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ALBANY, NEW YORK

POLICE DEPARTMENT

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1789

USE OF FORCE - LETHAL WEAPONS GENERAL ORDER NO: 1.3.05

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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 outlined below.

PURPOSE:

The purpose of this policy is to establish policies and procedures governing the use of deadly 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 an officer may use deadly physical force only when the officer reasonably believes that the action is in the defense of human life, including the officer's own life, or in defense of another person in imminent danger of serious physical injury.

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.

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.

Firearm – A firearm means any pistol, revolver, shotgun, rifle, or assault weapon, as defined in Article 265 of the New York State Penal Law.

Patrol Rifle – A patrol rifle is an optional firearm that is meant to provide department members with increased safety by offering a firearm with greater range capabilities and an ability to defeat modern body armor. The patrol rifle is not a fully automatic weapon, and will fire in semi-automatic mode only.

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 police batons and expandable batons.

Weapon Mounted Light – A weapon mounted light is a tool that is attached to an individual officer's assigned weapon to assist them in a low or no light environment which will enhance the officer's ability to identify possible targets and/or safely perform their duties during a high risk situation.

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.** 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 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.
- 4.** De-Escalation
- a.** When safe and reasonable, officers shall attempt to use de-escalation tactics.
 - i.** 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.
 - ii.** Mitigating conflict gives officers time to utilize extra resources and increases time available to resolve the incident in a safe manner.
 - b.** 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 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. —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.

~~A.~~

~~B. While in the performance of official duties, 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, according to the following:~~

~~1. Officers may use deadly physical force, in accordance with Article 35 of the New York State Penal Law, 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 to the officer or a third person others when the suspect is imminently acting or imminently threatening to cause death or serious physical injury to the officer or others;~~

~~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 physical force against the officer or a third person; or~~
- ~~— Has committed, or is attempting to commit, a kidnapping, arson, escape in the first degree, or burglary in the first degree.~~
- ~~ii. The suspect has the means or instrumentalities to use deadly physical force against an officer or others to cause death or serious physical injury.~~

- ~~c. 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 weapon.~~

- ~~2. 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.~~
- ~~— 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.~~
- ~~— An officer may NOT use or threaten to use deadly physical force:~~
- ~~— Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.~~
- ~~— To punish a person or to retaliate against them for past conduct or to impose punishment;~~
- ~~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 force.~~

E.

C.F. Officers are prohibited from discharging their firearm in the following instances:

1. When the use of deadly physical force may injure innocent persons whom he/she is not seeking to arrest or retain in custody.
2. To subdue a fleeing felon who presents no threat of imminent serious physical injury and/or death to the officer or another person present.
3. In defense of property.

D.G. General Guidelines:

1. Drawing/Displaying Firearms:
 - a. The drawing or display of an officer's firearm represents escalation toward the use of deadly physical force, increasing the risk of accidental discharge or weapon loss, and may contribute to fear or

panic. Officers are justified in removing firearms from holsters and/or gun mounts according to the following:

- i. The officer reasonably believes that the situation may pose an immediate threat of death or serious physical injury to themselves or another person; and/or
- ii. There is justification to use deadly physical force against a person.

2. Warning Shots:

- a. Police officers shall not fire warning shots and shall not discharge their firearms to summon assistance; except in emergency situations, where the life or safety of a police officer is endangered and no other reasonable means to summons assistance is available.

3. Moving Vehicles:

- a. Officers shall not discharge a firearm at a motor vehicle and/or the occupants therein, unless as a last resort and only when the operator of the vehicle is directing the vehicle as deadly force against the officer or other innocent persons and the officer believes employing deadly force creates no substantial risk of injury to innocent persons.
 - i. Officers should be aware that a motor vehicle presents a formidable shield against most firearms and if the officer disables the vehicle or the operator of the vehicle; it should be expected that the vehicle may continue uncontrolled creating a hazard to officers and the public.

4. Animals:

- a. With supervisor approval, officers are justified in using firearms to humanely dispatch animals provided the following criteria is met:
 - i. An animal is attacking or presenting an imminent danger of substantial harm to the officer or any person; or
 - ii. An animal is badly injured, diseased, threatening, or destructive (shotguns shall be considered humane in dispatching animals in these situations); and
 - iii. There is no threat of injuring any other party in the immediate vicinity or the surrounding area.
- b. In all instances where an officer humanely dispatches an animal, the officer shall complete the following:
 - i. An Albany Police Department Subject Resistance/Use of Force Report, APD Form # 422 shown on pages 22, 23 and 24 of this order;

- ii. A Standardized Incident Report (SIR);
- iii. Notify the owner of the animal, if applicable; and
- iv. Notify Animal Control or Department of Environmental Conservation, when applicable, and request that the animal is removed, unless the animal is removed by the owner(s) or their representative.

5. Unintentional Discharge of a Firearm:

- a. Whenever an officer unintentionally discharges a firearm, on or off duty, the officer shall immediately notify a supervisor.
- b. The notification and reporting procedures for the unintentional discharge of a firearm shall be the same as reporting the use of deadly physical force, except a Subject Resistance/Use of Force report is not required.

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 firearms and ammunition 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 any firearm or ammunition in the connection with the performance of their official duties unless such officer has satisfactorily completed the basic course of instruction in the use of deadly force and the use of firearms, of an approved Municipal Police Training Council (MPTC) Program, or a program that meets or exceeds this instruction; with the exception of authorized departmental firearms training.
 - 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 firearm 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.
 - a. This includes non-sworn personnel who have been issued a

license/permit to carry a firearm.

B. Department Issued Lethal Weapons/Ammunition While On-Duty:

1. In the performance of official duties, sworn officers of this department shall only carry and use department authorized lethal weapons and ammunition, unless specifically authorized by the Chief of Police. Department issued/authorized lethal weapons include the following:
 - a. Sworn Personnel:
 - i. Glock 22 Semi-Automatic .40 Caliber Handgun.
 - ii. Remington 870 12 Gauge Shotguns.
 - b. Patrol Rifle Operators:
 - i. Bushmaster M4 .223 Caliber Rifle.
 - ii. Sig Sauer M400/516 .223 Caliber Rifle
 - c. Department Issued/Approved Lethal Weapons, as defined in the Emergency Services Team General Order 3.9.15.
2. While on duty, officers shall only carry and use department issued/approved ammunition, which includes the following:
 - a. Sworn Personnel:
 - i. New Factory, .40 Caliber Speer Gold Dot, 180 Grain, Controlled Expansion Projectile.
 - ii. Winchester Ranger .40 Caliber 180 Grain T-Series.
 - iii. Federal Slugs and 00 Buck.
 - iv. 12 gauge 1oz Segmenting Slug
 - b. Patrol Rifle Operators:
 - i. Federal .223 Caliber 55 Grain Tactical Bonded Projectile.
 - ii. Winchester .556 Ranger Bonded 64 Grain
 - iii. Winchester Ranger PowerPoint .223 Remington 64 Grain.
 - c. Department Issued/Approved Ammunition, as defined in the Emergency Services Team General Order.
3. While engaged in field assignments, sworn personnel of this department shall carry their department approved/authorized firearm and ammunition, which shall include at least one (1) reload of department approved ammunition.
 - a. Officers should frequently check and replace their ammunition, as needed; and
 - b. The use of reloaded ammunition is strictly forbidden.

C. Department Issued Lethal Weapons/Ammunition While Off-Duty:

1. Officers are not required to, but may, carry their department issued/approved handgun and ammunition while off-duty.
2. Said firearm and ammunition shall be carried and utilized in accordance with this policy and current department directives.
3. No other department issued lethal weapon shall be carried by a member of this department while off-duty.
 - a. This includes any other department issued ammunition, i.e. Patrol rifle ammunition and shotgun ammunition.

D. Personally Owned Lethal Weapons/Ammunition While On-Duty:

1. Handguns owned by officers of the Albany Police Department must be either placed on a valid New York State Firearms License and/or Firearms amendment(s); or registered with the department via a New York State Police "C" Form; which reports the acquisition or disposition of a firearm by a police/peace officer after 09/01/1980.
 - a. Officers must submit a completed "C" Form to the Office of Professional Standards within ten (10) days of acquisition or disposition of a handgun, listing one handgun per "C" Form.
 - b. The Office of Professional Standards shall place a copy of the "C" Form in the individual officer's personnel file.
2. Officers/detectives assigned to plain clothes details/positions may seek approval from the Chief of Police to carry their personally owned, smaller, and more concealed handgun while on-duty in lieu of their department issued handgun. The following criteria must be met prior to the officer/detective being authorized to carry said handgun:
 - a. The handgun must be the current issued caliber weapon of the Albany Police Department (.40 caliber);
 - b. The handgun and holster must be approved by a certified department armorer; and
 - c. The authority to carry and use said handgun while on-duty must be authorized and approved by the Chief of Police.
3. The following procedures shall be completed prior to an officer/detective carrying a personally owned handgun while on-duty:
 - a. The requesting officers/detective shall complete an Intra-Departmental Correspondence (IDC) to the Chief of Police requesting permission to carry a personally owned handgun while on-duty.
 - i. The IDC shall detail the weapon's specifications and the type of holster that will be used.

- ii. A copy of the coinciding "C" Form or a copy of his/her valid NYS Firearms permit and/or corresponding Firearms Amendment shall be attached to the IDC.
 - b. Upon approval of the Chief of Police or his/her designee the following shall occur:
 - i. A copy of the approved IDC shall be forwarded to the Training Unit, as well as forwarded to the requesting officer.
 - ii. A Training Unit supervisor shall arrange for a certified department armorer to inspect the weapon and the weapon's holster to ensure that they are safe, functional, and operational before use in an official capacity.
 - iii. If the weapon and holster are approved by the department armorer, a certified department firearms instructor shall administer a New York State DCJS Qualification Course of Fire, which the officer/detective must successfully pass in order to be authorized to carry said firearm.
 - iv. The certified department firearms instructor shall document the results of the qualification course, detailing the weapon type and specifications.
 - v. A copy of the approved IDC and qualification course shall be placed in the officer's training file, and a copy shall be sent to OPS and placed in the officer's personnel file.
 - c. All maintenance and damage to the firearm are the responsibility of the individual officer/detective.
 - d. Authorized ammunition, as defined in this policy, shall be provided by the Albany Police Department prior to the firearm be carried on-duty.
- 4. The use of shoulder holsters is limited to police officers in plain clothes.
- 5. No other personally owned lethal weapon(s) shall be carried by a member of this department while on-duty.

E. Personally Owned Lethal Weapons/Ammunition While Off-Duty:

- 1. Officers who intend to carry a personally owned handgun while off-duty, for purposes other than recreation, must complete the following procedures prior to carrying such handgun:
 - a. Officers/detectives shall submit an Intra-Departmental Correspondence to the Chief of Police listing the weapon(s) type and specifications.
 - b. Upon OPS verification of a completed "C" Form and upon approval of the Chief of Police or his/her designee the following shall occur:
 - i. A copy of the approved IDC shall be forwarded to the Training Unit, as well as the requesting officer.
 - ii. A Training Unit supervisor shall arrange for a certified department armorer to inspect the weapon to ensure the

weapon is safe, functional, and operational before use in an official capacity.

- iii. If the weapon is approved by the department armorer, a certified department firearms instructor shall administer a New York State DCJS Qualification Course of Fire, which the officer/detective must successfully pass in order to carry said firearm; that has the potential to be used in an official capacity. The type and specifications of the firearm as well as the results of the qualifications course will be documented.
- iv. A certified firearms instructor will provide recommendations on which ammunition should be utilized for carrying said firearm off-duty.
- v. A copy of the approved IDC and qualification course shall be placed in the officer's training file, and a copy shall be placed in the officer's personnel file.

- c. Any officer who carries an off-duty handgun for purposes other than recreation must complete the department firearms training requirements, and qualify with such handgun annually.
- d. All maintenance and damage to the firearm are the responsibility of the individual officer/detective.
- e. Officers carrying or using handguns off-duty shall adhere to the same regulations pertaining to the use and display of firearms while on duty. The use of discretion and good judgment are required at all times.

- 6. The department does not authorize any other lethal weapon(s) that are not outlined in this policy.

F. Training:

- 1. Prior to being authorized to carry a lethal weapon, sworn personnel of this department shall be issued copies and receive instruction on the following:
 - a. GO 1.3.05 – Use of Force - Lethal Weapons.
 - i. Instruction shall focus on the following topics:
 - a) Use of Reasonable Force;
 - b) Use of Deadly Force;
 - c) Warning Shots;
 - d) Use of Authorized Lethal Weapons;
 - e) Rendering Aid After Use of Weapons; and
 - f) 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 authorized to carry weapons shall receive in-

service training on the department's use of force policies and demonstrate proficiency with all approved lethal weapons that the officer is authorized to use.

- a. All qualifications and proficiency training must be monitored by a certified firearms instructor.
 - b. The Training Unit shall document and maintain records of all training and proficiency ratings.
3. Any officer who does not demonstrate proficiency with an authorized lethal weapon 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.
4. Only those officers who have successfully completed a department approved training course in the proper use and deployment of an approved patrol rifle shall be authorized and issued a patrol rifle to utilize during their tour of duty.
 - a. Officers assigned a patrol rifle are required to qualify quarterly with their patrol rifle in order to maintain a degree of proficiency and marksmanship.
 - i. Officers are required to demonstrate a minimum of 90% score on the qualification course and a 100% standard, whereas all rounds fired during the qualification course are accounted for on the target.
 - ii. Training records shall be maintained by the Training Unit.
5. Officers may only employ lethal weapons within the guidelines of training and current department written directives.
 - a. Officers must be able to articulate a compelling need to use a firearm or a weapon of opportunity, to inflict physical injury, serious physical injury and/or death.

G. Review and Inspection:

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

- a. The Training Unit shall maintain a record of each lethal weapon inspected and authorized for use during the course of an officer's official duties.
 - b. Each department issued lethal weapon assignment shall be documented on an Albany Police Department Firearm Assignment Report, APD Form # 309 shown on page 21 of this order, which shall be completed by a department certified armorer.
 - c. A copy of the Firearm Assignment Report shall be placed in the officer's training file and an entry of each assigned firearm shall be entered in the department's master weapon index, which shall be maintained by the Training Unit.
2. 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 Unit for repair and/or replacement, according to the following the procedures:
 - a. For emergency repair or replacement, the employee's supervisor shall contact the Lieutenant of the Training Unit.
 - b. The officer requesting the repair shall complete an Intra-Departmental Correspondence documenting the repair needed.
 - c. The officer's supervisor shall email a copy of the IDC to the Training Unit at Training_Unit@albany-ny.org.
 - d. All repairs or replacements shall be completed and documented by a qualified weapons instructor or armorer.

H. Security, Safety, and Storage:

1. All department firearms and specialty 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 firearms and specialty weapons.
 - a. Department weapons and ammunitions shall be safeguarded and stored in the department's secure armory.
 - b. All firearms and specialty weapons 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 firearms and specialty weapons acquisition, transfer, and disposal shall be performed in compliance with all federal, state, and local laws, as well as department policies and procedures.
 - d. Firearms 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 lethal weapons they possess and shall exercise the necessary control for its security to prevent its theft, loss, or misuse.
 - b. Firearms shall not be left in unsecured areas of the department.
 - c. Firearms shall not be left in an unsecured portion of any motor vehicle.
 - i. Firearms may be placed in a locked and secured trunk where access should not be easily attained from the passenger compartment.
 - ii. All long arms that are deployed during routine patrol are to be secured in the trunk of the patrol vehicle while on patrol, unless the long arm is actually being carried by an officer while outside of his/her vehicle, or it is in a locked retention device specific to the long arm, which is mounted in the passenger compartment.
 - d. Except during authorized training or for maintenance and inspection, officers shall only draw, exhibit, or point their firearm when they reasonably believe that it may be necessary to use the weapon in the performance of their duty.
 - e. Firearms are prohibited from entering the booking room or any cell block or cell, except for exigent circumstances or when deadly physical force is necessary.
 - f. Officers shall never lend their firearm to unauthorized persons.
 - g. When stored or not in use, firearms should be unloaded and locked in a secure compartment or container; magazines removed.
 - h. It is recommended that officers store their firearms in a locked safe and instruct members of their family regarding the dangers of firearms.
3. All weapons, department owned/issued and personally owned, shall be stored in compliance with the New York State Penal Law.

I. Weapon Mounted Lights:

- 1. A weapon mounted light is a tool that is attached to an individual officer's assigned weapon to assist them in a low or no light environment and in situations where the officer is justified to use or display their firearm.
- 2. A weapon mounted light is NOT intended to replace the officer's handheld flashlight.
- 3. Mounting a light on a weapon is NOT authorized if the light mount must be removed prior to holstering.
- 4. For officer safety reasons, handguns with a light attachment must be carried in an approved Albany Police Department hard framed holster, molded for a specific weapon system.
 - a. The holster must be designed to carry the weapon with the light mount still attached to the weapon.
 - b. Holsters made solely of nylon material are not authorized. These types of holsters tend to collapse once the weapon is removed making it difficult to re-holster the weapon.

5. Weapon lights and holsters are considered optional equipment and must be purchased and maintained by the individual officer unless they are assigned to a specialized unit and approved by the Chief of Police.
6. Only sworn personnel who have successfully completed an Albany Police Department approved training course in the proper use and deployment of weapon mounted lights shall be authorized to utilize a weapon light.
7. Under no circumstances shall changes, alterations, modifications, or substitutions of any authorized and issued firearms or ammunition be made without prior written consent from the Chief of Police.

J. Department Authorized/Issued Shotgun:

1. Supervisors are responsible for the deployment and oversight of department shotguns assigned to their unit/station.
 - a. Officers shall be assigned a shotgun during regular patrol duties.
 - b. Officers should only deploy this weapon when a situation exists dictating the use of a shotgun over the use of a handgun.
2. Officers utilizing a shotgun shall complete the following safety check at the beginning and end of each tour of duty:
 - a. Before touching the shotgun, visually ensure the safety is engaged and the action is open. A properly engaged safety will protrude from the right side of the trigger guard.
 - b. While inspecting shotgun always point muzzle in a safe direction.
 - c. With action open:
 - i. Pick the weapon up with strong hand on the pistol grip and the weak hand on the magazine cap. Visually check the chamber and magazine by looking through the combat loading/ejection port and the magazine loading port. Live or expended rounds should not be present.
 - ii. After visually checking the weapon at eye level, bring shotgun to high port position (muzzle skyward) and inspect ports and barrel for obstructions.
 - iii. Twist the magazine cap to ensure tightness.
 - d. At the start of each tour of duty, officers taking a department shotgun are responsible for securing ten (10) rounds of department approved ammunition; five (5) rounds "00" buckshot and five (5) rounds of 12 gauge slug ammunition.
 - e. The shotgun shall not be brandished or removed from the vehicle other than in the performance of authorized official duties.

K. Department Issued/Authorized Patrol Rifle:

1. A department authorized patrol rifle and three (3) magazines shall be issued to certified patrol rifle operators for deployment during the officer's shift/assignment. The patrol rifle, along with the magazines, shall be stored in the assigned officer's secured department locker.

2. When utilized, the patrol rifle shall be removed from the officer's assigned locker and placed in a gun case, unloaded with the magazine detached from the weapon.
 - a. The gun case shall be secured in the trunk of the patrol vehicle or the inside mount, if applicable.
 - b. At the end of the shift, the assigned officer shall return the patrol rifle to the officer's secured locker in an unloaded condition with the magazine detached.
3. When the officer has pre-existing knowledge that an impending call involves a substantial risk of death or serious bodily injury, access to the patrol rifle would be deemed prudent and justifiable and whenever practical, the patrol rifle should be deployed at the discretion of the patrol rifle operator.
 - a. The patrol rifle is generally used as a "stand-off" type weapon, where adequate distance exists between the officer and the potential threat. It is therefore suggested that the patrol rifle be utilized wherever threat containment/control is to be facilitated at distances generally greater than fifteen (15) yards.
 - b. The patrol rifle should be used in a manner that accentuates the strengths of the weapon, and does little to expose potential liabilities of the firearm.
 - c. This concern would be reflected in usage of the rifle primarily as a "cover weapon", whereas its operator would maintain a standoff distance from any subject it might be deployed against.
 - d. In this role, the rifle-equipped officer is not involved in the handcuffing or searching of a suspect unless the rifle is placed on safe and slung before any contact is made. If the rifle is slung prior to making contact with the suspect, whenever possible, a "crossbody" (behind the back) sling technique should be utilized to minimize weapon encumbrance and maximize weapon retention.
 - e. Any unfired, chambered rounds should be placed in a "safe container" in the gun safe to be disposed of by the department certified armorer.

L. Maintenance:

1. Firearms shall be clean, lubricated, and periodically inspected for malfunctions.
 - a. Firearms should be cleaned according to the following:
 - i. At the end of each firing; and
 - ii. Periodically between firing.
 - b. In the event a department weapon is dropped, malfunctions, or it is suspected to have a malfunction, the officer's supervisor shall be notified immediately.
 - c. The supervisor shall notify the Lieutenant of the Training Unit who will arrange to repair or replace the weapon.

2. A department issued or approved firearm shall not be modified in any way, unless approved in writing by the Chief of Police. Once approved, modifications shall only be made by a department certified armorer.
3. Each patrol commander shall select a certified firearms instructor from each station who will be responsible for the monthly inspection of shotguns. The person inspecting the shotguns will complete the Monthly Shotgun Inspection Checklist.
 - a. These checklists will be stored in a binder that will be kept with the shotguns. This does not relieve individual officers/detectives from their responsibilities to inspect the shotguns that they take out on patrol.
4. In the event of a theft or loss of any officer's firearm, whether department issued or personal property, the officer's commanding officer shall be notified immediately through the proper chain of command. In addition, the officer shall immediately notify the agency within which the theft or loss occurred.

M. Duty Gear:

1. Uniformed Officers:
 - a. When in uniform, officers are required to wear their department issued black leather or nylon gear, or substitute gear that is pre-approved in writing by a department certified armorer and the Chief of Police.
 - b. When in uniform, the officer's holster shall be worn on the officer's strong side, in line with the seam of the trousers.
 - i. The use of cross-drawn holsters by uniformed officers of this department is prohibited.

III-IV. INCIDENTS INVOLVING THE USE OF DEADLY PHYSICAL FORCE

- A. Subsequent to the use or deployment of lethal force by an officer the following shall be completed:
 1. Supervisor Notification:
 - a. Officers shall notify their immediate supervisor and the supervisor shall respond to the scene.
 - b. If the officer is outside the City of Albany when the use of deadly force occurred, the officer shall also notify the agency with jurisdiction for investigation of the incident.
 2. Secure the Incident Scene:
 - a. Determine the existing danger level;
 - b. Immediately determine the physical condition of any injured person and summons emergency medical services when appropriate and

safe to do so.

- i. 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.
 - c. Officers shall remain at the scene (unless injured or unsafe to) until the arrival of the appropriate command officers. However, if the circumstances are such that the officer's continued presence at the scene might cause a more hazardous situation to develop (violent crowd), the ranking commanding officer at the scene shall have the discretion to direct the officer to respond to another, more appropriate location;
 - d. The involved officer will protect their weapon for examination. As part of the preliminary investigation, the involved officer will submit their firearm to a Supervisor. The firearm will then be immediately secured for proper chain of custody handling pursuant with current investigative and departmental directives.
 - i. The involved officer(s) shall not be left alone. The reason for this is to not isolate the officer after a traumatic incident and to ensure that the officer receives the necessary treatment needed.
 - e. Officers shall protect all physical evidence and should be prepared to assist the on-scene supervisor with the preliminary investigation. This duty will be according to the physical and emotional capability of the officer.
 - f. As soon as it becomes practical, officer(s) safety, health and well-being, the involved officer(s) will be removed from the scene and shall receive a police escort to a hospital for medical evaluation.
 - i. If an officer sustains serious physical injury or death, personnel shall follow current written directives in GO 2.3.25 – Line of Duty Death or Serious Injury.
 - g. Any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, shall be removed from line-duty assignment, pending an administrative review.
3. Use of Force Reporting Requirements:
- a. Officers shall document the details of the incident, which shall include the following:
 - i. An Albany Police Department Subject Resistance/Use of Force Report, APD Form # 422 shown on pages 22, 23 and 24 of this order, in which officers shall document the following:

- a) Any discharge from a firearm, for other than training, recreational, investigative, or safety testing purposes at an authorized facility;
 - b) Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 - c) Applies force through the use of a lethal or less lethal weapon, as per current directives; and
 - d) Weaponless physical force, as per current directives; and
 - e) Medical actions taken to minimize the severity posed by obvious injuries or other non-visible trauma.
- ii. Complete an Intra-Departmental Correspondence documenting actions taken by the officer(s).
 - iii. Complete a Standardized Incident Report documenting the following:
 - a) Injuries or complaints of an injury to an officer as a result of deployment of force;
 - b) Injury or complaints of an injury to the subject as a result of the deployment of force;
 - c) The type of deadly weapon displayed and/or used;
 - d) If the weapon displayed is a firearm, officers shall document:
 - 1) The make, model, serial number, and caliber of the firearm displayed and/or used;
 - 2) The type of ammunition used; and
 - 3) The number of rounds discharged.
 - e) Notation of any weapon or ammunition malfunction, if applicable; and
 - f) Number of bystanders present, if any, and their proximity to the discharge; and
 - g) Arrest(s) made in conjunction with the use of force.
 - b. 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.
 - c. Upon completion of all paperwork, officers shall submit the completed paperwork to a direct supervisor for approval.

B. Supervisor Responsibilities:

- 1. Respond immediately to the scene and assume control. Once at the scene, supervisors shall:
 - a. Determine the existing danger level;
 - b. Ensure that the injured are receiving medical attention; and
 - c. Maintain the integrity of the scene until properly relieved.

2. Conduct a preliminary field investigation;
3. Complete the following notifications:
 - a. Criminal Investigations Unit Supervisor/Detective;
 - b. Forensic Investigations Unit Supervisor/Detective; and
 - c. Commanding Supervisor.
4. Ensure that statements and reports are completed by all officers present at the scene as to their actions and observations. These shall be completed after the officers are relieved from the scene:
 - a. If the officer is incapacitated, a supervisor shall also prepare the use of force report based upon the supervisor's investigation of the incident.
5. Prepare a detailed Investigation Report as to observations, actions taken, and participation in the investigation;
6. Complete an administrative review all use of force reports of the incident; and
7. Complete a Blue Team entry, as per current directives.

C. Command Responsibilities:

1. Render command assistance and coordinate all activities at the scene;
2. Complete the following notifications:
 - a. Chief of Police;
 - b. Deputy Chief; and
 - c. The Office of Professional Standards.
3. Brief the Chief of Police and Deputy Chief when they arrive on the scene and coordinate all activities with them;
4. Ensure that the involved officer makes no statements to unauthorized personnel; and
5. Review all written reports of the incident.

D. Criminal Investigations Unit Responsibilities:

1. Criminal Investigations Unit Supervisor shall be responsible for the following:
 - a. Respond to the scene;
 - b. Coordinate with the Chief of Police and Deputy Chief;
 - c. Assume command of the criminal investigation;
 - d. Assign appropriate personnel to conduct the criminal investigation;
 - e. Assign personnel to conduct interviews and take statements;
 - f. Review all written reports of the incident;
 - g. Establish and maintain a liaison with the District Attorney regarding the criminal aspect of the investigation;
 - h. Present the case to the District Attorney for review; and
 - i. Inform the Chief of Police of the status of the investigation.
2. Criminal Investigations Unit detectives shall be responsible for the

following:

- a. Conduct a criminal investigation, in accordance with direction from the supervisor.

E. Forensic Investigations Unit Responsibilities:

1. Forensics Investigations Unit Lieutenant shall be responsible for the following:
 - a. Assign detectives to respond to the incident scene for the purposes of conducting a forensic investigation and evidence collection.
2. Assigned detective(s) shall be responsible for the following:
 - a. Respond to the scene and/or hospital immediately and conduct a thorough investigation; and
 - b. Properly collect, inventory, and process all evidence, in accordance with current directives.

F. Office of Professional Standards Responsibilities:

1. The Office of Professional Standards Commander shall be responsible for the following:
 - a. Assign appropriate personnel to conduct the investigation;
 - b. Coordinate with the Chief of Police for the purpose of providing the status and/or results of the investigation; and
 - c. Conduct an administrative investigation to include:
 - i. Interviews and statements, as necessary;
 - ii. Review all written reports of the incident; and
 - iii. Establish and maintain a liaison with the District Attorney's Office regarding the administrative aspect of the investigation.
2. Detectives assigned to conduct the internal investigation shall:
 - a. Conduct all necessary interviews and statements;
 - b. Provide a detailed report of findings and conclusions to the Commander of the Office of Professional Standards.

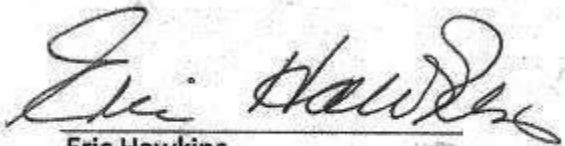
G. Responsibilities of the Chief of Police, Deputy Chief or in their absence, the highest ranking on-duty supervisor shall be responsible for the following:

1. Assume overall command of the entire investigation, delegating appropriate assignments to Unit/Station Commanders;
2. Be responsible for authorizing the release of media information to the Public Information Officer;
3. Make notifications to the Mayor and Corporation Counsel;
4. At discretion, place the involved officer(s) on administrative leave or duty without loss of pay or benefits, when it is deemed to be in the best interest of the department and/or the officer;

5. At the conclusion of both the criminal and administrative investigation, he/she shall make the final determination of action to be taken and arrange for the involved officer to undergo a debriefing with the department psychologist as soon as possible; and
 6. Review policies, training, equipment, etc., with Unit/Station Commanders for possible amendments and/or additions.
- H. In the event that an employee(s) becomes involved in an incident which results in the death or serious physical injury of another person, procedures outlined in current directives shall be followed.

IV.V. ANNUAL ANALYSIS

- A. The Office of Professional Standards shall be responsible for conducting a documented annual analysis of the department's use of force activities, policies and practices. The analysis should identify:
 1. Date and time of incidents;
 2. Types of encounters resulting in use of force;
 3. Trends and patterns related to race, age and gender of subject involved;
 4. Trends or patterns resulting in injury to any person including employees; and
 5. Impact findings on policies, practices, equipment and training.
- B. 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.
- C. The annual analysis shall be completed by March 31st of each calendar year.
- D. The results of this analysis shall be documented on an IDC to the Chief of Police.



Eric Hawkins
Chief of Police



Albany Police Department Firearm Assignment Report

Date of Transaction: _____

Officer

Last Name	First Name	PIN	Assignment	Date of Hire

WAS ISSUED RETURNED

Firearm

Manufacturer	Model Number	Caliber	Type (handgun, rifle etc)	Serial Number

Purpose of Issuance:

New Hire Replacement (describe) New assignment Other (describe purpose):

Condition Upon Return (If returned for inspection/repair, describe problem):

Signature of Officer: _____ Signature of Range Officer/Designee: _____ PIN: _____

Entered into Weapons Inventory on ___ / ___ / ___ By: _____



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.