

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

Tuesday, August 24, 2021 – 5:00 PM

Members Present:

Eric Oliva, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Dr. William Kass

Eric Nixon

Gionne Ralph (late)

Members Absent:

Richard Johnson

Doug Mitchell

Others Present:

Edward Harness, CPOA

Valerie Barela, CPOA

Katrina Sigala, CPOA

Tina Gooch, Atty

Cdr. Zak Cottrell, APD

Acting Cdr. Richard Evans, APD

Patrica Serna, APD

Cdr. Cori Lowe, APD

Carlos Pacheco, Asst. City Atty

Acting Cdr. Jason Sanchez, APD

Pastor David Walker, Mayor's Office

Chris Sylvan, City Council

Kelly Mensah, CPC

Viki Williams, CPC

Marteessa Billy, CPC

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board special meeting on Tuesday, August 24, 2021 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view 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-august-24-2021>

(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, Friday, August 20, 2021 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 Tuesday,

Civilian Police Oversight Agency Board
Special Meeting Minutes – August 24, 2021

August 24, 2021. 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 and Discipline Policy. Public comment is welcome. 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/87242025793?pwd=TVZkUGtrUzVQV1AvQjZ0Q1g5SXZhZz09>

Passcode: 791949

Or One tap mobile:

+16699006833,,87242025793# US (San Jose)

+12532158782,,87242025793# US (Tacoma)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 872 4202 5793

International numbers available: <https://cabq.zoom.us/j/87242025793?pwd=TVZkUGtrUzVQV1AvQjZ0Q1g5SXZhZz09>

Special Meeting Minutes

- I. Welcome and call to order.** Chair Olivas called to order the special meeting of the Civilian Police Oversight Agency Board at 5:01 p.m.
- II. Mission Statement** – Chair Olivas read the Civilian Police Oversight Agency Board’s mission statement.
- III. Approval of the Agenda**
 - a. Motion.** Motion by Vice-Chair Galloway to approve the agenda as drafted. Roll call vote taken. Motion passed.
For: 6 - Armijo-Prewitt, French, Galloway, Dr. Kass, Nixon, Olivas
- IV. Public Comments**
 - a. None.

*****Member Ralph joined the meeting at 5:13 p.m.*****

V. Discussion and Possible Action:

a. Use of Force Policy Review (SOP 2-52 through SOP 2-55) - Dr.

William Kass

1. Public Comments on SOP 2-52

- i. Member Dr. Kass shared a policy development outline process to review use of force policies and provided an overview of SOP 2-52. He also provided a summary and defined level of forces as described in SOP 2-52. *(see attached)*
- ii. Peter Simonson
- iii. Elaine Maestas
- iv. Lawrence Kronen

2. Public Comments on SOP 2-53

- i. Member Dr. Kass provided a summary of SOP 2-53. *(see attached)*

3. Public Comments on SOP 2-54

- i. Member Dr. Kass provided a summary of SOP 2-54. *(see attached)*

4. Public Comments on SOP 2-55

- i. Member Dr. Kass provided a summary of SOP 2-55 and read aloud the purpose of the policy. *(see attached)*
- ii. Robbey Heckman
- iii. Lawrence Kronen
- iv. Acting Commandar Richard Evans acknowledged more work needs to be done on the Use of Force policies and is working diligently on the policy. He also expressed his interest in reviewing the Camden County Police Department policy on Use of Force as suggested by those who provided public comments on the policy.
- v. Director Harness shared the platform to submit written comments to APD via the following weblink:

<https://app.smartsheet.com/b/form/8d8d2b6c6520407b8c9bc9bcaf3d02b9680>

b. Discipline System Policy Review (SOP 3-46) - Dr. William Kass

1. Public Comments on SOP 3-46

- i. Member Dr. Kass provided an introduction to SOP 3-46 and read aloud the purpose of the policy. (*See attached*)
- ii. APD Commandar Zak Cottrell provided an overview of the major changes to SOP 3-46. He also stated that APD does post to a National Registrar of officers who lose their certifications and will provide the website registry information to CPOA Board within the next week.

VI. Other Business

- a. Chair Olivas would like all Board members to submit written comments related to any of the polices to the Chair or any member of the Policy and Procedure subcommittee by their next regularly scheduled subcommittee meeting on September 2, 2021.

VII. Adjournment –

- a. **Motion.** A motion by Vice-Chair Galloway to adjourn the meeting. Roll call vote taken. Motion passed.

For: 8 - Armijo-Prewitt, French, Galloway, Dr. Kass, Nixon, Olivas, Ralph

- b. The meeting was adjourned at 6:57 p.m.

ATTACHMENTS

DRAFT

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Introduction – reviewing the use-of-force policies

The question is how well are these policies working? It is a quantitative question not a binary question with a yes/no answer.

There is a well know policy development process that includes in general:

- formulating a policy (writing the SOP, ...),
- implementing the policy (Academy training, field training, specialized training, ...),
- practicing the policy (responding to calls, gathering data, writing reports, ...),
- reviewing and evaluating the policy effectiveness (analyzing the data).
- Modifying the policy (applying the statistical and anecdotal) data

The policies presented tonight are in the review and evaluation phase. The CASA requires that a policy be reviewed yearly. In many ways it should mimic the process that the Independent Monitor Team (IMT) employs to measure APD compliance to the CASA requirements – paragraph by paragraph.

The SOP review process should use the data that APD collects as a result of taking a call as well as the subsequent investigative data. (Spoiler alert – this does not happen often and I will talk more about that later.)

As a result of the CASA, a policy development process an SOP itself, has been created that includes provisions for public input such as we will hear at tonight’s meeting. It is SOP 3-52 and is called the Policy Development Process it is one of more than 200 SOPs in existence at APD. It is applied regularly to every SOP in APD including itself. I realize that SOP numbers can be confusing, especially in this case where the general use-of-force policy is SOP 2-52.

The purpose of any policy development process is to identify a problem or problems and create and implement effective policies that will provide the tools and processes to solve the identified problems.

In order to do that the policy must have a way to measure of its effectiveness. That means using data, collected from when a policy is first put into practice, to evaluate the policy when it is reviewed at some later time. This is the same process that we use every day in our lives to govern our behavior. We remember and use our previous experience to guide our future behavior. It is called the scientific method. Improvement, not perfection, is the goal.

Tonight, the situation is more complicated because we are not evaluating a single policy but about half of the policies that govern all aspects of use-of-force by police and all these use-of-force policies including a few others, are interconnected.

- the outcomes of one policy (for example, use-of-force effects on the individual – SUOF, OIS, ..., processes used – de-escalation, advance information gathering, advance planning, ...),
- informs the next policy. APD already collects data associated with each policy that could be used to measure its effectiveness. and to feed into the next policy.

So before we ask for public comment around these policies I would like to describe the policy development process in some detail and then I would like to lay out the connections between the use-of-force policies as I see them.

In both cases, I will highlight what I think are some of the strengths and weaknesses of these policies. We have invited APD representatives to participate in tonight’s meeting to answer questions that you the public might have. We have invited APD to this meeting primarily to hear what you, the public have to say and I am sure they are prepared to answer your questions, as well. In order to keep the process orderly, we will ask that public comment questions be directed to (myself or the board chair?) and also that APD will respond to the questions in the same way.

SOP review process

So, first the policy development process. I have excerpted the flow chart from the SOP that is currently under review. This is a reminder that this policy is changing and this has yet to complete the review process. The flow chart show however, is substantially the same as the current version of the SOP.

Governed by SOP 3-52 Policy development process shown on screen

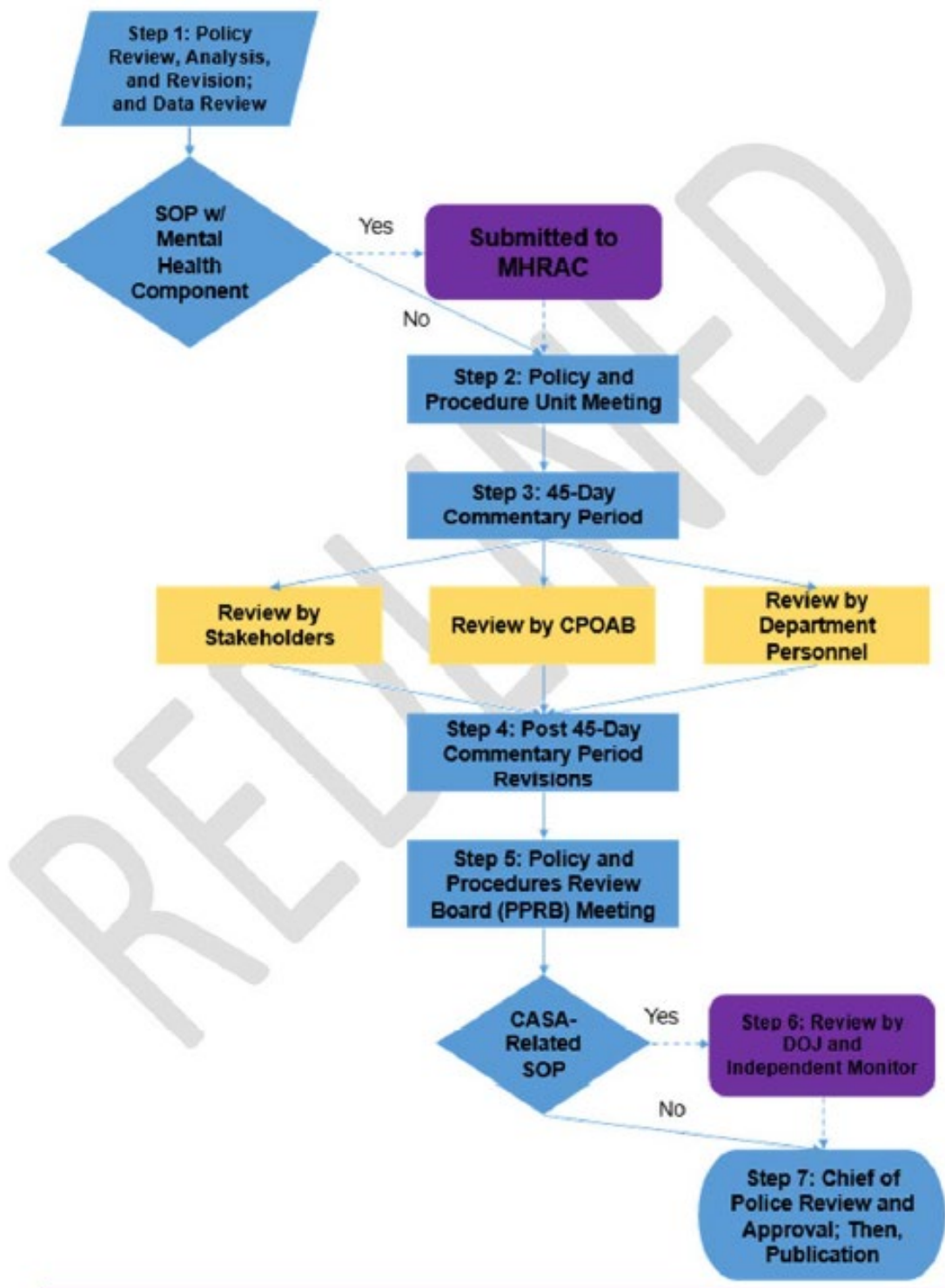
Policy development description

Step 1	Policy review, analysis and revision and data review.	PRU
	Mental Health component?	MHRAC
Step 2	P& P Unit meeting	APD, SME, CPOAB, interested community
Step 3	Commentary period – 15 to 45 days	public,
	Reviews by Stakeholders, CPOAB, APD	
Step 4	Post commentary period revisions	PRU, SME
Step 5	PPRB meeting	APD, CPOA, CPOAB
	CASA related? -> Step 6	
Step 6	Review by DOJ/	DOJ IMT
Step 5A	30 day recommendation period for CPOAB	CPOAB
Step 7	Chief review, approval, publication	Chief

After the policy has been presented for the step 2 review, the CPOA Board’s PnP triages policies into policies of interest and can decide to recommend further action by the full board – no interest recommendation to the PRU, letter of recommendation to the chief, or wait and see.

Chief – obligated to respond with an explanation to Board

Policy Development Flowchart



Policy development highlights

Apply to sworn personnel, but not individuals (public)

Policies provide rules and guidelines together with discipline but implementation depends on training and culture

Policies allow certain activities and prohibit others

Policies are intended to be clear and trainable so officers know what is expected and then be held accountable.

Discipline –sanction levels included with each paragraph SOP 3-46 Discipline policy to be reviewed

Because policies alone do not change the practices of APD officers, there are extensive training programs which are required or optional for APD offices to receive. A few examples are:

Academy training

Use-of-force Tier training

Crisis intervention

Tactical SWAT

Weapons training – force array

De-escalation training designed to gain trust of the individual, slow down the situation and avoid the use-of-force.

Use-of-force policies review

The use-of-force suite of polices fall into three areas:

Before: What APD does to prepare for a use-of-force

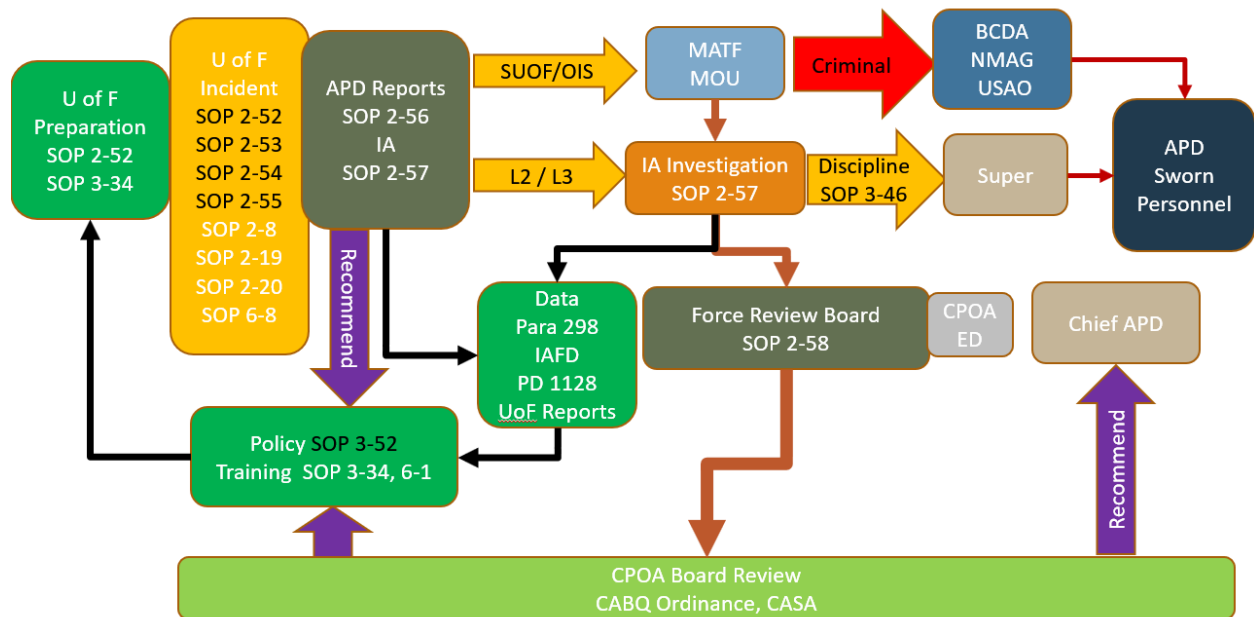
During: What APD does during a use-of-force

After: What APD does to investigate, review, learn and apply to corrective action after a use-of-force.

I have shown the policies that apply in each of these three time domains.

While the use-of-force incident itself can last from a few seconds to several hours, preparation for the inevitable uses of force involves many months of planning and training. After a UoF incident, the investigation and review can also take many months. With all the effort invested before and after a use-of-force incident it would be a irresponsible not to use what is learned from a UoF incident to improve the force incidents in the future. In order to do that we need to understand the full process.

Use-of-force flow chart



Flow chart description

Black Arrows	Administrative data or information, police reports, CAD data, training, policy
Red Arrows	Investigative information
U of F Preparation	The DOJ investigation found APD had a history of excessive use-of-force. This led to the CASA which resulted in writing new policies and training to create new practices at APD
U of F incident	When an UoF incident occurs, the main policies that govern the methods and weapon systems are described by the policies under review tonight. Within these policies there are a number of related policies that are cited. This has become a standard practice by the policy review unit to make policies more uniform. The related policies are OBRD, Crisis intervention, tactical units etc.
APD Reports	The requirements to gather evidence, interview officers, and report the results is found in this step. Depending on the severity of the use-of-force higher levels of supervision and IAFD may be called to the scene to begin their investigative efforts early. From the investigative reports and other data, APD units can make or inform recommendations for Policy and Training improvements.
DATA	The data from these reports is stored in various locations and at some time analyzed and reported in various forms.
SUOF/OIS	As soon as possible the level of force used is identified. For SUOF and OIS, the investigation will include the multi agency task force composed of APD, BCSO, Rio Rancho police agencies.
MATF	MATF is supposed to conduct an investigation that is somewhat independent of APD. MATF is governed by an MOU which is currently being rewritten and

	is unavailable at this time for review. This does raise questions about how MATF actually functions to maintain independence.
BCDA/NMAG/USAO	IF MATF determines the use-of-force to be potentially criminal, their investigation Information will be given to the appropriate prosecutorial agencies and these organizations will pursue criminal justice.
L1/L2/L3	Force levels are defined in SOP 2-53. L2 and L3 include injuries and will be investigated by IAFD. L1 by the line organization.
IA Investigation	Governed by SOP 2-57. Obviously an important policy under review tonight.
Discipline SOP 3-46	SOP became effective 7/27/21. This is the reason the SOP has no markups. It seemed appropriate to review this policy along with UoF policies where discipline may be called for but recent IMR indicate that management is reluctant to use discipline, thus it is not being utilized effectively.
Superintendent	If the result of the IA investigation warrants discipline against the officer, IA will make a recommendation to the Superintendent who has the final authority to impose discipline.
Policy / Training	SOPs are reviewed and modified by following SOP 3-52 described earlier.
Force Review Board	This board was created SOP 2-58 and represents the final APD review of a force case. The membership is defined by the SOP.
CPOA ED	The CPOA executive director is a non-voting observer of the FRB and report his findings to the CPOA Board

Use-of-force levels

Level 1	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.
Level 2	Force that which causes injury, could reasonably be expected to cause injury, or results in a complaint of injury, regardless of whether the use of force was unintentional or unavoidable
Level 3	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. (Includes Critical firearm discharge, Police Service Dog bites, certain multiple applications of ECW, multiple baton strikes, Level 2 use-of-force against a handcuffed individual, certain uses of PIT maneuver)

Use-of-force related SOPs

SOP	Title
SOP 1-37	Crisis Intervention Section and Program
SOP 2-8	Use of the On-Body Recording Device
SOP 2-19	Response to Behavioral Health Issues
SOP 2-20	Hostage Situations, Barricaded Individuals and Tactical Threat Assessments
SOP 2-45	Pursuit by Motor Vehicle
SOP 2-52	Use of Force: General
SOP 2-53	Use of Force: Definitions
SOP 2-54	Intermediate Weapons Systems
SOP 2-55	Use-of-force De-escalation
SOP 2-56	Use-of-force – Reporting by Department Personnel
SOP 2-57	Use of Force: Review and Investigation by Department Personnel
SOP 2-58	Force Review Board
SOP 2-82	Restraints and Transportation of Individuals
SOP 3-34	Training Committee
SOP 3-46	Discipline System
SOP 3-52	Policy Development Process
SOP 6-1	Training Division
SOP 6-8	Specialized Tactical Units (SOP 6-8 is unpublished/restricted)
SOP 7-2	Critical incident review team
SOP 7-3	Force investigation team

Use-of-force polices breakdown

SOP 2-52 Use-of-force General

SOP 2-52	Use-of-force - General	What?	How?
-1	Purpose	establish uniform guideline and standards appliable to the use-of-force	
-2	Policy	Preserve the sanctity of human life	make every effort
		Hold sworn personnel accountable to lawful, professional and ethical standards	Assertive leadership and supervision before during after every use-of-force incident
		minimum amount of force that is reasonable and necessary	based on totality of circumstances,
		after initial use-of-force: reduce the use-of-force	stop / reduce
		Sworn personnel have constitutional authority, unreasonable force degrades the legitimacy of authority	unreasonable use-of-force subject to discipline, possible criminal prosecution
		Perspective of reasonable officer who is on-scene, must adhere to USSC Graham Standard	conform to policy and training conducted by Department
		Higher standard imposed by APD	accountable if not conforming to APD policy and training
		Sworn personnel clearly articulate facts that minimum force was used	based on totality of circumstances
-4	General requirements	Shall use de-escalation techniques	when feasible, SOP 2-55 De-escalation
		allow an individual a reasonable amount of time to submit to arrest before force is used	when feasible
		follow state and federal law	
		use force	to accomplish a lawful objective when necessary objectively reasonable force minimum amount of force continually assess amount, necessary, proportional, reasonable
		Reduce the level	as the threat diminishes
		Behavioral health crisis	attempt to de-escalate

				until Supervisor, ECIT, CIU, MCT arrive
	-5	UoF Prohibitions	not to gain compliance with an unlawful command	
			can not escalate	not use actions or tactics, statements until UoF is necessary
			not use weapon mounted light for general illumination	
			not against a handcuffed individual	unless necessary prevent officer harm overcome active resistance move a passively resisting individual
			not use firearm as impact weapon	exceptions
			not against suicide / self harm	
			no neck holds	
			no warning shots	
			not in a crowded environment	
			not in protection of property	
	-6	UoF Procedures	SP must identify themselves SP shall utilize cover shall issue verbal warnings release from face down position monitor individual for breathing and distress	
			no leg sweeps / arm bars	except immediate officer harm or others or overcome active resistance
			duty to intercede	when observing out of policy UoF
			Notify supervisor and document UoF	when reasonable
		High threat situations	prior to contact	plan response to situation plan de-escalation techniques create a force array
			violent encounter shall not be resolved alone	exceptions: active shooter
			utilize cover	distance, cover, concealment, barriers
			Supervisors shall manage overall response	ensure de-escalation ensuring force array deployment
		Deadly force	preserve human life	

			de-escalation techniques minimum amount of force	
			not use deadly force	except: individual poses a significant threat of death or serious physical injury to officer
			not use deadly force against a fleeing suspect	except: individual has committed a felony with death or serious injury the ind would pose a deadly threat to officers or others individual has warned use of deadly force
			verbal warning given prior to use of force when feasible	
	Motor vehicle		prohibitions	do not reach into moving vehicles stand in front of vehicles move out of path do not fire at a moving vehicle no reasonable alternative
	duty to provide medical		immediately identify injury	
			immediately render aid	
			request medical attention	
			after Level 2 or 3	
			may extract individual	
			must closely monitor individual	
			ensure medical attention	
			take a safe route to medical facility	
			notify ECC of starting and ending mileage	

SOP 2-53 Use-of-force Definitions

2-53		
-1	Purpose	The purpose of this policy is to define terminology used in the Albuquerque Police Department use of force policies.
-2	Policy	It is the policy of the Department to define terms within the use-of-force Standard Operating Procedures (SOP). This will ensure a consistent understanding of terms.
-2	Definitions	Complaint of pain
		Critical Firearm Discharge
		Deadly Force
		Deficient Review
		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, 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.
		Distraction Technique
		Empty hand takedown
		Electronic control weapon application
		Escort Techniques
		Exigent Circumstances
		Feasible
		Force
		Force array A team tactic, which utilizes a layer of force options. Sworn personnel work in concert with one another by deploying varying force options. Force array provides sworn personnel with a range of force options and allows sworn personnel to quickly escalate or de-escalate their force response when necessary.
		Hard Object
		Immediate Threat
		Imminent Threat
		Individual
		Injury
		Involved Officer
M	Levels of force	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
		Level 2 Use of Force: Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.
		Level 3 Use of Force: Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.
S		Levels of Resistance
		Low level control tactics
		Low Ready
		Material Discrepancy
		Minimum amount of force necessary

		Necessary Force
		Neck Hold (Choke Hold)
		Non-force complaint of pain from Handcuffing
		Participating
		Person
		Potential Threat
		Proportional Force
		Reasonable force
		rendering Aid
		Reportable use-of-force
		Serious Physical injury
		Show of Force
		Transitory Pain
		Vascular Neck Restraint

SOP 2-54 Intermediate Weapons systems

2-54	-1	Purpose	Identify the intermediate systems used by sworn personnel of APD and to establish uniform guidelines for sworn personnel in the use and deployment of those intermediate weapon systems.
	-2	Policy	Intermediate weapon system are less-lethal options available to 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 shall cause an unintended or unforeseen injury or death, even when the weapon is used as intended. Sworn personnel must shall exercise restraint in the use of intermediate weapon systems, employing de-escalation techniques whenever possible.
	-4-A	Use and considerations	
		Requirements to carry	
		Use guidelines	use consistent with definitions
			minimum amount of force reasonable and necessary
			verbal warning and reasonable time to comply
			An officer shall 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!”, “Bean bag, bean bag, bean bag!” 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.
			consideration of susceptibility to injury – pregnant women, children, elderly, frail persons, signs of medical distress, low body mass
			no show of force on passively resisting individual
			prohibited when substantial risk of serious injury due to situational hazards (except where Lethal force is permitted)
	C	Reporting	
	-5		Oleoresin capsicum spray (OC)
	-6		ECW
	-7		Expandable Baton / Straight Baton or Bokken
	-8		Beanbag shotgun
	-9		40 mm impact launcher
	-10		IW systems approved for use by specialized units

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	Policy	When feasible, an officer shall use de-escalation techniques. Policing, at times, requires an officer 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 to serve as a mediator between parties, or to defuse a tense situation
	-4	Techniques and guidelines	<p>when feasible:</p> <ul style="list-style-type: none"> use distance, cover, concealment, to allow time to: assess the situation, bring additional resources to the scene, develop a plan for resolving the incident without using force. barriers request additional personnel use active listening skills to indicate engagement in conversation employ verbal de-escalation conversational tone ask questions advise that disobeying and imposing threat shall result in the need to use force.
		B	talk before using force
		c	<ul style="list-style-type: none"> gather information assess potential risks coordinate resources communicate and coordinate a response request additional resources
		D	<ul style="list-style-type: none"> avoid unnecessary actions recognize officer elevated stress can adversely impact individual interactions
		E. SHALL	<ul style="list-style-type: none"> Deescalate when there is not threat to officer harm transition to other de-escalation techniques document verbal techniques in uof reports
		F	<ul style="list-style-type: none"> Commands and orders are not de-escalation techniques commands do not replace de-escalation
		G	individual failure to comply – officer considers ability of individual to comprehend or comply. (no change)
		factors	<ul style="list-style-type: none"> when present require de-escalation influence of drugs / alcohol mental illness / development disability crisis experience physical / medical disability – visual or hearing language barrier

		H	behavioral health crisis – de-escalate and follow Response to Behavioral Health Issues
			Supervisors shall be involved as soon as practicable to manage overall response to potentially violent encounters by coordinating resources and tactical actions

SOP 3-46 Discipline System

SOP became effective 7/27/21. This is the reason the SOP has no markups. It seemed appropriate to review this policy along with UoF policies where discipline may be called for but recent IMR indicate that management is reluctant to use discipline, thus it is not being utilized effectively.

3-46	-1	Purpose	The purpose of this policy is to articulate approved disciplinary practices in response to sustained violations of APD SOPs.
	-2	Policy	It is the policy of the Department to ensure that fair and consistent disciplinary action is taken for sustained policy violations in accordance with the tenets of progressive discipline that include the nature of the sustained violation, the employee’s disciplinary history, and applicable mitigating and aggravating factors.
	-3	Definitions	
	-4	Procedures	
		A	Sanction Classifications
		B	Chart of sanctions
		C	aggravating and mitigating circumstances
		D	Disciplinary action packet – multiple violations, prior related offenses
		E	Imposition of discipline or corrective action mandatory reporting to NMLEA – cops continuing to cycle through depts.
		F	Expectations for Department Personnel on Suspension or Dismissal From Service
		Appendix I	Chart of Sanctions
		Appendix II	Prior related offenses

SOP 2-19 Response to Behavioral Health Issues

2-19					

SOP 2-56 Use-of-force reporting

2-56				

SOP 2-57 Use-of-force review and investigation

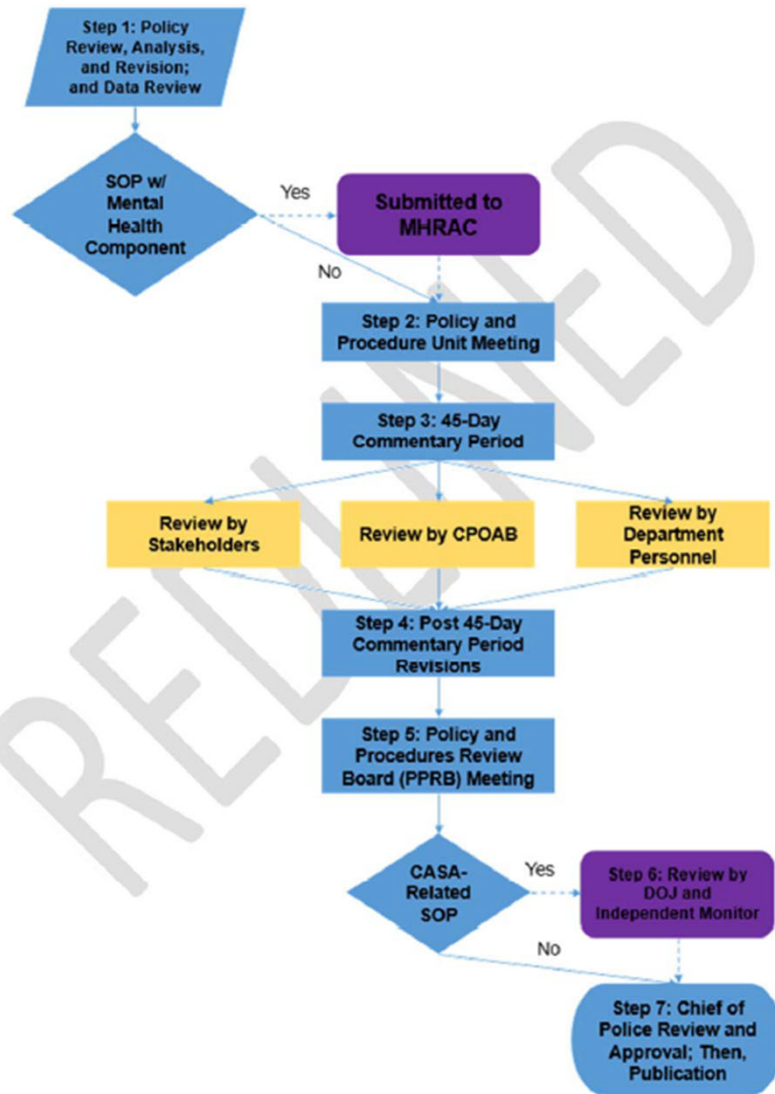
2-57				

SOP 2-58 Force Review Board

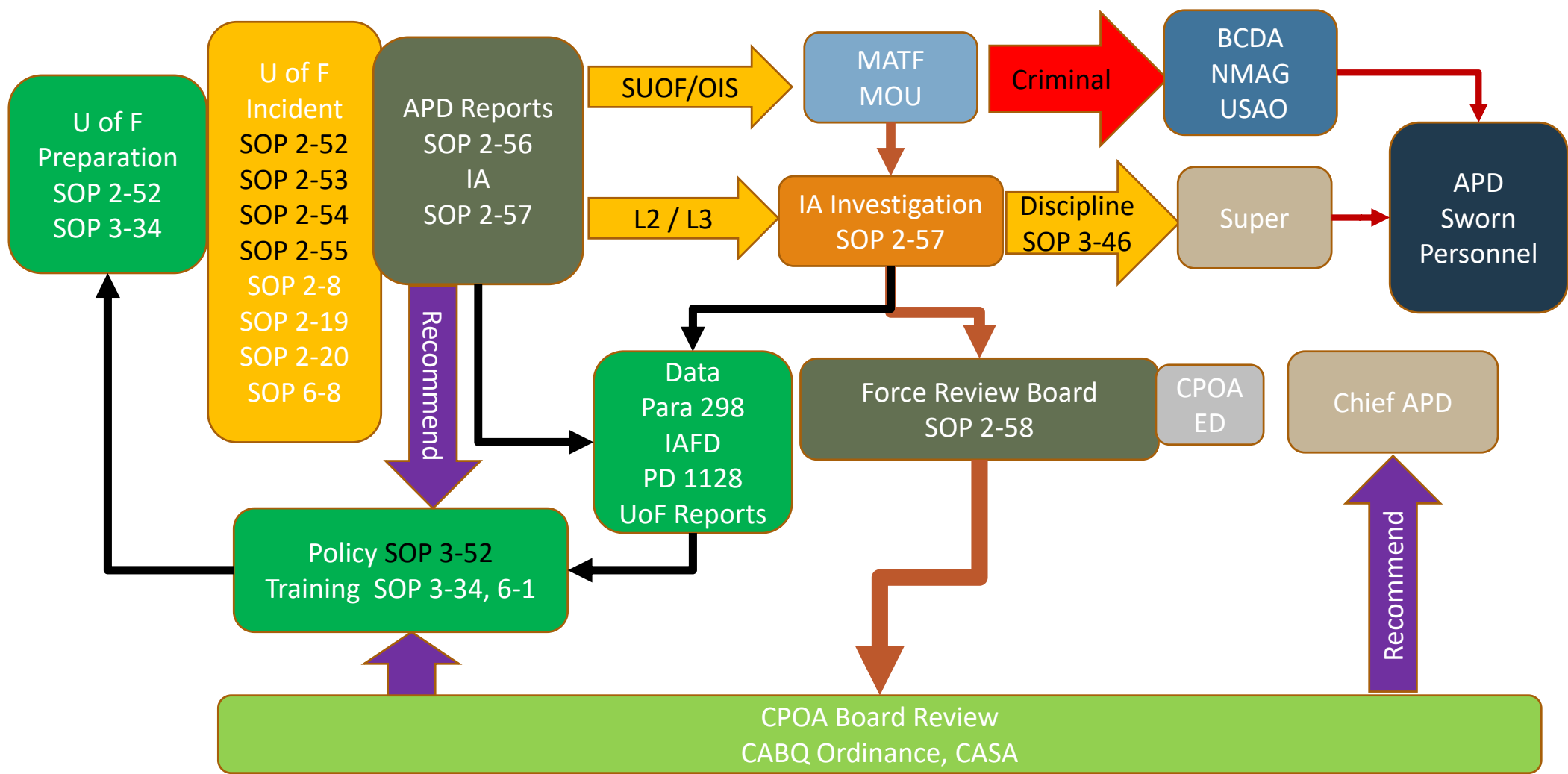
2-58				

SOPs applicable in various UoF situations

Situation	Before	During	After
All Situations	SOP 2-52	SOP 2-52	SOP 2-52 SOP 2-56 SOP 2-57
Evolving	SOP 2-19	SOP 2-54 SOP 2-55	
Immediate			
High Conflict	Tactical	SOP 2-19	
Individual Crisis	SOP 2-19	SOP 2-54 SOP 2-55	
Level I			SOP 3-46
Level II			SOP 3-46
Level III			SOP 3-46 SOP 2-58 FRB



Step 1	Policy review, analysis and revision and data review.	APD Policy Review Unit
	Mental Health component?	Mental Health Response Advisory Committee
Step 2	P& P Unit meeting	APD, Subject Matter Expert, CPOAB, interested community
Step 3	Commentary period – 15 to 45 days	Public, APD
	Reviews by Stakeholders, CPOAB, APD	
Step 4	Post commentary period revisions	PRU, SME
Step 5	PPRB meeting	APD, CPOA, CPOAB
	CASA related? -> Step 6	
Step 6	Review by DOJ/IMT	DOJ IMT
Step 5A	30 day recommendation period for CPOAB	CPOAB
Step 7	Chief review, approval, publication	Chief



SOP	Title
<u>SOP 1-37</u>	Crisis Intervention Section and Program
<u>SOP 2-8</u>	Use of the On-Body Recording Device
<u>SOP 2-19</u>	Response to Behavioral Health Issues
<u>SOP 2-20</u>	Hostage Situations, Barricaded Individuals and Tactical Threat Assessments
<u>SOP 2-45</u>	Pursuit by Motor Vehicle
<u>SOP 2-52</u>	Use of Force: General
<u>SOP 2-53</u>	Use of Force: Definitions
<u>SOP 2-54</u>	Intermediate Weapons Systems
<u>SOP 2-55</u>	Use-of-force De-escalation
<u>SOP 2-56</u>	Use-of-force – Reporting by Department Personnel
<u>SOP 2-57</u>	Use of Force: Review and Investigation by Department Personnel
<u>SOP 2-58</u>	Force Review Board
<u>SOP 2-82</u>	Restraints and Transportation of Individuals
<u>SOP 3-34</u>	Training Committee
<u>SOP 3-46</u>	Discipline System
<u>SOP 3-52</u>	Policy Development Process
<u>SOP 6-1</u>	Training Division
<u>SOP 6-8</u>	Specialized Tactical Units (SOP 6-8 is unpublished/restricted)
<u>SOP 7-2</u>	Critical incident review team
<u>SOP 7-3</u>	Force investigation team

Level 1	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.
Level 2	Force that which causes injury, could reasonably be expected to cause injury, or results in a complaint of injury, regardless of whether the use of force was unintentional or unavoidable
Level 3	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. (Includes Critical firearm discharge, Police Service Dog bites, certain multiple applications of ECW, multiple baton strikes, Level 2 use-of-force against a handcuffed individual, certain uses of PIT maneuver)



2-52 USE OF FORCE: ~~—~~GENERAL

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~~
- ~~2-54 — Intermediate Weapons Systems~~
- 2-55 5 — Use of Force: De-escalation
- 2-56 6 — Use of Force: Reporting by Department Personnel
- 2-57 7 — Use of Force: Review and Investigation by Department Personnel
- 2-82 Restraints and Transportation of Individuals

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

2-52-1 Purpose

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

2-52-2 Policy

~~Officers~~ Sworn 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 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 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

6

A. General Requirements

1. ~~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.
 - ~~a. Among these techniques are the use of advisements, warnings, and verbal persuasion, consistent with as discussed in SOP — Use of Force: De-escalation.~~
2. Sworn personnel ~~When feasible, officers~~~~sworn personnel~~ shall allow an individual a reasonable amount of time to submit to arrest or a lawful order before using force when feasible.



1

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

4

~~4. 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, sworn personnel shall only:

- a. Only use force to accomplish a lawful objective;
- b. Only use force when force is necessary; that is
- c. Only use force that is objectively reasonable;
- d. Only use the minimum amount of force necessary; ~~necessary, and~~
~~Only use force that is proportional to the threat being presented and based on the severity of the crime; and~~
- e. ~~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 reasonable.

5

~~5. Officers Sworn personnel~~ shall reduce the level of force applied as the nature of the threat diminishes 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 MCT arrive to control the scene and direct operations, consistent with SOP Response to Behavioral Health Issues.

~~3.~~
6.

~~B. Reasonable Force~~

6

N/A

~~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.~~

6



~~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~~

~~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:~~

- ~~a. The severity of the crime(s) at issue;~~
- ~~b. Whether the individual is actively resisting arrest or attempting to evade arrest by flight; and~~
- ~~c. Whether the individual poses an immediate threat to the safety of the officer(s) or other individual(s).~~

~~3. Other factors may include the following:~~

- ~~a. The knowledge or belief the individual is under the influence of alcohol and/or drugs;~~
- ~~b. The individual's medical or mental health history or condition as known to the officer at the time;~~
- ~~c. 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;~~
- ~~d. 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.~~
- ~~e. 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.);~~
- ~~f. 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~~
- ~~g. Whether the officers/sworn personnel made statement(s) or took action(s) that created the need to use force.~~



- ~~4. 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.~~
- ~~5. All factors surrounding a use of force encounter must be clearly, concisely, and correctly documented.~~

~~F. Lawful Objective~~

- 4 ~~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 forof 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

- 4 A. ~~Officers~~Sworn personnel shall not use force to attempt to gain compliance with an unlawful command.
- B. ~~Officers~~Sworn personnel shall not engage in actions or tactics or make statements that escalate a situation such that the use of force becomes necessary.
- ~~C. Sworn personnel shall not use their weapon-mounted light solely for the purpose of illuminating an individual. Sworn personnel shall not use t~~The weapon-mounted light shall not be used for general illumination. Lights are to be used to illuminate a potential threat where the use of a weapon system is warranted."

- 5 ~~C.D.~~ Sworn personnel shall not use force against a restrained or handcuffed individual unless the force is necessary:
 - 1. To prevent ~~imminent~~immediate bodily harm to the officer, individual, or ~~another person or persons~~others;
 - 2. To overcome active resistance; or
 - 3. To move an individual who is passively resisting.

- 1 ~~D.E.~~ 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.



~~E.F.~~ 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 ~~G.~~ Officers Sworn personnel shall not use neck holds, consistent with ~~(See SOP —Use of Force; Definitions)~~ unless deadly force is justified.

2 ~~F.H.~~ Officers Sworn personnel shall not fire warning shots.

2 ~~G.I.~~ 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.

1 ~~H.J.~~ Officers Sworn personnel are prohibited from using deadly force solely in defense or protection of property.

2-52-6 Use of Force Procedures

7 A. General Procedures

1. When feasible, ~~officers~~ sworn personnel shall verbally identify themselves as ~~peace officers~~ sworn personnel and announce their intent to detain, search, or arrest an individual before using force.
2. ~~Officers~~ Sworn personnel shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.
3. 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.
4. ~~Officers~~ 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 ~~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 they are restrained and it is safe to do so. Sworn personnel shall monitor the individual for any breathing problems or any other signs of distress.

5.

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



6. 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:

- a. To prevent ~~imminent~~ immediate bodily harm to the officer, individual, or to another person or persons; or
- b. To overcome active resistance.

5 7. ~~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 8. ~~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 B. 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.~~

1. ~~When feasible, the officers sworn personnel arriving on scene will~~ shall 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).~~

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

3. 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 4. On-scene ~~s~~ Supervisors ~~shall~~ ould 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.

1 C. Deadly Force

N/A



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52

P&P Draft 07/14/2021

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 lethal force.
2. An officer shall not use deadly force against an individual unless the officer has probable cause to believe an individual poses a significant threat of death or serious physical injury to the officer, individual, or ~~anyone else~~ person.
3. An officer shall not use deadly force against an individual who is fleeing or attempting to escape unless:
 - a. 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 or serious physical injury;
 - b. 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
 - c. The officer ~~The sworn personnel officer(s)~~ has ~~have~~ identified ~~themselves~~ self ~~themselves~~ as a law enforcement officer ~~(e)~~, 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 4. When feasible, ~~the officer(s)~~ sworn personnel shall give ~~a~~ verbal warnings prior to the use of deadly force.

~~D. Deadly Force is:~~

N/A

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

~~2. Any neck hold as defined by Department policy;~~

~~3. 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;~~

~~4. Intentionally striking an individual's head against a hard, fixed object such as a roadway, floor, wall, or steel/iron bars;~~

~~5. Intentionally targeting the head, neck, throat, chest, or groin of an individual with a beanbag shotgun;~~

~~6. Intentionally targeting the head, neck, throat, chest, or groin with a 40 millimeter impact munition launcher;~~

~~7. Intentionally targeting an individual's head, neck, chest, or genitalia with an Electronic Control Weapon (ECW);~~

~~8. Intentionally kneeling or kicking an individual's head or neck while the individual is in a prone or supine position;~~
~~or~~



~~9. Deliberately striking an individual with a motor vehicle.~~

D. Deadly Force and Motor Vehicles Prohibitions

- 6 1. ~~Officers~~ Sworn personnel ~~should~~ shall not intentionally reach into a moving vehicles unless absolutely necessary to protect an officer or another individual.
- 3 2. ~~Officers~~ Sworn personnel shall not intentionally place themselves in the path of a moving vehicle.
 - ~~3-a.~~ When feasible, officers sworn personnel shall move out of the path of a moving vehicle to a position of cover.
- 1 3. ~~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.
 - ~~4-a.~~ 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 E. Duty to Provide Medical Attention and Transportation

- 1. Following any use of force that is not a show of force, and once it is safe to do so, an officer shall:
 - ~~a. Determine~~ Immediately identify whether any ~~person~~ individual was injured by the use of force by;
 - i. Visually inspecting the individual;
 - ii. 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
 - ~~a.iii.~~ Listening for complaints of injury;
 - b. Immediately render aid consistent with the officer's training;
 - 5 c. Immediately request medical attention when an individual is injured or complains of injury; and
 - d. 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.
 - ~~e.~~ 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).
 - ~~i. Baton (expandable/straight or Bokken) or improvised impact weapon;~~
 - ~~ii. Oleoresin Capsicum (OC) spray;~~
 - ~~iii. ECW;~~
 - ~~iv. Use of Police Service Dog;~~
 - ~~v. Use of force with a vehicle (See SOP Pursuit by Motor Vehicle);~~



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- ~~vi. Impact munitions; or~~
- ~~vii. Firearm.~~

N/A

2. 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 ing physical distress, complaining of pain, or have been rendered unconscious.
4. 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

- ~~4.5.~~ 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

- ~~5.6.~~ 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

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
- ~~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 21-59 Amendment to SOP 2-53 Use of Force-Definitions, Definition of “De-escalation”
- SO 21-XX (Placeholder: Amendment to SOP 2-53 Use of Force-Definitions, Definition of “Rendering Aid”)

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). This will ensure a consistent understanding of terms.

N/A **2-53-32** Definitions

A. Complaint of Injury or Pain



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

~~A~~. B. Critical Firearm Discharge

~~4~~ Discharges of a lethal firearm by an officer, including accidental discharges and discharges where no person is struck. Range and training firings, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearm discharges.

~~B~~. C. Deadly Force

~~Deadly force is a~~ any use of force that is 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).~~

1. Discharging a firearm at an individual, whether intentional or accidental;
2. Any neck hold, as defined by Department policy in this SOP;
3. Intentional strikes 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;
4. Intentionally striking an individual's head against a hard, fixed object such as a roadway, floor, wall, or steel/iron bars;
5. Intentionally targeting an individual's the head, neck, throat, chest, or groin of an individual with a beanbag shotgun;
6. Intentionally targeting an individual's the head, neck, throat, chest, or groin with a 40-millimeter impact munition launcher;
7. Intentionally targeting an individual's head, neck, throat, chest, or genitalia with an Electronic Control Weapon (ECW);
8. Intentionally kneeling or kicking an individual's head, throat, or neck while the individual is in a prone or supine position;
9. Deliberately striking an individual with a motor vehicle;
10. Using a motor vehicle to ram or intentionally collide with a fleeing motor vehicle with considerable force, consistent with SOP Pursuit Intervention Technique;
11. The use of a Pursuit Intervention Technique (PIT) over 35 mph, consistent with SOP Pursuit Intervention Technique; or
12. Use of tire deflation devices on all 2- or 3-wheeled motor vehicles, consistent with



SOP Use of Tire Deflation Devices; or

13. Use of force resulting in a loss of consciousness.

~~4.~~

D. Deficient Review

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.

~~G.~~

D.E. De-escalation

~~1. 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 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.~~

a. 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.~~

F. Empty-Hand Takedown

Any 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.~~

F.G. Empty-Hand Technique



~~4.~~ A ~~non-empty hand~~ technique used by an officer with the specific intent to separate the individual's mind from body and break their focus. When effective, this technique creates time for the officer to react and allow them to transition to another tool or technique in order to gain control or disengage and create distance.

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

~~F.H.~~ H. Electronic Control Weapon (ECW) Application

~~4.~~ The ~~contact and delivery deployment use or attempted deployment use~~ of an electrical impulse to an individual with an ECW. A show of force with an ECW is not an ECW application.

~~G.I.~~ I. Escort Techniques

~~4.~~ The use of an escort technique involves 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.

J. 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 danger to life, to forestall the imminent escape of an individual, or the destruction of evidence.

~~H.K.~~ K. Feasible

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

~~H.L.~~ L. Force

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

~~J.M.~~ M. Force Array

~~4.~~ ~~Force array is a~~ A team tactic, which utilizes a layer of force options. ~~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.

~~K.~~ N. Hard Object

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

~~L.~~ O. Immediate Threat

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

~~1.~~

~~M.~~ Imminent Threat

~~A.~~

~~1.A. A dangerous or threatening situation, which is about to occur or take place and is perceived to be unfolding.~~

P. Individual

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

P. Injury

~~P.~~

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

Q. Involved Officer

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

~~Q.~~ R. 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. 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.g., pain compliance techniques and resisted handcuffing).

~~b. 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.~~

b. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering providing minimal 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.

c.

2. **Level 2 Use of Force:** Force that ~~which~~ causes injury, could reasonably be expected to cause injury, or 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.~~

i. Use of an ECW, including where an ECW is fired at an individual but misses;

ii. Use of a beanbag shotgun or 40 millimeter impact launcher, including where it is fired at an individual but misses;

1. The use of an impact launcher as a tool to defeat a window or other barrier will not be investigated as a use of force unless it strikes an individual.

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

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

v. Strikes and attempted strikes with impact weapon systems;

1. 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 force.

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

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

1. 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.

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

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

~~2.~~

~~2.~~



viii. Use of the Pursuit Intervention Technique (PIT) maneuver 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.

a. Level 3 use of force includes:

i. Use of deadly force;

~~ii.~~

ii. Critical firearm discharges;

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

~~iv.~~ iii. Use of force resulting in hospitalization;

~~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.~~ iv. Police Service Dog bites;

~~viii.~~ v. 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;

~~ix.~~ vi. 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;~~

vii. Four or more strikes with a baton or improvised impact weapon;

viii. 40-millimeter impact launcher fired into an occupied vehicle; and

~~xi. and and~~

ix. 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.~~

x. Use of the PIT maneuver 35 mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and

xi. Use of the PIT maneuver above 35 mph.

S. Levels of Resistance

1. Passive Resistance

~~a. 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.

2. Active Resistance

~~a. Refers to a~~ An individual's resistance that poses a threat of harm to the officer or others, such as when an individual attempts to attack or does attack an officer; exhibits combative behavior (e.g., lunging toward the officer, striking the officer with hands, fists, 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. Verbal statements alone do not constitute active resistance. Bracing or tensing alone ordinarily do not constitute active resistance, but may if they pose a threat of harm to the officer or others.

T. Low-Level Control Tactics

~~1. 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 resistance (e.g., tensing of arm muscles or turning or pulling away that does not escalate to a reportable use of force), which does not cause pain and is not reasonably likely to cause pain or injury;

~~and
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

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

~~b.2. A Low-level control tactic~~ does not constitute a reportable use of force.

U. Low Ready

~~1. Low ready is a~~ 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.

V. Material Discrepancy

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

~~W.~~ 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.

~~W.X.~~ 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.~~

~~X.Y.~~ Neck Hold (Choke Hold)

~~4.~~ This term refers to the following types of holds: a carotid restraint hold; a lateral ~~a~~ 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.

~~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" ~~below.~~

~~A. Complaint of Injury or Pain~~

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

Z. Non-force Complaint of Pain from Handcuffing

1. A complaint of injury or pain from handcuffs that:

- a. Was not a result of resisted handcuffing;
- b. Was immediately remedied by the officer when safe to do so; and
- c. Did not cause injury.

2. A non-force complaint of pain from handcuffing shall not be considered a



reportable use of force.

AA. Participating

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

BB. Person

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

CC. Potential Threat

A situation that may develop into an immediate threat. This may include a dangerous or threatening situation, or knowledge that an individual is or may be armed. An officer shall be able to articulate facts demonstrating that there is a potential threat which is about to occur or take place and is perceived to be unfolding.

~~Y. 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 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.~~

~~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.~~

~~Z. DD. 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.~~

EE. Rendering Aid

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.

~~AA.~~ FF. Reportable Use of Force



~~4. Refers to f~~Force that officers must sworn personnel shall document and report, based on the definitions in this Standard Operating Procedure (SOP policy), consistent with in the manner outlined by SOP —Use of Force: Reporting by Department Personnel.

~~BB.GG.~~ GG. Serious Physical Injury

~~4. Refers to p~~Physical injury that creates a substantial risk of death; causes death or serious and protracted disfigurement; or impairment of the function of any bodily organ or limb.

~~CC.HH.~~ HH. ~~S~~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 utilizing 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.

II. Transitory Pain

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

~~DD.JJ.~~ JJ. Vascular Neck Restraint

~~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[®]).

~~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.~~



2-55 USE OF FORCE: DE-ESCALATION

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 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 shall use de-escalation techniques. Policing, at times, requires an officer 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 to serve as a mediator between parties, or to defuse a tense situation.

2-55-3 Definitions

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

~~De-escalation~~

6

~~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 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 to:
 - i. Assess the situation and their options;
 - ii. Bring additional resources to the scene; and
 - iii. Develop a plan for resolving the incident without using force.
- b. 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 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 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 shall use advisements, warnings, verbal persuasion, and other techniques before using force.

C. When feasible, 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, the officer, and others;
- c. Coordinate resources;
- d. Communicate and coordinate a response; and
- e. 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. 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.

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

E. Sworn personnel shall:

1. De-escalate a situation 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:
 - 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 officerssworn personnel.~~

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

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~~— Using distance, cover, concealment, and/or time. These techniques allow an officer to:~~

~~— Assess the situation and their options;~~

~~— Bbring additional resources to the scene; and~~

~~a. D 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] officerssworn personnel, Mobile Crisis Team (MCT)s, City of 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~~



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~~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 officer 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. Where an officer identifies the presence of one of the following factors, they ~~shall~~ 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, 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.~~

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

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.~~



2-54 INTERMEDIATE WEAPON SYSTEMS

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)

~~2-10 Response to Behavioral Health Issues~~ 2-10 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 =Restraint and Transportation of Prisoners

~~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 BlueTeam Entries~~

~~SO 20-57 Electronic Control Weapon (ECW) Taser 7 Administrative Procedures~~

~~SO 21-27 Amendment to SOP 2-54 Intermediate Weapon Systems~~

~~(Placeholder: Amendment to SOP 2-54 Intermediate Weapon Systems; Electronic Control Weapon 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 uniform guidelines for ~~officers~~ sworn personnel in the use and deployment of those intermediate weapon systems.

2-54-2 Policy



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Intermediate weapon systems 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 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.

2-54-43 Intermediate Weapon Systems: Use and Considerations

- 7 A. Requirements to Carry ~~and~~ Qualify
 - 1. ~~An officer shall carry only intermediate weapons that are issued by the Department.~~ An officer shall carry only Department-issued intermediate weapons systems.
 - 2. An officer shall not ~~be issued nor~~ carry any intermediate weapon unless the officer has been trained and currently is certified ~~certified~~ qualified, or, when required, certified to carry on the weapon.
 - 3. A uniformed officer shall carry the Electronic Control Weapon (ECW) and Oleoresin Capsicum (OC) spray on their duty belts.
 - N/A 4. ~~The expandable baton is an optional force tool.~~ An officer may carry the expandable /straight baton as an optional force tool.
 - 4.
 - 5. ~~Officers~~ Sworn personnel and supervisors who are assigned to specialized units may carry intermediate weapon systems as dictated by their responsibilities. 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).

6 B. Use Guidelines

N/A



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1. Sworn personnel shall 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).~~
2. The use of an intermediate weapon ~~must~~ shall be 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.
3. 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 ~~t~~ased!"
 - a. An officer shall not rely on the verbal announcement to satisfy the requirement to give a verbal warning to an individual upon whom force will be used.
- ~~3.~~
4. 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~~aser, Taser!", "Bean=bag, bean=bag, bean=bag!" 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.
- ~~4.~~
5. 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.
- ~~5.~~6. An officer shall not conduct a show of force with a firearm or intermediate weapon system on an individual who is only passively resisting.
- ~~6.~~7. 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.
 - 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.
 - b. 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.

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C. Reporting

5 ~~4.~~ ~~Officers~~ Sworn personnel shall report the use of intermediate weapon ~~systems, in accordance~~ consistent with SOP ~~—Use of Force:—~~ Reporting by Department Personnel.

2-54-~~54~~ Oleoresin Capsicum (OC) Spray

7 A. ~~OC Spray:~~ Use Guidelines

N/A 1. An officer is authorized to ~~deploy~~ use OC spray when 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.

6 2. 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.~~ 3. An officer shall direct OC spray only at the specific individual(s) posing a threat, and shall attempt ~~attempting~~ to minimize exposure to others.

~~5.~~ 4. An officer shall consider other intermediate weapon options if OC spray appears to be ineffective.

5. An officer 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. An officer shall document this action in an incident report. ~~Using OC spray on an animal shall be documented in an incident report.~~

5 ~~— 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.~~

B. Medical Attention After the Use of OC Spray

~~1. 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~~



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~~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 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.~~

2. 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.

~~1.3. As soon as the scene is secure, and it is safe to do so, an officer shall summon medical services, request medical attention services, following the use of OC spray as soon as the scene is secure and it is safe to do so.~~

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~~2.4. If the individual was exposed in a confined space, an officer shall remove the individual as soon as possible from the contaminated area and expose the individual to fresh air if the individual was exposed 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:~~

~~i. Pointing an ECW at an individual or using an ECW to "paint" an individual with the laser sight or utilizing using a warning arc;~~

~~ii. A show of force by an officer will shall be reviewed by that officer's on-duty supervisor, as set out inconsistent with SOP Use of Force; Review and Investigation by Department Personnel.~~

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 probes deployment, causing pain but minimal or no neuro-muscular incapacitation. This technique is solely a pain compliance technique, and



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~~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...~~

~~2.~~ 2. ~~Follow-up d Drive s Stun: t~~ 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:

~~i.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.

6 B. ECW Use Guidelines

~~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.

7 ~~2.~~ 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!"

4 ~~3.~~ 3. Upon using the device, 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.

~~3.4.~~ 4. An officer shall independently justify the reasonableness of each ~~standard~~ ECW cycle (~~five seconds~~) or continuous cycle ~~exceeding five seconds.~~ -After one, (1)



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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 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

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;

~~4.~~

~~5.~~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.

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~~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 =~~

N/A

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.

~~6.~~8. ECWs may be ~~utilized~~ used as a 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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~~7. 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



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~~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.~~

~~C.D.~~ ECW Restrictions

~~1. 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 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 ~~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;

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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i. 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:

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- i. Falling from an elevated position;
- ii. Drowning;



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- iii. Losing control of a moving motor vehicle or non-motorized recreational transportation equipment; and
- iv. 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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N/A

N/A

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- ~~b. 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;~~
- ~~c. An officer shall not use the an ECW Application on a passively resistant individual;~~
- ~~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;~~
- ~~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;~~
- ~~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);~~
- ~~k. 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. ~~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 Severity 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).~~~~
- ~~g. An officer shall consider all such factors before using an ECW Application on a fleeing individual.~~
- ~~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:~~
 - ~~F falling from an elevated position;~~
 - ~~D drowning;~~



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- ~~and losing control of a moving motor vehicle or, or bicyclenon motorized recreational transportation equipment; and~~
- ~~h. Known presence of an explosive or flammable material or substance.~~
- ~~i. An officer shall not simultaneously point both an ECW and a firearm at an individual; and~~
- ~~j. 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.~~

E. Holstering and Securing the ECW

~~1. 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.~~

1. Officers 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 ~~shall be secured~~ in a Department-issued approved holster ~~or an alternative, Department approved holster~~ ~~approved personal holster.~~
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.
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.

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F. ECW Post-Deployment Use Guidelines and Requirements

1. 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.

~~The~~ An ~~deploying~~ officer 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.



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~~4.3. An involved officer who deploys discharges an ECW shall call Albuquerque Fire Rescue (AFR) emergency medical services personnel to the scene to provide medical treatment. AFR Emergency medical services personnel shall determine, per their protocol, if the individual needs to be transported to a medical facility for high-risk/sensitive probe removal and/or other medical care. If it is determined that the individual should be transported, transportation shall be provided as soon as practicable. An 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 ~~3. 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 ~~4. 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.~~
- ~~5.4. AnThe deploying involved officer shall inform responding emergency medical services personnel/medics 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 kept in prone restraints after ECW use.~~
- 6 5. If emergency medical services personnel determine the individual requires medical transport, supervisors shall ensure an officer accompanies the individual to the medical facility.
- 6 6. An officer shall independently justify the reasonableness of each cycle of the ECW in their use of force reporting report documentation.
- 7 G. ~~Unintended~~ Accidental Discharge of the ECW Cartridge



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1. In the event an officer experiences an ~~unintended~~ accidental discharge of an ECW cartridge, the officer shall immediately notify their immediate supervisor or, if unavailable, the next available on-duty supervisor.
- ~~2. 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 same standard as an accidental discharge of a less-than-lethal ammunition, consistent with SOP Use of Force: Review and Investigation by Department Personnel. ~~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 shall document the ~~unintended~~ accidental discharge in an offense/incident report, including the serial number of the ECW cartridge discharged.
5. 4. If an individual is hit by an ~~unintentionally~~ accidentally discharged ~~deployed~~ probe, the use shall be reported by the involved officer, documented and investigated as ~~set out in~~ consistent with SOP Use of Force: ~~Reporting by Department Personnel.~~

7 H. Use of ECW on Dangerous Animals

N/A

1. An officer may use ~~deploy~~ the ECW on dangerous animals that pose a threat to ~~officers~~ sworn personnel or others.
2. If an officer is required to use ~~deploy~~ an ECW against a dangerous animal, the officer shall notify their immediate supervisor regarding the ~~deployment~~ use once the scene has been secured.
3. The primary involved officer or their designee shall immediately contact the City's Animal Control-Welfare Department when an officer successfully deploys ~~discharges~~ an ECW against an animal.

6 I. Administrative Procedures for the ECW

N/A

1. Function checks shall be completed at least once per week.
 - a. The instructions for an ECW function check are as follows:
 - i. Leave the cartridges in the ECW. The ECW will shall not discharge 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;



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- 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 shall 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 shall cause the ECW to spark over the ECW cartridges for five seconds. The display will shall 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 eExchange 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. D(e data are is stored and uploaded from the ECW batteries).

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

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

N 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).~~

1. The expandable /straight baton is f 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.

N/A

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 oOnly 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



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~~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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~~3.4. 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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5. 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.

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

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~~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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~~6. 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.~~

~~7.~~

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

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1. Following the use of an expandable/straight baton or Bokken baton and, ~~an officer shall first restrain the individual and then,~~ once it is safe to do so, an officer shall immediately call AFR emergency medical services to the scene to provide medical



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attention, consistent with. (~~See SOP — Use of Force: — General for procedures concerning use of force and attention to injuries.~~)

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2. If emergency medical services 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-~~87~~ Beanbag Shotgun

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A. Beanbag Shotgun: Use Guidelines

N/A

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. 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.~~

~~2.~~ An officer 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~~ immediate threat to an officer or others and the use of the beanbag shotgun is the minimum amount of force that is reasonable and necessary.

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

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~~4.~~ The optimal range for the beanbag round is ~~twenty (20) to fifty (50) feet.~~

~~5.~~ The maximum effective range for the beanbag round is ~~seventy five (75) feet.~~

~~6.~~ At distances ~~between fifty (50) and seventy five (75) feet,~~ the effectiveness and accuracy of the beanbag shotgun starts to diminish.

~~7.1.~~ 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.

B. Beanbag Shotgun: 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 use it at a distance of less than twenty (20) feet.



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N/A

2. 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, an officer shall consider transitioning to other force options (e.g. expandable baton or ECW).

7

3. An officer shall consider other available force options before ~~deploying~~ shooting a beanbag shotgun round on potentially ~~at~~ 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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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, an officer shall immediately call emergency medical services to the scene to provide medical attention, consistent with (See SOP – Use of Force – General for procedures concerning use of force and attention to injuries).

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2. ~~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 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

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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 ~~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.

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~~4.3.~~ The 40_-millimeter impact launcher may be ~~deployed~~used when an individual presents an ~~imminent~~immediate 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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~~2.4.~~ 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) feet.~~

~~4.~~ ~~The maximum effective range for the 40_- millimeter impact launcher is one hundred and twenty (120) feet.~~

~~5.~~ ~~At distances beyond one hundred and twenty (120) feet, the effectiveness and accuracy of the 40_- millimeter impact launcher starts to diminish.~~

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~~6.~~ ~~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.~~

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).

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~~a. 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 ~~a~~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.

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

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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



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~~provide medical attention, consistent with (See SOP —Use of Force: -General 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 1. ~~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).~~
- 6 2. ~~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 Systems Approved for Use by Specialized Units
(e.g., SWAT,
ERT)**

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



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3-46 DISCIPLINE SYSTEM

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

A. Related SOP(s)

[1-62 Internal Affairs Professional Standards \(IAPS\) Division \(Formerly 7-1\)](#)

[3-41 Complaints Involving Department Personnel](#)

[3-42 Investigation of Police Personnel](#)

[3-43 Relief of Duty](#)

[3-44 Review of Completed Administrative Investigative Cases](#)

[3-45 Due Process Notification to Personnel](#)

[3-47 Acceptance of Disciplinary Action and Right to Appeal](#)

B. Form(s)

PD 1106 Chain of Command Discipline Recommendation Form

PD 1135 Chief of Police/Designee Recommendation Form

PD 1138 Deputy Chief Recommendation Form

PD 1139 Non-Disciplinary Corrective Action

PD 1140 Pre-Determination Hearing Findings

C. Other Resource(s)

City of Albuquerque Personnel Rules and Regulations, § 902.3 General Provisions

D. Rescinded Special Order(s)

SO 13-21 Accidental Discharge of Weapons

3-46-1 Purpose

The purpose of this policy is to articulate approved disciplinary practices in response to sustained violations of Albuquerque Police Department (Department) Standard Operating Procedures (SOP).

3-46-2 Policy

It is the policy of the Department to ensure that fair and consistent disciplinary action is taken for sustained policy violations in accordance with the tenets of progressive discipline that include the nature of the sustained violation, the employee's disciplinary history, and applicable mitigating and aggravating factors.

3-46-3 Definitions

A. Abeyance



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A temporary hold on part of a suspension to be served for a sustained policy violation. Abeyances are exceptions in the disciplinary process that shall be fully documented (see 3-46-4. 6.a.).

B. Aggravating Circumstances

Factors that increase culpability of the subject or the severity of the penalty associated with the act under the Chart of Sanctions. Aggravating circumstances must be objectively verifiable and credibly established in the investigation or by other means articulated by the disciplinary authority.

C. Chart of Sanctions

The appendix to this policy that identifies levels of disciplinary action to be imposed based on the classification of the offense and prior disciplinary history of the identified policy violations.

D. Findings

The recommended disposition for each allegation, based upon the totality of the evidence. Each allegation shall result in one of the following findings:

1. Administratively Closed: The allegations are duplicative or an investigation cannot be conducted because of the lack of information in the complaint.
 - a. Only the Commander of the Internal Affairs Professional Standards (IAPS) Division or Internal Affairs Force Division (IAFD) can approve this finding.
2. Exonerated: The investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate Department SOPs, procedures, or training.
3. Not Sustained: The investigation is unable to determine, by a preponderance of the evidence, whether the alleged policy violation occurred.
4. Sustained: The investigation determined, by a preponderance of the evidence, that the alleged policy violation did occur.
5. Unfounded: The investigation determined, by clear and convincing evidence, that the alleged policy violation did not occur or did not involve the employee.

E. Internal Affairs (IA)

The Divisions of the Department responsible for fairly, impartially, and thoroughly investigating internal complaints of policy violations by Department personnel and uses of force.



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F. Minor Policy Violations

Conduct that, if sustained, would result in discipline or corrective action less severe than a suspension based on the Chart of Sanctions.

G. Mitigating Circumstances

Factors that decrease the culpability of the act or the severity of the penalty associated with the act under the Chart of Sanctions. Mitigating circumstances must be objectively verifiable and credibly established in the investigation or by other means articulated by the disciplinary authority.

H. Non-Disciplinary Corrective Action (NDCA)

An action other than discipline taken to enable or encourage an officer to improve their performance for minor violations.

I. Pre-Determination Hearing (PDH)

A hearing that allows classified Department personnel who are facing disciplinary action, such as, but not limited to, suspension, dismissal from service, or demotion, to address allegations against them in regards to the proposed discipline.

J. Presumptive Discipline

The presumed disciplinary range prior to consideration of additional factors.

K. Prior-Related Offense

A sustained violation of policy from the same group of prior-related offenses as set forth by Appendix II and consistent with the time limitations set forth in this SOP. Prior-related offenses shall be used for progressive discipline in determining the final discipline imposed.

L. Progressive Discipline

A graduated range or level of increased discipline based on previously sustained policy violations for prior-related offenses as set forth by Appendix II and consistent with the time limitations set forth in this SOP.

M. Sanction Classification

1. A level of seriousness and corresponding level of discipline designated to each type of policy violation. Sanction classifications range from 1 (most serious) to 7 (least serious).



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2. To ensure consistent and objective application of discipline, all policy provisions shall receive a sanction classification based on the Chart of Sanctions:
 - a. Class 1: Any violation of law, policy, rule, or regulation, which:
 - i. Can foreseeably result in death or serious physical injury;
 - ii. Constitutes a willful and wanton disregard of Department guiding principles;
 - iii. Constitutes a felony crime, or a lessor criminal offense that is substantially contrary to the standards of conduct reasonably expected of a Department employee;
 - iv. Involves any act or omission which demonstrates a serious lack of the integrity, ethics, or character related to an employee's fitness to hold their position;
 - v. Involves egregious violations substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law;
 - vi. Involves conduct that constitutes the failure to adhere to any condition of employment required or mandated by law and the City's Personnel Rules and Regulations; or
 - vii. Involves conduct that effectively disqualifies an employee from continued employment as a law enforcement officer.
 - b. Class 2: Conduct that involves the serious abuse or misuse of authority, unethical behavior, and/or acts that result in an actual serious, adverse impact on the Department's employee(s), the public, public safety, or to the professionalism of the Department.
 - c. Class 3: Conduct that involves an abuse or misuse of authority, unethical behavior, and/or acts that could reasonably have resulted in a serious adverse impact on the Department's employee(s), the public, or public safety, or to the professionalism of the Department.
 - d. Class 4: Conduct that is substantially contrary to the values of the Department; or that substantially interferes with the Department's mission, operations, or public trust; or that involves a serious risk to Department personnel or public safety.
 - e. Class 5: Conduct that has a pronounced negative impact on the operations or professional image of the Department, relationships with other Department personnel, agencies, or the public.
 - f. Class 6: Conduct that has more than a minimal negative impact on the operations or professional image of the Department; or conduct that negatively impacts relationships with other Department personnel, agencies, or the public.
 - g. Class 7: Conduct that has a minimal negative impact on the overall operations or professional image of the Department.

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Procedures

A. Sanction Classifications

1. Violations subject to disciplinary action are identified by a sanction classification noted in the left margin next to the text it applies to in the policy.



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- a. When a policy or Special Order does not specifically list a sanction classification, the IAPS Division shall determine the proper sanction classification based on similar offenses and the definitions in this SOP.
- b. In some cases, policies shall include sections for which a policy violation is not appropriate. These shall be noted by a "N/A" in the left margin.

B. Chart of Sanctions

1. The Chart of Sanctions shall provide the minimum, maximum, and presumptive discipline for the violation based on the sanction classification.
2. Time Limitations on Chart of Sanctions
 - a. For the purposes of determining progressive discipline, the Department shall consider prior-related offenses. The timeline for a sustained violation shall run from the date discipline was imposed on the prior violation(s) to the date of the alleged misconduct in the current investigation.
 - i. Discipline involving a sustained violation of Class 1-4 offense shall be considered for the duration of the officer's career.
 - ii. Discipline involving a sustained violation of a Class 5 offense shall be considered for two (2) years prior to the current offense.
 - iii. Discipline involving a sustained violation of a Class 6 or 7 offense shall be considered for one (1) year prior to the current offense.

C. Aggravating and Mitigating Circumstances

1. Disciplinary authority shall take into account aggravating and mitigating circumstances when determining final discipline.
2. Aggravating circumstances may include, but are not limited to:
 - a. Prior disciplinary history;
 - b. Lack of remorse; or
 - c. Lack of acceptance of responsibility.
3. Mitigating circumstances may include, but are not limited to:
 - a. No disciplinary history;
 - b. Sincere remorse and acceptance of responsibility; or
 - c. Unique set of circumstances unlikely to reoccur.

D. Disciplinary Action Packet (DAP)

1. The DAP is used to calculate the recommended disciplinary action to be taken for any sustained allegations investigated by IA and the Civilian Police Oversight



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Agency (CPOA). The Chain of Command Discipline Recommendation form shall be completed for sustained allegations by other disciplinary authorities.

- a. Investigating command staff or CPOA personnel shall complete the DAP.
- b. Upon completion of the DAP, it shall be forwarded to the IAPS Division for review.
- c. Internal investigations completed by IAFD shall be forwarded to the Commander of IAFD.
- d. Investigating command staff or CPOA personnel shall complete the DAP consistent with the investigative agency responsible for conducting the investigation.
- e. The Executive Director of the CPOA will complete the recommended findings and discipline section of the DAP for CPOA cases.

2. Multiple Violations

- a. Multiple violations sustained in an investigation that are based on distinct acts or omissions shall be disciplined separately.
- b. Where an act or omission simultaneously results in sustained violations of two (2) or more regulations, such that one violation is a lesser included violation of the other or is otherwise not a separate and distinct violation, discipline shall be imposed on the more serious violation only.

3. Prior-Related Offenses

- a. Prior-related offenses shall be used for progressive discipline if they were within the timeline established by this SOP.
- b. If prior-related offenses are to be used for progressive discipline, they shall be considered as an additional offense for purposes of the Chart of Sanctions.
- c. Appendix II identifies what constitutes a prior-related offense.

4. The Commander of the IAPS Division or IAFD shall approve the DAP and forward the investigation, consistent with SOP Review of Completed Administrative Investigation Cases. The Executive Director of the CPOA shall approve the DAP for CPOA investigations.

E. Imposition of Discipline or Corrective Action

1. Authority to Impose Discipline or Corrective Action

- a. The command-level disciplinary authority or executive staff at the rank of Deputy Chief of Police or higher shall have final authority to impose discipline for the following recommended disciplinary actions:
 - i. NDCA; and
 - ii. Verbal or written reprimand.
 - iii. Suspension of less than forty (40) hours;



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- b. The Chief of Police or the Superintendent of Police Reform (Superintendent) shall have the final authority to impose discipline for the following recommended disciplinary actions:
 - i. Suspension of forty (40) hours or more;
 - ii. Demotion; and
 - iii. Dismissal from service.
2. Imposition of Discipline or Corrective Action
- a. When determining the appropriate discipline, the disciplinary authority shall consider the presumptive level of discipline as set forth in the DAP, as well as the actual level of discipline recommended in the DAP. Thereafter, consistent with the requirements of this SOP, the disciplinary authority shall assess and consider the aggravating and mitigating circumstances, if applicable, in determining the appropriate level of discipline.
 - b. Executive staff shall articulate and document the basis for aggravating or mitigating circumstances when deviating from the range encompassed by the applicable maximum-presumptive-minimum levels of discipline set forth in the Chart of Sanctions.
 - i. The imposition of discipline that deviates from the maximum or minimum levels recommended in the DAP requires final approval from the Chief of Police or the Superintendent of Police Reform.
3. Pre-Determination Hearing (PDH)
- a. PDH Notice
 - i. Upon determining that a complaint is sustained, and discipline that results in suspension may be issued, the Department shall send a PDH Notice to the employee. The PDH Notice is confidential and shall include:
 1. A statement of the alleged acts or omissions or other policy violation that constitutes the basis for the proposed discipline, including specific laws, rules, and SOPs that are alleged to have been violated;
 2. Any proposed disciplinary action to be taken; and
 3. The date, time, and place at which the hearing will be held.
 - ii. The PDH shall be delivered to the employee with the notification of the right to attend a meeting to provide a response.
 - iii. The employee may provide a written response or waive any response.
 1. The employee shall sign all copies to acknowledge receipt of the PDH Notice.
 - iv. Pre-Determination Notices are not required for oral and written reprimands.
 - v. The employee's supervisor shall provide a copy of the signed PDH Notice to the appropriate IA Division.
 - vi. Upon notification of proposed discipline consisting of a Letter of Reprimand or higher, Department personnel may review and/or obtain a copy of the relevant investigative case file material, consistent with SOP Internal Affairs Professional Standards (IAPS) Division.



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- vii. All classified and non-probationary Department personnel facing suspension, demotion, or dismissal from service shall receive a PDH.
 - viii. The PDH provides the employee an opportunity to present reasons, either in person or in writing, why the hearing officer should reduce, hold in abeyance, or not impose the proposed discipline.
 - 1. Although facts may be presented, this is not a full evidentiary hearing and testimony of witnesses, other than the employee, shall not be allowed.
 - ix. The Chief of Police, Superintendent, or their designee shall conduct the hearing for any suspension of forty (40) hours or more, demotion, or dismissal from service.
 - x. A Deputy Chief of Police shall conduct the hearing for any suspension of less than forty (40) hours.
 - xi. If final discipline results in suspension, demotion, or dismissal from service, IA Division personnel shall send to the Payroll Section a copy of the memorandum.
 - xii. The employee may have up to two (2) representatives during the PDH.
 - xiii. After the disciplinary authority has asked any questions during the PDH, the employee or employee's representatives shall be allowed a reasonable opportunity to respond to the allegations and proposed discipline.
- b. Final Decision Letter
- i. A final decision letter shall be sent to the employee.
 - ii. The letter, signed by the Chief of Police or the Superintendent, Deputy Chief, Commander, or Division Manager, dependent upon the disciplinary severity, shall contain the following:
 - 1. A statement of the policy violation, act(s) or omission(s) which is the basis for the final decision;
 - 2. The section of the rules, laws, or procedures that was violated;
 - 3. An explanation of the basis for the final disciplinary action, including the basis for any mitigating or aggravating circumstances or abeyance resulting in the final disciplinary action;
 - 4. The date(s) the disciplinary action is to be effective; and
 - 5. Notice of the right of the employee to appeal, if applicable.
- c. Final Decision Letter Signature Authority
- i. A final decision letter for disciplinary actions of less than forty (40) hours suspension may be signed by the Chief of Police or the Superintendent, Deputy Chief, Division Manager, or Commander.
 - ii. A final decision letter for all disciplinary actions resulting in forty (40) hours or more, including demotions and terminations, shall be signed by the Chief of Police or the Superintendent.
- d. The final decision letter and other personnel documents shall be signed by the employee to acknowledge receipt only. Signature of the employee does not constitute agreement with the sustained findings or with the discipline, nor does it constitute an admission of wrongdoing. Copies of the final decision letter shall be distributed to the following:
- i. The employee's chain of command;
 - ii. The Behavioral Sciences Section (BSS), if applicable;



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- iii. The Payroll Section; and
 - iv. The IA Division.
 - e. The employee's supervisor shall ensure the employee complies with the disciplinary conditions.
 - f. The supervisor shall make arrangements with the Payroll Section for the employee to sign any other necessary documents.
 - i. The employee shall be referred to the Insurance and Benefits Division of the City's Human Resources Department for information regarding conversion of benefits following termination.
 - ii. City Human Resources Department personnel will provide to all dismissed employees a statement as to the content of the employee's employment record relating to the dismissal.
4. Mandatory Reporting to the New Mexico Law Enforcement Academy (NMLEA)
- a. The IAPS Division Commander shall inform the NMLEA Director within three (3) business days when sworn personnel or a telecommunicator is arrested or indicted on a felony charge.
 - b. The IAPS Division Commander shall inform the NMLEA Director within ninety (90) days after the initiation of an internal affairs review or otherwise having notice, of sworn personnel or telecommunicator having committed the following acts:
 - i. Being convicted or entering a plea of guilty or nolo contendere (no contest) to any felony charge;
 - ii. Being convicted or entering a plea of guilty or nolo contendere (no contest) to any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude;
 - iii. Making false statements or giving false information to the Academy Division in connection with an application for admission/certification;
 - iv. Committing acts which indicate a lack of good moral character, or which constitute dishonesty or fraud, and which adversely affect one's ability to exercise their duties as a certified law enforcement officer;
 - v. In the case of sworn personnel, committing acts of violence or brutality which indicate that the officer has abused the authority granted to them as a commissioned law enforcement officer; and
 - vi. Committing acts which would be grounds for denial of an application for certification.
 - c. The IAPS Division Commander shall report these matters to the NMLEA Director, even if sworn personnel or telecommunicators resign.
5. Non-Disciplinary Corrective Action (NDCA)
- a. The Commander approving an action of NDCA shall complete the Non-Disciplinary Corrective Action form and include the form with the DAP.
 - i. If mandatory training is required, the Commander shall also submit a Mandatory Training Request to the Academy Division.



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6. Suspensions Held in Abeyance

- a. Discipline shall only be held in abeyance when the use of other provisions in this SOP and the Chart of Sanctions do not lead to a fair and consistent result.
- b. Discipline shall not be held in abeyance longer than six (6) months, consistent with City of Albuquerque Personnel Rules and Regulations, Section 902.3.
- c. When a final decision to discipline involves a suspension, the Chief of Police may elect to hold no more than twenty-five percent (25%) of the suspension in abeyance. Discipline shall not be held in abeyance for more than six (6) months.
 - i. At the completion of the abeyance period, if the employee has not had any further allegations of policy violations, the discipline held in abeyance shall expire.
 - ii. During the period of abeyance, if an employee has a sustained finding of a policy violation, the abeyance shall be revoked and all original discipline shall be imposed.
- d. Abeyance is only appropriate in the following situations:
 - i. The employee accepted responsibility for their actions;
 - ii. The employee has no more than one (1) prior offense during the period in which the prior offense may be considered for progressive discipline; and
 - iii. Further offenses are unlikely to occur.
- e. Abeyance is inappropriate in the following situations:
 - i. The employee refuses to admit any wrongdoing;
 - ii. Past attempts to correct behavior have been ineffective;
 - iii. The employee has served any suspension in the previous two (2) years;
 - iv. Violations find purposeful, physical harm resulted to an individual;
 - v. Violations find serious harm resulted to the reputations of the Department; or
 - vi. Where the conduct constituting the violation was planned or part of an on-going scheme.

7. Demotion

- a. The Chief of Police or Superintendent may consider whether demotion is appropriate, where the discipline imposed includes a suspension of forty (40) or more hours.

4 F. Expectations for Department Personnel on Suspension or Dismissal From Service

1. During a suspension, Department personnel shall not wear any identifiable part of the official uniform.
2. Upon dismissal from service, sworn personnel shall surrender their badge of office, their take-home vehicle, and all other Department property.



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Appendix I: Chart of Sanctions

The Chart of Sanctions below shall be used to determine the range of discipline that shall be imposed for a sustained violation of a Department policy. Use of the Chart of Sanctions and the DAP shall ensure both fair and consistent application of discipline across the Department.

Every sanction classification carries a minimum, presumptive, and maximum penalty. The presumptive level of discipline must first be considered and a level of discipline should be imposed within the range of the maximum-presumptive-minimum penalties unless the disciplinary authority finds substantial aggravating or mitigating circumstances that, in the interest of fairness and the best interests of the Department, and consistent with this SOP, warrant a downward or upward departure from the range. Aggravating and mitigating factors shall be articulated in the DAP or by the disciplinary authority before imposition of final discipline.

Misconduct that rises to the level of suspension shall result in a suspension of a full forty (40) hour workweek or incremental full workweeks (eighty (80) hours, one-hundred twenty (120) hours).

Min. = Minimum Discipline
Pres. = Presumptive Discipline
Max. = Maximum Discipline
W.R. = Written Reprimand
Hrs. = Hours of Suspension
Dis. = Dismissal



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Class	First Offense			Second Offense			Third Offense			Fourth Offense			Fifth Offense			Sixth Offense			Seventh Offense			Eighth Offense
	Min.	Pres.	Max.	Min.	Pres.	Max.	Min.	Pres.	Max.	Min.	Pres.	Max.	Min.	Pres.	Max.	Min.	Pres.	Max.	Min.	Pres.	Max.	
7	NDCA	V.R.	W.R.		W.R.	8Hrs	8Hrs	16Hrs	16Hrs	8Hrs	16Hrs	24Hrs	16Hrs	40Hrs	24Hrs	40Hrs	80Hrs	80Hrs	120Hrs	120Hrs	120Hrs	Dismissal
6	NDCA	W.R.	8Hrs		8Hrs	16Hrs	8Hrs	16Hrs	24Hrs	8Hrs	16Hrs	24Hrs	40Hrs	80Hrs	120Hrs	120Hrs	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal
5	W.R.	8Hrs	16Hrs	8Hrs	16Hrs	24Hrs	8Hrs	16Hrs	24Hrs	24Hrs	40Hrs	80Hrs	40Hrs	80Hrs	120Hrs	120Hrs	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal
4	16Hrs	40Hrs	80Hrs	40Hrs	80Hrs	120Hrs	80Hrs	120Hrs	Dis.	120Hrs	120Hrs	Dis.	120Hrs	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal
3	40Hrs	80Hrs	120Hrs	80Hrs	120Hrs	Dis.	120Hrs	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal
2	80Hrs	120Hrs	Dis.	120Hrs	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal
1	Dismissal			Dismissal			Dismissal			Dismissal			Dismissal			Dismissal			Dismissal			Dismissal



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Appendix II: Prior-Related Offenses

Category of Violation	Description: This is a non-exhaustive list; the IAPS Division maintains the discretion to determine the category of a violation.
Attendance	<ul style="list-style-type: none"> • Unauthorized leave • Missed court • Failing to report for duty
Misconduct	<ul style="list-style-type: none"> • Failure to activate/record a mandatory recording event • Out of policy use of force • Constitutional Violations • Violation of the law • Harassment/Discrimination/Retaliation • Insubordination/failure to obey orders • Social media policy violations • Conduct-related CASA policy violations • Insufficient supervisory review of use of force • Abuse of authority • Violation of substance abuse policy • Failure to report alleged or potential misconduct • Lack of truthfulness • Fraud/fraudulent use of city time • Failure to meet conditions of employment; maintain certifications • Non-permitted political activity • Improper dissemination or handling of confidential information • Failure to request ECIT/CIT/MCT when required by policy • Theft or intentional destruction of Department/co-workers' property • Violation of the pursuit or tire deflation device policy • Failure to call emergency medical services/render aid • Failure to supervise/ Insufficient supervision
Performance	<ul style="list-style-type: none"> • Late or incomplete reports • Missed deadlines • Profanity/derogatory language • Not being prepared or equipped for duty • Refusing to furnish name upon request • Line inspection • Failure to upload OBRD; failure to charge OBRD • Driving violations • Uniform and grooming standards • Improperly tagging evidence • Improper radio use/etiquette • Failure to collect necessary information • Incompetence-related violations • Negligent damage to Department policy



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-46

Effective: 07/27/2021

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| | <ul style="list-style-type: none">• Negligent use of computers• Working unauthorized time/violation of the overtime policy |
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