



2-53 Use of Force Definitions

2-53-1 Purpose

To define terminology used in the Albuquerque Police Department Use of Force policies.

2-53-2 Definitions

A. Critical Firearm Discharge

Discharges of a lethal firearm by an officer, including accidental discharges and discharges where no person is struck. Range and training firings, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearm discharges.

B. Deadly Force

Deadly Force is any use of Force that is likely to cause death or Serious Physical Injury, including the use of a firearm, a Neck Hold, or an intentional strike to the head, neck, or throat with a Hard Object.

C. De-escalate

An action to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury, by using verbal and non-verbal techniques, including active listening skills, tone of voice, announcement of actions, body posture, personal space, eye contact, and empathy and compassion to promote officer and individual safety. [\(See also APD SOP 2-19 Response to Behavioral Health for the definition\).](#)

D. Distraction Technique

An empty-hand technique used by an officer with the specific intent to separate the individual's mind from body and break their focus. When effective, this technique creates time for the officer to react and allow them to transition to another tool or technique in order to gain control or disengage and create distance. Examples include, but are not limited to, open-hand strikes, elbow strikes, knee strikes and kicks.

The use of a Distraction Technique by an officer is reportable as a Level 2 use of Force.



E. Electronic Control Weapon (ECW) Application

The contact and delivery of an electrical impulse to an individual with an ECW.

F. Escort Techniques

The use of techniques, which involves the application of a "C-clamp" to the wrist notch and tricep notch of the individual's arm in order to maintain physical control to move a compliant individual to meet the officer's objective. Escort Techniques used with compliant individuals will generally not constitute a use of Force.

G. Feasible

An action is Feasible when it can be done or carried out reasonably to achieve an arrest or lawful objective without increasing risk to the officer or other persons.

H. Force

Any application of empty hand techniques, use of intermediate weapons as listed in this policy, or any other physical means used to defend the officer or others, restrain, overcome resistance, or otherwise gain physical control of a person.

I. Force Array

Force Array is a team tactic, which utilizes a layer of Force options. Officers work in concert with one another by deploying varying Force options. Force Array provides officers with a range of Force options and allows officers to quickly escalate or de-escalate their Force response when necessary.

J. Hard Object

Any object used to forcefully strike an individual, which has the potential to cause Serious Physical Injury or death through blunt Force trauma. A Hard Object can include impact weapons (e.g., baton, beanbag rounds and 40mm impact munitions) and improvised impact weapons. Hard Object does not include personal weapons (e.g., hands, knees or feet).

K. Immediate Threat

An Immediate Threat to an officer or other individual is one that can be delivered, without delay, and requires an instant response by an officer to stop the threat or control the situation.



L. Imminent Threat

Dangerous or threatening situation which is likely to occur at any moment, is about to occur or take place and is perceived to be unfolding.

M. Levels of Force

1. **Level 1 Use of Force:** Force that is likely to cause only transitory pain, disorientation and/or discomfort during its application as a means of gaining compliance.
 - a. This includes techniques, which are not reasonably expected to cause injury, do not result in an actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing).
 - b. Pointing a firearm, beanbag shotgun or 40 millimeter launcher at an individual, or using an ECW to "paint" an individual with the laser sight or arcing, as a show of Force are reportable as a Level 1 Use of Force.
 - c. Level 1 Use of Force does not include interaction meant to guide, assist or control an individual who is offering minimal resistance.
2. **Level 2 Use of Force:** Force that causes an injury, could reasonably be expected to cause injury, or results in a complaint of an injury.

Level 2 Use of Force includes:

- a. Use of an ECW, including where an ECW is fired at an individual but misses;
 - b. Use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at an individual but misses;
 - c. OC Spray application;
 - d. Empty Hand Techniques (e.g. strikes, kicks, takedowns, distraction techniques, or leg sweeps); and
 - e. Strikes and attempted strikes with impact weapons, except for strikes to the head, neck, or throat, which would be considered a Level 3 use of Force.
3. **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.



Level 3 Use of Force includes:

- a. Use of Lethal Force;
- b. Critical Firearm Discharges;
- c. Use of Force resulting in death or Serious Physical Injury;
- d. Use of Force resulting in hospitalization;
- e. All strikes to the head, neck, or throat with a hard object;
- f. Use of Force resulting in a loss of consciousness;
- g. Canine bites;
- h. Three or more applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers;
- i. ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application;
- j. Neck holds;
- k. Four or more strikes with a baton; and
- l. Any Level 2 use of Force against a handcuffed individual.

N. Levels of Resistance

1. Active Resistance

Refers to an individual's resistance that poses a threat of harm to the officer or others, such as when an individual attempts to attack or does attack an officer; exhibits combative behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks, or any instrument that may be perceived as a weapon such as a knife or stick); or attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp. Verbal statements alone do not constitute Active Resistance. Bracing or tensing alone ordinarily do not constitute Active Resistance, but may if they pose a threat of harm to the officer or others.

2. Passive Resistance

Refers to an individual's non-compliance with officer commands that is non-violent and does not pose an Immediate Threat to the officer or the public. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitute Passive Resistance.

O. Low-Level Control Tactics

Physical interactions meant to guide and/or control an individual that does not



constitute a Reportable Use of Force. Low-level control tactics include, but are not limited to:

1. Escort Techniques, touching, use of control holds, or handcuffing an individual with no or minimal resistance (e.g. tensing of arm muscles or turning or pulling away that does not escalate to a Reportable Use of Force) which does not cause pain and is not reasonably likely to cause pain or injury; and
2. Using hands or equipment to stop, push back, separate, or escort a person in a manner that does not cause pain, and is not reasonably likely to cause any pain or injury.

P. Low Ready

Low Ready is a position of preparedness with a firearm or ECW where the muzzle of the weapon is not covering an individual and the trigger finger is outside the trigger guard and straight along the frame. The angle of the low ready is based on the distance from the individual. A weapon at low ready is not a reportable show of Force, as either the firearm or ECW are not pointed at the individual.

Q. Minimum Amount of Force Necessary

The lowest level of Force within the range of objectively reasonable Force that is necessary to make an arrest or to achieve a lawful objective without increasing the risk to the officer or others.

R. Necessary Force

Refers to Force which is used on an individual when no reasonable alternative to the use of Force exists. When Force is necessary, officers shall use the minimum amount of Force required and shall avoid unnecessary risk of injury to the officer or any individual.

S. Neck Hold (Choke Hold)

This term refers to the following types of holds: a carotid restraint hold; a Vascular Neck Restraint; a chokehold that inhibits breathing by compression of the airway in the neck; or a hold with a knee or other object to the individual's neck. A Neck Hold is considered Deadly Force.

Incidental contact, pressure point contact, touching, guiding, or controlling on the back of the neck do not constitute a Neck Hold. For more information on carotid restraint holds and Vascular Lateral Neck Restraint, refer to the definition of Vascular Neck Restraint, below.



T. Proportional Force

Refers to Force which reflects the totality of circumstances surrounding the situation, including the presence of imminent danger to the officer or others.

The use of Proportional Force by an officer does not require the use of the same type or amount of Force as that used by the individual.

The more immediate the threat and more likely that the threat will result in injury, the greater the level of Force that is reasonable and necessary to counter it.

U. Reasonable Force

Refers to Force which is objectively reasonable under the circumstances and the minimum amount of Force Necessary to effect an arrest or protect the officer or other person.

V. Reportable Use of Force

Refers to Force that officers must document and report in the manner outlined by the Use of Force Reporting Policy. The Department uses of Force are classified into three levels. The three levels are for reporting, subsequent injury, and review of use of Force incidents. Each level corresponds to the level of Force used and/or the outcome of the Force incident.

W. Serious Physical Injury

Refers to physical injury that creates a substantial risk of death; or that causes death or serious and protracted disfigurement; or impairment of the function of any bodily organ or limb.

X. Show of Force

Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at an individual, or using an ECW to "paint" an individual with the laser sight or arcing and shall be reported to the appropriate first-line supervisor and reviewed as a Level 1 use of Force.

Y. Vascular Neck Restraint

The application of pressure to the carotid arteries and jugular veins at the sides of the neck, which results in diminished blood flow to the brain. When applied properly this diminished blood flow generally leads to unconsciousness. If applied improperly, the use of this technique could potentially result in death.



ALBUQUERQUE POLICE DEPARTMENT
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This technique is also commonly referred to as the carotid neck restraint or Lateral Vascular Neck Restraint[®] (LVNR[®]).

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