

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair*

Chantal M. Galloway

Eric Nixon

Michael Wartell

Diane McDermott, Interim Executive Director

Members Present:

Patricia J. French, Chair
Jesse Crawford, Vice-Chair
Chantal M. Galloway
Eric Nixon
Michael Wartell

Members Absent:

Others Present:

Diane McDermott, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Robert Grooms, CPOA
Tina Gooch, CPOA Legal Counsel
Carlos Pacheco, Sr. Managing City Atty
Kelly Mensah, CPC
Marteessa Billy, CPC
Mike Kruchoski, CPC
Deputy Cmdr. Anthony Maez, APD
Lieutenant Jason Sanchez, APD
Elizabeth Martinez, DOJ
Barron Jones, ACLU
Robert Heckman, APD Forward
Larry Kronen, McClendon Subclass
Jessica Molzen, Common Cause NM

Thursday, April 7, 2022 – 5:00 PM

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board special meeting on Thursday, April 7, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-special-meeting-04-07-2022-apd-use-of-force-policy-suite-review>

(Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, April 4, 2022 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Thursday,

April 7, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Virtual Public Comment: We welcome the public to join the CPOA Board in its review of proposed changes to APD Use of Force Policy Suite. We will enable all those wishing to speak, to participate.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://cabq.zoom.us/j/89159829388?pwd=YzVqNXhCam55VlFjMjBzMmF1ZkFhOdz09>

Meeting ID: 891 5982 9388

Passcode: 255342

One tap mobile

+16699006833,,89159829388# US (San Jose)

+12532158782,,89159829388# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 891 5982 9388

Find your local number: <https://cabq.zoom.us/j/kcS8Y7zZSf>

Minutes

- I. Welcome and call to order.** Chair French called to order the special meeting of the Civilian Police Oversight Agency Board at 5:01 p.m.
 - II. Mission Statement.** Chair French read the Civilian Police Oversight Agency Board's mission statement.
 - III. Approval of the Agenda.**
 - a. Motion.** Motion by member Wartell to approve the agenda as drafted.
Roll call vote taken. Motion passed.
- For: 5 – Crawford, French, Galloway, Nixon, Wartell**

IV. Public Comments

- a. Geraldine Amato (*see attached*)

V. Serious Use of Force Cases/Officer Involved Shooting

a. 19-0077270

- 1. Interim Executive Director Diane McDermott provided an overview and a list of materials that the CPOA Board had received related to OIS case 19-0077270. She also read the former CPOA Executive Director's review and findings letter for OIS case 19-0077270 and noted that the date of incident on the letter was inaccurate. The correct date of incident for OIS case #19-0077270 is August 22, 2019.
- 2. **Motion.** A motion by Chair French to send a letter to Chief Medina to provide a written response as requested in the initial Board approved letter dated August 12, 2021 (*see attached*) within 30 days. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Galloway, Nixon

Against: 1 – Wartell

- 3. Virtual Public Comments on OIS 19-077270
 - a. Larry Kronen

VI. Discussion and Possible Action:

a. Use of Force Policy Review (SOP 2-52 through SOP 2-57)

1. SOP 2-52

- i. Deputy Commander Anthony Maez provided an overview of the proposed changes to SOP 2-52. (*see attached*)
 - a. CPOA Board Members provided feedback on SOP 2-52
 - b. Virtual Public Comments on SOP 2-52
 - i. Robert Heckman
 - ii. Larry Kronen
 - iii. Barron Jones

2. SOP 2-53

- i. Deputy Commander Anthony Maez provided an overview of the proposed changes to SOP 2-53. *(see attached)*
 - a. CPOA Board Members provided feedback on SOP 2-53.
 - b. Virtual Public Comments on SOP 2-53:
 - i. Robert Heckman

*****A fifteen-minute break began at 7:33 p.m. and the meeting reconvened at 7:48 p.m.*****

3. SOP 2-54

- i. Deputy Commander Anthony Maez skimmed through the proposed changes to SOP 2-54. *(see attached)*
 - a. CPOA Board Members provided feedback on SOP 2-54.
 - b. Virtual Public Comments on SOP 2-54:
 - i. Robert Heckman

4. SOP 2-55

- i. Deputy Commander Anthony Maez skimmed through the proposed changes to SOP 2-55. *(see attached)*
 - a. CPOA Board Members provided feedback on SOP 2-55.
 - b. Virtual Public Comments on SOP 2-55:
 - i. Robert Heckman

5. SOP 2-56

- i. Deputy Commander Anthony Maez skimmed through the proposed changes to SOP 2-56 *(see attached)*
 - a. CPOA Board Members provided feedback on SOP 2-56.
 - b. Virtual Public Comments on SOP 2-56:
 - i. Robert Heckman

6. SOP 2-57

- i. Deputy Commander Anthony Maez skimmed through the proposed changes to SOP 2-57 (*see attached*)
 - a. CPOA Board Members provided feedback on SOP 2-57.
 - b. Virtual Public Comments on SOP 2-57:
 - i. Robert Heckman

b. Staffing Study

1. **Motion.** A motion by Chair French that a CPOA staffing study be done and that the CPOA provide a minimum of 3 vendors with cost d the regularly scheduled Board meeting in May 2022, and that the new CPOA Executive Director be allowed to hire their team and conduct the interviews for the CPOA's open positions.

For: 4 – French, Galloway, Nixon, Wartell

Against: 1 – Crawford

c. Procedures and Timeline for Hiring of Executive Director

- i. Member Galloway screen shared the proposed timeline for the hiring of the CPOA Executive Director.
- ii. Chair French reviewed the proposed timeline and the CPOA Board recommends to move forward with the timeline.

d. Subcommittee and Ad Hoc Committee Assignments

1. Chair French assigned CPOA Board Members to the following Subcommittee's:
 - i. Member Jesse Crawford and Eric Nixon to the Case Review Subcommittee
 - ii. Member Jesse Crawford and Chantal Galloway to the Policy and Procedure Subcommittee.
 - iii. Member Chantal Galloway and Michael Wartell to the Outreach Subcommittee.

- iv. Member Patricia French and Michael Wartell to the Personnel Subcommittee.
- 2. Chair French assigned the following CPOA Board members to an Ad Hoc Subcommittee.
 - i. The Ad Hoc Subcommittee is created for revisions to the CPOA Board's Policies and Procedures.
 - ii. Member Patricia French and Michael Wartell to the Ad Hoc Subcommittee.
 - iii. Legal Counsel Tina Gooch was also assigned to the Ad Hoc Subcommittee by Chair French.

VII. Other Business

- a. Legal Counsel Tina Gooch noted that the CPOA Board needs to create a job description to present to City Council.
- b. Chair French can attend PPRB meetings if Vice-Chair Crawford is unable.

VIII. Adjournment.

- a. **Motion.** A motion by member Wartell to adjourn the meeting. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Nixon, Wartell

- b. The meeting was adjourned at 9:55 p.m.

APPROVED:

DocuSigned by:



Patricia J. French, Chair
Civilian Police Oversight Agency Board

May 11, 2022

Date

CC: Julian Moya, City Council Staff
Ethan Watson, City Clerk
Isaac Benton, City Council President (via email)

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

ATTACHMENTS

CPOA MARCH 2022
AMATO MAY JUN 2021 COUNTY/CITY ET AL
PUBLIC COMMENT

THE AMERICAN BENCH AND BAR
A HISTORY OF ORGANIZED CRIME
A HISTORY OF NOT FORCED

WITH THE UNRELENTING CAMPAIGN OF REDUCING THE LOCAL POLICE (AND THE LOCAL FIRE-FIGHTERS) TO COGS IN THE INTERNATIONALISTS MACHINE I.E. "INTERPOL" INTERNATIONAL POLICE. WE CAN ALWAYS COUNT ON THE ABO JRNLS OWNERS TO BOLSTER THE AGENDA OF THOSE WHO CONSPIRE TO REDUCE US ALL - THAT ARE PERMITTED TO LIVE - TO BEING ABJECT SLAVES WITHIN AN AUTHORITARIAN/FASCIST ONE

WORLD ORDER TAKE MAY 6 2021 "REPORT" FRONT PAGE "APD backslid in reforms" EXTOLLING THE VIRTUES OF THE U.S. DEPT. OF BOGUS JUSTICE AND A COURT "APPROVED SETTLEMENT..." BOLSTERING THE STATUS OF A BOGUS

"INDEPENDENT" MONITOR. JOURNAL WRITERS (JUST LIKE OTHER NEWS OUTLETS "KOB" FOR ONE NOTCABLE EXAMPLE) MENTION THAT THE MONITOR IS A "FORMER POLICE OFFICER", "A LONGTIME CONSULTANT" BUT "I DID HEAR, DID I NOT?" THAT HE IS RIGHT NOW THE CEO OF HIS OWN "CONSULTING FIRM" AND IT IS REPEATEDLY MENTIONED THAT HE'S PAID TOP DOLLAR TO MY THINKING THE MONITOR IS A MERCENARY DOING HIS MASTER'S WILL.

PREZ. GEO. WASHINGTON SIGNED THE FIRST JUDICIARY ACT" OF THE FIRST FDRL CONGRESS, UNDOING THE REPUBLIC WITH THE ESTABLISHMENT OF THE BRITISH LEGAL-JUDICIAL ARISTOCRATIC SYSTEM. NY STATE COP BORVEZEWSKI SUMS UP THE CONCLUSION IN HIS BOOKS "THE CONSTITUTION THAT NEVER WAS"

RECEIVED CPOA
APR 2 2022 PM 2:36

Valerie please pass
on if you

already
sent you this

ell

sh

y

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s

f

w

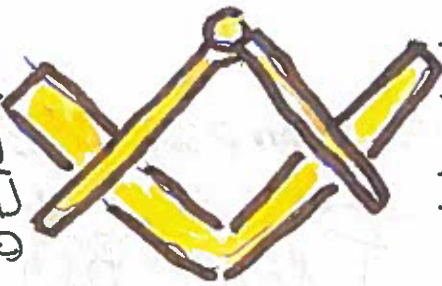
q

AMATO

Jack Bernstein's Book THE LIFE OF AMERICAN JEW IN MARXIST



RACIST
ISRAEL
PUBLISHED
1980's
JACK
BERNSTEIN



AKA ASKENAZI
PUT NOT
JEW
MASON

THE TWO INTERTWINED TRIANGLES
COMPOSING THE SO-CALLED "STAR
OF DAVID" IS THE SAME SYMBOL
AS THE MASON'S OVERLAPPED
SQUARE AND COMPASS. LOOK!

IT'S BEEN REPORTED THAT THE SIX
POINTED STAR WAS USED BY KING
DAVID'S SON SOLOMON, AS HIS
SEAL AND TAKEN FROM THE HEATHEN
TRIBE OF ONE OF SOLOMON'S WIVES.
ALSO REPORTED THAT BOTH THE STAR
AND THE MASONIC SYMBOL ENCAPSULATE
THE OCCULTIC 666.

PSALM 2 FROM
THE HEBREW SCRIPTS PROPHESES OF THE
"ZIONISTS" / THOSE "JEWS WHO SAY THEY
ARE JEWS BUT ARE OF THE SYNAGOGUE
OF SATAN" ~~THE~~ ~~GREEN~~ ~~SCRIPTS~~ ~~REVELATION~~

PSALM 2 ENDS WITH THE WORDS "ON
MY ZION. ON MY HOLY HILL, I
WILL INSTALL MY KING. SECURE
ARE ONLY THOSE WHO SEEK
REFUGE IN THE ONE I HAVE
CHOSEN TO RULE OVER THE EARTH."

JUSTIFIES OF DISCRIMINATION
AGAINST SEMITIC JEWS IN ISRAEL

RECEIVED CPOA
APR 7 '22 PM 2:35

AMATO
City, County, 1
CPOA
Comment
MAGAZINE

JACK Bernstein
A NON-SEMITIC
ASKENAZI JEW
TESTIFIES ABOUT DISCRIMINATION
AGAINST ~~#~~ SEMITIC JEWS
IN ISRAEL.

Public Comment

This Related to UNM Campus WITH "5G" Towers COMBO

"UNM ... CODE BLUE NETWORK ... 2"

build reliability into every aspect of our wireless network to keep customers connected when you need it most."

from SEPT 23, 2020. UNM WEB Code Blue "emergency" poles about 12 feet high

Reynolds summed up the project saying, "the benefits from this project will enable the University to be better served for cellular coverage for the thousands of visitors, staff, faculty, and students. From the safety aspect, this will allow better triangulation for 911 and first responders, city police, and the University Police. Having the cellular signal closer to the handset will assist the dispatcher in GPS coordinates for location information in the event of an emergency."

"5G" Towers about 30 feet high

1(2) RELATED TO THE ABOVE REPORT IS ONE I AMATO DISCOVERED VIA INTERNET ON JUNE 20 2006. THE ADDRESS AT THAT TIME: [HTTP://WWW.AISJCA-MFT.ORG/mindcontrol.htm](http://www.aisjca-mft.org/mindcontrol.htm). [NOTE: I NO LONGER USE COMPUTERS]

↓ TITLED ↓

"MICROWAVE MIND CONTROL: MODERN TORTURE AND CONTROL MECHANISMS ELIMINATING HUMAN RIGHTS AND PRIVACY."

BY DR. RAUNI LEENA KILDE, MD
© COPYRIGHT OWNED BY AUTHOR
SEPTEMBER 25, 1999 FINLAND.

HELSINGIN SANOMAT, THE LARGEST NEWSPAPER IN SCANDINAVIA, WROTE IN THE SEPT 25, 1999 ISSUE THAT AFTER THE MILLENIUM PERHAPS ALL PEOPLE WILL BE IMPLANTED WITH A "DNA MICROCHIP"

FROM THE ARTICLE: "A FEW LINES REALIZE WHAT IT ACTUALLY MEANS? TOTAL LOSS OF PRIVACY AND TOTAL OUTSIDE CONTROL OF THE PERSON'S PHYSICAL BODY FUNCTIONS, MENTAL, EMOTIONAL AND THOUGHT PROCESSES, INCLUDING

Submitted by Amato (over)

CPOA 2022

2(2)

THE IMPLANTED PERSON'S
~~SUBCONSCIOUS~~ SUBCONSCIOUS AND DREAMS!
FOR THE REST OF HIS LIFE!

IT SOUNDS LIKE SCIENCE
FICTION BUT IT IS SECRET
MILITARY AND
INTELLIGENCE
AGENCIES' MIND
CONTROL TECHNOLOGY,

WHICH HAS BEEN EXPERIMENTED
WITH FOR ALMOST HALF A
CENTURY. TOTALLY WITHOUT

THE KNOWLEDGE OF THE
GENERAL PUBLIC AND
EVEN THE GENERAL
ACADEMIC POPULATION.

SUPERCOMPUTERS IN MARYLAND,
ISRAEL AND ELSEWHERE
WITH A SPEED OF OVER
20 BILLION bit/SEC
CAN MONITOR....

Submitted by
Amato

RAUNI LEENA KILDE,
M.D. 1999 FINLAND
SEPT 25,

5505

A090

PR 3 25 PM 5:01



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia J. French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 12, 2021

Dear Chief Medina,

Please be advised that the Civilian Police Oversight Agency Board (Board) has reviewed the officer involved shooting case from August 22, 2019, APD Case # 19-0077270. Board members reviewed this case versus the relevant Albuquerque Police Department Standard Operating Procedures in effect at the time. As you likely know, the Board discussed this case at its August 12, 2021 Board meeting.

By unanimous vote, the Board has raised concerns regarding the findings and actions taken by the Force Review Board on June 11, 2020, in the following areas:

IAFD Presentation to FRB- Officer Misconduct

PO Box 1293

Category

IA Investigation Findings

Policy Violation

No violations were identified

Violation of Criminal Law

No violations were identified

Albuquerque

Constitutional Violation

No violations were identified

Violation of Personnel Rules

No violations were identified

Violation of Administrative rules or regulations

No violations were identified

NM 87103

IAFD Presentation to FRB Deficiencies / FRB Referrals

www.cabq.gov

Category

IA Investigation Findings

FRB Referrals

Tactics

No deficiencies were identified

Tactics Deficiency

Training

A training deficiency was identified.

Training Deficiency

Policy

No deficiencies were identified

Policy Deficiency

Equipment

No deficiencies were identified

Equipment Deficiency

Supervision

No deficiencies were identified

Supervision Deficiency

Not a tactical activation

CPOA Board Narrative and Concerns

CPOA Board Summary Narrative

The APD Supplementary Offense Report states that APD had received calls beginning around 1214 hours concerning an individual acting strangely in the vicinity of Eubank and Copper. Field Officers were dispatched to investigate over a period of the next two hours and contacted the individual during this time.

At 1501 hours another call was received at the APD 911 call center that resulted in an "alert tone" sent over the airway indicating a high priority call. Multiple field officers responded to this call as well as three SWAT officers.

At approximately 1507 a group of officers assembled some distance from the bus stop where the individual was located. They formed a squad and then proceeded to drive nearer to the bus stop. At 1510 hours, they arrived at the Boston Market and then went in a line formation in front of the bus stop. Within one minute of confronting the individual, the squad had fired multiple lethal rounds and killed the individual.

COPA Board Concerns:

During the approximately ten minutes between when the alert went out and the individual was killed:

- Traffic had not been cleared on Eubank in front of the bus stop.

- The group assembled at the Boston Market was a mix of SWAT and field officers and had no designated leader.

- Information gathered from earlier encounters was not made available to the assembled group at Boston Market.

- An operation plan was not developed.

- There did not appear to be a supervisor on scene to direct the operation.

- A de-escalation plan was not developed.

- Officers did not provide cover so that de-escalation could proceed.

- Officers placed themselves in vulnerable positions which put them in fear of their lives.

The actions of APD officers in this situation appear to not comply with the Use-of-force policy in effect at the time of the action. The specific paragraphs that apply are Paragraphs 25-4 A, B, C, E. There also appears to be training deficiencies that resulted an operational plan not being created. Further, there appears to be supervision deficiencies when no APD officer was designated to make decisions to direct the squad.

Note: Because of redactions of officers' names in the reports, it is impossible to track which officers responding to the call were part of the squad that fired on the individual, which officer saw to stop traffic, etc. Redacted names should be replaced by Officer #1, Officer #2, etc. designations so that officer actions can be tracked without identifying the officers.

IAFD Presentation Concerns / FRB Findings

Category	IA Investigation Findings	FRB Finding
Tactics	No concerns were identified	See below
Training	A training concern was identified.	See below
Policy	No concerns were identified	See below
Equipment	No concerns were identified	See below
Supervision	No concerns were identified	See below

*From April 23, 2020 FRB meeting, deadline for answers to referrals May 21, 2020.
FRB Referral: IAFD WILL REOPEN INVESTIGATION TO ADDRESS CONCERNS OF POLICY, TACTICS, TRAINING, EQUIPMENT, AND SUPERVISION. (I.E. IC NOT ESTABLISHED, PERIMETER NOT ESTABLISHED, EQUIPMENT (E.G. VEHICLE COVER NOT UTILIZED).) WHAT STEPS WE'RE TAKING TO SECURE THE SCENE AND SLOW THINGS DOWN AND WHY THIS WASN'T DONE.*

From June 10, 2020 FRB meeting,


Referral: IAFD will reopen Commander investigation to address concerns of policy, tactics, training, equipment, and supervision. (I.E. IC not established, perimeter not established, equipment (E.G. Vehicle cover not utilized).) What steps were taken to secure the scene and slow things down and why this was done.

Action Taken: IAFD Commander --- responded advising Sergeant --- conducted further investigation by interviewing Officer --- and asking him why they did not use a vehicle for cover. The officers chose not to use the vehicle for cover due to the congested traffic to maneuver through. They also feared if the individual saw them coming in the SUV, he would "engage" the stopped traffic. This is the thought process he went through to approach on foot rather than use the vehicle for cover. The verbal/ audio interview is attached in the file in IAPRO.

Update due on July 23, 2020

In light of the issues raised by the Board's review of this case, the Board respectfully requests that the Force Review Board submit written explanations for their findings to the Board, through the CPOA Executive Director, within 30 days of receipt of this letter. The Board also requests that a designated Force Review Board representative present an explanation of the FRB findings and stand for questions at the Board's October 14, 2021 meeting. Please ensure information about the person(s) providing this requested presentation is provided to the CPOA no later than Wednesday, October 6, 2021 so that the Board can ensure this information is included on its agenda in compliance with the New Mexico Open Meetings Act requirements.

Sincerely,
The Civilian Police Oversight Agency Board by

DocuSigned by:

E2D498E50037483

Eric Olivas, Chair



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52 (Formerly 3-45)

CPOAB Draft 03/17/2022

2-52 USE OF FORCE: GENERAL (FORMERLY USE OF FORCE (DEADLY FORCE, NON DEADLY FORCE, LESS LETHAL FORCE))

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-53 Use of Force: Definitions
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 2-82 Restraints and Transportation of Individuals
- 3-41 Complaints Involving Department Personnel
- 3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

Graham v. Connor, 490 U.S. 286 (1989)

D. Rescinded Special Order(s)

- SO 21-59 Amendment to SOP 2-52 Use of Force: General
- SO 21-82 Amendment to SOP 2-52 Use of Force: General

2-52-1 Purpose

The purpose of this policy is to establish uniform guidelines and standards applicable to the use of force by Department personnel of the Albuquerque Police Department (Department).

2-52-2 Policy

It is the policy of the Department to ensure Department personnel respect the sanctity of human life when making decisions regarding the use of force.

2-52-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

2-52-4 Core Principles

- N/A A. Under the Supreme Court’s decision in *Graham v. Connor*, 490 U.S. 286 (1989) and this Standard Operating Procedure (SOP), Department personnel have been trained to



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52 (Formerly 3-45)

CPOAB Draft 03/17/2022

consider using force from the perspective of a reasonable officer while they are on-scene, and based on the requirements outlined in the Department's SOPs that pertain to the use of force.

1. The Department holds Department personnel to a higher standard than that set forth in *Graham* when performing their duties on behalf of the Department and the community.

5 B. When feasible, any Department employee who observes another officer using force that a reasonable officer would view as out of policy shall safely intercede to stop the employee's actions.

6 C. Based on the totality of the circumstances, Department personnel shall:

- 4
1. Only use force to accomplish a lawful objective;
 2. Only use force that is objectively reasonable;
 3. Only use force when force is necessary;
 4. Only use the minimum amount of force necessary; and
 5. Continually assess whether they are using the minimum amount of force, whether the use of force is necessary, and whether the use of force is objectively reasonable.

6 D. Consistent with SOP Complaints Involving Department Personnel, the Department shall hold personnel accountable when they:

1. Use force that does not conform to this SOP or training conducted by the Department; and
2. Do not uphold lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.

6 2-52-5 **Authorization to Use Force**

A. Department personnel derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community.

1. Department personnel who use force shall use the minimum amount of force that is objectively reasonable and necessary and based on the totality of the circumstances confronting them in order to bring about a lawful objective.
2. Unreasonable force degrades the legitimacy of the officer's authority.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52 (Formerly 3-45)

CPOAB Draft 03/17/2022

N/A

- a. Consistent with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable and shall be subject to possible criminal prosecution and/or civil liability (refer to SOP Discipline System for sanction classifications and additional duties).

B. Pre-Use of Force

1. When feasible, consistent with SOP Use of Force: De-escalation, Department personnel shall use de-escalation techniques to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.
2. When feasible, Department personnel shall:
 - a. Verbally identify themselves as “police” and announce their intent to detain, search, or arrest an individual before using force;
 - b. Recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources;
 - c. Issue a verbal warning to the individual before using force when doing so would not increase the danger to Department personnel or others;
 - d. Allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force; and
 - e. Consider whether an individual’s failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual’s control.
 - i. In such situations, Department personnel should consider whether specific techniques or resources would help resolve the situation without resorting to force.
3. Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other individuals.
4. When feasible, prior to making initial contact with an individual in response to a high-threat situation, Department personnel shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array.
 - a. At the scene of a potentially violent encounter, Department personnel shall not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury.

5

C. During Use of Force

1. When using force, Department personnel shall stop or reduce the level of force as the individual reduces their resistance.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52 (Formerly 3-45)

CPOAB Draft 03/17/2022

2. In situations when the individual is forced into a facedown position, Department personnel shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as the scene is secure and it is safe to do so. Department personnel shall monitor the individual for any breathing problems or any other signs of distress.
3. Department personnel shall only consider the use of leg sweeps, arm-bar takedowns, or a Passive Restraint System (PRS):
 - a. To prevent imminent bodily harm to the officer, individual, or to another person or persons;
 - b. To overcome active resistance; or
 - c. Where it is objectively reasonable and necessary to overcome passive resistance and handcuff the individual.

D. Post-Use of Force

Consistent with SOP Use of Force: Reporting by Department Personnel, Department personnel shall clearly articulate the facts demonstrating that they used the minimum amount of force that was objectively reasonable and necessary based on the totality of the circumstances confronting them in order to bring about a lawful objective.

5 2-52-6 Prohibited Uses of Force

A. Department personnel shall not:

- 1** 1. Intentionally use force in a manner that violates federal or state law;
2. Use force to attempt to gain compliance with an unlawful command;
3. Engage in objectively unreasonable actions or tactics or make statements that escalate a situation such that the use of force becomes necessary;
4. Use force against a restrained or handcuffed individual unless the force is necessary:
 - a. To prevent the imminent threat of harm to personnel, the individual, or others;
 - b. To overcome active resistance; or
 - c. To move an individual who is passively resisting.
- 1** 5. Use firearms as impact weapons, except to protect themselves from an immediate risk of a deadly threat;
- 1** 6. Use neck holds, consistent with SOP Use of Force: Definitions;
- 1** 7. Fire warning shots;



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52 (Formerly 3-45)

CPOAB Draft 03/17/2022

- 4
8. Fire less-lethal or lethal munitions at an individual in a crowded environment if, based upon the totality of the circumstances, the danger of hitting an innocent bystander outweighs the necessity and likelihood of stopping the individual; or
 9. Use the weapon-mounted light for general illumination.
 - a. Weapon-mounted lights are to be used to illuminate a potential threat area when the use of a weapon system is warranted.

1 B. Deadly Force

1. Department personnel shall not use deadly force:
 - a. Against any individual who is threatening suicide or self-injury when that individual is not posing a threat to anyone else;
 - b. Solely in defense or protection of property;
 - c. Against an individual unless the officer has an objectively reasonable belief that an individual poses an immediate threat of death or serious physical injury to personnel or another person; or
 - d. Against an individual who is fleeing or attempting to escape unless:
 - i. They have established probable cause to believe that the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death or serious physical injury;
 - ii. If permitted to flee or escape, the individual would pose an imminent or immediate threat of death or serious physical injury to the officer(s), individual(s), or people if not apprehended; and
 - iii. The officer has identified themselves as a law enforcement officer, has stated the intention to use deadly force, and has given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.

4 C. Deadly Force and Moving Motor Vehicles

1. Department personnel shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.
 - a. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.

- 1
2. Department personnel shall not discharge a firearm at or from a moving vehicle, unless an occupant of the vehicle the officer is engaging is using deadly force, other than the vehicle itself, against the officer or another person.

5 2-52-7 **Duty to Provide Medical Attention and Transportation**

- A. Following any use of force that is not a show of force, and once it is safe to do so, Department personnel shall:



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1. Determine whether any individual was injured by the use of force;
2. Immediately render aid consistent with the officer's training;
3. Immediately request medical attention when an individual is injured or complains of injury;
4. When force was used on an individual and the individual requires medical care, ensure the individual receives medical care without delay;
 - a. The officer responsible for interviewing the individual shall go to the location of the individual for purposes of conducting the interview.
5. Immediately request medical attention following any Level 2 or Level 3 use of force, regardless of visible injury or complaint of injury;
 - a. This shall not apply to Level 2 and Level 3 uses of force in which there is no contact (i.e., attempted strikes and/or missed ECW deployments).
6. Closely monitor individuals who are taken into custody if the individuals are injured, exhibiting physical distress, complaining of pain or have been rendered unconscious;
- 7** 7. If an officer transports an individual to a medical facility, the officer shall notify the Emergency Communications Center (ECC) of the starting and ending mileage of the transporting vehicle; and
- 6** 8. When transporting an individual to a medical facility for treatment, take the safest and most direct route to the medical facility, consistent with SOP Restraints and Transportation of Individuals.
- N/A** B. If an officer is unable to secure the scene, the officer may safely extract the individual, and transport them to a safe location for medical treatment, if necessary.



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2-52 USE OF FORCE: —GENERAL (FORMERLY USE OF FORCE (DEADLY FORCE, NON DEADLY FORCE, LESS LETHAL FORCE))

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- ~~1-1 Personnel Code of Conduct~~
- ~~2-11 Use of Tire Deflation Devices~~
- ~~2-12 Pursuit Intervention Technique (PIT)~~
- ~~2-19 Response to Behavioral Health Issues~~
- ~~2-45 Pursuit by Motor Vehicle~~
- 2-53 Use of Force: Definitions
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- ~~2-57 Use of Force: Review and Investigation by Department Personnel~~
- 2-82 Restraints and Transportation of Individuals
- 3-41 Complaints Involving Department Personnel
- 3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

Graham v. Connor, 490 U.S. 286 (1989)

D. Rescinded Special Order(s)

~~SO 21-59 Amendment to SOP 2-52 Use of Force: General~~

~~SO 21-82 Amendment to SOP 2-52 Use of Force: General~~

2-52-1 Purpose

The purpose of this policy is to establish uniform guidelines and standards applicable to the use of force by Department sworn personnel of the Albuquerque Police Department (Department).

2-52-2 Policy

It is the policy of the Department to ensure sworn personnel Department personnel respect ... make every effort to preserve the sanctity of human life in all situations when making decisions regarding the use of force.



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~~Officers Sworn Department personnel shall make every effort to preserve the sanctity of human life in all situations.~~

~~The Department shall hold officers sworn personnel accountable for upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.~~

~~Officers Sworn personnel who use force shall use the minimum amount of force that is reasonable and, necessary, and proportional based on the totality of the circumstances confronting the officers sworn personnel in order to bring about a lawful objective.~~

~~Once force is used, officers sworn personnel shall reduce the level of force or stop using force as the resistance or threat decreases.~~

~~Officers Sworn personnel derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community. Unreasonable force degrades the legitimacy of the officer's authority. The unreasonable use of force will shall subject officers sworn personnel to discipline, as well as to possible criminal prosecution and/or civil liability.~~

~~Under this policy and the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 286 (1989), use of force by officers sworn personnel is considered from the perspective of a reasonable officer who is on scene and other requirements consistent with this policy Standard Operating Procedure (SOP) and consistent with . (See SOP Use of Force: Review and Investigation by Department Personnel for a discussion of the use of force standard of review.)~~

~~The Department requires officers sworn personnel to exercise a higher duty of care holds personnel to a higher standard than that set forth in *Graham v. Connor* when performing their duties on behalf of the Department and the community. That means officers sworn personnel shall will be held accountable by the Department when utilizing using force that does not conform to this policy or training conducted by the Department.~~

~~Officers Sworn personnel shall clearly articulate the facts demonstrating that they used the minimum amount of force that was reasonable and, necessary, and proportional based on the totality of the circumstances confronting the officers sworn personnel in order to bring about a lawful objective.~~

2-52-3 Definitions

For a listing of definitions specific to use of force, refer to SOP —Use of Force: Definitions.

2-52-4 Use of Force Requirements Core Principles

N/A

A. Under the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 286 (1989) and this policy Standard Operating Procedure (SOP) and the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 286 (1989), sworn personnel Department personnel



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~~shall have been trained to consider use of using force by sworn personnel is shall be considered from the perspective of a reasonable officer who while they are is on-scene, and based on and the other requirements outlined in all the Department's SOPs that pertaining to the use of force in this SOP and in SOP Use of Force: Review and Investigation by Department Personnel.~~

1. ~~The Department shall holdss Department personnel to a higher standard than that set forth in Graham when performing their duties on behalf of the Department and the community.~~

~~Consistent with SOP Complaints Involving Department Personnel, the That means Department shall hold personnel shall be hold accountable when they:~~

~~by the Department wWhen they usinguUse force that does not conform to this policy or training conducted by the Department; and~~

~~When they dDo not upload lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.~~

~~DepartmentDepartment personnel shall make every effort to preserve the sanctity of human life in all situations.~~

5 ~~The Department shall hold personnel accountable for upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.~~

~~B. When feasible, any officerDepartment employee who observes another officer using force that a reasonable officer would view as out of policy shall safely intercede to stop the officeremployee's actions.~~

6 ~~Under this policy and the Supreme Court's decision in Graham v. Connor, 490 U.S. 286 (1989), use of force by sworn personnel is considered from the perspective of a reasonable officer who is on scene and other requirements consistent with this Standard Operating Procedure (SOP) and consistent with SOP Use of Force: Review and Investigation by Department Personnel.~~

~~The Department holds personnel to a higher standard than that set forth in Graham when performing their duties on behalf of the Department and the community. That means personnel shall be hold accountable by the Department when using force that does not conform to this policy or training conducted by the Department.~~

~~A. General Requirements~~



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~~4. When feasible, Officers Sworn personnel shall first use de-escalation techniques when feasible to gain the voluntary compliance of an individual to reduce or eliminate the need to use force, when feasible, consistent with SOP Use of Force: De-escalation.~~

~~When feasible, Among these techniques are the use of advisements, warnings, and verbal persuasion, consistent with as discussed in SOP Use of Force: De-escalation.~~

~~8. Sworn personnel When feasible, officers sworn personnel shall allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force when feasible.~~

1 ~~Sworn personnel shall not intentionally use force in a manner that violates federal or state law.~~

~~C. Officers Sworn personnel shall continually assess whether the use of force is necessary and when continued force applications are no longer necessary to accomplish a lawful objective. Based on the totality of the circumstances, Department Sworn personnel shall only:~~

4 1. Only use force to accomplish a lawful objective;

~~Only uUse force when force is necessary; that is~~

2. Only uUse force that is objectively reasonable;

3. Only use force when force is necessary;

4. Only uUse the minimum amount of force necessary; ~~necessary, and~~

~~Only uUse force that is proportional to the threat being presented and based on the severity of the crime; and~~

5. ~~totality of the circumstances, and reasonable. Sworn personnel shall~~ Continually assess whether they are using the minimum amount of force, whether the use of force is necessary, ~~whether the use of force is proportional,~~ and whether the use of force is objectively reasonable.

6 D. Consistent with SOP Complaints Involving Department Personnel, the Department shall hold personnel accountable when they:

1. Use force that does not conform to this ~~policy~~ SOP or training conducted by the Department; and

2. Do not uphold ~~a~~ lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.



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~~1. When feasible, any officer who observes another officer using force that a reasonable officer would view as out of policy shall safely intercede to stop the officer's actions.~~

5

~~Officers Sworn Personnel shall stop or reduce the level of force applied as the nature of the threat resistance diminishes.~~

6

~~When feasible, sworn personnel shall consider whether an individual's failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In such situations, sworn personnel should consider whether specific techniques or resources would help resolve the situation without resorting to force. to include stopping the use of force.~~

~~Sworn personnel shall consider their approach to individuals when it is apparent that the individual is experiencing a behavioral health crisis, consistent with SOP Response to Behavioral Health Issues. When responding to an individual experiencing a behavioral health crisis, when feasible, sworn personnel shall attempt to de-escalate and calm the situation until a supervisor, an ECIT Officer, a CIU Detective, or MGT arrive to control the scene and direct operations, consistent with SOP Response to Behavioral Health Issues.~~

~~10~~

6

N/A

~~B. Reasonable Force~~

~~1. Force is reasonable when it is the minimum amount of force necessary to effect an arrest or protect an officer or other individuals under the circumstances.~~

~~C. Necessary Force~~

~~Force is necessary when no reasonable alternative to the use of force exists.~~

~~1. When force is necessary, officers sworn personnel shall use the minimum amount of force required that is reasonable.~~

~~D. Proportional Force~~

~~1. Force is proportional when it includes consideration of the totality of the circumstances surrounding the situation, including the presence of articulable, imminent danger to the officer or other individuals.~~

~~2. 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.~~

~~E. Totality of the Circumstances~~



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- ~~1. When force is used, the decision to use force and the level of force must be reasonable, necessary, and proportional given the totality of the circumstances.~~
- ~~2. Factors defining the totality of the circumstances include, but are not limited to the following:
 - ~~— The severity of the crime(s) at issue;~~
 - ~~a. Whether the individual is actively resisting arrest or attempting to evade arrest by flight; and~~
 - ~~a. Whether the individual poses an immediate threat to the safety of the officer(s) or other individual(s).~~~~
- ~~2. Other factors may include the following:
 - ~~a. The knowledge or belief the individual is under the influence of alcohol and/or drugs;~~
 - ~~a. The individual's medical or mental health history or condition as known to the officer at the time;~~
 - ~~a. The individual's known history to include violent tendencies and/or previous combative encounters with law enforcement at the time;~~
 - ~~— Disparities of force (i.e.g., differences in factors, such as physical size or strength, numbers, gender, age, weapons, injury, special knowledge or skills that place an officer at an advantage [(positive disparity)] or disadvantage [(negative disparity)], are part of the "totality of the circumstances," and can have direct implications on the reasonableness of a use of force;~~
 - ~~a. The existence of a negative disparity for the officer could justify the use of a higher level of force in a given situation, whereas a positive disparity for the officer could reduce the level of force deemed reasonable in a given situation.~~
 - ~~a. The individual's condition, if known (e.g., it is apparent to the officer that an individual is experiencing a behavioral health crisis), must be considered in the officer's approach to the situation. (See SOP Response to Behavioral Health Issues.);~~
 - ~~a. The opportunities the officer had to give a warning, use verbal de-escalation, and use other de-escalation techniques or tactics to limit the amount of force used; and~~
 - ~~a. Whether the officers/sworn personnel made statement(s) or took action(s) that created the need to use force.~~~~
- ~~2. The dynamics of a use of force encounter can quickly change, which may cause the officer to reasonably escalate or de-escalate the level of force they are using against an individual.~~
- ~~2. All factors surrounding a use of force encounter must be clearly, concisely, and correctly documented.~~

~~F. Lawful Objective~~



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- ~~1. Officers Sworn personnel shall only use force to achieve a lawful objective. Officers Sworn personnel are authorized to use force:~~
 - ~~a. To effect a lawful arrest or detention of a person;~~
 - ~~b. To prevent and/or terminate the commission of a crime;~~
 - ~~c. To intervene in a suicide or self-inflicted injury;~~
 - ~~d. To enforce a valid Certificate for Evaluation;~~
 - ~~e. To defend an officer or person from the physical acts of another; or~~
 - ~~f. To conduct a lawful search when an individual is actively resisting.~~

2-52-5 Use of Force Prohibitions Authorization to Use Force

A. Sworn personnel Department personnel derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community.

- 1. Sworn Department personnel who use force shall use the minimum amount of force that is objectively reasonable and necessary and based on the totality of the circumstances confronting them in order to bring about a lawful objective.
- 2. Unreasonable force degrades the legitimacy of the officer's authority.

N/A

a. Consistent with SOP Complaints Involving Department Personnel Discipline System, sworn personnel Department personnel shall be disciplined for ~~The unreasonable use of force that is unreasonable shall subject sworn personnel to discipline, as well as to and shall be subject to possible criminal prosecution and/or and/or civil liability civil liability~~ civil liability (refer to SOP Discipline System for sanction classifications and additional duties).

~~When feasible, prior to making initial contact with an individual in response to a high threat situation, sworn personnel shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array.~~

~~At the scene of a potentially violent encounter, sworn personnel shall not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury.~~

~~When feasible, sworn personnel shall:~~

- ~~v Verbally identify themselves as "police" and announce their intent to detain, search, or arrest an individual before using force;~~
- ~~Recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources;~~



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~~When feasible, and when doing so would not increase the danger to officers, sworn personnel or others, sworn personnel shall issue a verbal warning to the individual before using force when doing so would not increase the danger to sworn personnel or others.~~

~~When feasible, sworn personnel shall allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force; and~~

~~When feasible, Department personnel shall recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.~~

6

~~When feasible, sworn personnel shall consider whether an individual's failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control.~~

~~In such situations, sworn personnel should consider whether specific techniques or resources would help resolve the situation without resorting to force.~~

~~Sworn personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other individuals.~~

6

B. Pre-Use of Force

1. When feasible, consistent with SOP Use of Force: De-escalation, sworn personnel Department personnel shall use de-escalation techniques to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.

2. When feasible, sworn personnel Department personnel shall:

a. Verbally identify themselves as "police" and announce their intent to detain, search, or arrest an individual before using force;

b. Recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources;

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c. Issue a verbal warning to the individual before using force when doing so would not increase the danger to sworn personnel Department personnel or others;

d. Allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force; and



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- e. Consider whether an individual's failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control.
 - i. In such situations, ~~sworn personnel~~ Department personnel should consider whether specific techniques or resources would help resolve the situation without resorting to force.
- 3. ~~Sworn personnel~~ Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other individuals.
- 4. When feasible, prior to making initial contact with an individual in response to a high-threat situation, ~~sworn personnel~~ Department personnel shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array.
 - a. At the scene of a potentially violent encounter, ~~sworn personnel~~ Department personnel shall not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury.

5

De-escalation Techniques

Sworn

Personnel who use force shall use the minimum amount of force that is reasonable and necessary and based on the totality of the circumstances confronting personnel them in order to bring about a lawful objective.

When feasible, sworn personnel shall verbally identify themselves as "police" and announce their intent to detain, search, or arrest an individual before using force.

When feasible, and when doing so would not increase the danger to officers or others, personnel shall issue a verbal warning to the individual prior to using force.

Once force is used, personnel shall reduce the level of force or stop using force as the resistance or threat decreases.

Sworn personnel derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community. Unreasonable force degrades the legitimacy of the officer's authority. The unreasonable use of force shall subject sworn personnel to discipline, as well as to possible criminal prosecution and/or civil liability.



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~~Personnel shall clearly articulate the facts demonstrating that they used the minimum amount of force that was reasonable and necessary based on the totality of the circumstances confronting personnel in order to bring about a lawful objective.~~

~~When feasible, consistent with SOP Use of Force: Do escalation, sworn personnel shall use de-escalation techniques to gain the voluntary compliance of an individual to reduce or eliminate the need to use force, consistent with SOP Use of Force: Do escalation.~~

C. During Use of Force

~~When feasible, personnel shall allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force.~~

1. When using force, Department sworn personnel shall stop or reduce the level of force applied as the individual reduces their 's nature of the resistance diminishes.

~~Once force is used, sworn personnel shall reduce the level of force or stop using force as the resistance or threat decreases.~~

~~Personnel shall stop or reduce the level of force applied as the nature of the resistance diminishes.
When feasible, personnel shall give verbal warnings prior to the use of deadly force.~~

6 ~~When feasible, sworn personnel shall consider whether an individual's failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In such situations, sworn personnel should consider whether specific techniques or resources would help resolve the situation without resorting to force.~~

~~When feasible, sworn personnel shall verbally identify themselves as "police" and announce their intent to detain, search, or arrest an individual before using force.~~

~~When feasible, Department personnel shall recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.~~

~~When feasible, and when doing so would not increase the danger to officers or others, personnel shall issue a verbal warning to the individual prior to using force.~~

~~Personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other individuals.~~

5 2. In situations when the individual is forced into a face-down facedown position, Department personnel shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as the scene is secure



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and it is safe to do so. Department Personnel shall monitor the individual for any breathing problems or any other signs of distress.

3. ~~Sworn~~ Department personnel shall only consider ~~the use of leg sweeps, arm-bar takedowns, or a Passive Restraint System (PRS) shall only be considered and used in the following circumstances:~~

- a. To prevent imminent bodily harm to the officer, individual, or to another person or persons;
- b. To overcome active resistance; or
- c. Where it is objectively reasonable and necessary to overcome passive resistance and handcuff the individual.

~~Sworn Department personnel shall adhere to the requirements outlined in SOP Use of Force: Intermediate Weapon Systems when using an intermediate weapon system.~~

~~1. Once force is used, sworn personnel shall reduce the level of force or stop using force as the resistance or threat decreases.~~

D. Post-Use of Force

Consistent with SOP Use of Force: Reporting by Department Personnel, Sworn Personnel shall stop or reduce the level of force applied as the nature of the resistance diminishes.

Once force is used, personnel shall reduce the level of force or stop using force as the resistance or threat decreases.

~~sworn~~ Department Personnel shall clearly articulate the facts demonstrating that they used the minimum amount of force that was objectively reasonable and necessary based on the totality of the circumstances confronting personnel them in order to bring about a lawful objective.

5
7

~~Response to High Threat Situations~~

~~When feasible, prior to initial contact, sworn personnel shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array.~~

~~If an officer arrives on the scene of a potentially violent encounter, the officer shall not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury.~~

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6 ~~When feasible, personnel shall give verbal warnings prior to the use of deadly force.~~

2-52-6 Prohibited Uses of Force

A. Department personnel shall not:

1 ~~1. Personnel shall not intentionally use force in a manner that violates federal or state law.~~

~~A.2. Officers/Department Sworn personnel shall not use force to attempt to gain compliance with an unlawful command.~~

~~B.3. Officers/Sworn personnel shall not engage in objectively unreasonable actions or tactics or make statements that escalate a situation such that the use of force becomes necessary.~~

4 ~~C.4. Officers/Sworn personnel shall not use force against a restrained or handcuffed individual unless the force is necessary:~~

~~4-a. To prevent the imminent threat of bodily harm to the officer/personnel, the individual, or another person or persons/others;~~

~~3-b. To overcome active resistance; or~~

~~5-c. To move an individual who is passively resisting.~~

1 ~~D.5. Sworn personnel shall not use their firearms as impact weapons, except to protect themselves from an imminent/immediate risk of a deadly threat; due to the possibility of an unintentional discharge and/or the possibility that it could result in the serious physical injury or death to the officer, the individual, or others.~~

1 ~~E. Officers/Sworn personnel shall not use deadly force against any individual who is threatening suicide or self injury when that individual is not posing a threat to anyone else.~~

1 ~~6. Officers/Sworn personnel shall not use neck holds, consistent with (See SOP – Use of Force; Definitions) unless deadly force is justified.~~

1 ~~F.7. Officers/Sworn personnel shall not fire warning shots; or~~

4 ~~8. Officers/Sworn personnel shall not fire less-lethal or lethal munitions at an individual in a crowded environment if, based upon the totality of the circumstances, the danger of hitting an innocent bystander outweighs the necessity and likelihood of stopping the individual; or~~



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9. Use the weapon-mounted light for general illumination.

G.a. Weapon-mounted lights are to be used to illuminate a potential threat area when the use of a weapon system is warranted.

1

~~G. Officers/PSworn personnel are prohibited from using deadly force solely in defense or protection of property.~~

~~2-52-6 Use of Force Procedures Prohibited Uses of Force~~

B. Deadly Force

7

N/A

~~provisions of this SOP, which govern use of force, also apply to deadly force.~~

1. Department personnel shall not use deadly force:

a. Against any individual who is threatening suicide or self-injury when that individual is not posing a threat to anyone else;

b. ~~are prohibited from using~~Use deadly force s Solely in defense or protection of property;

c. ~~An officer shall not u~~Use deadly force a Against an individual unless the officer has an objectively reasonable belief that an individual poses an immediate threat of death or serious physical injury to personnel or another person; or

d. ~~An officer shall not u~~Use deadly force a Against an individual who is fleeing or attempting to escape unless:

i. ~~The officer has~~They have established probable cause to believe that the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death or serious physical injury;

ii. If permitted to flee or escape, the individual would pose an imminent or immediate significant threat of death or serious physical injury to the officer(s), individual(s), or people if not apprehended; and/or

iii. The officer has identified themselves as a law enforcement officer, has stated the intention to use deadly force, and has given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.

4

~~When feasible, Department personnel shall give verbal warnings prior to the use of deadly force.~~

~~All provisions of this SOP, which govern use of force, also apply to deadly force.~~

C. Use of Deadly Force and Moving Motor Vehicles



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Prohibitions

4

1. ~~Sworn personnel~~ Department personnel shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.

a. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.

1

2. ~~Sworn~~ Department ~~P~~ personnel shall not discharge a firearm at or from a moving vehicle, unless an occupant of the vehicle the officer is engaging is using deadly force, other than the vehicle itself, against the officer or another person.

5

~~There must be no reasonable alternative course of action, and such action must be necessary for self defense, for the defense of other personnel, or for the protection of another person.~~

~~General Procedures~~

~~0. When feasible, officers~~sworn personnel~~ shall verbally identify themselves as "police" peace officers~~sworn personnel~~ and announce their intent to detain, search, or arrest an individual before using force.~~

~~When feasible, Department Officers~~Sworn personnel~~ shall recognize and utilize use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.~~

~~0.~~

~~0. When feasible, and when doing so would not increase the danger to officers or others, officers sworn personnel shall issue a verbal warning to the individual prior to using force.~~

~~0. Officers~~Sworn p~~Personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other involved civilians~~individuals~~, as well as other officers~~sworn personnel~~ and emergency personnel.~~

5

~~In situations when the individual is forced into a face down position, officers~~sworn personnel~~ shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as the scene is secure they are restrained and it is safe to do so. Sworn pPersonnel shall monitor the individual for any breathing problems or any other signs of distress.~~

6

~~0. Officers~~Sworn personnel~~ shall monitor the individual for any breathing problems or any other signs of distress.~~

~~0. The use of leg sweeps, arm bar takedowns, or a Passive Restraint System (P.R.S) shall only be considered and used in the following circumstances:~~



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- ~~— To prevent imminent bodily harm to the officer, individual, or to another person or persons; or~~
- ~~— To overcome active resistance; or~~
- ~~— Where it is objectively reasonable and necessary to overcome passive resistance and handcuff the individual.~~

5 ~~0. When feasible, a~~ Any on scene officer who observes another officer using force that a reasonable officer would view as out of policy excessive or unnecessary under the circumstances shall, when in a position to do so, safely intercede to stop the officer's actions.

N/A ~~— Once the scene is secure and it is reasonable to do so, a~~An officer shall immediately notify a supervisor and document any use of force (Refer to, consistent with as set forth in Department SOP Use of Force: Reporting by Department Personnel for sanction classifications and additional duties).

7 A. Response to High Threat Situations

- ~~— When feasible, prior to initial contact, Absent an immediate need to act, officers sworn personnel should shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array, and plan de-escalation tactics.~~

~~0. When feasible, the officers~~sworn personnel arriving on scene willshall secure additional force options, to include less lethal and lethal force, as part of a force array prior to the initial contact.

- ~~— If~~ When an individual officer arrives on the scene of a potentially violent encounter, the officer should shall not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury. For example, (e.g., in an active shooter scenario, immediate intervention shall be considered).

1 ~~0. Officers~~Sworn personnel shall continually evaluate whether their response is reasonable, necessary, and proportional.

~~0. When feasible, officers~~sworn personnel shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.

6 ~~0. On scene s~~Supervisors shallould manage the overall response to a potentially high threat or violent encounter by coordinating resources, ensuring that de-escalation techniques are attempted, and ensuring a force array is employed.

~~E. Deadly Force~~

N/A



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~~1. All provisions of this policy SOP, which govern use of force, including, but not limited to all the officers sworn personnel's duties to preserve human life, the requirement to use de-escalation techniques and tactics, the requirements officers sworn personnel use only the minimum amount of force reasonable and, necessary, and proportional under the circumstances governing force, also govern apply to deadly lothal force.~~

~~1. An officer shall not use deadly force against an individual unless the officer has an objectively reasonable probable cause to believe that an individual poses an immediate significant threat of death or serious physical injury to personnel or the officer, individual, or anyone else person another person.~~

~~1. An officer shall not use deadly force against an individual who is fleeing or attempting to escape unless:~~

- ~~— The officer has probable cause to believe the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death and/or serious physical injury;~~
- ~~— If permitted to flee or escape, the individual would pose a significant threat of death or serious physical injury to the officer(s), individual(s), or others people if not apprehended; and~~
- ~~— The officer The sworn personnel officer(s) has have identified them self them self themselves as a law enforcement officer(s), has ve stated the intention to use deadly force, and has ve given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.~~

6

~~1. When feasible, the officer(s) sworn personnel shall give a verbal warnings prior to the use of deadly force.~~

~~c. Deadly Force is:~~

N/A

~~Discharging a firearm at an individual, whether intentional or accidental;~~

~~e. Any neck hold as defined by Department policy;~~

~~e. Intentional strikes with a baton, flashlight, radio, weapon, stock/handle, or improvised impact weapon to vital areas of the body to include the head, neck, throat, torso, or groin;~~

~~e. Intentionally striking an individual's head against a hard, fixed object such as a roadway, floor, wall, or steel/iron bars;~~

~~e. Intentionally targeting the head, neck, throat, chest, or groin of an individual with a beanbag shotgun;~~

~~e. Intentionally targeting the head, neck, throat, chest, or groin with a 40 millimeter impact munition launcher;~~



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~~6. Intentionally targeting an individual's head, neck, chest, or genitalia with an Electronic Control Weapon (ECW);~~

~~6. Intentionally kneeling or kicking an individual's head or neck while the individual is in a prone or supine position; or~~

~~6. Deliberately striking an individual with a motor vehicle.~~

~~D. Deadly Force and Motor Vehicles Prohibitions~~

4

~~Sworn personnel shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.~~

6

~~2. Officers Sworn personnel should shall not intentionally reach into a moving vehicles unless absolutely necessary to protect an officer or another individual.~~

~~2. Officers Sworn personnel shall not intentionally place themselves in the path of a moving vehicle.~~

~~2. When feasible, officers sworn personnel shall move out of the path of a moving vehicle to a position of cover.~~

1

~~Officers Sworn Personnel shall not discharge a firearm at or from a moving vehicle, unless an occupant of the vehicle the officer is engaging is using deadly force, (other than the vehicle itself,) against the officer or another person.~~

~~2. There must be no reasonable alternative course of action, and Such such action must be necessary for self defense, for the defense of other officers sworn personnel, or for the protection of another person, or because the officer has no reasonable alternative course of action.~~

7

~~2-52-7~~ 2-52-7 Duty to Provide Medical Attention and Transportation

~~4.A.~~ Following any use of force that is not a show of force, and once it is safe to do so, an officersworn personnelDepartment personnel shall:

1. Determine whether any individual was injured by the use of force;

2. Immediately render aid consistent with the officer's training;

3. Immediately request medical attention when an individual is injured or complains of injury;

4. When force was used on an individual and the individual requires medical care, ensure the individual receives medical care without delay;



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a. The officer responsible for interviewing the individual shall go to the location of the individual for purposes of conducting the interview.

5. Immediately request medical attention following any Level 2 or Level 3 use of force, regardless of visible injury or complaint of injury;

a. This shall not apply to Level 2 and Level 3 uses of force in which there is no contact (i.e., attempted strikes and/or missed ECW deployments).

6. Closely monitor individuals who are taken into custody if the individuals are injured, exhibiting physical distress, complaining of pain or have been rendered unconscious;

7 ~~When force was used on an individual and the individual requires medical care, ensure the individual receives medical care without delay. The officer responsible for interviewing the individual shall go to the location of the individual for purposes of conducting the interview.~~

6 7. If an officer transports an individual to a medical facility, the officer shall notify the Emergency Communications Center (ECC) of the starting and ending mileage of the transporting vehicle; and

6 8. When transporting an individual to a medical facility for treatment, take the safest and most direct route to the medical facility, consistent with SOP Restraints and Transportation of Individuals.

N/A ~~If an officer transports an individual to a medical facility, the officer shall notify the Emergency Communications Center (ECC) of the starting and ending mileage of the transporting vehicle.~~

~~Determine Immediately identify Determine whether any person individual was injured by the use of force by;~~

~~Visually inspecting the individual;~~

~~If the individual is under arrest or deadly force has been used on the individual, and it is necessary to look under clothing, then looking under clothing is allowed to inspect for injury; or~~

~~1. Listening for complaints of injury.;~~

~~Immediately render aid consistent with the officer's training;~~

5 ~~4.~~

~~Immediately request medical attention when an individual is injured or complains of injury; and and~~

~~4.~~

~~Immediately request medical attention for the following any Level 2 or Level 3 use of force, tools or techniques regardless of visible injury or complaint of injury; and~~



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~~This shall not apply to Level 2 and Level 3 uses of force in which there is no contact (i.e., attempted strikes and/or missed ECW deployments).~~

~~Immediately request medical attention following any use of Level 2 empty hand techniques.~~

~~1.~~

~~v. Baton (expandable/straight or Bokken) or improvised impact weapon;~~

~~vi. Oleoresin Capsicum (OC) spray;~~

~~vii. ECW;~~

~~viii. Use of Police Service Dog;~~

~~ix. Use of force with a vehicle (See SOP Pursuit by Motor Vehicle);~~

~~x. Impact munitions; or~~

~~xi. Firearm.~~

N/A

~~2.B.~~ If an officer is unable to secure the scene, the officer may safely extract the individual, and transport them to a safe location for medical treatment, if necessary.

~~3. An officer shall closely monitor individuals who are taken into custody if the individuals are injured, exhibiting physical distress, complaining of pain, or have been rendered unconscious.~~

~~When force was used on an individual and the individual requires medical care, sworn personnel shall ensure the individual receives medical care without delay. The officer responsible for interviewing the individual shall go to the location of the individual for purposes of conducting the interview.~~

6

~~4. An officer transporting an individual to a medical facility for treatment shall take the safest and most direct route to the medical facility, consistent with (See SOP Restraints and Transportation of Individuals).~~

7

~~5. If an officer transports an individual to a medical facility, the officer shall notify the Emergency Communications Center (ECC) communications of the starting and ending mileage of the transporting vehicle.~~



2-53 USE OF FORCE: DEFINITIONS (FORMERLY ELECTRONIC CONTROL WEAPON (ECW))

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-11 Use of Tire Deflation Devices
- 2-12 Pursuit Intervention Technique
- 2-19 Response to Behavioral Health Issues
- 2-56 Use of Force: Reporting by Department Personnel
- 4-26 Destruction/Capture of Animals

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

- SO 21-02 Amendment to SOP 2-53 Use of Force-Definitions, Definition of “Levels of Resistance
- SO 21-57 Amendment to SOP 2-53 Use of Force-Definitions, Definition of “De-escalation”
- SO 21-126 Amendment to SOP 2-53 Use of Force: Definitions, Definitions of “Rendering Aid” and “Sternum Rub”

2-53-1 Purpose

The purpose of this policy is to define terminology used in the Albuquerque Police Department (Department) use of force policies.

2-53-2 Policy

It is the policy of the Department to define terms within the use of force Standard Operating Procedures (SOP) to ensure that Department personnel use and understand the terms consistently.

N/A 2-53-3 Definitions

A. Authorizing Force

A directive from a supervisor to a subordinate to permit the use of force, consistent with the Department’s use of force SOPs.



B. Complaint of Pain

An individual's claim or verbal expression of temporary pain that is not reasonably associated with an injury.

C. 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, consistent with SOP Destruction/Capture of Animals, and off-duty hunting discharges where no person is struck are not critical firearm discharges.

D. Deadly Force

1. Any use of force that is reasonably likely to cause death or serious physical injury and includes, but is not limited to:
 - a. Discharging a firearm at an individual, whether intentional or accidental;
 - b. Any neck hold, as defined in this SOP;
 - c. Intentionally striking vital areas of the body, including the head, neck, throat, torso, or groin with a baton, flashlight, radio, weapon, stock/handle, or improvised impact weapon;
 - d. Intentionally striking an individual's head against a hard, fixed object, such as a roadway, floor, wall, or steel/iron bars;
 - e. Intentionally targeting an individual's head, neck, throat, chest, or groin with a beanbag shotgun;
 - f. Intentionally targeting an individual's head, neck, throat, chest, or groin with a 40-millimeter impact munition launcher;
 - g. Intentionally targeting an individual's head, neck, throat, chest, or genitalia with an Electronic Control Weapon (ECW);
 - h. Intentionally kneeling or kicking an individual's head, throat, or neck while the individual is in a prone or supine position;
 - i. Deliberately striking an individual with a motor vehicle;
 - j. The use of a Pursuit Intervention Technique (PIT) over 35 mph, consistent with SOP Pursuit Intervention Technique;
 - k. The use of a tire deflation device on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Use of Tire Deflation Devices; or
 - l. The use of a PIT on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Pursuit Intervention Technique.

E. De-escalation

1. A concerted effort 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, body posture, personal



space, eye contact, and empathy and compassion to promote officer and individual safety, consistent with SOP Response to Behavioral Health Issues.

- a. Commands and orders (e.g., “Stop” and/or “Get on the ground”) are not de-escalation techniques.

F. Deficient Review

A supervisory finding that is not based on the preponderance of evidence finding for the application of force, or a supervisory finding that fails to identify and resolve material discrepancies.

G. Empty-Hand Takedown

Any authorized empty-hand technique used to physically maneuver an individual to the ground that is equivalent to a strike, kick, or blow that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.

H. Empty-Hand Technique

A technique used by an officer with the specific intent to separate the individual’s mind from body and break their focus. When effective, an empty-hand technique creates time for the officer to react and allow them to transition to another tool or technique in order to gain control of the individual, or disengage and create distance between themselves and the individual.

I. Electronic Control Weapon (ECW) Application

The use or attempted use of an electrical impulse to an individual with an ECW. A show of force with an ECW is not an ECW application.

J. Escort Technique

A method that is used by sworn personnel to maintain physical control of an individual in order to guide them for the purpose of meeting the officer’s objectives. An “escort technique” is not intended to cause pain but, when necessary, allows sworn personnel to easily transition to using force.

K. Exigent Circumstances

An emergency situation(s) requiring immediate action to prevent imminent danger to life, serious damage to property, to forestall the imminent escape of the individual, or to prevent the destruction of evidence.

L. Feasible

An action that can be done or carried out reasonably to achieve a lawful objective



without creating unnecessary risk to the officer or others.

M. Force

1. Any physical means used to defend the officer or others, restrain, or otherwise gain physical control of an individual who is resisting.
 - a. "Force" does not include compliant handcuffing.
 - b. Physical contact solely for the purpose of rendering aid is not a reportable use of force.
 - c. An inadvertent covering of an individual with a weapon is not a reportable use of force.
 - d. A complaint of pain from handcuffing during a non-force incident is not a reportable use of force.
 - e. The use of a low-level control tactic is not a reportable use of force.
 - f. A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual.

N. Force Array

A team tactic that provides sworn personnel with a range of force options and allows them to quickly escalate or de-escalate their force response when necessary.

O. Hard Object

Any object used to strike an individual forcefully that has the potential to cause serious physical injury or death through blunt force trauma. A "hard object" may include an impact weapon (e.g., baton, beanbag shotgun rounds, and 40-millimeter impact launcher munitions) and improvised impact weapons. An officer's hands, knees, forearms, elbows, or feet are not considered hard objects.

P. Immediate Threat

A threat of physical harm by an individual to an officer that can be attempted or fulfilled, without delay, and requires an instant response by an officer to stop the threat or to control the situation.

Q. Imminent Threat

A dangerous or threatening situation, which is about to occur or take place and is perceived to be unfolding.

R. Individual

A subject on whom force or a show of force was used.

S. Injury



Any scuff, bruise, scrape, cut, abrasion, or other wound identified on an individual, or anything beyond transitory pain.

T. Involved Officer

Any officer who participates in a use of force, assists in overcoming an individual's resistance during a use of force, or orders or authorizes a use of force.

U. Lawful Objective

1. A purpose permitted by law, including, but not limited to:
 - a. Effecting a lawful arrest or detention of an individual;
 - b. Preventing harm to an individual or others;
 - c. Preventing and/or terminating the commission of a crime;
 - d. Intervening in a suicide or self-inflicted injury;
 - e. Enforcing a valid Certificate for Evaluation (CforE);
 - f. Defending an officer or person from the physical acts of another; or
 - g. Conducting a lawful search when an individual is actively resisting.

V. Levels of Force

1. **Level 1 Use of Force:** Any use of force that is likely to cause only transitory pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or any show of force.
 - a. A Level 1 use of force includes techniques that are not reasonably expected to cause injury, that do not result in an actual injury, and that are unlikely to result in a complaint of injury (e.g., pain compliance techniques and resisted handcuffing).
 - b. Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.
2. **Level 2 Use of Force:** Force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury, regardless of whether the use of force was unintentional or unavoidable. A 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 impact launcher, including when it is fired at an individual but misses;
 - i. The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or another type of barrier will not be investigated as a use of force unless it strikes an individual.
 - c. Oleoresin Capsicum (OC) spray use including where it is sprayed at an



- individual but misses;
 - d. Empty-hand techniques (e.g., strikes, kicks, empty-hand takedowns, or leg sweeps) and attempted empty-hand techniques;
 - e. Strikes and attempted strikes with impact weapons;
 - i. This excludes strikes to the head, neck, throat, chest, or groin, with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon, which are considered deadly force.
 - f. Noise flash diversionary device (NFDD) deployments inside a structure;
 - i. If an NFDD is deployed outside of a structure and is used as a means to gain the attention of an individual, it will not be considered a use of force.
 - g. Use of a rein strike on an individual's extremities; and
 - h. Use of the PIT maneuver at 35 mph or below.
3. **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death, regardless of whether the use of force was unintentional or unavoidable. Level 3 use of force includes:
- a. Use of deadly force;
 - b. Critical firearm discharge;
 - c. Use of force resulting in hospitalization, serious medical episode, loss of consciousness, and/or a seizure;
 - d. Police Service Dog (PSD) directed bite;
 - e. Three (3) 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;
 - f. ECW application on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive, regardless of the mode of application;
 - g. Four (4) or more strikes with a baton or improvised impact weapon;
 - h. 40-millimeter impact launcher fired at or into an occupied vehicle;
 - i. Any Level 2 use of force against a handcuffed individual;
 - j. Use of the PIT maneuver 35 mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and
 - k. Use of the PIT maneuver above 35 mph.

W. Levels of Resistance

1. **Active Resistance:** An individual's resistance that poses an immediate 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, feet, 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. An individual who is brandishing or in possession of a weapon while also not following lawful commands is considered actively resisting. Verbal statements alone do not



constitute active resistance. Target glancing alone does 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: Non-compliance with officer commands that is nonviolent 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.

X. Low-Level Control Tactic

1. A physical interaction meant to move or guide an individual that does not cause pain, is not reasonably likely to cause any pain or injury, and does not cause a complaint of injury, including:
 - a. Escort techniques, touching, use of control holds, or handcuffing an individual or person with no or passive 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;
 - b. When an officer is overcoming active resistance, the above actions shall be considered a use of force; and
 - c. Low-level control tactics that do not include overcoming active resistance.
2. A low-level control tactic does not constitute a reportable use of force.

Y. Low Ready

A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or bean bag shotgun in which 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 because the weapon is not pointed at the individual.

Y. Material Discrepancy

A contradiction existing between two (2) or more factual items of evidence which can affect the outcome of the investigation.

Z. 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.

AA. Non-Reportable Use of Force



Any incident involving force that is below a Level 1, Level 2, or Level 3 use of force.

BB. Necessary Force

Force that is necessary when no reasonable alternative to the use of force exists.

CC. Neck Hold (Choke Hold)

1. A carotid restraint hold; a lateral vascular neck restraint; or a hold with a knee or other object to the individual's neck. A neck hold is considered deadly force.
2. 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 lateral vascular neck restraint, refer to the definition of "vascular neck restraint".

DD. Ordering Force

A directive from a supervisor to a subordinate to use force against an individual. Ordering force is the equivalent of using force for the purposes of reporting force.

EE. Participating

Physically assisting in overcoming an individual's active resistance.

FF. Person

A community member upon whom force or a show of force is not used.

GG. Preponderance of Evidence

Evidence that establishes that a fact is more probable than not.

HH. Reasonable Force

Force that is objectively reasonable under the circumstances and the minimum amount of force necessary to effect an arrest or protect the officer or other person.

II. Rendering Aid

Any intervention applied for the purpose of providing first aid and trauma care or applied for the purpose of determining whether an individual is unconscious. Rendering aid shall not be considered a reportable use of force. A strike shall continue to be defined as force and shall be reported and investigated as a use of force.

JJ. Reportable Use of Force



Any physical coercion used by an officer in the performance of official duties that is a Level 1, Level 2, or Level 3 use of force.

KK. Serious Physical Injury

Physical injury that creates a substantial risk of death; that causes death or serious and protracted disfigurement; or that impairs the function of any bodily organ or limb.

LL. Show of Force

Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or using an ECW to "paint" an individual with the laser sight or using a warning arc. A show of force shall be reported to the appropriate first line supervisor and reviewed as a Level 1 use of force.

MM. Sternum Rub

To vigorously rub the knuckles of a closed fist on the center chest of an unconscious individual for the purposes of arousing an unconscious individual and rendering aid.

NN. Target Glancing

The obvious preoccupation an individual will have with a particular area of an officer's body, with any of the officer's weapons, or the obvious focus on an avenue of escape.

OO. Transitory Pain

A brief and/or temporary discomfort that dissipates after the application of force.

PP. Vascular Neck Restraint

The application of pressure to the carotid arteries and jugular veins at the sides of the neck that 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.

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

QQ. Witness Officer

Any on-scene officer with relevant, personal knowledge of a use of force incident. The investigating officer has the discretion to determine that any other officer with relevant personal knowledge is a witness officer.



2-53 USE OF FORCE: DEFINITIONS (FORMERLY ELECTRONIC CONTROL WEAPON (ECW))

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-11 Use of Tire Deflation Devices
- 2-12 Pursuit Intervention Technique
- 2-19 Response to Behavioral Health Issues
- ~~2-45 Pursuit by Motor Vehicle~~
- ~~2-52 Use of Force: General~~
- ~~2-54 Intermediate Weapons Systems~~
- ~~2-55 Use of Force: De-escalation~~
- 2-56 Use of Force: Reporting by Department Personnel
- 4-26 Destruction/Capture of Animals
- ~~2-57 Use of Force: Review and Investigation by Department Personnel~~

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

- SO 21-02 Amendment to SOP 2-53 Use of Force-Definitions, Definition of "Levels of Resistance"
- SO 21-579 Amendment to SOP 2-53 Use of Force-Definitions, Definition of "De-escalation"
- SO 21-126 Amendment to SOP 2-53 Use of Force: Definitions, Definitions of "Rendering Aid" and "Sternum Rub"

2-53-1 Purpose

The purpose of this policy is to define terminology used in the Albuquerque Police Department (Department) use of force policies.

2-53-2 Policy

It is the policy of the Department to define terms within the use of force policy suite Standard Operating Procedures (SOP) to ensure that Department personnel use and a consistent understanding of terms consistently.

N/A **2-53-3** Definitions



A. Authorizing Force

A directive from a supervisor to a subordinate to permit the use of force, consistent with the Department's use of force SOPs.

B. Complaint of Injury or Pain

An individual's claim or verbal expression of temporary injury or pain that is would not reasonably associated with an result in injury.

A=C. 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, consistent with SOP Destruction/Capture of Animals, and off-duty hunting discharges where no person is struck are not critical firearm discharges.

B=D. Deadly Force

1. A Deadly force is any use of force that reasonably is reasonably likely to cause death or serious physical injury and is defined as follows includes, but is not limited to:

as listed in SOP Use of Force General ("Deadly Force is" Section).

a. Discharging a firearm at an individual, whether intentional or accidental;

b. Any neck hold, as defined by Department policy in this SOP;

c. Intentionally striking es vital areas of the body, including the head, neck, throat, torso, or groin with a baton, flashlight, radio, weapon, stock/handle, or improvised impact weapon system to vital areas of the body to include the head, neck, throat, torso, or groin;

d. Intentionally striking an individual's head against a hard, fixed object, such as a roadway, floor, wall, or steel/iron bars;

e. Intentionally targeting an individual's the head, neck, throat, chest, or groin of an individual with a beanbag shotgun;

f. Intentionally targeting an individual's the head, neck, throat, chest, or groin with a 40-millimeter impact munition launcher;

g. Intentionally targeting an individual's head, neck, throat, chest, or genitalia with an Electronic Control Weapon (ECW);

h. Intentionally kneeling or kicking an individual's head, throat, or neck while the individual is in a prone or supine position;



Deliberately striking an individual with a motor vehicle;

~~Using a motor vehicle to ram or intentionally collide with a fleeing motor vehicle with considerable force, consistent with SOP Pursuit Intervention Technique;~~

~~The use of a Pursuit Intervention Technique (PIT) over 35 mph, consistent with SOP Pursuit Intervention Technique;~~

~~The use of a tire deflation devices on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Use of Tire Deflation Devices; or~~

~~The use of a PIT on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Pursuit Intervention Technique.~~

~~Use of force resulting in a loss of consciousness, including epileptic seizures.~~

~~4.~~

E. De-escalation

1. A concerted effort 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, body posture, personal space, eye contact, and empathy and compassion to promote officer and individual safety, consistent with SOP Response to Behavioral Health Issues.

a. Commands and orders (e.g., "Stop" and/or "Get on the ground") are not de-escalation techniques.

F. Deficient Review

A supervisory finding that is not based on the preponderance of evidence finding for the application of force, or a supervisory finding that fails to identify and resolve material discrepancies.

~~C.~~

~~D. De-escalation~~

~~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, consistent with SOP Response to Behavioral Health Issues. An action concerted effort 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, body posture,~~



~~personal space, eye contact, and empathy and compassion to promote officer and individual safety, consistent with. (See SOP Response to Behavioral Health Issues.)~~

~~4.~~

~~Commands and orders (e.g., "Stop" and/or "Get on the ground") are not de-escalation techniques.~~

~~Commands and orders (e.g., "Stop" and/or "Get on the ground") are not de-escalation techniques. Commands and orders may be appropriate when action is necessary.~~

G. Empty-Hand Takedown

Any authorized empty-hand technique used to physically maneuver an individual to the ground that is equivalent to a strike, kick, or blow that and/or has the potential to causes injury, could reasonably be expected to cause injury, or results in a complaint of injury~~cause, actually causes an injury, or results in a complaint of injury.~~

:

~~Any technique used to force an individual to the ground that is equivalent to a strike, kick, or blow and/or has the potential to cause or actually causes an injury.~~

H. Empty-Hand Technique

~~1. A n empty-hand~~ A n 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 an empty-hand~~ this an empty-hand technique creates time for the officer to react and allow them to transition to another tool or technique in order to gain control of the individual, or disengage and create distance between themselves and the individual.

~~2. The use of an empty hand technique by an officer is reportable as a Level 2 use of force.~~

I. Electronic Control Weapon (ECW) Application

~~1. The contact and delivery deployment~~ use or attempted deployment of an electrical impulse to an individual with an ECW. A show of force with an ECW is not an ECW application.

J. Escort Techniques

~~1. A The use of an escort technique involves ttechnique that is~~ A The use of an escort technique involves ttechnique that is method that is used by sworn personnel applied to maintain physical control of an individual to in order to guide move a compliant them for the purpose of meeting the individual to meet the officer's objectives. An "Escort technique"e are is not intended to cause pain, but, when necessary, allows officerssworn personnel to easily transition to using force options, when necessary. The application of a "C clamp" to the wrist notch and triceps



~~notch of the individual's arm. The escort is applied to maintain physical control to move a compliant individual to meet the officer's objective.~~

K. Exigent Circumstances

~~An emergency situation(s) requiring immediate action to prevent imminent danger to life, serious damage to property, to forestall the imminent escape of a suspect, or the destruction of evidence. An emergency situation(s) requiring swift action to prevent imminent immediate danger to life, to forestall the imminent immediate escape of an individual, or the destruction of evidence. An emergency situation(s) requiring immediate action to prevent imminent danger to life, serious damage to property, to forestall the imminent escape of the individual, or to prevent the destruction of evidence.~~

L. Feasible

~~4. An action is feasible when it that can be done or carried out reasonably to achieve an arrest or a lawful objective without increasing creating undue unnecessary risk to the officer or others persons individuals.~~

M. Force

~~4. Any physical means used to defend the officer or others, restrain, overcome resistance, or otherwise gain physical control of an individual who is resisting.~~

1.

- a. "Force" does not include compliant handcuffing.
- b. Physical contact solely for the purpose of rendering aid is not a reportable use of force.
- c. An inadvertent covering of an individual with a weapon is not a reportable use of force.
- d. A complaint of pain from handcuffing during a non-force incident is not a reportable use of force.
- e. The use of a low-level control tactic is not a reportable use of force.
- f. A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual.

~~2.~~

N. Force Array

~~4. Force array is a team tactic that provides sworn personnel with a range of force options and allows them to, which utilizes uses a layer of force options quickly escalate or de-escalate their force response when necessary. Officers Sworn personnel work in concert with one another by deploying varying force options. Force~~



~~array provides officers sworn personnel with a range of force options and allows sworn personnel officers to quickly escalate or de-escalate their force response when necessary.~~

~~L.O.~~ O. Hard Object

~~4.~~ Any object used ~~to forcefully~~ to strike an individual forcefully that, ~~which~~ has the potential to cause serious physical injury or death through blunt force trauma. A "hard object" ~~can~~ may include an impact weapon systems (e.g., baton, beanbag shotgun rounds, and 40=millimeter impact launcher munitions) and improvised impact weapons systems. ~~An officer's own hands, knees, forearms, elbows, or feet do not constitute~~ are not considered hard objects.

~~M.P.~~ P. Immediate Threat

~~An immediate threat to an officer or another individual~~ of physical harm by an individual to an officer that is one that can be delivered attempted or fulfilled, without delay, and requires an instant response by an officer to stop the threat or to control the situation. ~~An officer shall be able to articulate facts demonstrating that there is an immediate threat.~~

~~N.Q.~~ Q. Imminent Threat

A dangerous or threatening situation, which is about to occur or take place and is perceived to be unfolding.

R. Individual

A subject on whom force or a show of force was used.

S. Injury

Any scuff, bruise, scrape, cut, abrasion, and or any other defect wound identified remaining on an person individual, or anything beyond transitory pain after, and as a result of an application of force is an injury. (Placeholder)

T. Involved Officer

Any officer who participates in a use of force, assists in overcoming an individual's resistance during a use of force, or orders or authorizes a use of force.

U. Lawful Objective

1. A purpose permitted by law, including, but not limited to:



- a. Effecting a lawful arrest or detention of an individual;
- b. Preventing harm to an individual or others;
- c. Preventing and/or terminating the commission of a crime;
- d. Intervening in a suicide or self-inflicted injury;
- e. Enforcing a valid Certificate for Evaluation (CforE);
- f. Defending an officer or person from the physical acts of another; or
- g. Conducting a lawful search when an individual is actively resisting.

U.V. Levels of Force

1. **Level 1 Use of Force:** Any use of force that is likely to cause only transitory pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or any show of force, regardless of whether the use of force was unintentional or unavoidable.

- a. A Level 1 use of force This includes techniques that are not reasonably expected to cause injury, that do not result in an actual injury, and that are not unlikely to result in a complaint of injury (i.e.g., pain compliance techniques and resisted handcuffing).
- ~~b. A Shows of force, including: pointing a firearm, beanbag shotgun, 40 millimeter impact launcher, Oleoresin Capsicum (OC) spray, or ECW at an individual, or using an ECW to "paint" an individual with the laser sight or utilizing a warning arc. A show of force is reportable as a Level 1 use of force.~~
- ~~Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering providing offering minimal passiveminimal resistance, unless it results in an injury or a complaint of injury.~~
- ~~Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.~~

b.

~~1. **Level 2 Use of Force:** Force that ~~which~~ causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury, regardless of whether the use of force was unintentional or unavoidable.~~

2. A Level 2 use of force includes:

- ~~e.~~
- ~~i.~~ 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 impact launcher, including where when it is fired at an individual but misses;
- ~~iii.~~ i. The use of an a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or another type of barrier will not be investigated as a use of force unless it strikes an individual.



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~~iv.c.~~ Oleoresin Capsicum (OC) spray use including where it is sprayed at an individual but misses;

~~v.d.~~ Empty-hand techniques and attempted empty hand techniques (e.g., strikes, kicks, empty-hand takedowns, or leg sweeps) and attempted empty-hand techniques; ~~and~~

~~vi.e.~~ Strikes and attempted strikes with impact weapons systems;

i. This excludes strikes to the head, neck, throat, chest, or groin, with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon ~~system~~, which are considered Level 3 uses of deadly force.

~~40 millimeter impact launcher fired into an occupied vehicle; and~~

~~4.f.~~ Noise flash diversionary device (NFDD) deployments inside a structure;

i. If an NFDD is deployed outside of a structure and is used as a means to gain the attention of an individual, it will not be considered a use of force.

g. Use of the Rein Strike on an individual's extremities; and ~~and~~

~~Escorting, separating or other contact between a horse and an individual;~~

~~==~~

~~2.~~

h. Use of the Pursuit Intervention Technique (PIT) maneuver at 35 mph or below.

~~4.~~ **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death, regardless of whether the use of force was unintentional or unavoidable.

~~==~~

~~h.3.~~ Level 3 use of force includes:

a. Use of deadly force;

~~i.~~

~~ii.~~ Critical firearm discharges;

~~iii.~~ Use of force resulting in death or serious physical injury;

c. Use of force resulting in hospitalization, serious medical episode, loss of consciousness, and/or a seizure;

~~iv.~~

~~v.~~ Strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40 millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon;

~~vi.~~ Use of force resulting in a loss of consciousness;

~~vii.d.~~ Police Service Dog (PSD) directed bites;

~~viii.~~ Three (3) or more applications of an ECW on an individual during a single

e. interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers;

~~ix.f.~~ ECW application on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive, regardless of the mode of application;

~~x.~~ Neck holds;

g. Four (4) or more strikes with a baton or improvised impact weapon;



- ~~h. 40-millimeter impact launcher fired at or into an occupied vehicle; and~~
- ~~xi. and and~~
- ~~i. Any Level 2 use of force against a handcuffed individual;~~
~~If a Horse Maneuver results in, or could reasonably result in, serious physical injury, hospitalization, or death, it shall be investigated as a Level 3 use of force, consistent with SOP Use of Force: Review and Investigation by Department Personnel;~~
- ~~xii.~~
- j. Use of the PIT maneuver 35 mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and
- k. Use of the PIT maneuver above 35 mph.

S.W. Levels of Resistance

1. Passive Resistance

~~e. Refers to instances where an individual does not comply with an officer's commands and is uncooperative, but is nonviolent and prevents an officer from placing the subject in custody and/or taking control (e.g., Passive resistance may include but is not limited to standing stationary and not moving upon lawful direction, falling limply and refusing to move [(dead weight)], holding on to a fixed object, linking arms to another during a protest or demonstration, or verbally signaling an intention to avoid or prevent being taken into custody).~~

~~Non-compliance with officer commands that is nonviolent 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.~~

4. Active Resistance:

i.1. Refers to a An individual's resistance that poses an immediate 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, feet, 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. An individual who is brandishing or in possession of a weapon while also not following lawful commands is considered actively resisting. Verbal statements alone do not constitute active resistance. Target glancing alone does 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: Non-compliance with officer commands that is nonviolent 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.

~~X.~~ X. Low-Level Control Tactics

~~0. Physical interactions meant to guide and/or control an individual that do not constitute a reportable use of force. Low level control tactics include, but are not limited to:~~

1. A physical interaction meant to move or guide an individual that does not cause pain, is not reasonably likely to cause any pain or injury, and does not cause a complaint of injury, including:

a. Escort techniques, touching, use of control holds, or handcuffing an individual or person with no or ~~minimal~~ passive 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;

~~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.~~

b. When an officer is overcoming active resistance, the above actions shall be considered a use of force; and

~~When low level force is used against an individual who is actively resisting and additional force is not needed to overcome the resistance; and~~

~~If additional force is needed to overcome the active resistance, then it will be considered a use of force.~~

c. Low-level control tactics that do not include overcoming active resistance.

~~2.~~ 2. A low-level control tactics does not constitute a reportable use of force.

~~Y.~~ Y. Low Ready

~~4.~~ 4. Low ready is a position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or bean bag shotgun, in which 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 because the weapon is not pointed at the individual.

Y. Material Discrepancy

A contradiction existings between two (2) or more factual items of evidence, and the resolution which can affect of the contradiction can affect the the outcome of the investigation.

~~Z.~~ Z. Minimum Amount of Force Necessary



~~4.~~ 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.

AA. Non-Reportable Use of Force

Any incident involving force that is below a Level 1, Level 2, or Level 3 use of force.

~~Z.~~ BB. Necessary Force

~~4.~~ Force that is necessary when no reasonable alternative to the use of force exists. ~~When force is necessary, Officers sworn personnel shall use the minimum amount of force required that is reasonably necessary to achieve a legitimate, lawful objective.~~

~~AA.~~ CC. Neck Hold (Choke Hold)

1. ~~A~~ This term refers to the following types of holds: a carotid restraint hold; a lateral vascular neck restraint; a choke hold 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.

~~4.~~ 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 lateral vascular neck restraint, refer to the definition of "vascular neck restraint", below.

2.

~~A.~~ Complaint of Injury or Pain

~~An individual's claim or expression of injury or pain.~~

~~Non-force Complaint of Pain from Handcuffing~~

~~A complaint of injury or pain from handcuffs that:~~

~~Was not a result of resisted handcuffing;~~

~~Was immediately remedied by the officer when safe to do so; and~~

~~Did not cause injury.~~

~~A non-force complaint of pain from handcuffing shall not be considered a reportable use of force.~~

DD. Ordering Force

A supervisor's directive from a supervisor to a subordinate to use force against an individual. Ordering force is the equivalent of using force for the purposes of reporting



force.

EE. Participating

Physically assisting in overcoming an individual's active resistance, and is considered being involved in a use of force.

FF. Person

A community member upon whom force or a show of force is not used.

GG. Preponderance of Evidence

Evidence that establishes that a fact is more probable than not.

~~BB. Proportional Force~~

~~0. Force is proportional when it includes consideration of the totality of the circumstances surrounding the situation, including the presence of articulable imminent danger to the officer or others. Force is proportional when, considering the articulable totality of the circumstances, it corresponds to the amount of force necessary given the resistance of or force used by the individual.~~

~~0. 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.~~

Prone Restraint

~~GG.~~ HH. Reasonable Force

Force which that is objectively reasonable under the circumstances and the minimum amount of force necessary to effect an arrest or protect the officer or other person. Force is reasonable when it is the objectively minimum amount of force necessary to effect an arrest or protect an officer or other individual under the circumstances.

II. Rendering Aid

Any Medical interventions when applied for the purpose of providing first aid and trauma care, consistent with the officer's training and abilities, or applied for the purpose of determining whether an individual is unconscious, or providing basic first aid or medical attention. Rendering aid shall not be considered a reportable use of force. A strike shall continue to be defined as force and shall be reported and investigated as a use of force.

~~HH.~~ JJ. Reportable Use of Force



4. The application of pressure to the carotid arteries and jugular veins at the sides of the neck that 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.

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

QQ. Witness Officer

Any on-scene officer with relevant, personal knowledge of a use of force incident. The investigating officer has the discretion to determine that any other officer with relevant personal knowledge is a witness officer.

~~Witness Officer~~

~~2. Any on-scene officer with relevant personal knowledge of a use of force incident. Any officer who sees or hears a use of force, other than over the radio. The investigating officer has the discretion to determine that any other officer with relevant personal knowledge is a witness officer.~~



**2-54 USE OF FORCE: INTERMEDIATE WEAPON SYSTEMS
(FORMERLY USE OF FORCE REPORTING AND SUPERVISORY
FORCE INVESTIGATION REQUIRMENTS)**

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-56 Horse Mounted Unit (Formerly 6-12)
- 2-52 Use of Force: General
- 2-53 Use of Force: Definitions
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 2-57 Use of Force: Review and Investigation by Department Personnel
- 2-82 Restraints and Transportation of Individuals
- 3-41 Complaints Involving Department Personnel

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

- SO 20-57 Electronic Control Weapon (ECW) Taser 7 Administrative Procedures
- SO 21-27 Amendment to SOP 2-54 Intermediate Weapon Systems
- SO 21-154 Amendment to SOP 2-54 Intermediate Weapon Systems; Electronic Control Weapon (ECW) Undetermined Discharges

2-54-1 Purpose

The purpose of this policy is to identify the intermediate weapon systems used by sworn personnel of the Albuquerque Police Department (Department) and to establish uniform guidelines for sworn personnel in the use and deployment of intermediate weapon systems.

2-54-2 Policy

It is the policy of the Department to use intermediate weapon systems only when necessary in order to gain compliance from an individual who is actively resisting and to enforce lawful objectives.

2-54-3 Definitions



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For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

2-54-4 Intermediate Weapon Systems Use and Considerations

6 A. Requirements to Carry Intermediate Weapon Systems

1. Sworn personnel shall only carry Department-issued intermediate weapon systems.
2. Sworn personnel shall not carry any intermediate weapon unless the officer has been trained and currently is qualified or, when required, certified to carry the weapon.
3. Uniformed sworn personnel shall carry an Electronic Control Weapon (ECW) and Oleoresin Capsicum (OC) spray on their person while on-duty.

N/A

4. Sworn personnel may carry the expandable baton as an optional force tool.
5. Sworn personnel and supervisors who are assigned to a specialized unit may carry intermediate weapon systems as dictated by their responsibilities.
 - a. The commander of each division shall ensure that sworn personnel carry intermediate weapon systems according to the division's Standard Operating Procedure(s) (SOP).

6 B. Intermediate Weapon System Use Guidelines

1. Sworn personnel shall:
 - a. Use intermediate weapon systems consistent with training;
 - b. Ensure the use of an intermediate weapon is the minimum amount of force that is reasonable and necessary, and shall be used only to bring about a lawful objective, considering the totality of the circumstances;
 - c. Issue a verbal warning to an individual and allow that individual a reasonable amount of time to comply with the warning prior to using any intermediate weapon, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is: "Stop or you will be tased!";
 - d. Give a verbal announcement in order to notify sworn personnel on-scene that an intermediate weapon is about to be used, e.g., "Taser, Taser, Taser!", "Beanbag, beanbag, beanbag!";
 - i. The purpose of the verbal announcement is to avoid the possibility of firearms discharge by other sworn personnel due to a sympathetic or startle reaction from other sworn personnel on-scene.
 - e. Consider that some individuals may be more susceptible to injury as a result of using an intermediate weapon. These higher-risk individuals include visibly pregnant women, young children, elderly persons, visibly frail persons,



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individuals exhibiting signs of medical distress, and individuals with low body mass;

- f. Not conduct a show of force with a firearm or intermediate weapon system on an individual who is only passively resisting; and
- g. Objectively evaluate whether a situational hazard poses a substantial risk of serious physical injury or death shall be based on the totality of the circumstances. Situational hazards may include, but are not limited to:
 - i. Falling from an elevated position;
 - ii. Drowning;
 - iii. Losing control of a moving motor vehicle or bicycle; or
 - iv. The known presence of an explosive or flammable material or substance.

2. Sworn personnel shall not:

- a. Unless lethal force would be permitted, use an intermediate weapon system where such deployment poses a substantial risk of serious physical injury or death from situational hazards; or
 - i. Whether a situational hazard poses a substantial risk of serious physical injury or death shall be evaluated objectively based on the totality of the circumstances.
 - ii. Situational hazards may include, but are not limited to, falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.
- b. Rely on a verbal announcement to satisfy the requirement to give a verbal warning to an individual upon whom force will be used.

N/A C. Reporting

Sworn personnel shall report the use of intermediate weapon systems, consistent with SOP Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Reporting by Department Personnel for sanction classifications and additional duties).

2-54-5 Oleoresin Capsicum (OC) Spray

6 A. OC Spray Use Guidelines

1. Sworn personnel shall:

- a. Be authorized to use OC spray when it is reasonable and necessary in order to gain control of an actively resistant individual or to protect sworn personnel and/or others from a threat;
- c. Direct OC spray only at the specific individual(s) posing a threat, and shall attempt to minimize exposure to others; and
- d. Consider other intermediate weapon options if OC spray appears to be ineffective.



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2. Sworn personnel shall not use OC spray to overcome passive resistance by nonviolent and/or peaceful protestors.
3. Sworn personnel may use OC spray on an animal to deter an attack or to prevent injury to an officer or others.
 - a. Sworn personnel shall document this action in a Uniform Incident Report.

5 B. Medical Attention After Use of OC Spray

1. Sworn personnel shall:
 - a. Act to minimize the risk of positional asphyxia to the individual after OC spray has been used on the individual. If the individual is face down and there is pressure on the individual, the officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face-down position;
 - N/A** b. Monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), consistent with SOP Restraints and Transportation of Individuals (refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties);
 - c. Request medical attention following the use of OC spray as soon as the scene is secure and it is safe to do so; and
 - 7** d. Remove the individual from the contaminated area as soon as possible and allow the individual to breathe fresh air if they were exposed to OC spray in a confined space.

2-54-6 Electronic Control Weapon (ECW)

N/A A. ECW Modes

1. There are three types of ECW usage. The choice of mode used shall depend upon the articulable facts and circumstances at the time of use and the guidelines and restrictions set forth below. The three types of ECW usage are:
 - a. Show of Force Mode: Pointing an ECW at an individual or using an ECW to “paint” an individual with the laser sight or using a warning arc;
 - b. Drive Stun Mode; and
 - i. Pressing and holding the device against the individual as it is cycled. This can be done in two configurations:
 1. Drive stun only: this technique involves pressing the ECW against the individual while it is energized without deploying the probes, causing pain but minimal or no neuromuscular incapacitation. This technique is solely a pain compliance technique.



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2. Follow-up drive stun: this technique is used as a follow-up to the deployment of the ECW probes in standoff mode. It can increase the effectiveness of the ECW by increasing the spread between the connections in the event of a close-quarter probe deployment, completing the circuit in the event of a clothing disconnect or when only one probe has made a connection with the individual.
- c. Standoff Mode: Deploying the ECW with a cartridge on the device, which propels the probes towards the individual and, upon effective contact, is intended to cause neuromuscular incapacitation.

6

B. ECW Use Guidelines

1. Using the ECW is considered a less-lethal use of force unless other circumstances are present as outlined in this SOP, which may increase the likelihood of serious physical injury to the individual because of a secondary impact. Decisions to use an ECW shall be reasonable and necessary given the totality of the circumstances.
2. An officer shall issue a verbal warning to an individual, and allow that person a reasonable time to comply with the warning, prior to using any ECW, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is, "Stop, or you will be Tased!"
3. Upon using the ECW, the officer shall apply the ECW no longer than reasonably necessary, to accomplish a lawful objective. Upon applying the device, back-up sworn personnel should attempt to handcuff the individual during the cycle (e.g., handcuffing under power) to reduce the risk of injury to the individual and sworn personnel.
4. An officer shall independently justify the reasonableness of each ECW cycle. After one (1) standard ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are necessary.
 - a. Continuous cycling of ECWs is permitted only under exceptional circumstances, such as when it is necessary to handcuff an individual under power (e.g., when the individual is armed and it would be unsafe to evaluate a subsequent cycle). Back-up sworn personnel should attempt hands-on control tactics during ECW applications, including handcuffing the individual during an ECW application (e.g., handcuffing under power). The model of ECW that the Department is currently using does not continuously cycle beyond five (5) seconds.
5. An officer shall consider other available force options before using an ECW on higher-risk individuals. ECWs should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or others.

N/A



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- a. As a result of the incapacitating effects of the ECW, an individual may lose the ability to protect themselves from injury in a fall. This increases the potential for serious physical injury from a secondary impact;
- 6. In standoff mode, the center mass of the individual's back should be the primary target area when possible. If feasible, in situations when a frontal deployment is the only available option, low center mass and/or the legs should be the targeted area.
- 7. If an officer is confronted with an immediate threat, requiring a close-quarter usage of the ECW, the officer may use the ECW in order to disengage from the individual, create distance, and consider other force options.
- 8. ECWs may be used in follow-up drive stun mode after deploying the ECW probes in standoff mode in order to complete the circuit.

N/A

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C. ECW Restrictions

- 1. ECWs shall not be used solely as a pain compliance technique or to overcome passive resistance. An officer may use an ECW only when such force is necessary to protect the officer, the individual, or others from physical harm and after considering less intrusive means based on the threat or resistance encountered. An officer is authorized to use an ECW to control an actively resistant individual when attempts to subdue the individual by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range.
- 2. The following restrictions, considerations, and conditions apply to an ECW application:
 - a. An officer shall never use an ECW in a punitive manner;
 - b. An officer shall not use an ECW on a passively resistant individual;
 - 5 c. An officer shall not use an ECW on a handcuffed, restrained, or subdued individual unless doing so is necessary to prevent them from causing serious physical injury to themselves, sworn personnel, or others, and if lesser attempts to control have been ineffective;
 - 4 d. An officer shall not intentionally target an individual's head, neck, throat, chest, or genitalia, except where deadly force would be permitted;
 - 4 e. An officer shall not simultaneously point both an ECW and a firearm at an individual;
 - f. An officer shall only carry and use Department-issued ECWs;
 - 4 g. An officer shall not use an ECW in any environment where they know or reasonably should know that potentially flammable, volatile, or explosive materials are present, including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane;
 - h. An officer shall not use an ECW solely as a pain compliance technique;
 - i. Exposure to the ECW for longer than fifteen (15) seconds, whether due to multiple cycles or continuous cycling may increase the risk of death or serious

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physical injury. An officer shall also weigh the risks of subsequent or continuous cycles against other force options;

- j. Using an ECW based solely on the fact that an individual is fleeing an officer making a lawful detention or arrest is generally not authorized; however, the totality of the circumstances may justify ECW use of a fleeing individual. An officer shall consider the totality of the circumstances before using an ECW on a fleeing individual, including, but not limited to:
 - i. Severity of the offense;
 - ii. Whether the individual is actively resisting; and
 - iii. Whether the individual poses an immediate threat to sworn personnel, others, or themselves.

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D. Holstering and Securing the ECW

1. Sworn personnel shall keep ECWs in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
2. Sworn personnel shall secure their ECWs in a Department-approved holster.
3. Sworn, uniformed personnel, unless specifically exempted by the Chief of Police, shall carry the ECW in the holster on their person at all times while on-duty.
4. Sworn, non-uniformed personnel issued an ECW shall carry the device during the performance of any law enforcement function involving public contact unless otherwise exempted by their commander.

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E. ECW Post-Use Guidelines and Requirements

N/A

1. After using an ECW, sworn personnel shall act to minimize the risk of positional asphyxia to the individual. An officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face-down position. An officer shall monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), consistent with SOP Restraints and Transportation of Individuals (refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties).
2. Sworn personnel shall immediately notify their immediate supervisor, or if unavailable, the next available on-duty supervisor, by radio dispatch, as soon as practicable, after using the ECW. The supervisor shall respond to the scene, consistent with SOP Use of Force: Review and Investigation by Department Personnel.
3. Involved sworn personnel who discharge an ECW shall call emergency medical services (EMS) to the scene to provide medical treatment.

N/A



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- a. Based on their protocol, EMS personnel determine whether the individual needs to be transported to a medical facility for high-risk or a sensitive-probe removal and/or other medical care.
- b. If it is determined that the individual should be transported, transportation shall be provided as soon as practicable. In the absence of exigent circumstances, only medical personnel will remove the probes from the individual's skin.

6 4. If EMS personnel determine the individual requires medical transport, a supervisor shall ensure an officer accompanies the individual to the medical facility.

6 5. Sworn personnel shall independently justify the reasonableness of each cycle of the ECW in their use of force documentation.

7 F. Accidental Discharge of the ECW Cartridge

1. In the event an officer experiences an accidental discharge of an ECW cartridge, they shall immediately notify their immediate supervisor or, if unavailable, the next available on-duty supervisor.

N/A 2. The responding supervisor shall assume investigative responsibility for the accidental discharge of an ECW cartridge. The accidental discharge of an ECW cartridge shall not be considered a use of force and shall be investigated using the same standard as an accidental discharge of a less-lethal munition, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties).

3. Sworn personnel shall document the accidental discharge in a Uniform Incident Report, including the serial number of the ECW cartridge discharged.

N/A 4. Involved sworn personnel shall report when an individual is hit by an accidentally discharged ECW probe and the accidental discharge of the probe shall be documented and investigated as a non-reportable use of force, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties).

N/A a. The investigating supervisor shall generate an IAR for the accidental discharge of the ECW probe, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

7 G. Use of ECW on Dangerous Animals

1. Sworn personnel may use their ECW on dangerous animals that pose a threat to them or others.



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- a. If sworn personnel are required to use an ECW against a dangerous animal, they shall notify their immediate supervisor regarding the use once the scene has been secured.
- 2. Department personnel shall ensure the City's Animal Welfare Department responds to the scene when an officer successfully discharges an ECW against an animal.

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H. Administrative Procedures for the ECW

- 1. Function checks shall be completed at least once per week.

N/A

- a. The instructions for an ECW function check are as follows:
 - i. Leave the cartridges in the ECW. The ECW will not fire the cartridges unless the trigger is pulled;
 - ii. Press both side arc buttons while the ECW is pointed in a safe direction and powered off;
 - iii. Confirm the ECW display shows the percentage of battery power and the number of the current firmware;
 - iv. Turn the ECW power to the on position. The outer part of the display will appear in yellow with the center squares showing up in black. This indicates the ECW is in function mode;
 - v. Press either of the side arc buttons. This will cause the ECW to spark over the ECW cartridges for five seconds. The display will show the count to five (5) seconds; and
 - vi. Turn the power to the off position to complete the function check.
- 2. Sworn personnel shall exchange an ECW battery at least once per calendar month from the battery docking station.

N/A

- a. The ECW batteries are not assigned to a specific ECW and will store and upload data from the ECW when a battery is inserted.
- b. Exchanging the battery will accomplish the following:
 - i. Provide the ECW user with a fully charged ECW battery; and
 - ii. Upload the data from the ECW. Data are stored and uploaded from the ECW batteries.

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I. Undetermined Discharges

- 1. Performance Metrics Unit (PMU) personnel shall conduct quarterly ECW discharge audits conducted on a random basis.
 - a. Audits shall be conducted on a random sample of sworn personnel to evaluate the occurrence of all ECW discharges and discharge kinds including, but not limited to:
 - i. Use of force;
 - ii. Function check; and



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- iii. Undetermined discharge.
- b. PMU personnel shall compile a list of sworn personnel with undetermined discharges occurring during the quarter.
- c. PMU personnel shall collect the data from the ECW undetermined discharges and evaluate the data for possible trends, including incorrect performance of ECW function checks.
- d. The list of undetermined discharges shall be sent to the Area Command or Division to determine and document what kind of discharge occurred. PMU personnel shall assist the Area Commands or Divisions in identifying sworn personnel who repeatedly conduct incorrect function checks. The ultimate responsibility for remedial action remains with the area commander or division
- e. Sworn personnel whose undetermined discharges are a result of improper function checks shall be subject to remedial action as follows:
 - i. First Occurrence: The officer's supervisor shall review the Administrative Procedures for the ECW outlined in this SOP.
 - ii. Second Occurrence: A mandatory training referral will be completed in the Internal Affairs (IA) database web application for additional training for function checks.
 - iii. Third Occurrence: The officer shall be subject to appropriate charges of misconduct and the officer's supervisor shall initiate an Internal Affairs Request (IAR) in the IA database web application no later than twenty-four (24) hours of the potential policy violation, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).
 - iv. The officer's supervisor shall document all remedial actions in the officer's performance evaluation in PeopleSoft Performance Management.
- f. If the undetermined discharge of an ECW is determined to be an unreported use of force, the supervisor shall initiate an investigation (refer to SOP Use of Force: Reporting by Department Personnel for sanction classifications and additional duties) and shall initiate an IAR no later than twenty-four (24) hours after identifying the unreported use of force (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

N/A

2-54-7 Expandable Baton, Straight Baton, and Bokken Baton

A. Baton Use Guidelines

N/A

1. The expandable baton is an impact tool or weapon that is a friction lock expandable baton made of lightweight alloy. The expandable baton is issued to all sworn personnel as an optional force tool and is not required to be carried on-duty.
2. The straight baton is an impact tool or weapon that is a round wooden baton approximately thirty (30) to thirty-six (36) inches in length. The straight baton shall only be equipped by Emergency Response Team (ERT) sworn personnel during field force deployments.

N/A



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3. The Bokken baton is an impact tool or weapon that is a white oak or polypropylene baton. It has an overall length of forty-one (41) inches or less, and has no sharp edges or points. The Bokken baton is used instead of an expandable/straight baton for the sworn personnel in the Horse Mounted Unit. HMU sworn personnel may use the Bokken baton instead of an expandable/straight baton while on horseback, consistent with SOP Horse Mounted Unit (HMU).

4. Sworn personnel shall not intentionally strike an individual's head, neck, throat, torso, or groin with an expandable baton, straight baton, or Bokken baton, except where deadly force is justified.

B. Medical Attention After Use of Baton

1. Following the use of an expandable baton, straight baton, or Bokken baton and once it is safe to do so, sworn personnel shall immediately call EMS to the scene to provide medical attention, consistent with SOP Use of Force: General (refer to SOP Use of Force: General for sanction classifications and additional duties).

a. If EMS personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-8 **Beanbag Shotgun**

A. Beanbag Shotgun Use Guidelines

1. The beanbag shotgun is a less-lethal impact weapon with an optimal range between twenty (20) to fifty (50) feet and a maximum effective range of seventy-five (75) feet. The effectiveness and accuracy of the beanbag shotgun starts to diminish at distances between fifty (50) and seventy-five (75) feet.

2. Sworn personnel shall ensure that their beanbag shotgun is plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.

3. The beanbag shotgun may be used when an individual presents an imminent threat to an officer, the individual(s), or other(s) and when it is the minimum amount of force that is reasonable and necessary.

4. In potentially deadly force situations, an officer shall have a lethal cover officer when using less-lethal impact munitions.

B. Beanbag Shotgun Restrictions

1. In the absence of deadly force situations, sworn personnel shall not intentionally target an individual's head, neck, throat, chest, or groin, or use it at a distance of less than twenty (20) feet.



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N/A

2. Sworn personnel shall understand there is an increased risk of serious physical injury when shooting beanbag shotgun rounds inside twenty (20) feet.
 - a. Because of an increased risk of serious physical injury may occur with beanbag shotgun deployments closer than twenty feet, sworn personnel shall consider transitioning to other force options.

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3. Sworn personnel shall consider other available force options before shooting a beanbag shotgun round on potentially higher-risk individuals. Beanbag shotgun rounds should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons.

C. Medical Attention After Use of Beanbag Shotgun

N/A

1. Following the use of a beanbag shotgun and once it is safe to do so, sworn personnel shall immediately call emergency medical services to the scene to provide medical attention, consistent with SOP Use of Force General (refer to SOP Use of Force: General for sanction classifications and additional duties).

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- a. If EMS personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-9 40-millimeter Impact Launcher

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A. 40-millimeter Impact Launcher Use Guidelines

N/A

1. The 40-millimeter impact launcher is a less-lethal impact weapon with an optimal energy range of between five (5) to one-hundred twenty (120) feet and a maximum effective range one-hundred twenty (120) feet. The effectiveness and accuracy of the 40-millimeter impact launcher starts to diminish at distances beyond one hundred and twenty (120) feet.
2. The officer shall ensure the 40-millimeter impact launcher is plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.
3. The 40-millimeter impact launcher may be used when an individual presents an imminent threat to an officer, the individual(s), or other(s) and when it is the minimum amount of force that is reasonable and necessary.

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4. In potentially lethal force situations, an officer shall have a lethal cover officer when deploying less-lethal impact munitions.

B. 40-millimeter Impact Launcher Restrictions

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1. Absent deadly force situations, an officer shall not intentionally target an individual's head, neck, throat, chest, or groin, or deploy a 40-millimeter impact launcher at a distance of less than five (5) feet.

N/A

2. An officer shall understand there is an increased risk of serious physical injury when using a 40-millimeter impact launcher inside five (5) feet.

a. Because of an increased risk of serious physical injury may occur with 40-millimeter impact launcher deployments inside five (5) feet, an officer shall consider transitioning to other force options.

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3. An officer shall consider other available force options before using a 40-millimeter impact launcher on potentially higher-risk individuals. The 40-millimeter impact launcher should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat to themselves, sworn personnel, or others.

C. Medical Attention After Use of 40-millimeter Impact Launcher

N/A

1. Following the use of a 40-millimeter impact launcher and once it is safe to do so, an officer shall immediately call emergency medical services to the scene to provide medical attention, consistent with SOP Use of Force: General (refer to SOP Use of Force: General for sanction classifications and additional duties).

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2. If emergency medical services determine that the individual requires a medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-10 Intermediate Weapon Systems Approved for Use by Specialized Units

N/A

A. Intermediate weapon systems approved for use by specialized units shall be used in accordance with the Department use of force SOPs and their units' Procedural Orders.



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2-54 USE OF FORCE: INTERMEDIATE WEAPON SYSTEMS
(FORMERLY USE OF FORCE REPORTING AND SUPERVISORY
FORCE INVESTIGATION REQUIRMENTS)

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- ~~1-56~~ ~~Horse Mounted Unit~~ ~~=Horse Mounted Unit (Formerly 6-12)~~
- ~~2-19~~ ~~Response to Behavioral Health Issues~~ ~~2-19~~ ~~Response to Behavioral Health Issues~~
- 2-52 =Use of Force: General
- 2-53 =Use of Force: Definitions
- 2-55 =Use of Force: De-escalation
- 2-56 =Use of Force: Reporting by Department Personnel
- 2-57 =Use of Force: Review and Investigation by Department Personnel
- ~~2-82~~ ~~Restraint and Transportation of Prisoners~~ ~~2-82~~ ~~=Restraints and Transportation of Prisoners~~ Individuals
- 3-41 Complaints Involving Department Personnel
- ~~8-2~~ ~~Performance Metrics Unit~~
- ~~6-12~~ ~~Horse Mounted Unit~~

B. Form(s)

- ~~(Placeholder) PD 2053~~
- ~~PD 2054~~
- None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

- ~~SO 18-60~~ ~~Use of Force/Show of Force Blue Team Entries~~
- ~~SO 19-64~~ ~~Use of a Weapon System Resulting in a Missed Application of Force~~
- SO 20-57 Electronic Control Weapon (ECW) Taser 7 Administrative Procedures
- SO 21-27 Amendment to SOP 2-54 Intermediate Weapon Systems
- SO 21-154 Amendment to SOP 2-54 Intermediate Weapon Systems; Electronic Control Weapon (ECW) Undetermined Discharges

2-54-1 Purpose

The purpose of this policy is to identify the intermediate weapon systems ~~utilized~~ used by ~~officers~~ sworn personnel of the Albuquerque Police Department (Department) and to establish



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uniform guidelines for ~~officers~~ sworn personnel in the use and deployment of these intermediate weapon systems.

2-54-2 Policy

It is the policy of the Department to use

~~Intermediate weapon systems only when necessary in order to gain compliance from an individual who is actively resisting and to enforce lawful objectives. are less lethal options available to officers sworn personnel when executing lawful objectives that are designed to produce pain and incapacitating effects. Intermediate weapon systems are intended to overcome resistance or stop the threatening actions of an individual and/or to control a situation without causing death or serious physical injury. There is always a risk that an intermediate weapon will shall may cause an unintended or unforeseen injury or death, even when the weapon is deployed used as intended. Officers Sworn personnel must shall exercise restraint in the use of intermediate weapon systems, employing de-escalation techniques whenever possible.~~

~~The following list of intermediate weapon systems is not intended to establish an order of priority in their use by officers sworn personnel.~~

~~The use of intermediate weapon systems must shall be the minimum amount of force that is reasonable and, necessary, and proportional, and permitted under Department policy.~~

2-54-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

2-54-4 Intermediate Weapon Systems: Use and Considerations

- 6 A. Requirements to Carry Intermediate Weapon Systems and ~~Qualify~~
 1. ~~An officer shall carry only intermediate weapons that are issued by the Department. An officer~~ Sworn personnel shall only carry only Department-issued intermediate weapons systems.
 2. Sworn personnel ~~An officer shall not be issued nor carry any intermediate weapon unless the officer has been trained and currently is certified-qualified, or, when required, certified to carry on the weapon.~~
 3. ~~UA uniformed officer~~ sworn personnel shall carry ~~the an~~ Electronic Control Weapon (ECW) and Oleoresin Capsicum (OC) spray on their duty belt person while on-duty.
 4. ~~Sworn personnel The expandable baton is an optional force tool. An officer may carry the expandable /straight baton as an optional force tool.~~

N/A



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4.
5. ~~Officers~~ Sworn personnel and supervisors who are assigned to a specialized units may carry intermediate weapon systems as dictated by their responsibilities.

~~5.a.~~ The commander of each division ~~will~~ shall ensure that ~~officers~~ sworn personnel carry intermediate weapon systems according to the division's Standard Operating Procedure(s) (SOP).

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B. Intermediate Weapon System Use Guidelines

N/A

1. Sworn personnel shall:

~~1.a.~~ ~~use~~ Use intermediate weapon systems ~~in accordance with the Department's Use of Force policies. (See consistent with SOP Use of Force; General and SOP Use of Force; Definitions training).~~

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~~3.b.~~ ~~Sworn personnel shall~~ Ensure the ~~The~~ use of an intermediate weapon ~~must shall be~~ is the minimum amount of force that is reasonable and, necessary, proportional, and shall be used only to bring about a lawful objective, considering the totality of the circumstances;

~~c.~~ ~~An officer shall~~ issue a verbal warning to an individual and allow that individual a reasonable amount of time to comply with the warning prior to ~~deploying~~ using any intermediate weapon, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is: "Stop or you will be tased!";

~~An officer shall not rely on the verbal warning announcement to satisfy the requirement to give a verbal warning to an individual upon whom force will be used.~~

~~5.~~

~~d.~~ ~~An officer shall~~ Give a verbal announcement in order to notify ~~officers~~ sworn personnel on-scene that an intermediate weapon is about to be used, e.g., "Taser, ~~T~~taser, Taser!", "Bean=bag, bean=bag, bean=bag!";

i. The purpose of the verbal announcement is to avoid the possibility of firearms discharge by other ~~officers~~ sworn personnel due to a sympathetic or startle reaction from other ~~officers~~ sworn personnel on-scene.

~~7.~~

~~e.~~ ~~An officer shall~~ Consider that ~~some there are~~ individuals may be ~~who are~~ more susceptible to injury as a result of using an intermediate weapon. These higher-risk individuals include visibly pregnant women, young children, elderly persons, visibly frail persons, individuals exhibiting signs of ~~excited delirium~~ medical distress, and individuals with low body mass;



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- ~~9.f. An officer shall not conduct a show of force with a firearm or intermediate weapon system on an individual who is only passively resisting; and~~
~~Objectively~~
- ~~9. Unless lethal force would be permitted, an intermediate weapons system shall not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards. Unless lethal force would be permitted, an intermediate weapons system shall not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards.~~
- ~~d. Whether a situational hazard poses a substantial risk of serious physical injury or death shall be evaluated objectively whether a situational hazard poses a substantial risk of serious physical injury or death shall be based on the totality of the circumstances.~~
- ~~g. Situational hazards may include, but are not limited to:~~
- ~~i. Falling from an elevated position;~~
 - ~~ii. Drowning;~~
 - ~~iii. Losing control of a moving motor vehicle or bicycle; or~~
 - ~~iv. The known presence of an explosive or flammable material or substance. Situational hazards may include, but are not limited to, falling from an elevated position which could reasonably result in an injury, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.~~

2. Sworn personnel shall not:

- a. Unless lethal force would be permitted, use an intermediate weapons system where such deployment poses a substantial risk of serious physical injury or death from situational hazards; or
- i. Whether a situational hazard poses a substantial risk of serious physical injury or death shall be evaluated objectively based on the totality of the circumstances.
 - ii. Situational hazards may include, but are not limited to, falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.
- b. Rely on the verbal announcement to satisfy the requirement to give a verbal warning to an individual upon whom force will be used.

From SO 21-57:

~~Unless lethal force would be permitted, an intermediate weapons system shall not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards.~~



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~~a. Whether a situational hazard poses a substantial risk of serious physical injury or death shall be evaluated objectively based on the totality of the circumstances.~~

~~a. Situational hazards may include, but are not limited to, falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.~~

N/A C. Reporting

5 ~~Officers~~ Sworn personnel shall report the use of intermediate weapon systems ~~in accordance~~ consistent with SOP Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Reporting by Department Personnel for sanction classifications and additional duties).

2-54-54 Oleoresin Capsicum (OC) Spray

6 A. OC Spray: Use Guidelines

N/A 1. Sworn personnel shall:

~~a. Be authorized~~ An officer is authorized to deploy use OC spray when it is the minimum amount of force that is such force is reasonable and necessary, and proportional in order to gain control of an actively resistant individual or to protect the officers sworn personnel and/or others or another party from an immediate threat;

~~c. Direct OC spray only at the specific individual(s) posing a threat, and shall attempt to minimize exposure to others; and~~

~~d. Consider other intermediate weapon options if OC spray appears to be ineffective.~~

~~1.~~

6 2. Sworn personnel An officer shall not use OC spray to overcome passive resistance by nonviolent and/or peaceful protestors, absent exigent circumstances, such as when there is imminent immediate danger to life or property.

5 3. After deploying OC spray, an officer shall avoid the risk of positional asphyxia caused by the individual being transported or left in a face down position. An officer shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall monitor the individual for any respiratory or breathing problems or change in mental status, e.g., loss of consciousness, confusion, or difficulty speaking.

~~4. An officer shall direct OC spray only at the specific individual(s) posing a threat, and shall attempt attempting to minimize exposure to others.~~



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~~5. An officer shall consider other intermediate weapon options if OC spray appears to be ineffective.~~

~~3. An officer Sworn personnel may use Using OC spray on an animal must be documented in an incident report and is permissible: on an animal is permissible to deter an immediate/imminent attack or to prevent imminent/immediate injury to an officer or others.~~

~~a. An officer Sworn personnel shall document this action in a Uniform Incident Report. Using OC spray on an animal shall be documented in an incident report.~~

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- ~~— To deter an attack or to prevent injury to an officer or others;~~
- ~~— To prevent an animal from alerting to a concealed position of an officer; and~~
- ~~— To prevent an animal from interfering with police communications.~~

~~D.B. Medical Attention After the Use of OC Spray~~

1. Sworn personnel shall:

N/A

~~a. After using OC spray, an officer shall avoid the risk of positional asphyxia caused by the individual being transported or left in a face-down position. An officer shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking). After using OC spray, An officer shall a Act to minimize the risk of positional asphyxia to the individual after OC spray has been used on the individual. -If the individual is face down and there is pressure on the individual, the officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face-down position; =~~

~~b. An officer shall m Monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), consistent with SOP Restraints and Transportation of Individuals (refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties); =~~

~~1.c. As soon as the scene is secure, and it is safe to do so, An officer shall summon medics. Request medical attention services, following the use of OC spray as soon as the scene is secure and it is safe to do so; and =~~



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~~3.d.~~ If the individual was exposed in a confined space, ~~a~~An officer shall ~~Remove the individual as soon as possible from the contaminated area as~~ soon as possible and ~~expose~~ allow the individual to breathe fresh air if they individual was were exposed to OC spray in a confined space.

2-54-~~65~~ Electronic Control Weapon (ECW)

N/A A. ECW Modes

1. ~~An officer has~~ There are three types of options for ECW usage deployment. The choice of mode used shall depend upon the articulable facts and circumstances at the time of ~~deployment~~ use and the guidelines and restrictions set forth below. ~~These are~~ The three types of ECW usage are operational modes:

~~a.~~ Show of Force Mode:

~~ii.a.~~ Pointing an ECW at an individual or using an ECW to "paint" an individual with the laser sight or utilizing using a warning arc;
~~A show of force by an officer will~~ shall be reviewed by that officer's on duty supervisor, as set out in consistent with SOP Use of Force; Review and Investigation by Department Personnel.

~~e.b.~~ Drive Stun Mode; and

i. Pressing and holding the device against the individual as it is cycled. This can be done in two configurations:

~~ii.1.~~ Drive stun only: ~~This technique involves pressing the ECW against the individual while it is energized without~~ discharging deploying the probe ~~deployment,~~ causing pain but minimal or no neuro-muscular incapacitation. This technique is solely a pain compliance technique, and is prohibited, except when necessary to protect the officer from immediate threat to gain separation between the officer and the individual, so that the officer can consider another force option. Sworn personnel shall not use the drive stun mode unless to prevent...

~~ii.2.~~ Follow-up Drive Stun: ~~This technique is used as a follow-up to a~~ the discharge deployment of the ECW probes in standoff mode ~~probe deployment.~~ It can increase the effectiveness of the ECW by increasing the spread between the connections in the event of a close-quarter probe deployment, completing the circuit in the event of a clothing disconnect or when only one probe has made a connection with the individual.

~~e.~~ Standoff Mode:

~~v.c.~~ Discharging Deploying the ECW with a cartridge on the device, which propels the probes towards the individual and, upon effective contact, is intended to cause neuro-muscular incapacitation.

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B. ECW Use Guidelines



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~~ECWs shall not be used solely as a compliance technique or to overcome passive resistance. An officer may use an ECW only when such force is necessary to protect the officer, the individual, or another person others from physical harm and after considering less intrusive means based on the threat or resistance encountered. An officer is authorized to use an ECW to control an actively resistant individual when attempts to subdue the individual by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range.~~

1. Using the ECW is considered a less-lethal use of force unless other circumstances are present as outlined in this Standard Operating Procedure (SOP), which may increase the likelihood of serious physical injury to the individual because of a secondary impact. Decisions to use an ECW must shall be reasonable and necessary given the totality of the circumstances.

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2. An officer shall issue a verbal warning to an individual, and allow that person a reasonable time to comply with the warning, prior to ~~deploying~~ using any ECW, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is, "Stop, or you ~~will~~ will ~~shall~~ be Tased!"

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3. Upon using the ~~device~~ ECW, the officer shall apply the ECW no longer than reasonably necessary, to accomplish a lawful objective. Upon applying the device, back-up ~~officers~~ sworn personnel should attempt to handcuff the individual during the cycle (i.e.g., handcuffing under power) to reduce the risk of injury to the individual and ~~officers~~ sworn personnel.

4. An officer shall independently justify the reasonableness of each ~~standard~~ ECW cycle (~~five seconds~~) or ~~continuous cycle exceeding five seconds~~. After one, (1) standard ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are necessary.

a. Continuous cycling of ECWs is permitted only under exceptional circumstances, such as, ~~when~~ when it is necessary to handcuff an individual under power (e.g., ~~when~~ when the individual is armed and it would be unsafe to evaluate a subsequent cycle). Back-up ~~officers~~ sworn personnel should attempt hands-on control tactics during ECW applications, including handcuffing the individual during an ECW application (i.e.g., handcuffing under power). The model of ECW that the Department is currently using does not permit cycling beyond 5 seconds or continuously cycle beyond five (5) seconds.

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5. An officer shall consider other available force options before ~~deploying~~ using an ECW on ~~potentially at~~ higher-risk individuals. ECWs should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves, ~~officers,~~ or others.

N/A



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a. As a result of the incapacitating effects of the ECW, an individual may lose the ability to protect themselves from injury in a fall. This increases the potential for serious physical injury from a secondary impact;

~~5.~~

~~7-6.~~ In standoff mode, the center mass of the individual's back should be the primary target area when possible. If feasible, in situations where ~~there~~ a frontal deployment is the only available option, low center mass and/or the legs should be the targeted area.

N/A

~~An officer shall not intentionally target an individual's head, neck, throat, chest, or genitalia, except where lethal deadly force would be permitted.~~

~~1. ECWs shall not be used solely as a pain compliance technique.~~

~~If~~

~~7. If an officer becomes involved in a physical confrontation is confronted with with an individual that that presents an immediate threat, to the officer, requiring a close-quarter necessitates a close-quarter usage of the ECW, the officer may use the ECW in drive stun mode with the cartridge on the device in order to disengage from the individual, create distance, and consider other force options.~~

~~10-8. ECWs may be utilized used as a in follow-up drive stun mode after to discharging deploying the ECW probes in standoff mode a probe deployment in order to complete the circuit.~~

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~~If an officer becomes involved in a physical confrontation with an individual that necessitates a close-quarter deployment usage of the ECW, the officer may use utilize the ECW in drive stun mode with the cartridge on the device in order to disengage from the individual, create distance, and consider other force options.~~

C. ECW Restrictions

~~0. Using the ECW is considered a less-lethal level use of force unless other variables circumstances are present (as described outlined below) in this Standard Operating Procedure (SOP), which may increase the likelihood of serious physical injury to the individual because of a secondary impact. Decisions to use an ECW must be reasonable and, necessary, and proportional given the totality of the circumstances.~~

1. ECWs shall not be used solely as a pain compliance technique or to overcome passive resistance. An officer may use an ECW only when such force is necessary to protect the officer, the individual, or others from physical harm and after considering less intrusive means based on the threat or resistance encountered. An officer is authorized to use an ECW to control an actively resistant individual when attempts to subdue the individual by other tactics have been, or will likely be,



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ineffective and there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range.

~~4.2.~~ The following restrictions, considerations, and conditions apply to ~~the use of an~~ ECW application:

6 N/A

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a. An officer ~~must~~ shall never use ~~an~~ the ECW ~~Application~~ in a punitive or coercive manner;

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b. An officer shall not use an ECW on a passively resistant individual;

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c. An officer shall not use an ECW on a handcuffed, restrained, or subdued individual unless doing so is necessary to prevent them from causing serious physical injury to themselves, sworn personnel, or others, and if lesser attempts to control have been ineffective;

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d. An officer shall not intentionally target an individual's head, neck, throat, chest, or genitalia, except where deadly force would be permitted;

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e. An officer shall not simultaneously point both an ECW and a firearm at an individual; ~~and~~

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f. An officer shall only carry and use Department-issued ECWs;

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g. An officer shall not use an ECW in any environment where they know or reasonably should know that potentially flammable, volatile, or explosive materials are present, including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane;

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h. An officer shall not use an ECW solely as a pain compliance technique;

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~~An officer shall not use an ECW where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include, but are not limited to:~~

~~Falling from an elevated position;~~

~~Drowning;~~

~~Losing control of a moving motor vehicle or non-motorized recreational transportation equipment; and~~

~~Known presence of an explosive or flammable material or substance.~~

~~ECWs shall not be used solely as a pain compliance technique.~~

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~~b.i.~~ Exposure to the ECW for longer than fifteen (15) seconds, (whether due to multiple ~~cycles~~ applications or continuous cycling) may increase the risk of death or serious physical injury. An officer shall also weigh the risks of subsequent or continuous cycles against other force options;

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6

~~c.~~ An officer shall not use the ~~an~~ ECW ~~Application~~ on a passively resistant individual;

N/A

~~d.~~ An officer shall not use the ~~an~~ ECW ~~Application~~ on handcuffed, restrained, or subdued individuals unless doing so is necessary to prevent them from causing serious physical injury to themselves, officers/sworn personnel, or others, and if lesser attempts to control have been ineffective;

N/A



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~~e. As a result of the incapacitating effects of the ECW, an individuals may lose the ability to protect themselves from injury in a fall. This increases the potential for serious physical injury from a secondary impact.~~

6

~~f. An ECWs Application shall not be used in any environment where an officer knows or reasonably should know that potentially flammable, volatile, or explosive~~

~~materials are present, (including, but not limited, to OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane).~~

~~j. Using the an ECW Application based solely on the fact that an individual is fleeing an officer making a lawful detention or arrest is generally not authorized. However, the totality of the circumstances may justify ECW use of a fleeing individual. An officer shall consider the totality of the circumstances before using an ECW on a fleeing individual.~~

~~However, the totality of the circumstances, including, but not limited to:~~

~~i. the sSeverity of the offense;~~

~~ii. Whether the individual is actively resisting or attempting to evade arrest; and~~

~~iii. Whether the individual poses an immediate threat to officers sworn personnel, others, or themselves, may justify using an ECW Application use under these conditions, consistent with (. (See SOP Use of Force General).~~

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~~g. An officer shall consider all such factors before using an ECW Application on a fleeing individual.~~

4

~~An ECWs Applications shall not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include, but are not limited to:~~

~~Ffalling from an elevated position;~~

~~, Ddrowning;~~

~~and Llosing control of a moving motor vehicle or, or bicyclennon motorized recreational transportation equipment; and~~

~~g. Known presence of an explosive or flammable material or substance.~~

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~~g. An officer shall not simultaneously point both an ECW and a firearm at an individual; and~~

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~~g. Authorized devices shall consist only of those devices issued and approved by the Department. Personally owned ECWs are not authorized to carry on for duty carry. An officer shall only carry and use Department issued ECWs.~~

D. Holstering and Securing the ECW

~~0. Under no circumstances shall the ECW holster be located on the duty belt next to, or on the same side as, an officer's firearm. The ECW shall be carried on the support side, also known as the "weak side," to reduce the chance of accidentally drawing and/or firing a firearm.~~



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- 1. ~~Officers~~ Sworn personnel shall keep ECWs in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
- ~~4.2.~~ Sworn personnel shall secure their ECWs ~~shall be secured~~ in a Department-issued approved holster or an alternative, Department-approved holster approved personal holster.
- ~~2.3.~~ All authorized Sworn, uniformed officers ~~personnel~~, unless specifically exempted by the Chief of Police, shall carry the ECW in the holster on their person at all times while on-duty.
- ~~3.4.~~ All authorized Sworn, non-uniformed personnel issued an ECW shall carry the device during the performance of any law enforcement function involving public contact unless otherwise exempted by their commander.

5

E. ~~ECW Post-Deployment~~ Use Guidelines and Requirements

N/A

- 1. After using an ECW, an officer ~~sworn personnel shall act to minimize the risk of positional asphyxia to the individual. An officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face-down position. An officer shall monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), consistent with SOP Restraints and Transportation of Individuals (refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties).~~

~~The An deploying officer~~ Sworn personnel shall immediately notify ~~his or her~~ their immediate supervisor, or if unavailable, the next available on-duty supervisor, by radio dispatch, as soon as ~~practical~~ practicable, after ~~deploying~~ using the ECW. The supervisor shall respond to the scene, consistent with SOP Use of Force: Review and Investigation by Department Personnel.

2.

- 3. An involved sworn personnel officer who deploys ~~discharges~~ an ECW shall call ~~Albuquerque Fire Rescue (AFR)~~ emergency medical services (EMS) personnel to the scene to provide medical treatment.

N/A

- a. Based on their protocol, AFR Emergency medical services ~~EMS personnel~~ personnel shall determine, based on their protocol, if whether the individual needs to be transported to a medical facility for high-risk or a ~~sensitive~~ probe removal and/or other medical care.
- ~~2.b.~~ If it is determined that the individual should be transported, transportation shall be provided as soon as practicable. In the absence ~~Absent~~ of exigent circumstances, only medical personnel will remove the probes ~~will only be removed from a the subject individual's skin by medical personnel. An~~



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~~officer shall not remove probes. Absent exigent circumstances, probes shall be removed only by medical services personnel.~~

- 6 ~~2. If emergency medical services personnel determine that the individual requires medical transport, supervisors shall ensure that an officer accompanies the individual to the medical facility.~~
- 7 ~~2. For Level 1 shows of force, supervisors may either call a Crime Scene Specialist (CSS) or capture photos on their OBRD; for Level 2 and 3 uses of force, supervisors shall call a CSS, consistent with SOP Use of Force: Review and Investigation by Department Personnel.... The primary officer or designee in an ECW deployment shall request a crime scene specialist to respond to the scene.~~
- 5 ~~2. The deploying involved officer or their designee shall monitor any individual who has received an ECW application while in police custody, scanning for impaired respiration and signs of positional asphyxia per current training guidelines. (, consistent with SOP Restraint and Transportation of Individuals). After using an ECW, an officer shall act to minimize the risk of positional asphyxia to the individual. An officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face down position. An officer shall monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), consistent with SOP Restraint and Transportation of Individuals.~~
~~2. Involved sworn personnel/An~~ The deploying involved officer shall inform responding emergency medical services personnel/medics EMS personnel about any individual who has been subjected to an ECW application that who may be under the influence of drugs, is exhibiting symptoms associated with excited delirium, or who has been restrained (kept in a prone position) restraints after ECW use.
- 6 ~~4. If emergency medical services~~ EMS personnel determine the individual requires medical transport, a supervisors shall ensure an officer accompanies the individual to the medical facility.
- 6 ~~3.5. Sworn personnel~~ An officer shall independently justify the reasonableness of each cycle of the ECW in their use of force reporting report documentation.
- 7 ~~F. Unintended~~ Accidental Discharge of the ECW Cartridge
 - 1. In the event an officer experiences an ~~unintended~~ accidental discharge of an ECW cartridge, they ~~officer~~ shall immediately notify their immediate supervisor or, if unavailable, the next available on-duty supervisor.
- N/A
 - 1. ~~The ECW data shall be downloaded prior to the beginning of the officer's next shift.~~
 - 2. The responding supervisor shall assume investigative responsibility for the accidental discharge of an ECW cartridge. The accidental discharge of an ECW cartridge shall not be considered a use of force and shall be investigated using the



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same standard as an accidental discharge of a less-than-lethal ammunition, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties). The responding supervisor shall assume investigative responsibility for the unintentional discharge of an ECW cartridge and will refer to SOP Use of Force Review and Investigation by Department Personnel.

3. ~~The officer~~ Sworn personnel shall document the ~~unintended accidental~~ discharge in an ~~offense/incident~~ Uniform Incident Report, including the serial number of the ECW cartridge discharged.

N/A

4. ~~If an individual is hit by an unintentionally accidentally discharged deployed probe, the involved sworn personnel use shall be report when an individual is hit by an accidentally discharged ECW probe and the accidental discharge of the probe shall be ed by the involved officer, and documented and investigated as a non-reportable use of force, and investigated as set out in consistent with SOP Use of Force: Review and Investigation by Department Personnel Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel Use of Force: Reporting by Department Personnel for sanction classifications and additional duties).~~

N/A

4-a. The investigating supervisor shall generate an IAR for the accidental discharge of the ECW probe, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

7

G. Use of ECW on Dangerous Animals

N/A

1. ~~An officer~~ Sworn personnel may use ~~deploy~~ their ECW on dangerous animals that pose a threat to ~~officers/sworn personnel~~ them or others.

2-a. ~~If an sworn personnel are~~ officer is required to use ~~deploy~~ an ECW against a dangerous animal, they ~~officer~~ shall notify their immediate supervisor regarding the ~~deployment~~ use once the scene has been secured.

2. Department personnel shall ensure ~~The primary involved officer or their designee shall immediately contact the City's Animal Control Welfare Department responds to the scene~~ when an officer successfully ~~deploys~~ discharges an ECW against an animal.

6

H. Administrative Procedures for the ECW

1. Function checks shall be completed at least once per week.

N/A

a. The instructions for an ECW function check are as follows:



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- i. Leave the cartridges in the ECW. The ECW ~~will~~ will not ~~discharge~~ fire the cartridges unless the trigger is pulled;
- ii. Press both side arc buttons while the ECW is pointed in a safe direction and powered off;
- iii. Confirm the ECW display shows the percentage of battery power and the number of the current firmware;
- iv. Turn the ECW power to the on position. The outer part of the display ~~will~~ will appear in yellow with the center squares showing up in black. This indicates the ECW is in function mode;
- v. Press either of the side arc buttons. This ~~will~~ will cause the ECW to spark over the ECW cartridges for five seconds. The display ~~will~~ will show the count to five (5) seconds; and
- ~~H.~~vi. Turn the power to the off position to complete the function check.

From SO 20-57:

- ~~Leave the Tasor cartridges in the ECW. The ECW will not fire the cartridges unless the trigger is pulled;~~
- ~~While the ECW is pointed in a safe direction, with the ECW powered off, press both side arc buttons;~~
- ~~A display will appear with the percent of battery and number of current firmware;~~
- ~~Turn the ECW power to the on position. The outer part of the display will appear in yellow with the center squares showing up in black. This indicates the ECW is in function mode;~~
- ~~Press either of the side arc buttons. This will cause the ECW to spark over the ECW cartridges for five seconds. The display will show the count to five seconds; and~~
- ~~Turn the power to the off position to complete the function check.~~

2. Sworn personnel shall ~~e~~Exchange an ECW battery at least once per calendar month from the battery docking station.

N/A

- a. The ECW batteries are not assigned to a specific ECW and will store and upload data from the ECW when a battery is inserted.
- b. Exchanging the battery will accomplish the following:
 - i. Provide the ECW user with a fully charged ECW battery; and
 - ii. Upload the data from the ECW. ~~(data is stored and uploaded from the ECW batteries).~~

7

I. Undetermined Discharges

1. Performance Metrics Unit (PMU) personnel shall conduct quarterly ECW discharge audits conducted on a random basis.

- a. Audits shall be conducted on a random sample of sworn personnel to evaluate the occurrence of all ECW discharges and discharge kinds including, but not limited to:
 - i. Use of force;



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- ii. Function check; and
- iii. Undetermined discharge.
- b. PMU personnel shall compile a list of sworn personnel with undetermined discharges occurring during the quarter.;
- c. PMU personnel shall collect the data from the ECW undetermined discharges and evaluate the data for possible trends, including incorrect performance of ECW function checks.;
- d. The list of undetermined discharges shall be sent to the Area Command or Division to determine and document what kind of discharge occurred. PMU personnel shall assist the Area Commands or Divisions in identifying sworn personnel who repeatedly conduct incorrect function checks. The ultimate responsibility for remedial action remains with the area commander or Area division
- e. Sworn personnel whose undetermined discharges are a result of improper function checks shall be subject to remedial action as follows:
 - First Occurrence:
 - The officer’s supervisor shall :
 - i. ~~Review the SOP 2-54 Electronic Control Weapon (ECW) Taser 7 Administrative procedures~~ the Administrative Procedures for the ECW outlined in this SOP.
 - Second Occurrence:
 - ii. ~~1-~~A mandatory training referral will be completed in the Internal Affairs (IA) database web application for additional training for function checks.
 - Third Occurrence:
 - iii. ~~1-~~The officer shall be subject to appropriate charges of misconduct and the officer’s supervisor shall initiate an Internal Affairs Request (IAR) in the IA database web application no later than twenty-four (24) hours of (fill in the blank) the potential policy violation, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).
 - iv. The officer’s supervisor shall document ~~A~~all remedial actions ~~shall be documented by the officer’s supervisor on~~ in the officer’s performance evaluation in ~~Talent Management~~ PeopleSoft Performance Management.
- f. If the undetermined discharge of an ECW is determined to be an unreported use of force, the supervisor shall initiate an investigation (refer to SOP Use of Force: Reporting by Department Personnel for sanction classifications and additional duties) and shall initiate an ~~Internal Affairs Request (IAR)~~ no later than twenty-four (24) hours after identifying the unreported use of force (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

N/A

2-54-76 Expandable Baton/, Straight Baton, (Expandable/Straight or and Bokken Baton)



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A. Baton ~~Expandable Baton, /Straight Baton, (Expandable/Straight or Bokken Baton):~~
Use Guidelines

N/A

~~1. The Bokken baton is an impact tool or weapon that is a white oak or polypropylene baton. It has an overall length of forty one (41) inches or less, and has no sharp edges or points. The Bokken baton is used instead of an expandable/straight baton for the officers/sworn personnel in the Horse Mounted Unit. The Bokken is an impact tool or weapon that is a white oak or polypropylene baton. It has an overall length of forty one (41) inches or less, and has no sharp edges or points. The Bokken is used in replacement of an expandable baton due to the height and position of a mounted rider, and is only used when mounted. (See SOP Horse Mounted Unit). Horse Mounted Unit (HMU) sworn personnel may use the Bokken baton instead of an expandable/straight baton while on horseback, consistent with SOP Horse Mounted Unit (HMU).~~

N/A

~~1. The expandable /straight baton is an impact tool or weapon that is a friction lock expandable baton made of lightweight alloy. The expandable baton is issued to all sworn personnel as an optional force tool and is not required to be carried on-duty. description, much like provided for the Bokken baton].~~

~~2. The straight baton is an impact tool or weapon that is a round wooden baton approximately thirty (30) to thirty-six (36) inches in length. The straight baton shall only be equipped by Sworn personnel shall only deploy with an expandable/straight baton an officer who is when deployed acting as an Emergency Response Team (ERT) sworn personnel officer during field force deployments shall carry a straight baton. An officer is authorized to deploy use the baton when such force is reasonable, necessary, and proportional in order to protect the officer or another individual/others from an immediate threat.~~

N/A

~~3. The Bokken baton is an impact tool or weapon that is a white oak or polypropylene baton. It has an overall length of forty-one (41) inches or less, and has no sharp edges or points. The Bokken baton is used instead of an expandable/straight baton for the sworn personnel in the Horse Mounted Unit. HMU sworn personnel may use the Bokken baton instead of an expandable/straight baton while on horseback, consistent with SOP Horse Mounted Unit (HMU).~~

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~~3. An officer is authorized to use the expandable/straight baton or Bokken baton when such force is reasonable and, necessary, and proportional in order to protect the officer or others from an immediate threat. The use of straight batons is authorized only during Emergency Response Team field force deployments.~~

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~~Preferred target areas are the extremities (arms and legs). When using an expandable/straight baton or Bokken baton, officers/sworn personnel shall only attempt to strike individuals in the extremities (arms and legs) absent when deadly force is justified.~~

~~3.~~



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4. ~~An officer shall not intentionally strike the head, neck, throat, torso, or groin of an individual with a baton, except where deadly force is justified. An officer~~ Sworn personnel shall not intentionally strike the an individual's head, neck, throat, torso, or groin of an individual with an expandable baton, /straight baton, or Bokken baton, except where deadly force is justified.

6

~~Impact weapons other than the baton (expandable/straight or Bokken) are prohibited by the Department unless exigent circumstances exist. An officer shall not use impact weapons other than the expandable/straight baton or Bokken baton (expandable/straight or Bokken) except to protect themselves from immediate imminent risk of a deadly threat. An officer shall not use Impact weapons other than the baton (expandable/straight or Bokken) unless exigent circumstances exist.~~

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~~4. Sworn personnel An officer shall not use their firearms as an impact weapons, except to protect themselves from an imminent risk of a deadly threat due to the possibility of unintentional discharge and/or the possibility that it could result in the serious physical injury or death to the officer, the individual, or others.~~

B. Medical Attention After ~~the Use of the Baton (Expandable/Straight or Bokken)~~

N/A

1. Following the use of an expandable baton, /straight baton, or Bokken baton and, ~~an officer shall first restrain the individual and then, once it is safe to do so, an officer~~ sworn personnel shall immediately call AFR emergency medical services EMS to the scene to provide medical attention, consistent with. ~~(See SOP Use of Force: General (refer to SOP Use of Force: General for sanction classifications and additional duties) for procedures concerning use of force and attention to injuries).~~

6

a. ~~If emergency medical services EMS personnel personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.~~

2-54-87 Beanbag Shotgun

5

A. Beanbag Shotgun: Use Guidelines

N/A

1. The beanbag shotgun is a less than lethal impact weapon with an optimal range between twenty (20) to fifty (50) feet and a maximum effective range of seventy-five (75) feet. The effectiveness and accuracy of the beanbag shotgun starts to diminish at distances between fifty (50) and seventy-five (75) feet. The beanbag shotgun shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.



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~~4.2. An officer~~ Sworn personnel shall ensure that their beanbag shotgun is plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.

~~3. An officer shall only may use a~~ The beanbag shotgun may be deployed used when an individual presents an imminent threat to an officer or others and the use of the beanbag shotgun is the minimum amount of force that is reasonable and necessary. The beanbag shotgun may be used when an individual presents an imminent threat to an officer, the individual(s), or other(s) and when it is the minimum amount of force that is reasonable and necessary.

~~2.~~

6 ~~3.4.~~ In potentially deadly force situations, an officer shall have a lethal cover officer when deploying using less-lethal impact munitions.

7 ~~The optimal range for the beanbag round is twenty (20) to fifty (50) feet.~~

~~4. The maximum effective range for the beanbag round is seventy five (75) feet.~~

~~4. At distances between fifty (50) and seventy five (75) feet, the effectiveness and accuracy of the beanbag shotgun starts to diminish.~~

~~0.1. The beanbag shotgun shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.~~

~~D.~~ B. Beanbag Shotgun: Restrictions

4 1. In the absence of ~~Absent~~ deadly force situations, ~~an officer~~ sworn personnel shall not intentionally target an individual's head, neck, throat, chest, or groin, or use it at a distance of less than twenty (20) feet.

N/A 2. Sworn personnel ~~An officer must~~ shall understand that there is an increased risk of serious physical injury when ~~deploying~~ shooting beanbag shotgun rounds inside twenty (20) feet.

a. ~~At distances inside twenty (20) feet, an officer should consider transitioning to other force options (, i.e., e.g., expandable baton or ECW).~~ Because of an increased risk of serious physical injury may occur with beanbag shotgun deployments closer than twenty feet, sworn personnel ~~an officer~~ shall consider transitioning to other force options (e.g. expandable baton or ECW).

6 3. Sworn personnel ~~An officer~~ shall consider other available force options before ~~deploying~~ shooting a beanbag shotgun round on potentially a higher-risk individuals. Beanbag shotgun rounds should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons.

C. Medical Attention After ~~the~~ Use of a Beanbag Shotgun



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N/A
5

~~1. Following the use of a beanbag shotgun, an officer shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. (See SOP Use of Force General for procedures concerning use of force and attention to injuries).~~ Following the use of a beanbag shotgun and once it is safe to do so, sworn personnel an officer shall immediately call emergency medical services to the scene to provide medical attention, consistent with (See SOP Use of Force General (refer to SOP Use of Force: General for sanction classifications and additional duties) for procedures concerning use of force and attention to injuries).
~~4.~~

6

~~a. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility. If emergency medical services EMS personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.~~
2.

~~2-54-98~~ 40-millimeter Impact Launcher

6

A. 40_-millimeter Impact Launcher: Use Guidelines

N/A

~~1. The 40-millimeter impact launcher is a less-lethal impact weapon with The an optimal energy range of for the 40-millimeter impact launcher is between five (5) to one-hundred and twenty (120) feet and a maximum effective range one-hundred twenty (120) feet. The effectiveness and accuracy of the 40-millimeter impact launcher starts to diminish at distances beyond one hundred and twenty (120) feet.~~

~~2. The officer shall ensure the 40-millimeter impact launcher is plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.~~

~~3. The 40_-millimeter impact launcher may be ~~deployed~~ used when an individual presents an imminent threat to an officer, the individual(s), or other(s) and when it is the minimum amount of force that is reasonable and necessary.~~

6

~~4. In potentially lethal force situations, an officer shall have a lethal cover officer when deploying less-lethal impact munitions.~~

N/A

~~3.1. The optimal energy range for the 40_- millimeter impact launcher is five (5) to one hundred and twenty (120) foot.~~

~~3. The maximum effective range for the 40_- millimeter impact launcher is one hundred and twenty (120) foot.~~



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~~4. At distances beyond one hundred and twenty (120) feet, the effectiveness and accuracy of the 40_- millimeter impact launcher starts to diminish.~~

7

~~0. The 40_- millimeter impact launcher shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.~~

~~D.B. 40_-millimeter Impact Launcher: Restrictions~~

4

1. Absent deadly force situations, an officer shall not intentionally target an individual's head, neck, throat, chest, or groin, or deploy a 40-millimeter impact launcher at a distance of less than five (5) feet.

N/A

2. An officer ~~must~~ shall understand ~~that~~ there is an increased risk of serious physical injury when ~~deploying~~ using a 40_-millimeter impact launcher inside five (5) feet.

a. Because of an increased risk of serious physical injury may occur with 40-millimeter impact launcher deployments inside five (5) feet, an officer shall consider transitioning to other force options (e.g. expandable baton or ECW).

6

~~At distances inside five (5) feet, an officer should consider transitioning to other force options, (i.e.g., expandable baton or ECW).~~

3. An officer shall consider other available force options before ~~deploying~~ using a 40_-millimeter impact launcher on potentially at higher-risk individuals. The 40_-millimeter impact launcher should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat ~~level~~ to themselves, officers sworn personnel, or others.

5

C. Medical Attention After ~~the~~ Use of a 40_-millimeter Impact Launcher

N/A

1. Following the use of a 40-millimeter impact launcher and once it is safe to do so, an officer shall immediately call emergency medical services to the scene to provide medical attention, consistent with (See SOP Use of Force: General (refer to SOP Use of Force: General for sanction classifications and additional duties) for procedures concerning use of force and attention to injuries).

6

2. If emergency medical services personnel determine that the individual requires a medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

5

~~0. Following the use of a 40 millimeter impact launcher an officer shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. (See SOP Use of Force General for procedures concerning use of force and attention to injuries).~~



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- 6 1. ~~If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.~~

~~2-54-109~~ Intermediate Weapon Systemss Approved for Use by Specialized Units
(~~e.g., SWAT,~~
ERT)

- N/A A. Intermediate weapon systemss approved for use by specialized units shall be used in accordance with the Department use of force ~~policies~~ SOPs and their units' Procedural Orders.

REDLINED



2-55 USE OF FORCE: DE-ESCALATION (FORMERLY USE OF FORCE APPENDIX)

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

2-19 Response to Behavioral Health Issues

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 21-58 Amendment to SOP 2-55 Use of Force: De-escalation

2-55-1 Purpose

The purpose of this policy is to establish guidelines for sworn personnel of the Albuquerque Police Department (Department) regarding the use of de-escalation techniques during interactions with individuals in an effort to avoid unnecessarily escalating a situation, to gain voluntary compliance from an uncooperative individual, and to reduce or eliminate the need to use force.

2-55-2 Policy

When feasible, sworn personnel shall use de-escalation techniques. Policing, at times, requires sworn personnel to exercise control of a violent or resistant individual, or an individual experiencing a mental or behavioral health crisis. At other times, policing may require sworn personnel to serve as a mediator between parties, or to defuse a tense situation. Whenever possible and appropriate, sworn personnel should utilize de-escalation techniques consistent with their training before resorting to using force or to reduce the need for force. In many instances, these steps will allow sworn personnel additional time to assess the situation, request additional resources, and better formulate an appropriate response to the resistant individual, to include the use of communication skills in an attempt to diffuse the situation. However, de-escalation will not always be appropriate and sworn personnel should not place themselves or others in danger by delaying the use of less-lethal or even deadly force where warranted.

2-55-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.



6 2-55-4 **De-escalation Techniques and Guidelines**

- A. De-escalation techniques are proactive actions and approaches that sworn personnel use to gain voluntary compliance of the individual to reduce or eliminate the need to use force.
 - 1. The following list of de-escalation techniques is not intended to establish an order of priority in their use by sworn personnel. De-escalation techniques shall be used when feasible, and include, but are not limited to:
 - a. Using distance, cover, concealment, and/or time. These techniques allow sworn personnel to:
 - i. Assess the situation and their options; and
 - ii. Develop a plan to reduce or eliminate the need to use force.
 - b. Using intermediate barriers;
 - c. Requesting additional personnel and resources while waiting for their arrival;
 - d. Using active listening skills by sworn personnel to indicate engagement in conversation with an individual;
 - e. Employing verbal de-escalation, which may include:
 - i. Communicating with the individual in a conversational tone of voice;
 - ii. Beginning by asking questions rather than immediately issuing orders; and
 - iii. Advising the individual that disobeying orders and posing a threat to sworn personnel or others may result in the need to use force.
- B. When feasible, sworn personnel shall use advisements, warnings, verbal persuasion, or other techniques before using force.
- C. When feasible, given the facts and circumstances known to the officer at the time, they shall attempt to de-escalate and slow down situations without increasing the risk of harm to themselves, the individual, or others.
 - 1. When feasible, the officer should:
 - a. Gather information about the incident;
 - b. Assess the potential risks to the individual, the officer, and others;
 - c. Communicate and coordinate a response; and
 - d. Request and coordinate additional resources (e.g., Enhanced Crisis Intervention Training [ECIT] sworn personnel, Mobile Crisis Team (MCT), and Albuquerque Community Safety [ACS] Department) to best resolve the individual's crisis.
- D. An officer's approach to an individual can influence whether a situation escalates, resulting in the use of force.

- 5**
- 1. An officer shall avoid taking unnecessary actions, including actions that escalate a situation that may lead to the need to use force.



E. Sworn personnel shall:

1. Use de-escalation techniques when there is no threat that would require immediate action to prevent physical harm to the officer, the individual, or others;
2. When feasible, transition to other de-escalation techniques and strategies if these techniques are ineffective in gaining compliance from individuals; and
3. Document their verbal and non-verbal de-escalation techniques in their use of force documentation, including, but not limited to:
 - a. Active listening skills;
 - b. Tone of voice;
 - c. Body posture;
 - d. Personal space;
 - e. Eye contact; and
 - f. Empathy and compassion.

F. Commands and orders are not de-escalation techniques. Sworn personnel shall not document commands and orders as de-escalation techniques in their use of force documentation.

1. Commands may be used in addition to de-escalation techniques, but shall not be used in place of de-escalation techniques.

G. Should an individual fail to comply with lawful directions or commands, sworn personnel shall consider whether an individual's lack of compliance may be based upon the individual's inability to comprehend or comply.

1. When feasible, where sworn personnel identify the presence of one (1) of the following factors, they shall use de-escalation techniques to reduce or eliminate the need to use force:
 - a. The influence of drugs and/or alcohol;
 - b. A known or reasonably apparent mental illness or developmental disability;
 - c. The individual is experiencing a crisis incident;
 - d. A known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment; and
 - e. A language barrier.

N/A

H. If the individual is or appears to be in a mental or behavioral health crisis, sworn personnel should attempt to de-escalate and shall otherwise follow SOP Response to Behavioral Health Issues.



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- I. As soon as practicable, supervisors shall become involved in managing an overall response to potentially violent encounters by coordinating resources and an officer's response.

REDLINED



2-55 USE OF FORCE: DE-ESCALATION (FORMERLY USE OF FORCE APPENDIX)

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

2-19 Response to Behavioral Health Issues

~~2-52 Use of Force: General~~

~~2-53 Use of Force: Definitions~~

~~2-54 Intermediate Weapons~~

~~2-56 Use of Force: Reporting by Department Personnel~~

~~2-57 Use of Force: Review and Investigation by Department Personnel~~

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

~~SO 19-38 "De Minimis" in SOP 2-55-2 Rescinded~~

SO 21-58 Amendment to SOP 2-55 Use of Force: De-escalation

2-55-1 Purpose

The purpose of this policy is to establish guidelines for ~~officers~~ sworn personnel of the Albuquerque Police Department (Department) regarding the use of de-escalation techniques during interactions with individuals in an effort to avoid unnecessarily escalating a situation, to gain voluntary compliance from an uncooperative individual, and to reduce or eliminate the need to use force.

2-55-2 Policy

When feasible, ~~an officer~~ sworn personnel shall use de-escalation techniques. Policing, at times, requires ~~an officer~~ sworn personnel to exercise control of a violent or resistant individual, or an individual experiencing a mental or behavioral health crisis. At other times, policing may require ~~an officer~~ sworn personnel to serve as a mediator between parties, or to defuse a tense situation. Whenever possible and appropriate, ~~shall~~ sworn personnel should use utilize de-escalation techniques consistent with their training before resorting to using force or to reduce the need for force. In many instances, these steps will allow ~~officers~~ sworn personnel additional time to assess the situation, request additional resources, and better formulate an appropriate response to the



resistant individual, to include the use of communication skills in an attempt to diffuse the situation. However, de-escalation will not always be appropriate and sworn personnel should not place themselves or others in danger by delaying the use of less-lethal or even deadly force where warranted.

2-55-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

~~De-escalation~~

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~~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, consistent with. (See SOP Response to Behavioral Health Issues.)~~

2-55-4 De-escalation Techniques and Guidelines

6

A. De-escalation techniques are proactive actions and approaches that ~~an officer~~ sworn personnel uses to gain voluntary compliance of the individual to reduce or eliminate the need to use force.

1. The following list of de-escalation techniques is not intended to establish an order of priority in their use by sworn personnel. De-escalation techniques shall be used when feasible, and include, but are not limited to:

- a. Using distance, cover, concealment, and/or time. These techniques allow ~~an officer~~ sworn personnel to:
 - i. Assess the situation and their options; and
 - ~~Bring additional resources to the scene; and~~
 - ii. Develop a plan for resolving the incident to reduce or eliminate the need to ~~without using~~ use force.
- b. Using intermediate barriers;
- c. ~~When feasible, r~~ Requesting additional personnel and resources while waiting for their arrival;
- d. Using active listening skills by ~~an officer~~ sworn personnel to indicate engagement in conversation with an individual;
- e. Employing verbal de-escalation, which may include:
 - i. Communicating with the individual in a conversational tone of voice;
 - ii. Beginning by asking questions rather than immediately issuing orders; and
 - iii. Advising the individual that disobeying orders and posing an ~~an immediate~~ threat to sworn personnel or others may result in the need to use force.

~~C. An officer's approach to an individual can influence whether a situation escalates, resulting in the use of force.~~

5



~~1. An officer shall avoid taking unnecessary actions, including actions that escalate a situation that may lead to the need to use force.~~

~~1. An officer shall recognize that their elevated stress levels can have an adverse impact on individual interactions.~~

~~B. When feasible, an officer sworn personnel shall use advisements, warnings, verbal persuasion, and/or other techniques before using force.~~

~~C. When feasible, given the facts and circumstances known to the officer at the time, they officer shall attempt to de-escalate and slow down situations without increasing the risk of harm to the officer themselves, the individual, or others.~~

1. When feasible, the officer should:

- a. Gather information about the incident;
- b. Assess the potential risks to the individual, the officer, and others;
- ~~Coordinate resources;~~
- c. Communicate and coordinate a response; and
- d. Request and coordinate additional resources (e.g., Enhanced Crisis Intervention Training team [ECIT] sworn personnel, Mobile Crisis Team (MCT), and City of Albuquerque social services Albuquerque Community Safety [ACS] Department, and behavioral health services) to best resolve the individual's crisis.

~~D. An officer's approach to an individual can influence whether a situation escalates, resulting in the use of force.~~

5

1. An officer shall avoid taking unnecessary actions, including actions that escalate a situation that may lead to the need to use force.

~~An officer shall recognize that their elevated stress levels can have an adverse impact on individual interactions.~~

~~D. When feasible, an officer shall use advisements, warnings, verbal persuasion, and other techniques before using force.~~

E. Sworn personnel shall:

- 1. Use de-escalation techniques when there is no threat that would require immediate action to prevent physical harm to the officer, the individual, or others;
- 2. From SO 21-58: When feasible, transition to other de-escalation techniques and strategies if these techniques are ineffective in gaining compliance from individuals; and



~~When feasible, transition to other de-escalation techniques and strategies if those techniques are ineffective in gaining compliance from individuals; and~~

3. Document their verbal and non-verbal de-escalation techniques in their use of force documentation, including, but not limited to:

- a. Active listening skills;
- b. Tone of voice;
- c. Body posture;
- d. Personal space;
- e. Eye contact; and
- f. Empathy and compassion.

F. Commands and orders are not de-escalation techniques. Sworn personnel shall not document commands and orders as de-escalation techniques in their use of force documentation.

1. Commands may be used in addition to de-escalation techniques, but shall not be used in place of de-escalation techniques.

~~A. De-escalation techniques are proactive actions and approaches that an officer uses to gain voluntary compliance of the individual(s) to reduce or eliminate the need to use force. When force is necessary, an officer shall reduce the amount of force used as an individual's resistance decreases.~~

~~1. The following list of de-escalation techniques is not intended to establish an order of priority in their use by officers/sworn personnel.~~

~~2. De-escalation techniques shall be used when feasible, and include but are not limited to include, but may not be limited to:~~

- ~~Using distance, cover, concealment, and/or time. These techniques allow an officer to:~~
 - ~~A. Assess the situation and their options;~~
 - ~~B. Bring additional resources to the scene; and~~
 - ~~a. Develop a plan for resolving the incident without using force;~~
 - ~~b. Utilizing Using intermediate barriers;~~
 - ~~c. When feasible, requesting additional personnel and waiting for their arrival;~~
 - ~~d. Using active listening skills by an officer to indicate engagement in conversation with an individual;~~
 - ~~e. Employing verbal de-escalation, which may include:~~
 - ~~i. Communicating with the individual(s) in a conversational tone of voice; while~~
 - ~~considering additional resources (e.g., Enhanced Crisis Intervention Team [ECIT] officers/sworn personnel, Mobile Crisis Team (MCT)s, City of~~



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~~Albuquerque sSocial sServices, and bBehavioral hHealth sServices) to best resolve the individual's crisis;~~

- ~~ii. Beginning by asking questions rather than immediately issuing orders; and~~
- ~~iii. Advising the individual(s) of the actions that officerssworn personnel may take to end their crisis without the need to use force; and~~
- ~~iv. Warning Advising the individual that disobeying orders and posing an immediate threat to officerssworn personnel or others may result in the need to use force.~~

~~When a situation is escalated, sworn personnel shall attempt to de-escalate the situation. Commands may be used in addition to de-escalation techniques, but shall not be used in place of de-escalation techniques.~~

~~B. When reasonable, given the facts and circumstances known to the officer at the time, the officer shall attempt to de-escalate and slow down situations without increasing the risk of harm to the officer, the individual, or others.~~

~~1. When feasible, the officer should:~~

- ~~a. Gather information about the incident;~~
- ~~b. Assess the potential risks to the individual(s), the officer(s), and others;~~
- ~~c. Coordinate resources; and~~
- ~~Communicate and coordinate a response; and~~
- ~~Request additional resources (e.g., Enhanced Crisis Intervention Team [ECIT] sworn personnel, Mobile Crisis Team (MCT), City of Albuquerque social services, and behavioral health services) to best resolve the individual's crisis.~~
- ~~d. _____~~

~~G. Should an individual fail to comply with lawful directions or commands, an officersworn personnel shall consider whether an individual's lack of compliance may be based upon an the individual's inability to comprehend in order to or comply.~~

~~1. When feasible, W where sworn personnel an officer identifies the presence of one (1) of the following factors, they shall use shall use de-escalation techniques to reduce or eliminate the need to use force:~~

- a. The influence of drugs and/or alcohol;
- b. A known or reasonably apparent mental illness or developmental disability;
- c. The individual is experiencing a crisis incident;
- d. A known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment; and
- e. A language barrier.
- ~~e. _____~~

N/A

H. If the individual is or appears to be in a mental or behavioral health crisis, sworn personnel an officer should attempt to de-escalate and shall otherwise follow SOP Response to Behavioral Health Issues.



~~C. An officer's approach to an individual can influence whether a situation escalates, resulting in the use of force.~~

5

~~1. An officer shall avoid taking unnecessary actions, including actions that escalate a situation that may lead to the need to use force.~~

~~2. An officer shall recognize that their elevated stress levels can have an adverse impact on individual interactions.~~

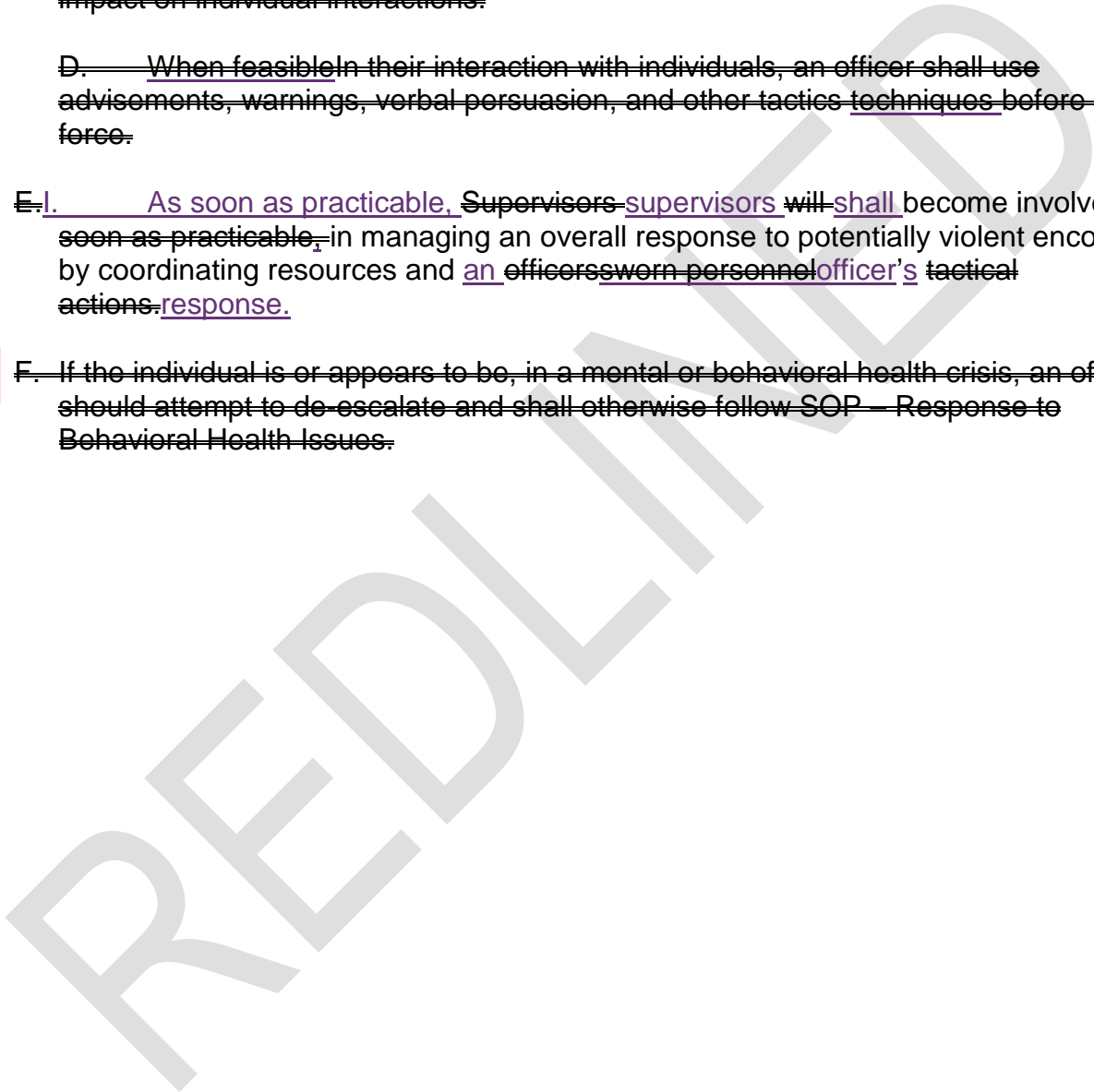
7

~~D. When feasible in their interaction with individuals, an officer shall use advisements, warnings, verbal persuasion, and other tactics techniques before using force.~~

~~E. I. As soon as practicable, Supervisors supervisors will shall become involved, as soon as practicable, in managing an overall response to potentially violent encounters by coordinating resources and an officers sworn personnel officer's tactical actions response.~~

N/A

~~F. If the individual is or appears to be, in a mental or behavioral health crisis, an officer should attempt to de-escalate and shall otherwise follow SOP Response to Behavioral Health Issues.~~





2-56 USE OF FORCE: REPORTING BY DEPARTMENT PERSONNEL

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-61 Internal Affairs Force Division (IAFD) (Currently 7-2 and 7-3)
- 2-8 Use of On-Body Recording Devices
- 2-53 Use of Force: Definitions
- 2-57 Use of Force: Review and Investigation by Department Personnel

B. Form(s)

- PD 1117 Use of Force Recorded Narrative Guide
- PD 1118 Use of Force Written Narrative for Involved and Witness Officers

C. Other Resource(s)

None

D. Rescinded Special Order(s)

- SO 22-17 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; On-Body Recording Device (OBRD) Footage Upload

2-56-1 Purpose

The purpose of this policy is to outline the requirements and guidelines for reporting uses of force by Albuquerque Police Department (Department) personnel and to outline the rules and guidelines for determinations about uses of force.

2-56-2 Policy

It is the policy of the Department to review all uses of force to determine whether the minimum amount of force was used and whether the force was reasonable and necessary.

N/A 2-56-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

7 2-56-4 Procedures

5 A. Procedures Following All Reportable Uses of Force



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1. All sworn personnel who used or witnessed any level of force, while on-duty or off-duty, regardless of rank, shall:
 - a. Following any use of force, immediately notify their on-duty supervisor. If the officer's immediate on-duty supervisor is unavailable, the officer shall notify another on-duty supervisor;
 - b. Document in a Uniform Incident Report and/or Supplemental Report any involvement in the use of force incident if they were on-scene or assisted with any aspect regarding the incident, including if they transported the individual;
 - c. Remain on-scene of a use of force or show of force incident until relieved by the responding on-duty supervisor or Internal Affairs Force Division (IAFD) Detective/Investigator; and
 - d. After the on-scene investigation is complete, upload the data from their electronic control weapon (ECW) and on-body recording device (OBRD) before the end of the officer's shift or call-out.
2. Involved and witness officers shall not discuss with each other the use of force until the interview and/or narratives are completed. If admonished not to discuss the use of force for a longer period of time, sworn personnel shall comply with the admonishment.
3. A supervisor who authorized a use of force shall document the circumstances for authorizing the force in a Supplemental Report.
4. A supervisor who ordered a use of force shall document the circumstances for ordering the force in a recorded narrative and/or completing the Use of Force Written Narrative for Involved and Witness Officers form.
5. A supervisor who was involved in or witnessed a reportable use of force, including by participating in or ordering the use of force, shall not be involved in reviewing the incident (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties).

N/A

- a. A supervisor who was involved in a use of force shall ensure another on-duty supervisor responds to the scene to investigate an officer's use of force.

B. Procedures for Non-Reportable Uses of Force

1. Sworn personnel, regardless of rank, shall complete a Uniform Incident Report or Supplemental Report for all non-reportable uses of force.
2. Sworn personnel shall document in a Uniform Incident Report the circumstances of an inadvertent covering of an individual with a weapon that is not a reportable Level 1 use of force.



5 C. Procedures Following Other Reportable Incidents

1. Following any prisoner injury, complaint of injury or pain, allegation of any use of force, or accidental discharge of a weapon system, sworn personnel shall document the incident in a Uniform Incident Report and shall immediately notify the on-duty supervisor.

N/A

- a. The on-duty supervisor who has been notified shall conduct an on-scene review, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties).

6 D. OBRD Footage of Use of Force Incident

1. Sworn personnel involved in a use of force shall not leave the scene without providing the responding supervisor access to their OBRD to review footage of the incident.
2. Upon request, sworn personnel who witnessed a use of force shall provide the responding supervisor access to their OBRD to review footage of the incident.

N/A

3. Consistent with SOP Use of On-Body Recording Devices, by the end of the employee's shift during which the use of force incident occurred, Department personnel shall upload OBRD footage capturing all use of force incidents in which they witnessed force, ordered force, used force, or were otherwise involved as directed by a supervisor (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).
 - a. If Department personnel are not physically capable of uploading their OBRD footage by the end of their shift during which the use of force incident occurred, the employee's immediate supervisor shall ensure the OBRD footage from the affected employee's OBRD is uploaded by the end of the employee's shift during which the use of force incident occurred.

6 E. Procedures Following Level 1 Use of Force

1. Sworn personnel shall provide the on-scene supervisor conducting the investigation a recorded and/or written narrative by the end of their shift.
 - a. Sworn personnel shall include in their narrative:
 - i. The reason for the initial police presence;
 - ii. A specific description of the facts that led to the use of force, including the behavior of the individual;
 - iii. The level of resistance from the individual; and



- iv. A description of each type of force used and justification for each use of force.
- b. Sworn personnel shall not use boilerplate, canned or conclusory language (e.g., “guided to the ground,” “offered resistance”) when providing a narrative of a use of force incident.

6

F. Procedures Following Level 2 and Level 3 Uses of Force

- 1. Sworn personnel shall provide the IAFD Detective/Investigator conducting the investigation a recorded and/or written narrative by the end of their shift.
 - a. Sworn personnel shall include in their narrative:
 - i. The reason for the initial police presence;
 - ii. A specific description of the facts that led to the use of force, including the behavior of the individual;
 - iii. The level of resistance from the individual; and
 - iv. A description of each type of force used and justification for each use of force.
 - b. Sworn personnel shall not use boilerplate, canned or conclusory language (e.g., “guided to the ground,” “offered resistance”) when providing a narrative of a use of force incident.
 - c. The IAFD Detective/Investigator may order a follow-up interview. The IAFD Detective/Investigator will schedule the follow-up interview, consistent with SOP Internal Affairs Force Division (IAFD).

6

G. Individuals Upon Whom Force Was Used

- 1. Sworn personnel shall have a lawful objective to detain individuals prior to detaining them for an administrative investigation.
 - a. Sworn personnel shall not detain individuals solely for the purpose of conducting administrative investigations; however, sworn personnel shall encourage individuals to remain on-scene and cooperate with the investigation.

H. Bystanders Who are Potential Witnesses to a Use of Force

- 1. Sworn personnel shall attempt to identify all potential witnesses of a use of force.
 - a. Sworn personnel shall document descriptions of all potential witnesses to a use of force who refuse to stay on-scene or who are unidentified.
 - b. Sworn personnel shall not detain witnesses solely for the purpose of conducting administrative investigations; however, sworn personnel shall encourage witnesses to remain on-scene and cooperate with the investigation.



7 2-56-5 Procedures for Unreported Uses of Force

A. Procedures for Unreported Uses of Force

1. General Procedures

- 5**
- a. Department personnel, regardless of rank, shall immediately report an unreported use of force incident to an on-duty supervisor when they have knowledge that the use of force by another officer has not been reported.
 - b. During a scheduled on-body recording device (OBRD) audit, Performance Metrics Unit personnel shall:
 - i. Notify the division head/commander of the involved officer of any potential unreported uses of force;
 - ii. Prepare a draft inspection findings report for the potential unreported use of force; and
 - iii. Provide the report to the division head/commander, or their designee, via email. The report shall include the case number, date of occurrence, and any available OBRD evidence.
 - c. The division head/commander shall assign the potential unreported use of force to a sworn supervisor for investigation.
 - d. Sworn supervisors who are notified of a potential unreported use of force or who discover an unreported use of force shall:
 - i. Classify the force;
 - ii. Generate the force entry in the IA database web application, within twenty-four (24) hours of identifying any unreported use of force without regard to the number of involved or witness officer(s); and
 - iii. Where it is determined that an unreported Level 1 use of force occurred by an officer(s), the division head/commander of the involved officer shall assign the use of force investigation to a supervisor to conduct the investigation of the unreported use of force; or
 - iv. Where it is determined that an unreported Level 2 or Level 3 use of force occurred by an officer(s), a supervisor, regardless of rank, shall immediately contact the Internal Affairs Force Division (IAFD) to conduct the force investigation, including any and all policy violations surrounding the failure to report the force.

2. Procedures Following Level 1 Unreported Uses of Force

- a. A supervisor who was involved in an unreported use of force by using force, was a witness to an unreported use of force, or ordered the use of force, shall not be involved in reviewing the incident, consistent with SOP Use of Force: Review and Investigation by Department Personnel.
- b. The supervisor conducting the investigation of the unreported use of force shall investigate in accordance with SOP Use of Force: Review and Investigation by



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Department Personnel, excluding the following on-scene investigation procedures:

- i. Examine personnel and the individual for injuries and request medical attention, where appropriate;
 - ii. Preserve any evidence located at the scene of a Level 1 use of force or higher; and
 - iii. Capture photographs of the officer(s) and the individual(s) involved in the Level 1 use of force.
- c. The investigating supervisor shall initiate an Internal Affairs Request (IAR) through the IA database web application for any and all policy violations identified during their investigation.
 - d. Where it is determined that no unreported use of force occurred by an officer(s), the investigating supervisor shall submit a non-force entry through the IA database web application, to include the results of their investigation.
 - e. The investigating supervisor shall document in writing the rationale for determining the incident in question did not involve a use of force.

3. Procedures Following Level 2 or Level 3 Unreported Use of Force

- a. The IAFD Investigator shall investigate unreported Level 2 and Level 3 uses of force consistent with SOP Use of Force: Review and Investigation by Department Personnel, excluding the following on-scene investigation procedures:
 - i. Examine personnel and the individual for injuries and request medical attention, where appropriate;
 - ii. Advise the individual involved in the use of force incident of their rights where it is necessary to gather additional information about injuries;
 - iii. Preserve any evidence located at the scene; and
 - iv. Canvass for witness(s).
- b. The IAFD Investigator shall initiate an IAR through the IA database web application for any and all policy violations identified during their force investigation, including any and all policy violations surrounding the failure to report the force.
- c. Where it is determined that no unreported use of force occurred by an officer(s), an IAFD Investigator shall submit a non-force entry through the IA database web application, to include the results of their investigation.



2-56 USE OF FORCE: —REPORTING BY DEPARTMENT PERSONNEL

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

1-61 Internal Affairs Force Division (IAFD) (Currently 7-2 and 7-3)

2-8 Use of On-Body Recording Devices

~~6-8 1-92 Specialized Tactical Units (Formerly SOP 6-8) is unpublished/restricted)~~

~~2-8 Use of the On-Body Recording Devices~~

~~2-16 Records~~

~~2-19 Response to Behavioral Health Issues~~

~~2-45 Pursuit by Motor Vehicle~~

~~2-52 Use of Force: —: General~~

~~2-53 Use of Force: —: Definitions~~

~~2-54 Intermediate Weapon Systems~~

~~2-55 Use of Force: —: De-escalation~~

~~2-57 Use of Force: —: Review and Investigation by Department Personnel~~

~~2-82 Restraints and Transportation of Individuals~~

~~6-8 Specialized Tactical Units (SOP 6-8 is unpublished/restricted)~~

B. Form(s)

PD 1117 Use of Force Recorded Narrative Guide

PD 1118 Use of Force Written Narrative for Involved and Witness Officers Sworn Personnel Officers

C. Other Resource(s)

None

D. Rescinded Special Order(s)

~~SO 19-118 Use and Reporting of Chemical Munitions and Noise Flash Diversionary Devices~~

~~SO 21-65 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel~~

~~SO 22-## Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; Narrative Timeline (MUST ADD SO MATERIAL)~~

~~SO 22-## Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; Procedures for Unreported Uses of Force~~

SO 22-17 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; On-Body Recording Device (OBRD) Footage Upload



2-56-1 Purpose

~~The purpose of this policy is to describe the responsibilities of all Albuquerque Police Department personnel to report use of force, whether an officer is witness to a use of force or involved in a use of force, so that reviewers and investigators can determine whether such force was reasonable, necessary under the circumstances, and proportional to the threat or resistance of the individual. The purpose of this policy is to establish the requirements for Albuquerque Police Department (Department) personnel to classify and report uses of force, and to establish the rules for determining whether the force was reasonable, and, necessary, proportional, and the minimum amount of force necessary.~~
The purpose of this policy is to outline the requirements and guidelines for reporting uses of force by Albuquerque Police Department (Department) personnel and to outline the rules and guidelines for determinations about uses of force.

2-56-2 Policy

It is the policy of the Department to review all uses of force to determine whether the minimum amount of force was used and whether the force was reasonable and necessary.
~~It is the policy of the Albuquerque Police Department (Department) An officer shall to immediately notify a supervisor and document any use of force in order to facilitate the review and investigation of such incidents.~~

~~An officer Sworn personnel witnessing or learning about use of force by another officer shall completely, thoroughly, and accurately report such incidents to the appropriate supervisor.~~

N/A 2-56-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

~~2-56-3 Classification of Use of Force by Department Personnel~~

7 ~~The Department utilizes a force classification system that takes into consideration the likelihood and degree of pain or injury to the individual which determines the appropriate review or investigation by a supervisor in the officer's chain of command or an investigator with the Force Investigation Section (FIS).~~

A. ~~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.~~

1. ~~This includes techniques that 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).~~



~~2. Shows of force, including: pointing a firearm, beanbag shotgun, 40 millimeter impact launcher, OC spray, or ECW at an individual, or using an ECW to "paint" an individual with the laser sight or utilizing a warning arc. A show of force is reportable as a Level 1 use of force.~~

~~3. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.~~

~~B. **Level 2 Use of Force:** Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.~~

~~1. 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 impact launcher, including where it is fired at an individual but misses;~~

~~c. OC spray use including where it is sprayed at an individual but misses;~~

~~d. Empty hand techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and~~

~~e. Strikes and attempted strikes with impact weapons.~~

~~i. This excludes strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40 millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon, which are considered Level 3 uses of force.~~

~~C. **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.~~

~~1. Level 3 use of force includes:~~

~~a. Use of deadly force;~~

~~b. Critical firearm discharges;~~

~~c. Use of force resulting in death or serious physical injury;~~

~~d. Use of force resulting in hospitalization;~~

~~e. Strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40 millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon;~~

~~f. Use of force resulting in a loss of consciousness;~~

~~g. Police Service Dog 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 or improvised impact weapon; and~~



~~I. Any Level 2 use of force against a handcuffed individual.~~

~~2-56-4 2-56-443 Use of Force Reporting Procedures Following Use of Force~~

5 ~~Reportable and Non Reportable Uses of Force~~

~~The following actions by sworn personnel are not defined as reportable uses of force or shows of force:~~

~~Physical contact solely for the purpose of rendering aid is not a reportable use of force;~~

~~An inadvertent covering of an individual with a weapon is not a reportable use of force;~~

~~A complaint of pain from handcuffing during a non force incident is not a reportable use of force, consistent with SOP Use of Force: Definitions;~~

~~The use of a low level control tactic is not a reportable use of force, consistent with SOP Use of Force: Definitions; and~~

~~A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual, consistent with SOP Use of Force: Definitions.~~

~~A Level 1, Level 2, and Level 3...~~

~~A ... (continued)~~

N/A ~~Adherence to Use of Force Standard Operating Procedures~~

~~Before reporting a use of force, all sworn personnel, regardless of rank, shall abide by the requirements set forth in:~~

- ~~SOP Use of Force: General;~~
- ~~SOP Use of Force: Definitions;~~
- ~~SOP Intermediate Weapon Systems; and~~
- ~~SOP Use of Force: De-escalation.~~

~~General Requirements Following Procedures for Non Reportable Uses of Force~~

~~Consistent with SOP Use of Force: General Definitions, the following: The following actions by sworn personnel are not defined as reportable uses of force or shows of force:~~

~~Physical contact solely for the purpose of rendering aid is not a reportable use of force;~~

~~An brief and unintentional covering of an individual with a weapon system is not a reportable Level 1 use of force;~~



- ~~— A non force complaint of pain from handcuffing during a non force incident is not a reportable use of force, consistent with SOP Use of Force: Definitions;~~
- ~~— The use of a low level control tactic is not a reportable use of force, consistent with SOP Use of Force: Definitions; and~~
- ~~— A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual, consistent with SOP Use of Force: Definitions.~~

~~— Sworn personnel, regardless of rank, shall complete a Uniform Incident Report or Supplemental narrative Report for all for non-reportable uses of force.~~

~~— Sworn personnel, regardless of rank, shall notify an on-duty supervisor before leaving the scene when they have the officer has engaged in a brief and unintentional covering of an individual with a weapon that is not a reportable Level 1 use of force. Sworn personnel shall document in a Uniform Incident Report the circumstances of a brief and unintentional inadvertent covering of an individual with a weapon that is not a reportable Level 1 use of force.~~

~~— Procedures Following Other Reportable Incidents~~

~~— Following any prisoner injury, complaint of injury or pain, allegation of any use of force, or accidental discharge of a weapon system, sworn personnel shall document the incident in a Uniform Incident Report and shall immediately notify the on-duty supervisor.~~

N/A

~~— The on-duty supervisor who has been notified shall conduct an on-scene review, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties).~~

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A. Procedures Following All Reportable **Levels of Uses of Force** Uses of Force

1. All sworn personnel who used or witnessed any level of force, while on-duty or off-duty, regardless of rank, shall:
 - a. **Immediately notify their on-duty supervisor** ~~Following any use of force, prisoner injury, complaint of injury or pain, allegation of any use of force, or show of force, or accidental discharge of a weapon system, regardless of whether the injury or use of force was unintentional or unavoidable,~~ immediately notify their on-duty supervisor. If the officer's immediate on-duty supervisor is unavailable, the officer shall notify another on-duty supervisor;

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~~Sworn personnel, regardless of rank, are not required to notify their chain of command when they use low-level control tactics, consistent with SOP Use of Force: Definitions.~~

~~1. Complete a Uniform Incident Report and/or supplemental narrative report when using low-level control tactics.~~

~~Immediately notify their on-duty supervisor of their use of an intermediate weapon system, consistent with SOP Intermediate Weapon Systems;~~

~~Sworn personnel, regardless of rank, shall notify an on-duty supervisor before leaving the scene when the officer has engaged in a brief and unintentional covering is not a reportable Level 1 use of force. Personnel must notify an on-duty supervisor before leaving the scene.~~

~~Sworn personnel, regardless of rank, shall complete a Uniform Incident Report to document the low-level control tactic and/or unintentional covering of an individual with a weapon system.~~

~~If they were a witness to any level of use of force or show of force, notify an on-duty supervisor;~~

~~b. Document in a Uniform Incident Report and/or Supplemental narrative Report any their involvement in the use of force incident, or if they were on-scene, or assisted with any aspect regarding the incident, or when including if they transported the individual in a Uniform Incident Report and/or supplemental narrative report;~~

~~If an intermediate weapon system was used, sworn personnel shall document any unintentional covering of the individual.~~

~~Write a Uniform Incident Report and/or a supplemental narrative report if they were on-scene or assisted with any aspect regarding the incident, or when transporting the individual.~~

~~=====~~

~~a. If they were a witness to any level of use of force or show of force, notify an on-duty supervisor;~~

~~c. Remain on-scene of a use of force or show of force incident until relieved by the responding on-duty supervisor or an Internal Affairs Force Division (IAFD) Detective/Investigator. This includes witness and involved sworn personnel; and~~

~~Sworn personnel who witness the use of force incidents shall remainstay on scene until the responding on-duty supervisor accesses their OBRD to review footage of the incident and releases them from the scene.~~

~~d. After the on-scene investigation is complete, upload the data from their electronic control weapon (ECW) and on-body recording device (OBRD) before the end of the officer's their shift or call-out.~~

~~Use of an ECW included pointing, painting, arcing, unintentionally covering, discharging, and accidentally discharging their ECW cartridge the weapon induring a use of force incident shall be consistent with SOP Intermediate Weapon Systems.~~

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~~c. Write a Uniform Incident Report and/or a supplemental narrative report if they were on scene or assisted with any aspect regarding the incident, or when transporting the individual.~~

~~2. Involved and witness officers shall not discuss with each other the use of force until the interview and/or narratives are completed. If admonished instructed admonished not to discuss the use of force for a longer period of time, sworn personnel officers shall comply with the admonishment these instructions the admonishment.~~

~~From SO 21-65: Involved and witness officers shall not discuss with each other the use of force until the interview and/or narratives are completed. If admonished not to discuss the use of force for a longer period of time, officers shall comply with the admonishment.~~

~~Sworn personnel shall immediately report use of force to their chain of command when involved in off-duty enforcement action.~~

~~3. A supervisor who authorized a use of force shall document the circumstances for authorizing the force in a Uniform Incident Reports Supplemental narrative Report.~~

~~4. A supervisor who ordered a use of force shall document the circumstances for ordering the force in a Uniform Incident Report and/or a recorded narrative and/or force completing the Use of Force Written Narrative for Involved and Witness Officers form and/or force written narrative.~~

N/A

~~5. A supervisor who was involved in or witnessed a reportable use of force, including by participating in or ordering the use of force, shall not be involved in reviewing the incident (refer to, consistent with SOP Use of Force: Review and Investigation By Department Personnel for sanction classifications and additional duties).~~

~~a. A supervisor who was involved in a use of force shall ensure another on-duty supervisor responds to the scene to investigate an officer's use of force.~~

B. Procedures for Non-Reportable Uses of Force

1. Sworn personnel, regardless of rank, shall complete a Uniform Incident Report or Supplemental Report for all non-reportable uses of force.

2. Sworn personnel shall document in a Uniform Incident Report the circumstances of an inadvertent covering of an individual with a weapon that is not a reportable Level 1 use of force.

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C. Procedures Following Other Reportable Incidents



1. Following any prisoner injury, complaint of injury or pain, allegation of any use of force, or accidental discharge of a weapon system, sworn personnel shall document the incident in a Uniform Incident Report and shall immediately notify the on-duty supervisor.

N/A

a. The on-duty supervisor who has been notified shall conduct an on-scene review, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties).

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D. OBRD Footage of Use of Force Incident

1. Sworn personnel involved in a use of force shall not leave the scene without providing the responding supervisor access to their OBRD to review footage of the incident.

2. Upon request, sworn personnel who witnessed a use of force shall provide the responding supervisor access to their OBRD to review footage of the incident.

N/A

3. Consistent with SOP Use of On-Body Recording Devices, by the end of the employee's shift during which the use of force incident occurred, Department personnel shall upload OBRD footage capturing all use of force incidents in which they witnessed force, ordered force, used force, or were otherwise involved as directed by a supervisor (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).

a. If Department personnel are not physically capable of uploading their OBRD footage by the end of their shift during which the use of force incident occurred, the employee's immediate supervisor shall ensure the OBRD footage from the affected employee's OBRD is uploaded by the end of the employee's shift during which the use of force incident occurred.

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E. Procedures Following Level 1 Use of Force

1. ~~An officer~~ Sworn personnel shall provide to the on-scene supervisor conducting the investigation a recorded and/or written narrative (Use of Force Written Narrative for Involved and Witness Sworn Personnel) written or recorded use of force narrative completed Use of Force Recorded Narrative Guide or the Use of Force Written Narrative for Involved and Witness Officers of the facts leading to the Level 1 use of force by the end of their shift to the supervisor conducting the review or the Force Investigation Section (FIS) Detective conducting the investigation.

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~~Sworn personnel The on scene supervisor may allow the use of force narrative to be completed by the end of the officer's subsequent shift; however, if the officer has any type of leave scheduled for the officer's next shift, the use of force narrative (written or recorded) will have to be completed by the end of the officer's shift.~~

~~At the order of the on scene supervisor or the Force Investigation Section (FIS) Detective, the officer shall complete Form the Use of Force Recorded Narrative Guide or the Form Use of Force Written Narrative for Involved and Witness Officers.~~

~~An officer shall describe with specificity the actions taken by the officer and the individual(s) in the Use of Force Written Narrative for Involved and Witness Sworn Personnel use of force narrative form.~~

~~An officer shall not use boilerplate, canned or conclusory language (e.g., "guided to the ground," "offered resistance") when providing a narrative of a use of force incident.t.~~

- a. Sworn personnel shall include in their narrative:
 - i. The reason for the initial police presence;
 - ii. A specific description of the facts that led to the use of force, including the behavior of the individual(s);
 - iii. The level of resistance from the individual(s); and
 - iv. A description of each type of force used and justification for each use of force.
- b. Sworn personnel shall not use boilerplate, canned or conclusory language (e.g., "guided to the ground," "offered resistance") when providing a narrative of a use of force incident.

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F. Procedures Following Level 2 and Level 3 Uses of Force

~~Sworn personnel shall provide the Sworn personnel An officer who has used or witnessed Level 2 or Level 3 force shall remain on scene until contacted by an investigator with the Internal Affairs Force Division (IAFD) the Force Investigation Section (FIS).~~

1. At the order of the FIS an IAFD Detective/Investigator conducting the investigation a , the officer shall complete the recorded and/or written narrative (Use of Force Recorded Narrative Guide or the Use of Force Written Narrative for Involved and Witness Sworn Ppersonnel) by the end of their shift.;

- a. Sworn personnel shall include in their narrative:
 - i. The reason for the initial police presence;
 - ii. A specific description of the facts that led to the use of force, including the behavior of the individual(s);



- iii. The level of resistance from the individual(s); and
- iv. A description of each type of force used and justification for each use of force.

b. Sworn personnel shall not use boilerplate, canned or conclusory language (e.g., “guided to the ground,” “offered resistance”) when providing a narrative of a use of force incident.

~~An officer shall describe with specificity the actions taken by the officer and the individual(s) in the Form Use of Force Written Narrative for Involved and Witness Sworn personnel.~~

~~An officer shall not use boilerplate, canned or conclusory language (e.g., “guided to the ground,” “offered resistance”) when providing a narrative of a use of force incident.~~

~~An officer shall provide to the FIS Detective conducting the investigation a written or recorded use of force narrative of the facts leading to the Level 2 or Level 3 use of force by the end of their shift to the FIS Detective conducting the investigation.~~

~~The FIS Detective may allow the Use of Force Written Narrative for Involved and Witness Sworn Personnel written use of force narrative form to be completed by the end of the officer’s subsequent shift; however, if the officer has any type of leave scheduled for the officer’s next shift, the Use of Force Written Narrative for Involved and Witness Sworn Personnel use of force written narrative shall be completed by the end of the officer’s shift.~~

c. The FIS Detective/AFD Detective/Investigator may order a recorded narrative follow-up interview. The FIS Detective/AFD Detective/Investigator will schedule the recorded narrative follow-up interview, consistent with SOP Internal Affairs Force Division (IAFD).

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~~i. Individuals and Witnesses to Upon Whom Force Was Used of Force~~
G.

~~Sworn personnel shall have a lawful objective to detain individuals prior to detaining them for an administrative investigation;~~

~~Sworn personnel shall attempt to identify all potential witnesses of a use of force.~~

~~Sworn personnel shall At the order of the FIS Detective, the officer shall complete the Form Use of Force Recorded Narrative Guide or the Form Use of Force Written Narrative for Involved and Witness Sworn personnel.~~

~~An officer shall describe with specificity the actions taken by the officer and the individual(s) in the Form Use of Force Written Narrative for Involved and Witness Sworn personnel.~~

~~An officer shall not use boilerplate, canned or conclusory language (e.g., “guided to the ground,” “offered resistance”) when providing a narrative of a use of force incident.~~



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~~— An officer who has used Level 2 or Level 3 force shall remain on scene until contacted by an investigator with the Force Investigation Section.~~

~~— An officer who has used Level 2 or Level 3 force shall provide the investigator with the FIS a written or recorded statement concerning the incident. The statement shall include:~~

~~— A detailed account of the incident from the officer's perspective;~~

~~— The reason for the initial police presence;~~

~~— A specific description of the acts that led to the use of force, including the behavior of the individual(s);~~

~~— The level of resistance from the individual; and~~

~~— A description of each type of force used and justification for each use of force.~~

~~— Procedures Following Use of Chemical Munitions and Noise Flash Diversionary Devices (NFDD) Incident~~

~~— Noise Flash Diversionary Devices (NFDD)~~

~~— Only Tactical Section personnel shall deploy an NFDDs will only be deployed by tactical personnel upon authorization from a Tactical Section supervisor.~~

~~— If there are exigent circumstances and a Tactical Section officer has to react immediately to prevent harm to sworn personnel or civilians, then the Tactical Section officer may deploy an NFDD without prior authorization from a Tactical Section supervisor.~~

~~— When a Tactical Section officer deploys an NFDD without prior authorization from a Tactical Section tactical supervisor due to exigent circumstances, the Tactical Section tactical officer shall immediately notify a Tactical Section tactical supervisor when it is safe to do so, and the Tactical Section tactical officer will comply with the documentation protocols, consistent with SOP Specialized Tactical Units.~~

~~— Tactical Section personnel shall document all NFDD. The deployments of all NFDDs will be documented. The documentation shall include:~~

~~— A description of the reasons for deployment;~~

~~— A description of the exigent circumstances, if any, leading to the deployment of an NFDD without tactical supervisory authorization;~~

~~— The method of deployment;~~

~~— The effects of the deployment;~~

~~— A description of any injuries or property damage resulting from the deployment; and~~

~~— An assessment of the outcomes of the deployment.~~

~~— If an NFDD is deployed inside a structure or near a vehicle, or if using an NFDD causes injury, was reasonably expected to cause injury, or results in a complaint of injury, it shall be reported to and investigated by IAFD as a Level 2 use of force.~~



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- ~~— If using an NFDD results in serious physical injury, hospitalization, or death, it shall be reported to and investigated by IAFD as a Level 3 use of force.~~
- ~~— NFDD Deployments and Structures:~~
- ~~— NFDD deployments inside a structure are considered uses of force.~~
- ~~— If the pressure from the NFDD blast causes the individual to complain of pain or exhibit signs or symptoms of pain, or if the pressure causes damage to the structure, the use of the NFDD shall be reported and investigated as a Level 2 or 3 use of force, based on the criteria above.~~
- ~~— If an NFDD is deployed outside a structure and is used as a means to gain the attention of an individual, it will not be considered a use of force.~~
- ~~— NFDD Deployments and Vehicles:~~
- ~~— NFDD deployments inside a vehicle are considered a use of force.~~
- ~~— NFDD deployments used near a vehicle are a use of force. If an NFDD is used as a means to gain the attention of an individual that is inside a vehicle or recreational vehicle, it shall not be deployed close enough for the pressure from the NFDD blast to affect the individual. Such a deployment will be considered a Level 1 use of force unless the individual complains of pain or exhibits signs or symptoms of pain.~~
- ~~— If the pressure from the NFDD blast causes the individual to complain of pain or exhibit signs or symptoms of pain, or if the pressure causes damage to the vehicle, the use of the NFDD shall be reported and investigated as a Level 2 or 3 use of force, based on the criteria above.~~
- ~~— SOD supervisors shall will investigate Level 1 uses of force and shows of force, consistent with SOP Use of Force: Review and Investigation by Department Personnel.~~
- ~~— If an NFDD fails to detonate, (someone) shall immediately contact the Explosive Ordnance Device (EOD) Unit will be contacted immediately and they shall will respond to employ render safe procedures.~~
- ~~— Even if the structure or vehicle is vacant, the deployment of an NFDD inside a structure or inside or near a vehicle will shall be reported and investigated as a use of force.~~
- ~~—~~
- ~~— Chemical Munitions~~
- ~~—~~
- ~~— Department personnel may use (The following types of chemical munitions are used by the Department:~~
- ~~— CS Tri-Chamber;~~
- ~~— CS Triple Chaser;~~
- ~~— CS Hand Ball;~~
- ~~— OC Vapor Aerosol;~~
- ~~— 40 mm Ferret Barricade Round, OC; and~~
- ~~— 40 mm Ferret Barricade Round, CS.~~
- ~~— The deployment of chemical munitions shall be considered, at a minimum, a Level 2 use of force and shall be reported to and investigated by Internal Affairs Force Division (IAFD) personnel. IAFD personnel will determine whether the deployment~~



~~was a Level 2 or Level 3 use of force, consistent with SOP Use of Force: Definitions.~~

~~Even if the structure is vacant, the deployment of a chemical munition inside or outside of a structure will shall be reported and investigated as a use of force, including vacant structures document.~~

~~descriptions of all potential witnesses who refuse to stay on scene or who are unidentified.~~

~~1. Sworn personnel shall not detain individuals solely for the purpose of conducting administrative investigations; however, sworn personnel shall encourage individuals to remain on scene and cooperate.~~

~~a. Sworn personnel shall not detain individuals solely for the purpose of conducting administrative investigations; however, sworn personnel shall encourage individuals to remain on-scene and cooperate with the investigation.~~

~~Sworn personnel shall attempt to identify all potential witnesses of a use of force.~~

~~Sworn personnel shall document descriptions of all potential witnesses who refuse to stay on scene or who are unidentified.~~

H. Community Members Who are Bystanders Who are Potential Witnesses to a Uses of Force

1. Sworn personnel shall attempt to identify all potential witnesses of a use of force.

a. Sworn personnel shall document descriptions of all potential witnesses to a uses of force who refuse to stay on-scene or who are unidentified.

b. Sworn personnel shall not detain witnesses solely for the purpose of conducting administrative investigations; however, sworn personnel shall encourage individuals witnesses to remain on-scene and cooperate with the investigation.

7 2-56-56 Procedures for Unreported Uses of Force

A. Procedures for Unreported Uses of Force

1. General Procedures

5 a. Department personnel, regardless of rank, shall immediately report an unreported use of force incident to an on-duty supervisor when they have knowledge that the use of force by another officer has not been reported.

b. During a scheduled on-body recording device (OBRD) audit, Performance Metrics Unit personnel shall:

i. Notify the division head/commander of the involved officer of any potential unreported uses of force;



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- ii. Prepare a draft inspection findings report for the potential unreported use of force; and
- iii. Provide the report to the division head/commander, or their designee, via email. The report shall include the case number, date of occurrence, and any available OBRD evidence.
- c. The division head/commander shall assign the potential unreported use of force to a sworn supervisor for investigation.
- d. Sworn supervisors who are notified of a potential unreported use of force or who discover an unreported use of force shall:
 - i. Classify the force;
 - ii. Generate the force entry in the IA database web application, within twenty-four (24) hours of identifying any unreported use of force without regard to the number of involved or witness officer(s); and
 - iii. Where it is determined that an unreported Level 1 use of force occurred by an officer(s), the division head/commander of the involved officer shall assign the use of force investigation to a supervisor to conduct the investigation of the unreported use of force; or
 - iv. Where it is determined that an unreported Level 2 or Level 3 use of force occurred by an officer(s), a supervisor, regardless of rank, shall immediately contact the Internal Affairs Force Division (IAFD) to conduct the force investigation, including any and all policy violations surrounding the failure to report the force.

2. Procedures Following Level 1 Unreported Uses of Force

- a. A supervisor who was involved in an unreported use of force by using force, was a witness to an unreported use of force, or ordered the use of force, shall not be involved in reviewing the incident, consistent with SOP Use of Force: Review and Investigation by Department Personnel.
- b. The supervisor conducting the investigation of the unreported use of force shall investigate in accordance with SOP Use of Force: Review and Investigation by Department Personnel, excluding the following on-scene investigation procedures:
 - i. Examine personnel and the individual for injuries and request medical attention, where appropriate;
 - ii. Preserve any evidence located at the scene of a Level 1 use of force or higher; and
 - iii. Capture photographs of the officer(s) and the individual(s) involved in the Level 1 use of force.
- c. The investigating supervisor shall initiate an Internal Affairs Request (IAR) through the IA database web application for any and all policy violations identified during their investigation.
- d. Where it is determined that no unreported use of force occurred by an officer(s), the investigating supervisor shall submit a non-force entry through the IA database web application, to include the results of their investigation.



e. The investigating supervisor shall document in writing the rationale for determining the incident in question did not involve a use of force.

3. Procedures Following Level 2 or Level 3 Unreported Use of Force

a. The IAFD Investigator shall investigate unreported Level 2 and Level 3 uses of force consistent with SOP Use of Force: Review and Investigation by Department Personnel, excluding the following on-scene investigation procedures:

- i. Examine personnel and the individual for injuries and request medical attention, where appropriate;
- ii. Advise the individual involved in the use of force incident of their rights where it is necessary to gather additional information about injuries;
- iii. Preserve any evidence located at the scene; and
- iv. Canvass for witness(s).

b. The IAFD Investigator shall initiate an IAR through the IA database web application for any and all policy violations identified during their force investigation, including any and all policy violations surrounding the failure to report the force.

c. Where it is determined that no unreported use of force occurred by an officer(s), an IAFD Investigator shall submit a non-force entry through the IA database web application, to include the results of their investigation.

~~_____~~
~~A. of Officers Who Use Force~~

~~_____~~
~~All officers sworn personnel, regardless of rank, shall:~~

5

~~_____~~
~~_____~~
~~_____~~
~~All officers, regardless of rank, shall immediately notify their on-duty supervisor following any use of force, prisoner injury, complaint of injury or pain, allegation of any use of force, or show of force, regardless of whether the injury or use of force was unintentional or unavoidable. If the officer's immediate on-duty supervisor is unavailable, the officer shall notify an on-duty supervisor.~~

~~_____~~
~~Officers Sworn personnel, regardless of rank, are not required to notify their chain of command when they use low level control tactics, consistent with (see SOP Use of Force: Definitions).~~

~~i. 1. Complete a Uniform Incident Report and/or supplemental narrative report when using low level control tactics. Sworn personnel shall document their use of low level control tactics in their Uniform Incident Report.~~

~~_____~~
~~ii. Officers Sworn personnel, regardless of rank, shall notify an on-duty supervisor before leaving the scene when the officer has engaged in a brief and unintentional covering is not a reportable Level 1 use of force. Personnel must notify an on-duty supervisor before leaving the scene.~~



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~~Officers Sworn personnel, regardless of rank, shall complete a Uniform Incident Report to document the low level control tactic and/or unintentional covering of an individual with a weapon system.~~

~~1.~~

~~If the initial assessment by the supervisor concludes that an individual's injury was not the result of a use of force, this assessment shall be documented on Department memorandum and forwarded using BlueTeam through the chain of command to IAFD for statistical tracking.~~

~~An officer shall immediately report use of force to their chain of command when involved in off duty enforcement action.~~

~~Shall document the use of force he incident in a Uniform Incident Report original and/or supplemental incident narrative report; a brief~~

~~If an intermediate weapon system was used, document any and unintentional covering of a non individual with any weapon system.~~

~~2. If they were a witness to any level of use of force or show of force, An officer is not required to notify their chain of command when they use low level control tactics. (See SOP Use of Force Definitions.) Shall write a original Uniform Incident Report and/or supplemental narrative report when using low level control tactics, had a prisoner injury, or an allegation of a use of force.~~

N/A

~~An officer to include supervisors who witnesses or is involved in a use of force or show of force shall notify an on duty supervisor when they witness any level of use of force or show of force.~~

5

~~If the officer's immediate on duty supervisor is unavailable, the officer shall notify an on duty supervisor.~~

~~3. nother field supervisor when their immediate, on duty supervisor is unavailable.~~

6

~~An officer Witness and involved officers sworn personnel shall remain on the scene of a use of force or show of force incident until relieved by the responding on duty supervisor. This includes witness and involved sworn personnel;~~

~~Sworn personnel who witness the use of force incident shall stay on scene until the responding on duty supervisor accesses their OBRD to review footage of the incident and releases them from the scene.~~

~~4.~~

~~After the on scene investigation is complete, upload the data from their ECW and OBRD before the end of their shift;~~

5

~~An officer shall immediately report an unreported use of force incident to an on duty supervisor when they have knowledge of the use of force by another officer he learns~~



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~~of an unreported use of force by another officer shall immediately report the incident to their on-duty supervisor.~~

~~5.~~

1-6

~~6. All officers shall activate their on-body recording device (OBRD) and record all on-duty use of force incidents, in accordance with consistent with SOP Use of the On-Body Recording Devices. Officers sworn personnel who do not record use of force incidents shall be subject to discipline, up to and including termination.~~

~~If the immediate activation of an OBRD is not feasible due to immediate risk to the safety of the Department personnel or others, then the Department personnel shall activate the OBRD when it is safe to do so, consistent with SOP Use of On-Body Recording Devices.~~

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~~6. If for any reason officers sworn personnel do not capture the entire use of force incident on their OBRD, officers sworn personnel shall document the reason for the failure to record part or all of the use of force incident in their use of force report.~~

~~An officer using an ECW during to include de pointing, painting, arcing, unintentionally covering, or discharging, and accidentally discharging their ECW cartridge the weapon in a use of force incident the officer shall upload/download the data from their ECW device prior to the beginning of the officer's their next shift, consistent with SOP Intermediate Weapon Systems.~~

~~Write a Uniform Incident Report and/or a supplemental narrative report if they were on scene or assisted with any aspect regarding the incident, or when transporting the individual.~~

~~Involved and witness officers shall not discuss with each other the use of force until the interview and/or narratives are completed. If admonished not to discuss the use of force for a longer period of time, officers shall comply with the admonishment.~~

~~7. Officers sworn personnel shall upload the data from their ECW prior to the beginning of their next shift for accidental discharges of an ECW cartridge.~~

~~8.~~

~~A supervisor who was involved in a reportable use of force, including by participating in or ordering the use of force, shall not be involved in reviewing the incident, consistent with SOP Use of Force: Review and Investigation By Department Personnel.~~

~~9.~~

~~e. "Participating" is defined as physically assisting in overcoming an individual's resistance.~~

~~Shall write an original or supplemental report when the officer was on scene or assisted with any aspect regarding the incident; when a witness to or involved in a use of force; or when transporting the individual.~~



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~~(Placeholder: For off-duty staff: Immediately report use of force to their chain of command when involved in off-duty enforcement action)~~

==

~~Requirements for Unreported Uses of Force~~

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~~Immediately report an unreported use of force incident to an on-duty supervisor when they have knowledge of the use of force by another officer.~~

==

~~Upon the identification of any unreported use of force, sworn personnel shall initiate an Internal Affairs Request (IAR) through the IA database web application (BlueTeam).~~

~~40. Depending on who identifies the unreported use of force and after the IAR is submitted, if an officer is unable to write an initial report because of physical injury, involvement in an officer-involved shooting, or the officer is the victim of a crime, then the on-duty supervisor will assign another officer to document the incident.~~

~~the unreported use of force information shall be provided to the division head/area commander via email, where the use of force occurred to complete a IA database web application (BlueTeam) entry for the use of force.~~

~~Where a supervisor determines that the use of force by an officer(s) involve a Level 1 use of force, the supervisor shall generate an IA database web application entry for the use of force without regard to the number of involved or witness officer(s) division head/area commander shall enter the use of force into IA database web application (BlueTeam).~~

~~For a Level 2 or Level 3 use of force, the division head/area commander shall contact IAFD. Where a supervisor determines that the use of force by an officer(s) involve a Level 2 or level 3 use of force, they shall immediately contact FIS to conduct the investigation.~~

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~~**2-56.5 Officer Responsibilities, Regardless of Rank, Following Use of Force Incident**~~

~~**Procedures for Unreported Uses of Force**~~

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2-57 USE OF FORCE: REVIEW AND INVESTIGATION BY DEPARTMENT PERSONNEL

Related SOP(s), Form(s), Other Related Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-53 Use of Force: Definitions
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 3-32 Employee Work Plan/Performance Evaluations
- 3-41 Complaints Involving Department Policy
- 3-46 Discipline System

B. Form(s)

- PD 1117 Use of Force Recorded Narrative Guide
- PD 1118 Use of Force Written Narrative for Involved and Witness Officers
- PD 1119 Supervisor On-Scene Response Handbook/Guide
- PD 1120 Supervisor On-Scene Investigation of Level 2 and Level 3 Uses of Force (Accidental Discharge, Allegation of Use of Force, and Prisoner Injury)
- PD 1121 Level 1 Supervisor Interview Guide – Witness and Individual
- PD 1122 Supervisor Review Level 1 Use of Force
- PD 1123 Lieutenant Review Level 1 Use of Force
- PD 1124 Commander Review Level 1 Use of Force
- PD 4607 Juvenile Advise of Rights

C. Other Related Resource(s)

Graham v. Connor, 490 U.S. 386 (1989)

D. Rescinded Special Order(s)

None

2-57-1 Purpose

The purpose of this policy is for the Albuquerque Police Department (Department) to objectively and thoroughly review every use of force and show of force by sworn personnel in order to reach a finding, supported by a preponderance of the evidence, concerning whether sworn personnel used the minimum amount of force that was reasonable and necessary, based on the totality of the circumstances to bring about a lawful objective.

The Department categorizes force based on the level of force used and the risk of injury or actual injury from the use of force. The category of force—Level 1, 2, or 3—determines the kind of review or investigation that will be completed.



The Department's goal in categorizing force is to promote efficiency and reduce the burden on first line supervisors, while optimizing critical investigative resources on higher-level uses of force.

2-57-2 Policy

It is the policy of the Department for supervisors and Internal Affairs Force Division (IAFD) Detectives/Investigators to conduct rigorous, timely, thorough, and accurate reviews or investigations of use of force by Department personnel.

Supervisors and IAFD Detectives/Investigators who investigate use of force incidents shall determine whether the officer used the minimum amount of force that was reasonable and necessary, based on the totality of the circumstances confronting an officer to bring about a lawful objective. All reviews and investigations into use of force incidents shall determine whether the application of de-escalation techniques was feasible.

Supervisors and IAFD Detectives/Investigators who investigate use of force incidents shall consider the minimum legal requirements as set forth in the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), which established the objectively reasonable perspective of an officer involved in a use of force incident. Supervisors and IAFD Detectives/Investigators shall consider the facts that a reasonable officer on-scene would have known at the time the officer used force in evaluating whether the force was in compliance with Department policy.

Supervisors and IAFD Detectives/Investigators shall also consider that an officer's decision to use force is sometimes made in tense, uncertain, and rapidly evolving situations; however, any review or investigation of use of force incidents shall consider that sworn personnel must at all times comply with the even stricter standards as set forth in Department policy.

Supervisors and IAFD Detectives/Investigator who review use of force incidents shall objectively weigh all evidence collected from an investigation to reach a reliable finding based upon a preponderance of the evidence.

N/A 2-57-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

6 2-57-4 Use of Force Review by Supervisors and Chain of Command

A. Use of Force Investigation Standards

1. Department personnel shall:

- a. Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask sworn personnel or other witnesses any questions that may suggest legal or procedural justifications for officers' conduct;



- b. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
- c. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to Department personnel or individuals.

2. A supervisor who was involved in, a witness to, participated in, or ordered a use of force, or who was a victim of the individual's actions shall not be involved in reviewing the use of force incident nor any subsequent force incident involving the same individual prior to the law enforcement encounter terminating.

B. Supervisory On-Scene Responsibilities for Classifying Force

1. An on-scene supervisor shall classify use of force according to the highest level of force used during an incident.
 - a. For example, when an officer uses Level 1 and Level 2 force during an incident, the supervisor shall classify the force as a Level 2 use of force.
2. Supervisors shall use the Supervisors On-Scene Response Handbook/Guide when classifying force.
3. A supervisor shall immediately respond to the scene and shall classify the use of force, prisoner injury, or complaint of injury or pain based upon the Department's three-level force classification system, consistent with SOP Use of Force: Definitions.
4. While on-scene, the supervisor shall record their investigation on their on-body recording device (OBRD) in accordance with the Supervisors On-Scene Response Handbook/Guide.
5. The supervisor shall keep the detained individual on-scene provided there is probable cause.
 - a. Sworn personnel shall not delay medical transport of the individual if medical attention is necessary.
 - b. Where there are no charges against the individual and there is no basis for detention, the on-scene supervisor shall request the individual to stay on-scene but shall allow them to leave if they decline.
 - c. If the individual leaves, the on-scene supervisor shall attempt to obtain their contact information.
6. A supervisor shall review sufficient on-scene OBRD footage for involved or witness officer(s) in order to classify the correct level of force.



7. The supervisor shall ensure that IAFD is immediately notified and dispatched to the scene to initiate the force investigation for the following:
 - a. Level 2 and Level 3 uses of force;
 - b. Use of force by a lieutenant or above; and
 - c. Force involving potential criminal misconduct by the involved or witness officer.
8. The supervisor shall fill out and sign the Supervisor Review On-Scene Investigation Form to document their on-scene investigation and classification.
9. By the end of shift, the supervisor shall complete a non-force IA database web application entry to include the Supervisor On-Scene Investigation of Level 2 and 3 Uses of Force (Accidental Discharge, Allegation of UOF, and Prisoner Injury) form:
 - a. When the supervisor's on-scene investigation verifies force did not occur;
 - b. For accidental discharges of an intermediate weapons system;
 - c. For prisoner injuries not as a result of a use of force, including pre-existing injuries; and
 - d. For allegations of a use of force that are unsubstantiated.
10. The responding IAFD Detective/Investigator shall have authority in classifying the level of force while on-scene.
 - a. If the IAFD Detective/Investigator does not accept the case for investigation, the responding supervisor shall be responsible for completing the Level 1 use of force investigation.

6 2-57-5 Supervisory Investigative Responsibilities for Level 1 Use of Force

- A. The on-scene supervisor shall:
 1. Immediately identify involved and witness sworn personnel, the individual, community members, and non-sworn witnesses, to include Department non-sworn personnel, and investigative interactions with sworn personnel;
 2. Ensure photographs are captured of involved sworn personnel, the individual(s), and any weapon systems used during the force incident;
 3. Visually inspect sworn personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain;
 4. Ensure that at least one (1) officer is present with and monitoring the individual;
 5. Physically separate involved and witness officers, when possible;
 6. Issue a verbal order for officers to not discuss the use of force;



7. Identify and attempt to interview or encourage community member witnesses to provide a written statement at the scene of the use of force;
 - a. The on-scene supervisor shall use the Level 1 Supervisor Interview Guide Witness and Individual to conduct an interview.
8. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;
9. Ensure all evidence is properly located, gathered, and preserved at the scene of a Level 1 use of force;
10. Require submission of a use of force narrative (written or recorded, to be determined by the on-scene supervisor) from the involved and witness officer(s) by the end of the shift;
11. Attempt to obtain a statement from the detained individual(s) after advising them with a *Miranda* warning;
 - a. If the detained individual is a juvenile, the on-scene supervisor shall advise them of their rights by using the Juvenile Advise of Rights form.
12. Complete the Supervisor Review Level 1 Use of Force form for Level 1 use of force investigations;
13. Ensure that a Uniform Incident Report is completed when the officer has a physical injury preventing them from completing a Uniform Incident Report, in an officer-involved shooting, or the officer is the victim of a crime; and
14. Notify IAFD, who shall respond to the scene if an accidental discharge of a firearm occurs, regardless of whether or not a person is struck.

B. Tactical Activations

When an incident has been categorized as a tactical activation, the Incident Commander shall contact IAFD when the force has been classified as a Level 2 or Level 3 use of force.

C. Supervisor Documentation of Level 1 Use of Force

1. The on-scene supervisor shall be the investigating supervisor for a Level 1 use of force unless the investigation is reassigned by the area commander.
2. The investigating supervisor shall initiate an IA database web application entry for each individual upon whom force was used by the end of their shift.



- a. The investigating supervisor shall complete an additional IA database web application entry for each additional individual upon whom force was used.
- b. The investigating supervisor shall attach evidentiary items to the IA database web application entry, including, but not limited to:
 - i. Involved and witness officers' OBRD footage;
 - ii. Other video footage that captured the use of force;
 - iii. Involved and witness officer's Uniform Incident Reports;
 - iv. Written or recorded statements from witness(s);
 - v. Recorded statements from involved individuals;
 - vi. Involved and witness officers' use of force narratives; and
 - vii. Any other items determined to have evidentiary value.

D. Use of Force Review Timelines

1. Supervisors shall submit the supervisory force review of a Level 1 use of force within seventy-two (72) hours after the supervisor leaves the scene of a use of force.
 - a. Where a supervisor is unable to complete a review within the initial seventy-two (72) hour deadline the supervisor may seek a seven-day extension by completing the extension request form in IA database web application, outlining the reason(s) for an extension, to the involved officer's commander.
 - b. The lieutenant in the involved officer's chain of command will have ten (10) calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force.
 - c. The commander in the involved officer's chain of command will have ten (10) calendar days from receiving the lieutenant's review to complete the review of a Level 1 use of force.
2. The supervisory review of all Level 1 uses of force shall include:
 - a. All written or recorded use of force narratives and/or statements provided by Department personnel and/or community member witness(s);
 - b. Uniform Incident Reports and Supplemental Reports;
 - c. The reviewing chain of command's form pertaining to their level of review;
 - d. A list of evidence that was gathered, including sufficient identifying and contact information of community member witness(s) to the use of force.
 - i. The supervisor shall document in their report if there were no witnesses to the use of force.
 - ii. The supervisor shall also explain why witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.
 - e. In the report, all available identifying information for anyone who refuses to provide a statement;
 - f. The names of other Department personnel who witnessed the use of force;



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- g. The supervisor's evaluation of the use of force based on their analysis of the evidence gathered, including whether the officer's actions complied with Department policy;
 - h. An assessment of the incident for tactical and training implications, including whether the need to use force could have been reduced or eliminated through the use of de-escalation techniques, consistent with SOP Use of Force: De-escalation;
 - i. The supervisor's documentation of any tactical issues found during the review, which shall be included as part of the IA database web application entry;
 - j. An Internal Affairs Request (IAR) submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified;
 - k. Photographs of the involved officer(s), the individual, and the scene;
 - i. If an intermediate weapon was used, photographs of the weapon.
 - l. A copy of the Computer-Aided Dispatch (CAD) printouts;
 - m. If an ECW was used, the device log and audit trail; and
 - n. All other relevant documentation.
3. The investigating supervisor shall forward a Level 1 use of force review through the involved officer's chain of command once it has been completed.
- a. The commander of the involved officer shall assess the IA database web application entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.

N/A

4. A supervisor shall open an IAR on all deficient reviews (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

- a. A supervisor shall document the deficient reviews in the supervisor's work performance record (refer to SOP Employee Work Plan/Performance Evaluations for sanction classifications and additional duties).

N/A

- b. The investigating supervisor who conducts two (2) or more deficient force reviews shall receive corrective and/or disciplinary action (refer to SOP Discipline System for sanction classifications and additional duties), and may also be subject to additional training, demotion and/or removal from their supervisory position.

E. OBRD Viewing Requirements

1. In conducting a Level 1 use of force review, the investigating supervisor shall review the involved officer's and witness officer's OBRD footage from the initial point of contact with the individual upon whom force was used until the time the individual was placed in a police vehicle or until they are released from the scene.
- a. The investigating supervisor shall ensure bookmarks are applied on OBRD footage that pertains to the use of force and all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all potential policy violations.



2. The lieutenant shall review all OBRD footage associated with a Level 1 use of force incident for all sworn personnel logged on the relevant CAD records by logging into Evidence.com.
 - a. The lieutenant shall ensure bookmarks are applied on OBRD footage that pertains to all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all policy violations.
 - b. The lieutenant shall ensure bookmarks are applied anywhere they cite to evidence in their review.
3. The commander shall be responsible for watching all OBRD footage that captures the use of force and all bookmarked portions of the footage.

F. Chain of Command Review of Level 1 Use of Force

1. The chain of command is responsible for accurately completing the appropriate form for their level of review to include citing to evidence when required by the form.
2. After a Level 1 use of force review has been completed, the investigating supervisor's chain of command shall order additional review when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.
3. The chain of command shall suspend a Level 1 use of force review, with notice to the affected officer, and immediately notify IAFD and the Chief of Police upon the discovery of apparent criminal conduct in the use of force by an officer.
 - a. Upon this notification, IAFD shall immediately initiate an administrative and criminal investigation into the use of force.
4. When a supervisor within the chain of command discovers that a use of force is more appropriately categorized as a Level 2 or Level 3 use of force, they shall immediately notify IAFD to review and classify the use of force case for possible assignment.

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5. When a policy violation is discovered during a Level 1 use of force review, the personnel identifying the policy violation shall ensure that an IAR is completed no later than twenty-four (24) hours of obtaining that knowledge (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).
6. After an investigation is complete, a commander shall mark the investigation as complete in the IA database web application entry.

N/A

G. Performance Review Unit (PRU) Review of Level 1 Use of Force Investigations



1. Upon receipt of a Level 1 use of force investigation from a commander, PRU personnel shall conduct a review to ensure it is complete and the findings are supported by the preponderance of evidence.
 - a. When PRU personnel determine that a Level 1 investigation was incomplete, they shall send it back to the original reviewing commander with instructions.
 - b. Where PRU personnel determine that a Level 1 use of force investigation is deficient, it will be sent back to the originating chain of command for correction.
 - i. Deficient reviews identified by PRU personnel shall result in an IAR.
2. After completing their review, PRU personnel shall forward the file to IAFD for recordkeeping.

N/A

H. Chief of Police Authority to Re-assign Reviews and Resolve Level 1 Use of Force Policy Violations

1. The Chief of Police may assign or re-assign a Level 1 use of force review with notice to the involved officer.
2. The Chief of Police may return a Level 1 use of force to the original supervisor for further analysis.
3. The Chief of Police shall explain any assignment or re-assignment of a Level 1 use of force review in writing.

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- a. IAFD shall track all reassignments to include who the case was reassigned to and the reason why.
4. Where a Level 1 use of force by an officer could have violated Department policy, the Chief of Police shall:
 - a. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; or
 - b. Refer the matter to the IAPS Division to conduct an administrative investigation into the alleged misconduct.
5. The Chief of Police shall ensure equipment, policy, supervision, tactics, and/or training concerns noted during a Level 1 use of force review are resolved through the referral of such issues to the appropriate Department division for corrective action.

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6. A supervisor requesting the reassignment of a Level 1 use of force review shall complete an Interoffice Memorandum to the Chief of Police requesting reassignment and explaining the reason for the reassignment. The supervisor shall attach the Interoffice Memorandum to the initial IA database web application entry.



6 2-57-6 Level 2 and Level 3 Use of Force Investigations by IAFD

A. General Requirements

1. An IAFD Detective/Investigator shall respond to the scene and conduct investigations of Level 2 and Level 3 uses of force.
2. IAFD personnel shall conduct administrative investigations into uses of force indicating apparent criminal conduct by an officer, with notice to the affected officer.
3. Where a Level 2 or Level 3 use of force investigation indicates apparent criminal conduct by an officer in the use of force, IAFD shall refer the incident to an investigator from the Criminal Investigations Division (CID) for investigation and ensure the Chief of Police is notified in writing.
 - a. The criminal investigator shall have no involvement in the administrative investigation into the use of force; and
 - b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force.
4. In instances where the Multi-Agency Task Force (MATF) is conducting the criminal investigation of a use of Force, the IAFD shall conduct the administrative investigation.

B. Level 2 and Level 3 Use of Force Investigations by IAFD

1. In conducting its investigations of Level 2 or Level 3 uses of force, IAFD Detectives/Investigators shall:
 - a. Respond to the scene and consult with the on-scene supervisor to ensure all personnel and individual(s) involved in a use of force have been examined for injuries and provided necessary medical attention;
 - b. Ask the individual involved in the use of force incident if they sustained any injuries and whether they require medical attention;
 - i. If while the individual is talking about their injuries and discusses elements of the crime, the IAFD Detective/Investigator shall advise them of their rights.
 - c. Classify the use of force in accordance with the Department's classification procedures;
 - d. Ensure all evidence is collected to establish material facts related to the use of force, including but not limited to, audio and video recordings, photographs, and other documentation of injuries or the absence of injuries;
 - e. Canvass for and interview witness(s). In addition, witnesses shall be encouraged to provide and sign a written statement in their own words;
 - f. Ensure each officer witnessing a Level 2 or Level 3 use of force provides a use of force narrative of the facts leading to the use of force;



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- g. Provide a written admonishment to involved and witness officer(s) to the use of force that they are not to speak about the force incident until they are interviewed by the IAFD Detective/Investigator ;
 - h. Conduct only one-on-one interviews with involved and witness officers;
 - i. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;
 - j. Conduct interviews of witness sworn personnel. The IAFD/Detective/Investigator shall not be required to interview perimeter sworn personnel who only heard a use of force, such as an NFDD, 40-millimeter, gunshot, or Police Service Dog (PSD) deployment, unless the investigation shows that their knowledge is relevant to the investigation or may resolve a material discrepancy;
 - k. Review all use of force reports to ensure that these statements include information required by Department policy;
 - l. Ensure all use of force reports identify all sworn personnel who were involved in the incident, witnessed the incident, or were on-scene when the incident occurred;
 - m. Record all interviews;
 - n. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
 - o. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or individuals.
2. An IAFD Detective/Investigator shall complete an initial use of force data report for all Level 2 and Level 3 use of force incidents and submit it through the chain of command to the Chief of Police as soon as possible, but in no circumstances later than twenty-four (24) hours after the use of force.
 3. An IAFD Detective/Investigator shall complete Level 2 or Level 3 administrative investigations within ninety (90) calendar days after learning of the use of force.
 - a. Any request for an extension to this time limit must be approved by the IAFD Commander through consultation with the Chief of Police.
- C. Additional On-scene Responsibilities for IAFD Investigations During an MATF Activation
1. During an MATF activation, IAFD shall conduct the Level 2 or Level 3 administrative investigation, and shall also:
 - a. Not interfere with the MATF investigation; and
 - i. IAFD shall wait for MATF to contact and conduct interviews, if any, with involved and witness officers before contacting officers;
 - ii. IAFD shall wait for MATF to contact and conduct interviews, if any, with community member witnesses before contacting those witnesses; and



- iii. IAFD shall attempt to follow up with all community member witnesses after the MATF interviews at a later time.
- b. Attend the administrative briefing provided by MATF.

D. Level 2 and Level 3 Use of Force Investigation Reports by IAFD

1. At the conclusion of each use of force investigation, IAFD shall prepare an investigative report. The report shall include:
 - a. A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the IAFD's independent review of the facts and circumstances of the incident;
 - b. Documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying use of force data reports;
 - i. In situations in which there are no known witnesses, the report shall specifically state this fact.
 - ii. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why such information was not recorded.
 - iii. The report shall also include all available identifying information for anyone who refuses to provide a statement.
 - c. The names of all other officers or employees witnessing the use of force;
 - d. The investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with Department policy, and federal and state law;
 - i. The narrative shall also include an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options.
 - e. If a weapon was used by an officer, documentation indicating whether or not the officer's certification and training for the weapon were current at the time of the incident; and
 - f. The complete disciplinary history of the officers involved in the use of force.

E. Level 2 and Level 3 Use of Force Investigation Review by IAFD Chain of Command

1. Upon completion of the IAFD investigation report, the IAFD Detective/Investigator shall forward the report through their chain of command to the IAFD commanding officer through the IA database web application.
2. The IAFD commanding officer shall review the report to ensure it is complete and, for administrative investigations, the findings are based upon the preponderance of the evidence.



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3. The IAFD commanding officer shall order additional investigation when it appears there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
4. For administrative investigations, where the findings of the IAFD investigation are not supported by a preponderance of the evidence, the IAFD commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigative report.
5. Any reviewing supervisor shall initiate an IAR to address any inadequately supported determination and any investigative deficiencies that led to it, as well as any investigation that failed to evaluate material discrepancies.
6. The IAFD commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by IAFD.
7. Where an IAFD Detective/Investigator conducts two (2) or more deficient force investigations, they shall receive the appropriate corrective and/or disciplinary action, consistent with SOP Discipline System. Repeated deficient force investigations shall be cause for removal from IAFD when the IAFD Detective/Investigator has been provided additional training and has conducted another deficient force investigation. The commanding officer shall document the deficient review in the IAFD Detective/Investigator's work performance record, consistent with SOP Employee Work Plan/Performance Evaluations.
8. When the IAFD commanding officer determines that the force investigation is complete and the findings are supported by a preponderance of the evidence, the commanding officer shall forward the investigation report to the Force Review Board (FRB) with a copy to the Chief of Police.

N/A

F. Chief of Police Authority to Re-assign Reviews and Resolution of Level 2 and Level 3 Use of Force Policy Violations

1. At the discretion of the Chief of Police, a force investigation may be assigned or re-assigned for investigation to the MATF or the Federal Bureau of Investigation (FBI), or may be returned to the IAFD for further investigation or analysis.
 - a. The Chief of Police or their designee shall document the assignment or reassignment in writing with notice to the IAFD commanding officer.
 - b. Where a Level 2 and Level 3 use of force by an officer could have violated Department policy, the Chief of Police shall:
 - i. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; or
 - ii. Refer the matter to the IAPS Division to conduct an administrative investigation into the alleged misconduct.



2. After an administrative force investigation, where a use of force is found to violate policy, the Chief of Police shall direct and ensure appropriate discipline and/or corrective action is taken.
 3. Where a force investigation indicates apparent criminal conduct by an officer, the Chief of Police shall ensure that a CID detective or the MATF consults with the Bernalillo County District Attorney's Office or the United States Attorney's Office, as appropriate. The Department need not delay the imposition of discipline until the outcome of the criminal investigation.
 4. In use of force investigations, where the incident indicates equipment, policy, supervision, tactics, and/or training concerns, the Chief of Police shall ensure necessary training is delivered and the equipment, policy, supervision, tactics, and/or training concerns are resolved.
- G. Role of MATF in Review of Level 2 or Level 3 Use of Force for Potential Criminal Conduct
1. Where appropriate to ensure the fact and appearance of impartiality, and with the authorization of the Chief of Police, the Department may refer a use of force indicating apparent criminal conduct by an officer to the MATF for criminal investigation.
 2. To ensure criminal and administrative investigations remain separate, the Department's Violent Crimes Section may support the IAFD, or the MATF in the investigation of any Level 2 or Level 3 use of force, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.
 3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police shall instruct that the investigation is to be forwarded to the appropriate prosecuting authority. If the MATF or the CID investigation indicates any apparent criminal conduct by an officer or reveals evidence of criminal conduct by an officer, the Chief of Police shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s).
 4. Where the Department refers a use of force incident to the appropriate prosecuting authority for potential criminal prosecution, the IAFD will delay any compelled interview of the target officer(s) pending consultation with the prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Chief of Police, and after consultation with the prosecuting authority.



2-57 USE OF FORCE: —REVIEW AND INVESTIGATION BY DEPARTMENT PERSONNEL

Related SOP(s), Form(s), Other Related Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- ~~2-52 Use of Force: General~~
- 2-53 Use of Force: Definitions
- ~~2-54 Intermediate Weapon Systems~~
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 3-32 Employee Work Plan/Performance Evaluations
- 3-41 Complaints Involving Department Policy
- 3-46 Disciplinary System

B. Form(s)

- PD 1117 Use of Force Recorded Narrative Guide
- PD 1118 Use of Force Written Narrative for Involved and Witness Officers
- PD 1119 Supervisor On-Scene Response Handbook/-Guide
- ~~PD 1120 On-Scene Investigation — Allegations — Prisoner Injuries — Level 2 and 3~~
- Supervisor Review On-Scene Investigation of Level 2 and Level 3 Uses of Force (Accidental Discharge, —Allegation of Use of Force, and— Prisoner Injury) —Level 2 and 3
- PD 1121 Level 1 Supervisor Interview Guide – Witness and Individual
- PD 1122 Supervisory Review Level 1 Use of Force
- PD 1123 Lieutenant Review Level 1 Use of Force
- PD 1124 Commander Review Level 1 Use of Force
- PD 4607 Juvenile Advise of Rights

C. Other Related Resource(s)

- Graham v. Connor, 490 U.S. 386 (1989)

D. Rescinded Special Order(s)

None

2-57-1 Purpose

~~It is the policy~~ purpose of this policy is for the Albuquerque Police Department (Department) to objectively and thoroughly review every use of force and show of force by officers-sworn personnel in order to reach a finding, supported by a preponderance of the



evidence, concerning whether ~~officers~~ sworn personnel used the minimum amount of force that was reasonable and ~~necessary, and proportional~~ based on the totality of the circumstances to bring about a lawful objective.

The Department categorizes force based on the level of force used and the risk of injury or actual injury from the use of force. ~~The category of force—Level 1, 2, or 3—determines the kind of review or investigation that will be undertaken~~ completed.

The Department’s goal in categorizing force is to promote efficiency and reduce the burden on first-line supervisors, while optimizing critical investigative resources on higher-level uses of force.

2-57-2 Policy

It is the policy of the Department for ~~Supervisors and Force Investigation Section~~ Internal Affairs Force Division (FIS/AFD) Detectives/Investigators ~~shall to~~ conduct rigorous, timely, thorough, and accurate reviews or investigations of use of force by Department personnel.

Supervisors and ~~IAFD FIS~~ Detectives/Investigators ~~who reviewing and investigating~~ ing use of force incidents shall determine whether the officer used the minimum amount of force that was reasonable and ~~necessary, and proportional~~, based on the totality of the circumstances confronting an officer to bring about a lawful objective. ~~All reviews and investigations into use of force incidents shall determine whether the application of de-escalation techniques was feasible.~~

Supervisors and ~~FIS/AFD Detectives/Investigators~~ who reviewing ~~investigating~~ use of force incidents shall consider the minimum legal requirements as set forth in the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), which established the objectively reasonable perspective of an officer involved in a use of force incident. ~~Supervisors and FIS/AFD Detectives/Investigators shall consider the facts that a reasonable officer on-scene would have known at the time the officer used force in evaluating whether the force was in compliance with Department policy.~~

Supervisors and ~~FIS/AFD Detectives/Investigators~~ shall also consider that an officer’s decision to use force is sometimes made in tense, uncertain, and rapidly evolving situations; ~~h~~ However, any review or investigation of use of force incidents shall consider that ~~officers~~ sworn personnel must at all times comply with the even stricter standards as set forth in Department policy.

Supervisors and ~~FIS/AFD Detectives/Investigator~~ who reviewing use of force incidents shall objectively weigh all evidence collected from an ~~incident~~ investigation to reach a reliable finding based upon a preponderance of the evidence.

~~2-57-3 Definitions~~

~~Deficient Review~~

N/A



~~A supervisory finding that is not based on the preponderance of evidence finding for the application of force, or fails to identify and resolve material discrepancies.~~

~~Material Discrepancy~~

2-57-3 Definitions

For a listing of definitions specific to use of force, refer to SOP Use of Force: Definitions.

6 ~~2-57-433~~ Use of Force Review by Supervisors and the Chain of Command

A. Use of Force Investigation ~~vs~~ Standards

1. Department personnel shall:

- a. Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask sworn personnel or other witnesses any questions that may suggest legal or procedural justifications for officers' conduct;
- b. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
- c. Make all reasonable efforts to resolve material inconsistencies between the officer, ~~subject~~ individual, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to Department personnel or individuals.

A. ~~General Requirements~~

- ~~1. A supervisor who was involved in a reportable use of force or show of force, including by participating in or ordering the use of force being reviewed, shall not be involved in reviewing the incident.~~
- 2. A supervisor who was involved in, a witness to, participated in, or ordered a use of force, or who was a victim of the individual's actions shall not be involved in reviewing the use of force incident nor any subsequent force incident involving the same individual prior to the law enforcement encounter terminating.

~~"Participating" is defined as physically assisting in overcoming an individual's resistance, and is considered being involved in a use of force.~~

~~"Witness Officer" is any on scene officer with relevant, personal knowledge of a use of force incident.~~



~~2. For Level 2 and Level 3 uses of force, the supervisor shall ensure that FIS/IAFD is immediately notified and dispatched to the scene of the investigation to initiate the force investigation.~~

B. Supervisory On-Scene Responsibilities for Classifying Force

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1. An on-scene supervisor ~~Personnel shall~~ will classify use of force according to the highest level of force used during an incident.
 - a. For example, when an officer uses Level 1 and Level 2 force during an incident, the supervisor shall classify the force as a ~~it will be investigated as a Level 2 use of force by a Force Investigation Section (FIS) detective.~~
2. Supervisors shall use the Supervisors On-Scene Response Handbook/-Guide when classifying force.
3. ~~The supervisor of an officer using force shall immediately respond to the scene and shall classify the use of force, prisoner injury, or complaint of injury or pain to ensure that the use of force is appropriately classified based upon the Department's three-level force classification system, consistent with SOP Use of Force: Definitions.~~
4. While on-scene, the supervisor shall record their investigation on their on-body recording device (OBRD) in accordance with the Supervisors On-Scene Response Handbook/-Guide.
5. The supervisor shall keep the detained individual on-scene provided there is probable cause.
 - a. Sworn personnel shall not delay medical transport of the individual if medical attention is necessary.
 - b. Where there are no charges against the individual and there is no basis for detention, the on-scene supervisor shall request the individual to stay on-scene but shall allow them to leave if they decline.
 - c. If the individual leaves, the on-scene supervisor shall attempt to obtain their contact information.
6. A supervisor shall review sufficient on-scene ~~on-body recording device (OBRD) footage for involved or~~ ~~officer(s)~~ witness officer(s) in order to classify properly the correct level of force.
7. The supervisor shall ensure that IAFD is immediately notified and dispatched to the scene to initiate the force investigation for the following:
 - a. Level 2, and Level 3 uses of force;
 - b. Use of force by a lieutenant or above; and



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c. Force involving potential criminal misconduct by the involved or witness officer.

8. The supervisor shall fill out and sign the Supervisor Review On-Scene Investigation Form to document their on-scene investigation and classification.

9. By the end of shift, the supervisor shall complete a ~~Non-force~~ IA database web application ~~entry~~ to include the Supervisor On-Scene Investigation of Level 2 and 3 Uses of Force (Accidental Discharge, Allegation of UOF, and Prisoner Injury) forms ~~ies are required for~~.

- a. When ~~T~~ the supervisor's on-scene investigation ~~determines~~ verifies force did not occur;
- b. For ~~A~~ accidental discharges of an intermediate weapons system;
- c. For ~~P~~ prisoner injuries not as a result of a use of force, including pre-existing injuries; and
- d. For ~~A~~ allegations of a use of force ~~which~~ that are unsubstantiated.

10. The responding IAFD Detective/Investigator shall have authority in classifying the level of force while on-scene.

—If the IAFD Detective/Investigator does not accept the case for investigation, the responding supervisor shall be responsible for completing the Level 1 use of force investigation.

a.

6
N/A

- ~~a. **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.~~
 - ~~i. 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).~~
 - ~~ii. 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. A show of force is reportable as a Level 1 use of force.~~
 - ~~iii. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.~~
- ~~b. **Level 2 Use of Force:** Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.~~
 - ~~i. Level 2 Use of force includes:~~
 - ~~• Use of an ECW, including where an ECW is fired at an individual but misses;~~
 - ~~• Use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at an individual but misses;~~
 - ~~• OC Spray application;~~



~~• Empty Hand Techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and~~

~~• 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.~~

~~c. **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.~~

~~i. Level 3 use of force includes:~~

~~• Use of deadly force;~~

~~• Critical firearm discharges;~~

~~• Use of force resulting in death or serious physical injury;~~

~~• Use of force resulting in hospitalization;~~

~~• All strikes to the head, neck, or throat with a hard object;~~

~~• Use of force resulting in a loss of consciousness;~~

~~• Canine bites;~~

~~• 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;~~

~~• ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application;~~

~~• Neck holds;~~

~~• Four or more strikes with a baton; and~~

~~• Any Level 2 use of force against a handcuffed individual.~~

~~C. 2-57-54 **Supervisory Investigative Responsibilities for Level 1 Use of Force** On Scene Responsibilities of Supervisors Reviewing Use of Force (Refer to On Scene Response Handbook)~~

~~1. The supervisor of an officer using force shall perform the following duties at the scene of a use of force:~~

- 5 ~~a. Examine personnel and the individual for injuries and request medical attention, where appropriate;~~
- 7 ~~b. Identify the involved and witness officers to the use of force;~~
- 6 ~~c. Review the involved officer's lapel video to determine whether the incident involves a Level 1 use of force;~~
- ~~d. Review the lapel video of other officers where uncertainty remains about whether the incident rises to a Level 2 or Level 3 use of force;~~
- ~~e. Preserve any evidence located at the scene of a Level 1 use of force or higher;~~
- ~~f. Capture photographs of the officer(s) and the individual(s) involved in Level 1 use of force;~~
- ~~g. Require submission of a use of force statement from the involved officer(s) by the end of the shift; and~~



~~h. Conduct any other necessary fact gathering activities to reach reliable conclusions, including obtaining a statement from the detained individual(s) after providing them with a Miranda warning, regarding the officer's use of Level 4 force.~~

~~2. Where a supervisor determines that the use of force by an officer(s) involves a Level 2 or Level 3 use of force, they shall immediately contact FIS to conduct the investigation.~~

~~A. On Scene Responsibilities of Supervisors Level 1 Force Investigations~~
The On-Scene Supervisor Shall:

7

~~When a supervisor is notified of an officer using any level of force or any type of force, or when a supervisor receives an allegation of a use of force, prisoner injury, complaint of injury or pain, or an accidental discharge of a weapon system, or when a supervisor receives an allegation of a use of force (from an officer, community member, or individual), prisoner injury, complaint of injury or pain, or an accidental discharge of a weapon system, they supervisor shall immediately respond to the scene.~~

~~While on scene, the supervisor shall perform and record on their investigation on their on-body recording device (OBRD) their investigation in accordance with the on scene investigation guide.
following duties:~~

- ~~1. Immediately identify involved and witness the sworn personnel involved, the individual, community members, and non-sworn witnesses, to include APD Department non-sworn personnel, and investigative interactions with sworn personnel;~~
- ~~2. Ensure photographs are captured of involved sworn personnel, to include involved and witness sworn personnel, the individual(s), and any weapon systems used during a use of the force incident, if used or shown;~~
 - ~~— For a Level 1 use of force, prisoner injury, or complaint of injury or pain,~~
 - ~~a. if the supervisor is qualified to use a Department approved photograph method, the supervisor may take the photographs;~~
 - ~~— For a Level 2 or 3 use of force, request a Crime Scene Specialist (CSS) to take photographs of the scene, involved and witness sworn personnel, the individual(s); and~~
 - ~~b. Involved officers shall have photographs taken at the location where they had their last contact with the individual;~~
 - ~~— Visually inspect sworn personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain; or there was a Level 2 or Level 3 use of force;~~



~~3. Sworn personnel do not need to request medical personnel when all applications of force missed the individual;~~

~~4. Ensure that at least one (1) sworn personnel officer is present with and monitoring the individual;~~

~~3.~~

~~==~~

~~a.~~

~~b.~~

~~==~~

~~4.~~

~~==~~

~~5. Physically separate involved and witness officers, when possible;~~

~~6. Issue a verbal order for officers not to not discuss the use of force;~~

~~iii~~

~~For a Level 1 use of force, prisoner injury, or complaint of injury or pain, an on-scene supervisor may allow a witness officer to leave the scene when necessary; and~~

~~a. For a Level 2 or Level 3 use of force, the on-scene supervisor may contact the FIS/AFD detective to determine whether the witness officer should be allowed to leave the scene. Before the witness officer leaves the scene, the on-scene supervisor shall issue a written admonishment to the witness officer; before the witness officer leaves the scene, needs to leave the scene, the on-scene supervisor shall issue a written admonishment after consulting with the FIS detective when the use of force has been classified as a Level 2 or Level 3.~~

~~5. Once personnel have been separated, ask involved officers what type of force was used;~~

~~==~~

~~The supervisor may classify the use of force without asking the involved or witness officer what type of force they used. If based on information provided by the officer prior to arrival that would indicate if the level of force is at least classified as a Level 2 or Level 3 use of force the supervisor may classify the use of force without asking the involved or witness officer what type of force they used;~~

~~a. The supervisor shall identify the involved or witness officer.~~

~~7. Identify and attempt to interview or encourage community member witnesses obtain a provide a written statement from civilian community member witnesses at the scene of the use of force;~~

~~iii~~

~~The on-scene supervisor shall Attempt to conduct an interview of only one witness at a time, when possible and the witness(s) do not object;~~

~~a. Document witnesses who refused to provide a statement or witness information.~~



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~~a. Use the Form Level 1 Supervisor Interview Guide Witness and Individual to conduct an interview.~~

~~8. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;~~

~~Document on the applicable form when witnesses who refused to provide a statement or witness information;~~

~~When a witness refuses to provide a statement in a Level 1 use of force, use Form Supervisory Review Level 1 Use of Force.~~

~~For all other use of force investigations, use Form On Scene Investigation Allegations Prisoner Injuries Level 2 and 3;~~

N/A

~~6. The on scene supervisor shall review the involved officer's OBRD video specific to the reported use of force while on scene to determine whether the incident involves a Level 1 use of force and on all incidents classified as a Level 1 use of force;~~

~~a. The on scene supervisor is not required to view any OBRD video, if the level of force is at least classified as a Level 2 or Level 3 use of force, prior to their arrival. If based on the evidence and statements by officers the use of force was a level 2 or level 3 the on scene supervisor is not required to view any OBRD while on scene;~~

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~~b. The on scene supervisor shall review the involved officer's OBRD video, if the on scene supervisory believes the level of force was a Level 1 or is unsure whether it was a Level 2 or Level 3. If the supervisor believes the level of force was a Level 1 or is unsure if it was a Level 2 / level 3 they shall watch the involved officers OBRD. the on scene supervisor shall review the involved officer's OBRD video;~~

~~c. The on scene supervisor shall review the witness officer's OBRD video if any uncertainty remains to classify the use of force, the on scene supervisor shall watch the witness officer's OBRD video;~~

~~9. Ensure all evidence is properly located, gathered, and preserved at the scene of a Level 1 use of force;~~

~~7. 3;~~

~~a. Ensure the scene is secured for IAFD FIS/IAFD detective(s) if the use of force is a Level 2 or Level 3. If the use of force is a level 2 or 3 ensure the scene is secured for IAFD FIS detectives;~~

~~10. Require submission of a use of force statement narrative (written or recorded, to be determined by the IAFD Detective/Investigator on-scene supervisor) from the involved and witness officer(s) by the end of the shift;~~

~~and~~



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~~8. Attempt to The FISIAFD detective for a Level 2 or Level 3 or the on scene supervisor for a Level 1 may allow the use of force narrative to be completed by the subsequent shift;~~

~~11. Conduct any other necessary fact-gathering activities to reach reliable conclusions, including obtaining a statement from the detained individual(s) after providing advising them with a Miranda warning;~~

~~a. If the detained individual is a juvenile, the on-scene supervisor shall advise them of their rights by using the Juvenile Advise of Rights form.~~

~~9. , regarding the officer's use of Level 1 force;~~

~~10. The on scene supervisor shall immediately contact FISIAFD to conduct the investigation when Where a supervisor they determine s that the use of force by an officer(s) involves a Level 2 or or Level 3 use of force, any use of force by a supervisor or acting supervisor above the rank of sergeant, and any potentially criminal conduct they shall immediately contact FIS to conduct the investigation::~~

~~a. The sSupervisors shall fill out and sign the PD Form Supervisor Review On Scene Investigation Prisoner Injury Allegation of a Use of Force Level 2 and /3 form to document their on scene investigation and classification;~~

~~When feasible, tThe on scene supervisor will retainkeep the individual, involved, and involved and witness officers on scene and document the circumstances in the classification section of PD Form On Scene Investigation Allegation Prisoner Injuries Level 2 and 3. If it is not feasible the on scene supervisor will document the PD 1120 form the circumstances in the classification section::~~

~~Where there are not charges against the individual and there is no basis for detention, the on scene supervisor shall request the personindividual to stay on scene but shall allow them to leave if they decline. If the individual leaves, the on scene supervisor shall attempt to obtain their contact information and provide that information to the FISIAFD detective; and:~~

~~b. When an individual has injuries and When an individual must be transported to the hospital, the on scene supervisor shall not attempt to keep the individual on scene::~~

~~12. When the incident is classified as a Level 1 Tthe on scene supervisor shall eComplete PD the Form (Supervisor Review Level 1 Use of Force) form for Level 1 use of force investigations when the incident is classified as a Level 1;~~

~~11.~~

~~13. The on scene supervisor shall eEnsure that an original incident report Uniform Incident Report is completed when the officer has a physical injury preventing them from completing a Uniform Incident rReport, in an officer-involved shooting, or the officer is the victim of a crime; and~~

~~12. Where there is no use of force,~~



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~~13. The on-scene supervisor shall complete the PD On-Scene Investigation Allegation Prisoner Injuries Level 2 and 3 form if When the incident is classified as an Accidental Discharge, prisoner injury, or complaint of injury or pain and forwarded using Blue Team to IAFD for statistical tracking only, or an allegation of force; that based on the preponderance of evidence, is not when the the finding by the on-scene supervisor concludes it is not a use of force they shall complete PD Form 1120 (On-Scene Investigation Allegations Prisoner Injuries Levels 2 and 3).~~

~~IAFD The on-scene supervisor shall Notify FIS IAFD, shall be notified and who shall respond to the scene if an accidental discharge of a firearm occurs, and when any person, including Department personnel, is struck by an accidental discharge of a weapon system regardless of whether or not a person is struck. and~~

~~14. If the accidental discharge of a weapon system occurs and a person is struck (to include APD Department personnel) or is a firearm IAFD FIS will be notified and shall respond to the scene.~~

~~Supervisors responding to an Accidental discharge of an ECW cartridge shall: not include a function test.~~

~~Use PD Form Supervisor On-Scene Response Handbook Guide;~~

~~Complete PD Form On-Scene Investigation Allegation Prisoner Injuries Level 2 and Level 3;~~

~~Complete an Internal Affairs (IA) database web application entry using the non-force entry type; and~~

~~Attach the ECW log for accidental discharges of an ECW cartridge.~~

~~a.~~

~~14. When an incident has been deemed categorized as a tactical activation, the Incident Commander shall contact IAFD FIS. On-scene investigations for tactical activations will shall be conducted by IAFD. Tactical activations do not require an on-scene investigation due to IAFD responding to the incident. If the the IAFD FIS detective determines the force was only a Level 1 use of force used during a tactical activation, they shall notify the Incident Commander of the tactical activation. A non-involved supervisor designated by the Incident Commander shall complete a Level 1 investigation;~~

~~(Placeholder: Add language to indicate supervisor will refer level 2 and 3 to FIS)~~

~~15. During use of force incidents where the Multi-Agency Task Force the Multi-Agency Task Force (MATF) personnel take over the criminal investigation (for example, an officer involved shooting an officer involved shooting), IAFD shall respond to the scene and shall be responsible for the administrative investigation, but will not interfere with the MATF investigation.~~

~~a. Involved and witness officers shall be granted the ability to do a voluntary interview with MATF.~~

~~b. All civilian witnesses shall be contacted by MATF personnel first.~~

~~IAFD FIS shall attempt to follow up with all civilian witnesses after the MATF interviews at a later time.~~



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- ~~— IAFD's on scene responsibilities include:~~
- ~~— Identifying involved and witness officer(s);~~
- ~~— Physically separating involved and witness officers, when possible;~~
- ~~— Issuing a verbal order for officers not to discuss the use of force;~~
- ~~— Issuing admonishments to involve witness officer(s); and~~
- ~~— Identifying any potential misconduct based on evidence provided in administrative briefing provided by MATF;~~
- ~~— Visually inspecting personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain or there was a Level 2 or Level 3 use of force;~~
- ~~— Sworn personnel do not need to request medical personnel when all applications of force missed the individual.~~
- ~~— Ensure that at least one sworn personnel is present with and monitoring the individual.~~
- ~~—~~
- ~~— Once personnel have been separated, asking involved officers what type of force was used; and~~
- ~~— The FIS Detective supervisor will may eClassifying the use of force without asking the involved or witness officer what type of force was used, if the level of force is at least classified as a Level 2 or Level 3 use of force.;~~
- ~~— Identify and attempt to interview or obtain a written statement from civilian witnesses at the scene of the use of force;~~
- ~~— Use the Form Level 1 Supervisor Interview Guide Witness and Individual to conduct an interview.~~
- ~~— Document on the applicable form when witnesses refused to provide a statement or witness information.~~
- ~~— When a witness refuses to provide a statement in a Level 1 use of force, use Form Supervisory Review Level 1 Use of Force.~~
- ~~— For all other use of force investigations, use Form On Scene Investigation Allegations Prisoner Injuries Level 2 and 3.~~
- ~~— The on scene supervisor is not required to view any OBRD video if the level of force is at least classified as a Level 2 or Level 3 use of force.~~
- ~~— If the on scene supervisor believes the level of force was a Level 1 or is unsure whether it was a Level 2 or Level 3, the on scene supervisor shall review the involved officer's OBRD video.~~
- ~~— The on scene supervisor shall review the witness officer's OBRD video if any uncertainty remains to classify the use of force.~~
- ~~— Ensure all evidence is properly located, gathered, and preserved at the scene of a Level 1 use of force;~~
- ~~— Ensure the scene is secured for FIS detective(s) if the use of force is a Level 2 or Level 3.~~
- ~~— Require the submission of a use of force written narrative (written or recorded) from the involved and witness officer(s) by the end of the shift;~~
- ~~— The FIS detective for a Level 2 or Level 3 or the on scene supervisor for a Level 1 may allow the use of force narrative to be completed by the subsequent shift.~~
- ~~— Conduct an investigation in a rigorous manner any other necessary fact gathering activities to reach reliable conclusions.; and~~

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N/A



~~Attend any on scene interviews with the individual, including obtaining a statement from the detained individual(s) after providing them with a Miranda warning, regarding the officer's use of Level 1 force.~~

B. Tactical Activations

When an incident has been categorized as a tactical activation, the Incident Commander shall contact IAFD when the force has been classified as a Level 2 or Level 3 use of force.

~~FIS/IAFD shall classify the use of force and shall conduct and document the use of force investigation, regardless of the level of force used.~~

~~The on scene supervisor shall immediately contact FIS to conduct the investigation when they determine the use of force by an officer(s) involves a Level 2 or Level 3 use of force;~~

~~The supervisor shall fill out and sign Form Supervisor Review On Scene Investigation Prisoner Injury Allegation of a Use of Force Level 2 and 3 to document their on scene investigation and classification.~~

~~The supervisor will keep the individual involved, and involved and witness officers on scene and document the circumstances in the classification section of Form On Scene Investigation Allegations Prisoner Injuries Level 2 and 3.~~

~~When there are not charges against the individual and there is no basis for detention, the on scene supervisor shall request the individual to stay on scene but shall allow them to leave if they decline. If the individual leaves, the on scene supervisor shall attempt to obtain their contact information and provide that information to the FIS detective.~~

~~When an individual must be transported to the hospital, the on scene supervisor shall not attempt to keep the individual on scene.~~

~~The on scene supervisor shall complete Form Supervisor Review Level 1 Use of Force for Level 1 use of force investigations;~~

~~The on scene supervisor shall ensure that an original incident report is completed when the officer has a physical injury preventing them from completing a report, in an officer involved shooting, or the officer is the victim of a crime.~~

~~=====~~
~~=====~~
~~=====~~

D.C. Supervisor Documentation of Level 1 Use of Force

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1. In general, the on scene supervisor shall be the investigating supervisor for a Level 1 use of force. However, the commander may reassign the investigation to another supervisor. The on scene supervisor shall be the investigating supervisor for a Level 1 use of force unless the investigation is reassigned by the area commander.

2. Supervisors shall generate a BlueTeam entry for the use of force without regard to the number of involved or witness officers. The supervisor is responsible for



~~initiating the BlueTeam IA database web application entry before the end of a shift during which the use of force occurred, without regard for the number of involved or witnessed officers. The investigating supervisor shall initiate an IA database web application entry for each individual upon whom force was used by the end of their shift. The supervisor shall attach the narrative to the BlueTeam entry when Where an officer provides a written narrative of the use of force, the supervisor shall attach the narrative to the BlueTeam entry.~~

- ~~a. The investigating supervisor shall complete a An additional BlueTeam IA database web application entry for each additional individual upon whom force was used shall be completed when more than one individual is involved.~~
- ~~b. The investigating supervisor shall attach evidentiary items to the IA database web application entry, including, but not limited to:

 - ~~i. Involved and witness officers' OBRD footage;~~
 - ~~ii. Other video footage that captured the use of force;~~
 - ~~iii. Involved and witness officer's Uniform Incident Reports;~~
 - ~~iv. Written or recorded statements from witness(s);~~
 - ~~v. Recorded statements from involved individuals;~~
 - ~~vi. Involved and witness officers' use of force narratives; and~~
 - ~~vii. Any other items determined to have evidentiary value.~~~~

~~D. Use of Force Use of Force Review Timelines~~

~~4.~~

~~Additional Investigative Requirements~~

~~The investigating supervisor shall ensure the involved and witness officer(s) on body recording device OBRD footage, and any other video of the use of force, is attached to the corresponding BlueTeam IA database web application entry.~~

~~The investigating supervisor shall conduct follow up interviews as necessary to make a determination regarding whether the use of force was within policy.~~

~~2. The investigating supervisor shall not be required to interview perimeter sworn personnel who only heard a use of force, such as a Noise Flash Diversionary Device (NFDD), 40 millimeter, gunshot, or Police Service Dog (PSD) deployment, unless, the investigation shows that their knowledge is relevant to the investigation or may resolve a material discrepancy.~~

~~Level 1 Use of Force Timelines~~

~~These provisions do not affect officer obligations following a use of force.~~

~~The purpose of the timelines herein is to establish expectations for each rank within the chain of command for completing their portions of a use of force investigation. Nothing within this policy prohibits the Department from issuing discipline within the timelines set forth by the Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association. Nothing in these provisions shall prevent a commander from instituting their own lieutenant~~



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~~deadlines shorter than those set forth herein to ensure the ninety (90) calendar deadline is met.~~

- ~~First line supervisors shall complete and document a supervisory force review of a Level 1 use of force within seventy two (72) hours after the first line supervisor leaves the scene of a use of force.~~
 - ~~Where the first line supervisor is unable to complete a review within the initial seventy two (72) hour deadline, the first line supervisor shall request an extension by completing the Extension Request Form in IA database web application, outlining the reason(s) for an extension, to the involved officer's chain of command.~~
 - ~~The first line supervisor requesting an extension shall include the number of additional days needed for review, not to exceed forty five (45) days, and shall include articulable reasons to support the need for the number of additional days requested.~~
 - ~~The commander or their designee shall deny requests that do not demonstrate or have an articulable reason for the requested extension.~~
 - ~~The commander shall not, under any circumstances, grant an extension past the deadline to complete a use of force investigation.~~
 - ~~The commander shall reassign a case, when necessary, to ensure it will be reviewed within the timeline.~~
 - ~~Prior to the end of shift during which the use of force incident occurred, the first line supervisor shall have the responsibility to document the Level 1 use of force in the Department's project management software by inputting all required fields in the following link:
<https://app.smartsheet.com/b/form/e528bc0ec3f64bb18cbe8dbd7b77c095>.~~
 - ~~The commander of the involved officer(s) shall ensure the chain of command's review is complete within ninety (90) calendar days from the date of notification of the use of force incident. The commander shall ensure a complete and thorough chain of command review is conducted before sending the review to the Performance Review Unit (PRU).~~
 - ~~The commander shall ensure lieutenants complete their review of a Level 1 use of force within [The commander shall ensure all lower ranks complete their review of a Level 1 use of force in sufficient time to allow the Commander to complete their review of the use of force and to allow time to send back to correct any deficiencies.]~~
 - ~~If the commander does not ensure these timelines are met, the commander shall be subject to discipline.~~
 - ~~The commander may request a thirty (30) day extension from the Chief of Police.~~
- 6
- ~~3. Supervisors shall complete and document a supervisory force review of a Level 1 use of force within seventy two (72) hours after the supervisor leaves the scene of a use of force.~~
 - ~~a. Where a supervisor is unable to complete a review within the initial seventy two (72) hour deadline, they supervisor may seek an seven day extension by completing the extension by completing an extension request form in inthe BlueTeam IA database web application, outlining the reason(s) for an extension and the time requested, to the involved officer's commander.~~



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- ~~— Where a lieutenant is unable to complete a review within the ten (10) day deadline, they may seek an extension by completing an extension request form in the IA database web application, outlining the reason(s) for an extension and the time requested, to the involved lieutenant's commander.~~
- ~~— The lieutenant in the involved officer's chain of command will have ten calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force. The commander of the involved officer(s) will have no more than ninety (90) calendar days from the date of incident to ensure a complete and thorough chain of command review is conducted before sending the review to the Internal Affairs Force Division (IAFD) Performance Review Unit (PRU).~~
- ~~— The commander of the involved officer(s) shall consider their deadline when approving extension requests.~~
- ~~— Under no circumstances shall the commander exceed the deadline of ninety (90) calendar days.~~

6

4.1. Supervisors shall ~~complete and document~~ submit a the supervisory force review of a Level 1 use of force within seventy-two (72) hours after the supervisor leaves the scene of a use of force.

- a. Where a supervisor is unable to complete a review within the initial seventy-two (72) hour deadline the supervisor may seek a seven-day extension by completing the extension request form in BlueTeam IA database web application, outlining the reason(s) for an extension, to the involved officer's commander.
- b. The lieutenant in the involved officer's chain of command will have ten (10) calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force.
- c. The commander in the involved officer's chain of command will have ten (10) calendar days from receiving the lieutenant's review to complete the review of a Level 1 use of force.
- ~~d. — The commander in the involved officer's chain of command will have ten calendar days from receiving the lieutenant's review to complete the review of a Level 1 use of force. The commander will have ultimate responsibility to ensure the entire chain of command review is thoroughly completed within ninety (90) days from the date of incident.~~
- ~~e. —~~

5.2. The supervisory review of all Level 1 uses of force shall include:

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- a. All written or recorded use of force narratives and/or statements provided by Department personnel and/or community member/civilian others/witness(es);
- b. Uniform Incident Reports to include the original and Supplemental Reports;
- ~~a. — The reviewing chain of command's form pertaining to their level of review;~~
- ~~c. —~~



- d. A list of evidence that was gathered, including sufficient identifying and contact information of civilian community member witness(es) (~~names, phone numbers and addresses~~) to the use of force.
 - i. ~~The supervisor shall specifically note~~ document in their report if there were no witnesses to the use of force.
 - ii. ~~The supervisor shall also explain why witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.~~
- e. ~~Include in the report,~~ shall also include all available identifying information for anyone who refuses to provide a statement;
- f. ~~The names of all other Department employees~~ personnel who witnessed the use of force;
- g. ~~The supervisor's~~ A evaluation narrative evaluating of the use of force, based on the ~~supervisor's~~ ir analysis of the evidence gathered, including ~~determining~~ whether the officer's actions complied with Department policy;
- h. An assessment of the incident for tactical and training implications, including whether the need to use force could have been reduced or eliminated through the use of de-escalation techniques, consistent with SOP Use of Force: De-escalation;
- i. ~~The supervisor's~~ Documentation from the supervisor of any tactical issues found during the review, which shall be included as part of the ~~Blue Team IA database web application~~ entry; and
- j. An Internal Affairs Request (IAR) Documentation of any apparent policy violations along with a written Referrals submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified; for the initiation of an administrative investigation. In instances of apparent serious misconduct the investigation will be conducted by personnel from IAPS.
- k. Photographs of the involved officer(s), the individual, and the scene;
 - i. If an intermediate weapons system was used, photographs of the weapon system.
- l. A copy of the Computer-Aided Dispatch (CAD) printouts;
- m. If an ECW was used, attach the device log and audit trail from evidence.com;
and
- n. All other relevant documentation.
 - ~~A device log is a history of the events; and~~
 - ~~An audit trail is a history of battery uploads.~~

h. _____

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3. The investigating supervisor shall forward a L level 1 use of force review through the involved officer's chain of command once it has been completed.

~~6~~-a. _____ The commander of the involved officer shall assess the ~~Blue Team IA database web application~~ entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.



~~a. Where two (2) or more officers are involved in a Level 1 use of force, the supervisor shall forward such reviews will be forwarded through the primary officer's chain of command through the investigating supervisor's chain of command.~~

N/A

4. ~~The A~~investigating supervisor's immediate supervisor shall open an Internal Affairs Request (IAR) on all deficient force investigation reviews, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

a. ~~A~~The supervisor's immediate supervisor and shall document the deficient reviews in the supervisor's work performance record (refer to consistent with SOP Employee Work Plan/Performance Evaluations for sanction classifications and additional duties). ~~Each time a supervisor conducts a deficient force review it will be documented in work performance records by their immediate supervisor.~~

N/A

b. ~~A~~The investigating supervisor who conducting two (2) or more deficient force reviews shall receive the appropriate corrective and/or disciplinary action (refer to consistent with SOP Disciplinary System for sanction classifications and additional duties), and may also be subject to additional including training, demotion and/or removal from their a supervisory position.

~~The chain of command will be provided the resources to identify a sufficient review.~~

~~7. A deficient review is a supervisory finding that is not based on the preponderance of evidence finding for the application of force, or fails to identify and resolve material discrepancies.~~

~~8.2. A supervisor conducting two or more deficient force reviews shall receive the appropriate corrective and/or disciplinary action, including training, demotion and/or removal from a supervisory position.~~

E. On-Body Recording Device (OBRD) Viewing Requirements

1. In conducting a Level 1 use of force review, the investigating supervisor shall review the involved officer's and witness officer's OBRD ~~videos~~ footage from the initial point of contact with the individual upon whom force was used ~~on~~ until the time the individual was placed in a police ~~unit~~ vehicle or until they are released from the scene.

a. The investigating supervisor shall ensure bookmarks are applied on OBRD ~~the videos~~ footage that pertains to the use of force and all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all ~~misconduct~~ potential policy violations.



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2. The lieutenant shall review all OBRD ~~videos~~ footage associated with a Level 1 use of force incident for all sworn personnel logged on the relevant CAD records by logging into Evidence.com.

- a. The lieutenant shall ensure bookmarks are applied on OBRD ~~the videos~~ footage that pertains to all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all ~~misconduct~~ policy violations.
- b. The lieutenant shall ensure bookmarks are applied anywhere they cite to evidence in their review.

~~The lieutenant shall ensure bookmarks are applied to the following actions, when applicable:~~

- ~~Active resistance;~~
- ~~De-escalation;~~
- ~~Electronic control weapon (ECW) as a show of force (pointing, painting, or arcing);~~
- ~~Electronic control weapon (ECW), un-holstered;~~
- ~~Firearm, pointed un-holstered;~~
- ~~Firearm, un-holster;~~
- ~~Handcuffing;~~
- ~~Injuries, asked or talked about;~~
- ~~Injuries, photos taken;~~
- ~~Officer interview;~~
- ~~Officers separated;~~
- ~~Continued... On body recording device (OBRD) review;~~
- ~~Other intermediate weapon systems as a show of force;~~
- ~~Continued...~~
- ~~Missing recording;~~
- ~~Passive restraint system (PRS);~~
- ~~Policy violation(c);~~
- ~~Pursuit intervention technique;~~
- ~~Rescue started;~~
- ~~Spit sock;~~
- ~~Supervisor notified;~~
- ~~Suspect interview;~~
- ~~Suspect interview, Miranda read;~~
- ~~Suspect interview: "Are they injured?";~~
- ~~Suspect placed in patrol vehicle;~~
- ~~Transport/mileage;~~
- ~~Use of Force;~~
- ~~Use of tire deflation device;~~
- ~~Verbal commands, identify as police;~~
- ~~Verbal commands, intent to arrest/detain;~~
- ~~Verbal commands, use of force warning;~~
- ~~Video malfunction;~~
- ~~Video malfunction, audio;~~
- ~~Witness canvassing;~~
- ~~Witness interview;~~



- ~~— Written statement; and~~
- ~~— Written statement encouraged.~~

3. The commander shall be responsible for watching all OBRD video footage that captures the use of force and all bookmarked portions of the footage video.

~~E.F.~~ Chain of Command Review of Level 1 Use of Force

1. The chain of command is responsible for accurately completing the appropriate form for their level of review to include citing to evidence when required by the form.

- ~~— The Lieutenants shall ensure that are responsible for ensuring that all proper attachments are included in the IA database web application entry. Proper attachments include, but are not limited to:~~
- ~~— (Placeholder: Cite to APD forms)~~

~~4.2.~~ After a Level 1 use of force review has been completed, the reviewing investigating supervisor's chain of command shall order additional review when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.

5 ~~Where the involved officer's commander determines that the findings of the investigating supervisor are not supported by a preponderance of the evidence, the commander shall document the reasons for such determination in their review. Where the findings of a supervisory review are not supported by a preponderance of the evidence, the involved officer's commander shall document the reasons for such determination in their review.~~

- ~~2.~~
- ~~— The supervisor's reviewing commander shall generate an IAR take appropriate action to address the inadequately supported determination and any deficiencies that led to it.~~

3. The chain of command shall suspend a Level 1 use of force review, with notice to the affected officer, and immediately notify IAFD and the Chief of Police upon the discovery of apparent criminal conduct in the use of force by an officer, with notice to the affected officer.

a. Upon this notification, IAFD shall immediately initiate an administrative and criminal investigation into the use of force.

4. When a supervisor within the chain of command discovers that a use of force is more appropriately categorized as a Level 2 or Level 3 use of force, they shall immediately notify IAFD shall be notified immediately to review and



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~~classify the use of force case for possible assignment~~ ~~conduct the investigation,~~
~~with notice to the affected officer.~~

N/A

5. When a policy violation ~~collateral misconduct~~ is discovered during a Level 1 use of force review, the personnel identifying the policy violation ~~will~~ shall ensure that an IAR is completed ~~within~~ no later than twenty-four (24) hours of obtaining that knowledge (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties) ~~an administrative investigation will be initiated by the officer's supervisor, or IAPS, depending on the nature of the alleged misconduct.~~

~~5.6.~~ After an investigation is complete, a commander will shall mark the investigation as complete in the IA database web application entry.

~~F.G.~~ Performance Review Unit (PRU) Review of Audit Review of Level 1 Use of Force Investigations ~~Reviews~~

7

1. Upon receipt of a Level 1 use of force investigation ~~review~~ from a commander, ~~the~~ PRU personnel shall conduct a review to ensure that it is complete and that the findings are supported by the preponderance of evidence.

a. When PRU personnel determine that it is found a Level 1 investigation was incomplete, ~~PRU personnel~~ they will shall send it back to the original reviewing commander with instructions.

b. Where the PRU personnel determines that a Level 1 use of force review investigation is deficient, it will be sent back to the originating supervisor ~~chain of command~~ for correction.

i. Deficient reviews identified by PRU personnel ~~will~~ shall result in an IAR.

~~4.~~

2. After completing ~~its~~ their review, ~~the~~ PRU personnel shall forward the ~~ensure that the file is forwarded to IAFD for recordkeeping.~~

N/A

~~3. Where the PRU determines that a Level 1 use of force review is deficient, it will be sent back to the originating supervisor for correction.~~

~~4. Deficiencies noted by the PRU detective in a completed Level 1 use of force review shall be forwarded to the affected commander by the Deputy Chief of the Compliance Bureau to assure entry of the findings into the work performance records of the reviewing chain of command.~~

~~G.H.~~ Chief of Police Authority to Re-assign Reviews and Resolve Level 1 Use of Force Policy Violations

1. The Chief of Police ~~of Police~~ may assign or re-assign a Level 1 use of force review with notice to the ~~affected~~ involved officer.



2. The Chief ~~of Police of Police~~ may return a Level 1 use of force to the original supervisor for further analysis.

3. The Chief ~~of Police of Police~~ shall explain any assignment or re-assignment of a Level 1 use of force review in writing.

6 ~~3~~.a. IAFD shall track all reassignments to include who the case was reassigned to and the reason why.

4. Where a Level 1 use of force by an officer could have violated Department policy, the Chief ~~of Police of Police~~ shall:

- a. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; ~~or~~
- b. Refer the matter to the ~~Internal Affairs Misconduct Division~~ IAPS Division to conduct an administrative investigation into the alleged misconduct.

5. The Chief ~~of Police of Police~~ shall ensure that equipment, policy, supervision, tactics, and/or training ~~policy, training, or equipment~~ concerns noted during a Level 1 use of force review are resolved through the referral of such issues to the appropriate Departmental division for corrective action.

6 ~~5-6~~. A supervisor requesting the reassignment of a Level 1 use of force review shall complete an Interoffice Memorandum to the Chief of Police requesting reassignment and explaining the reason for the reassignment. The supervisor shall attach the ~~is~~ interoffice Memorandum ~~shall be attached~~ to the initial IA database web application entry.

6 ~~6~~. ~~Once a commander finds that a Level 1 use of force review finding by a supervisor is supported by a preponderance of the evidence, the file shall be forwarded to the PRU.~~

~~7. The quality of supervisory force investigations shall be taken into account in the performance evaluations of the officers performing such reviews.~~

~~2-57-4~~ **2-57-65** Level 2 and Level 3 Use of Force Investigations by the Force Investigation Section (FISIAFD)

A. General Requirements

1. An FISIAFD Detective/Investigator shall respond to the scene and conduct investigations of Level 2 and Level 3 uses of force.



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- ~~FISIAFD shall respond to the scene and conduct all investigations for for any and all on scene use of force investigation responsibilities uses of force which occur as a result of any tactical activation when any level of force is used.~~
2. ~~FISIAFD personnel~~ shall also conduct administrative investigations into uses of force indicating apparent criminal conduct by an officer, with notice to the affected officer.
 3. Where a Level 2 or Level 3 use of force investigation indicates apparent criminal conduct by an officer in the use of force, ~~FISIAFD IAFD~~ shall refer the incident to an investigator from the Criminal Investigations Division (CID) for investigation and ensure the Chief of Police is notified in writing.
 - a. ~~The criminal investigator shall have no involvement in the administrative investigation into the use of force; and~~
 - ~~3. Notice of such a referral shall be provided to the affected officer; and~~
 - b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force.
4. In instances where the Multi-Agency Task Force (MATF) is conducting the criminal investigation of a use of Force, the ~~IAFD FISIAFD~~ shall conduct the administrative investigation.
- B. Level 2 and Level 3 Use of Force Investigations by ~~the Force Investigation Section (FISIAFD)~~
1. In conducting its investigations of Level 2 or Level ~~3~~ uses of force, ~~FISIAFD~~ Detectives/Investigators shall:
 - ~~Classifying the use of force;~~
 - a. Respond to the scene and consult with the on-scene supervisor to ensure ~~that~~ all personnel and individual(s) involved in a use of force have been examined for injuries and provided necessary medical attention;
 - b. Ask the ~~Advise the~~ individual involved in the use of force incident ~~of his or her rights where it is necessary to gather additional information about injuries~~ if they sustained any injuries and whether they require medical attention;
 - b.i. If while the individual is talking about their injuries and discusses elements of the crime, the IAFD Detective/Investigator shall advise them of their rights.
 - c. ~~Categorize~~ Classify the use of force in accordance with the Department's classification procedures;
 - d. Ensure ~~that~~ all evidence is collected to establish material facts related to the use of force, including but not limited to, audio and video recordings, photographs, and other documentation of injuries or the absence of injuries, ~~is collected;~~



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- e. Canvass for and interview witness(es). In addition, witnesses shall be encouraged to provide and sign a written statement in their own words;
 - f. Ensure ~~that~~ each officer witnessing a Level 2 or Level 3 use of force provides a use of force narrative of the facts leading to the use of force;
 - g. Provide a written admonishment to involved and witness officer(s) to the use of force that they are not to speak about the force incident until they are interviewed by the I/AFD Detective/Investigator of the FIS/AFD;
 - h. Conduct only one-on-one interviews with involved and witness officers;
 - i. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;
 - j. Conduct interviews of witness sworn personnel. The I/AFD/Detective/Investigator shall not be required to interview perimeter sworn personnel who only heard a use of force, such as an NFDD, 40-millimeter, gunshot, or Police Service Dog (PSD) deployment, unless the investigation shows that their knowledge is relevant to the investigation or may resolve a material discrepancy;
 - ~~h.k.~~ Review all use of force reports to ensure that these statements include information required by Department policy;
 - ~~h.l.~~ Ensure ~~that~~ all use of force reports identify all officers-sworn personnel who were involved in the incident, witnessed the incident, or were on ~~the~~ scene when the incident occurred;
 - ~~h.k.~~ ~~Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that that may suggest legal or procedural justifications for officers' conduct;~~
 - ~~h.m.~~ Record all interviews;
 - ~~h.n.~~ Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
 - ~~h.o.~~ Make all reasonable efforts to resolve material inconsistencies between the officer, individuals subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or individuals subjects.
2. An FIS/I/AFD Detective/Investigator with the FIS shall complete an initial use of force data report for all Level 2 and Level 3 Level 3 use of force incidents and submit it through the chain of command to the Chief of Police as soon as possible, but in no circumstances later than twenty-four (24) hours after the use of force.
3. An FIS/I/AFD Detective/Investigator with the FIS shall complete Level 2 or Level 3 administrative investigations within ~~two months~~ ninety (90) calendar days after learning of the use of force.
- ~~3.a.~~ Any request for an extension to this time limit must be approved by the I/AFD Commander of I/AFD through consultation with the Chief of Police ~~of Police~~.



C. Additional Special IAFD-On-scene Considerations Responsibilities for IAFD
Responsibilities Investigations During an MATF Activations

1. During an MATF activation, IAFD shall conduct the its Level 2 or Level 3
administrative investigation, and shall also:

~~IAFD shall n~~Not interfere with the MATF investigation; and n;

a.

i. IAFD shall wait for MATF to contact and conduct interviews, if any, with
involved and witness officers shall be granted the ability to do a voluntary
interview with MATF before contacting officers;:

ii. IAFD shall wait for MATF to contact and conduct interviews, if any, with All
civilian community member witnesses before contacting those civilian
witnesses shall be contacted by MATF personnel first; and;

~~====
====
====~~

~~IAFD shall respond to the scene and shall be responsible for the
administrative investigation.~~

~~====~~

iii. IAFD FIS IAFD shall attempt to follow up with all civilian community member
witnesses after the MATF interviews at a later time.

~~IAFD's on scene responsibilities include:~~

~~====~~

~~Involved and witness officers shall be granted the ability to do a voluntary
interview with MATF.~~

~~All civilian witnesses shall be contacted by MATF personnel first.~~

~~IAFD FIS shall attempt to follow up with all civilian witnesses after the MATF
interviews at a later time;~~

b. Attend the administrative briefing provided by MATF FIS detectives shall identify
any potential misconduct based on evidence provided in the administrative
briefing provided by MATF; an d.:

~~Identify any potential misconduct based on the evidence provided in the MATF
administrative briefing.~~

~~Identifying involved and witness officer(s);~~

~~Physically separating involved and witness officers, when possible;~~

~~Issuing a verbal order for officers not to discuss the use of force;~~

~~Issuing admonishments to involve witness officer(s);~~

~~Identifying any potential misconduct based on evidence provided in
administrative briefing provided by MATF;~~

~~Visually inspecting personnel and the individual for injuries and request
medical attention where the individual is injured or complains of pain or
there was a Level 2 or Level 3 use of force;~~



- ~~Sworn personnel do not need to request medical personnel when all applications of force missed the individual.~~
- ~~Ensure that at least one sworn personnel is present with and monitoring the individual.~~
- ~~Once personnel have been separated, asking involved officers what type of force was used; and~~

~~C.D.~~ Level 2 and Level 3 Use of Force Investigation Reports by the Force Investigation Section IAFD

1. At the conclusion of each use of force investigation, ~~the FIS~~ IAFD shall prepare an investigative report. The report shall include:
 - a. A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the ~~FIS~~ IAFD's independent review of the facts and circumstances of the incident;
 - b. Documentation of all evidence that was gathered, including names, phone numbers, ~~and~~ addresses of witnesses to the incident, and all underlying use of force data reports;
 - i. In situations in which there are no known witnesses, the report shall specifically state this fact.
 - ii. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why such information was not recorded.
 - ~~b.iii.~~ iii. The report shall also include all available identifying information for anyone who refuses to provide a statement; ~~i.~~
 - c. The names of all other officers or employees witnessing the use of force;
 - d. The investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with Department policy, and federal and state ~~and federal law;~~ ~~i.~~
 - ~~e.i.~~ i. The narrative shall also include an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options; ~~i.~~
 - e. If a weapon was used by an officer, documentation indicating whether or not the officer's certification and training for the weapon were current at the time of the incident; and
 - f. The complete disciplinary history of the officers involved in the use of force.

~~D.E.~~ Level 2 and Level 3 Use of Force Investigation Review by the Force Investigation Section IAFD Chain of Command

7

1. Upon completion of the ~~FIS~~ IAFD investigation report, the ~~FIS~~ IAFD Detective/Investigator shall forward the report through ~~his or her~~ their chain of command to the IAFD ~~Commander~~ commanding officer through the IA database web application.



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2. The IAFD ~~Commander~~ commanding officer shall review the report to ensure ~~that~~ it is complete and ~~that~~, for administrative investigations, the findings are based upon the preponderance of the evidence.
3. The IAFD ~~Commander~~ commanding officer shall order additional investigation when it appears ~~that~~ there is additional relevant evidence ~~that~~ may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
4. For administrative investigations, where the findings of the ~~FIS~~ IAFD investigation are not supported by a preponderance of the evidence, the IAFD ~~Commander~~ commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigative report.
5. ~~The IAFD Commander commanding officer~~ Any XYZ reviewing supervisor shall ~~take~~ initiate an IAR to address appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it, ~~as well as any investigation which~~ that failed to evaluate material discrepancies.
6. The IAFD ~~Commander~~ commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by ~~the FIS~~ IAFD.
7. Where an ~~an~~ IAFD Detective/Investigator of the ~~FIS~~ IAFD repeatedly conducts two (2) or more deficient force investigations, they ~~investigator~~ shall receive the appropriate corrective and/or disciplinary action, consistent with SOP Disciplinary System. Repeated deficient force investigations shall be cause for removal from FIS IAFD when the individual IAFD Detective/Investigator has been provided additional training and has conducted another deficient force investigation, including training or removal from the FIS. The commanding officer shall document the deficient investigation review in the IAFD Detective/Investigator's work performance record, consistent with SOP Employee Work Plan/Performance Evaluations. These actions shall be in accordance with performance evaluation procedures.
8. When the IAFD ~~Commander~~ commanding officer determines ~~that~~ that the force investigation is complete and the findings ~~is~~ are supported by a preponderance of the evidence, the commanding officer shall forward the investigation report to the Force Review Board (FRB) with a copy to the Chief of Police ~~of Police~~.

N/A

~~E.F.~~ Chief of Police Authority to Re-assign Reviews and Resolution of Level 1-2 and Level 3 Use of Force Policy Violations

1. At the discretion of the Chief of Police ~~of Police~~, a force investigation may be assigned or re-assigned for investigation to the MATF or the Federal Bureau of Investigation (FBI), or may be returned to the ~~FIS~~ IAFD for further investigation or analysis.



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- ~~a. This assignment or re-assignment shall be documented in writing with notice to the affected officer. The Chief of Police or their designee shall document the assignment or reassignment in writing with notice to the [WHOMEVER] IAFD commanding officer and the affected officer.~~
- b. Where a Level 2 and Level 3 use of force by an officer could have violated Department policy, the Chief of Police shall:
- i. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; or
 - ii. Refer the matter to the IAPS Division to conduct an administrative investigation into the alleged misconduct.

2. After an administrative force investigation, where a use of force is found to violate policy, the Chief of Police ~~of Police~~ shall direct and ensure appropriate discipline and/or corrective action is taken.
3. Where a force investigation indicates apparent criminal conduct by an officer, the Chief of Police shall ensure that a CID detective or the MATF consults with the Bernalillo County District Attorney's Office (~~BCDA~~) or the United States Attorney's Office (~~USAO~~), as appropriate. The Department need not delay the imposition of discipline until the outcome of the criminal investigation.
4. In use of force investigations, where the incident indicates equipment, policy, supervision, tactics, and/or training ~~policy, training, tactical, or equipment~~ concerns, the Chief of Police ~~of Police~~ shall ensure that necessary training is delivered and the that equipment, policy, supervision, tactics, and/or training ~~policy, tactical, or equipment~~ concerns are resolved.

~~F.G. Role of the Multi-Agency Task Force~~ MATF ~~in the~~ Review of Level 2 or Level 3 Use of Force for Potential Criminal Conduct

1. Where appropriate to ensure the fact and appearance of impartiality, and with the authorization of the Chief of Police ~~of Police~~, ~~APD~~ the Department may refer a use of force indicating apparent criminal conduct by an officer to the MATF for criminal investigation, ~~with notice to the affected officer.~~
2. To ensure ~~that~~ criminal and administrative investigations remain separate, ~~APD's~~ the Department's Violent Crimes Section may support the ~~FIS~~ IAFD ~~of IAFD~~, or the MATF in the investigation of any Level 2 or Level 3 use of force, including critical firearm discharges, in-custody deaths, or police=~~=~~initiated actions in which a death or serious physical injury occurs.
3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police ~~of Police~~ shall instruct that the investigation is to be forwarded to the appropriate prosecuting authority. If the MATF or the CID investigation indicates any apparent criminal conduct by an officer or reveals evidence of criminal conduct by an officer, the



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Chief of Police shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s)/authorities.

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4. Where ~~APD~~ the Department refers a use of force incident to the appropriate prosecuting authority for potential criminal prosecution, the ~~FISIAFD~~ will delay any compelled interview of the target officer(s) pending consultation with the prosecuting agency authority. -No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Chief of Police, and after consultation with the prosecuting authority~~agency~~.

REDLINED