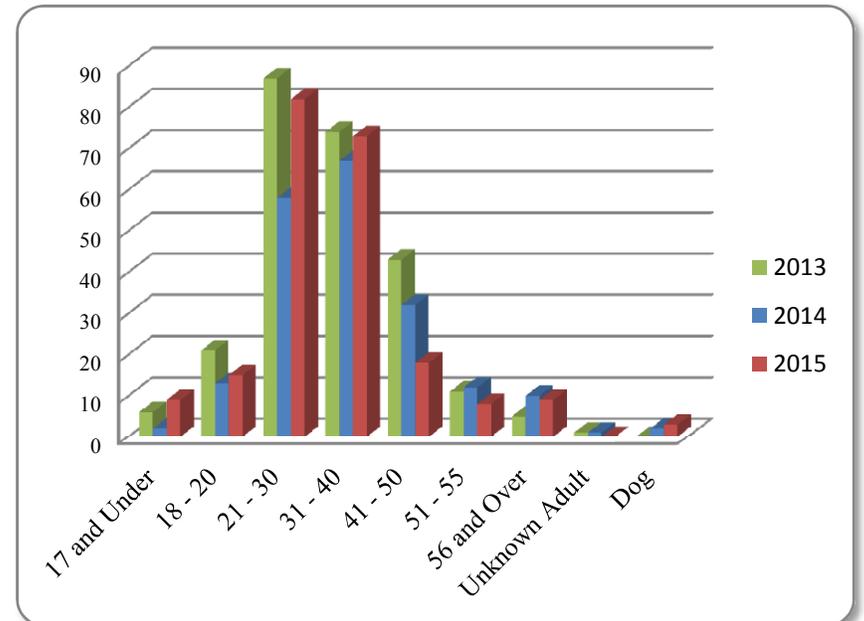


BREAKDOWN AND COMPARISON BY GENDER, RACE, AND AGE

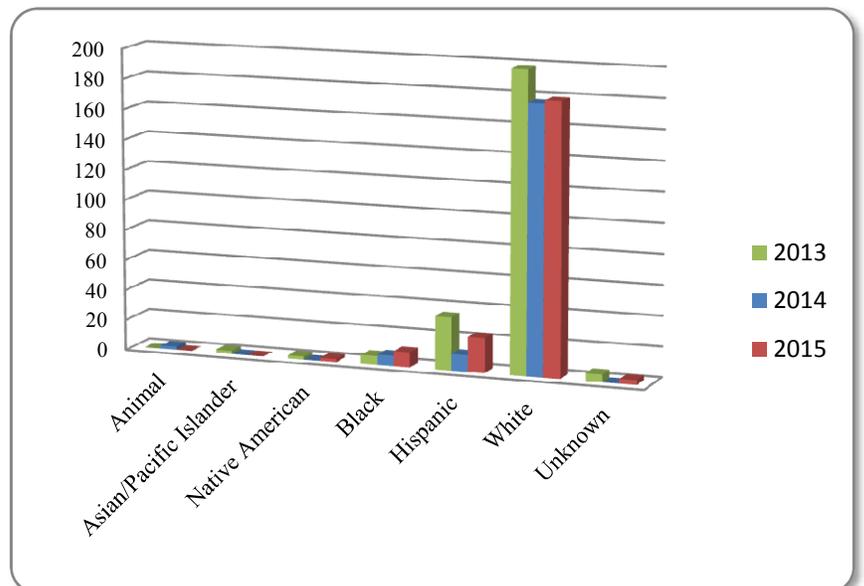
GENDER	2013	2014	2015	
Male	199	171	188	87%
Female	48	24	27	12%
Unknown	1	2	2	1%
Total	248	197	217	100%



Age	2013	2014	2015	
17 and Under	6	2	9	4%
18 - 20	21	13	15	7%
21 - 30	87	58	82	38%
31 - 40	74	67	73	34%
41 - 50	43	32	18	8%
51 - 55	11	12	8	4%
56 and Over	5	10	9	4%
Unknown Adult	1	1	0	0%
Dog	0	2	3	1%
Total	248	197	217	100%



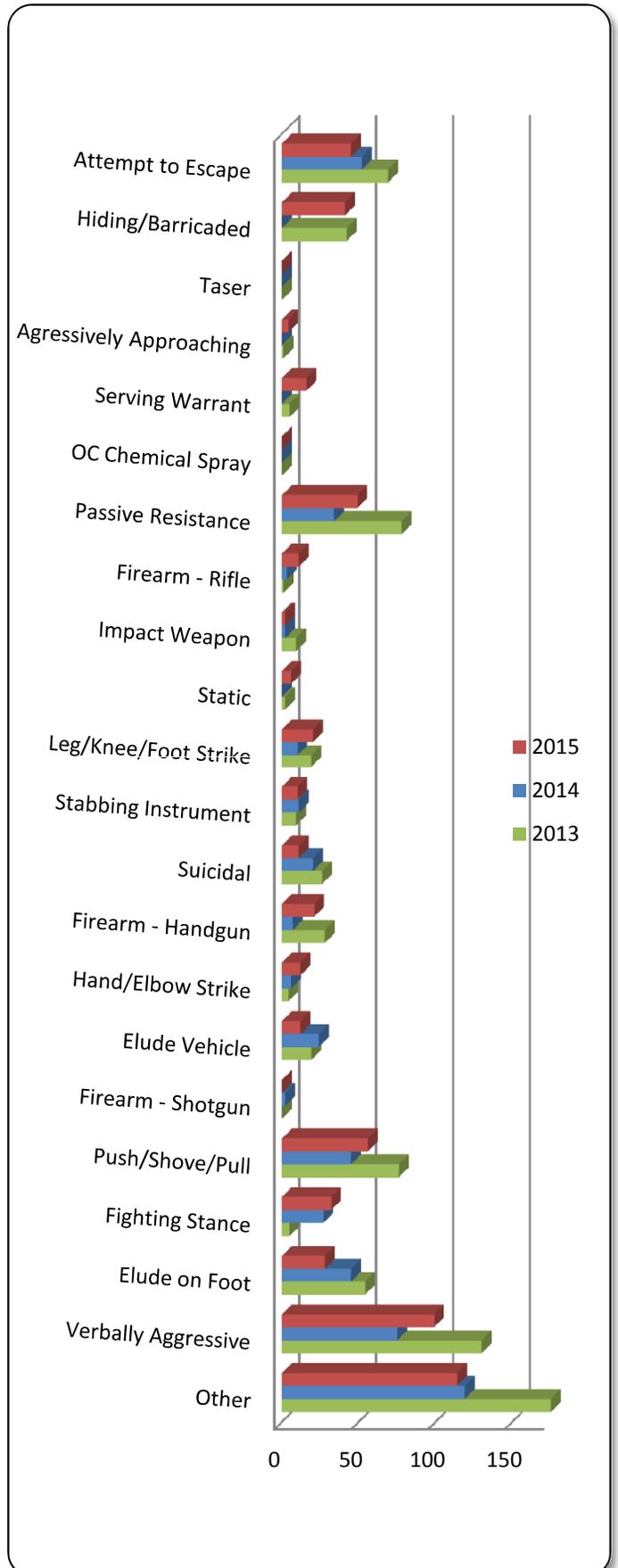
RACE	2013	2014	2015	
Animal	0	2	0	0%
Asian/Pacific	2	0	0	0%
Native American	2	0	2	1%
Black	6	7	10	5%
Hispanic	35	11	23	11%
White	198	177	179	82%
Unknown	5	0	3	1%
Total	248	197	217	100%



Statistics show that incidents involving use of force have predominantly involved white males between the age of 21 and 40.

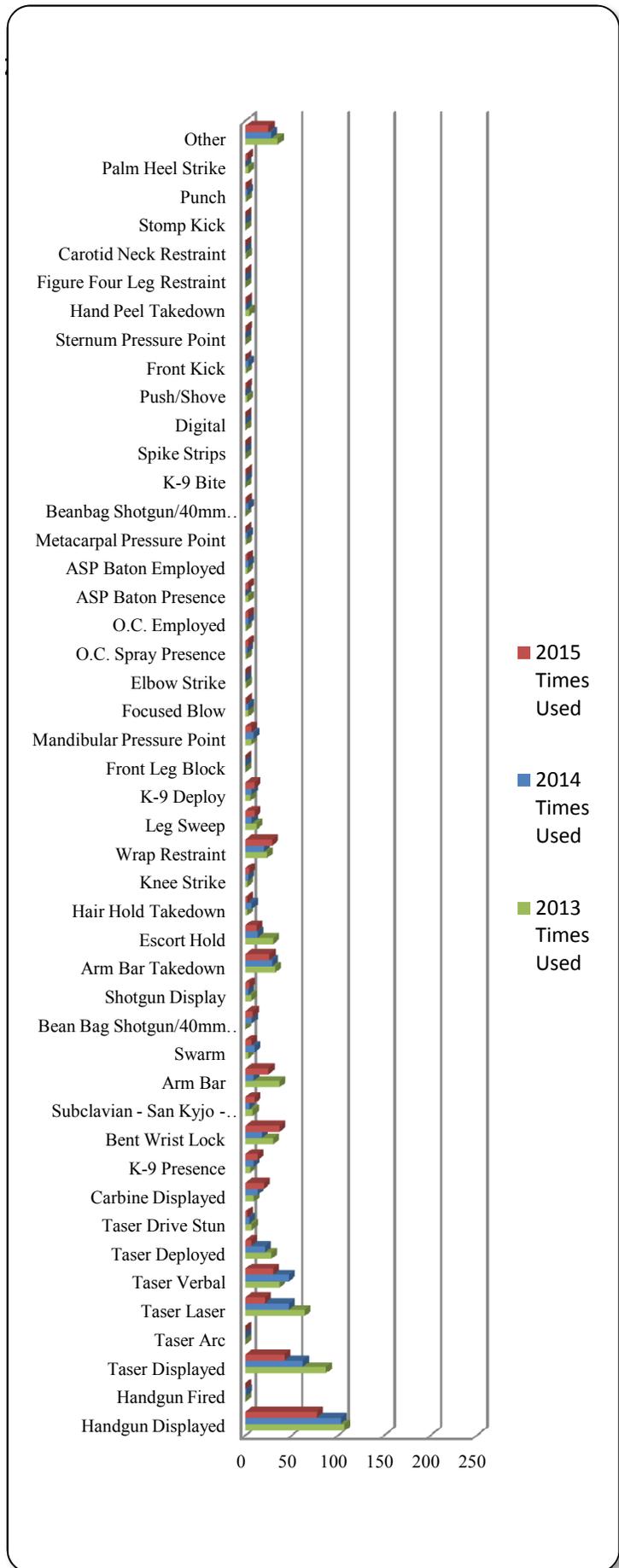
RESISTANCE ENCOUNTERED BY OFFICERS

Resistance Encountered by Officers	2013	2014	2015	
Other	196	119	114	19.4%
Verbally Aggressive	130	75	99	16.8%
Elude on Foot	54	45	28	4.8%
Fighting Stance	5	27	32	5.4%
Push/Shove/Pull	76	45	56	9.5%
Firearm - Shotgun	0	2	0	0.0%
Elude Vehicle	19	24	12	2.0%
Hand/Elbow Strike	4	6	12	2.0%
Firearm - Handgun	28	7	21	3.6%
Suicidal	26	20	11	1.9%
Stabbing Instrument	9	11	10	1.7%
Leg/Knee/Foot Strike	19	10	20	3.4%
Static	2	0	6	1.0%
Impact Weapon	9	2	2	0.3%
Firearm - Rifle	1	3	11	1.9%
Passive Resistance	78	34	49	8.3%
OC Chemical Spray	0	0	0	0.0%
Serving Warrant	5	0	16	2.7%
Agressively Approaching	1	0	4	0.7%
Taser	0	0	0	0.0%
Hiding/Barricaded	42	0	41	7.0%
Attempt to Escape	69	52	45	7.6%
TOTAL	773	482	589	100%



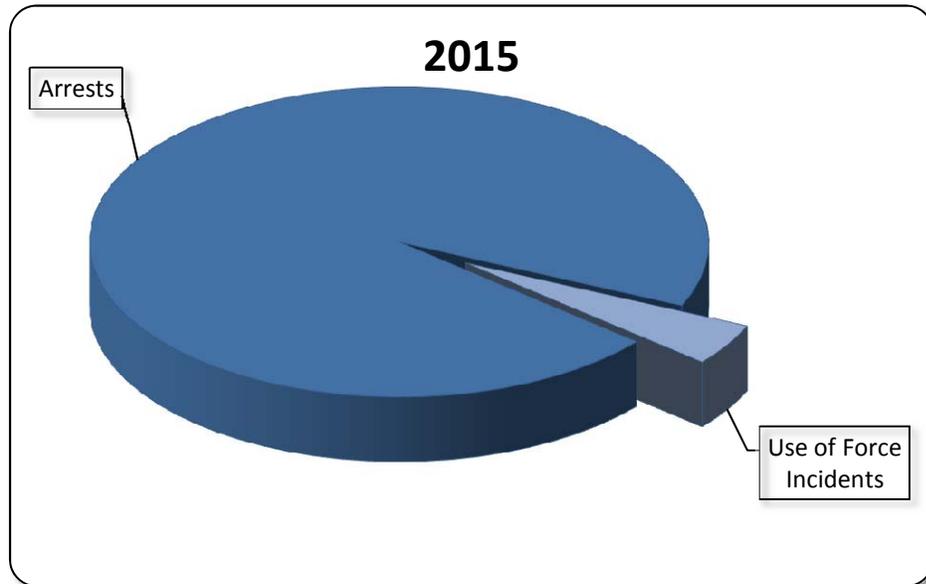
USE OF FORCE INCIDENTS - LEVEL OF FORCE USED

Level of Force Used	2013	2014	2015	2015
		Times Used	Times Used	
Handgun Displayed	107	103	77	17.3%
Handgun Fired	0	1	0	0.0%
Taser Displayed	87	62	42	9.4%
Taser Arc	0	0	0	0.0%
Taser Laser	64	47	21	4.7%
Taser Verbal	37	47	30	6.7%
Taser Deployed	28	21	6	1.3%
Taser Drive Stun	7	4	2	0.4%
Carbine Displayed	9	13	20	4.5%
K-9 Presence	5	9	13	2.9%
Bent Wrist Lock	30	18	37	8.3%
Subclavian - San Kyjo - Shoulder Lock	8	4	10	2.2%
Arm Bar	37	9	25	5.6%
Swarm	3	10	6	1.3%
Bean Bag Shotgun/40mm LL Display	0	7	8	1.8%
Shotgun Display	6	3	4	0.9%
Arm Bar Takedown	32	29	26	5.8%
Escort Hold	30	13	12	2.7%
Hair Hold Takedown	2	7	2	0.4%
Knee Strike	2	3	4	0.9%
Wrap Restraint	23	20	29	6.5%
Leg Sweep	12	7	10	2.2%
K-9 Deploy	5	7	10	2.2%
Front Leg Block	0	0	0	0.0%
Mandibular Pressure Point	6	9	6	1.3%
Focused Blow	3	3	1	0.2%
Elbow Strike	1	0	0	0.0%
O.C. Spray Presence	1	2	3	0.7%
O.C. Employed	1	3	3	0.7%
ASP Baton Presence	3	0	3	0.7%
ASP Baton Employed	2	3	2	0.4%
Metacarpal Pressure Point	1	2	0	0.0%
Beanbag Shotgun/40mm LL Employed	0	3	1	0.2%
K-9 Bite	0	1	1	0.2%
Spike Strips	0	0	0	0.0%
Digital	0	0	0	0.0%
Push/Shove	2	0	1	0.2%
Front Kick	1	3	0	0.0%
Sternum Pressure Point	0	0	1	0.2%
Hand Peel Takedown	4	1	1	0.2%
Figure Four Leg Restraint	0	0	0	0.0%
Carotid Neck Restraint	1	0	0	0.0%
Stomp Kick	0	0	0	0.0%
Punch	1	2	1	0.2%
Palm Heel Strike	3	0	2	0.4%
Other	35	28	25	5.6%
TOTAL	599	504	445	100%

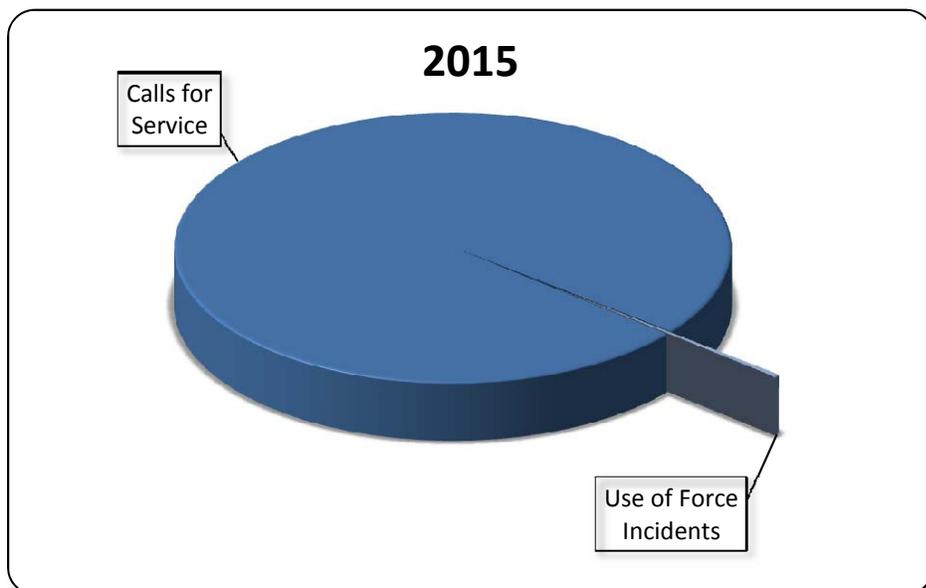


TOTAL ARRESTS & CALLS FOR SERVICE VS USE OF FORCE

	2013	2014	2015
Arrests	3,728	5,103	4,722
Use of Force Incidents	236	187	217
% of Arrests Requiring Use of Force	6.3%	3.7%	4.6%



	2013	2014	2015
Calls for Service	57,326	60,887	59,409
Use of Force Incidents	236	187	217
% Percentage of Calls for Service Requiring Use of Force	0.41%	0.31%	0.37%



NUMBER OF OFFICERS RESPONDING

Number of Officers Responding to Call	2013	2014	2015	2015
1 Officer	31	29	19	8.8%
2 Officers	81	55	72	33.2%
3 Officers	55	47	54	24.9%
4 Officers	31	24	35	16.1%
5 Officers	26	23	25	11.5%
6 Officers	9	6	7	3.2%
7 Officers	3	1	3	1.4%
8 Officers	0	2	1	0.5%
9 Officers	0	0	0	0.0%
10 or more Officers	0	0	1	0.5%
TOTAL	236	187	217	100%

