



Albany Police Department Policies, Practices and Training FAQ

UPDATED FAQ ON 08/06/20

1. What is the culture of the Albany Police Department?

We believe everyone should be treated fairly, with dignity and respect no matter what their identity. This is something we cultivate in our organization on a daily basis, whether it be out in public or within our building. For our department this begins in the hiring process, ensuring we hire quality individuals who prove they have a moral compass and have chosen this career for the right reasons. We have a field training program that typically lasts approximately 20 weeks for new officers. During this training period new officers are exposed to our culture, values, mission and expectations. New officers additionally have at least a 12 month probationary period, and if they do not meet our standards during training or probation they are not retained. As an example of the types of officers we are fortunate enough to have here in Albany, I want to share some of the behavior our officers have done on their own. One officer has carried around new socks to give to people they find on the street who need them, another officer has helped a family in need with buying groceries and even delivering them to their home, another officer who observed the mother of a family searching through a garbage can in front of the Target store approached the family and brought them into the store to obtain food and drinks. This is the caliber of officers you have serving this community.

2. Do you utilize De-escalation?

De-escalation is something we train in frequently and use on a regular basis. This type of training starts in the academy and continues throughout an officer's career. Beginning in 2016 we made a commitment to train our patrol officers, police supervisors, and our commanders in Crisis Intervention Training (CIT). This Crisis Intervention Training focused on de-escalation tactics police can use when engaging with people in crisis; this was accomplished by the end of 2018. In 2019 we began sending our officers and supervisors to a separate de-escalation course. This continued into this year and we had additional officers scheduled to attend this course as well, but when the pandemic happened those courses were cancelled. It is also important to note our officers, police sergeants, and command staff complete a tactical communications course every two years, which covers de-escalation concepts, professional contact, and how to generate voluntary compliance. We aim to conduct perishable skills training at least four times a year for all sworn staff (officer to the chief). At each of these trainings de-escalation is one of the topics covered.

3. Do you require officers to intervene if there is excessive force? Our policy regarding this matter reads as follows:

300.2.1 DUTY TO INTERCEDE

Any officer present, regardless of rank or time of service, and observing another law enforcement officer or an employee, regardless of rank or time of service, using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force. Any officer who observes a law enforcement officer or an employee, regardless of rank or time of service, use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor, or division commander, as soon as feasible (Government Code § 7286(b)).

4. Do you require officers to provide a warning before using deadly force?

Our policy has language for officers to provide a warning when feasible. Due to the dynamics of our job, incidents can rapidly unfold, and requiring a warning before discharging a weapon to defend a citizen or an officer's life could delay the officer's ability to immediately stop a threat. Our policy reads as follows:

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5) (c)(1)(B)).

5. Do you require officers to exhaust all means before using deadly force?

On January 1, 2020 changes to California's use of force law went into effect. Penal Code 835(a)(2) which reads; As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and **shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.**

Below is a link to The Commission on Peace Officers Standards and Training (POST) that provides written and video explanation of the changes in the law. <https://post.ca.gov/Use-of-Force-Standards>

Our policy reads in part:

300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force.

6. Do you have a reporting requirement for each time force is used? Our policy reads as follows:

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Section Policy.

7. Do you allow officers to choke or strangle suspects?

We DO NOT allow choke or strangleholds as those were banned years ago. Our department did authorize the use of the carotid control hold under certain circumstances, but we suspended that policy and have since removed that control hold from our policy.

8. Do you restrict officers from shooting at moving vehicles?

Shooting at a moving vehicle is not normally the safest approach, but sometimes it may be the only course of action to stop an imminent threat. As many may recall in 2015, the suspects involved in the San Bernardino terrorist attack were shooting at police as they were fleeing in a vehicle. A policy that prohibited shooting at moving vehicles would have prevented officers from protecting the public and themselves. Our policy discourages this course of action and reads as follows:

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

9. Do you have a use of force continuum? The use of force continuum was a concept used many years ago and does not require an officer to start at one level of force before moving on to the next. Our officers are required to only use reasonable force and consider several factors when deciding what level of force to use. Our policy states in part:

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

10. Are Albany police officers required to wear body cameras?

We issued body cameras to our entire department in 2013 and have found them to be a very beneficial tool. Prior to 2013 we had officers who saw the value in this tool and actually purchased cameras on their own. While our policy is permissive for when cameras are to be turned on, we can assure you officers are very good about turning them on. The reason for this permissive policy is that there are times that it may not be appropriate for an officer to have the video on, such as when dealing with victims of certain crimes or when dealing with a sensitive family or neighbor issue. Additionally, our job can be very dynamic at times and sometimes for safety reasons it may not be possible for an officer to activate a camera right away. Please see policy 420.

11. What are the hiring and training standards for police officers in the State of California?

The Commission on Peace Officers Standards and Training (POST) sets the standards for hiring and training of California peace officers. The link below will provide information about the hiring process, standards and training requirements established by POST. You will find information about what is taught in the academy and what is required training throughout a peace officer's career. <https://post.ca.gov/>

The minimum peace officer selection standards are set forth in Government Code Sections 1029 and 1031. Every California peace officer must be:
Free of any felony convictions.

A citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship (CHP officers must be US citizens at time of appointment)

At least 18 years of age

Fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record

Of good moral character, as determined by a thorough background investigation (Covers the dimensions of integrity, racism, violence, financial stability, work history etc.)

A high school graduate, pass the General Education Development test or other high school equivalency test approved by CDE, or have attained a two-year, four-year, or advanced degree from an accredited or approved institution

Found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer.

12. How do you handle citizen complaints?

Information regarding our complaint process can be found in policy 1008. Below is a brief overview of the complaint process. The Penal Code prohibits the public disclosure of internal affairs investigations, except in certain instances. To read more about when an internal affairs investigation can be disclosed visit https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1421

When the department receives a complaint it is routed to our Professional Standards Officer. The complaint is reviewed by the Chief of Police and an investigator of the rank of sergeant or above is assigned. Typically the complainant is interviewed along with any witnesses and the involved employee(s). Any additional evidence (police reports, body camera video, surveillance video, etc.) are reviewed/analyzed for the investigation. A report is drafted based on this information to determine a final finding on the complaint. The complainant is sent a letter summarizing the findings of the investigation. If wrong doing is determined, the Chief of Police can take corrective action or discipline ranging from oral counseling to discharge.

13. Are you required to report complaints to the California Department of Justice annually?

Yes. This information can be found here <https://openjustice.doj.ca.gov/data>

14. Do you use early identification and intervention software?

Yes, we utilize a software program to exercise oversight of pursuits, use of force incidents, both administrative and civilian complaints, and on-duty traffic accidents. Incidents of these natures are entered into this software program and reviewed by command staff to ensure compliance with policies and procedures. This software allows us to keep track of officers performance and determine if additional training or corrective actions may need to be taken.

15. Are you required to report racial and identity data?

Not at this time. We will be required to issue our first report on April 1, 2023. We are currently working on this project and hope to have it done early and begin collecting data by January 1, 2021, and possibly sooner if the project goes smoothly. Please see the below link for additional information on the Racial and Identity Act (RIPA):

<https://post.ca.gov/Racial-and-Identity-Profiling-Act>

16. Does the Albany Police Department participate in the 1033 Program, which allows local law enforcement to obtain equipment from the Department of Defense?

No.

17. Have you done any recent notable training?

We are proud to say we were the pilot police department to take and evaluate the first POST (The Commission on Peace Officers Standards and Training) Certified LGBTQ course in 2018. This course is designed to increase law enforcement's effectiveness in responding to and investigating domestic violence and hate crimes involving sexual orientation and gender identity minorities. Participants learn the difference between sexual orientation and gender identity and how these two aspects of identity relate to each other and to race, culture and religion as well as the current terminology used to identify and describe sexual orientation and gender identity.

We are fortunate to have a police supervisor on our staff who is a Principled Policing Instructor and conducted Fair and Impartial policing courses for our department in 2018. This course emphasizes respect, listening, neutrality, and trust (Procedural Justice) while addressing the common implicit biases that can be barriers to these approaches. Those who attended this training ranged from dispatchers to the chief.

In 2019 we had a representative from the California Department of Veterans Affairs provide training on services available to Veteran's (including mental health services) and de-escalation techniques to use when engaging with veterans.

18. Does the Albany Peace Officers Association have a Bargaining Agreement?

Yes, <https://www.albanyca.org/departments/human-resources/bargaining-unit-agreements>

19. Do you have a Strategic Plan?

The Albany Police Department developed a strategic plan to detail the department's goals and priorities over the next three to five years. The strategic plan is the result of a community planning process that included several community work sessions that were held to identify community member issues and priorities for the Albany Police Department.

<https://www.albanyca.org/home/showdocument?id=28477>

20. Is there a link to the Policies, Procedures and Training for the Albany Police Department?

Yes, <https://www.albanyca.org/departments/police-department/policies-procedures-training-sb978>

21. Does the Albany Police Department participate in a restorative justice program?

For juveniles, yes. We work with Centerforce Youth Court (Formerly McCullum Youth Court). This is a youth driven organization that gives first time youth offenders a second chance to avoid entering the juvenile correction system by utilizing Restorative Justice Practices.

22. Does the Albany Police Department release body camera video?

Release of body camera videos and other records are controlled by Government Code 6254:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6254

Our policies regarding video release read in part as follows:

420.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court. The Chief of Police has the final authority to release any audio/video to the media or the public.

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- a. Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- b. Social Security numbers (Government Code § 6254.29).
- c. Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- d. Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- e. Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- f. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- g. Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.
- h. Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- i. Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- j. Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

- k. Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- l. Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).
- m. Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- n. Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- o. A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
- p. Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- q. Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

804.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Officer supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

804.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

1. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
2. Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
3. Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

804.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- a. During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

- b. When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

804.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

804.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- a. The person in the recording whose privacy is to be protected, or his/her authorized representative.
- b. If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- c. If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)). The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

23. Is there oversight of the Albany Police Department?

Yes. The Police Chief reports to the City Manager who works directly with City Council.

Link to City Organization Chart: <https://www.albanyca.org/home/showdocument?id=42229>

24. What are the Demographics of the Albany Police Department compared to the City of Albany Demographics?

City Demographics -Link to US Census Bureau: <https://www.census.gov/quickfacts/fact/table/albanycitycalifornia/PST045219>

Race and Hispanic Origin	Percentage
White alone, percent	50.5%
Black or African American alone, percent	2.5%
American Indian and Alaska Native alone, percent	0.9%
Asian alone, percent	29.8%
Native Hawaiian and Other Pacific Islander alone, percent	0.5%
Two or More Races, percent	8.6%
Hispanic or Latino, percent	12.7%
White alone, not Hispanic or Latino, percent	46.0%

Albany Police Department Demographics - * This does not include employees currently laid off due to COVID-19 impacts

Race and Hispanic Origin	Percentage
Hispanic/Latino	19.4%
Asian	8.3%
Black/African-American	13.8%
White	44.4%
Two or More Races	5.5%
Not Declared	5.5%

25. Are “No Knock” warrants illegal in the City of Albany?

No, however they are extremely rare to use and require a tremendous amount of planning, oversight and review along with the approval of a Judge for this type of heightened warrant service.