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POLICE DEPARTMENT

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1789

USE OF FORCE - LESS LETHAL WEAPONS GENERAL ORDER NO: 1.3.00

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SANCTITY OF LIFE:

The sanctity of life is a central principle of policing and must guide all interactions between members of the Albany Police Department and members of the general public. All members of the Albany Police Department must commit themselves to ensuring the preservation of life and liberty by using the least amount of force necessary to achieve lawful objectives. When safe and reasonable, officers should attempt to continually de-escalate and reassess the situation, recognizing that force may be appropriate at one moment but inappropriate moments later because of the changing nature of a situation, as outline in section X below.

PURPOSE:

The purpose of this policy is to establish policies and procedures governing the use of physical force by sworn officers of this department and to establish procedures for investigating and reporting the use of such force.

POLICY:

It is the policy of the Albany Police Department that sworn officers of this department ~~officers~~ shall ~~only~~ employ only the degree of physical force that is reasonable and necessary, based on the totality of the circumstances, to accomplish lawful objectives, as set forth herein established by Article 35 of the New York State Penal Law and the policies and procedures set forth by this department.

DEFINITIONS:

Reasonable Cause to Believe/Reasonable Belief – Reasonable belief means those facts and circumstances within the knowledge of the individual which would make a reasonable and prudent person tend to believe that the facts and circumstances are true.

Physical Force – Physical force means force that is used upon, or directed

toward the body of, another person that does not amount to deadly physical force.

Less Lethal Force – Less lethal force means response options that are not designed or used with the intention of causing (and have less potential for causing) death or serious bodily injury, including but not limited to: chemical agents, impact weapons, or Conducted Energy Weapons (CEW).

Physical Injury – Physical injury means the impairment of physical condition or substantial pain, as defined in Article 10 of the New York State Penal Law.

Serious Physical Injury – Serious physical injury means a physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ, as defined in Article 10 of the New York State Penal Law.

Deadly Physical Force – Deadly physical force means force which, under the

circumstances in which it is used, is readily capable of causing death or other serious physical injury, as defined in Article 10 of the New York State Penal Law.

Less Lethal Weapons – Less lethal weapons are primarily designed to temporarily disable or stop non-compliant persons without killing, thereby providing law enforcement personnel with an alternative to lethal force when appropriate. This department currently authorizes the following less lethal weapons: Conducted Energy Weapons (Taser X26 and X26P), Cocobolo/Composite Wood Baton, Expandable Baton, O.C. Spray, and less lethal weapons listed in the Emergency Services Team General Order.

Conducted Energy Weapon (CEW) – A Conducted Energy Weapon means a weapon designed primarily to discharge electrical charges into a subject that will cause involuntarily muscle contractions and override the subject's voluntary motor responses. A CEW delivers approximately 50,000 volts but that is only to make the initial contact between the CEW probes and the skin. Once contact is made, the voltage drops to approximately 1,200 volts at about 19 pulses per second.

Arcing – Arcing means pulling the trigger to activate CEW without discharging the probes. This may be done as a warning to the subject or to test the CEW prior to deployment (also referred to as a spark test).

Drive Stun – A drive stun mode is possible whether or not the cartridge has been expended or removed from the CEW. (If the cartridge is not removed, the probes will enter the body.) This action requires pulling the trigger and placing the CEW in direct contact with the subject, causing the electric energy to enter the subject directly. Drive stun is frequently used as a non-incapacitating persuasive compliance technique. It may also be used to incapacitate the subject where at least one probe is attached to the subject's body and the CEW contact will complete the circuit.

Laser Painting – Laser painting is the act of un-holstering and pointing a CEW at a subject and activating the CEW's laser to show that the weapon is aimed at the subject.

Support Hand Side – A support side hand is the opposite side of a person's strong hand and firearm.

Impact Weapon – An impact weapon is a device used to apply force against a non-compliant or assaultive subject, or to affect a blocking or defensive technique. This shall include cocobolo/composite wood batons and expandable batons.

Capsicum – Capsicum means a genus of plants, the ripe fruit of the capsicum mimum (or frutescens), contains the active principal capsaicin.

Capsaicin – Capsaicin means a colorless, pungent crystalline compound that is derived from capsicum and is a strong irritant to skin and mucous membranes.

Oleoresin – Oleoresin means a naturally occurring mixture of oil and a resin

extract from various plants.

Orthochlorobenzal Malononitrile (CS) – CS is a gas causing tears, salivation, and painful breathing, $C_6H_4ClCH:C(CN)_2$.

Decontamination – Decontamination means the removal of hazardous substances (bacteria, chemicals, radioactive materials) from the person, clothing, equipment, tools, and/or site to the extent necessary to prevent the occurrence of adverse health and/or environmental effects.

Weapon of Opportunity – A weapon of opportunity consists of any object, other than a department approved less lethal or lethal weapon (e.g., flashlight, portable radio, etc.).

I. AUTHORIZED USE OF FORCE

A. Use of Reasonable Force:

- 1.** While in the performance of official duties, officers shall only employ the degree of physical force that is reasonable and necessary, based on the totality of the circumstances, to accomplish lawful objectives, as established by Article 35 of the New York State Penal Law and the policies and procedures set forth by this department.

a. Lawful objectives include, but are not limited to the following:

- i.** Detentions;
- ii.** Frisks;
- iii.** Arrests;
- iv.** Self defense;
- v.** Defense of others;
- vi.** Defense of property;
- vii.** Preventing a person(s) from self-injury or protective custody commitments;
- viii.** Preventing a person(s) from destroying evidence;
- ix.** Stopping a riot; or
- x.** Preventing prisoner escapes.

b. Factors that determine reasonableness for the totality of circumstances include:

- i.** The severity of the crime;
- ii.** Whether the suspect is an immediate threat to the safety of the officer or others;
- iii.** Actively resisting arrest; or
- iv.** Attempting to evade by flight.

c. Other factors that determine the necessity to use force include, but are not be limited to the following:

- i.** The number of suspects versus the number officers

- involved;
 - ii. Pre-assault indicators (e.g., actions, statements, etc.);
 - iii. Size, age, and physical condition of the officer and suspect;
 - iv. Known or perceived physical abilities of the suspect;
 - v. Previous violent or mental history;
 - vi. Perception of the use of alcohol or drugs by the subject;
 - vii. Perception of the suspect's mental or psychiatric history based on specific actions;
 - viii. The availability and proximity to weapons;
 - ix. Environmental factors (e.g., night/day, snow/ice, terrain, etc);
 - x. Injury to the officer or prolonged duration of the incident;
 - xi. Officer on the ground or other unfavorable position; and
 - xii. Characteristics of being armed (e.g., bulges, adjustment of clothing, "security touches").
2. Less lethal weapons shall be carried and/or utilized only as issued and authorized, and shall be deployed in compliance with Article 35 of the New York State Penal Law.
- a. Under no circumstances shall changes, alterations, modifications, or substitutions be made without prior written consent from the Chief of Police or his/her designee.
3. Officers may only employ less lethal weapons within the guidelines of department training, policies, and procedures.
- a. Officers must be able to articulate a compelling need to use a weapon of opportunity, to inflict physical injury, serious physical injury, and/or death.

B. When safe and reasonable, officers shall attempt to use de-escalation tactics.

- 1. De-escalation tactics and techniques are actions used by officers, when safe and without compromising the mission of the Albany Police Department, which seek to achieve conflict resolution during an incident, and increase the likelihood of voluntary compliance.
- 2. Mitigating conflict gives officers time to utilize extra resources and increases time available to resolve the incident in a safe manner.
- 3. Officers shall balance de-escalation techniques against the facts of the incident facing them when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

II. AUTHORIZED USE OF DEADLY FORCE

A. The Department's general order regarding authorized use of deadly force reflects the Department's focus on the sanctity of life as set forth in the first paragraph of this general order. As a result of the Department's focus on the sanctity of life, this general order more narrowly defines an officer's

authorized use of deadly force than what may be authorized by Article 35 of the New York State Penal Law.

- B. An officer may NOT use or threaten to use deadly physical force:**
 - 1. Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic;**
 - 2. To punish a person or to retaliate against them for past conduct or to impose punishment; or**
 - 3. To resolve a situation quicker or force compliance with an officer's request when it can otherwise be handled through de-escalation tactics, communication or any other form of less-lethal force.**
- C. An officer an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury or death to:**
 - 1. To prevent or terminate the imminent danger of serious physical injury and/or death to the officer or others when the suspect is imminently acting or imminently threatening to cause death or serious physical injury to the officer or others; or**
 - 2. To effect the arrest of a person whom the officer has reasonable cause to believe the person has the means or instrumentalities to use deadly physical force against an officer or others; or**
 - 3. To end the commission of a violent felony against others including Rape, Criminal Sexual Act and/or Kidnapping.**
- D. An officer's use of deadly physical force will be reviewed based upon the totality of the circumstances using an objective reasonableness standard. This directive does not require an officer to sustain an injury before applying authorized force.**
- E. No distinction shall be made relative to the age of the intended target of deadly physical force. Self-defense and imminent threat shall be the only procedural guidelines for employing deadly physical force.**

~~4. IN Officers may use deadly physical force, in accordance with Article 35 of the New York State Penal Law, officers may use deadly physical force when there is reasonable cause to believe that such force is necessary in order to:~~

~~a. Prevent or terminate the imminent danger of serious physical injury and/or death against the officer or a third person;;; AND/OR~~

~~b. To affect the arrest of a person whom the officer has reasonable cause to believe :~~

~~i. Has committed, or is attempting to commit, a felony offense involving the use or attempted use or threatened imminent use of [deadly?] physical force against the officer or a third person; or committed, or is attempting to commit, a kidnapping, arson, escape in the first degree, or burglary in the first degree. The suspect has the means or instrumentalities to use deadly physical force against an officer or others to cause death or serious physical injury.~~

~~To prevent the escape, or the attempted escape, of a person(s) in custody, or while in the course of resisting arrest, whom the officer has reasonable cause to believe has committed a felony offense, such person is armed with a firearm or other deadly~~

~~5.F.~~ An officer's use of deadly physical force will be reviewed based upon the totality of the circumstances using an objective reasonableness standard. This directive does not require an officer to sustain an injury before applying authorized force.

~~G.~~ No distinction shall be made relative to the age of the intended target of deadly physical force. Self-defense and imminent threat shall be the only procedural guidelines for employing deadly physical force.

~~6.~~

II.III. ADMINISTRATION

A. Legal Authority to Carry/Use Weapons:

1. The legal authority for sworn officers of the Albany Police Department to carry and use weapons in the performance of their duties is defined in Section 2.20 of the New York State Criminal Procedure Law.

2. Sworn officers are authorized by the Chief of Police to carry and use department approved less lethal weapons and munitions in the performance of their official duties, in accordance with the following:

a. Sworn personnel of this department are not authorized or permitted to carry or use a department approved less lethal weapon(s), in which the officer did not specifically receive training in while completing the Basic Course for Police Officers, until the officer successfully completes an initial training course in the proper use of such less lethal weapon.

- i. Certificates of completion shall be maintained by the Training Unit and a copy shall be included in the individual officer's personnel file within the Office of Professional

Standards.

- b.** Only department personnel demonstrating proficiency in the use of department authorized weapons shall be approved to carry such weapons.
- 3.** Non-sworn personnel are not authorized to possess any type of less lethal weapon or ammunition in the performance of their official duties, including while in a vehicle, building, or any other facility that is owned/leased by the City of Albany.

B. Authorized Less Lethal Weapons and Use of Force:

- 1.** In the performance of official duties, sworn officers of this department shall only carry and use department authorized less lethal weapons and ammunition unless specifically authorized by the Chief of Police.
 - a.** Sworn officers may exercise control over a subject through their visible presence or verbal commands.
 - b.** Sworn officers may use guiding techniques and department approved restraining devices to physically control the movements of a subject that exhibits no resistance.
 - i.** Department approved restraining devices consist of the following:
 - a)** Handcuffs;
 - b)** Zip-tie restraints; and
 - c)** Handcuffs and restraining belts.
 - ii.** Alternative restraints, such as shackles, are also an approved restraining device, which are available through the Central Booking supervisor and may only be utilized with prior approval.
 - c.** Sworn officers may use department approved open hand control tactics as a response option in the application of physical force.
 - i.** Soft open hand control tactics include, but are not limited to the following:
 - a)** Escort holds;
 - b)** Joint locks; and
 - c)** Pressure point control techniques that generally involve the application of pain compliance.
 - ii.** Hard open hand control techniques include, but are not limited to the following:
 - a)** Striking techniques; and
 - b)** Take down measures that consist of the forceful

direction of the subject to the ground.

- 1) All strikes, kicks, punches, etc. shall be targeted at a subject's major muscle mass areas and muscle structures.
- d. Sworn officers may use department approved less lethal weapons and ammunition as a response option in the application of physical force.
- e. The Training Unit shall maintain a record of the types and specifications of all less lethal weapons approved for use.
 - i. Department issued and/or authorized less lethal weapons and ammunition, which shall only be utilized in accordance with this policy and current department directives, include the following:
 - a) Conducted Energy Weapon (CEW) - Taser X26 and X26P;
 - b) Cocobolo Police Baton - Up to 26";
 - c) Composite Wood Police Baton - Up to 26";
 - d) ASP Expandable Baton - Up to 26";
 - e) Peacekeeper Rapid Containment Baton - Up to 26";
 - f) Cocobolo Riot Batons - 36";
 - g) Oleoresin Capsicum (OC) 1.8 Ounce Aerosol Spray;
 - h) Oleoresin Capsicum (OC) Sixteen (16) Ounce Crowd Control Spray;
 - i) Orthochlorobenzal Malononitrile (CS); and
 - j) Department Issued/Approved Less Lethal Weapons and Ammunition, as defined in the Emergency Services Team General Order.
 - ii. The following less lethal weapons are strictly prohibited:
 - a) Slapjacks; and
 - b) Blackjacks.
- f. Authorized members assigned to the K-9 Unit may use a police K-9 as a response option in the application of physical force, as per current directives.
- g. The department does not authorize any other less lethal weapons or ammunition to be carried while on-duty.
- h. The department does not authorize any department approved less lethal weapons or ammunition to be carried while off-duty.

C. Review and Inspection:

1. Prior to being issued, or approved to carry, a less lethal weapon or ammunition in the performance of official duties, all less lethal weapons and ammunition intended for use by an officer of this department shall be

reviewed, inspected, and approved by a qualified weapons instructor to ensure that the weapon is safe, functional, and operational before use.

- a. Training Unit personnel shall complete a Less Lethal Weapon/Riot Gear Assignment Report, APD Form # 282 shown on page 25 of this order, documenting each less lethal weapon that has been inspected, authorized, and approved for use by a qualified weapons instructor.
 - i. A copy of the Less Lethal Weapon/Riot Gear Assignment Report shall be placed in the applicable officer's training file.
 - ii. If a less lethal weapon is issued to a station/unit a copy of the Less Lethal Weapon/Riot Gear Assignment Report shall be maintained in the applicable station/unit file maintained by the Training Unit.
 - iii. Each CEW issued shall also be entered in the department's master weapon index, which shall be maintained by the Training Unit.
2. Less lethal weapons that are found to be defective, expired, or otherwise unsafe (either during initial inspection or upon daily officer inspection) shall be removed from service and brought to the Training Center for repair or replacement, according to the following procedures:
 - a. The officer requesting the repair shall complete an Intra-Departmental Correspondence documenting the repair needed.
 - b. The officer's supervisor shall email a copy of the IDC to the Training Unit at Training_Unit@albany-ny.org.
 - c. A member of the Training Unit will make arrangements for the less lethal weapon to be turned into the Training Unit for repair or replacement.
 - d. All repairs or replacements shall be completed by a qualified weapons instructor or licensed dealer/manufacturer. The repair shall be documented on an IDC by a member of the Training Unit.
 - e. When the repairs are complete or the less lethal weapon is replaced, a member of the Training Unit will make arrangements to return the less lethal weapon to the appropriate user or unit/station.

D. Training:

1. Prior to being authorized to carry a less lethal weapon, sworn personnel of this department shall be issued copies and receive instruction on the following:
 - a. GO 1.3.00 – Use of Force - Less Lethal Weapons.
 - i. Instruction shall focus on the following topics:
 - a) Use of Reasonable Force;
 - b) Use of Deadly Force;
 - c) Use of Authorized Less Lethal Weapons;

- d)** Rendering Aid After Use of Weapons; and
- e)** Pertinent Sections of Article 35 of the New York State Penal Law.

b. The Training Unit shall retain documented records of the issuance of such policies and the instruction pertinent to those policies via department training records and/or PowerDMS.

2. At least annually, all officers who are authorized to carry weapons shall receive in-service training on the department's use of force policies.

a. This training may be done in conjunction with weapons training or by means of on-line training through PowerDMS.

3. Only those officers, who have successfully completed a department approved CEW training course taught by a certified CEW instructor and who have successfully demonstrated proficiency in the use of a CEW, shall be authorized to carry and utilize a CEW. Proficiency training for CEWs shall include successfully loading, unloading, deploying, and discharging the prongs of the CEW.

a. Officers shall complete an initial eight (8) hour block of in-service training in the proper use of the CEW, which may include the following topics:

- i.** New York State Penal Law Article 35, use of force requirements;
- ii.** Departmental policies and procedures relating to use of force;
- iii.** Approved and accepted techniques and strategies for non-deadly use of force options (not limited to those involving a CEW);
- iv.** Approved CEW target zones;
- v.** Legal updates;
- vi.** Justification for CEW deployment and usage;
- vii.** De-escalation techniques;
- viii.** Departmental reporting requirements;
- ix.** CEW unit maintenance and safe storage;
- x.** CEW unit inspection;
- xi.** Medical treatment and decontamination protocols following CEW exposure;
- xii.** Probe removal requirements; and
- xiii.** Drive-stun techniques.

b. At least annually, agency personnel who are currently authorized to carry a CEW shall attend in-service training on the department's use of force policies and shall successfully demonstrate proficiency with authorized CEWs.

c. A CEW may only be carried by on-duty personnel who have been certified in its use. If carried, the CEW shall be immediately accessible on the person and contained within the department

approved holster on the support hand side.

4. In-service training for other less lethal weapons and weaponless control techniques shall occur annually.
 - a. All qualifications and proficiency training must be monitored by a certified weapons or tactics instructor.
 - b. The Training Unit shall document and maintain records of all training and proficiency ratings.
5. Any officer who does not demonstrate proficiency with an authorized less lethal weapon or weaponless control techniques will be instructed to complete remedial training in the proper use of that weapon prior to resuming official duties.
 - a. Officers who fail to demonstrate a satisfactory level of proficiency will not be permitted to carry that particular weapon in the performance of official duties until the officer successfully completes remedial training.
 - b. Remedial training shall be documented on an Intra-Departmental Correspondence to the Chief of Police and maintained in the officer's training file and personnel file.
6. Officers, who were provided training for any less lethal weapon from an outside agency, shall submit certificates of completion to the Training Unit. A certified weapons instructor, in conjunction with Training Unit supervisors, shall determine if the training meets the standards set forth in this policy.
 - a. If the training meets or exceeds the standards set forth in this policy, the weapons instructor shall complete an IDC to the Chief of Police detailing their findings.
 - b. A copy of the approved IDC and training certificate shall be placed in the officer's training file and copies shall be sent to the Office of Professional Standards.
 - c. The officer shall receive notification from the Training Unit that he/she is now authorized to carry such weapons, as well as a copy of the approved IDC.
7. Officers may only employ lethal and less-lethal weapons within guidelines of training and current department directives.

E. Security, Safety, and Storage:

1. All department weapons that are in the custody of the department shall be under the control of the Training Unit. The Training Unit shall maintain the department weapon inventory regarding the acquisition, distribution, maintenance, sale, and disposal of departmental weapons.
 - a. Department weapons and ammunitions shall be safeguarded and stored in the department's secure armory.

- b. Weapon acquisition, transfer, and disposal by and for the Albany Police Department shall be performed by the Training Unit with the expressed written consent of the Chief of Police.
 - c. All weapon acquisition, transfer, and disposal shall be performed in compliance with all federal, state, and local laws, as well as department policies and procedures.
 - d. Less lethal weapons shall be purchased from a licensed dealer or manufacturer, and in accordance with the City of Albany purchasing policies and procedures.
 - e. The department's weapons shall be inventoried on a continual basis.
- 2. Officers are responsible for the care, cleaning, and maximum security of departmental weapons issued to them.
 - a. Officers shall provide maximum security for all less lethal weapons they possess and shall exercise the necessary control for its security to prevent its theft, loss, or misuse.
 - b. Weapons shall not be left in unsecured areas of the department.
 - c. Weapons shall not be left in an unsecured, in plain view in the passenger compartment of any vehicle, for any length of time, at any location when the officer is not in the vehicle. If available, the weapon shall be locked in the trunk.
 - d. Except during authorized training or for maintenance and inspection, officers shall only draw, exhibit, or point a less lethal weapon when they reasonably believe that it may be necessary to use the weapon in the performance of their duty.
 - e. OC Spray and Batons are prohibited from entering the booking room or any cell block or cell, except for exigent circumstances.
 - f. Officers shall never lend their weapon(s) to unauthorized persons.

III-IV. LESS LETHAL WEAPON OPERATING PROCEDURES

A. Conducted Energy Weapons (CEWs):

- 1. CEWs shall be carried and/or utilized only as authorized and in accordance with department policies and procedures.
 - a. The Albany Police Department currently authorizes the Taser X26 and the Taser X26P.
 - b. The Albany Police Department does not permit the use of personally owned CEWs while on-duty.
- 2. Pre-Deployment and Storage of CEWs:
 - a. CEWs shall be assigned to designated units/stations and stored in a secure area when not in use.
 - b. After removing a CEW from its secure storage area, personnel shall complete the following:
 - i. Turn the CEW to the "on" position;

- ii. Verify that the battery life percentage of the Taser X26 is above 20%, or that the battery life percentage of the Taser X26P has a minimum of two (2) battery life bars;
 - a) One (1) battery life bar on the Taser X26P indicates that the CEW is at 20% and the battery needs to be replaced.
- iii. Spark test CEW for a full five (5) second cycle;
- iv. If the CEW meets this requirement, turn the CEW to the “off” position;
- v. Attach the cartridge to the front of the CEW;
- vi. Holster the weapon; and
- vii. Report the following information to the desk officer, which shall be documented in the unit/station personnel blotter:
 - a) CEW serial number;
 - b) Department holster utilized;
 - c) The officer’s name who is utilizing the CEW; and
 - d) The shift/detail and the duration it will be utilized.
- c. It shall be the desk officer’s responsibility to account for all CEWs and CEW related equipment at the beginning and end of each tour of duty, which shall be documented in the unit/station blotter.
- d. Personnel shall return all CEWs and CEW related equipment at the end of their shift or detail. CEWs and CEW related equipment shall not be stored in any locations other than the designated station/unit storage area.

3. Deployment:

- a. The CEW is a defensive operation weapon and shall be used in accordance with Article 35 of the New York State Penal and Albany Police Department policies and procedures.
 - i. A fleeing subject shall not be the sole justification for using a CEW against a subject. Officers shall also consider, and be able to clearly articulate, the following factors:
 - a) The severity of the offense;
 - b) The subject’s threat level to others; and
 - c) The risk of injury to the subject.
- b. Prior to deploying a CEW, personnel shall consider the following:
 - i. The level of force exhibited by the subject;
 - ii. Proximity and/or access of the subject; and
 - iii. Safety of involved individuals, to include:
 - a) Hostages;
 - b) Non-subject civilians;

- c) Other personnel; and
- d) Subject in question.

c. CEWs shall not be used under the following circumstances unless deadly physical force in accordance with Article 35 of the New York State Penal Law, and Albany Police Department policies and procedures is justifiable:

- i. Where the subject is elevated on an object and has the potential to fall (e.g. building roof tops, trees, river banks, bridges, fences);
- ii. Obviously pregnant or known to be pregnant woman;
- iii. Apparent juveniles, unless personnel are justified in using deadly physical force;
- iv. The elderly or visibly frail;
- v. Handcuffed subjects(s); unless it is necessary to prevent the subject from causing harm to themselves, personnel, or others and all other lesser attempts of control are deemed ineffective;
- vi. Subjects that are in physical control of a vehicle in motion (e.g., driver of a car, truck, motorcycle, ATV, bicycle, scooter);
- vii. Where the subject has a known heart condition, or an apparent debilitating illness;
- viii. Intentionally utilizing the CEW in the facial or head area of a subject;
 - a) CEWs intentionally utilized in the facial and head area is considered deadly physical force and shall only be used in those situations deemed reasonable and justified, as prescribed in Article 35 of the New York State Penal Law and the Albany Police Department policies and procedures.
- ix. CEWs shall not be used in areas where flammable liquids and/or gases are present, due to the potential for ignition of said liquids and/or gases; and
- x. CEWs shall not be deployed when a subject has been sprayed with an alcohol based chemical spray or alcohol based pepper spray.
 - a) The Albany Police Department utilizes a non-alcohol based pepper spray, therefore, it is safe to utilize when deployed in conjunction with department issued pepper spray.

d. Personnel should be aware that there is a higher risk to the subject when the CEW is utilized in the following circumstances:

- i. Where the subject is in medical or mental crisis; and
- ii. Persons obviously under the influence of drugs and/or alcohol.

- e. When safe and practical, personnel should give a verbal warning to the subject that a CEW will be used if they do not comply. This can also include laser painting and/or arching, as defined in this policy.
- f. When possible, personnel shall not use a CEW unless there is another officer present to provide lethal cover.
- g. The officer deploying the CEW shall inform all other present personnel that a CEW is being utilized.
- h. It is the responsibility of the cover officer to properly assess the situation and appropriately provide lethal cover, as the circumstance dictates.
- i. If compliance of the subject is achieved, it shall be the responsibility of the back-up officer(s) to take control of the subject (e.g., handcuffing).
 - i. Personnel shall not intentionally use more than one (1) CEW against a subject at a time.
 - ii. If positive contact with an individual subject is achieved, personnel shall not use a CEW on an individual subject more than three (3) times during a single incident (this includes both deployment of the probes and drive-stun).
- j. Personnel should use a CEW for one (1) standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary.
- k. Personnel should consider that exposure to the CEW for longer than fifteen (15) seconds, whether due to multiple applications or continuous cycling, may increase the risk of death or serious injury.
- l. Any subsequent applications should be independently justifiable, and the risks should be weighed against other force options.
 - i. For maximum effectiveness, personnel shall use a CEW at distances between 3-21 feet, unless utilizing the drive stun method.
- m. Drive Stun Utilization:
 - i. Utilized to complete the circuit when one of the probes is ineffective or becomes dislodged.
 - ii. Utilized in close quarters to protect the officer, others, or to create a safe distance between the officer and the subject.
 - a) The primary function of the drive stun mode, when not used to complete the circuit, is to gain subject compliance through the administration of pain.
 - b) Using the CEW to achieve pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation by inducing rage in the subject.
 - iii. The CEW probes shall be delivered to the subject target areas based on the following circumstances:

- a) Availability;
 - b) Clothing;
 - c) Established safety priorities; and
 - d) Level of force necessary.
- iv. Personnel shall not intentionally target sensitive areas such as the head, neck, upper center mass, and genitalia.
- n. The subject's lower center mass should be the target area, unless exigent circumstances dictate otherwise.
 - i. Personnel shall keep in mind that subjects affected by the CEW may be unable to physically perform verbal commands given by personnel (e.g., "put your hands on top of your head").

4. Post Deployment:

- a. When a CEW is deployed on a subject, personnel shall, as soon as safe and practical, request Emergency Medical Services for the subject.
- b. These procedures shall be followed for deployment of the probes and for drive-stuns, and shall occur before transporting any subject to Central Booking or the Detective Office.
 - i. Only Emergency Medical Services personnel shall remove the probes from the subject. Personnel of this department shall not remove the probes from any subject.
 - ii. If a CEW is deployed on any subject by personnel of this department, that subject is assumed to be in custody and cannot refuse medical attention.
 - iii. Emergency Medical Services personnel shall determine if a subject should be treated at the scene or if they should be transported to a hospital for medical attention, via an ambulance.
- c. Personnel need to be cognizant of how positional asphyxia may exacerbate the condition of any individual who has received a CEW application.
 - i. Positional asphyxia is a death that occurs when a subject's body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway.
 - ii. Positional asphyxia has been mentioned as a possible contributing factor in a number of cases in which subjects died after one or more CEW applications.
 - iii. Personnel shall utilize a restraint technique that does not impair a subject's respiration following a CEW application.

5. Care and Maintenance:

- a. CEW operators shall use due care with any CEW or CEW related equipment, and shall not subject them to unnecessary abuse or destruction.
- b. Any CEW that is not function properly shall immediately be taken out of service and turned into the Training Unit for repair, in accordance with procedures outlined in this policy.

6. Public Information and Community Relations:

- a. The Albany Police Department shall conduct neighborhood programs that focus on CEW awareness training. This shall include CEW awareness training during the Citizen Police Academy.
 - i. The Albany Police Department shall attempt to include law enforcement partners such as local medical personnel, citizen review boards, medical examiners, mental health professionals, judges and the District Attorney's Office in its CEW awareness programs.
- b. The Albany Police Department Public Information Officer (PIO) shall receive extensive training on the CEW so that he/she can better inform the media and the public about the weapon. The Public Information Officer shall brief the media on the Albany Police Department's CEW policy, when applicable.

B. Batons:

- 1. Sworn officers of this department shall carry only those batons that are authorized by the Chief of Police and that the officer has successfully completed department approved training for in the proper use and deployment. The Albany Police Department currently authorizes the following batons to be used in official capacity:
 - a. Cocobolo Police Baton - Up to 26";
 - b. Composite Wood Police Baton - Up to 26";
 - c. ASP Expandable Baton - Up to 26";
 - d. Peacekeeper Rapid Containment Baton - Up to 26"; and
 - e. Cocobolo Riot Batons - 36", which shall be stored in patrol supervisor's vehicles and authorized/deployed at the direction of a supervisor.
 - i. Retention end cap, window breaker cap, and/or a combo of them both are authorized accessories.
- 2. Officers shall demonstrate proficiency in the use of an authorized baton, prior to being authorized to carry said baton.
 - a. Training shall be completed by a certified weapons instructor and documented, as outlined in this policy.

3. Proper Handling/Grip:

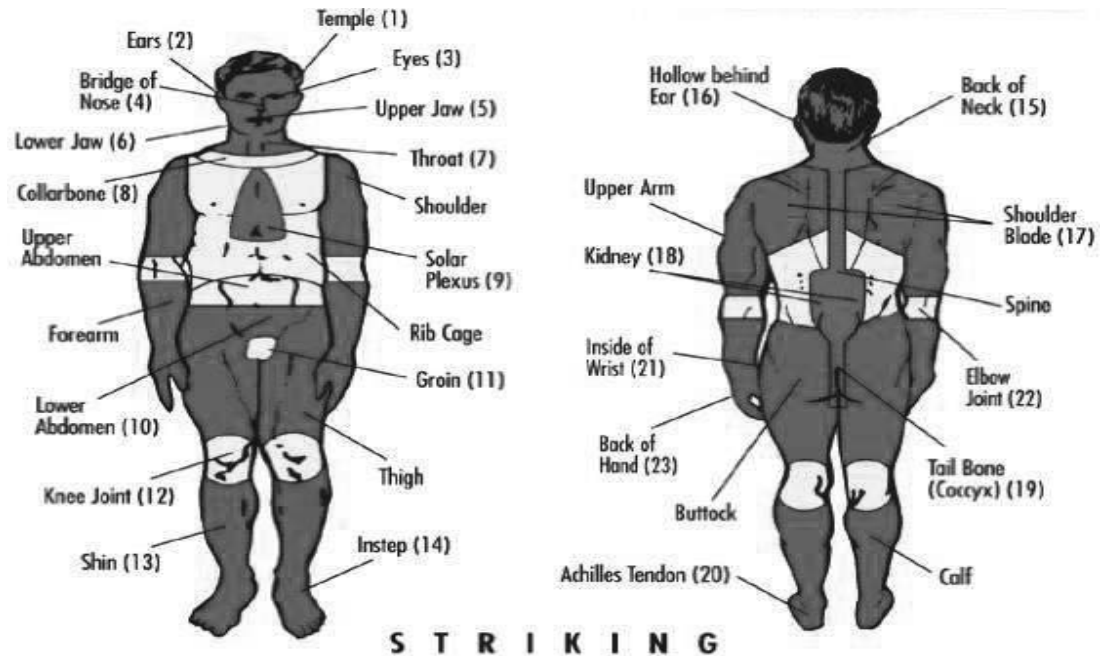
- a. Place the loop or thong of the baton over the right/left thumb so that

the baton will hang with the thong crossing over the back of the hand.

- b.** Turn the hand in and grasp the handle so that the thumb points parallel to the baton.
- c.** Adjust the length of the thong to fit the hand. When correctly adjusted, the butt of the baton should extend slightly below the edge of the grasping hand. If gripped in this manner, the baton will not fly out of the hand when in use.
 - i.** Attention must be employed in using the thong. The possibility always exists that the thong may become entangled in the equipment on the garrison belt.
 - ii.** A grommet may also be used in place of, or in conjunction with, the thong.
- d.** Raise the baton to a 45-degree angle for proper deployment.

4. Deployment/Target Areas:

- a.** Accurately directed blows to the following areas are usually effective, with less chance of serious physical injury to the intended subject.
 - i.** A hard forehand/backhand strike to the non-compliant person's thigh (inside or outside). This should cause temporary cramping, as well as a temporary inability to walk.
 - ii.** A hard forehand/backhand strike to the outside of the forearm or upper arm should also stop an attacker. This should cause temporary immobility to said arm.
 - iii.** A directed strike to the back of the hand or wrist should also produce the desired results.
 - iv.** Directed defensive strikes to the shin area will often block any kick attempts.
- b.** By using the baton as an extension of the arm, the baton can be an effective parrying instrument. A powerful thrust, with the end of the baton, delivered to the solar plexus should temporarily disable most subjects. Short jabs, with the end of the baton, to the stomach areas are effective in clearing away crowds or clearing a pathway through a large, combative group.
- c.** Strikes to the primary "center mass" target areas generate fluid shock waves. These strikes have a high potential for control and low potential for fatal injury.
- d.** Officers must always attempt to avoid jabbing, striking, or pressing on a subject's head, neck, spine, sternum, or groin, as these areas have a higher chance of resulting in serious physical injuries or death.
- e.** Illustrated Depiction of Vital and Vulnerable Striking Areas:



C. CHEMICAL AGENTS

1. Officers shall demonstrate proficiency in the use of an authorized chemical agent, prior to be authorized to carry such chemical agent.
 - a. Training shall be completed by a certified weapons instructor and documented, as outlined in this policy.
2. Authorized chemical agents shall include:
 - a. Oleoresin Capsicum (OC); and
 - b. Orthochlorobenzal Malononitrile (CS).
3. Oleoresin Capsicum:
 - a. Oleoresin Capsicum (OC) is a natural inflammatory agent that contains the active ingredient capsaicin, which is extracted from pepper plants. As an inflammatory agent, aerosol OC Spray causes an almost immediate swelling of the eyes and breathing passages. Additionally, there is an intense burning sensation of the eyes, throat, and sprayed areas of the skin. When OC is inhaled, the respiratory tract becomes inflamed and breathing is restricted, limited to short and shallow breaths. Physical effects may include involuntary closing of the eyes, coughing, choking, lack of upper body strength and coordination and nausea. Psychological effects such as disorientation and fear may also occur.
 - b. When properly used, OC Spray is usually quite effective on both humans and animals. OC Spray will incapacitate most subjects for a period of approximately thirty (30) minutes without permanent injury. Because Oleoresin Capsicum is a natural and biodegradable substance, decontamination procedures include proper ventilation, removing any contact lenses, and providing access to a water source.
 - c. The sixteen (16) ounce crowd control spray of Oleoresin Capsicum (OC)

must be carried in the approved canister thigh/leg holster when not in use.

4. Circumstances for Use:

- a.** OC spray shall be used at the officers discretion, under the following circumstances:
 - i.** When necessary to defend self/others; and
 - ii.** When lower levels of force are deemed ineffective/inappropriate to:
 - a)** Effect an arrest; and/or
 - b)** Prevent the commission of an offense/crime.
- b.** Whenever possible, a verbal warning of OC deployment and a command to desist the undesirable behavior shall be given.
 - i.** If unheeded, OC spray may be utilized in an attempt to gain compliance from the subject.
- c.** Environmental considerations:
 - i.** To avoid third party contamination, officers shall consider wind direction and other weather conditions prior to using OC spray.
 - ii.** Officers shall consider the adverse effects if deployed in confined or enclosed spaces.
- d.** Health considerations:
 - i.** If possible, avoid chemical spray on the elderly or the visibly frail, apparent juveniles, obviously pregnant or known to be pregnant women, and persons with known respiratory conditions.

5. Use of Authorized OC Spray:

- a.** OC spray is intended for use primarily in incidents where a subject is actively resisting a lawful arrest. OC spray should be used only after other methods of subduing violent persons have failed, and only as an alternative to more extreme uses of force.
- b.** OC spray produces a potent “ballistic” stream that may incapacitate a subject from up to twelve (12) feet away. Once the decision has been made to deploy OC, the stream should be directed at the intended subject’s face, at a minimum distance of three (3) feet, utilizing a one to two second burst.
- c.** When OC spray has been deployed on a subject, the following procedures shall be followed:
 - i.** The subject shall be provided the opportunity to wash the affected areas within twenty (20) minutes after the application of the spray, absent exigent circumstances.
 - ii.** Officers shall not use any creams, ointments, or bandages on affected areas.

- iii. Officers shall not keep a sprayed subject in a face-down position for a period longer than necessary in order to avoid positional asphyxia.
- iv. Officers shall summon Emergency Medical Services (EMS) and arrange to have the subject transported to a local medical facility for treatment, under the following circumstances:
 - a) Subjects who complain of, or exhibit, continued effects after having the affected area flushed with water.
 - b) Subjects who indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, etc.) that may be aggravated by OC spray.
 - c) If, at any point, after exposure the subject displays a reaction not consistent with the expected reaction to aerosol OC spray, medical attention is to be summoned immediately.

d. Department issued OC spray may not be used in the following circumstances:

- i. To effect the arrest of a person that is only offering verbal cues or other forms of passive resistance;
- ii. To effect the arrest of a person that is only passively resisting (e.g., going limp, offering no physical resistance);
- iii. Handcuffed individuals;
- iv. Once a subject succumbs or becomes incapacitated;
- v. Civil demonstrations in which the subjects are passively resisting;
- vi. Crowded areas, except with supervisor approval absent exigent circumstances;
- vii. To threaten or elicit information from a person; or
- viii. As a means of punishment.

6. Department Issue and Re-Issue of OC Spray:

a. Issue:

- i. Officers will be issued one (1) canister of department approved chemical spray upon completion of OC Training.

b. Re-Issue:

- i. Officers must submit a request for a new canister of OC spray by completing an Intra-Departmental Correspondence (IDC) to the Chief of Police. The IDC must detail the reason(s) that the request is being made. Reasons for a re-issue include:
 - a) Replacement of an exhausted canister;
 - b) Replacement of a date-expired canister;
 - c) Replacement of a non-functioning or damaged canister;
 - d) Replacement of a lost/stolen canister;
 - e) Replacement of a canister turned in as evidence; or
 - f) Training.

7.—Use of Authorized CS Gas:

—Use of Authorized CS Gas:

7.

- a. Officers, in accordance with the Department's historical practices,¹ must severely limit the use of CS Gas as a non-lethal alternative to respond to a situation that poses risk of serious physical injury or death to officers or others. The Department's extremely limited use of CS Gas reflects the focus of the Department on the sanctity of life, as set forth in the first paragraph of this general order, to respond to violent and potentially deadly force with non-lethal CS Gas when appropriate as a last resort before deploying further and potentially lethal force.

—Barricaded Suspect(s) or Subject(s):

b.

—The incident shall be contained with a command structure in place that is appropriate for the time frame, the location, and the tactical situation presented. Chemical agents may be deployed when necessary, with the approval of the incident commander when:

i.

- a) Communication efforts directing the suspect to exit the location and submit to arrest or custody have failed;
- b) An evacuation and/or notification of citizens from the affected area have been accomplished to prevent contamination of uninvolved persons;
- c) Notification has been given to the present police personnel to avoid exposing unprotected personnel to the utilized agent(s); and

—Every effort should be made for police personnel present to don their protective chemical agent mask(s).

d)

—Only the volume of chemical agents that is reasonable shall be used. The amount of chemical agent to be used shall be determined by the following:

ii.

- a) The seriousness of the offense;
- b) The threat to the community posed by the suspect(s)/subject(s);
- c) Location demographics: size, single level or multi-level, available windows or area for insertion of chemical agents, wind and weather;
- d) Type of chemical agent being used;
- e) The available positions and locations from which

¹ In the last 32 years, the Department has only deployed CS Gas twice, and only when officers faced deadly physical force including Molotov cocktails, also known as fire bombs, which are illegal as "incendiary devices" under federal law and the New York State Penal Code.

- chemical agents can be deployed;
- f) The potential for injury to person(s) inside the location;
- and
- g) Other uninvolved subject(s) present inside the location.

c. Unlawful Assembly/Crowd Dispersal:

- i. CS Gas may never be used to disperse a peaceful demonstration.
- ii. CS Gas may only be used when a riot is declared, as defined by New York State law.
- iii. A Police Chief or Deputy Chief must order its use.
- iv. The Department must give two notifications to the public in the immediate vicinity tear gas is about to be used.
- v. An EMT must be on-site prior to its deployment.
- vi. Use of CS Gas is prohibited in residential neighborhoods unless absolutely necessary to protect lives.
- i. The minimum amount of chemical agent shall be used to obtain compliance.
- vii.
- viii. other observers, and Albany Police Department members that are present prior to the use of any chemical agents.
- ix. If chemical agent use is contemplated in crowd situations, Emergency Medical Services must be on site prior to its use and shall make provisions for decontamination and medical screening for those persons affected by the chemical agent.
- The use of chemical agents against passive resisters is prohibited absent exigent circumstances.

x.

b. Barricaded Suspect(s) or Subject(s):

- ~~i. The incident shall be contained with a command structure in place that is appropriate for the time frame, the location, and the tactical situation presented. Chemical agents may be deployed when necessary, with the approval of the incident commander when:~~
 - ~~a) Communication efforts directing the suspect to exit the location and submit to arrest or custody have failed;~~
 - ~~b) An evacuation and/or notification of citizens from the affected area have been accomplished to prevent contamination of uninvolved persons;~~
 - ~~c) Notification has been given to the present police personnel to avoid exposing unprotected personnel to the utilized agent(s); and~~

~~d) Every effort should be made for police personnel present to don their protective chemical agent mask(s).~~

~~ii. Only the volume of chemical agents that is reasonable shall be used. The amount of chemical agent to be used shall be determined by the following:~~

~~a) The seriousness of the offense;~~

~~b) The threat to the community posed by the suspect(s)/subject(s);~~

~~c) Location demographics: size, single level or multi-level, available windows or area for insertion of chemical agents, wind and weather;~~

~~d) Type of chemical agent being used;~~

~~e) The available positions and locations from which chemical agents can be deployed;~~

~~f) The potential for injury to person(s) inside the location; and~~

~~g) Other uninvolved subject(s) present inside the location.~~

~~c. Unlawful Assembly/Crowd Dispersal:~~

~~i. With the approval of the Incident Commander, the use of chemical agents in response to an unlawful assembly may be reasonable depending on the totality of the circumstance.~~

~~a) Members of the Albany Police Department should consider when, where, and how chemical agents may be deployed, and consider potential collateral effects.~~

~~ii. The minimum amount of chemical agent shall be used to obtain compliance.~~

~~iii. An audible warning of their imminent use and a reasonable amount of time must be provided to disperse the crowd, on-scene media,~~

- ~~other observers, and Albany Police Department members that are present prior to the use of any chemical agents.~~
- ~~iv. If chemical agent use is contemplated in crowd situations, Emergency Medical Services must be on site prior to its use and shall make provisions for decontamination and medical screening for those persons affected by the chemical agent.~~
- ~~v. The use of chemical agents against passive resisters is prohibited absent exigent circumstances.~~

8. Decontamination:

a. Oleoresin Capsicum:

- i.** It is the user's responsibility to make every effort to relieve the subject's discomfort after being exposed to OC; by flushing the eyes and the contaminated areas with cool, clear water. *Do Not Rub.*
- ii.** In the absence of a water source, officers may contact Emergency Medical Services for assistance in these efforts.
- iii.** If the subject is wearing contact lenses at the time of exposure, they should be removed at the earliest opportunity. Soft contact lenses may hold the active ingredients within, resulting in an undesired continued effect.

b. CS Gas:

i. Decontamination of First Responder:

- a)** Begin washing PPE of the first responder using soap and water solution and a soft brush. Always move in a downward motion (from head to toe). Make sure to get into all areas, especially folds in the clothing. Wash and rinse (using cold or warm water) until the contaminant is thoroughly removed.
- b)** Remove PPE by rolling downward (from head to toe) and avoid pulling PPE off over the head. All PPE should be placed in labeled durable 6-mil (or greater) polyethylene bag.

ii. Decontamination of Patient/Subject:

- a)** Remove the patient/victim from the contaminated area and into a decontamination corridor or safe zone.
- b)** Request Emergency Medical Services to transport patient/subject to local medical hospital for further decontamination.
- c)** While at hospital, the patient/subject should thoroughly wash and rinse (using cold or warm water) contaminated skin.
- d)** Clothing items that are removed from the patient/subject should be placed in a 6-mil (or greater) polyethylene bag.

IV. RENDERING AID/MEDICAL TREATMENT

- A. When an incident of less lethal force results in serious physical injury, minor injury or complaint of injury, the officer at the scene shall immediately summons emergency medical services.
1. Should the injury appear to be life threatening in nature, and while awaiting the arrival of emergency medical service personnel, the officer(s) present shall initiate any and all life saving techniques for which they have received training.
 2. An officer shall accompany the injured to the medical facility when:
 - a. The person has suffered serious injuries, or when symptoms of serious injury becomes apparent;
 - b. The injured person(s) are under arrest; or
 - c. After evaluation by qualified emergency medical service personnel at the scene, there exists a reasonable risk of internal injuries that may not be manifesting visibly.
 3. Once at the medical facility, the person will be examined, treated, and either admitted to the facility or released to the custody of the officer with a written medical release from the attending physician.
 - a. If the person refuses treatment at the medical facility, the officer may request the refusal be noted in the physician's records.

V. USE OF FORCE REPORTING REQUIREMENTS

- A. An Albany Police Department Subject Resistance/Use of Force Report, APD Form # 422, shown on pages 26, 27 and 28 of this order, shall be completed and whenever an officer:

1. Takes an action that results in, or is alleged to have resulted in, injury or death of a person;
2. Applies force through the use of a less lethal weapon, including display/deployment of a less lethal weapon; or
3. Applies weaponless physical force at a level as defined in this policy.

- B. Each officer that uses force must complete a Subject Resistance/use of Force Report with their own narrative on their use of force. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.

- B.C. The following information shall be documented on the Subject Resistance/Use of Force Report:

1. The nature of the circumstances surrounding the use of force;
2. The officers involved in the incident;
3. The force displayed or used to subdue the subject;
 - a. When utilizing force that involves the deployment of a CEW, either through use of multiple probes and/or multiple drive-stuns, personnel shall state the reasons for each additional use in the

narrative.

- b.** Deployment of a CEW, baton, or chemical agent by an officer to gain compliance, whether or not utilized, shall be considered a use of force incident and shall be documented as such.

4. Injuries, including the following:

- a. Complaint of an injury, a sustained injury, or death to the subject;
- b. Complaint of an injury or sustained injury to the officer; or
- c. Complaint of an injury or sustained injury to another party not involved in the incident.

5. The medical attention received, or the refusal thereof, along with the name of the attending physician.

~~C~~.D. Upon injury or complaint of injury to an officer as the result of deployment offense, officers shall be responsible for completing the following:

1. A Standardized Incident Report (SIR); and
2. All 207-C and C-3.

~~D~~.E. Upon completion of the SIR and/or the Subject Resistance/Use of Force Report, officers shall submit both documents to their immediate supervisor for review.

1. Supervisors shall be responsible for completing an administrative review all Subject Resistance/Use of Force Reports to determine whether policy, training, equipment, or disciplinary issues should be addressed.
2. If determined that any of the above should be addressed, supervisors shall submit an IDC to the Chief of Police documenting the reasons why and the circumstances of the incident.

~~E~~.F. Subsequent to the notification of an officer's use or deployment of less lethal force, supervisors shall be responsible for the following:

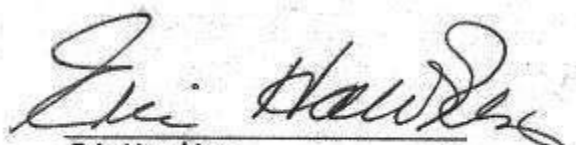
1. If possible, respond to the incident scene and conduct an initial review of the circumstances surrounding the use of force, including unintentional activations of a CEW.
2. Should an officer or subject sustain an injury, supervisors shall determine if detectives shall respond to the scene of the incident for follow up investigation. Follow up investigations may include, but are not limited to the following:
 - a. Crime scene processing;
 - b. Interviewing witnesses;
 - c. Taking statements; and
 - d. Securing any video/audio recordings.
3. If an officer is unable to complete reports due to injuries, the supervisor shall prepare, or make arrangements for the completion of all proper documentation.
4. Upon receiving, and subsequently approving, the officer's use of force report, supervisors shall complete an entry into the Blue Team software application, as per current directives.
 - a. Approved hard copies shall be forwarded to the Office of Professional Standards.

F.G. Use of Force Annual Analysis:

1. The Commander of OPS shall conduct a documented annual analysis of the department's use of force activities, policies, and practices. The analysis should identify:
 - a. Date and time of incidents;
 - b. Types of encounters resulting in use of force;
 - c. Trends or patterns related to race, age and gender of subjects involved;
 - d. Trends or patterns resulting in injury to any person including employees; and
 - e. Impact findings on policies, practices, equipment, and training.
2. The results of this analysis shall be documented on an IDC to the Chief of Police.
 - a. The annual analysis shall utilize data from Use of Force Reports and IAPro between the dates of January 1st and December 31st of each calendar year.
 - b. The annual analysis shall be completed by March 31st of each calendar year.

G.H. Assault on Sworn Officer Review:

1. The Commander of OPS shall conduct a review of all assaults on sworn personnel with recommendations to enhance officer safety, revise policy, or address training issues.
2. The review may be included in the annual use of force analysis.



Eric Hawkins
Chief of Police



ISSUE DATE

ALBANY POLICE DEPARTMENT TRAINING UNIT

LESS LETHAL WEAPON / RIOT GEAR ISSUE INVENTORY

Name (LN, FN, MI)

PIN

OR

STATION/UNIT ISSUEDOC SPRAY

TYPE

ISSUING WEAPONS INSTRUCTOR:

1.6oz



1.6oz



1.6oz



1.6oz

BATON TYPEGAS MASK

MSA ULTRA ELITE



U



CANISTER TYPE

CS

RIOT HELMET

U



*Prior to being issued, or approved to carry, a less lethal weapon in the performance of official duties, all less lethal weapons intended for use by an officer of this department shall be reviewed and inspected by a qualified weapons instructor to ensure that the weapon is safe, functional, and operational before use.

**The Albany Police Training Unit maintains a record of each less lethal weapon authorized and issued for use by officers during the course of their official duties.

APD FORM #282 (4/15)



Albany Police Department Subject Resistance/Use of Force Report



Date/Time of Incident:		Incident#:		
Location of Incident:				
Supervisor Notified:		On Scene?		
Officer(s) Deploying Force:				
Interviewing/Filing Officer (If Different):				
Witness Officer(s):				
Force Deployed by the Officer(s):				
Physical Contact/Touch <input type="checkbox"/>		Open Handed Technique <input type="checkbox"/>		OC Spray
Taser		Baton		Firearm
Other, Explain:				
Witnesses:				
Officer Injured? No		Officer Taken to Hospital? No		
Distance to Subject: 1'to 3'		Officers Assessment of Subject During Incident: Select One		
Reason for Use of Force: Select One		Service Being Rendered: Select One		
Weather Conditions: Select One				
Subjects Name and Address:				
Sex: Male	Height:	Build: Medium	Race: White	DOB:
Charges:		Subject Injured? No		Subject Taken to Hospital? No

O.C. Administrative Warning To Be Given To Any Person Exposed To O.C.

1. You have been contaminated with Oleoresin Capsicum (OC), a natural product derived from cayenne peppers. I am going to treat you to reduce the discomfort you are feeling, as long as you cooperate.
2. OC is non-toxic and the effects will dissipate in a short time. The effects of OC may, however, mask or cover other medical conditions, including overdoses or toxic levels of drugs like cocaine, amphetamines, barbiturates, PCP and other hallucinogens, heroine and other opiates, or alcohol.
3. I am going to ask you 5 questions for your own safety. Not answering my questions, withholding information, or giving false or misleading answers could delay medical treatment and may seriously jeopardize your health and safety.
4. Do you understand everything I have told you? No

O.C. Administrative Questions To Be Asked Of Any Person Exposed To O.C.

1. Are you currently under the influence of Cocaine, Amphetamines, Barbiturates, PCP or other Hallucinogens, Heroine or other Opiates, or Alcohol?	No	
If Yes, Which One(s)?	Date/Time:	Initials:
2. Have you taken Cocaine, Amphetamines, Barbiturates, PCP or other Hallucinogens, Heroine or other Opiates, or Alcohol in the LAST 8 HOURS?	No	
If Yes, Which One(s)?	Date/Time:	Initials:
3. Do you normally take any illegal or prescription drugs?	No	
If Yes, Which One(s)?	Date/Time:	Initials:
4. Do you have heart problems, lung problems, diabetes, high blood pressure, or any other medical condition?	No	
If Yes, Which One(s)?	Date/Time:	Initials:
5. Do you have any allergies?	No	
If Yes, Which One(s)?	Date/Time:	Initials:
Witnessing Person and PIN#:		

Taser Use Report

To Be Completed Every Time The Taser Is Used

Taser Serial #:		Cartridges Serial #(s):	
Number of Cartridges Fired:	Number of Probe Contacts: 0	Number of Stun Contacts:	
Number of Probes Penetrating Skin: 0	Laser Sight Activated Only: <input type="checkbox"/>	Distance Between Probes:	
Location of each probe contact:			
Length of time for Electrical Current Application: Programmed 5 sec. if longer/shorter, or more than one application, explain total time frame involved:			
Approximate distance of probe launch:			
Did the application cause injury to the subject and/or others? No If yes, explain:			
Did the application of the Taser gain compliance from the subject?			
Describe the subjects demeanor after the Taser was displayed or deployed:			
Where were the probes disposed of?			
Reporting Officer:			PIN#
Approving Supervisor:			PIN#



Albany Police Department Subject Resistance/Use of Force Report



Date/Time of Incident:

Incident Number:

Location of Incident:

Narrative: Include actions taken by both the subject and the Officer(s), location of injuries on bodies, and any additional information.