CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

Zander Bolyanatz, Board Chair
Aaron Calderon, Board Vice-Chair
Eduardo Budanauro, Board Member
Rowan Wymark, Board Member
Diane McDermott, Executive Director, CPOA
Ali Abbasi, Deputy Director, CPOA

Tuesday, February 24, 2026, at 5:00 PM
Vincent E. Griego Chambers

Members Present:
Zander Bolyanatz, Chair
Aaron Calderon, Vice Chair
Eduardo Budanauro, Board Member
Rowan Wymark, Board Member

Members Absent:

Others Present In-Person:
Diane McDermott, CPOA Executive Director
Ali Abbasi, CPOA Deputy Director
Gabe Remer, CPOA Policy Analyst
Cameron Johnson, CPOA Data Analyst
Katrina Sigala, CPOA Executive Assistant
Valerie Barela, CPOA Senior Administrative Assistant
Robert Kidd, Independent Counsel
Lauren Keefe, City Attorney
Scott Norris, APD IAFD Commander
Matthew Caplan, APD IAFD Deputy Commander
Phillip Jameson, Valley CPC Member

Others Present via Zoom:
Chris Sylvan, Council Services

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SPECIAL MEETING MINUTES

I. Call to Order and Roll Call. Chair Bolyanatz called the regular meeting of the Civilian Police Oversight Advisory Board to order at approximately 5:00 p.m., and a roll call of members present was taken. Zander Bolyanatz, Eduardo Budanauro, Aaron Calderon, and Rowan Wymark were present.

II. Pledge of Allegiance. Chair Bolyanatz led the Pledge of Allegiance.

III. Approval of the Agenda

1. **Motion.** A motion by Chair Bolyanatz to approve the agenda as drafted. Vice Chair Calderon seconded the motion. The motion was passed unanimously.

For: Bolyanatz, Budanauro, Calderon, Wymark

IV. Public Comment [Public comment is limited to three minutes unless extended by the Chairperson]

a. There were no general public comments.

V. Discussion and Possible Action:

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

1. SOP 2-52

i. **Public Comment:** Phillip Jameson provided public comments on SOP 2-52 (*See attached recommendation and policy*)

ii. Commander Norris stated that the core principles and mission statement of the Albuquerque Police Department are embedded in the Standard Operating Procedure and require officers to uphold the New Mexico Constitution, which is a higher standard.

iii. Gabe Remer highlighted language changes and recommendations regarding SOP 2-52 while incorporating SOP 2-53 in his explanations. (*See attached recommendations*)

iv. Chair Bolyanatz questioned the changes in the Use of Force classifications, 2-52-A-3. Gabe Remer provided more information on the changes in Use of Force Classifications and show-of-force policies. Commander Norris reiterated that show-of-force reports are included in the Board's monthly report, and APD will be training officers on the changes.

v. Chair Bolyanatz questioned the change 2-52-A-3 related to the announcement of police. Commander Norris provided more information about the change and explained the rationale for adding the phrase "plainly obvious" to the policy.

vi. Chair Bolyanatz made a suggestion to not remove some language in 2-52-6-A-3 related to requesting medical attention. Commander Norris provided more context on the policy.

vii. **Motion.** A motion was made by Vice Chair Calderon to move forward with the CPC recommendation for 2-52-4-B. The

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motion was seconded by Chair Calderon. The motion was passed unanimously.

For: Bolyanatz, Budanauro, Calderon, Wymark

2. **SOP 2-53**
   i. **Public Comment:** There were no public comments for SOP 2-53. (*See attached policy*)
   ii. Gabe Remer highlighted language changes and recommendations regarding SOP 2-53 while presenting SOP 2-52. (*See attached recommendations*)
   iii. Chair Bolyanatz questioned 2-53-3-C, related to the accidental discharge of the policy, and the removal of the word negligent from the policy. Lauren Keefe clarified that the words "negligent" and "accidental" are distinct terms, and Robert Kidd concurred. Commander Norris stated that a determination would be made during the misconduct investigation.
   iv. The Board had no formal recommendations for SOP 2-53
3. **SOP 2-54**
   i. **Public Comment:** There were no public comments for SOP 2-54. (*See attached policy*)
   ii. Gabe Remer had no recommendations for SOP 2-54.
   iii. Chair Bolyanatz questioned 2-54-2 regarding the use of intermediate weapons, focusing on the word necessary, and recommended that the word "necessary" be retained in the policy. Gabe Remer provided additional information and context related to the change.
   iv. **Motion.** A motion by Vice Chair Calderon for 2-54-2 policy that the word "necessary" be put back into the policy so it matches the core principles. Chair Bolyanatz seconded the motion. The motion passed unanimously.

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For: Bolyanatz, Budanauro, Calderon, Wymark

v. Chair Bolyanatz questioned the removal of language from 2-54-5-A-1-a, and the removal of the words "or to protect sworn personnel or others from the threat." Commander Norris provided reasoning for the removal of the language. Diane McDermott provided her interpretation of the language change.

vi. The Board had no formal recommendations for SOP 2-54.

4. SOP 2-55

i. **Public Comment:** Executive Director spoke on behalf of Phillip Jameson. (*See attached recommendation and policy*)

ii. **Motion.** A motion by Chair Bolyanatz that on policy 2-55-A, related SOPs to add SOP 2-52 use of general to the definition section. Member Wymark seconded the motion. The motion passed unanimously.

For: Bolyanatz, Budanauro, Calderon, Wymark

iii. **Motion.** A motion by Chair Bolyanatz that for policy 2-55-A should add the related SOP 2-54. Member Budanauro seconded the motion. The motion passed unanimously.

For: Bolyanatz, Budanauro, Calderon, Wymark

5. SOP 2-56

i. **Public Comment:** There were no public comments for SOP 2-56. (*See attached policy*)

ii. Gabe Remer provided more information on the policy changes related to audit functions.

iii. Executive Director noted that a minimum threshold should be identified in the policy.

iv. Commander Norris stated that the threshold will be 30% from each area command/division.

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v. Chair Bolyanatz questioned 2-56-4-A-3 related to supervisors as witnesses. Commander Norris provided more information on the process when a supervisor is a witness.

6. SOP 2-57

i. **Public Comment:** There were no public comments for SOP 2-57. (*See attached policy*)

ii. Chair Bolyanatz questioned the removal of a language from SOP 2-57-5 related to the word "allegation."

iii. Commander Norris noted that the word "allegation" was later identified in the policy.

iv. Diane McDermott asked for clarification on the language referring to a supervisor on scene concerning the words "respond or already there."

v. Chair Bolyanatz asked for Commander Norris' opinion on the revisions to the policies since the CASA was dismissed, noting community concerns, and if the DOJ would have approved the recommended changes. Commander Norris stated the APD Use of Force Polices are one of the most restrictive in the county in comparison to demographics.

VI. Adjournment.

a. Motion. A motion was made by Chair Bolyanatz to adjourn the meeting. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

b. The meeting was adjourned at approximately 6:52 p.m.

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APPROVED:

_____ _____

Zander Bolyanatz, Chair Date
Civilian Police Oversight Advisory Board

CC: Isaac Padilla, City Council Staff
Ethan Watson, City Clerk
Klarissa Pena, City Council President

Minutes drafted and submitted by:
Valerie Barela, CPOA Senior Administrative Assistant

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ATTACHMENTS

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ALBUQUERQUE
CIVILIAN POLICE
OVERSIGHT

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
USE OF FORCE POLICY SUITE REVIEW
PUBLIC COMMENT
SIGN-IN SHEET
Tuesday, February 24, 2026

NAME (PLEASE PRINT)

1. Philip Jameson 252-4[illegible] 255
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2-52 USE OF FORCE: GENERAL (FORMERLY USE OF FORCE (DEADLY FORCE, NON DEADLY FORCE, LESS LETHAL FORCE)

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

A. Related SOP(s)

2-19 Response to Behavioral Health Crisis
2-53 Use of Force: Definitions
2-55 Use of Force: De-escalation
2-56 Use of Force: Reporting by Department Personnel
2-82 Restraints and Transportation of Individuals
3-41 Complaints Involving Department Personnel
3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)
Graham v. Connor, 490 U.S. 386 (1989)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-43 Amendment to SOP 2-52 Use of Force: General, and SOP 2-53 Use of Force: Definitions

2-52-1 Purpose

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

2-52-2 Policy

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

N/A

2-52-3 Definitions

REDLINED

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

N/A **2-52-4 Core Principles**

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

1. Unreasonable force degrades the legitimacy of the officer's authority.

B. The Department holds Department personnel to a higher standard than articulated in *Graham v. Connor*, 490 U.S. 386 (1989) when performing their duties on behalf of the Department and the community. Department personnel who use force shall use the minimum amount of force necessary that is objectively reasonable and based on the totality of the circumstances confronting them in order to bring about a lawful objective.

3-5 C. Department personnel shall only use force to accomplish a lawful objective

4-6 D. Based on the totality of the circumstances, Department personnel shall:

1. Only use force that is objectively reasonable; and

2. Only use the minimum amount of force necessary under the circumstances.

E. Department personnel shall continually assess whether they are using the minimum amount of force necessary under the circumstances that is objectively reasonable.

5 F. When feasible, any Department personnel who observes another officer using force that a reasonable officer would consider unreasonable, shall safely intercede to stop the officer's actions.

G. All levels of use of force by Department personnel shall be evaluated under the totality of the circumstances and pursuant to the standards and training that the Department conducts.

N/A H. In accordance with SOP Complaints Involving Department Personnel, the Department shall hold personnel accountable when they:

1. Use force that does not conform to this SOP or training that the Department conducts; and

2. Do not uphold lawful, professional, and ethical standards before, during, and after every use of force incident.

N/A I. In accordance with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable, not minimal, or found to be outside of the Department's policies.

REDLINED

N/A J. Department personnel may be subject to criminal prosecution and/or civil liability for uses of force that are unreasonable in accordance with SOP Discipline System.

6 **2-52-5 Use of Force Guidelines**

A. Pre-Use of Force

N/A

1. When feasible, Department personnel shall make a concerted effort to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques, in accordance with SOP Response to Behavioral Health Issues.

2. When feasible, sworn personnel shall announce their intent to detain, search, or arrest an individual before using force.

3. When feasible, sworn personnel shall announce themselves as “police” unless it is plainly obvious that they are a law enforcement officer by virtue of their uniform and equipment, or by the circumstances of the contact with the individual.

4. When feasible, Department personnel shall:

   a. Recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources;
   b. Issue a verbal force warning to a non-compliant individual before using force when doing so would not increase the danger to Department personnel or other people;
   c. Prior to using an intermediate weapon issue a verbal force announcement to other Department personnel before using force when doing so would not increase the danger to Department personnel or other people;
   d. Allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force;
   e. Consider whether an individual’s failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors that may impair the individual’s understanding; and
   f. Consider whether specific techniques or resources would help resolve the situation without resorting to force.

5. When feasible, Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to themselves or others.

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

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a. At the scene of a potentially violent encounter, Department personnel shall attempt to use all available resources to avoid resolving the incident or situation alone, unless there is a threat of death or serious physical injury.
b. When feasible, supervisors shall designate a staging area for responding resources and personnel and communicate the location over the appropriate area command frequency.
c. When feasible, supervisors shall ensure a force array is present.

4-6 B. During Use of Force

1. When using force, Department personnel shall stop or reduce the level of force as the individual reduces their resistance and/or ceases to be a threat to the safety of Department personnel or others.

2. When an individual is forced into a facedown position, Department personnel shall release pressure/weight from the individual and position the individual on their side or sit them up once they are no longer actively resistant or as soon as it is safe to do so. Department personnel shall monitor the individual for any breathing problems or any other signs of distress.

3. Use of Low-Level Control Tactics, non-force, requires the following:

a. Prior to using a low-level control tactic, when feasible, Department personnel shall follow the pre-use of force guidelines in SOP Use of Force: General;
b. Department personnel shall have a lawful objective for detention, seizure, or other reason for making physical contact with an individual prior to the use of a low-level control tactic;
c. Department personnel shall only use a low-level control tactic to achieve a lawful objective, such as overcoming the resistance of an individual to being lawfully detained, arrested, moved, guided, restrained, or stopped; and
d. Department personnel shall document all low-level control tactics used, justification for those tactics, and any superficial wounds that resulted from the low-level control tactics, as described in SOP Use of Force: Reporting by Department Personnel.

4-6 C. Prohibited Uses of Force

1. Department personnel shall not:

1 a. Use force in a manner that violates federal or state laws;
b. Use force to attempt to gain compliance with an unlawful command;
c. Engage in objectively unreasonable actions, tactics, or make statements that escalate a situation such that the use of force becomes necessary;
d. Use force against a restrained or handcuffed individual except as objectively reasonable:

REDLINED

i. To prevent the imminent threat of harm to Department personnel, the individual, or another person(s);
ii. To overcome active resistance; or
iii. To move an individual who is passively resisting.

e. Use leg sweeps, empty hand technique, and/or takedowns except as objectively reasonable:
i. To prevent imminent bodily harm to the officer, individual, or to another person(s); or
ii. To overcome active resistance; or
iii. Where it is objectively reasonable to overcome passive resistance.

1 f. Use firearms as impact weapons, except to protect themselves, other Department personnel, or community members from a risk of deadly threat;

1-3 g. Use of neck holds, except where deadly force is authorized, as defined in SOP Use of Force: Definitions;

h. Fire warning shots;

i. Fire less-lethal or lethal munitions at an individual in a crowded environment unless, based upon the totality of the circumstances, the danger of hitting an innocent bystander is outweighed by the necessity and likelihood of stopping the individual;

j. Intentionally target the head, neck, or throat with any force application, unless deadly force is warranted; or

k. Use the weapon-mounted light for general illumination.
i. Department personnel may use weapon-mounted lights to illuminate a potential threat area when the use of a weapon system is warranted.

1 D. Deadly Force

1. Department personnel shall be held to a higher standard than articulated in Graham v. Connor, 490 U.S. 386 (1989) when performing their duties on behalf of the Department and the community. Department personnel who use force shall use the minimum amount of force necessary that is objectively reasonable and based on the totality of the circumstances confronting them in order to bring about a lawful objective.

2. Department personnel shall not use deadly force:

a. Solely in defense or protection of property;

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

c. Against an individual unless the officer has an objectively reasonable belief that an individual poses a threat of death or serious physical injury to Department personnel or another person; or

d. Against an individual who is fleeing or attempting to escape unless:
i. They have established probable cause to believe that the individual has committed or is in the process of committing a violent felony involving the infliction or threatened infliction of death or serious physical injury; and

REDLINED

ii. If permitted to flee or escape, and the officer has an objectively reasonable belief that an individual poses a threat of death, or serious physical injury to Department personnel, or another person if not apprehended.
iii. When feasible, Department personnel shall give warning prior to using deadly force.

4 E. Deadly Force and Moving Motor Vehicles

1. Department personnel shall not:

1 a. Discharge a firearm at or from a moving vehicle, unless an occupant of the suspect vehicle is presenting a deadly threat to the officer or another person;
b. Intentionally place themselves in the path of a moving vehicle; or
i. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.
c. Reach inside a moving vehicle.
i. When feasible, sworn personnel shall assess the circumstances in the situation when the individual's occupied vehicle is stationary and idling and decide whether it is safe to reach into the vehicle to turn it off.

N/A F. Post-Use of Force

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

6 **2-52-6 Duty to Provide Medical Attention and Transportation**

A. Following any reportable use of force, and once the scene is secure, Department personnel shall:

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

2. Render aid consistent with the officer's training;

3. Request medical attention when it is safe to do so, when an individual is injured or complains of injury;

4. Immediately request medical attention following any use of force or serious use of force, regardless of visible injury or a complaint of injury;

a. This shall not apply to any use of force or serious use of force in which there is no bodily contact (i.e., attempted strikes and/or missed ECW discharges).

5. Closely monitor individuals who are taken into custody for signs of distress;

REDLINED

6. Not delay medical transport of the individual if medical attention is necessary;

7. If Emergency Medical Services (EMS) personnel determine the individual requires medical transport, a supervisor shall ensure an officer accompanies or follows the individual to a medical facility; and

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

N/A a. When feasible, sworn personnel are encouraged to use medical transport.

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

6 B. Following the use of any low-level control tactics and once the scene is secure, Department personnel shall check for superficial wounds or injuries and request medical attention when an individual is injured or complains of an injury.

N/A C. If an officer is unable to secure the scene for medical personnel, the officer may safely extract the individual and transport them to a safe location for medical treatment, if necessary.

6 D. Department personnel shall keep a tourniquet and chest seal on their person or in their unit to render aid to officers or others.

REDLINED

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

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

A. Related SOP(s)

2-19 Response to Behavioral Health Crisis
2-53 Use of Force: Definitions
2-55 Use of Force: De-escalation
2-56 Use of Force: Reporting by Department Personnel
2-82 Restraints and Transportation of Individuals ~~(Formerly 2-19)~~
3-41 Complaints Involving Department Personnel ~~(Formerly 3-22 and 3-43)~~
3-46 Discipline System ~~(Formerly 1-09)~~

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)
Graham v. Connor, 490 U.S. 386 (1989)

D. Active Special Order(s)

None

~~D.~~E. Rescinded Special Order(s)

SO 25-43 Amendment to SOP 2-52 Use of Force: General, and SOP 2-53 Use of Force: Definitions~~None~~

2-52-1 Purpose

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

2-52-2 Policy

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

N/A

2-52-3 Definitions

REDLINED

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

N/A **2-52-4 Core Principles**

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

1. Unreasonable force degrades the legitimacy of the officer's authority.

B. The Department holds Department personnel to ~~a higher~~ a higher~~the~~ standard than ~~outlined in than that~~ articulated in *Graham v. Connor*, 490 U.S. 386 (1989) when performing their duties on behalf of the Department and the community. Department personnel who use force shall use the minimum amount of force necessary that is objectively reasonable ~~and necessary~~ and based on the totality of the circumstances confronting them in order to bring about a lawful objective.

3- C. Department personnel shall only use force to accomplish a lawful objective

4- ~~C.~~D. Based on the totality of the circumstances, Department personnel shall:

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

~~2.~~ Only use force that is objectively reasonable; and~~; and~~

~~4.~~1. ~~Only use force when force is necessary; and~~and

~~5.~~2. Only use ~~Only use t~~The minimum amount of force necessary under the circumstances.~~ necessary.e necessary.~~

~~D.~~E. Department personnel shall continually assess whether they are using the minimum amount of force~~,~~ necessary under the circumstances ~~whether the use of force is necessary, and whether the use of force~~ that is objectively reasonable.

5 ~~E.~~F. When feasible, any Department~~sworn~~ personnel~~Department employee~~ who observes another~~any~~ officer using force that a reasonable~~an~~ ~~reasonable~~ officer would consider unreasonable, ~~out of policy~~ shall safely intercede to stop the officer's actions.

~~F.~~G. All levels of use of force by ~~sworn~~ D~~d~~epartment personnel shall be evaluated under the totality of the circumstances and pursuant to the standards and training that the Department conducts~~set in this policy~~.

N/A ~~G.~~H. In accordance~~Consistent~~ with SOP Complaints Involving Department Personnel, the Department shall hold personnel accountable when they:

1. Use force that does not conform to this SOP or training that the Department conducts; and

REDLINED

2. Do not uphold lawful, professional, and ethical standards before, during, and after every use of force incident.

N/A ~~H.~~I. In accordance ~~Consistent~~ with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable, not minimal, ~~-~~or~~and~~ found to be outside of the Department's policies.

N/A ~~I.~~J. Department personnel may be subject to criminal prosecution and/or civil liability for uses of force that are unreasonable in accordance~~consistent~~ with SOP Discipline System.

6 ~~**2-52-5 Force Classification**~~

~~A. Level 1 Use of Force~~

~~1. Any use of force that is likely to cause only temporary pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or~~

~~2. Any show of force.~~

~~B. Level 2 Use of Force~~

~~1. Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable.~~

~~2. A Level 2 use of force includes:~~

~~a. Two (2) or fewer cycles of an Electronic Control Weapon (ECW), regardless of the number of discharges, including where the ECW is fired but misses;~~
~~b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;~~
~~. This excludes strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40-millimeter impact launcher, which are considered deadly force.~~
~~. The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless the round strikes an individual. If debris strikes an individual, the classification of force will be made relative to level of injury.~~
~~. The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless the round or debris strikes an individual~~

REDLINED

~~c. Use of oleoresin capsicum (OC) spray, including when it is sprayed at an individual but misses;~~
~~c. Empty-hand techniques likely to cause injury or resulting in injury or complaint of injury;~~
~~c. Strikes and attempted strikes with impact weapons;~~
~~. This excludes strikes to the head, neck, throat, chest, or groin with a baton or improvised impact weapon, which are considered deadly force.~~
~~d. Deployment of a noise flash diversionary device (NFDD) inside a structure without an intermediate barrier;~~
~~e. If an NFDD is deployed outside of a structure or outside of a vehicle and is used as a means to gain the attention of an individual, it shall not be considered a use of force; unless the deployment results in an injury, then the force shall be classified relative to level of injuryIf an NFDD is deployed outside of a structure or outside an enclosed vehicle and is used as a means to gain the attention of an individual, it shall not be considered a use of force;~~
~~e. Use of a horse rein strike on an individual's extremities; and~~
~~e. Use of the PIT maneuver at thirty five (35) mph or below.~~

~~B. Level 3 Use of Force~~

~~2. Any use of 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.~~

~~2. Level 3 use of force includes:~~

~~e. Use of deadly force;~~
~~e. Critical firearm discharge;~~
~~e. Force resulting in hospitalization, serious medical episode, loss of consciousness, and/or a seizure;~~
~~e. Police service dog (PSD) directed bite;~~
~~e. Three (3) or more ECW cycles on an individual during a single interaction, regardless of the duration of the cycle, and regardless of whether the cycles are by the same or different sworn personnel;~~
~~e. An ECW cycle on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive;~~
~~e. Four (4) or more strikes with a baton or improvised impact weapon;~~
~~e. Use of a beanbag shotgun or 40-millimeter impact launcher when it strikes the head, neck, throat, chest, or groin is considered deadly force.~~
~~e. Use of a horse rein strike on an individual's head, neck, throat, chest, or groin;~~
~~e. Any Level 2 use of force against a handcuffed individual;~~
~~e. Use of the PIT maneuver thirty-five (35) mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and~~
~~e. Use of the PIT maneuver above thirty-five (35) mph.~~

~~B. Non-Force~~

REDLINED

~~1. A physical interaction with an individual that is not classified as a Level 1, Level 2, or Level 3 use of force.~~

~~1. The use of low-level control tactics is not force unless the individual complains of pain or injury that is a direct result of an officer's physical interaction with the individual.~~

~~e. Use of the Department-Vehicle Grappler Device is considered a low-level control tactic.~~

~~1. Physical contact solely for the purpose of rendering aid is not a use of force.~~

~~1. An inadvertent covering of an individual with a weapon is not a use of force.~~

6 **2-52-5~~656~~ Use of Force Guidelines**

A. Pre-Use of Force

N/A

1. When feasible, Department~~sworn~~ personnel shall make a concerted effort to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques~~, including, active listening skills, tone of voice, body posture, personal space, eye contact, empathy, and compassion to promote officer and individual safety~~, in accordance~~consistent~~ with SOP Response to Behavioral Health Issues.

~~2.~~ When feasible, sworn~~Department~~ ~~sworn~~ personnel shall ~~identify themselves as "police" and~~ announce their intent to detain, search, or arrest an individual before using force. ~~W when it is not plainly obvious that they are a law enforcement officer by virtue of their uniform and equipment, or by the circumstances of the contact with the individual.~~

2.

~~2.~~

3. ~~When it is not~~ When feasible, sworn personnel shall announce themselves as "police" unless it is plainly obvious that they are a law enforcement officer by virtue of their uniform and equipment, or by the circumstances of the contact with the individual.~~, all sworn personnel shall identify themselves as "police".~~

~~When working in a plainclothes capacity, sworn personnel shall verbally identify themselves as "police."~~

~~c.~~

~~3.~~4. When feasible, Department personnel shall:

REDLINED

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

~~d.~~b. Issue a verbal force warning to ~~the~~ a non-compliant individual before using force when doing so would not increase the danger to Department personnel or other people;

~~e.~~c. Prior to using an intermediate weapon issue a verbal force announcement to other Department ~~sworn~~ personnel before using force when doing so would not increase the danger to Department personnel or other people;

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

~~g.~~e. Consider whether an individual's failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors that may impair the individual's ~~self-control~~ understanding; and

~~h.~~f. Consider whether specific techniques or resources would help resolve the situation without resorting to force.

5. When feasible, D~~d~~Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to themselves or others.

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

   a. At the scene of a potentially violent encounter, Department personnel shall attempt to use all available resources to avoid resolving the incident or situation alone~~independently~~, unless there is a threat of death or serious physical injury.
   b. When feasible, supervisors shall designate a staging area for responding resources and personnel and communicate the location over the appropriate area command frequency.
   c. When feasible, supervisors shall ~~visually~~ ensure a force array is present.

4- B. During Use of Force

1. When using force, Department personnel shall stop or reduce the level of force as the individual reduces their resistance and/or ceases to be a threat to the safety of Department ~~sworn~~ personnel or others.~~.~~

2. When an individual is forced into a facedown position, Department personnel shall release pressure/weight from the individual and position the individual on their side or sit them up once they are no longer actively resistant or as soon as ~~the individual of force stops actively resisting, the scene is secure, and or~~ it is safe to do so. Department personnel shall monitor the individual for any breathing problems or any other signs of distress.

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3. Use of Low-Level Control Tactics, non-force, requires the following:

   a. Prior to using a low-level control tactic, when feasible, Department~~sworn~~ personnel shall follow the pre-use of force guidelines in SOP Use of Force: General;~~.~~
   b. Department~~Sworn~~ personnel shall have a lawful objective for detention, seizure, or other reason for making physical contact with an individual prior to the use of a low-level control tactic;~~.~~
   c. Department~~Sworn~~ personnel shall only use a low-level control tactic to achieve a lawful objective, such as overcoming the resistance of an individual to being lawfully detained, arrested, moved, guided, restrained, or stopped; and~~.~~
   d. Department~~Sworn~~ personnel shall document all low-level control tactics used, justification for those tactics, and any superficial wounds that resulted from the low-level control tactics, as described in SOP Use of Force: Reporting by Department Personnel.

~~2.~~

4- C. Prohibited Uses of Force

1. Department personnel shall not:

1 a. Use force in a manner that violates federal or state laws;
   b. Use force to attempt to gain compliance with an unlawful command;
   c. Engage in objectively unreasonable actions, ~~-~~tactics, or make statements that escalate a situation such that the use of force becomes necessary;
   d. Use force against a restrained or handcuffed individual except as objectively reasonable:
      i. To prevent the imminent threat of harm to Department personnel, the individual, or another person(s);~~ or~~
      ii. To overcome active resistance; or
      iii. To move an individual who is passively resisting.
   e. Use leg sweeps, empty hand technique~~control~~, and/or takedowns except as objectively reasonable:
      i. To prevent imminent bodily harm to the officer, individual, or to another person(s); or
      ii. To overcome active resistance; or
      iii. Where it is objectively reasonable ~~and necessary~~ to overcome passive resistance.
1 f. Use firearms as impact weapons, except to protect themselves, other Department~~sworn~~ personnel, or community members from a risk of deadly threat;
1-3 g. Use ~~neck~~ of ~~intentional~~ neck~~choke~~ holds, except where deadly force is authorized, as defined in SOP Use of Force: Definitions;~~ (revisit after amended 2-53) Remove from deadly force but add a section for "other actions may be considered as deadly force based upon the totality of circumstances."~~
1 ~~g. Not all choke holds will be considered deadly force based upon the totality of circumstances.~~

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h. Fire warning shots;

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i. Fire less-lethal or lethal munitions at an individual in a crowded environment unless, based upon the totality of the circumstances, the danger of hitting an innocent bystander is outweighed by the necessity and likelihood of stopping the individual; ~~or~~

~~i.~~j. Intentionally target the head, neck, or throat~~groin~~ with any force application, unless deadly force is warranted; or~~.~~

~~j.~~k. Use the weapon-mounted light for general illumination.

N/A

i. Department~~Sworn~~ personnel may use weapon-mounted lights to illuminate a potential threat area when the use of a weapon system is warranted.

~~i.~~

~~1. Refer to SOP Use of Force: Reporting by Department Personnel for reporting requirements. (revisit after amended 2-54)~~

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D. Deadly Force

1. ~~The use of deadly force by~~ Department personnel ~~is evaluated under the~~ shall be held to a higher standard ~~established~~ than articulated in Graham v. Connor, 490 U.S. 386 (1989) when performing their duties on behalf of the Department and the community. Department personnel who use ~~deadly~~ force shall use the minimum amount of force necessary that is objectively reasonable and ~~minimal~~ based on the totality of the circumstances confronting them in order to bring about a lawful objective.

~~1.~~2. Department personnel shall not use deadly force:

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

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E. Deadly Force and Moving Motor Vehicles

1. Department personnel shall not:

1

a. Discharge a firearm at or from a moving vehicle, unless an occupant of the suspect vehicle is presenting a deadly threat to the officer or another person~~, other than the vehicle itself~~; ~~or~~
b. Intentionally place themselves in the path of a moving vehicle; or
   i. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.
c. Reach inside a moving vehicle.
   i. When feasible, sworn personnel shall assess the circumstances in the situation when the individual's occupied vehicle is stationary and idling and decide whether it is safe to reach into the vehicle to turn it off.

N/A F. Post-Use of Force

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

6 ~~2-52-7~~ **2-52-6 Duty to Provide Medical Attention and Transportation**

A. Following any reportable use of force~~ that is not a show of force~~, and once the scene is secure, Department personnel shall:

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

2. Render aid consistent with the officer's training;

3. Request medical attention when it is safe to do so~~ without delay~~, when an individual is injured or complains of injury;

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

   a. This shall not apply to any ~~Level 2 or Level 3~~ use of force or serious use of force in which there is no bodily contact (i.e., attempted strikes and/or missed ECW discharges).

5. Closely monitor individuals who are taken into custody for signs of distress;

6. Not delay medical transport of the individual if medical attention is necessary;

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7. If Emergency Medical Services (EMS) personnel determine the individual requires medical transport, a supervisor shall ensure an officer accompanies or follows the individual to a medical facility; and

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

N/A a. When feasible, sworn personnel are encouraged to use medical transport.

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

6 B. Following the use of any low-level control tactics and once the scene is secure, Department personnel shall check for superficial wounds or injuries and request medical attention when an individual is injured or complains of an injury~~if necessary~~.

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

6 ~~C.~~D. Department~~Sworn~~ personnel shall keep a tourniquet and chest seal on their person or in their unit to render aid to officers or others.

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

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

A. Related SOP(s)

2-11 Use of Tire Deflation Devices
2-12 Pursuit Intervention Technique
2-19 Response to Behavioral Health Issues
2-56 Use of Force: Reporting by Department Personnel
2-105 Destruction/Capture of Animals

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, Section 29-7D-3

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-43 Amendment to SOP 2-52 Use of Force: General, and SOP 2-53 Use of Force: Definitions
SO 25-101 Amendment to SOP 2-53 Use of Force Definitions

2-53-1 Purpose

The purpose of this policy is to define the terminology used in the Albuquerque Police Department's (Department) use of force Standard Operating Procedures (SOP).

2-53-2 Policy

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

N/A

2-53-3 Definitions

A. Authorizing Force

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

REDLINED

B. Certificate for Evaluation

A document completed by a qualified, licensed mental health professional that certifies that an individual person, as a result of a mental disorder, presents a likelihood of harming themselves or others, and that immediate detention is necessary to prevent such harm, which may include grave passive neglect. All Certificates for Evaluation expire seventy-two (72) hours after they are issued, unless explicitly stated otherwise.

C. Critical Firearm Discharge

An intentional discharge of an off-duty or on-duty firearm by Department personnel, including destruction of animals through use of a firearm, and off-duty, accidental discharges of a firearm where no person is struck, but excluding range practice and training firings.

D. Deadly Force

1. Any use of force that is reasonably likely to cause death or serious physical injury and includes, but is not limited to:

   a. Discharging a firearm at an individual, whether intentionally or accidentally;
   b. Any neck hold as defined in this SOP;
   c. Intentionally striking vital areas of the body, including the head, neck, throat, with a baton, flashlight, radio, weapon, stock/handle, improvised impact weapon, or hard object;
   d. Intentionally striking an individual's head against a hard, fixed object, such as a roadway, floor, wall, or steel/iron bars;
   e. Intentionally targeting an individual's head, neck, throat, with a beanbag shotgun;
   f. Intentionally targeting an individual's head, neck, throat, with a 40-millimeter impact munition launcher;
   g. Intentionally targeting an individual's head, neck, throat, with an Electronic Control Weapon (ECW);
   h. Intentionally kneeing or kicking an individual's head, neck, throat while the individual is in a prone or supine position;
   i. Deliberately striking an individual with a motor vehicle;
   j. Using the Pursuit Intervention Technique (PIT) over thirty-five (35) mph, in accordance with SOP Pursuit Intervention Technique;
   k. Using a tire deflation device on all two-wheeled or three-wheeled motor vehicles, in accordance with SOP Use of Tire Deflation Devices; or
   l. Using a PIT on all two-wheeled or three-wheeled motor vehicles, in accordance with SOP Pursuit Intervention Technique.

E. De-escalation

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1. A concerted effort to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques, in accordance with SOP Response to Behavioral Health Issues.

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

F. Deficient Review or Investigation

A review or an investigation that fails to derive a finding based upon an objective preponderance of the evidence and the totality of the circumstances.

G. Department Employee or Department Personnel

1. For the purpose of the Department’s use of force SOPs, “Department employee” or “Department personnel” refers to the following employees:

    a. Crime Scene Specialist (CSS);
    b. Sworn Personnel;
    c. Police Service Aide (PSA);
    d. Prisoner Transport Unit (PTU) employee; and
    e. Transport Safety Section (TSS) employee.

H. Electronic Control Weapon (ECW) Cycle

A cycle is achieved when at least two (2) ECW probes create an electrical impulse emitted from the ECW upon the detection of a positive connection.

I. Electronic Control Weapon (ECW) Discharge

The use or attempted use of an ECW by firing an ECW probe at an individual. A show of force with an ECW is not an ECW discharge.

J. Electronic Control Weapon (ECW) Warning Alert

A visual high intensity flashing light with an auditory high-pitched tone stimulus that emanates from the ECW device, which is designed to gain compliance from an individual to mitigate a need to use force.

K. Empty-Hand Takedown

Any authorized empty-hand technique used to forcibly maneuver an individual to a non-standing, prone, supine, seated, or kneeling position.

L. Empty-Hand Technique

A technique used by an officer with the specific intent to gain control through the

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manipulation of an individual's joints, limbs, extremities, and pressure points.

M. Escort Hold

A hands-on method an officer uses to guide and maintain physical control of an individual.

N. Exigent Circumstances

An emergency situation requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or to prevent the destruction of evidence.

O. Feasible

An action that can be reasonably carried out to achieve a lawful objective without creating unnecessary risk of physical harm to the officer or other people based on the totality of the circumstances.

P. Force

1. Any physical means used to defend the officer or other people, restrain, or otherwise to forcibly gain physical control of an individual who is resisting an officer's attempt to accomplish a lawful objective.

   a. Physical contact solely for the purpose of rendering aid is not a reportable use of force.
   b. For the purposes of this policy, force does not include the use of low-level control tactics.

Q. Force Announcement

Verbal notification to notify on-scene Department personnel that an intermediate weapon system is about to be used.

R. Force Array

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

S. Force Warning

A verbal notification to an individual that force may be used if the individual does not comply with an officer's lawful commands.

T. Hard Object

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

U. Imminent Threat

A dangerous or threatening situation which is about to occur.

V. Improvised Impact Weapon

A hard object that was not designed to be a weapon, but can be used as a weapon if needed. An improvised impact weapon can be a fixed object (e.g., a pole, vehicle door, side of a vehicle, etc.), the object must have the potential to cause injury when utilized by sworn personnel.

W. Injury Types

1. Superficial Wounds

   a. Superficial wounds include wounds with minor bleeding, scrapes, bruises, cuts, or abrasions.

2. Injury

   a. Physical harm or damage to a person's body greater than superficial wounds but less than a serious physical injury.

3. Serious Physical Injury

   a. An injury that creates a high probability of death, that causes serious disfigurement, or that results in permanent or protracted loss or impairment of the function of any member or organ of the body.
      i. Serious physical injuries may include, but are not limited to:
         1. Broken bones;
         2. Dislocations;
         3. Sprains;
         4. Concussions;
         5. Loss of consciousness/Seizures; or
         6. Injuries resulting in admission to the hospital.

X. Intermediate Weapon Systems

Department-issued, less-lethal weapons and munitions authorized for sworn personnel. Intermediate weapon systems include the tools addressed in SOP Use of

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Force: Intermediate Weapon Systems, such as oleoresin capsicum (OC) spray, ECW, batons, beanbag shotgun, 40-millimeter impact launcher, and any other Department approved intermediate weapon systems authorized for use by specialized units in accordance with Department and unit SOPs.

Y. Involved Officer

Any officer who participates in a use of force, or orders a use of force.

Z. Lawful Objective

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

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

AA. Leg Sweep

Intentionally tripping a person causing one or both legs of an individual to collapse, resulting in the individual falling to the ground.

BB. Levels of Force

2. **Use of Force:** Any use of force that causes injury, or that results in an injury as a result of the officers' actions. Use of force includes:

   a. Two (2) or fewer cycles of an ECW, regardless of the number of discharges, including where the ECW is fired but misses;
   b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
      i. This excludes strikes to the head, neck, throat, or groin with a beanbag shotgun, or 40-millimeter impact launcher, which are considered a serious use of force.
      ii. The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless the round strikes an individual. If debris strikes an individual, the classification of force will be made relative to level of injury.
   c. Use of OC spray, including when it is sprayed at an individual but misses;
   d. Empty-hand techniques which causes an injury;
   e. Any empty hand strike, including knee strikes, and elbow strikes, etc.
   f. Strikes and attempted strikes with impact weapons;

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i. This excludes strikes to the head, neck, throat, groin, with a baton or improvised impact weapon, which are considered a serious use of force.

g. Deployment of a noise flash diversionary device (NFDD) without an intermediate barrier which results in an injury;
h. Use of a horse rein strike on an individual's extremities;
i. Use of baton or improvised impact weapon;
j. Use of force against a handcuffed individual which results in an injury; and
k. Use of the PIT maneuver at thirty-five (35) mph or below.

3. **Serious Use of Force:** Any use of force that results in serious physical injury, hospitalization, or death.

Serious use of force includes:

a. Use of deadly force;
b. Critical firearm discharge, excluding accidental discharges;
c. Force resulting in a serious physical injury, loss of consciousness, and/or a seizure;
d. Police service dog (PSD) directed bite;
e. Three (3) or more ECW cycles on an individual during a single interaction, regardless of the duration of the cycle, and regardless of whether the cycles are by the same or different Department personnel;
f. An ECW cycle on an individual during a single incident for longer than fifteen (15) seconds, whether continuous or consecutive;
g. Use of baton or improvised impact weapon which results in a serious physical injury;
h. Any empty hand strike, including knee strikes, and elbow strikes, etc., which results in serious physical injury;
i. Use of a horse rein strike on an individual's head, neck, throat, chest, or groin;
j. Any Use of force against a handcuffed individual which results in serious physical injury;
k. Use of the PIT maneuver thirty-five (35) mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and
l. Use of the PIT maneuver above thirty-five (35) mph.

CC. Levels of Resistance

4. Active Resistance: When an individual physically counteracts an officer's control efforts.

a. Including when an individual:
i. Exhibits combative behavior (e.g., attempts to attack or attacks an officer, lunging towards 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);
ii. Attempts to leave the scene, flee, or hide from detection;
iii. Pulls away from the officer's grasp;
iv. Poses an imminent threat; or

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v. Brandishes or is in possession of a weapon while also not following lawful commands.
   1. Possession of a weapon is based on the totality of circumstances and articulable facts known to the officer at the time force was used.

b. Verbal statements alone do not constitute active resistance.
c. Target glancing alone does not constitute active resistance.

5. Passive Resistance: Non-compliance with officer commands that is nonviolent and does not pose a threat to the officer or others.

   a. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance.

DD. Low-Level Control Tactic

6. A physical technique used to move, guide, restrain an individual, or stop an individual's resistance, that results in temporary pain or superficial wounds. Superficial wounds include:

   a. Minor bleeding, scrapes, bruises, cuts, or abrasions.

7. A low-level control tactic is not a use of force.

EE. Low Ready

A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or beanbag 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 show of force because the weapon is not pointed at the individual.

FF. Minimum Amount of Force Necessary

The lowest level of force within the range of objective reasonableness that is relative to the degree of threat, necessary to achieve a lawful objective.

GG. Non-Force

A physical interaction with an individual that is not classified as a use of force or serious use of force.

HH. Neck Hold

1. This term refers to the following types of holds: a carotid restraint hold; 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. For more

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information on carotid restraint holds and lateral vascular neck restraints, refer to the definition of "vascular neck restraint".

2. Incidental contact includes the use of pressure point contact, touching, guiding, or brief contact with the neck that does not impede breathing or blood flow, and does not constitute a neck hold. This will be evaluated based upon the totality of circumstances.

II. Objectively Reasonable Force

Objectively Reasonable force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

JJ. Ordering Force

A directive from a supervisor to any sworn personnel, regardless of participating agency, to use force against an individual. Ordering force is the equivalent of using force for the purpose of reporting force.

KK. Pain Compliance Technique

A technique that causes temporary pain or brief discomfort that stops, limits, or distracts from normal activities and subsides after the cause of pain is removed.

LL. Preponderance of Evidence

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

MM. Rendering Aid

Any intervention consistent with training applied for the purpose of providing first aid and trauma care.

NN. Show of Force

Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or pointing the laser of the ECW at an individual. A show of force is not a use of force.

OO. Situational Hazard

Any circumstance that may include, but is not limited to, falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.

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PP. Target Glancing

The obvious preoccupation an individual has with a particular area of an officer's body or any of their weapons, or scanning for items to be used as improvised weapons, or an individual's focus on an avenue of escape.

QQ. Totality of Circumstances

The cumulative information available to an officer throughout an interaction between a law enforcement officer and an individual on whom force is used, from the first contact through the conclusion of the incident, including consideration of contextual factors based on information received by the officer prior to contact and the perspective of a reasonable officer on scene without the 20/20 vision of hindsight.

RR. Injury Types

1. Superficial Wounds

   a. Superficial wounds include wounds with minor bleeding, scrapes, bruises, cuts, or abrasions.

2. Injury

   a. Physical harm or damage to a person's body greater than superficial wounds but less than a serious physical injury.

3. Serious Physical Injury

   a. An injury that creates a high probability of death, that causes serious disfigurement, or that results in permanent or protracted loss or impairment of the function of any member or organ of the body.
      ii. Serious physical injuries may include, but are not limited to:
         1. Broken bones;
         2. Dislocations;
         3. Sprains;
         4. Concussions;
         5. Loss of consciousness/Seizures; or
         6. Injuries resulting in admission to the hospital

SS. Vascular Neck Restraint

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

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

NMSA 1978, Section 29-7D-3 forbids the use of vascular neck holds unless there is an “imminent threat of harm” which states “A law enforcement officer shall not use a vascular neck restraint, unless a person's attack poses a threat of imminent harm to the officer or another person; provided that an officer shall cease the use of a vascular neck restraint as soon as the person no longer poses a threat of imminent harm to the officer or another person”.

TT. Witness Employee

Any on-scene employee with relevant, personal knowledge of a use of force incident.

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

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

A. Related SOP(s)

2-11 Use of Tire Deflation Devices
2-12 Pursuit Intervention Technique
2-19 Response to Behavioral Health Issues
2-56 Use of Force: Reporting by Department Personnel
2-105 Destruction/Capture of Animals ~~(Formerly 4-26)~~

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, Section 29-7D-3 ~~None~~

D. Active Special Order(s)

None

~~D.~~E. Rescinded Special Order(s)

~~SO 23-16 Amendment to SOP 2-53 Use of Force Definitions~~
~~SO 23-154 Amendment to SOP 2-53 Use of Force Definitions~~
~~SO 24-21 Amendment to SOP 2-53 Use of Force Definitions~~SO 25-43 Amendment to SOP 2-52 Use of Force: General, and SOP 2-53 Use of Force: Definitions
SO 25-101 Amendment to SOP 2-53 Use of Force Definitions

2-53-1 Purpose

The purpose of this policy is to define the terminology used in the Albuquerque Police Department's (Department) use of force Standard Operating Procedures (SOP).

2-53-2 Policy

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

N/A

2-53-3 Definitions

A. Authorizing Force

REDLINED

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

B. Certificate for Evaluation

A document completed by a qualified, licensed mental health professional that certifies that an individual person, as a result of a mental disorder, presents a likelihood of harming themselves or others, and that immediate detention is necessary to prevent such harm, which may include grave passive neglect. All Certificates for Evaluation expire seventy-two (72) hours after they are issued, unless explicitly stated otherwise.

C. Critical Firearm Discharge

An intentional discharge of an off-duty or on-duty firearm by Department~~sworn~~ personnel, ~~excluding range practice and training firings,~~ including destruction of animals through use of a firearm, and off-duty, accidental ~~accidental negligent~~ discharges of a ~~personally owned weapon~~ firearm where no person is struck, but excluding range practice and training firings.~~.~~

~~Accidental Discharge/Negligent Firearm Discharge.~~

~~The unintentional and/or careless discharge of a firearm.~~

D. Deadly Force

1. Any use of force that is reasonably likely to cause death or serious physical injury and includes, but is not limited to:

   a. Discharging a firearm at an individual, whether intentionally or accidentally;
   ~~a.~~b. Any neck hold as defined in this SOP;~~.~~
   ~~b. A~~Any neck choke hold, as defined in this SOP and based upon totality of circumstances, as defined in this SOP;
   ~~c.~~ Intentionally striking vital areas of the body, including the head, neck, throat, ~~chest, or groin~~ with a baton, flashlight, radio, weapon, stock/handle, improvised impact weapon, or hard object;
   c.
   ~~NeckChoke holds may be considered deadly force based upon the totality of circumstances;~~
   d. Intentionally striking an individual's head against a hard, fixed object, such as a roadway, floor, wall, or steel/iron bars;
   e. Intentionally targeting an individual's head, neck, throat, ~~chest, or groin~~ with a beanbag shotgun;
   f. Intentionally targeting an individual's head, neck, throat, ~~chest, or groin~~ with a 40-millimeter impact munition launcher;
   g. Intentionally targeting an individual's head, neck, throat, ~~chest, or groin~~ with an Electronic Control Weapon (ECW);
   h. Intentionally kneeing or kicking an individual's head, neck, throat ~~, chest, or~~

~~groin~~ while the individual is in a prone or supine position;

i. Deliberately striking an individual with a motor vehicle;
j. Using the Pursuit Intervention Technique (PIT) over thirty-five (35) mph, in accordance~~consistent~~ with SOP Pursuit Intervention Technique;
k. Using a tire deflation device on all two-wheeled or three-wheeled motor vehicles, in accordance~~consistent~~ with SOP Use of Tire Deflation Devices; or
l. Using a PIT on all two-wheeled or three-wheeled motor vehicles, in accordance~~consistent~~ with SOP Pursuit Intervention Technique.

E. De-escalation

1. A concerted effort to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques, ~~including active listening skills, tone of voice, body posture, personal space, eye contact, empathy, and compassion to promote officer and individual safety,~~ in accordance ~~consistent~~ with SOP Response to Behavioral Health Issues.

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

F. Deficient Review or Investigation

A review or an investigation that fails to derive a finding based upon an objective preponderance of the evidence~~,~~ and the totality of the circumstances.

G. Department Employee or Department Personnel

1. For the purpose of the Department’s use of force SOPs, “Department employee” or “Department personnel” refers to the following employees:

   a. Crime Scene Specialist (CSS);
   b. Sworn Personnel;
   c. Police Service Aide (PSA);
   d. Prisoner Transport Unit (PTU) employee; and
   e. Transport Safety Section (TSS) employee.

H. Electronic Control Weapon (ECW) Cycle

A cycle is achieved when at least two (2) ECW probes create an electrical impulse emitted from the ECW upon the detection of a positive connection.

I. Electronic Control Weapon (ECW) Discharge

The use or attempted use of an ECW by firing an ECW probe at an individual. A show of force with an ECW is not an ECW discharge.

J. Electronic Control Weapon (ECW) Warning Alert

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A visual high intensity flashing light with an auditory high-pitched tone stimulus that emanates from the ECW device, which is designed to gain compliance from an individual to mitigate a need to use force.

K. Empty-Hand Takedown

Any authorized empty-hand technique used to forcibly maneuver an individual to a non-standing, prone, supine, seated, or kneeling position.

L. Empty-Hand Technique

A technique used by an officer with the specific intent to gain control through the manipulation of an individual's joints, limbs, extremities, and pressure points. ~~When effective, an empty-hand technique creates time for the officer to react and allow them to transition to another tool or technique in order to gain control of the individual, or to disengage and create distance between themselves and the individual.~~

M. Escort Hold

A hands-on method an officer uses to guide and maintain physical control of an individual.

N. Exigent Circumstances

An emergency situation requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or to prevent the destruction of evidence.

O. Feasible

An action that can be reasonably carried out to achieve a lawful objective without creating unnecessary risk of physical harm to the officer or other people based on the totality of the circumstances.

P. Force

1. Any physical means used to defend the officer or other people, restrain, or otherwise to forcibly gain physical control of an individual who is resisting an officer's attempt to accomplish a lawful objective.

   a. Physical contact solely for the purpose of rendering aid is not a reportable use of force.

   ~~b.~~ For the purposes of this policy, f~~F~~orce does not include the use of low-level control tactics. ~~, unless the individual complains of pain or injury is injured or complains of injury that is a direct result of an officer's physical interaction with the individual.~~

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~~c. An inadvertent covering of an individual with a weapon is not a force incident.~~
~~d. A complaint of pain from handcuffing during a non-force incident is not a use of force.~~
~~e.~~b.

Q. Force Announcement

Verbal notification to notify on-scene Department~~sworn~~ personnel that an intermediate weapon system is about to be used.

R. Force Array

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

S. Force Warning

A verbal notification to an individual that force may be used if the individual does not comply with an officer's lawful commands.

T. Hard Object

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

U. Imminent Threat

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

V. Improvised Impact Weapon

A hard object that was not designed to be a weapon, but can be used as a weapon if needed. An improvised impact weapon can be a fixed object (e.g., a pole, vehicle door, side of a vehicle, etc.), the object must have the potential to cause injury when utilized by sworn personnel.

~~W. Types of Injuriesry~~

~~Superficial Wounds~~

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- ~~Superficial wounds include wounds with minor bleeding, scrapes, bruises, cuts, or abrasions.~~

- ~~Injury~~

  - ~~Physical harm or damage to a person's body that results from the application of forcegreater than superficial wounds but less than a serious physical injury.as defined in Low-Level Control Tactics incurred over the course of an officer-involved physical interaction.~~

  ~~Serious Physical Injury~~

  -

  - ~~An injury that creates a high probability of death, that causes serious disfigurement, or that results in permanent or protracted loss or impairment of the function of any member or organ of the body.~~
    - ~~Serious physical injuries may include, but are not limited to:~~
      - ~~Broken bones;~~
      - ~~Dislocations;~~
      - ~~Sprains;~~
      - ~~Concussions;~~
      - ~~Loss of consciousness/Seizures; or~~
      - ~~Injuries resulting in admission to the hospital~~

  - ~~Provide examples on what we are considering injury~~

W. Injury Types~~Types of Injuries~~

1. Superficial Wounds

   a. Superficial wounds include wounds with minor bleeding, scrapes, bruises, cuts, or abrasions.

2. Injury

   a. Physical harm or damage to a person's body greater than superficial wounds but less than a serious physical injury.

3. Serious Physical Injury

   a. An injury that creates a high probability of death, that causes serious disfigurement, or that results in permanent or protracted loss or impairment of the function of any member or organ of the body.
      i. Serious physical injuries may include, but are not limited to:
         1. Broken bones;

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2. Dislocations;
3. Sprains;
4. Concussions;
5. Loss of consciousness/Seizures; or
6. Injuries resulting in admission to the hospital.

X. Intermediate Weapon Systems

Department-issued, less-lethal weapons and munitions authorized for sworn personnel. Intermediate weapon systems include the tools addressed in SOP Use of Force: Intermediate Weapon Systems, such as oleoresin capsicum (OC) spray, ECW, batons, beanbag shotgun, 40-millimeter impact launcher, and any other Department approved intermediate weapon systems authorized for use by specialized units in accordance with Department and unit SOPs.

~~W.~~Y. Involved Officer

Any officer who participates in a use of force, or orders a use of force.

~~X.~~Z. Lawful Objective

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

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

~~Y.~~AA. Leg Sweep

Intentionally tripping a person causing one or both legs of an individual to collapse, resulting in the individual falling to the ground.

~~Z.~~BB. Levels of Force

~~2. **Level 1 Use of Force:** Any use of force that is likely to cause only temporary pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or any show of force. Any technique or tool used by an officer to cause only pain as a means of gaining compliance.~~

~~a. Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.~~

~~**Level 2**~~ **Use of Force:** Any use of force that causes injury, ~~that could reasonably~~

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~~be expected to cause injury,~~ or that results in an ~~complaint of~~ injury as a result of the officers' actions. ~~greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable. A Level 2~~

~~3.~~2. U~~u~~se of force includes:

a. Two (2) or fewer cycles of an ECW, regardless of the number of discharges, including where the ECW is fired but misses;
b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
   i. This excludes strikes to the head, neck, throat, ~~chest,~~ or groin with a beanbag shotgun, or 40-millimeter impact launcher, ~~which are considered deadly force~~ which are considered a serious use of force.~~;~~
   ii. ~~The~~ The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless the round strikes an individual. If debris strikes an individual, the classification of force will be made relative to level of injury~~use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless the round or debris strikes an individual~~.
c. Use of ~~oleoresin capsicum (~~OC~~)~~ spray, including when it is sprayed at an individual but misses;
d. Empty-hand techniques ~~likely to~~ which causes an injury; ~~or resulting in injury or complaint of injury;~~
e. Any empty hand strike, including knee~~,~~ strikes, and elbow strikes, etc.
~~e.~~f. Strikes and attempted strikes with impact weapons;
   i. This excludes strikes to the head, neck, throat, ~~chest, or~~ groin~~n~~, with a baton or improvised impact weapon, which are ~~considered deadly force~~ considered a serious use of force.~~;~~
~~f. Deployment~~ Deployment of a noise flash diversionary device (NFDD) ~~inside a structure~~ without an intermediate barrier which results in an injury~~of a noise flash diversionary device (NFDD) inside a structure~~;~~.;~~
g. ~~i. If an NFDD is deployed outside of a structure or outside an enclosed vehicle and is used as a means to gain the attention of an individual, it shall not be considered a use of force; unless the deployment results in an injury, then the force shall be classified relative to level of injury~~an NFDD is deployed ~~outside of a structure or outside an enclosed vehicle and is used as a means to gain the attention of an individual, it will not be considered a use of force.~~;
h. Use of a horse rein strike on an individual's extremities;
i. Use of baton or improvised impact weapon; ~~which results in an injury;~~
~~g.~~j. Use of force against a handcuffed individual which results in an injury; and
~~h.~~k. Use of the PIT maneuver at ~~thirty five~~thirty-five (35) mph or below.

3. ~~**Level 3 Use of Force**~~**Serious Use of Force**: Any use of force that results in~~, or could reasonably result in,~~ serious physical injury, hospitalization, or death.

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~~4. , regardless of whether the use of force was unintentional or unavoidable. Level 3~~Serious use of force includes:

a. Use of deadly force;
b. ~~Intentional Cc~~Critical firearm discharge, excluding accidental discharges;
c. Force resulting in a serious physical injury, loss of consciousness, and/or a seizure;
d. Police service dog (PSD) directed bite;
e. Three (3) or more ECW cycles on an individual during a single interaction, regardless of the duration of the cycle, and regardless of whether the cycles are by the same or different Department~~sworn~~ personnel;
f. An ECW cycle on an individual during a single incident for longer than fifteen (15) seconds, whether continuous or consecutive;
g. ~~Four (4) or more strikes with~~ Use of baton or improvised impact weapon which results in a serious physical injury~~a baton or improvised impact weapon~~;
h. Any empty hand strike, including knee~~,~~ strikes, and elbow strikes, etc., which results in serious physical injury;
~~h.~~i. Use of a horse rein strike on an individual's head, neck, throat, chest, or groin;
~~i.~~j. Any ~~Level 2 u~~Use of force against a handcuffed individual which results in serious physical injury;
~~j.~~k. Use of the PIT maneuver thirty-five (35) mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and
~~k.~~l. Use of the PIT maneuver above thirty-five (35) mph.

~~AA.~~CC. Levels of Resistance

~~5.~~4. Active Resistance: When an individual physically counteracts an officer's control efforts.

a. Including when an individual:
   i. Exhibits combative behavior (e.g., attempts to attack or attacks an officer, lunging towards 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);
   ii. Attempts to leave the scene, flee, or hide from detection;
   iii. Pulls away from the officer's grasp;
   iv. Poses an imminent threat; or
   v. Brandishes or is in possession of a weapon while also not following lawful commands.
      1. Possession of a weapon is based on the totality of circumstances and articulable facts known to the officer at the time force was used.
b. Verbal statements alone do not constitute active resistance.
c. Target glancing alone does not constitute active resistance.

~~6.~~5. Passive Resistance: Non-compliance with officer commands that is nonviolent and does not pose a threat to the officer or others.

a. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or

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prevent being taken into custody constitutes passive resistance.

~~BB.~~DD. Low-Level Control Tactic

~~7.~~6. A physical technique used to move, guide, restrain an individual~~,~~, or stop an individual's resistance, that results ~~is not reasonably likely to cause any~~ in temporary pain or superficial ~~injury~~wounds. ~~, and does not cause a complaint of pain or injury,~~ Superficial wounds includ~~ing~~e:

~~Escort holds, use of control holds, or handcuffing an individual~~Minor bleeding, ~~or~~

a. ~~s~~Scrapes, bruises, cuts, or abrasions.

~~a.~~

~~b.~~7. A low-level control tactic is not a use of force.

~~CC.~~EE. Low Ready

A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or beanbag 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 show of force because the weapon is not pointed at the individual.

~~X. Material Discrepancy~~

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

~~Y.~~FF. Minimum Amount of Force Necessary

The lowest level of force within the range of objective reasonableness that is relative to the degree of threat, necessary to achieve a lawful objective~~The lowest level of force within the range of objective reasonableness that is proportional to the level of threat 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 other people.~~

~~Z.~~GG. Non-Force

A physical interaction with an individual that is not classified as a ~~Level 1, Level 2, or Level 3~~ use of force or serious use of force.

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

~~1.~~ This term refers to the following types of holds: a carotid restraint hold; 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. For more

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information on carotid restraint holds and lateral vascular neck restraints, refer to the definition of "vascular neck restraint". ~~A neck chokeneck hold is may be considered deadly force, based on the totality of circumstances.A carotid restraint hold; a lateral vascular neck restraint, or a hold with a knee or other object to the individual's neck. A neck hold is considered deadly force.~~

~~2.~~1.

~~3.~~2. Incidental contact~~,~~ includes the use of ~~-~~pressure point contact, touching, guiding, or brief contact with the neck that does not impede breathing or blood flow,~~controlling on the back of the neck~~ and does not constitute a ~~neck~~ neck~~choke~~ hold. This will be evaluated based upon the totality of circumstances.~~For more information on carotid restraint holds and lateral vascular neck restraints, refer to the definition of "vascular neck restraint".~~

II. Objectively Reasonable Force

Objectively Reasonable force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

~~BB.~~JJ. Ordering Force

A directive from a supervisor to any sworn personnel, regardless of participating agency, to use force against an individual. Ordering force is the equivalent of using force for the purpose of reporting force.

KK. Pain Compliance Technique

A technique that causes ~~brief discomfort~~temporary pain or brief discomfort that stops, limits, or distracts from normal activities and subsides after the cause of pain is removed.

~~X.~~LL. Preponderance of Evidence

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

~~Y. Reasonable Force~~

~~Reasonable force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Force that is objectively appropriate under the circumstances and the~~

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~~minimum amount of force necessary to make an arrest or protect the officer or other person.~~

~~Z.~~MM. Rendering Aid

Any intervention consistent with training applied for the purpose of providing first aid and trauma care. ~~or applied for the purpose of determining whether an individual is unconscious. Rendering aid shall not be considered a use of force.~~

~~AA.~~MM. ~~Serious Physical Injury~~

~~An injury that creates a high probability of death, that causes serious disfigurement, or that results in permanent or protracted loss or impairment of the function of any member or organ of the body.~~

~~1. Serious physical injuries may include, but are not limited to:~~

~~a. Broken bones;~~
~~a. Dislocations;~~
~~a. Sprains;~~
~~a. Concussions;~~
~~a. Loss of consciousness/Seizures; or~~
~~a. Injuries resulting in admission to the hospital~~

~~BB.~~NN. ~~Show of Force~~

Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ~~Electronic Control Weapon (~~ECW~~)~~ at an individual, or pointing the laser of the ECW at an individual. A show of force is not a use of force~~a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or pointing the laser of the ECW at an individual~~.

~~CC.~~OO. Situational Hazard

Any circumstance that may include, but is not limited to, falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.

~~DD. Superficial Wounds~~
~~Target~~

~~Superficial wounds include wounds with minor bleeding, scrapes, bruises, cuts, or abrasions.~~

~~CC.~~PP. Target Glancing

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The obvious preoccupation an individual has with a particular area of an officer's body or any of their weapons, or scanning for items to be used as improvised weapons, or an individual's focus on an avenue of escape.

~~EE. Pain Compliance TechniqueTemporary Pain~~

~~A bodily sensationtechnique that causes brief discomfort that stops, limits, or distracts from normal activities and subsides after the cause of pain is removed.~~

~~FF.~~QQ. Totality of Circumstances

The cumulative information available to an officer throughout an interaction between a law enforcement officer and an individual on whom force is used, from the first contact through the conclusion of the incident, including consideration of contextual factors based on information received by the officer prior to contact and the perspective of a reasonable officer on scene without the 20/20 vision of hindsight.

RR. Injury Types~~Types of Injuries~~

1. Superficial Wounds

   a. Superficial wounds include wounds with minor bleeding, scrapes, bruises, cuts, or abrasions.

2. Injury

   a. Physical harm or damage to a person's body greater than superficial wounds but less than a serious physical injury.

3. Serious Physical Injury

   a. An injury that creates a high probability of death, that causes serious disfigurement, or that results in permanent or protracted loss or impairment of the function of any member or organ of the body.
      ii. Serious physical injuries may include, but are not limited to:
         1. Broken bones;
         2. Dislocations;
         3. Sprains;
         4. Concussions;
         5. Loss of consciousness/Seizures; or
         6. Injuries resulting in admission to the hospital

~~GG.~~SS. -Vascular Neck Restraint

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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®).

NMSA 1978, Section 29-7D-3 forbids the use of vascular neck holds unless there is an "imminent threat of harm" which states "A law enforcement officer shall not use a vascular neck restraint, unless a person's attack poses a threat of imminent harm to the officer or another person; provided that an officer shall cease the use of a vascular neck restraint as soon as the person no longer poses a threat of imminent harm to the officer or another person".

~~HH.~~TT. Witness Employee

Any on-scene employee with relevant, personal knowledge of a use of force incident.

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

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

A. Related SOP(s)

1-56 Horse Mounted Unit
2-52 Use of Force: General
2-53 Use of Force: Definitions
2-56 Use of Force: Reporting by Department Personnel
2-57 Use of Force: Review and Investigation by Department Personnel
2-82 Restraints and Transportation of Individuals
3-41 Complaints Involving Department Personnel

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-102 Amendment to SOP 2-54 Use of Force: Intermediate Weapon Systems

2-54-1 Purpose

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

2-54-2 Policy

It is the policy of the Department to use intermediate weapon systems only when reasonable and minimal in order to gain compliance with lawful objectives.

N/A

2-54-3 Definitions

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For definitions specific to use of force, refer to Standard Operating Procedures (SOP) Use of Force: Definitions.

2-54-4 Intermediate Weapon System General Requirements

6 A. Requirements to Carry Intermediate Weapon Systems

1. Sworn personnel shall only carry Department-issued intermediate weapon systems.

2. Sworn personnel shall not carry any intermediate weapon system unless they have been trained and currently qualified to use the system or certified to carry the system.

3. Uniformed sworn personnel, Police Service Aids (PSA), and Crime Scene Specialists (CSS) shall carry oleoresin capsicum (OC) spray on their person while on duty.

4. Uniformed sworn personnel, unless specifically exempted by the Chief of Police, shall carry the Electronic Control Weapon (ECW) in their holster on their person at all times while on-duty.

   a. Non-uniformed sworn personnel issued an ECW shall carry the ECW when enforcing laws, if feasible.

N/A 5. Sworn personnel may carry the expandable baton as an optional force tool.

N/A 6. Sworn personnel who are assigned to a specialized unit may carry intermediate weapon systems as dictated by their responsibilities.

   a. Each division commander shall ensure that sworn personnel in their division carry intermediate weapon systems according to the division's SOP.

6 B. Intermediate Weapon System Use Guidelines

1. Sworn personnel shall:

   a. Use an intermediate weapon system that is consistent with their training;
   b. Ensure that the use of an intermediate weapon system is within the minimum amount of force that is reasonable and minimal, and shall be used only to bring about a lawful objective, considering the totality of the circumstances;
   c. When feasible, issue a verbal warning to an individual and allow that individual a reasonable amount of time to comply with the warning prior to using any intermediate weapon system unless doing so would place an officer or another person at increased risk. An example of a verbal warning is: "Stop or you will be Tased!";

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d. When feasible, give a verbal announcement in order to notify on-scene sworn personnel that an intermediate weapon system is about to be used, e.g., "Taser, Taser, Taser!", "Beanbag, beanbag, beanbag!";
e. Consider that some individuals may be more susceptible to injury as a result of using an intermediate weapon system. These higher-risk individuals include visibly pregnant women, young children, elderly individuals, visibly frail individuals, individuals exhibiting signs of medical distress, and individuals with low body mass; and
f. Objectively evaluate whether a situational hazard poses a substantial risk of serious physical injury or death based on the totality of the circumstances.

2. Sworn personnel shall not intentionally target the head, neck, throat, chest or groin with any intermediate force application.

3. Unless deadly force would be permitted, sworn personnel shall not use an intermediate weapon system where such deployment poses a substantial risk of serious physical injury or death from situational hazards.

4. Sworn personnel may use a show of force to gain compliance with an individual who is an imminent threat to sworn personnel, others, or themselves, or based on the totality of circumstances. A show of force must be reasonable and minimal.

N/A C. Reporting

Sworn personnel shall report their use of intermediate weapon systems, in accordance with SOP Use of Force: Reporting by Department Personnel.

2-54-5 Oleoresin Capsicum (OC) Spray

6 A. OC Spray Use Guidelines

1. Sworn personnel shall:

a. Use OC spray when it is reasonable and minimal in order to gain control of an actively resistant individual; and
b. Direct OC spray only at the specific individual(s) posing a threat, and shall attempt to minimize exposure to other people.

2. Sworn personnel shall not use OC spray to overcome passive resistance by non-violent and/or peaceful protestors.

N/A 3. Sworn personnel may use OC spray on an animal to deter an attack or to prevent injury to an officer or other people.

a. Sworn personnel shall document this action in a Uniform Incident Report.

3 B. OC Spray Restrictions

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1. OC Spray shall not be used where such deployment poses a substantial risk of serious physical injury or death.

5 C. Medical Attention After Use of OC Spray

1. Sworn personnel shall:

4-6 a. Act to minimize the risk of positional asphyxia to the individual after OC spray has been used on the individual. If the individual is face down and there is pressure on the individual, the officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face-down position;

N/A b. Monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), in accordance with SOP Restraints and Transportation of Individuals;

c. Request medical attention following the use of OC spray as soon as the scene is secure and it is safe to do so; and

7 d. Remove the individual from the contaminated area as soon as possible and allow the individual to breathe fresh air if they were exposed to OC spray in a confined space.

2-54-6 Electronic Control Weapon (ECW)

7 A. Holstering the ECW

1. Sworn personnel shall carry their ECW in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
2. Sworn personnel shall secure their ECWs in a Department-approved holster with a retention device.

N/A B. ECW Modes

1. Sworn personnel shall choose which mode they discharge depending on articulable facts and circumstances at the time of discharge and the guidelines and restrictions set forth in this SOP. The two (2) types of ECW modes are:

a. Show of Force Mode: Pointing an ECW and/or a laser sight at an individual;
b. Standoff Mode: Discharging an ECW cartridge from the device, which propels a probe toward the individual and, upon effective contact of at least two (2) probes, is intended to cause neuromuscular incapacitation.

6 C. ECW Discharging Guidelines

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1. Use an ECW when it is reasonable and minimal when there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range and in order to gain control of an actively resistant individual.

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

3. Upon discharging the ECW, the officer shall discharge the ECW no longer than reasonable to accomplish a lawful objective. Upon discharging the ECW, assisting sworn personnel should attempt to handcuff the individual during the cycle to reduce the risk of injury to the individual and sworn personnel.

4. Sworn personnel shall independently justify the reasonableness of each ECW discharge. After one (1) ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are reasonable and minimal.

5. Exposure to the ECW for longer than fifteen (15) seconds, whether due to multiple cycles or continuous cycling, may increase the risk of death or serious physical injury. Sworn personnel shall also weigh the risks of subsequent or continuous cycles against other force options.

6. When possible, in standoff mode, sworn personnel shall primarily target the center mass of the individual's back. If feasible, in situations when a frontal deployment is the only available option, low-center mass and/or the legs should be the targeted area.

7. If an officer is confronted with an imminent threat that requires a close-quarter discharge of the ECW, sworn personnel shall use the opportunity, when feasible, to create distance from the individual and evaluate whether further discharges may be reasonable and minimal.

6 D. ECW Restrictions

1. Sworn personnel shall not discharge an ECW to overcome passive resistance.

2. The following restrictions, considerations, and conditions apply to an ECW discharge:

2 a. Sworn personnel shall never use an ECW in a punitive manner;
5 b. Sworn personnel shall not use an ECW on a handcuffed, restrained, or subdued individual unless doing so is reasonable and minimal to prevent them from causing serious physical injury to themselves, sworn personnel, or other people, and if lesser attempts to control have been ineffective;
4 c. Sworn personnel shall not intentionally target an individual's head, neck, throat, chest, or groin except where deadly force would be permitted;

REDLINED

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d. A sworn officer shall not simultaneously point both an ECW and a firearm at an individual;
e. Sworn personnel shall only carry and use Department-issued ECWs;

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f. Sworn personnel shall not discharge an ECW where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where deadly force would be permitted; and
   i. Situational hazards include:
      1. Falling from an elevated position;
      2. Drowning;
      3. Losing control of a moving motor vehicle or bicycle; or
      4. The known presence of an explosive or flammable material or substance.

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g. Sworn personnel may be justified in discharging their ECW on a fleeing individual when a lawful objective exists based on the totality of the circumstances.
   i. Sworn personnel shall take into consideration the following:
      a. Type of crime; and
      b. Active resistance; or
      c. Presence of imminent threat to themselves or others; or
      d. Known propensity for violence.
   ii. Sworn personnel shall not discharge their ECW on a fleeing individual for non-violent misdemeanors unless there is an articulable belief that they pose an imminent threat to the officer or others.

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E. ECW Post-Use Guidelines and Requirements

4-6

1. After discharging an ECW, sworn personnel shall act to minimize the risk of positional asphyxia to the individual. While restraining the individual, sworn personnel 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 when the individual is no longer actively resisting. An officer shall not leave the individual in a face-down position. Sworn personnel shall monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), in accordance with SOP Restraints and Transportation of Individuals.

N/A

2. Once the scene is secure and as soon as it is safe to do so, sworn personnel shall notify their immediate supervisor, or, if unavailable, the next available on-duty supervisor after discharging the ECW.

   a. Once the officer notifies the on-duty supervisor of the use of force, the on-duty supervisor shall immediately respond to the scene, in accordance with SOP Use of Force: Review and Investigation by Department.

3. Department personnel shall call Emergency Medical Services (EMS) personnel to the scene to provide medical treatment.

REDLINED

N/A

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

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

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

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F. Accidental Discharge of the ECW Cartridge

1. In the event an officer accidentally discharges their ECW cartridge, they shall notify their immediate supervisor or, if unavailable, the next available on-duty supervisor as soon as it is safe to do so.

a. An intentional discharge of the ECW that misses the individual is not considered an accidental discharge.

N/A

2. The responding supervisor shall assume investigative responsibility for the accidental discharge of an ECW cartridge. The accidental discharge of an ECW cartridge shall not be considered a use of force and shall be investigated using the same standard as an accidental discharge of a less-lethal impact munition, in accordance with SOP Use of Force: Review and Investigation by Department Personnel.

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

a. An Internal Affairs Request (IAR) shall be filed when there is an ECW discharge.

N/A

b. The investigating supervisor shall generate a non-force IA database web application entry for the accidental discharge of the ECW probe.

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G. Discharge of an ECW on Dangerous Animals

N/A

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

a. If sworn personnel are required to discharge an ECW against a dangerous animal, they shall notify their immediate supervisor regarding the discharge once the scene has been secured.

REDLINED

2. An on-scene supervisor should consider contacting the City's Animal Welfare Department to respond to the scene when an officer successfully discharges an ECW against an animal.

6 H. Administrative Procedures for the ECW

1. Sworn personnel shall complete a function check at least once per week in accordance with training.

2. Sworn personnel shall exchange an ECW battery at least once per calendar month from a battery docking station in accordance with training.

N/A 3. The ECW is subject to direct and random audits for undetermined discharges and docking of the ECW battery.

6 **2-54-7 Expandable Baton, Straight Baton, and Bokken Baton**

A. Baton Use Guidelines

N/A 1. The expandable baton is an impact tool or weapon that is a friction lock expandable baton made of lightweight alloy. The expandable baton is issued to all sworn personnel as an optional force tool and is not required to be carried on-duty.

2. The straight baton is an impact tool or weapon that is a round wooden baton approximately thirty inches (30") to thirty-six inches (36") in length. The straight baton shall only be equipped by Emergency Response Team (ERT) sworn personnel during field force deployments.

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 inches (41") 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 HMU personnel may use the Bokken baton instead of an expandable/straight baton while on horseback, in accordance with SOP Horse Mounted Unit.

4. Sworn personnel may use the expandable, straight, or Bokken batons when such force is reasonable and minimal to control an actively resistant individual.

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

B. Medical Attention After Use of Baton

REDLINED

N/A 1. Following the use of an expandable baton, straight baton, or Bokken baton and once it is safe to do so, sworn personnel shall call EMS personnel to the scene to provide medical attention, in accordance with SOP Use of Force: General.

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

6 **2-54-8 Beanbag Shotgun**

A. Beanbag Shotgun Use Guidelines

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

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

3. Sworn personnel may deploy the beanbag shotgun when such force is reasonable and minimal to control an actively resistant individual.

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

B. Beanbag Shotgun Restrictions

4 1. In the absence of deadly force situations, sworn personnel shall not intentionally target an individual's head, neck, throat, chest, or groin.

N/A 2. Sworn personnel should understand there is an increased risk of serious physical injury when shooting beanbag shotgun rounds inside twenty feet (20').

a. Because an increased risk of serious physical injury may occur with beanbag shotgun deployments closer than twenty feet (20'), when feasible, sworn personnel should consider transitioning to other force options.

C. Medical Attention After Use of Beanbag Shotgun

N/A 1. Following the use of a beanbag shotgun and once it is safe to do so, sworn personnel shall immediately call EMS personnel to the scene to provide medical attention, in accordance with SOP Use of Force General.

REDLINED

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

6 **2-54-9 40-millimeter Impact Launcher**

A. 40-millimeter Impact Launcher Use Guidelines

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

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

3. An officer may deploy their 40-millimeter impact launcher when such force is reasonable and minimal to control an actively-resistant individual.

4. In potential deadly force situations, sworn personnel shall have a lethal-cover officer when deploying less-lethal impact munitions.

B. 40-millimeter Impact Launcher Restrictions

4 1. Absent deadly force situations, sworn personnel shall not intentionally target an individual's head, neck, throat, chest, or groin.

N/A 2. Sworn personnel should understand there is an increased risk of serious physical injury when using a 40-millimeter impact launcher inside five feet (5').

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

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

N/A 1. Following the use of a 40-millimeter impact launcher and once it is safe to do so, sworn personnel shall immediately call EMS personnel to the scene to provide medical attention, in accordance with SOP Use of Force: General.

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

N/A **2-54-10 Intermediate Weapon Systems Approved for Use by Specialized Units**

REDLINED

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

REDLINED

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

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

A. Related SOP(s)

1-56 Horse Mounted Unit ~~(Formerly 6-12)~~
2-52 Use of Force: General ~~(Formerly 3-45)~~
2-53 Use of Force: Definitions
2-56 Use of Force: Reporting by Department Personnel
2-57 Use of Force: Review and Investigation by Department Personnel
2-82 Restraints and Transportation of Individuals ~~(Formerly 2-19)~~
3-41 Complaints Involving Department Personnel ~~(Formerly 3-22 and 3-43)~~

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

~~D.~~E. Rescinded Special Order(s)

SO 25-102 Amendment to SOP 2-54 Use of Force: Intermediate Weapon Systems~~None~~

2-54-1 Purpose

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

2-54-2 Policy

It is the policy of the Department to use intermediate weapon systems only when ~~necessary~~ reasonable and minimal in order to gain compliance with lawful objectives.

N/A

2-54-3 Definitions

REDLINED

For definitions specific to use of force, refer to Standard Operating Procedures (SOP) Use of Force: Definitions.

2-54-4 Intermediate Weapon System General Requirements

6 A. Requirements to Carry Intermediate Weapon Systems

1. Sworn personnel shall only carry Department-issued intermediate weapon systems.

2. Sworn personnel shall not carry any intermediate weapon system unless they have been trained and currently qualified to use the system or certified to carry the system.

3. Uniformed sworn personnel, Police Service Aids (PSA), and Crime Scene Specialists (CSS) shall carry oleoresin capsicum (OC) spray on their person while on duty.

4. Uniformed sworn personnel, unless specifically exempted by the Chief of Police, shall carry the Electronic Control Weapon (ECW) in their holster on their person at all times while on-duty.

   a. Non-uniformed sworn personnel issued an ECW shall carry the ECW when enforcing laws, if feasible.

N/A 5. Sworn personnel may carry the expandable baton as an optional force tool.

N/A 6. Sworn personnel who are assigned to a specialized unit may carry intermediate weapon systems as dictated by their responsibilities.

   a. Each division commander shall ensure that sworn personnel in their division carry intermediate weapon systems according to the division's SOP.

6 B. Intermediate Weapon System Use Guidelines

1. Sworn personnel shall:

   a. Use an intermediate weapon system that is consistent with their training;
   b. Ensure that the use of an intermediate weapon system is within the minimum amount of force that is reasonable and ~~necessary~~ minimal, and shall be used only to bring about a lawful objective, considering the totality of the circumstances;
   c. When feasible, issue a verbal warning to an individual and allow that individual a reasonable amount of time to comply with the warning prior to using any intermediate weapon system unless doing so would place an officer or another

REDLINED

person at increased risk. An example of a verbal warning is: "Stop or you will be Tased!";

d. When feasible, give a verbal announcement in order to notify on-scene sworn personnel that an intermediate weapon system is about to be used, e.g., "Taser, Taser, Taser!", "Beanbag, beanbag, beanbag!";
e. Consider that some individuals may be more susceptible to injury as a result of using an intermediate weapon system. These higher-risk individuals include visibly pregnant women, young children, elderly individuals, visibly frail individuals, individuals exhibiting signs of medical distress, and individuals with low body mass; and
f. Objectively evaluate whether a situational hazard poses a substantial risk of serious physical injury or death based on the totality of the circumstances.

2. Sworn personnel shall not intentionally target the head, neck, throat, chest or groin with any intermediate force application.

~~2.~~3. Unless deadly force would be permitted, sworn personnel shall not use an intermediate weapon system where such deployment poses a substantial risk of serious physical injury or death from situational hazards.

4- ~~3.~~4. Sworn~~hows~~ personnel may use a show of force to gain compliance with an individual who is an imminent threat to sworn personnel, others, or themselves, or based on the totality of circumstances. A show of force must be reasonable and minimal~~of force are not considered the same as the application of the same force option. Sworn personnel, with the exception of pointing a firearm at an individual, may use a show of force to gain compliance with an individual who is passively resistant so long as the force is otherwise reasonable and is the minimum amount of force necessary~~.

N/A C. Reporting

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

2-54-5 Oleoresin Capsicum (OC) Spray

6 A. OC Spray Use Guidelines

1. Sworn personnel shall:

a. Use OC spray when it is reasonable and ~~necessary~~ minimal in order to gain control of an actively resistant individual~~ or to protect sworn personnel and/or others from a threat~~; and
b. Direct OC spray only at the specific individual(s) posing a threat, and shall attempt to minimize exposure to other people.

REDLINED

2. Sworn personnel shall not use OC spray to overcome passive resistance by non-violent and/or peaceful protestors.

N/A

3. Sworn personnel may use OC spray on an animal to deter an attack or to prevent injury to an officer or other people.

   a. Sworn personnel shall document this action in a Uniform Incident Report.

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B. OC Spray Restrictions

1. OC Spray shall not be used where such deployment poses a substantial risk of serious physical injury or death.

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C. Medical Attention After Use of OC Spray

1. Sworn personnel shall:

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   a. Act to minimize the risk of positional asphyxia to the individual after OC spray has been used on the individual. If the individual is face down and there is pressure on the individual, the officer shall release the pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. An officer shall not leave the individual in a face-down position;

N/A

   b. Monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), in accordance~~consistent~~ with SOP Restraints and Transportation of Individuals ~~Individuals (refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties)~~;
   c. Request medical attention following the use of OC spray as soon as the scene is secure and it is safe to do so; and

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   d. Remove the individual from the contaminated area as soon as possible and allow the individual to breathe fresh air if they were exposed to OC spray in a confined space.

2-54-6 Electronic Control Weapon (ECW)

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A. Holstering the ECW

1. Sworn personnel shall carry their ECW in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
2. Sworn personnel shall secure their ECWs in a Department-approved holster with a retention device.

N/A

B. ECW Modes

REDLINED

1. Sworn personnel shall choose which mode they discharge depending on articulable facts and circumstances at the time of discharge and the guidelines and restrictions set forth in this SOP. The two (2) types of ECW modes are:

   a. Show of Force Mode: Pointing an ECW and/or a laser sight at an individual;
   b. Standoff Mode: Discharging an ECW cartridge from the device, which propels a probe toward the individual and, upon effective contact of at least two (2) probes, is intended to cause neuromuscular incapacitation.

6 C. ECW Discharging Guidelines
~~C.~~

1. Use an ECW when it is reasonable and minimal when there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range and in order to gain control of an actively resistant individual~~ or to protect sworn personnel and/or others from a threat.~~ ~~.~~
~~or to protect sworn personnel and/or others from a threat and there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range.~~

~~1. Sworn personnel shall be authorized to discharge 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. Sworn personnel may discharge an ECW only when such force is necessary reasonable and minimal to protect themselves, the individual, or other people from physical harm and after considering less intrusive means based on the threat or resistance encountered.~~

~~3. The ECW is considered a less-lethal use of force, unless other circumstances are present as outlined in this SOP, which may increase the likelihood of serious physical injury to the individual because of a secondary impact. An officer's decision to discharge an ECW shall be reasonable and necessaryminimal, given the totality of the circumstances.~~

~~4.~~2. When feasible, sworn personnel shall issue a verbal warning to an individual and allow that person a reasonable time to comply with the warning, prior to discharging any ECW, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is, "Stop, or you will be Tased!"

~~5.~~3. Upon discharging the ECW, the officer shall discharge the ECW no longer than reasonable~~y necessary~~ to accomplish a lawful objective. Upon discharging the ECW, assisting sworn personnel should attempt to handcuff the individual during the cycle to reduce the risk of injury to the individual and sworn personnel.

~~6.~~4. Sworn personnel shall independently justify the reasonableness of each ECW discharge. After one (1) ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are reasonable and minimal~~ necessary~~.

REDLINED

~~7. Sworn personnel shall consider other available force options before discharging an ECW on higher-risk individuals. ECWs should not generally be discharged against visibly pregnant women, elderly individuals, young children, or visibly frail individuals. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or other people.~~

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.~~

~~8.~~5. Exposure to the ECW for longer than fifteen (15) seconds, whether due to multiple cycles or continuous cycling, may increase the risk of death or serious physical injury. Sworn personnel shall also weigh the risks of subsequent or continuous cycles against other force options.

~~9.~~6. When possible, in standoff mode, sworn personnel shall primarily target the center mass of the individual's back. 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.

~~10.~~7. If an officer is confronted with an imminent threat that requires a close-quarter discharge of the ECW, sworn personnel shall use the opportunity, when feasible, to create distance from the individual and evaluate whether further discharges may be ~~necessary~~ reasonable and minimal.

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D. ECW Restrictions

1. Sworn personnel shall not discharge an ECW to overcome passive resistance.

2. The following restrictions, considerations, and conditions apply to an ECW discharge:

2

a. Sworn personnel shall never use an ECW in a punitive manner;

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b. Sworn personnel shall not use an ECW on a handcuffed, restrained, or subdued individual unless doing so is ~~necessary~~ reasonable and minimal to prevent them from causing serious physical injury to themselves, sworn personnel, or other people, and if lesser attempts to control have been ineffective;

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c. Sworn personnel shall not intentionally target an individual's head, neck, ~~or~~ throat, chest, or groin ~~chest, or groin,~~ except where deadly force would be permitted;

4

d. A sworn officer shall not simultaneously point both an ECW and a firearm at an individual;

e. Sworn personnel shall only carry and use Department-issued ECWs;

4

f. Sworn personnel shall not discharge an ECW where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where deadly force would be permitted; and

i. Situational hazards include:

REDLINED

1. Falling from an elevated position;
2. Drowning;
3. Losing control of a moving motor vehicle or bicycle; or
4. The known presence of an explosive or flammable material or substance.

N

~~g. Generally, sworn personnel shall not discharge an ECW based solely on the fact that an individual is fleeing a lawful detention or arrest.~~

g. ~~However, s~~Sworn personnel may be justified in discharging their ECW on a fleeing individual when a lawful objective exists based on the totality of the circumstances.
   i. ~~Officers~~Sworn personnel shall take into consideration the following:
      a. Type of crime; and~~ and~~
      b. ~~Level of~~Active resistance; or~~ or~~
      c. Presence of imminent threat to themselves or others; ~~and/~~or
      d. Known propensity for violence.~~.~~
   ii. Sworn personnel shall not discharge their ECW on a fleeing individual for non-violent misdemeanors unless there is an articulable belief that they pose an imminent threat to the officer or others.

5

~~i. Sworn personnel shall consider the totality of the circumstances before discharging an ECW on a fleeing individual, including, but not limited to:~~
   ~~i. Severity of the offense;~~
   ~~ii. Whether the individual is actively resisting; or~~
   ~~iii. Whether the individual poses an imminent threat to sworn personnel, other people, or themselves.~~

E. ECW Post-Use Guidelines and Requirements

N/A

1. After discharging an ECW, sworn personnel shall act to minimize the risk of positional asphyxia to the individual. While restraining the individual, sworn personnel 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 when the individual is no longer actively resisting~~it is safe to do so~~. An officer shall not leave the individual in a face-down position. Sworn personnel shall monitor the individual for any respiratory or breathing problems or change in mental status (e.g., loss of consciousness, confusion, or difficulty speaking), in accordance~~consistent~~ with SOP Restraints and Transportation of Individuals~~ (refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties)~~.

N/A

2. Once the scene is secure and as soon as it is safe to do so, sworn personnel shall notify their immediate supervisor, or, if unavailable, the next available on-duty supervisor after discharging the ECW.

   a. Once the officer notifies the on-duty supervisor of the use of force, the on-duty supervisor shall immediately respond to the scene, in accordance~~consistent~~ with SOP Use of Force: Review and Investigation by Department~~ Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties)~~.

REDLINED

3. Department personnel shall call Emergency Medical Services (EMS) personnel to the scene to provide medical treatment.

N/A

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

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

6

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

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F. Accidental Discharge of the ECW Cartridge

1. In the event an officer accidentally discharges their ECW cartridge, they shall notify their immediate supervisor or, if unavailable, the next available on-duty supervisor as soon as it is safe to do so.

   a. An intentional discharge of the ECW that misses the individual is not considered an accidental discharge.

N/A

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

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

   a. An Internal Affairs Request (IAR) shall be filed when there is an ECW discharge.

N/A

   b. The investigating supervisor shall generate a non-force IA database web application entry for the accidental discharge of the ECW probe.

7

G. Discharge of an ECW on Dangerous Animals

N/A

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

REDLINED

a. If sworn personnel are required to discharge an ECW against a dangerous animal, they shall notify their immediate supervisor regarding the discharge once the scene has been secured.

2. An on-scene supervisor should consider contacting the City's Animal Welfare Department to respond to the scene when an officer successfully discharges an ECW against an animal.

6 H. Administrative Procedures for the ECW

1. Sworn personnel shall complete a function check at least once per week in accordance with training.

2. Sworn personnel shall exchange an ECW battery at least once per calendar month from a battery docking station in accordance with training.

N/A 3. The ECW is subject to direct and random audits for undetermined discharges and docking of the ECW battery.

6 **2-54-7 Expandable Baton, Straight Baton, and Bokken Baton**

A. Baton Use Guidelines

N/A 1. The expandable baton is an impact tool or weapon that is a friction lock expandable baton made of lightweight alloy. The expandable baton is issued to all sworn personnel as an optional force tool and is not required to be carried on-duty.

2. The straight baton is an impact tool or weapon that is a round wooden baton approximately thirty inches (30") to thirty-six inches (36") in length. The straight baton shall only be equipped by Emergency Response Team (ERT) sworn personnel during field force deployments.

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 inches (41") 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 HMU personnel may use the Bokken baton instead of an expandable/straight baton while on horseback, in accordance~~consistent~~ with SOP Horse Mounted Unit.

4. Sworn personnel may use the expandable, straight, or Bokken batons when such force is reasonable and ~~necessary~~ minimal to control an actively resistant individual. ~~individual or protect the officer or another person from a threat.~~

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

REDLINED

B. Medical Attention After Use of Baton

N/A

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

6

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

6

2-54-8 Beanbag Shotgun

A. Beanbag Shotgun Use Guidelines

N/A

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

5

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

3. Sworn personnel may deploy the beanbag shotgun when such force is reasonable and ~~necessary~~ minimal to control an actively resistant individual. ~~or protect the officer or another person from an imminent threat.~~

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

B. Beanbag Shotgun Restrictions

4

1. In the absence of deadly force situations, sworn personnel shall not intentionally target an individual's head, neck,~~ or~~ throat~~, chest, or groin~~, chest, or groin.~~.~~

N/A

2. Sworn personnel should understand there is an increased risk of serious physical injury when shooting beanbag shotgun rounds inside twenty feet (20').

a. Because an increased risk of serious physical injury may occur with beanbag shotgun deployments closer than twenty feet (20'), when feasible, sworn personnel should consider transitioning to other force options.

6

REDLINED

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

C. Medical Attention After Use of Beanbag Shotgun

N/A

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

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

6 **2-54-9 40-millimeter Impact Launcher**

A. 40-millimeter Impact Launcher Use Guidelines

N/A

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

5

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

3. An officer may deploy their 40-millimeter impact launcher when such force is reasonable and ~~necessary~~ minimal to control an actively-resistant individual~~ or to protect the officer or another person from an imminent threat~~.

4. In potential deadly force situations, sworn personnel shall have a lethal-cover officer when deploying less-lethal impact munitions.

B. 40-millimeter Impact Launcher Restrictions

4

1. Absent deadly force situations, sworn personnel shall not intentionally target an individual's head, neck, ~~or~~ throat~~, chest, or groin~~, chest, or groin.~~.~~

N/A

2. Sworn personnel should understand there is an increased risk of serious physical injury when using a 40-millimeter impact launcher inside five feet (5').

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

REDLINED

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

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

N/A

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

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

N/A

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

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

REDLINED

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

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

A. Related SOP(s)

2-19 Response to Behavioral Health Issues
2-53 Use of Force: Definitions

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-55-1 Purpose

The purpose of this policy is to outline the requirements for Albuquerque Police Department (Department) sworn personnel regarding the use of de-escalation techniques, when feasible, to gain voluntary compliance from uncooperative individuals, and to reduce or eliminate the need to use force.

2-55-2 Policy

It is the policy of the Department for sworn personnel to use de-escalation techniques when feasible and for sworn personnel to use de-escalation techniques consistent with their training before resorting to using force or to reduce the need for force.

N/A

2-55-3 Definitions

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

6

2-55-4 De-escalation Techniques and Guidelines

A. Sworn personnel shall proactively use de-escalation techniques to gain voluntary compliance of an individual to reduce or eliminate the need to use force.

REDLINED

B. When feasible, sworn personnel shall:

1. Assess the potential risks to the individual, the officer, and other people;

   a. When assessing risk, sworn personnel should consider the following:
      i. The individual's access to weapons;
      ii. The individual's statements, conduct, or inferences that suggest the individual may commit a violent or dangerous act;
      iii. The individual's history, which may be known to the Department, the officer, family, friends, or neighbors, or through social media;
      iv. Signs of lack of self-control, which may include: extreme agitation; inability to sit still; clearly has difficulty communicating effectively; a lack of physical and psychological control over rage, anger, or fright; rambling incoherent thoughts and speech; clutching oneself or other objects to maintain control; and/or moving very rapidly; and
      v. The volatility of the environment, which may include the presence of agitators or situational hazards.

2. Gather information about the incident;

3. Attempt to slow down situations without increasing the risk of harm to themselves, the individual, or other people;

   a. When feasible, sworn personnel shall:
      i. Use distance, cover, concealment, and/or time to:
         1. Assess the situation and their options;
         2. Develop a plan to reduce or eliminate the need to use force; and
         3. Consider the use of intermediate barriers.

4. When appropriate, request additional sworn personnel and resources, such as Enhanced Crisis Intervention Team (ECIT) certified sworn personnel, to assist with resolving the incident;

5. Use de-escalation techniques, including but not limited to; and

   a. The seven (7) active listening skills;
   b. Communicating with the individual in a conversational tone of voice; and
   c. Beginning by asking questions rather than immediately issuing orders.

6. Use verbal persuasion, warnings, or other techniques before using force.

C. Commands and orders are not de-escalation techniques.

1. Sworn personnel may use commands and orders when de-escalation techniques have failed, but they shall not use commands in place of de-escalation techniques.

REDLINED

D. Sworn personnel shall not engage in objectively unreasonable actions, use of tactics, or make statements that escalate a situation such that use of force becomes necessary.

E. In the event an individual fails to comply with lawful directives or commands, sworn personnel shall consider whether an individual's lack of compliance may be based upon the individual's inability to comprehend or comply. Sworn personnel shall consider the relevance of the following factors:

1. The influence of drugs and/or alcohol;
2. A known or reasonably apparent mental illness or developmental disability;
3. A known or reasonably apparent physical disability or other medical or physical condition, including a visual or hearing impairment;
4. The individual is experiencing a behavioral health crisis; or
5. A language barrier.

N/A

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

G. As soon as practicable, a supervisor shall become involved in managing an overall response to potentially violent encounters by coordinating resources and an officer's responses.

H. Sworn personnel shall document their verbal and non-verbal de-escalation techniques in their use of force documentation.

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

REDLINED

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

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

A. Related SOP(s)

2-19 Response to Behavioral Health Issues
2-53 Use of Force: Definitions

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

~~D.~~E. Rescinded Special Order(s)

None

2-55-1 Purpose

The purpose of this policy is to outline the requirements for Albuquerque Police Department (Department) sworn personnel regarding the use of de-escalation techniques, when feasible, to gain voluntary compliance from uncooperative individuals ~~who are uncooperative~~, and to reduce or eliminate the need to use force.

2-55-2 Policy

It is the policy of the Department for sworn personnel to use de-escalation techniques when feasible and for sworn personnel to use de-escalation techniques consistent with their training before resorting to using force or to reduce the need for force.

N/A

2-55-3 Definitions

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

6

2-55-4 De-escalation Techniques and Guidelines

A. Sworn personnel shall proactively use de-escalation techniques to gain voluntary compliance of an individual to reduce or eliminate the need to use force.

REDLINED

B. When feasible, sworn personnel shall:

1. Assess the potential risks to the individual, the officer, and other people;

   a. When assessing risk, sworn personnel should consider the following:
      i. The individual's access to weapons;
      ii. The individual's statements, conduct, or inferences that suggest the individual may commit a violent or dangerous act;
      iii. The individual's history, which may be known to the Department, the officer, family, friends, or neighbors, or through social media;
      iv. Signs of lack of self-control, which may include: extreme agitation; inability to sit still; clearly has difficulty communicating effectively; a lack of physical and psychological control over rage, anger, or fright; rambling incoherent thoughts and speech; clutching oneself or other objects to maintain control; and/or moving very rapidly; and
      v. The volatility of the environment, which may include the presence of agitators or situational hazards.

2. Gather information about the incident;

3. Attempt to slow down situations without increasing the risk of harm to themselves, the individual, or other people;

   a. When feasible, sworn personnel shall:
      i. Use distance, cover, concealment, and/or time to:
         1. Assess the situation and their options;
         2. Develop a plan to reduce or eliminate the need to use force; and
         3. Consider the use of intermediate barriers.

4. When appropriate, request additional sworn personnel and resources, such as Enhanced Crisis Intervention Team (ECIT) certified sworn personnel, to assist with resolving the incident;

5. Use de-escalation techniques, including but not limited to; and~~:~~

   a. The seven (7) active listening skills;
   b. Communicating with the individual in a conversational tone of voice; and
   c. Beginning by asking questions rather than immediately issuing orders.

6. Use verbal persuasion, warnings, or other techniques before using force.

C. Commands and orders are not de-escalation techniques.

1. Sworn personnel may use commands and orders when de-escalation techniques have failed, but they shall not use commands in place of de-escalation techniques.

REDLINED

D. Sworn personnel shall not engage in objectively unreasonable actions, use of tactics, or make statements that escalate a situation such that use of force becomes necessary.

E. In the event~~Should~~ an individual fails to comply with lawful directives or commands, sworn personnel shall consider whether an individual's lack of compliance may be based upon the individual's inability to comprehend or comply. Sworn personnel shall consider the relevance of the following factors:

1. The influence of drugs and/or alcohol;
2. A known or reasonably apparent mental illness or developmental disability;
3. A known or reasonably apparent physical disability or other medical or physical condition, including a visual or hearing impairment;
4. The individual is experiencing a behavioral health crisis; or
5. A language barrier.

N/A

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

G. As soon as practicable, a supervisor shall become involved in managing an overall response to potentially violent encounters by coordinating resources and an officer's responses.

H. Sworn personnel shall document their verbal and non-verbal de-escalation techniques in their use of force documentation.

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

REDLINED

2-56 USE OF FORCE: REPORTING BY DEPARTMENT PERSONNEL

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

A. Related SOP(s)

1-35 Crime Scene Specialists Unit
1-61 Internal Affairs Force Division (IAFD)
2-8 Use of On-Body Recording Devices
2-53 Use of Force: Definitions
2-57 Use of Force: Review and Investigation by Department Personnel

B. Form(s)

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

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 24-09 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; Procedures for Unreported Uses of Force
SO 25-71 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel
SO 25-71 (Amended) Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel

2-56-1 Purpose

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

2-56-2 Policy

It is the policy of the Department to properly report and document all uses of force.

N/A

2-56-3 Definitions

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

REDLINED

2-56-4 Reporting Procedures

A. Use of Force Reporting Procedures

1. All Department personnel who used or witnessed any level of force, while on-duty or off-duty, regardless of rank, shall:

   a. When the scene is secure, and it is reasonably safe to do so, after a Use of Force or Serious Use of Force, call rescue to the scene;
   b. Not discuss the use of force with other involved and witness Department personnel until the interview and narratives are completed;
      i. Except supervisors who witnessed the force and are conducting the on-scene force classification investigation.
   c. Following any use of force, notify their on-duty supervisor when the scene is secure and safe to do so. If the employee's immediate on-duty supervisor is involved or unavailable, they shall notify another on-duty supervisor;
   d. Stay logged on the call of a use of force or serious use of force, until relieved by the responding on-duty supervisor or unit responsible for conducting review/investigation;
      i. If the employee needs to leave the scene for essential investigative responsibilities, they shall notify the responding supervisor.
   e. Provide the responding supervisor access to their On-Body Recording Device (OBRD) to review footage of the incident while on scene;
   f. Document in a Uniform Incident Report and/or Supplemental Report any involvement in the use of force incident if they were on-scene or assisted with any aspect regarding the incident, including if they transported the individual;
   g. Complete a Use of Force Written Narrative for Involved and Witness Officers form by checking the Use of Force Tab in the Uniform Incident Report and provide details for each of the required questions based upon the level of the involvement. Personnel shall include in their written narrative, regardless of the level of force classification:
      i. The reason for the initial police presence;
      ii. The lawful objective for detention and/or seizure;
      iii. A specific description of the facts that lead to the use of force, including the behavior of the individual;
      iv. The individual's level of resistance; and
      v. A description of each type of force used and justification for each use of force.
         1. Department personnel shall not use boilerplate, canned, or conclusory language (e.g., "guided to the ground," "offered resistance") when providing a narrative of a use of force incident.
   h. Provide a written force narrative to the on-scene supervisor by the end of their shift;
   i. After the on-scene investigation is complete, upload the data from their electronic control weapon (ECW), if discharged; and

REDLINED

j. Upload OBRD footage capturing all use of force incidents in which they witnessed force, ordered force, used force, or were otherwise involved as directed by a supervisor by end of their shift in accordance with SOP Use of On-Body Recording Devices.
   i. If Department personnel are not physically capable of uploading their OBRD footage by the end of their shift during which the use of force incident occurred, the employee's immediate supervisor, or their designee, shall ensure the OBRD footage from the affected employee's OBRD is uploaded by the end of the employee's shift during which the use of force incident occurred.

2. A supervisor who authorized a use of force shall document the circumstances for authorizing the force in a Supplemental Report.

N/A

3. If a supervisor ordered, was involved in a use of force/serious use of force, or was a victim of the individual's action, they shall:

   a. Not be involved in the classification or review of the force incident;
      i. A supervisor who witnessed force is able to conduct the on-scene force investigation in order to classify the force.
      ii. A supervisor who was involved in a use of force shall ensure that another on-duty supervisor responds to the scene to investigate an employee's use of force.
   b. If the supervisor ordered force, document the circumstances for ordering the force in the Use of Force Written Narrative for Involved and Witness Officers form; and
   c. If the supervisor was involved in or witnessed a use of force, complete a Use of Force Written Narrative for Involved and Witness Officers form.

N/A

4. Supervisors shall classify force according to the procedures in accordance with SOP Use of Force: Review and Investigation by Department Personnel, and contact the appropriate investigative team upon determining if the force was a Use of Force or a Serious Use of Force.

B. Procedures for Reporting Non-Force Incidents

1. Department personnel shall document in a Uniform Incident Report the use of low-level control tactics and shall:

   a. Check the Low-Level Control Tactics Tab in the Uniform Incident Report;
   b. Complete a Uniform Incident Report and provide the following details in its narrative:
      i. The reason for the initial police presence;
      ii. Document the lawful objective for detention and/or seizure;

REDLINED

iii. Include a specific description of the facts that led to the Low-Level Control Tactics, including the behavior, and any resistance from the individual;
iv. Describe any warnings, verbal persuasion, or other de-escalation techniques used during the incident;
v. Include a description of each type of Low-Level Control Tactic used and justification for each Low-Level Control Tactic; and
vi. Include a description of any superficial wounds and/or complaints of pain.

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2. All Department personnel who utilize a show of force, while on-duty or off-duty, regardless of rank, shall;

a. Check the Show of Force Tab in the Uniform Incident Report;
b. Complete a Uniform Incident Report and provide the following details in its narrative:
i. The reason for the initial police presence;
ii. The lawful objective for detention and/or seizure;
iii. A specific description of the facts that led to the show of force, including the behavior, and any resistance from the individual;
iv. Describe any warnings, verbal persuasion, or other de-escalation techniques used during the incident; and
v. A description of each type of show of force used and justification for each show of force.

4. Ensure the appropriate questions related to low-level, show of force, and non-force are answered in the records management system.

N/A

5. Upload OBRD footage in accordance with SOP Use of On-Body Recording Devices.

C. Procedures Following Other Reportable Incidents

1. Following an allegation of use of force, Department personnel shall:

a. Notify the on-duty supervisor when the scene is secure and it is safe to do so and document the incident in a Uniform Incident Report.
i. If the on-duty supervisor determines that the incident is a use of force or serious use of force, follow the procedures in this SOP.
ii. If the on-duty supervisor determines that the incident is Low-Level Control or non-force, the supervisor will ensure the sworn personnel check the “Low-Level Control” box in the Uniform Incident Report or Supplemental Report.
1. Supervisors shall write a Supplemental Report summarizing their on-scene investigation.

REDLINED

2. Following an accidental discharge of an intermediate weapon system that does not strike a person, Department personnel shall:

   a. Notify the on-duty supervisor when the scene is secure and it is safe to do so;
   b. Remain logged on the call until relieved by the responding supervisor or investigator;
   c. Provide the responding supervisor access to review OBRD footage on scene, if available;
   d. Document the incident in a Uniform Incident Report;
   e. Upload OBRD footage, if available, by the end of shift; and
   f. If the incident involved the accidental discharge of an ECW, upload the data from the ECW after the on-scene investigation is complete.

3. Following an accidental discharge of an intermediate weapon system that strikes a person, Department personnel shall:

   a. Follow the procedures in this SOP that require an on-scene investigation from an on-duty supervisor.

4. Following an accidental discharge of a firearm that does not strike a person, Department personnel shall:

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   a. Notify the on-duty supervisor when the scene is secure and it is safe to do so;
   b. Remain logged on the call until relieved by the responding supervisor or investigator;
   c. Provide the responding supervisor access to review OBRD footage on scene, if available;
   d. Document the incident in a Uniform Incident Report; and
   e. Upload OBRD footage, if available, by the end of their shift.

5. Following an accidental discharge of a firearm that strikes a person, Department personnel shall:

   a. Follow the procedures in this SOP that require an investigation from an on-duty supervisor

6 **2-56-5 Unreported Uses of Force**

A. Procedures for Unreported Uses of Force

1. General Procedures

3-5

   a. Department personnel, regardless of rank, shall immediately report an unreported use of force incident to an on-duty supervisor when they have knowledge that the use of force by another officer has not been reported.

REDLINED

b. During a scheduled OBRD audit, Performance Metrics Unit (PMU) personnel shall:
   i. Prepare an inspection findings report for the potential unreported use of force; and
   ii. Provide the report within two (2) business days to the division head/commander, or their designee, and based on the potential level of force, the division head/commander, or their designee, shall notify Internal Affairs Force Division (IAFD) for Uses of Force or Serious Uses of Force, via email. The report shall include the case number, date of occurrence, and any available OBRD evidence.
c. The force investigative units who are notified of a potential unreported use of force shall:
   i. Review the PMU findings;
   ii. Classify the force;
   iii. Generate the force entry in the Internal Affairs (IA) database web application within twenty-four (24) hours of identifying any unreported use of force without regard to the number of involved or witness officer(s);

2. Procedures Following Unreported Use of Force Or Serious Use of Force

   a. The IAFD Investigator shall investigate unreported Uses of Force or Serious Uses of Force in accordance with SOP Use of Force: Review and Investigation by Department Personnel, including the following on-scene investigation procedures, if attainable post-incident:
      i. Examine personnel and the individual for injuries and request medical attention, where appropriate;
      ii. Preserve any evidence located at the scene; and
      iii. Canvass for witness(s).
   b. The IAFD Investigator shall initiate an Internal Affairs Request (IAR) through the IA database web application for any and all policy violations identified during their force investigation, including any and all policy violations surrounding the failure to report the force.
   c. Where it is determined that no unreported use of force occurred by an officer(s), an IAFD Investigator shall submit a non-force entry through the IA database web application, to include the results of their investigation.

REDLINED

2-56 USE OF FORCE: REPORTING BY DEPARTMENT PERSONNEL

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

A. Related SOP(s)

1-35 Crime Scene Specialists Unit
1-61 Internal Affairs Force Division (IAFD) ~~(Formerly 7-2 and 7-3)~~
2-8 Use of On-Body Recording Devices ~~(Formerly 1-39)~~
2-53 Use of Force: Definitions
2-57 Use of Force: Review and Investigation by Department Personnel

B. Form(s)

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

C. Other Resource(s)

None

D. Active Special Order(s)

None

~~D.~~E. Rescinded Special Order(s)

SO 24-09 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; Procedures for Unreported Uses of Force
SO 25-71 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel
SO 25-71 (Amended) Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel~~None~~

2-56-1 Purpose

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

2-56-2 Policy

It is the policy of the Department to properly report and document all uses of force.

N/A

2-56-3 Definitions

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

REDLINED

2-56-4 Reporting Procedures

5 A. Use of Force Reporting Procedures

1. All Department personnel who used or witnessed any level of force, while on-duty or off-duty, regardless of rank, shall:

   a. When the scene is secure, and it is reasonably safe to do so, after a Use of Force or Serious Use of Force~~r Level 2 and 3 use force~~, call rescue to the scene;
   b. Not discuss the use of force with other involved and witness Department personnel until the interview and narratives are completed;
      ~~b.~~i. Except supervisors who witnessed the force and are conducting the on-scene force classification investigation.
   c. Following any use of force, notify their on-duty supervisor when the scene is secure and safe to do so. If the employee's immediate on-duty supervisor is involved or unavailable, they shall notify another on-duty supervisor;
   d. Stay logged on the call of a use of force or serious use of force.~~, or show of force incident,~~ until relieved by the responding on-duty supervisor or unit responsible for conducting review/investigation;
      i. If the employee needs to leave the scene for essential investigative responsibilities, they shall notify the responding supervisor.
   e. Provide the responding supervisor access to their On-Body Recording Device (OBRD) to review footage of the incident while on scene;
   f. Document in a Uniform Incident Report and/or Supplemental Report any involvement in the use of force incident if they were on-scene or assisted with any aspect regarding the incident, including if they transported the individual;
   ~~g. Complete a Uniform Incident Report;the appropriate force reporting documentation;~~
   g. ~~Department~~ Complete a Use of Force Written Narrative for Involved and Witness Officers form by checking the Use of Force Tab in the Uniform Incident Report and provide details for each of the required questions based upon the level of the involvement~~personnel shall include in their written narrative, regardless of the level of force classification~~. Personnel shall include in their written narrative, regardless of the level of force classification:~~.~~
      i. The reason for the initial police presence;
      ii. The lawful objective for detention and/or seizure;
      iii. A specific description of the facts that lead to the use of force, including the behavior of the individual;
      iv. The individual's level of resistance; and
      v. A description of each type of force used and justification for each use of force.
         ~~i.~~1. Department personnel shall not use boilerplate, canned, or conclusory language (e.g., "guided to the ground," "offered resistance") when providing a narrative of a use of force incident.

PRELIMINARY

~~1. The reason for the initial police presence;~~
~~2. The lawful objective for detention and/or seizure;~~
~~3. A specific description of the facts that led to the use of force, including the behavior of the individual;~~
~~4. The individual's level of resistance; and~~
~~5. A description of each type of force used and justification for each use of force.~~

~~ii. Department personnel shall not use boilerplate, canned, or conclusory language (e.g., "guided to the ground," "offered resistance") when providing a narrative of a use of force incident.~~

h. Provide ~~a~~ a~~the~~ written force narrative to the on-scene supervisor by the end of their shift;

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i. After the on-scene investigation is complete, upload the data from their electronic control weapon (ECW), if discharged; and

j. Upload OBRD footage capturing all use of force incidents in which they witnessed force, ordered force, used force, or were otherwise involved as directed by a supervisor by end of their shift in accordance~~consistent~~ with SOP Use of On-Body Recording Devices.

i. If Department personnel are not physically capable of uploading their OBRD footage by the end of their shift during which the use of force incident occurred, the employee's immediate supervisor, or their designee, shall ensure the OBRD footage from the affected employee's OBRD is uploaded by the end of the employee's shift during which the use of force incident occurred.

2. A supervisor who authorized a use of force shall document the circumstances for authorizing the force in a Supplemental Report.

N/A

3. If a supervisor ordered, was involved in ~~,~~a use of force/serious use of force, or was a victim of the individual's action, they shall: ~~witnessed a use of force, or was a victim of the individual's action, they shall:~~

a. Not be involved in the classification or review of the force incident; ~~(refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties); be involved in the classification or review of the force incident (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties);~~

i. A supervisor who witnessed force is able to conduct the on-scene force investigation in order to classify the force~~supervisor who was involved in a use of force shall ensure that another on-duty supervisor responds to the scene to investigate an employee's use of force~~.

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

REDLINED

b. If the supervisor ordered force, document the circumstances for ordering the force in the Use of Force Written Narrative for Involved and Witness Officers form; and~~they ordered force, document the circumstances for ordering the force in the Use of Force Written Narrative for Involved and Witness Officers form; and~~

c. If the supervisor was involved in or witnessed a use of force, complete a Use of Force Written Narrative for Involved and Witness Officers form. ~~they were involved in or witnessed a use of force, complete a Use of Force Written Narrative for Involved and Witness Officers form.~~

N/A

~~4.~~ Supervisors shall classify force according to the procedures ~~outlined~~ in accordance with SOP Use of Force: Review and Investigation by Department Personnel, and contact the appropriate investigative team upon determining if the force was a Use of Force or a Serious Use of Force. ~~force was used.~~

4.

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B. Procedures for Reporting Non-Force Incidents

1. Department personnel shall document in a Uniform Incident Report the use of low-level control tactics and shall:~~.~~

a. Check the Low-Level Control Tactics Tab in the Uniform Incident Report;

b. Complete a Uniform Incident Report and provide the following details in its narrative:

i. The reason for the initial police presence;

ii. Document t~~T~~he lawful objective for detention and/or seizure;

iii. Include a~~A~~ specific description of the facts that led to the Low-Level Control Tactics, including the behavior, and any resistance from the individual;

iv. Describe any warnings, verbal persuasion, or other de-escalation techniques used during the incident;

v. Include a~~A~~ description of each type of Low-Level Control Tactic used and justification for each Low-Level Control Tactic; and~~.~~

~~1.~~vi. Include a~~A~~ description of any superficial wounds and/or complaints of pain.

~~A Crime Scene Specialist (CSS) shall be dispatched to photograph any superficial wounds and complete a Uniform Incident Report in accordance with SOP Crime Scene Specialists Unit.~~

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2. All Department personnel who utilize a show of force, while on-duty or off-duty, regardless of rank, shall;

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a. Check the Show of Force Tab in the Uniform Incident Report~~personnel shall document in a Uniform Incident Report the circumstances of an inadvertent covering of an individual with a weapon.~~;
b. Complete a Uniform Incident Report and provide the following details in its narrative:
   i. The reason for the initial police presence;
   ii. The lawful objective for detention and/or seizure;
   iii. A specific description of the facts that led to the show of force, including the behavior, and any resistance from the individual;
   iv. Describe any warnings, verbal persuasion, or other de-escalation techniques used during the incident; and
   ~~2.~~v. A description of each type of show of force used and justification for each show of force.

4. Ensure the appropriate questions related to low-level, show of force, and non-force are answered in the records management system.

N/A

~~3.~~5. Upload OBRD footage in accordance with SOP Use of On-Body Recording Devices.~~the appropriate questions related to low-level or non-force are answered in the records management system.~~

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C. Procedures Following Other Reportable Incidents

1. Following an allegation of use of force, Department personnel shall:

   a. Notify the on-duty supervisor when the scene is secure and it is safe to do so and document the incident in a Uniform Incident Report.
      i. If the on-duty supervisor determines that the incident is a use of force or serious use of force, follow the procedures in this SOP.
      ii. If the on-duty supervisor determines that the incident is Low-Level Control or non-force,~~non-force,~~ the ~~Blue Team entry will be routed through the chain of command for review and approval.~~supervisor will ensure the sworn personnel~~officers~~ check the "Low-Level Control" box in the Uniform Incident Report or Supplemental Report.
      ~~ii.~~1. Supervisors shall write a Supplemental Report summarizing their on-scene investigation.

2. Following an accidental discharge of an intermediate weapon system that does not strike a person, Department personnel shall:

   a. Notify the on-duty supervisor when the scene is secure and it is safe to do so;
   b. Remain logged on the call until relieved by the responding supervisor or investigator;
   c. Provide the responding supervisor access to review OBRD footage on scene, if available;

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d. Document the incident in a Uniform Incident Report;
e. Upload OBRD footage, if available, by the end of shift; and
f. If the incident involved the accidental discharge of an ECW, upload the data from the ECW after the on-scene investigation is complete.

3. Following an accidental discharge of an intermediate weapon system that strikes a person, Department personnel shall:

   a. Follow the procedures in this SOP that require an on-scene investigation from an ~~na an~~ on-duty supervisor.

4. Following an accidental discharge of a firearm that does not strike a person, Department personnel shall:

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   a. Notify the on-duty supervisor when the scene is secure and it is safe to do so;
   b. Remain logged on the call until relieved by the responding supervisor or investigator;
   c. Provide the responding supervisor access to review OBRD footage on scene, if available;
   d. Document the incident in a Uniform Incident Report; and
   e. Upload OBRD footage, if available, by the end of their shift.

5. Following an accidental discharge of a firearm that strikes a person, Department personnel shall:

   a. Follow the procedures in this SOP that require an investigation from an on-duty supervisor~~.~~

6 **2-56-5~~D.~~ Unreported Uses of Force**
~~1.~~

A. Procedures for Unreported Uses of Force

1. General Procedures

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a. Department personnel, regardless of rank, shall immediately report an unreported use of force incident to an on-duty supervisor when they have knowledge that the use of force by another officer has not been reported.
b. During a scheduled OBRD audit, Performance Metrics Unit (PMU) personnel shall:
   i. Prepare an inspection findings report for the potential unreported use of force; and
   ii. Provide the report within two (2) business days to the division head/commander, or their designee, and based on the potential level of force, the division head/commander, or their designee, shall notify Internal

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Affairs Force Division (IAFD) for ~~Level 2 and Level 3 uses of force or the Level 1 Team for level 1 uses of force~~Uses of Force or Serious Uses of Force, via email. The report shall include the case number, date of occurrence, and any available OBRD evidence.

c. The force investigative units who are notified of a potential unreported use of force shall:
   i. Review the PMU findings;
   ii. Classify the force;
   iii. Generate the force entry in the Internal Affairs (IA) database web application within twenty-four (24) hours of identifying any unreported use of force without regard to the number of involved or witness officer(s);

~~Procedures Following Level 1 Unreported Uses of Force~~

~~The Level 1 Team shall review unreported uses of force in accordance with SOP Use of Force: Review and Investigation by Department Personnel, including the following on-scene investigation procedures, if attainable post-incident:~~
   ~~Examine personnel and the individual for injuries and request medical attention, where appropriate;~~
   ~~Preserve any evidence located at the scene of a Level 1 use of force or higher; and~~
   ~~Capture photographs of the officer(s) and the individual(s) involved in the Level 1 use of force.~~
~~The Level 1 Team shall initiate an IAR through the IA database web application for any and all policy violations identified during their force investigation, including any and all policy violations surrounding the failure to report the force.~~
~~Where it is determined that no unreported use of force occurred by an officer(s), the Level 1 Team shall submit a non-force entry through the IA database web application, to include the results of their investigation.~~

2. Procedures Following Unreported Use of Force Or Serious Use of Force~~Level 2 or Level 3 Unreported Use of Force~~

   a. The IAFD Investigator shall investigate unreported ~~Level 2 and Level 3 uses of force~~ Uses of Force or Serious Uses of Force ~~consistent~~in accordance with SOP Use of Force: Review and Investigation by Department Personnel, including the following on-scene investigation procedures, if attainable post-incident:
      i. Examine personnel and the individual for injuries and request medical attention, where appropriate;
      ~~Advise the individual involved in the use of force incident of their rights where it is necessary to gather additional information about injuries;~~
      ii. Preserve any evidence located at the scene; and
      iii. Canvass for witness(s).

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b. The IAFD Investigator shall initiate an Internal Affairs Request (IAR) through the IA database web application for any and all policy violations identified during their force investigation, including any and all policy violations surrounding the failure to report the force.

~~2.~~c. Where it is determined that no unreported use of force occurred by an officer(s), an IAFD Investigator shall submit a non-force entry through the IA database web application, to include the results of their investigation.

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2-57 USE OF FORCE: REVIEW AND INVESTIGATION BY DEPARTMENT PERSONNEL

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

A. Related SOP(s)

1-1 Personnel Code of Conduct
1-61 Internal Affairs Force Division (IAFD)
1-67 Multi-Agency Task Force (MATF)
2-53 Use of Force: Definitions
2-55 Use of Force: De-escalation
3-32 Performance Evaluations
3-41 Complaints Involving Department Policy
3-46 Discipline System

B. Form(s)

PD 1118 Use of Force Written Narrative for Involved and Witness Officers
PD 1119 Supervisor On-Scene Investigation Checklist
PD 1120 Supervisor On-Scene Investigation of Level 2 and 3 Uses of Force
PD 1121 Use of Force Level 1 Supervisor Interview Guide – Witness and Individual
PD 1122 Supervisory Review Level 1 Use of Force
PD 1123 Lieutenant Review Level 1 Use of Force
PD 1124 Commander Review Level 1 Use of Force
PD 4607 Juvenile Advise of Rights

C. Other Related Resource(s)

Graham v. Connor, 490 U.S. 386 (1989)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-72 Amendment to SOP 2-57 Use of Force: Review and Investigation by Department Personnel

2-57-1 Purpose

The purpose of this policy is to establish procedures for Albuquerque Police Department (Department) personnel to objectively and thoroughly review use of low-level control, use of force, and show of force by sworn personnel in order to reach a finding supported by a preponderance of the evidence, concerning whether Department personnel used the minimum amount of force necessary that is objectively reasonable, based on the totality of the circumstances to bring about a lawful objective.

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The Department categorizes force based on the level of force used and the injury or serious injury from the use of force. The category of force—Use of Force or Serious Use of Force—determines the kind of review or investigation that will be completed.

2-57-2 Policy

It is the policy of the Department for supervisors and Internal Affairs Force Division (IAFD) Detectives/Investigators to conduct rigorous, timely, thorough, objective, and accurate reviews and investigations of the use of force by Department personnel.

N/A **2-57-3 Definitions**

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

6 **2-57-4 Use of Force Review by Supervisors and Chain of Command**

A. Use of Force Investigation Standards

1. Department personnel shall:

a. Conduct investigations in a rigorous manner designed to determine the facts;
b. When conducting interviews, avoid asking leading questions and never ask Department personnel or witnesses any questions that may suggest legal or procedural justifications for an employee's conduct;
   i. All interviews shall be conducted separately.
c. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
d. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness's statements, and inconsistencies between the level of force described by the employee and any injuries to individuals.

B. Use of Force Investigation Responsibilities

1. The responding supervisor shall conduct an on-scene investigation in order to classify the force used during the incident.

a. A supervisor who was involved in, ordered a use of force, or who was a victim of the individual's actions shall not be involved in reviewing the use of force incident nor any subsequent force incident involving the same individual.
   i. The involved supervisor shall not review or approve any reports that are generated as a result of the force incident.
   ii. A non-involved supervisor shall review and approve any reports that are generated following the force incident.
b. A supervisor who is related to any Department employee who is involved in a use of force shall not be involved in reviewing the Department employee's force incident.

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2. If responding to the scene, the responding Detective/Investigator shall review the incident and verify the classification of the level of force used.

   a. The Detective/Investigator shall have the authority to reclassify the level of force based on their on-scene review of the incident.
   b. If the incident is reclassified, the case shall be assigned based on the force classification.

6 **2-57-5 Field Supervisory Investigative Responsibilities**

A. Supervisors shall respond to the scene for allegations of force and/or allegations of injury to determine if the allegations are caused by sworn personnel and/or to properly classify the force as a Use of Force or Serious Use of Force.

B. When there is a Use of Force, the responding supervisor shall:

1. Immediately respond to the scene to classify the use of force according to the highest level of force used during the incident based upon the Department's classification system, in accordance with SOP Use of Force: Definitions;

2. Issue a direct order that the officer(s) on scene are not to speak about the use of force (admonishments);

   a. If this happens by radio transmission while the supervisor is en route to the call, the supervisor will reissue the written admonishment once they arrive on scene.

3. Turn on their On-Body Recording Device (OBRD) upon arriving on scene and record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;

4. Immediately identify involved and witness sworn and non-sworn personnel, the individual, upon whom force was used, and community member witnesses;

   a. The investigating supervisor shall admonish all witness and involved officers, using the Employee Admonishment Concerning Use of Force form.
   b. After reviewing sufficient On-Body Recording Device (OBRD) evidence, the investigating supervisor may release any witness officer after confirming they were not involved and were admonished.
   c. Once the on-scene supervisor has gathered the necessary information from the involved officer, the supervisor may release the involved officer from the scene.
   d. The investigating supervisor will include the signed admonishment(s) in the Internal Affairs (IA) Database Web Application Entry upon submission of the case to the Internal Force Division.

5. Visually inspect Department personnel for injuries and request medical attention if anyone is injured or complains of injury;

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6. Conduct an on-scene interview and visually inspect the individual for injuries and request medical attention if anyone is injured or complains of injury;

7. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;

8. Physically separate involved and witness Department personnel, when feasible;

    a. The investigating supervisor who witnessed force is exempt from separation in order to conduct an on-scene investigation to properly classify the force.
    b. The investigating supervisor shall not ask any leading questions or questions that may suggest legal or procedural justifications for an employee's conduct.
    c. Supervisors shall not engage in conversation about their perception(s) of the use of force while conducting their investigation.

9. Make a reasonable effort to identify all community member witnesses, and speak with them to the extent necessary to determine the use of force classification;

    a. If a community member witness needs to leave the scene, obtain their contact information for a follow-up investigation.
    b. The responding supervisor may obtain a verbal statement if the witness is willing to do so.
    c. Department personnel shall not detain witness solely for the purpose of conducting administrative investigations.

10. Ensure all evidence is identified, collected, processed, and preserved;

11. Conduct a canvass for community member witnesses and surveillance video;

12. Review sufficient on-scene OBRD footage in order to classify the correct level of force;

13. Collect and approve Use of Force Written Narrative for Involved and Witness Officers forms from involved and witness Department personnel by the end of the shift;

    a. If the investigating supervisor is a witness to the use of force, the supervisor shall also complete a use of force written narrative and have another supervisor approve their report prior to the end of shift.

14. Fill out and sign the Supervisor On-Scene Investigation Checklist and Form to document their on-scene investigation and classification;

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15. Send the on-scene investigation of the Use of Force to IAFD via the IA database web application:

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a. Complete an initial use of force IA database web application entry and submit it to the Office of Police Reform via "IA Force Group" by end of shift.
b. Upload the following to the IA database web application entry:
   i. Supervisor On-Scene Investigative Checklist and Form;
   ii. Written Admonishments;
   iii. Written Civilian Witness Statements; and
   iv. OBRD link(s) of the supervisor on-scene investigation, the canvass, and the force.

16. If the officer has a physical injury preventing them from completing a Uniform Incident Report, is in an officer-involved shooting, or is the victim of a crime, ensure a Uniform Incident Report is completed by another officer.

C. When there is a Serious Use of Force, the responding supervisor shall:

1. Immediately respond to the scene to classify the use of force according to the highest level of force used during the incident based upon the Department's classification system, consistent with SOP Use of Force: Definitions;

2. Issue a direct order that the officer(s) on scene are not to speak about the use of force (admonishments);

   a. If this happens by radio transmission while the supervisor is en route to the call, the supervisor will reissue the admonishment once they arrive on scene.

3. Turn on their On-Body Recording Device (OBRD) upon arriving on scene and record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;

4. Immediately identify involved and witness sworn and non-sworn personnel, the individual, upon whom force was used, and community member witnesses;

   a. The investigating supervisor shall admonish all witness and involved officers, using the Employee Admonishment Concerning Use of Force form.
   b. After reviewing sufficient On-Body Recording Device (OBRD) evidence, the investigating supervisor may release any witness officer after confirming they were not involved and were admonished, unless it is deemed necessary by the investigating supervisor they stay on-scene as part of Internal Affairs Force Division's (IAFD) on-scene investigation.
   c. The investigating supervisor will provide the signed admonishment(s) to the responding IAFD detective/investigator.

5. Visually inspect Department personnel and the individual for injuries and request medical attention if anyone is injured or complains of injury;

6. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;

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7. Physically separate involved and witness Department personnel, when feasible;

    a. The investigating supervisor who witnessed force is exempt from separation in order to conduct an on-scene investigation to properly classify the force.
    b. The investigating supervisor shall not ask any leading questions or questions that may suggest legal or procedural justifications for an employee's conduct.
    c. Supervisors shall not engage in conversation about their perception(s) of the use of force while conducting their investigation.

8. Make a reasonable effort to identify all community member witnesses and speak with them to the extent necessary to determine the use of force classification. Ask if the witness(es) can remain on the scene to speak with the investigators when they arrive;

    a. If a community member witness needs to leave the scene, obtain their contact information for a follow-up investigation.
    b. The responding supervisor may obtain a verbal statement if the witness is willing to do so.
    c. Department personnel shall not detain a witness solely for the purpose of conducting administrative investigations.

9. Ensure all evidence is identified, collected, processed, and preserved;

10. Review sufficient on-scene OBRD footage in order to classify the correct level of force;

    a. Once the investigating supervisor has reviewed evidence to appropriately classify the use of force, and after determining who should remain on-scene, the investigating supervisor shall ensure IAFD is notified and dispatched to the scene to conduct the follow-up investigation.

11. Collect and approve Use of Force Written Narrative for Involved and Witness Officers forms from involved and witness Department personnel by the end of the shift;

    a. If the investigating supervisor is a witness to the use of force, the supervisor shall also complete a use of force written narrative and have another supervisor approve their report prior to the end of shift.

12. Fill out and sign the Supervisor On-Scene Investigation Checklist and Form and email to the responding IAFD investigator/detective;

13. If the officer has a physical injury preventing them from completing a Uniform Incident Report, is in an officer-involved shooting, or is the victim of a crime, ensure a Uniform Incident Report is completed by another officer.

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A. When there is a show of force the supervisor shall:

1. Ensure the officer's narrative includes the elements detailed in accordance with SOP Use of Force: Reporting by Department Personnel;

2. Review relevant On Body Recording Device (OBRD) footage; and

   a. If the show of force is not reasonable, the reviewing supervisor shall submit an Internal Affairs request, in accordance with SOP Use of Force: Intermediate Weapon Systems.

3. Review of show of force reports shall be completed in accordance with SOP Reports.

6 **2-57-7 Supervisor On-Scene Responsibilities for Classifying Force During a Tactical Activation**

A. For any use of force by tactical units, related to a tactical activation, the tactical incident commander shall:

1. Request on-call IAFD to respond to the scene;

2. Provide a completed On-Scene Accountability form and Munition Tracking form to the IAFD investigator. These forms are submitted in lieu of the Supervisor On-Scene Investigative Checklist and On-Scene Supervisor Investigation forms;

3. Review and approve all Use of Force Written Narrative for Involved and Witness Officers forms and ensure they are submitted to the IAFD investigator by the end of the shift; and

4. Provide a copy of the After Action Report to the IAFD investigator for any Use of Force or Serious Use of Force within thirty (30) calendar days.

B. For any use of force conducted by non-tactical units, the involved officer's supervisor shall assume all classifications and review responsibilities.

6 **2-57-8 Use of Force Investigations by IAFD**

A. General Requirements

1. An IAFD Detective/Investigator shall respond to the scene to conduct administrative investigations of:

   a. Serious Uses of Force;
   b. Tactical Activations that resulted in a Use of Force or Serious Use of Force; and
   c. Use of Force when there is apparent criminal misconduct.

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2. IAFD personnel shall objectively and thoroughly review or investigate use of force and serious use of force incidents in order to reach a finding, supported by a preponderance of the evidence, concerning whether Department personnel used the minimum amount of force necessary that is ojectively reasonable and based on the totality of the circumstances to bring about a lawful objective.

B. Procedures for Use of Force Reviews by IAFD

1. The review of Use of Force shall include:

   a. All written use of force narratives and/or statements provided by Department personnel and/or community member witness(s);
   b. All related Uniform Incident Reports and Supplemental Reports;
   c. All OBRD, as required;
   d. A list of evidence that was gathered, including sufficient identifying and contact information of community member witness(s) to the use of force;
   e. The reviewer shall document if there were no witnesses to the use of force;
   f. The reviewer shall explain why contact information was not documented in cases where there were witnesses to the use of force and contact information was left undocumented;
   g. All available identifying information for anyone who refuses to provide a statement;
   h. The names of Department personnel who witnessed the use of force;
   i. Photographs of the involved employee(s), the individual, and the scene;
   j. If an ECW was utilized, the device log and audit record;
   k. A copy of the Computer-Aided Dispatch (CAD) printouts;
   l. The reviewer's evaluation of the use of force based on their analysis of the evidence gathered, including whether the employee's actions complied with Department policy;
   m. An analysis of the incident for tactical and training implications, including the use of de-escalation techniques, in accordance with SOP Use of Force: De-escalation;
   n. This shall be included as part of the IA database web application entry;
   o. An Internal Affairs Request (IAR) submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified; and
   p. All other relevant documentation.

2. Use of Force Review IAFD Supervisor Responsibilities

   a. The IAFD Supervisor shall assess the IA database web application entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.
   b. The IAFD Supervisor shall be responsible for watching OBRD footage that captures the use of force and all bookmarked portions of the footage.
   c. The IAFD Supervisor shall accurately complete the appropriate form for their level of review, including a citation to evidence as required.

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N/A

d. The IAFD Supervisor shall open an IAR on all deficient reviews in accordance with SOP Complaints Involving Department Personnel.
   i. The IAFD Supervisor shall document the deficient reviews in the reviewer's performance documents in accordance with SOP Performance Evaluations.
   ii. The reviewer who conducts two (2) or more deficient force reviews in a twelve (12) month rolling calendar period shall receive corrective and/or disciplinary action in accordance with SOP Discipline System, and may also be subject to additional training, demotion, and/or removal from their supervisory position.
e. When a policy violation is discovered during a use of force review, the IAFD Supervisor shall ensure that an IAR is completed by the reviewer identifying the policy violation no later than seventy-two (72) hours of obtaining that knowledge, in accordance with SOP Complaints Involving Department Personnel.
f. The IAFD Supervisor shall suspend a use of force review, with notice to the affected officer, and immediately notify IAFD and the Superintendent of Police Reform upon the discovery that the employee's use of force is apparently criminal in nature.
   i. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.
g. After a review is completed and approved, the IAFD Supervisor shall mark the review as complete in the IA database web application entry.

C. Procedures for Serious Use of Force Investigations by IAFD

1. IAFD Detective/Investigator on-scene responsibilities for a Serious Use of Force

   a. The IAFD Detective/Investigator shall:

      i. Respond to the scene within one (1) hour after being called by the on-call IAFD supervisor;
      ii. Consult with the on-scene supervisor to identify all involved and witness sworn personnel and ensure that all Department personnel involved in the use of force incident have been examined for injuries and provided necessary medical attention;
      iii. Conduct an on-scene interview with the individual involved in the use of force and ask the individual involved in the use of force incident if they sustained any injuries and whether they require medical attention;
         1. If medical attention is needed, ensure that it is provided.
      iv. Review sufficient evidence to ensure that the use of force was classified correctly in accordance with the Department's classification system;
         1. If IAFD re-classifies the incident as a use of force, IAFD will maintain case responsibility.
      v. Ensure that a CSS has been called to the scene;
      vi. Ensure that all evidence is collected to establish material facts related to the use of force, including but not limited to:

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1. Audio and video recordings, photographs, and other documentation of injuries or the absence of injuries.

vii. In the event of a complaint of injury following a use of force or allegation of force, ensure that the CSS has photographed the reported injury;

viii. Canvass for community member witnesses and video surveillance;

ix. Interview any on-scene community member witness(s) as soon as possible;

1. Encourage witnesses to stay on scene to be interviewed by IAFD Detective(s).
2. If the witness cannot stay on scene, obtain their contact information and, when feasible, obtain a written or recorded statement.
3. If any witness does not want to cooperate and provide any information, a description of the witness shall be documented.

x. If not already provided by on-scene supervisor, provide a written admonishment to Department personnel involved in or witness to the use of force incident that they are not to speak about the force incident until all interviews are completed and collect signed written admonishments;

xi. Ensure that all involved and witness sworn personnel complete their Use of Force Written Narrative for Involved and Witness Officers form by the end of shift; and

xii. Complete an initial use of force IA database web application entry and submit it through the chain of command to the Office of Police Reform as soon as possible and no later than twenty-four (24) hours after the use of force incident.

2. IAFD Detective/Investigator Follow-up Responsibilities

a. The IAFD Detective/Investigator shall:

i. Conduct interviews with involved sworn, witness sworn, and/or professional staff when necessary, in accordance with the current Collective Bargaining Agreement (CBA);

1. The IAFD Detective/Investigator shall not be required to interview perimeter Department personnel who only heard a use of force, such as a noise flash diversionary device (NFDD), 40-millimeter impact launcher, gunshot, or Police Service Dog (PSD) deployment, unless the investigation shows that their knowledge is relevant to the investigation or may resolve a material discrepancy.

ii. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;

iii. Record all interviews with involved and witness Department personnel, the individual, and community member witness;

iv. Ensure all use of force reports identify all Department personnel who were involved in the incident, witnessed the incident, or were on-scene when the incident occurred;

v. Review all use of force reports to ensure that these statements include all required information;

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vi. Review all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations; and
vii. Make all reasonable efforts to resolve material inconsistencies between the employee, individual, and witness statements, and all objective evidence. Make all reasonable efforts to resolve inconsistencies between the level of force described by the employee and any injuries to Department personnel or individuals.

3. At the conclusion of each serious use of force investigation, the IAFD Detective/Investigator shall prepare an investigative report and the report shall include:

   a. A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the Department employee's conduct based on the IAFD Detective/Investigator's independent review of the facts and circumstances of the incident;
   b. Documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the use of force incident, and all underlying use of force reports;
      i. In situations in which there are no known witnesses, the IAFD Detective/Investigator shall specifically state this fact in the report.
      ii. In situations in which witnesses were present, but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the IAFD Detective/Investigator shall state the reasons why such information was not recorded in the report.
      iii. The IAFD Detective/Investigator shall include all available identifying information for anyone who refuses to provide a statement in the report.
   c. The names of all Department personnel who witnessed the use of force incident;
   d. The IAFD Detective/Investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the employee's actions complied with federal and state laws and Department policy;
   e. An assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options;
   f. If the Department employee was an officer who used a weapon, documentation indicating whether or not the officer's certification and training for the weapon were current at the time of the incident; and
   g. The complete disciplinary history of the Department personnel that were involved in the use of force incident.

4. The IAFD Detective/Investigator shall complete Use of Force and Serious Use of Force administrative investigations within timelines in accordance with the CBA.

   a. Any request for an extension to this time limit must be approved by the Superintendent of Police Reform.

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D. Procedures for Other Force Investigations by IAFD

1. Tactical Activations

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a. When an incident has been categorized as a tactical activation, the Incident Commander (IC) shall contact IAFD personnel when the force has been classified as a Use of Force or Serious Use of Force.

2. Apparent Criminal Misconduct

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a. The IAFD Detective/Investigator shall immediately notify the Chief of Police, IAFD, and the affected officer upon the discovery that the Department employee's use of force is apparently criminal in nature.
   i. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the MATF to initiate a criminal investigation related to force.

N/A

b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force, in accordance with SOP Multi-Agency Task Force.
c. IAFD and MATF investigations shall proceed in parallel. The IAFD Detective/Investigator shall conduct administrative investigations into uses of force indicating apparent criminal conduct by an employee, with notice to the affected employee.
d. During an MATF call-out, the IAFD Detective/Investigator shall:
   i. Conduct the Serious Use of Force administrative investigation;
   ii. Not interfere with the MATF investigation; and
      1. Absent extraordinary circumstances, IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with involved and witness Department personnel before contacting those personnel.

N/A

         a. If MATF cannot conduct their interviews within seven (7) calendar days after the date of the incident, IAFD personnel may proceed with interviewing involved and witness Department personnel.
      2. IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with community member witnesses before contacting those witnesses, as long as this does not prevent IAFD personnel from meeting investigative timelines.
         a. IAFD personnel shall attempt to follow up with all community member witnesses after consulting with the MATF regarding their investigation.
   iii. Attend the administrative briefing provided by MATF.
e. To ensure criminal and administrative investigations remain separate, the Department's Violent Crimes Section may support the IAFD or the MATF in the investigation of any Use of Force or Serious Use of Force, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.
f. Where the Department refers a use of force incident to the appropriate prosecuting authority for potential criminal prosecution, the IAFD shall delay any

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compelled interview of the target employee(s) pending consultation with the prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Superintendent of the Office of Police Reform, and after consultation with the prosecuting authority.

g. When a Use of Force or Serious Use of Force investigation indicates apparent criminal conduct by an officer unrelated to the use of force, the IAFD Detective/Investigator shall:
   i. Immediately notify their chain of command, who will then notify the Superintendent of the Office of Police Reform and the Chief of Police; and
   ii. Refer the incident to the appropriate specialized investigative unit for investigation.
      1. The criminal investigator shall have no involvement in the administrative investigation into the use of force.

E. Use of Force Investigation Review by IAFD Chain of Command

1. Upon completing the IAFD investigation report, the IAFD Detective/Investigator shall forward the report through their chain of command to the IAFD Commander through the IA database web application.

2. The IAFD Deputy Commander shall review the report to ensure that it is complete and, for administrative investigations, the findings are based upon the preponderance of the evidence.

3. The IAFD Deputy Commander/Commander shall require additional investigation when it appears there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.

4. For administrative investigations, where the findings of the IAFD investigation are not supported by a preponderance of the evidence, the IAFD commanding officer shall document the reasons for this determination and shall include this documentation in their command review or as an addendum to the original investigative report.

5. The IAFD commanding officer shall take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it.

6. The IAFD commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by IAFD.

N/A

7. Where an IAFD Detective/Investigator conducts two (2) or more deficient force investigations, the IAFD commanding officer shall ensure that they receive the appropriate corrective and/or disciplinary action, consistent with SOP Discipline System. Repeated deficient force investigations shall be cause for removal from IAFD when the IAFD Detective/Investigator has been provided additional training and has conducted another deficient force investigation. The IAFD commanding

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officer shall document the deficient review in the IAFD Detective/Investigator's performance documents, in accordance with SOP Performance Evaluations.

8. When the IAFD commanding officer determines that the force investigation is complete and the findings are supported by a preponderance of the evidence, they shall forward the investigation report to the Force Review Board (FRB) and file it within the internal affairs database within the Police Reform Bureau.

2-57-9 IAFD Review of Low-Level Control

A. Procedures for a review of Low-Level Control by IAFD

1. The review of Low-Level Control shall include:

   a. The Uniformed Incident Report/Supplemental Report provided by the involved officer which shall include the following:
      i. The reason for the initial police presence;
      ii. The lawful objective for detention and/or seizure;
      iii. A specific description of the facts that led to the Low-Level Control, including the behavior of the individual;
      iv. The individual's level of resistance;
      v. A description of each Low-Level Control used and justification for each; and
      vi. A description of any superficial wounds as a result of the Low-Level Control.
   b. The OBRD of the involved officer and any OBRD that is required to verify or refute the Low-Level Control classification;
   c. A list of additional evidence that was gathered to ensure proper classification, if required;
   d. An IAR submitted anytime a potential policy violation is identified; and
   e. If the Low-Level Control is determined to be a Use of Force or Serious Use of Force, IAFD will investigate the incident per SOP 2-57-8.

2. Low-Level Control Review IAFD Supervisor Responsibilities

   a. The IAFD Supervisor shall assess the IA database web application entry to ensure that it is complete and that the review is supported by a preponderance of the evidence.
   b. If a policy violation is discovered during a use of force review, the IAFD Supervisor shall ensure that an IAR is completed by the reviewer identifying the policy violation no later than seventy-two (72) hours of obtaining that knowledge in accordance with SOP Complaints Involving Department Personnel.
   c. If criminal misconduct is identified, the IAFD Supervisor shall suspend the review, with notice to the affected officer, and immediately notify IAFD and the Superintendent of Police Reform.
      i. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.

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d. After a review is completed and approved, the IAFD Supervisor shall mark the review as complete in the IA database web application entry.

6 **2-57-10 Supervisory Investigative Responsibilities for Non-Force Incidents**

A. Allegations of use of force that are classified as Non-Force/Low-Level Control

1. The responding supervisor shall:

a. Ensure that the allegation and description of the incident is documented in the involved officer's Uniform Incident Report and "Low-Level Control" is marked within the report;
b. Write a Supplemental report documenting the on-scene investigation that led to the classification of Non-Force/Low-Level Control; and
c. Ensure a Crime Scene Specialist (CSS) be dispatched to photograph any superficial wounds and complete a Uniform Incident Report in accordance with SOP Crime Scene Specialists Unit.

B. Accidental Discharge: Less-Than-Lethal Weapon, No Person Hit

1. The Responding Supervisor shall:

a. Complete the Supervisor On-Scene Investigation Checklist and Form and upload it to the IA database web application;
b. Create a "Non-Force" IA database web application entry and attach all evidence;
c. Ensure the less-than-lethal weapon that was used is marked as an "AD" in the "Categories" section of the IA database web application; and
d. Route the "Non-Force" IA database web application entry to the Lieutenant within three (3) working days of the incident.

2. A Lieutenant shall:

a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist, and attached evidence in the "Non-Force" IA database web application entry;
b. Add comments within the IA database web application identifying any potential tactical, equipment, training, supervision, and/or policy issues; and
c. Route the "Non-Force" IA database web application entry to the Commander within three (3) working days.

3. A Commander shall:

a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist, and attached evidence in the "Non-Force" IA database web application entry;

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b. Add comments within the IA database web application identifying any potential tactical, equipment, training, supervision, and/or policy issues that were missed;
c. Identify and address any deficiencies; and
d. Close the investigation by pressing "Investigation Complete" within the IA database web application within 3 working days.

C. Accidental Discharge: Less-Than-Lethal Weapon, Person Hit

1. The Responding Supervisor shall:

a. Immediately respond to the scene;
b. Turn on their On-Body Recording Device (OBRD) upon arriving on scene and record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;
c. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;
d. Conduct an on-scene interview and visually inspect the individual for injuries and request medical attention;
e. Conduct a canvass for community member witnesses and surveillance video;
f. Collect and approve the Use of Force Written Narrative for Involved and Witness Officers form from involved and witness Department personnel by the end of the shift;
g. Fill out and sign the Supervisor On-Scene Investigation Checklist and Form to document their on-scene investigation and classification;
h. If the injury to the individual is equivalent to a serious injury, contact the on-call IAFD Supervisor; and
   i. An IAFD Investigator will be dispatched to the scene within the hour
i. If there is no injury or the injury is not equivalent to a serious injury, send the on-scene investigation of the Accidental Discharge to IAFD via the IA Database Web Application:
   i. Complete an initial "Non-Force" IA database web application entry, ensuring "less than lethal munition- someone struck" is marked in the categories section, and submit it to the Office of Police Reform via "IA Force Group" by end of shift.
   ii. Upload the following to the IA Database Web Application Entry:
      1. Supervisor On-Scene Investigative Checklist and Form.
      2. Written Civilian Witness Statements.
      3. OBRD link of the supervisor on scene investigation, the canvass, and Accidental Discharge when available.

D. Accidental Discharge: Firearm

1. The Responding Supervisor shall:

a. Complete the Supervisor On-Scene Investigation Checklist and Form;
b. Contact the on-call IAFD Supervisor;
   i. An IAFD Investigator will be dispatched to the scene within the hour.

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c. Collect and approve all Use of Force Written Narrative for Involved and Witness Officers forms from sworn personnel; and
d. Email the Supervisor On-Scene Investigation Checklist and Form to the responding IAFD Detective/Investigator by the end of shift.

E. Lethal Force on an Animal

1. The Responding Supervisor shall:

a. Ensure that the officer completes a Uniform Incident Report;
b. Write a supplemental report if the supervisor authorized the destruction of the animal;
c. Contact a CSS to collect evidence;
d. Contact IAPS Division; and
e. Contact the City Animal Welfare Department.

6 **2-57-10 Responsibilities of the Office of Police Reform**

5 A. Where a force investigation indicates any apparent criminal conduct by an officer, the IAFD Commander shall notify the Superintendent of the Office of Police Reform, who shall then notify the Chief of Police. The Chief of Police or their designee shall ensure that the investigation is assigned to the appropriate specialized investigative unit.

1. Where appropriate to ensure the fact and appearance of impartiality, and with the authorization of the Office of Police Reform and the Chief of Police, the Chief of Police or their designee may refer a use of force indicating apparent criminal conduct by an employee to the MATF for criminal investigation.

2. The specialized unit shall consult with the Bernalillo County District Attorney's Office or the United States Attorney's Office, as appropriate.

3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police or their designee shall instruct for the investigation to be forwarded to the appropriate prosecuting authority. If the MATF or the Criminal Investigations Division (CID) investigation indicates any apparent criminal conduct by an employee or reveals evidence of criminal conduct by an employee, the Chief of Police or their designee shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s).

4. The Department need not delay the imposition of discipline until the outcome of the criminal investigation.

5. The Office of Police Reform shall document the assignment or reassignment in writing and notify the IAFD commanding officer.

6. IAFD shall track all case reassignments.

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B. After an administrative force investigation, where a use of force is found to violate policy, the case shall be forwarded to the Professional Integrity Division to ensure appropriate discipline and/or corrective action is taken.

C. In use of force investigations where the incident indicates equipment, policy, supervision, tactics, and/or training concerns, the Office of Police Reform shall ensure that necessary training is delivered and the equipment, policy, supervision, tactics, and/or training concerns are resolved.

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2-57 USE OF FORCE: REVIEW AND INVESTIGATION BY DEPARTMENT PERSONNEL

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

A. Related SOP(s)

1-1 Personnel Code of Conduct
1-61 Internal Affairs Force Division (IAFD)
1-67 Multi-Agency Task Force (MATF)
2-53 Use of Force: Definitions
2-55 Use of Force: De-escalation
3-32 Performance Evaluations ~~(Formerly 3-26)~~

3-41 Complaints Involving Department Policy ~~(Formerly 3-22 and 3-43)~~
3-46 Discipline System ~~(Formerly 1-09)~~

B. Form(s)

PD 1118 Use of Force Written Narrative for Involved and Witness Officers
PD 1119 Supervisor On-Scene Investigation Checklist
PD 1120 Supervisor On-Scene Investigation of Level 2 and 3 Uses of Force
PD 1121 Use of Force Level 1 Supervisor Interview Guide – Witness and Individual
PD 1122 Supervisory Review Level 1 Use of Force
PD 1123 Lieutenant Review Level 1 Use of Force
PD 1124 Commander Review Level 1 Use of Force
PD 4607 Juvenile Advise of Rights

C. Other Related Resource(s)

Graham v. Connor, 490 U.S. 386 (1989)

D. Active Special Order(s)

None

~~D.~~E. Rescinded Special Order(s)

~~SO 23-95 Amendment to SOP 2-57 Use of Force Review and Investigation by Department Personnel~~SO 25-72 Amendment to SOP 2-57 Use of Force: Review and Investigation by Department Personnel

2-57-1 Purpose

The purpose of this policy is to establish procedures for Albuquerque Police Department (Department) personnel to objectively and thoroughly review use of low-level control, ~~every~~ use of force, and show of force by sworn personnel in order to reach a finding supported by a preponderance of the evidence, concerning whether Department personnel used the

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minimum amount of force necessary that ~~was~~is objectively reasonable~~ and necessary~~, based on the totality of the circumstances to bring about a lawful objective.

The Department categorizes force based on the level of force used and the ~~risk of~~ injury or ~~actual~~ serious injury from the use of force. The category of force—Use of Force or Serious Use of Force~~Level 1, 2, or 3~~ —determines the kind of review or investigation that will be completed.

2-57-2 Policy

It is the policy of the Department for supervisors~~, Level 1 Team Detectives/Reviewers~~ ~~,~~ and Internal Affairs Force Division (IAFD) Detectives/Investigators to conduct rigorous, timely, thorough, objective, and accurate reviews and investigations of the use of force by Department personnel.

N/A

2-57-3 Definitions

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

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2-57-4 Use of Force Review by Supervisors and Chain of Command

A. Use of Force Investigation Standards

1. Department personnel shall:

a. Conduct investigations in a rigorous manner designed to determine the facts;
b. When conducting interviews, avoid asking leading questions and never ask Department personnel or witnesses any questions that may suggest legal or procedural justifications for an employee's conduct;
   i. All interviews shall be conducted separately.
c. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
d. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness's statements, and inconsistencies between the level of force described by the employee and any injuries to individuals.

B. Use of Force Investigation Responsibilities

1. The responding supervisor shall conduct an on-scene investigation in order to classify the force used during the incident.

a. A supervisor who was involved in, ordered a use of force, or who was a victim of the individual's actions shall not be involved in reviewing the use of force incident nor any subsequent force incident involving the same individual~~ prior to the law enforcement encounter terminating~~ ~~supervisor who was involved in, a witness to, ordered a use of force, or who was a victim of the individual's actions shall not be involved in reviewing the use of force incident nor any~~

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~~subsequent force incident involving the same individual prior to the law enforcement encounter terminating.~~

i. The involved supervisor shall not review or approve any reports that are generated as a result of the force incident.
ii. A non-involved supervisor shall review and approve any reports that are generated following the force incident.

b. A supervisor who is related to any Department employee who is involved in a use of force shall not be involved in reviewing the Department employee's force incident.

7 2. If responding to the scene, the~~The~~ responding Detective/Investigator~~/Reviewer~~ shall review the incident and verify the classification of the level of force used.

a. The Detective/Investigator~~/Reviewer~~ shall have the authority to reclassify the level of force based on their on-scene review of the incident.
b. If the incident is reclassified, the case shall be assigned based on the ~~reclassified level of force~~force classification.

6 **2-57-5 Field Supervisory Investigative Responsibilities**

A. Supervisors shall respond to the scene for allegations of force and/or allegations of injury to determine if the allegations are caused by sworn personnel~~officers~~ and/or to properly classify the force as a Use of Force or Serious Use of Force.

B. When ~~there is an allegation of force or an allegation of injury that results from a Use of Force or when~~ there is a Use of Force, the responding supervisor shall:

1. Immediately respond to the scene to classify the use of force according to the highest level of force used during the incident based upon the Department's classification system, ~~consistent~~in accordance with SOP Use of Force: Definitions;

2. Issue a direct order that the officer(s) on scene are not to speak about the use of force (admonishments);

a. If this happens by radio transmission while the supervisor is en route to the call, the supervisor will reissue the written admonishment once they arrive on scene.

3. Turn on their On-Body Recording Device (OBRD) upon arriving on scene and record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;

4. Immediately identify involved and witness sworn and non-sworn personnel, the individual, upon whom force was used, and community member witnesses;

a. The investigating supervisor shall admonish all witness and involved officers, using the Employee Admonishment Concerning Use of Force form.

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b. After reviewing sufficient On-Body Recording Device (OBRD) evidence, the investigating supervisor may release any witness officer after confirming they were not involved and were admonished.~~, unless it is deemed necessary by the investigating supervisor they stay on-scene as part of Internal Affairs Force Division's (IAFD) on-scene investigation.~~
c. Once the on-scene supervisor has gathered the necessary information from the involved officer, the supervisor may release the involved officer from the scene.
d. The investigating supervisor will include ~~provide~~ the signed admonishment(s) ~~to the responding IAFD detective/investigator.~~ in the Internal Affairs (IA) Database Web Application Entry upon submission of the case to the Internal Force Division.

5. Visually inspect Department personnel ~~and the individual~~ for injuries and request medical attention if anyone is injured or complains of injury;

6. Conduct an on-scene interview and visually inspect the individual for injuries and request medical attention if anyone is injured or complains of injury;

7. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;

8. Physically separate involved and witness Department personnel~~employees~~, when feasible;

   a. The investigating supervisor who witnessed force is exempt from separation in order to conduct an on-scene investigation to properly classify the force.
   b. The investigating supervisor shall not ask any leading questions or questions that may suggest legal or procedural justifications for an employee's conduct.
   c. Supervisors shall not engage in conversation about their perception(s) of the use of force while conducting their investigation.

9. Make a reasonable effort to identify all community member witnesses,~~ encourage them to complete a written statement,~~ and speak with them to the extent necessary to determine the use of force classification~~. Ask if the witness(es) can remain on the scene to speak with the investigators when they arrive~~;

   a. If a community member witness needs to leave the scene, obtain their contact information for a follow-up investigation.
   b. The responding supervisor may obtain a verbal statement if the witness is willing to do so.
   c. Department personnel shall not detain witness solely for the purpose of conducting administrative investigations.

10. Ensure all evidence is identified, collected, processed, and preserved;

11. Conduct a canvass for community member witnesses and surveillance video;

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12. Review sufficient on-scene OBRD footage in order to classify the correct level of force;

~~Once the investigating supervisor has reviewed evidence to appropriately classify the use of force, and after determining who should remain on-scene, the investigating supervisor shall ensure IAFD is notified and dispatched to the scene to conduct the follow-up investigation.~~

13. Collect and approve Use of Force Written Narrative for Involved and Witness Officers forms from involved and witness Department personnel by the end of the shift;

    a. If the investigating supervisor is a witness to the use of force, the supervisor shall also complete a use of force written narrative and have another supervisor approve their report prior to the end of shift.

14. Fill out and sign the Supervisor On-Scene Investigation Checklist and Form to document their on-scene investigation and classification;

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15. Send the on-scene investigation of the Use of Force to IAFD via the IA d~~D~~atabase w~~W~~eb a~~A~~pplication:

    a. Complete an initial use of force IA database web application entry and submit it to the Office of Police Reform via "IA Force Group" by end of shift.
    ~~Create Use of Force IA Database Web Application Entry~~
    b. Upload the following to the IA d~~D~~atabase w~~W~~eb a~~A~~pplication e~~E~~ntry:
        i. Supervisor On-Scene Investigative Checklist and Form;~~.~~
        ii. Written Admonishments;~~.~~
        iii. Written Civilian Witness Statements; and~~.~~
        iv. OBRD link(s) of the supervisor on-scene investigation, the canvass, and the force.

~~—~~If the officer has a physical injury preventing them from completing a Uniform Incident Report, is in an officer-involved shooting, or is the victim of a crime, ensure a Uniform Incident Report is completed by another officer.

16.

~~A.~~C. When there is ~~an allegation of force or an~~a ~~allegation of injury or when there is a prisoner injury~~ Serious Use of Force, the responding supervisor shall:

N/A

1. Immediately respond to the scene to classify the use of force according to the highest level of force used during the incident based upon the Department's ~~three-level force~~ classification system, consistent with SOP Use of Force: Definitions;

2. Issue a direct order that the officer(s) on scene are not to speak about the use of force (admonishments);

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a. If this happens by radio transmission while the supervisor is en route to the call, the supervisor will reissue the admonishment once they arrive on scene.

3. Turn on their On-Body Recording Device (OBRD) upon arriving on scene and ~~;~~record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;

4. Immediately identify involved and witness sworn and non-sworn personnel, the individual, upon whom force was used, and community member witnesses;

   a. The investigating supervisor shall admonish all witness and involved officers, using the Employee Admonishment Concerning Use of Force form.
   b. After reviewing sufficient On-Body Recording Device (OBRD) evidence, the investigating supervisor may release any witness officer after confirming they were not involved and were admonished, unless it is deemed necessary by the investigating supervisor they stay on-scene as part of Internal Affairs Force Division's (IAFD) on-scene investigation.
   ~~4.~~c. The investigating supervisor will provide the signed admonishment(s) to the responding IAFD detective/investigator.

5. Visually inspect Department personnel and the individual for injuries and request medical attention if anyone is injured or complains of injury;

6. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;

7. Physically separate involved and witness Department personnel~~employees~~, when feasible;

   a. The ~~-~~investigating supervisor who witnessed force is exempt from separation in order to conduct an on-scene investigation to properly classify the force.
   b. The investigating supervisor shall not ask any leading questions or questions that may suggest legal or procedural justifications for an employee's conduct.
   ~~7.~~c. Supervisors shall not engage in conversation about their perception(s) of the use of force while conducting their investigation.

8. Make a reasonable effort to identify all community member witnesses~~, encourage them to complete a written statement,~~ and speak with them to the extent necessary to determine the use of force classification. Ask if the witness(es) can remain on the scene to speak with the investigators when they arrive;

   a. If a community member witness needs to leave the scene, obtain their contact information for a follow-up investigation.
   b. The responding supervisor may obtain a verbal statement if the witness is willing to do so.

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c. Department personnel shall not detain a witness solely for the purpose of conducting administrative investigations.

9. Ensure all evidence is identified, collected, processed, and preserved;

10. Review sufficient on-scene OBRD footage in order to classify the correct level of force;

~~10.~~a. Once the investigating supervisor has reviewed evidence to appropriately classify the use of force, and after determining who should remain on-scene, the investigating supervisor shall ensure IAFD is notified and dispatched to the scene to conduct the follow-up investigation.

~~11. Record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;~~

11. Collect and approve Use of Force Written Narrative for Involved and Witness Officers forms from involved and witness Department personnel by the end of the shift;

~~12.~~a. If the investigating supervisor is a witness to the use of force, the supervisor shall also complete a use of force written narrative and have another supervisor approve their report prior to the end of shift.

~~13. Complete the Supervisor On-Scene Investigative Checklist;~~

~~14.~~12. Fill out and sign the Supervisor On-Scene Investigation Checklist and Form ~~to document their on-scene investigation and classification;~~ and email to the responding IAFD investigator/d~~d~~etective;

~~15. Ensure the appropriate use of force team is notified and dispatched to the scene to conduct the follow-up investigation; and~~

~~a. Notify the on-call Level 1 Team supervisor if the force is classified as a Level 1.~~
~~b. Notify the on-call IAFD supervisor if the force is classified as a level 2 or 3, if force was used by a lieutenant or above, if any level of force involved potential criminal misconduct.~~

~~16.~~13. If the officer has a physical injury preventing them from completing a Uniform Incident Report, is in an officer-involved shooting, or is the victim of a crime, ensure a Uniform Incident Report is completed by another officer.

6 **2-57-6 Field Supervisory Review of Show of Force Responsibilities**

A. When there is a show of force the ~~supervisorlieutenant~~supervisor shall:

1. Ensure the officer's narrative includes the elements detailed in accordance with SOP Use of Force: Reporting by Department Personnel;

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2. Review relevant On Body Recording Device (OBRD) footage; and

~~Approve the report to verify the show of force has been reviewed.~~

a. If the show of force is not reasonable, the reviewing ~~supervisorlieutenant~~supervisor shall submit an Internal Affairs request, in accordance with~~refer to SO # ## Amendment to~~ SOP Use of Force: Intermediate Weapon Systems.

3. Review of show of force reports shall be completed in accordance with SOP Reports.

6 **2-57-7~~6~~ Supervisor On-Scene Responsibilities for Classifying Force During a Tactical Activation**

A. For any use of force by tactical units, related to a tactical activation, the tactical incident commander shall:

1. Request on-call IAFD to respond to the scene;

~~1.~~2. Provide a completed On-Scene Accountability form and Munition Tracking form to the IAFD investigator~~ or Level 1 Team Reviewer~~. These forms are submitted in lieu of the Supervisor On-Scene Investigative Checklist and On-Scene Supervisor Investigation forms;

~~2.~~3. Review and approve all Use of Force Written Narrative for Involved and Witness Officers forms and ensure they are submitted to the IAFD investigator ~~or Level 1 Team Reviewer~~ by the end of the shift; and

~~3.~~4. Provide a copy of the After Action Report to the IAFD investigator for any ~~Level 2 or Level 3 use of force~~ Use of Force or Serious Use of Force within thirty~~wenty~~ (3~~2~~0) calendar days.

~~B.~~ For any use of force conducted by non-tactical units, the involved officer's supervisor shall assume all classifications and review responsibilities.

6 ~~2-57-7~~ ~~2-57-8~~ ~~Review of Level 1 Use of Force~~

~~A. The Level 1 Team Supervisor Call-Out Procedures~~

~~1. The on-call Level 1 Team Supervisor, when contacted by the on-scene supervisor, shall:~~

~~a. Ensure the supervisor is classifying the use of force as a Level 1 use of force incident;~~
~~b. Confirm the supervisor has visually inspected the individual for injuries;~~
~~c. Inform the supervisor to complete the Supervisor On-Scene Investigative Checklist and have it ready for the Level 1 Team Reviewer when they arrive on-scene;~~
~~d. Contact the on-call Level 1 Team Reviewer and notify them of the call-out; and~~

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~~e. Contact the Emergency Communications Center (ECC) and advise them that a Level 1 Team Reviewer will be responding to the scene:~~

~~i. The supervisors shall log onto the call in the Computer-Aided Dispatch (CAD) system and add comments that the Level 1 Team Reviewer will be responding to the scene; or~~

~~ii. The supervisor shall advise the ECC via radio or phone that the Level 1 Team Reviewer shall be responding to the scene.~~

~~B. Level 1 Team Reviewer Responsibilities~~

~~1. The Level 1 Team Reviewer shall be responsible for responding to any reported Level 1 Use of Force incident to conduct an on-scene investigation of the incident, verify the force classification, and determine, by a preponderance of evidence, whether the force was within policy.~~

~~2. The on-call Level 1 Team Reviewer shall respond to the scene within one (1) hour after being called by the on-call Supervisor.~~

~~3. When they arrive on scene, the Level 1 Team Reviewer shall:~~

~~a. Meet with the On-Scene Field Supervisor to:~~

~~i. Obtain the completed Supervisor On-Scene Investigative Checklist;~~

~~ii. Ensure that sworn personnel have been separated and have been advised not to discuss the incident; and~~

~~iii. Inform the Supervisor to collect and provide the Use of Force Written Narrative for Involved and Witness Officers forms and their On-Scene Supervisor Investigation checklist by the end of the shift.~~

~~b. Identify the individual(s) on whom force was used;~~

~~c. Check individual(s) for injuries and document any injuries in the summary section of the Call-out Sheet;~~

~~d. Identify involved and witness Department personnel;~~

~~e. Ensure sworn personnel are physically separated before interviews and admonish sworn personnel;~~

~~f. Ensure that a CSS has processed the scene and taken photographs of the individual and involved sworn personnel in accordance with SOP Collection, Submission, and Disposition of Evidence and Property;~~

~~i. Photographs are not required for shows of force.~~

~~g. Identify community member witnesses and request written witness statements;~~

~~h. Identify and collect any other relevant on-scene evidence;~~

~~i. Inform sworn personnel to submit their Use of Force Written Narrative for Involved and Witness Officers forms and upload their OBRD by the end of the shift;~~

~~j. Review sufficient OBRD on-scene video to verify the initial classification of the Use of Force; and~~

~~4. Within 24 hours of the initial call-out, the Level 1 Team Reviewer shall:~~

~~a. Review the uploaded OBRD video of the use of force incident to confirm the classification of the incident as a Level 1 use of force;~~

~~b. Complete the IAFD Call-out Sheet; and~~

~~c. Initiate an Internal Affairs (IA) database web application entry for each individual upon whom force was used.~~

~~5. The review of all Level 1 uses of force shall include:~~

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~~a. All written use of force narratives and/or statements provided by Department personnel and/or community member witness(s);~~

~~b. All related Uniform Incident Reports and Supplemental Reports;~~

~~c. A list of evidence that was gathered, including sufficient identifying and contact information of community member witness(s) to the use of force:~~

~~i. The reviewer shall document if there were no witnesses to the use of force; and~~

~~ii. The reviewer shall explain why contact information was not documented in cases where there were witnesses to the use of force and contact information was left undocumented.~~

~~d. All available identifying information for anyone who refuses to provide a statement;~~

~~e. The names of Department employees who witnessed the use of force;~~

~~f. Photographs of the involved employee(s), the individual, and the scene;~~

~~g. If an ECW was shown, the device log and audit record;~~

~~h. A copy of the CAD printouts;~~

~~i. The reviewer's evaluation of the use of force based on their analysis of the evidence gathered, including whether the employee's actions complied with Department policy;~~

~~j. An analysis of the incident for tactical and training implications, including the use of de-escalation techniques, consistent with SOP Use of Force: De-escalation;~~

~~i. This shall be included as part of the IA database web application entry.~~

~~k. An Internal Affairs Request (IAR) submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified; and~~

~~l. All other relevant documentation.~~

~~6. The Level 1 Team Reviewer shall attach evidentiary items to the IA database web application entry, including, but not limited to:~~

~~a. Involved and witness Department personnel's OBRD footage;~~

~~i. Ensure the force event is bookmarked in the involved sworn personnel's OBRD.~~

~~b. Other video footage that captured the use of force;~~

~~c. Involved and witness Department personnel's Uniform Incident Reports;~~

~~d. Written or recorded statements from witness(s);~~

~~e. Recorded statements from involved individuals;~~

~~f. Involved and witness sworn personnel's Use of Force Written Narrative for Involved and Witness Officers; and~~

~~g. Any other items determined to have evidentiary value.~~

~~7. The reviewer shall forward a Level 1 use of force review to the Level 1 Team Supervisor.~~

~~C. Level 1 Team Supervisor Responsibilities~~

~~1. The Level 1 Team Supervisor shall assess the IA database web application entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.~~

~~2. The Level 1 Team Supervisor shall be responsible for watching OBRD footage that captures the use of force and all bookmarked portions of the footage.~~

~~3. The Level 1 Team Supervisor shall accurately complete the appropriate form for their level of review, including a citation to evidence as required.~~

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N/A ~~4. The Level 1 Team Supervisor shall open an IAR on all deficient reviews (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).~~

N/A ~~a. The Level 1 Team Supervisor shall document the deficient reviews in the reviewer's performance documents (refer to SOP Performance Evaluations for sanction classifications and additional duties).~~

N/A ~~b. The reviewer who conducts two (2) or more deficient force reviews in a twelve (12) month rolling calendar period shall receive corrective and/or disciplinary action consistent with SOP Discipline System (refer to SOP Discipline System for sanction classifications and additional duties), and may also be subject to additional training, demotion, and/or removal from their supervisory position.~~

N/A ~~5. When a policy violation is discovered during a Level 1 use of force review, the Level 1 Team Supervisor shall ensure that an IAR is completed by the reviewer identifying the policy violation no later than twenty-four (24) hours of obtaining that knowledge consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).~~

5 ~~6. The Level 1 Team Supervisor shall suspend a Level 1 use of force review, with notice to the affected officer, and immediately notify IAFD and the Chief of Police upon the discovery that the employee's use of force is apparently criminal in nature.~~

~~a. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.~~

~~7. When a Level 1 Team Supervisor within the chain of command discovers that a use of force is more appropriately categorized as a Level 2 or Level 3 use of force, they shall immediately notify the IAFD Commander or an IAFD Deputy Commander.~~

~~8. After a review is completed and approved, the Level 1 Team Supervisor shall mark the review as complete in the IA database web application entry.~~

~~D. Level 1 Review Timelines~~

~~1. The Level 1 reviewer shall submit the Level 1 force review within seven (7) days after the day the force was used.~~

~~a. Where a Level 1 reviewer is unable to complete a review within the initial seven (7) day deadline, the Level 1 reviewer shall seek an extension of up to seven (7) days by completing the extension request form in the IA database web application routed to the involved Department personnel's commander that identifies:~~

~~i. Why the seven (7) day deadline could not be met;~~

~~ii. The number of extra days requested; and~~

~~2. The Level 1 team supervisor shall have ten (10) calendar days from receiving the investigator's review to complete a review of a Level 1 use of force.~~

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~~3. When a Level 1 use of force is identified as an unreported use of force, in accordance with Use of Force: Reporting by Department Personnel, the timelines for completion of the investigation shall begin when the Level 1 Team is notified of the incident.~~

6 ~~E. Reassignment of Level 1 Force Reviews~~

~~1. If the Level 1 Team Supervisor reclassifies the use of force as a Level 2 or 3, they shall contact the IAFD Commander or Deputy Commander and provide them with the case evidence.~~

~~a. The IAFD Commander or Deputy Commander shall review the evidence and make a force classification determination.~~

~~b. If force used is determined to be a Level 2 or 3, the on-call IAFD Supervisor will be notified and the on-call IAFD Detective/Investigator shall create the IA database web application entry.~~

~~2. If the Level 1 Team Supervisor reclassifies the incident as a non-force they shall:~~

~~a. Advise the on-scene supervisor to complete a Non-Force IA database web application; and~~

~~b. Provide the on-scene supervisor a copy of the Supervisor On-Scene Investigation Checklist to add as an attachment to their IA database web application.~~

~~3. The IA database web application shall document any assignment or re-assignment of a Level 1 use of force review.~~

B.

6 **2-57-8~~98~~ Use of Force Investigations by IAFD**

A. General Requirements

1. An IAFD Detective/Investigator shall respond to the scene ~~of a use of force incident~~ to conduct administrative investigations of:

   a. Serious Uses of Force~~Level 2 and Level 3 uses of force~~;
   b. ~~Use of Force used by Lieutenants or ranks higher than Lieutenant~~Tactical Activations that resulted in a Use of Force or Serious Use of Force; and
   c. Use of Force when there is apparent criminal misconduct.

2. IAFD personnel shall objectively and thoroughly review or investigate use of force and serious use of force incidents in order to reach a finding, supported by a preponderance of the evidence, concerning whether Department personnel used the minimum amount of force necessary that is ojectively~~was~~ reasonable and ~~necessary~~ based on the totality of the circumstances to bring about a lawful objective.

B. Procedures for Use of Force Reviews by IAFD

1. The review of Use of Force shall include:

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a. All written use of force narratives and/or statements provided by Department personnel and/or community member witness(s);
b. All related Uniform Incident Reports and Supplemental Reports;
c. All OBRD, as required;
d. A list of evidence that was gathered, including sufficient identifying and contact information of community member witness(s) to the use of force;~~.~~
e. The reviewer shall document if there were no witnesses to the use of force;~~ and~~
f. The reviewer shall explain why contact information was not documented in cases where there were witnesses to the use of force and contact information was left undocumented;~~.~~
g. All available identifying information for anyone who refuses to provide a statement;
h. The names of Department personnel~~employees~~ who witnessed the use of force;
i. Photographs of the involved employee(s), the individual, and the scene;
j. If an ECW was utilized~~shown~~, the device log and audit record;
k. A copy of the Computer-Aided Dispatch (CAD) printouts;
l. The reviewer's evaluation of the use of force based on their analysis of the evidence gathered, including whether the employee's actions complied with Department policy;
m. An analysis of the incident for tactical and training implications, including the use of de-escalation techniques, in accordance~~consistent~~ with SOP Use of Force: De-escalation;
n. This shall be included as part of the IA database web application entry;~~.~~
o. An Internal Affairs Request (IAR) submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified; and
p. All other relevant documentation.

2. Use of Force Review IAFD Supervisor Responsibilities

The IAFD Supervisor shall assess the IA database web application entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.

a.
b. The IAFD Supervisor shall be responsible for watching OBRD footage that captures the use of force and all bookmarked portions of the footage.

The IAFD Supervisor shall accurately complete the appropriate form for their level of review, including a citation to evidence as required.

c.
The IAFD Supervisor shall open an IAR on all deficient reviews in accordance with~~(refer to~~ SOP Complaints Involving Department Personnel.~~ for sanction classifications and additional duties).~~

d.
The IAFD Supervisor shall document the deficient reviews in the reviewer's performance documents in accordance with~~(refer to~~ SOP Performance Evaluations~~ for sanction classifications and additional duties).~~

N/A

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i. The reviewer who conducts two (2) or more deficient force reviews in a twelve (12) month rolling calendar period shall receive corrective and/or disciplinary action ~~consistent~~ in accordance with SOP Discipline System ~~(refer to SOP Discipline System for sanction classifications and additional duties)~~, and may also be subject to additional training, demotion, and/or removal from their supervisory position.

ii. When a policy violation is discovered during a use of force review, the IAFD Supervisor shall ensure that an IAR is completed by the reviewer identifying the policy violation no later than seventy-two (72) hours of obtaining that knowledge, in accordance ~~consistent~~ with SOP Complaints Involving Department Personnel ~~(refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties)~~.

e. The IAFD Supervisor shall suspend a use of force review, with notice to the affected officer, and immediately notify IAFD and the ~~Chief of Police~~Superintendent of Police Reform upon the discovery that the employee's use of force is apparently criminal in nature.

f. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.

i.

g. After a review is completed and approved, the IAFD Supervisor shall mark the review as complete in the IA database web application entry.

~~B.~~C. Procedures for ~~Level 2 and Level 3 Use of Force~~~~Use of Force and~~ Serious Use of Force Investigations by IAFD

1. IAFD Detective/Investigator on-scene responsibilities for a Serious Use of Force

a. The IAFD Detective/Investigator shall:

i. Respond to the scene within one (1) hour after being called by the on-call IAFD supervisor;
ii. Consult with the on-scene supervisor to identify all involved and witness sworn personnel and ensure that all Department personnel involved in the use of force incident have been examined for injuries and provided necessary medical attention;
iii. Conduct an on-scene interview with the individual involved in the use of force and ~~A~~ask the individual involved in the use of force incident if they sustained any injuries and whether they require medical attention;
   1. If medical attention is needed, ensure that it is provided.
iv. Review sufficient evidence to ensure that the use of force was classified correctly in accordance with the Department's ~~three-level force~~ classification system;

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~~iv.~~1. If IAFD re-classifies the incident as a use of force, IAFD will maintain case responsibility.

v. Ensure that a CSS has been called to the scene;

vi. Ensure that all evidence is collected to establish material facts related to the use of force, including but not limited to:

1. Audio and video recordings, photographs, and other documentation of injuries or the absence of injuries.

vii. In the event of a complaint of injury following a use of force or allegation of force, ensure that the CSS has photographed the reported injury;

viii. Canvass for community member witnesses and video surveillance;

~~ix.~~ Interview any on-scene community member witness(s) as soon as possible;

~~1.~~ix. ~~Witnesses shall be encouraged to provide and sign a written statement in their own words.~~

~~2.~~1. Encourage witnesses to stay on scene to be interviewed by IAFD Detective(s).

~~3.~~2. If the witness cannot stay on scene, obtain their contact information and, when feasible, obtain a written or recorded statement.

~~4.~~3. If any witness does not want to cooperate and provide any information, a description of the witness shall be documented.

x. If not already provided by on-scene supervisor, ~~P~~provide a written admonishment to Department personnel involved in or witness to the use of force incident that they are not to speak about the force incident until all interviews are completed and collect signed written admonishments;

xi. Ensure that all involved and witness sworn personnel complete their Use of Force Written Narrative for Involved and Witness Officers form by the end of shift; and

xii. Complete an initial use of force IA database web application entry and submit it through the chain of command to the Office of Police Reform as soon as possible and no later than twenty-four (24) hours after the use of force incident.

2. IAFD Detective/Investigator Follow-up Responsibilities

a. The IAFD Detective/Investigator shall:

i. Conduct interviews with involved sworn, witness sworn, and/or professional staff when necessary, ~~personnel~~ in accordance with the current Collective Bargaining Agreement (CBA);

~~ii. Conduct interviews with witness sworn personnel and/or professional staff, when necessary, in accordance with the current CBAs;~~

1. The IAFD Detective/Investigator shall not be required to interview perimeter Department personnel who only heard a use of force, such as a noise flash diversionary device (NFDD), 40-millimeter impact launcher, gunshot, or Police Service Dog (PSD) deployment, unless the investigation shows that their knowledge is relevant to the investigation or may resolve a material discrepancy.

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~~iii.~~ii. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;
~~iv.~~iii. Record all interviews with involved and witness Department personnel, the individual, and community member witness;
~~v.~~iv. Ensure all use of force reports identify all Department personnel who were involved in the incident, witnessed the incident, or were on-scene when the incident occurred;
~~vi.~~v. Review all use of force reports to ensure that these statements include all required information;
~~vii.~~vi. Review all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations; and
~~viii.~~vii. Make all reasonable efforts to resolve material inconsistencies between the employee, individual, and witness statements, and all objective evidence. Make all reasonable efforts to resolve inconsistencies between the level of force described by the employee and any injuries to Department personnel or individuals.

3. At the conclusion of each serious use of force investigation, the IAFD Detective/Investigator shall prepare an investigative report and the report shall include:

   a. A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the Department employee's conduct based on the IAFD Detective/Investigator's independent review of the facts and circumstances of the incident;
   b. Documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the use of force incident, and all underlying use of force reports;
      i. In situations in which there are no known witnesses, the IAFD Detective/Investigator shall specifically state this fact in the report.
      ii. In situations in which witnesses were present, but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the IAFD Detective/Investigator shall state the reasons why such information was not recorded in the report.
      iii. The IAFD Detective/Investigator shall include all available identifying information for anyone who refuses to provide a statement in the report.
   c. The names of all Department personnel~~employees~~ who witnessed the use of force incident;
   d. The IAFD Detective/Investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the employee's actions complied with federal and state laws and Department policy;
   e. An assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options;
   f. If the Department employee was an officer who used a weapon, documentation indicating whether or not the officer's certification and training for the weapon were current at the time of the incident; and

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g. The complete disciplinary history of the Department personnel that were involved in the use of force incident.

4. The IAFD Detective/Investigator shall complete Use of Force and Serious Use of Force~~Level 2 or Level 3~~ administrative investigations within timelines in accordance with the CBA.

   a. Any request for an extension to this time limit must be approved by the Superintendent of Police Reform.

D. Procedures for Other Force Investigations by IAFD

1. Tactical Activations

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   a. When an incident has been categorized as a tactical activation, the Incident Commander (IC) shall contact IAFD personnel when the force has been classified as a ~~Level 2 or Level 3 use of force.~~Use of Force or Serious Use of Force.

2. Apparent Criminal Misconduct

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   a. The IAFD Detective/Investigator shall immediately notify the Chief of Police, IAFD, and the affected officer upon the discovery that the Department employee's use of force is apparently criminal in nature.
      i. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the MATF to initiate a criminal investigation related to force.

N/A

   b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force, in accordance~~consistent~~ with SOP Multi-Agency Task Force~~e (refer to SOP Multi-Agency Task Force for sanction classifications and additional duties)~~.
   c. IAFD and MATF investigations shall proceed in parallel. The IAFD Detective/Investigator shall conduct administrative investigations into uses of force indicating apparent criminal conduct by an employee, with notice to the affected employee.
   d. During an MATF call-out, the IAFD Detective/Investigator shall:
      i. Conduct the ~~Level 2 or Level 3~~Serious Use of Force administrative investigation;
      ii. Not interfere with the MATF investigation; and
         1. Absent extraordinary circumstances, IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with involved and witness Department personnel ~~employees~~ before contacting those ~~employees~~personnel.

N/A

            a. If MATF cannot conduct their interviews within seven (7) calendar days after the date of the incident, IAFD personnel may proceed with interviewing involved and witness ~~employees~~Department personnel.

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2. IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with community member witnesses before contacting those witnesses, as long as this does not prevent IAFD personnel from meeting investigative timelines.
   a. IAFD personnel shall attempt to follow up with all community member witnesses after consulting with the MATF regarding their investigation.

iii. Attend the administrative briefing provided by MATF.

e. To ensure criminal and administrative investigations remain separate, the Department's Violent Crimes Section may support the IAFD or the MATF in the investigation of any Use of Force or ~~Level 2 or Level 3 use of force~~Serious Use of Force, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.

f. Where the Department refers a use of force incident to the appropriate prosecuting authority for potential criminal prosecution, the IAFD shall delay any compelled interview of the target employee(s) pending consultation with the prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Superintendent of the Office of Police Reform, and after consultation with the prosecuting authority.

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g. When a ~~Level 2 or Level 3 use of force~~Use of Force or Serious Use of Force investigation indicates apparent criminal conduct by an officer unrelated to the use of force, the IAFD Detective/Investigator shall:

i. Immediately notify their chain of command, who will then notify the Superintendent of the Office of Police Reform and the Chief of Police; and

ii. Refer the incident to the appropriate specialized investigative unit for investigation.
   1. The criminal investigator shall have no involvement in the administrative investigation into the use of force.

E. Use of Force Investigation Review by IAFD Chain of Command

1. Upon completing the IAFD investigation report, the IAFD Detective/Investigator shall forward the report through their chain of command to the IAFD Commander through the IA database web application.

2. The IAFD Deputy Commander shall review the report to ensure that it is complete and, for administrative investigations, the findings are based upon the preponderance of the evidence.

3. The IAFD Deputy Commander/Commander shall require additional investigation when it appears there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.

4. For administrative investigations, where the findings of the IAFD investigation are not supported by a preponderance of the evidence, the IAFD commanding officer shall document the reasons for this determination and shall include this

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documentation in their command review or as an addendum to the original investigative report.

5. The IAFD commanding officer shall take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it.

6. The IAFD commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by IAFD.

N/A

7. Where an IAFD Detective/Investigator conducts two (2) or more deficient force investigations, the IAFD commanding officer shall ensure that they receive the appropriate corrective and/or disciplinary action, consistent with SOP Discipline System. Repeated deficient force investigations shall be cause for removal from IAFD when the IAFD Detective/Investigator has been provided additional training and has conducted another deficient force investigation. The IAFD commanding officer shall document the deficient review in the IAFD Detective/Investigator's performance documents, ~~consistent~~ in accordance with SOP Performance Evaluations.

8. When the IAFD commanding officer determines that the force investigation is complete and the findings are supported by a preponderance of the evidence, they shall forward the investigation report to the Force Review Board (FRB) and file it within the internal affairs database within the Police Reform Bureau.

6 **2-57-9 IAFD Review of Low-Level Control**

A. Procedures for a review of Low-Level Control by IAFD

1. The review of Low-Level Control shall include:

a. The Uniformed Incident Report/Supplemental Report provided by the involved officer which shall include the following:
i. The reason for the initial police presence;
ii. The lawful objective for detention and/or seizure;
iii. A specific description of the facts that led to the Low-Level Control, including the behavior of the individual;
iv. The individual's level of resistance; ~~and~~
v. A description of each Low-Level Control used and justification for each; and~~.~~
vi. A description of any superficial wounds as a result of the Low-Level Control.
b. The OBRD of the involved officer and any OBRD that is required to verify or refute the Low-Level Control classification;
c. A list of additional evidence that was gathered to ensure proper classification, if required;
d. An ~~Internal Affairs Request (~~IAR~~)~~ submitted anytime a potential policy violation is identified; ~~-~~and

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e. If the Low-Level Control is determined to be a Use of Force or Serious Use of Force, IAFD will investigate the incident per ~~APD~~ SOP 2-57-8.

2. Low-Level Control Review IAFD Supervisor Responsibilities

a. The IAFD Supervisor shall assess the IA database web application entry to ensure that it is complete and that the review is supported by a preponderance of the evidence.
b. If a policy violation is discovered during a use of force review, the IAFD Supervisor shall ensure that an IAR is completed by the reviewer identifying the policy violation no later than seventy-two (72) hours of obtaining that knowledge in accordance~~consistent~~ with SOP Complaints Involving Department Personnel. ~~(refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).~~
c. If criminal misconduct is identified, the IAFD Supervisor shall suspend the review, with notice to the affected officer, and immediately notify IAFD and the Superintendent of Police Reform.
   i. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.
d. After a review is completed and approved, the IAFD Supervisor shall mark the review as complete in the IA database web application entry.

6 **2-57-10~~9~~ ~~109~~ Supervisory Investigative Responsibilities for Non-Force Incidents**

A. Allegations of use of force that are classified as Non-Force/Low-Level Control

1. The responding supervisor shall:

~~a. Complete the Responding Field Supervisor On-Scene Investigative Checklist;~~
~~b. Complete the Supervisor On-Scene Investigation Checklist;~~
~~c.~~a. Ensure that the allegation and description of the incident is documented in the involved officer's Uniform Incident Report and "Low-Level Control" is marked within the report;
b. ~~Create a "Non-Force" IA database web application entry and attach all evidence;~~Write a Supplemental report documenting the on-scene investigation that led to the classification of Non-Force/Low-Level Control; and ~~;~~
~~d.~~c. Ensure a~~A~~ Crime Scene Specialist (CSS) be dispatched to photograph any superficial wounds and complete a Uniform Incident Report in accordance with SOP Crime Scene Specialists Unit.
~~a. Ensure "Non-Force" or "low-level control tactic" is marked in the "categories" section of the IA database web application; and~~
~~b. Route the "Non-Force" IA database web application entry to the Lieutenant within three (3) calendar days of the incident.~~

~~2. A Lieutenant shall:~~

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~~a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist, and any attached evidence in the "Non-Force" IA database web application entry;~~

~~b. If they concur with the non-force classification, create a succinct summary of what they reviewed and why they concur with the "Non-Force" IA database web application entry in the comments section and route it to the Commander; and~~

~~c. If they do not concur with the classification and re-classifies the force as:~~

~~i. Level 1:~~

~~1. The Lieutenant will forward the "Non-Force" IA database web application entry to the on-call Level 1 Review Team Supervisor who shall;~~

~~a. Review the evidence; and~~

~~b. If the Level 1 Supervisor agrees that the force is a Level 1, the supervisor shall route the "Non-Force" IA database web application entry to a Level 1 investigator.~~

~~1. The Level 1 investigator will create a Level 1 IA database web application entry and begin a Level 1 investigation; and~~

~~2. The "Non-Force" IA database web application entry will be routed to the "To Be Deleted" group mailbox.~~

~~2. If the Level 1 Supervisor believes the force to be a level 2 or 3, they will contact their immediate supervisor to review and transfer the case to IAFD if required.~~

~~ii. Level 2/3:~~

~~1. The Lieutenant will contact the IAFD Deputy Commander and forward the appropriate links to review and explain the classification;~~

~~2. The IAFD Deputy Commander will review the evidence;~~

~~3. If the IAFD Deputy Commander agrees that the force is a level 2 or 3, the Lieutenant will forward the "Non-Force" IA database web application entry to the on-call IAFD Supervisor to complete the 24-hour notification;~~

~~4. If the IAFD Deputy Commander believes the force to be a Level 1, the IAFD Deputy Commander will instruct the Lieutenant to contact the on-call Level 1 Review Team Sergeant; and~~

~~5. The IAFD Deputy Commander's classification of force will be the final determination.~~

~~3. A Commander shall:~~

~~a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist, and attached evidence in the "Non-Force" IA database web application entry; and~~

~~b. If the Commander concurs with the classification, create a succinct summary of what they reviewed and why they concur with the "Non-Force" IA database web application entry in the comments section and press "Investigation Completed."~~

~~c. If they do not concur with the classification and re-classifies the force as:~~

~~i. Level 1:~~

~~1. The Commander will forward the "Non-Force" IA database web application entry to the on-call Level 1 Review Team Supervisor who shall:~~

~~c. Review the evidence; and~~

~~d. If the Level 1 Supervisor agrees that the force is a Level 1, the supervisor shall route the "Non-Force" IA database web application entry to a Level 1 investigator.~~

~~1. The Level 1 investigator will create a Level 1 IA database web application entry and begin a Level 1 investigation; and~~

~~2. The "Non-Force" IA database web application entry will be routed to the "To Be Deleted" group mailbox:~~

~~2. If the Level 1 Supervisor believes the force to be a level 2 or 3, they will contact their immediate supervisor to review and transfer the case to IAFD, if required.~~

~~ii. Level 2/3:~~

~~1. The Commander will contact the IAFD Deputy Commander and forward the appropriate links to review and explain the classification;~~

~~2. The IAFD Deputy Commander will review the evidence;~~

~~3. If the IAFD Deputy Commander agrees that the force is a level 2 or 3, the Commander will forward the "Non-Force" IA database web application entry to the on-call IAFD Supervisor to complete the 24-hour notification;~~

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~~4. If the IAFD Deputy Commander believes the force to be a Level 1, the IAFD Deputy Commander will instruct the Lieutenant to contact the on-call Level 1 Review Team Sergeant; and~~
~~5. The IAFD Deputy Commander's classification of force will be the final determination~~

B. Accidental Discharge: Less-Than-Lethal Weapon, No Person Hit

1. The Responding Supervisor shall:

a. Complete the Supervisor On-Scene Investigation Checklist and Form ~~Responding Field Supervisor On-Scene Investigative Checklist~~ and upload it to the IA database web application;
~~b. Complete the Supervisor On-Scene Investigation Checklist;~~
~~c.~~b. Create a "Non-Force" IA database web application entry and attach all evidence;
~~d.~~c. Ensure the less-than-lethal weapon that was used is marked as an "AD" in the "Categories" section of the IA database web application; and
~~e.~~d. Route the "Non-Force" IA database web application entry to the Lieutenant within three (3) ~~calendar~~working days of the incident.

2. A Lieutenant shall:

a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist, and attached evidence in the "Non-Force" IA database web application entry;
b. Add comments within the IA database web application identifying any potential tactical, equipment, training, supervision, and/or policy issues; and
c. Route the "Non-Force" IA database web application entry to the Commander within three (3) working days.

3. A Commander shall:

a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist, and attached evidence in the "Non-Force" IA database web application entry;
b. Add comments within the IA database web application identifying any potential tactical, equipment, training, supervision, and/or policy issues that were missed;
c. Identify and address any deficiencies; and
d. Close the investigation by pressing "Investigation Complete" within the IA database web application within 3 working days.

C. Accidental Discharge: Less-Than-Lethal Weapon, Person Hit

1. The Responding Supervisor shall:

a. Immediately respond to the scene;

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b. Turn on their On-Body Recording Device (OBRD) upon arriving on scene and record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;
c. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;
~~a. Complete the Responding Field Supervisor On-Scene Investigative Checklist;~~
d. ~~Contact~~ Conduct an on-scene interview and visually inspect the individual for injuries and request medical attention~~the on-call IAFD Supervisor~~;
e. Conduct a canvass for community member witnesses and surveillance video;
f. Collect and approve the Use of Force Written Narrative for Involved and Witness Officers form~~s~~ from involved and witness Department personnel by the end of the shift~~Ensure a Use of Force Written Narrative for Involved and Witness Officers forms are completed by sworn personnel~~;
g. Fill out and sign the Supervisor On-Scene Investigation Checklist and Form to document their on-scene investigation and classification;
h. If the injury to the individual is equivalent to a serious injury, contact the on-call IAFD Supervisor; and ~~;~~
   i. An IAFD Investigator will be dispatched to the scene within the hour
i. If there is no injury or ~~-~~the injury is not equivalent to a serious injury, ~~S~~send the on-scene investigation of the Accidental Discharge to IAFD via the IA Database Web Application:
   i. Complete an initial ~~use of force~~"Non-Force" IA database web application entry, ensuring "less than lethal munition- someone struck" is marked in the categories section, and submit it to the Office of Police Reform via "IA Force Group" by end of shift.
   ii. Upload the following to the IA Database Web Application Entry:
      1. Supervisor On-Scene Investigative Checklist and Form.
      2. Written Civilian Witness Statements.
      ~~-~~OBRD link of the supervisor on scene investigation, the canvass, and Accidental Discharge when available.
      ~~b. the force~~

~~i. An IAFD Investigator will be dispatched to the scene within the hour.~~
~~c. Provide the completed Responding Field Supervisor On-Scene Investigative Checklist to the responding IAFD investigator;~~
~~d. Complete the On-Scene Supervisor Investigation form;~~
~~e. Collect all Use of Force Written Narrative for Involved and Witness Officers forms from sworn personnel; and~~
   ~~3. Complete the Supervisor On-Scene Investigation Checklist and Form;~~
~~f. Email the On-Scene Supervisor Investigation form and all Use of Force Written Narrative for Involved and Witness Officers forms to the responding IAFD Detective/Investigator by the end of shift.~~

~~A.~~D. Accidental Discharge: Firearm

1. The Responding Supervisor shall:

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a. Complete the Supervisor On-Scene Investigation Checklist and Form~~Responding Field Supervisor On-Scene Investigative Checklist~~;
b. Contact the on-call IAFD Supervisor;
   i. An IAFD Investigator will be dispatched to the scene within the hour.
~~c. Provide the completed Responding Field Supervisor On-Scene Investigative Checklist to the responding IAFD investigator;~~
~~d. Complete the On-Scene Supervisor Investigation form;~~
~~e.~~c. Collect and approve ~~Collect~~ all Use of Force Written Narrative for Involved and Witness Officers forms from sworn personnel; and
~~f.~~d. Email the Supervisor On-Scene Investigation Checklist and Form ~~On-Scene Supervisor Investigation form and all Use of Force Written Narrative for Involved and Witness Officers forms~~ to the responding IAFD Detective/Investigator by the end of shift.

~~B.~~E. Lethal Force on an Animal

1. The Responding Supervisor shall:

   a. Ensure that the officer completes a Uniform Incident Report;
   b. Write a supplemental report if the supervisor authorized the destruction of the animal;
   c. Contact a CSS to collect evidence;
   d. Contact IAPS Division; and
   e. Contact the City Animal Welfare Department.

6 **2-57-10~~10~~ Responsibilities of the Office of Police Reform**

5 A. Where a force investigation indicates any apparent criminal conduct by an officer, the IAFD Commander shall notify the Superintendent of the Office of Police Reform, who shall then notify the Chief of Police. The Chief of Police or their designee shall ensure that the investigation is assigned to the appropriate specialized investigative unit.

1. Where appropriate to ensure the fact and appearance of impartiality, and with the authorization of the Office of Police Reform and the Chief of Police, the Chief of Police or their designee may refer a use of force indicating apparent criminal conduct by an employee to the MATF for criminal investigation.

2. The specialized unit shall consult with the Bernalillo County District Attorney's Office or the United States Attorney's Office, as appropriate.

3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police or their designee shall instruct for the investigation to be forwarded to the appropriate prosecuting authority. If the MATF or the Criminal Investigations Division (CID) investigation indicates any apparent criminal conduct by an employee or reveals evidence of criminal conduct by an employee, the Chief of Police or their designee shall instruct

REDLINED

MATF~~matf~~ or CID to forward the investigation to the appropriate prosecuting authority(s).

4. The Department need not delay the imposition of discipline until the outcome of the criminal investigation.

5. The Office of Police Reform shall document the assignment or reassignment in writing and notify the IAFD commanding officer.

6. IAFD shall track all case reassignments.

B. After an administrative force investigation, where a use of force is found to violate policy, the case shall be forwarded to the Professional Integrity Division to ensure appropriate discipline and/or corrective action is taken.

C. In use of force investigations where the incident indicates equipment, policy, supervision, tactics, and/or training concerns, the Office of Police Reform shall ensure that necessary training is delivered and the equipment, policy, supervision, tactics, and/or training concerns are resolved.

REDLINED

Suggested changes to proposed SOP 2-52 and 2-55 with rationale
February 19, 2026
Chair of Valley CPC

<u>2-52-4 Core Principles</u>

B. The Department holds Department personnel to a higher standard than articulated in *Graham v. Connor*, 490 U.S. 386 (1989) when performing their duties on behalf of the Department and the community. Department personnel who use force shall use the minimum amount of force necessary that is objectively reasonable and based on the totality of the circumstances confronting them in order to bring about a lawful objective.

1. The higher standard includes that Department personnel will treat all individuals with respect, and when feasible use de-escalation practices consistent with their training, before resorting to using force or to reduce the need for force, or to minimize the level of force necessary. [Reference SOP 2-55]

Rationale: the proposed Core Principles do not define the "higher standard than articulated in Graham v Connor." However, departmental data has repeatedly shown that the most common rationale used for violence is that the actor is reacting to exhibited "lack of respect." It then becomes incumbent on personnel, when interacting with the public, especially in volatile situations, to use a show of respect to prevent the need for force, if possible.

Secondly, principles of De-escalation are used throughout 2-52-5 Use of Force Guidelines to describe expected action beyond the proportional use of force standard used in *Graham v Connor*. It makes sense to describe this as the higher standard expected in order to make sense of the 2-52-5 Guidelines.

<u>2-55 De-Escalation</u>

A. Related SOP(s)
   2-19 Response to Behavioral Health Issues
   2-52 Use of Force: General
   2-53 Use of Force: Definitions Rationale: to align with the above. Suggested changes are shown in red above.

Rationale: to align with the above.