CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

Aaron Calderon, Chair
Rowan Wymark, Member
Diane McDermott, CPOA Executive Director
Ali Abbasi, CPOA Deputy Director

Thursday, February 5, 2026, at 3 p.m.
City Hall Annex, 501 Tijeras NW, Suite 2E
CPOA Conference Room

MEETING MINUTES

Members Present:
Aaron Calderon, Chair
Eduardo Budnauro, Member

Members Absent:
Rowan Wymark, Member

Others Present
Diane McDermott, CPOA Executive Director
Ali Abassi, CPOA Deputy Director
Gabe Remer, CPOA Policy Analyst
Cameron Johnson, CPOA Data Analyst
Valerie Barela, CPOA Senior Admin Assist.

I. Welcome and Call to Order. Chair Calderon called the Policy and Procedure Review Subcommittee meeting to order at approximately 3:00 p.m. Chair Calderon noted that Member Budanauro was present in lieu of Member Wymark.

II. Approval of the Agenda

a. A motion was made by Chair Calderon to approve the Agenda as written. Member Budanauro seconded the motion. The Motion passed unanimously.

III. Public Comment

a. None.

IV. Approval of Minutes from January 21, 2026

a. A motion was made by Chair Calderon to approve the minutes as written. Member Budnauro seconded the motion. The motion passed unanimously.

V. APD Policy-Related Activities/Discussion Items:

a. PPRB Drafts Awaiting CPOAB Comment

1. SOP 1-4 Bias-Based Policing and or Profiling

i. There were no policy recommendations for SOP 1-4. (*See attached Policy and Procedure Review Subcommittee Report*)

2. SOP 1-13 Armed Robbery

i. There were no policy recommendations for SOP 1-13. (*See attached Policy and Procedure Review Subcommittee Report*)

3. SOP 1-16 Auto Theft Unit

i. There were no policy recommendations for SOP 1-16. (*See attached Policy and Procedure Review Subcommittee Report*)

4. SOP 1-23 Digital Intelligence Team (DIT)

i. There were no policy recommendations for SOP 1-23. (*See attached Policy and Procedure Review Subcommittee Report*)

5. SOP 1-78 Police Service Aide (PSA) Program

i. Gabe Remer provided an update on the policy recommendations presented by the CPOA, noting that City Legal is still reviewing the policy and will provide an update on the policy at the next regular scheduled Board meeting. (*See attached Policy and Procedure Review Subcommittee Report)*

ii. Diane McDermott noted that criminal trespass has increased the Use of Force incidents, drawing more concern to PSA's involvement in the issuing of Criminal Tresspass Notices.

6. SOP 1-96 Crisis Negotiation Team (CNT)

i. There were no policy recommendations for SOP 1-96. (*See attached Policy and Procedure Review Subcommittee Report*)

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7. SOP 2-2 (Formerly 3-75) Department Property
    i. There were no policy recommendations for SOP 2-2. (*See attached Policy and Procedure Review Subcommittee Report*)

8. SOP 2-20 Hostage Situation, Barricaded Individuals, and Tactical Threat Assessments
    i. There were no policy recommendations for SOP 2-20. (*See attached Policy and Procedure Review Subcommittee Report*)

9. SOP 2-45 Pursuit by Motor Vehicle
    i. There were no policy recommendations for SOP 2-45. (*See attached Policy and Procedure Review Subcommittee Report*)

10. SOP 2-68 Interviews and Interrogations
    i. Gabe Remer provided historical context on the policy recommendation put forth previously by the CPOA related to custodial interrogations at the Metropolitan Detention Center (MDC), noting that APD did not concur with the recommendation.
    ii. There were no policy recommendations for SOP 2-68. (*See attached Policy and Procedure Review Subcommittee Report*)

11. SOP 2-93 (Formerly 2-35) Child Abduction and Missing Child Investigations
    i. There were no policy recommendations for SOP 2-93. (*See attached Policy and Procedure Review Subcommittee Report*)

12. SOP 2-95 Undercover High-Risk Vehicle Containment Procedures
    i. There were no policy recommendations for SOP 2-95. (*See attached Policy and Procedure Review Subcommittee Report*)

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13. SOP 2-98 Gunshot Detection Procedure

i. There were no policy recommendations for SOP 2-98. (*See attached Policy and Procedure Review Subcommittee Report*)

14. SOP 2-105 Destruction or Capture of Animals

i. There were no policy recommendations for SOP 2-105. (*See attached Policy and Procedure Review Subcommittee Report*)

15. SOP 2-106 Lost and Found ID Cards and Driver's License

i. There were no policy recommendations for SOP 2-106. (*See attached Policy and Procedure Review Subcommittee Report*)

16. SOP 3-11 Command Staff Responsibilities

i. There were no policy recommendations for SOP 3-11. (*See attached Policy and Procedure Review Subcommittee Report*)

17. SOP 3-24 In the Line-of-Duty Death Notifications and Benefits

i. There were no policy recommendations for SOP 3-24. (*See attached Policy and Procedure Review Subcommittee Report*)

b. Use of Force Policies Awaiting CPOAB Comment

1. SOP 2-52 Use of Force: General
2. SOP 2-53 Use of Force: Definitions
3. SOP 2-54 Use of Force: Intermediate Weapons Systems
4. SOP 2-55 Use of Force: De-escalation
5. SOP 2-56 Use of Force: Reporting by Department Personnel
6. SOP 2-57 Use of Force: Review and Investigation by Department Personnel

i. Gabe Rember expressed his concerns about the policy changes, especially regarding the definitions of use of force levels, the removal of the word "necessary," and future data comparisons.

ii. Diane McDermott pointed out that Internal Use of Report should continue to capture the data, and the Use of Force policies will

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be discussed during a Board special meeting to give the community a chance to provide feedback.

c. APD Response to Policy Recommendations [Standing Item]

i. Gabe Remer provided information on the responses he received from APD regarding SOP 1-83 Real Time Crime Center, noting concurrence with the policy recommendation. (*See attached Policy and Procedure Review Subcommittee Report*)

ii. Diane McDermott and Ali Abbasi shared their opinions on the policy recommendations.

iii. The Policy will be monitored for future policy recommendations and presented to the full Board at the next regular scheduled board meeting.

d. CPC Policy Recommendations [Standing Item]

i. Gabe Remer noted that the CPOA received a recommendation from a CPC member regarding the Use of Force Policy changes for review. (*See attached CPC recommendation from Northeast CPC member Ernest Apodaca*)

ii. Chair Calderon reviewed the recommendation received from the CPC member, and no policy suggestions were made.

VI. Other Business

a. A special Board meeting will be scheduled for the Use of Force Policy Suite Review. The date and time are still to be determined.

VII. Next Meeting Thursday, March 5, 2026, at 3 pm.

VIII. Adjournment

a. The meeting was adjourned at approximately 3:41 p.m.

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APPROVED:

_____ _____

Aaron Calderon, Chair Date
Policy & Procedure Review Subcommittee

CC: Isaac Padilla, City Council Staff
Ethan Watson, City Clerk
Klarissa Pena, City Council President (via email)

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

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ATTACHMENTS

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ALBUQUERQUE
CIVILIAN POLICE
OVERSIGHT

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE
PUBLIC COMMENT SIGN-IN SHEET
FEBRUARY 5, 2026

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City of Albuquerque
Civilian Police Oversight Agency

ALBUQUERQUE CIVILIAN POLICE OVERSIGHT

Policy and Procedure Review Subcommittee 2/05/2026
Board Meeting 2/12/2026

Policy Recommendations

SOP 1-78 Police Service Aide (PSA) Program
It is the policy of the Department for a PSA to assist sworn personnel by performing non-hazardous duties within the Department and to provide the community with a variety of community services, including assisting motorists and responding to traffic crashes and calls for service that pertain to abandoned vehicles.

- PSAs and License Plate Confiscation:
  The CPOA received an update from APD on 02/05/26: City Legal wanted to conduct more research before the Department made a final decision. The CPOA will be notified when a final decision is made.
- Administrative Order concern.

No Policy Recommendations

SOP 1-4 Bias-Based Policing and or Profiling
It is the policy of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and enforcement actions, and that such enforcement decisions are not predicated upon an individual's race, color, national origin, ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, physical or mental disability, political affiliation, or economic status.

SOP 1-13 Armed Robbery
It is the policy of the Albuquerque Police Department (Department) to provide Armed Robbery Unit personnel and FSB personnel with rules and responsibilities for responding to robberies.

SOP 1-16 Auto Theft Unit
It is the policy of the Department's Auto Theft Unit to decrease auto theft rates by detecting, identifying, investigating, apprehending, and prosecuting individuals involved in auto thefts.

SOP 1-23 Digital Intelligence Team (DIT)
It is the policy of the Albuquerque Police Department (Department) to maintain the integrity of all evidence, to comply with the legal standards for evidence handling and storage, and to maintain the chain of custody.

SOP 1-96 Crisis Negotiation Team (CNT)
It is the policy of the Albuquerque Police Department (Department) to attempt de-escalation in tactical activations, high-element suicide events, and situations that go beyond the general capabilities of sworn personnel.

SOP 2-2 (Formerly 3-75) Department Property
The purpose of this policy is to ensure that Department personnel are properly equipped to do their jobs effectively, efficiently, and safely.

SOP 2-20 Hostage Situation, Barricaded Individuals, and Tactical Threat Assessments
It is the policy of the Department to employ tactics and tools that increase the likelihood of safely resolving incidents involving hostage situations and barricaded individuals. In order to accomplish this, Field Services Bureau (FSB) personnel

shall work closely with trained crisis intervention personnel and tactical sworn personnel to ensure that they employ appropriate and coordinated responses to these incidents. This policy also describes how to assess such situations for possible tactical activations while considering the tools and tactics that increase the likelihood of a safe resolution to these incidents.

It is also the policy of the Department to avoid the unreasonable risk of harm while responding to hostage situations or barricaded individuals, community members, and sworn personnel, when feasible, while using the minimum amount of force necessary to resolve the situation. Such responses shall require personnel to slow or calm the situation when practicable and to use de-escalation techniques, which may serve to lessen the tension and safely diffuse a crisis.

SOP 2-45 Pursuit by Motor Vehicle

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) personnel who conduct vehicle pursuits to protect the safety of involved sworn personnel, the public, and property, and to comply with the Law Enforcement Safe Pursuit Act.

SOP 2-68 Interviews and Interrogations

It is the policy of the Department to ensure that Department personnel conduct interviews and interrogations of the individuals or witnesses in accordance with federal and state laws, and respecting their constitutional rights.

- A post-PPRB recommendation was submitted by the CPOA for further consideration by APD:

  The CPOA received a complaint from a member of the Public Defender's Office alleging, in one part, that ADP detectives interviewed an individual at MDC in view of other detainees, and "When the other detainees on his pod saw him talking to officers in a room visible from the pod, they assumed he was a snitch and beat him for it. In custody interviews, when they are actually conducted legally, need to take place away from other detainees so as to avoid such retribution being exacted on the person interviewed." CPOA provided the complaint reference and recommended 2-68 include explicit language directing that these types of custodial interrogations be as private as possible.

  2-68-4-D-1 - Recommended SOP language

  Recommendation: Add a directive in this subsection, which would probably fit best following subsection (b) – "c. When performing a custodial interview of or interrogating incarcerated individuals, conduct the custodial interrogations in a private location outside of the view of other incarcerated individuals whenever feasible."

SOP 2-93 (Formerly 2-35) Child Abduction and Missing Child Investigations

It is the policy of the Department to respond in a timely and appropriate manner to thoroughly investigate reports of a missing child and to determine if the missing child has been abducted or kidnapped.

SOP 2-95 Undercover High-Risk Vehicle Containment Procedures

It is the policy of the Albuquerque Police Department (Department) that undercover ISD personnel will only use the VCT when there are reasonable grounds to believe the individual presents an imminent threat of death or serious injury to others and immediate apprehension is needed to prevent a pursuit, or the individual has committed or is committing a violent felony.

It is also the policy of the Department that undercover ISD personnel only use the SCT when there are reasonable grounds to believe the individual has committed a felony crime or is in the process of committing a felony crime, and there are reasonable grounds to believe that the individual presents a risk of fleeing when contacted by law enforcement, or it is determined that an SCT would be an advantageous means of apprehension. These techniques are a surprise containment tactic used by undercover ISD personnel in Department-issued vehicles to effect an arrest. The goal is to prevent the likelihood of motor vehicle and foot pursuits with individuals who are suspected of committing a felony crime to seek to reduce the danger to sworn personnel, individuals, and the public.

SOP 2-98 Gunshot Detection Procedure

It is the policy of the Department to provide Gunshot Detection System Notification procedures for Department personnel when responding to a Gunshot Detection System Notification call for service.

SOP 2-105 Destruction or Capture of Animals

It is the policy of the Department to assist NMDGF personnel and City Animal Welfare Department sworn personnel in the destruction and/or capture of wild or dangerous animals.

SOP 2-106 Lost and Found ID Cards and Driver's Licenses

It is the policy of the Department to return government-issued identification cards and driver's licenses to community members. In the event Department personnel come into the possession of a government-issued identification card or driver's license belonging to a community member and cannot reasonably and safely return it to the owner listed on the government-issued identification card or driver's license at that time, Department personnel shall follow the procedures in this Standard Operating Procedure (SOP) in an attempt to return the card or license to the owner.

SOP 3-11 Command Staff Responsibilities

It is the policy of the Albuquerque Police Department (Department) for the command staff to assist the Chief of Police with the management of the Department, including its day-to-day operations, supporting the Department's mission and vision statements, promoting community policing, and upholding the Department's core values of integrity, respect, fairness, and pride.

SOP 3-24 In the Line-of-Duty Death Notifications and Benefits

It is the policy of the Department to ensure that death notifications for sworn personnel who died in the line of duty are conducted with the utmost professionalism, dignity, and respect.

APD Responses to Policy Recommendations

SOP 1-83 Real Time Crime Center:

- CPOAB Recommendation: 1-83-4-D-3-c: Revise the directive to clearly account for officer and community safety by removing "officer" before safety and including "or concern" with information. "Voice any safety information or concern identified during history checks or video review as soon as it is discovered, regardless of whether responding officers are on scene or still en route to the call for service."
- APD Response: Does not concur. "The proposed revision is specific to a section that covers officer safety concerns. A component of the RTCC mission is to provide information to the responding officers regardless of the focus of the danger as presented. This is covered in the policy already. The purpose of 1-83-4-D-3c is to ensure an alert is provided to responding officers of a specific danger to them."
    - Likely language APD is referring to: 1-83-4-D-3 (a) and (d)

3. The RTCC Bridge Operator shall:
a. Research existing information sources to provide relevant information to sworn personnel responding to calls for service;
i. The relevant information provided to sworn personnel will be provided from:
1. Law enforcement databases;
2. Other commercially available data; and
3. Situational awareness information developed through the RTCC video network.

....

d. Access the video network to provide information to sworn personnel responding to calls for service and conducting investigations.

UOF Policy Recommendations

Use of Force Policies Awaiting CPOAB Comment:

SOP 2-52 Use of Force: General

SOP 2-53 Use of Force: Definitions

SOP 2-54 Use of Force: Intermediate Weapons Systems

SOP 2-55 Use of Force: De-escalation

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

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

Recommendations:

Other Resources 2-52-C

NMSA 1978, §§ 29-7D-1 to 29-7D-5 Use of Force Procedures

Policy Language

> **2-52-4-B** and **2-52-5-D**: 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 *shall use force when necessary and shall* use the minimum amount of force that is objectively reasonable and based on the totality of the circumstances confronting them in order to bring about a lawful objective.
>
> **2-52-4-C**: Department personnel shall only use force *when necessary* to accomplish a lawful objective.
>
> **2-57-1**: 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 *force when necessary and used* the minimum amount of force that was reasonable, based on the totality of the circumstances to bring about a lawful objective.
>
> **2-57-8-2**: 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 *force when necessary and used* the minimum amount of force that was reasonable and based on the totality of the circumstances to bring about a lawful objective.

Definitions (SOP 2-53)

Include a definition for "Objectively Reasonable." This definition is very similar to the Las Cruces PD's, with replacement hindsight language consistent with other APD definitions.

> **Objectively Reasonable:** In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of the threat or resistance presented by the subject, and the level of threat to the community. This is based on the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

Rationale:

Recent revisions to the Department's Use of Force Standard Operating Procedures reintroduce the term "necessary" into its Core Principles. Section 2-52-4-B now requires that "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." This language continues to hold Department personnel to a standard above that established by the Fourth Amendment analysis in *Graham v. Connor*, 490 U.S. 386 (1989).

The CPOA believes the reintroduction of "necessary" terminology is an improvement because it aligns the Department's Use-of-Force SOPs more closely with state law. By using language consistent with state statute and providing applicable definitions, the Department better satisfies the obligation to explain "reasonable force necessary to accomplish a lawful objective."[1] However, the current wording does not add much clarity, does not explicitly state the Department's intended threshold for using force, and does not align precisely with language found in New Mexico law.

"Necessary" as Currently Used

As written, the phrasing does not appear meaningful because the requirements that force be "minimal" and "reasonable" from an objectively reasonable officer's perspective already assess whether the degree and manner of force were justified under the totality of the circumstances. "Minimum" already means the least amount, and the definition provided for the phrase "Minimum Amount of Force Necessary" in SOP 2-53 would remain valid and applicable without the word necessary attached to it. Keeping "necessary" in this phrase is not harmful from a policy perspective, but it appears redundant because if it were removed, you would expect the use of force practice and analysis directed by the SOPs to function no differently.

Explicit Threshold for Using Force

APD has stated, and the revised policies inherently reflect (particularly the requirements for de-escalation), that the Department will continue to hold personnel to the standard of using force only when reasonably necessary. Since that is the operational expectation, it should be stated plainly as the threshold for using force. This is especially important given recent revisions to "Levels of Force" that link many "use of force" determinations primarily to injury severity or injury complaints. If the Department is going to have a standard that a "use of force" often requires noticeable injury or a complaint of injury from an individual involved in a force

[1] Section 29-7D-2(A) NMSA 1978 Use of force statewide policy.

incident, then it should be equally explicit that its threshold for causing injury is necessity. Otherwise, the policy doesn't emphasize the Department's inherent standards and may lead members of the public to think the Department has lowered them, even when it hasn't.

New Mexico Laws and Common Standards Framing of an Officer's Use of Force

New Mexico law frequently frames lawful police force in terms of both reasonableness and necessity. The New Mexico Supreme Court has explained "that officers have a duty to make arrests and a right to use reasonable force when necessary."[2] And it defines "excessive force" as "greater force than reasonably necessary."[3] State statutes likewise speak in terms of necessity, and, as mentioned, NMSA 1978, Section 29-7D-2(A) requires agencies to, at a minimum, incorporate "a discussion of considerations that law enforcement officers must make prior to the application of physical force, including an explanation of reasonable force necessary to accomplish a lawful objective."[4] Matching this statutory and case-law language more closely would strengthen the policy by grounding it in the language of New Mexico law.

Additionally, based on publicly available New Mexico law enforcement use-of-force policies, an explicit "necessary" threshold appears to be the prevailing approach. Because these online versions may not always reflect the most current revisions, this should be understood as an observation from accessible materials rather than a definitive statewide standard. But across the policies reviewed, the common standard is to use force only "when necessary."[5]

Challenges with Using "Necessary" as a Threshold Term

APD has indicated that a primary reason for removing "necessary" was concern about inconsistent interpretation in training and operations. Because "necessary" is not as established a standard as "objectively reasonable" force, it is subject to greater confusion in training and potential misapplication in practice and review.

This concern can hopefully be addressed by defining and explaining "necessary" in terms of the same objective analysis used for reasonableness. The New Mexico Supreme Court in *Ellis* explained that "a police officer's privilege of using *necessary* force implies that the necessity of the force should be measured from the perspective of an objectively reasonable

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[2] *State v. Ellis*, 2008-NMSC-032, ¶ 15 (citing *State v. Kraul*, 90 N.M. 314, 319, 563 P.2d 108, 113 (1977))

[3] Form 14-5185. Self defense against excessive force by a peace officer; nondeadly force by defendant, and Form 14-5186. Self defense against excessive force by a peace officer; deadly force by defendant.

[4] Sections 29-7D-1 to 29-7D-5 Use of Force Procedures, and Section 30-2-6 NMSA 1978 Justifiable homicide by public officer or public employee.

[5]Departments that apparently use an explicit "necessary" threshold: Bernalillo County Sheriff's Office, Santa Fe Police Department, Santa Fe County Sheriff's Office, University of New Mexico Police Department, Las Cruces Police Department

Departments that apparently do not explicitly use a "necessary" threshold: Rio Rancho Police Department

officer."[6] Therefore, assessing whether force is "necessary" should employ the same *Graham* factors and the same totality-of-circumstances analysis as assessing whether force is reasonable.[7]

New Mexico case law does not treat "necessary" and "reasonable" as distinct, separately defined elements, but policy can still translate the legal framework into clear operational standards: "necessary" asks whether an objectively reasonable officer would conclude that some force must be used to accomplish a lawful objective, while "reasonable" asks whether the amount and manner of force is appropriate under the same circumstances. Reasonable people can disagree when applying either standard, and analyzing whether something is "necessary" is no more inherently subject to genuine disagreement than a "reasonable" force analysis. Given New Mexico's statutory and case law, APD's demonstrated ability to operate under it while achieving CASA reforms, and the appearance that a majority of New Mexico departments explicitly state this standard, the CPOA believes that the "necessary" threshold language is best kept explicitly in policy.

[6] State v. Ellis, 2008-NMSC-032, ¶ 24 (emphasis included from original)
[7] *Id.* at ¶¶ 25-28

From: ernest apodaca
Sent: Tuesday, January 20, 2026
To: Mensah, Kelly <kmensah@cabq.gov>
Subject: Re: FW: Policy and Procedure Review Subcommittee Special Meeting Agenda - Wednesday, January 21, 2026, at 11 a.m. (Use of Force Policy Suite Review)

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This document outlines key proposed enhancements to our use-of-force and related policies, focused on clarity, safety, and practicality.

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1. Clarify Ambiguous Terminology

- **Decision Matrix:** Create an appendix mapping resistance levels to permitted force options.
- **Clearer Language:** Replace vague terms like "when feasible" with specific qualifiers (e.g., "unless immediate threat exists").
- **Visual Aids:** Add diagrams or video stills to illustrate resistance levels (e.g., "bracing vs. pulling away").

2. Address Tactical Concerns

- **Chest Targeting:** Revise prohibition to allow chest strikes with intermediate weapons *only* if it is the only viable target to stop an imminent threat.
- **ECW Safeguards:** Add audible warnings during deployment, stress-training for time estimation, and partner communication protocols.
- **Duty to Intercede:** Strengthen language to require intercession if force appears *objectively unreasonable* OR *contrary to policy*.

3. Streamline Reporting & Investigation

- **Three-Tier System:**
  - Tier 1: Minor force (no/minimal injury)
  - Tier 2: Significant force (injury requiring medical care)
  - Tier 3: Serious force (serious injury/hospitalization/death)
- **Simplified Forms:** Checklist-based reporting for low-level control techniques.

- **Review Triage:** Tiered review process to align investigation depth with incident severity.

4. Medical Protocol Adjustments

- **Structured Assessment:** Implement a 3-step protocol to determine EMS necessity, reducing unnecessary calls while ensuring care.
- **EMS Priority Guidelines:** Coordinate with dispatch for prioritized responses based on injury level.
- **Hospital Transport Teams:** Designate units to minimize patrol disruption.

5. Prevent Unintended Consequences

- **Officer Safety Preamble:** Add affirming language to each section emphasizing that necessary force to protect life remains justified.
- **Good Faith Protection:** Officers reporting in good faith will not be disciplined for the reporting decision alone.
- **Clear Coordination:** Define protocols between force review and internal affairs units, including evidence handling and *Garrity* warnings.

6. Comprehensive Training & Implementation Plan

- **6-Month Phased Rollout:** Command staff → FTOs/specialists → all sworn personnel.
- **Scenario-Based Training:** Cover new decision matrix, de-escalation, and supervisor investigations.
- **Quick Reference Cards:** Force flowchart, medical checklist, reporting matrix.
- **Implementation Team:** Include training, field operations, union, community, and medical advisors.

7. Performance Metrics & Review

- **Baseline Metrics:** Pre-implementation data on force/injury rates and investigation timelines.
- **Scheduled Reviews:** Checkpoints at 3, 6, and 12 months.
- **Feedback Mechanism:** Officers can report unclear provisions, challenges, or training gaps.
- **Automatic Triggers:** Review after serious injuries, policy-related litigation, or annually.

Immediate Action Items (First 30 Days):

1. Conduct resource assessment for IAFD & EMS coordination.
2. Form Policy Implementation Team.
3. Draft simplified forms & quick-reference materials.
4. Begin supervisor training development.
5. Establish medical assessment protocol with EMS partners.

Critical Success Factors:

- Clear communication that these are **enhancements**, not accusations.
- Adequate resources for training and rollout.
- Union collaboration throughout.
- Regular stakeholder updates.
- Willingness to make mid-course corrections.

1-4 BIAS-BASED POLICING AND/OR PROFILING

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

A. Related SOP(s)

2-18 Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities
2-19 Response to Behavioral Health Issues
2-71 Search and Seizure Without a Warrant
3-41 Complaints Involving Department Personnel

B. Form(s)

None

C. Other Resource(s)

Americans with Disabilities Act of 1990 (ADA)
4th Amendment of the U.S. Constitution
New Mexico Constitution. Article II - Bill of Rights § 10 Searches and Seizures

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

1-4-1 Purpose

The purpose of this policy is to prohibit Albuquerque Police Department (Department) personnel from engaging in bias-based policing and/or profiling, and to assist Department personnel when interacting with individuals with disabilities.

1-4-2 Policy

It is the policy of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and enforcement actions, and that such enforcement decisions are not predicated upon an individual's race, color, national origin, ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, physical or mental disability, political affiliation, or economic status.

N/A

1-4-3 Definitions

A. Bias-Based Policing and/or Profiling

REDLINED

The interdiction, detention, arrest, or other nonconsensual treatment of an individual because of a characteristic or status, including but not limited to the individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

B. Disability

A physical or mental impairment that substantially limits one (1) or more major life activities, including major bodily functions; a record of such an impairment; or regarded as having an impairment, including when the individual does not have an impairment that limits one (1) or more major life activities.

3 **1-4-4 General Responsibilities**

A. Department Personnel

1. Department personnel shall not:

a. Practice bias-based policing and/or profiling; or
b. Discourage any party from filing complaints about Department personnel whom they believe are engaging in bias-based policing and/or profiling.
i. Department personnel shall avoid actions that could be interpreted as constituting intimidation, coercion, or threatened retaliation against community members to discourage or prevent them from filing complaints.

2. Department personnel shall:

a. Provide the same level of police service to every community member regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status; and
N/A b. Immediately report a violation of this Standard Operating Procedure (SOP) to a supervisor and refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties.

B. Sworn Personnel

1. Sworn personnel may take into account the reported race, ethnicity, or national origin of a specific individual when identifying an individual. Race, ethnicity, or national origin shall not be used as the only means of identifying an individual.

a. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures, and forfeiture efforts shall be based on reasonable suspicion or probable cause pursuant to the Fourth Amendment of the U.S. Constitution.

6 C. Supervisor

REDLINED

1. A supervisor shall:

   a. When notified, respond to the scene of all community member complaints of bias-based policing and/or profiling;

N/A

   b. Ensure the community member's complaint of bias-based policing and/or profiling is handled in accordance with SOP Complaints Involving Department Personnel;
   c. Ensure that all personnel under their supervision review and are familiar with this SOP; and
   d. Continually monitor the activities of personnel under their supervision to identify behaviors that may be indicative of a violation of this SOP.

N/A

      i. If behaviors are identified, a supervisor shall ensure that an Internal Affairs Request (IAR) is submitted in accordance with SOP Complaints Involving Department Personnel.

6

D. Academy Division Commander

The Academy Division Commander shall ensure that all sworn personnel receive training in bias-based policing and/or profiling issues, including legal aspects, on a two (2) year basis.

6

1-4-5 Interacting with Individuals with Disabilities

A. General Responsibilities

1. Pursuant to the Americans with Disabilities Act (ADA), the City of Albuquerque and the Department, as government entities, are required to provide reasonable accommodations to individuals who appear to have a disability, including individuals with physical disabilities and individuals with mental disabilities.

   a. As defined in the ADA, a reasonable accommodation may require Department personnel to provide an individual with an accommodation that would not ordinarily be provided to an individual who does not have a disability.
   b. Providing a reasonable accommodation under the ADA does not violate the provisions of this SOP.

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

B. Individuals Experiencing Homelessness and Individuals with a Mental Disability

REDLINED

1. Community members with mental disabilities, including community members who appear to be experiencing homelessness, are free to access public places without being questioned or searched.

N/A

2. Sworn personnel shall not stop, question, initiate contact, frisk, or search a community member or individual who appears to have a mental disability or who appears to be experiencing homelessness without reasonable suspicion to believe they are involved in criminal activity, or they are a threat to themselves or others, in accordance with SOP Search and Seizure Without a Warrant.

   a. This does not prohibit sworn personnel from conducting a consensual contact, outreach, or assisting individuals who have a mental disability or who are experiencing homelessness.

N/A

3. Department personnel shall follow the requirements outlined in SOP Response to Behavioral Health Issues when interacting with individuals who may be affected by a behavioral health disorder or who are experiencing a behavioral health crisis in accordance with SOP Response to Behavioral Health Issues.

4. Sworn personnel shall not arrest someone solely to connect them with mental health services.

N/A

   a. Sworn personnel may take an individual to a mental health facility if that individual appears to present a likelihood of serious bodily harm to themselves or others due to a mental disability in order for a mental health professional to determine whether the individual meets the criteria for involuntary civil commitment in accordance with SOP Response to Behavioral Health Issues.

N/A

C. Individuals with a Developmental Disability

Department personnel shall follow the requirements in accordance with SOP Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities and SOP Response to Behavioral Health Issues for situations involving community members who may have a developmental disability, a hearing disorder, or who are speech impaired.

REDLINED

1-4 BIAS-BASED POLICING AND/OR PROFILING

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

A. Related SOP(s)

2-18 Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities ~~(Formerly 2-09)~~
2-19 Response to Behavioral Health Issues
2-71 Search and Seizure Without a Warrant ~~(Formerly 2-17)~~
3-41 Complaints Involving Department Personnel ~~(Formerly 3-22 and 3-43)~~

B. Form(s)

None

C. Other Resource(s)

Americans with Disabilities Act of 1990 (ADA)
4th Amendment of the U.S. Constitution
New Mexico Constitution. Article II - Bill of Rights § 10 Searches and Seizures

D. Active Special Order(s)

None

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

None

1-4-1 Purpose

The purpose of this policy is to prohibit Albuquerque Police Department (Department) personnel from engaging in bias-based policing and/or profiling, and to assist Department personnel when interacting with individuals with disabilities.

1-4-2 Policy

It is the policy of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and enforcement actions, and that such enforcement decisions are not predicated upon an individual's race, color, national origin, ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, physical or mental disability, political affiliation, or economic status.

N/A

1-4-3 Definitions

A. Bias-Based Policing and/or Profiling

REDLINED

The interdiction, detention, arrest, or other nonconsensual treatment of an individual because of a characteristic or status, including but not limited to the individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

B. Disability

A physical or mental impairment that substantially limits one (1) or more major life activities, including major bodily functions; a record of such an impairment; or regarded as having an impairment, including when the individual does not have an impairment that limits one (1) or more major life activities.

3 **1-4-4 General Responsibilities**

A. Department Personnel

1. Department personnel shall not:

a. Practice bias-based policing and/or profiling; or
b. Discourage any party from filing complaints about Department personnel whom they believe are engaging in bias-based policing and/or profiling.
i. Department personnel shall avoid actions that could be interpreted as constituting intimidation, coercion, or threatened retaliation against community members to discourage or prevent them from filing complaints.

2. Department personnel shall:

a. Provide the same level of police service to every community member regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status; and

N/A b. Immediately report a violation of this Standard Operating Procedure (SOP) to a supervisor and ~~(~~refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties~~)~~.

B. Sworn Personnel

1. Sworn personnel may take into account the reported race, ethnicity, or national origin of a specific individual when identifying an individual. Race, ethnicity, or national origin shall not be used as the only means of identifying an individual.

a. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures, and forfeiture efforts shall be based on reasonable suspicion or probable cause pursuant to the Fourth Amendment of the U.S. Constitution.

6 C. Supervisor

REDLINED

1. A supervisor shall:

   a. When notified, respond to the scene of all community member complaints of bias-based policing and/or profiling;

N/A

   b. Ensure the community member's complaint of bias-based policing and/or profiling is handled in accordance with SOP Complaints Involving Department Personnel; ~~(refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);~~
   c. Ensure that all personnel under their supervision review and are familiar with this SOP; and
   d. Continually monitor the activities of personnel under their supervision to identify behaviors that may be indicative of a violation of this SOP.

N/A

      i. If behaviors are identified, a supervisor shall ensure that an Internal Affairs Request (IAR) is submitted in accordance~~consistent~~ with SOP Complaints Involving Department Personnel.

6

D. Academy Division Commander

The Academy Division Commander shall ensure that all sworn personnel receive training in bias-based policing and/or profiling issues, including legal aspects, on a two (2~~hree (3~~) year basis.

6

1-4-5 Interacting with Individuals with Disabilities

A. General Responsibilities

1. Pursuant to the Americans with Disabilities Act (ADA), the City of Albuquerque and the Department, as government entities, are required to provide reasonable accommodations to individuals who appear to have a disability, including individuals with physical disabilities and individuals with mental disabilities.

   a. As defined in the ADA, a reasonable accommodation may require Department personnel to provide an individual with an accommodation that would not ordinarily be provided to an individual who does not have a disability.
   b. Providing a reasonable accommodation under the ADA does not violate the provisions of this SOP.

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

B. Individuals Experiencing Homelessness and Individuals with a Mental Disability

REDLINED

1. Community members with mental disabilities, including community members who appear to be experiencing homelessness, are free to access public places without being questioned or searched.

N/A

2. Sworn personnel shall not stop, question, initiate contact, frisk, or search a community member or individual who appears to have a mental disability or who appears to be experiencing homelessness without reasonable suspicion to believe they are involved in criminal activity, or they are a threat to themselves or others, ~~as outlined~~ in accordance with SOP Search and Seizure Without a Warrant. ~~(refer to SOP Search and Seizure without a Warrant for sanction classifications and additional duties).~~

   a. This does not prohibit sworn personnel from conducting a consensual contact, outreach, or assisting individuals who have a mental disability or who are experiencing homelessness.

N/A

3. Department personnel shall follow the requirements outlined in SOP Response to Behavioral Health Issues when interacting with individuals who may be affected by a behavioral health disorder or who are experiencing a behavioral health crisis ~~(refer to~~in accordance with SOP Response to Behavioral Health Issues. ~~for sanction classifications and additional duties).~~

4. Sworn personnel shall not arrest someone solely to connect them with mental health services.

N/A

   a. Sworn personnel may take an individual to a mental health facility if that individual appears to present a likelihood of serious bodily harm to themselves or others due to a mental disability in order for a mental health professional to determine whether the individual meets the criteria for involuntary civil commitment in accordance~~consistent~~ with SOP Response to Behavioral Health Issues. ~~(refer to SOP Response to Behavioral Health Issues for sanction classifications and additional duties).~~

N/A

C. Individuals with a Developmental Disability

Department personnel shall follow the requirements ~~outlined in~~in accordance with SOP Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities and SOP Response to Behavioral Health Issues for situations involving community members who may have a developmental disability, ~~or~~ a hearing disorder, or who are speech impaired. ~~(refer to SOP Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities and SOP Response to Behavioral Health Issues for sanction classifications and additional duties).~~

REDLINED

1-13 ARMED ROBBERY UNIT

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

A. Related SOP(s)

1-72 1-72 Organized Crime Unit (OCU)
2-8 Use of On-Body Recording Devices
2-60 Preliminary and Follow-Up Criminal Investigations
3-30 Line Inspection Process

B. Form(s)

None

C. Other Resource(s)

Armed Robbery Unit Handbook

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

1-13-1 Purpose

The purpose of the Armed Robbery Unit is to investigate robberies and assist Field Services Bureau (FSB) personnel with robbery investigations that are complex and lengthy.

1-13-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide Armed Robbery Unit personnel and FSB personnel with rules and responsibilities for responding to robberies.

N/A

1-13-3 Definitions

A. Robbery

1. The unlawful taking of someone's property or from someone's immediate control, either forcefully or violently, or by threat. For the purposes of this policy, a robbery may also include, but is not limited to:

   a. Carjacking: The taking of a motor vehicle by force from a person or from a person's immediate control;

REDLINED

b. Commercial Robbery: The taking of anything of value from the person working at or representing a business; or
c. Home Invasion: The unlawful entry into a person's residence through a ruse or coercion, or by force, in order to obtain anything of value.

B. Serious Physical Injury

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

6 **1-13-4 Roles and Responsibilities**

A. FSB sworn personnel who respond to a robbery shall:

N/A 1. Conduct an investigation, in accordance with SOP Preliminary and Follow-Up Criminal Investigations;

N/A 2. Collect a statement using their on-body recording device (OBRD) for all robbery cases, in accordance with SOP Use of On-Body Recording Devices; and

3. Notify and brief their supervisor about the robbery.

B. An FSB supervisor shall:

1. Determine whether a call-out is necessary based on the call-out criteria outlined in this Standard Operating Procedure (SOP); and

a. If the FSB supervisor determines that a call-out is necessary, contact the Emergency Communications Center (ECC) to ask for the on-call Armed Robbery Unit Detective's contact information.

2. Contact the on-call Armed Robbery Unit Detective to ensure the individual is not currently being investigated in other cases.

a. If the individual is not currently being investigated in other cases, and the FSB supervisor approves the arrest, they shall assign the primary responding FSB officer to assume case responsibility.

C. An Armed Robbery Unit Detective shall:

1. Respond to armed robberies that meet call-out criteria;
2. Provide guidance and assistance in the event an officer who responds to the robbery needs assistance with the follow-up investigation;

REDLINED

N/A

3. Assume case responsibility and conduct follow-up investigations, in accordance with SOP Preliminary and Follow-Up Criminal Investigations;

4. Follow all duties and responsibilities in the Armed Robbery Unit's handbook; and

5. Participate in armed robbery on-call rotations and homicide on-call rotations.

7

D. Call-Out Criteria

1. The on-call Armed Robbery Unit Detective assumes case responsibility and conducts follow-up investigations for each of the following situations:

   a. In-custody cases related to a robbery where sworn personnel have taken an individual(s) into custody, and additional investigation is immediately necessary;
   b. Robbery cases where a victim or witness sustains a serious physical injury;
   c. When a robbery initially occurs in the Department's jurisdiction and if the investigation further extends into any surrounding jurisdictions; and
   d. Whenever directed by the Armed Robbery Unit Sergeant or the on-call Serious Crimes Call-Out Supervisor if the Armed Robbery Unit Sergeant is unavailable.

2. An Armed Robbery Unit Detective may contact the Armed Robbery Unit Sergeant when the call-out requires additional personnel.

3. Armed Robbery Unit personnel shall not conduct or assume control of an investigation or retain responsibility for cases under the following conditions:

   a. If an individual is arrested and booked into a detention facility, and an Armed Robbery Unit Detective was not called out to the scene by an FSB Supervisor or FSB officer before the individual was booked; and/or
   b. If an Armed Robbery Unit Detective is called out and the initial investigation shows the reported crime is not a robbery, the Armed Robbery Unit Detective may advise the on-scene supervisor and decline to respond. It shall then be the on-scene FSB supervisor's responsibility to contact the appropriate investigative unit for case responsibility.

E. An Armed Robbery Unit Sergeant shall:

1. Assign and manage cases based on case review and solvability factors. The Armed Robbery Unit Sergeant or their designee shall enter cases in the case management system;

2. Track and identify serial cases;

3. Continuously inform the Investigative Services Division (ISD) Commander, Deputy Commander, and Lieutenant of high-profile, significant investigations; and

REDLINED

N/A

4. Complete monthly inspections, in accordance with SOP Line Inspection Process, and ensure Armed Robbery Unit Detectives are assigned the necessary equipment to perform their duties.

7

F. On-Call Rotation and Status

1. Armed Robbery Unit Detectives are placed in an on-call rotation.

   a. Each detective is required to be on-call for one (1) week at a time to function as the primary Armed Robbery Unit Detective and for one (1) week at a time to function as the secondary Armed Robbery Unit Detective.
      i. This also includes responding to homicide call-outs.
   b. The Armed Robbery Unit Sergeant has the discretion to move an Armed Robbery Unit Detective up in rotation due to case overload and/or emergencies.
      i. If moved up, the Armed Robbery Unit Detective shall complete the remainder of the on-call rotation and continue through the normal week of being on primary on-call status.

2. The on-call Armed Robbery Unit Detective shall be available twenty-four (24) hours a day during their on-call rotation.

   a. If the on-call Armed Robbery Unit Detective cannot respond to a call-out, they shall:
      i. Find a replacement;
      ii. Notify the Armed Robbery Unit Sergeant; and
      iii. Notify the ECC of the change in their on-call rotation status.

7

G. Case Assignments

1. Sworn personnel shall send Uniform Incident Reports for attempted robberies and completed robberies to the Armed Robbery Unit.

   a. The Armed Robbery Unit Sergeant or their designee shall review cases and assign a case according to case solvability factors:
      i. Not all cases will be assigned to an Armed Robbery Unit Detective;
      ii. For each case, assigned or not, the Armed Robbery Unit Sergeant or their designee shall enter the case into a tracking system with the appropriate coding;
      iii. Any cases unassigned or pending further leads may be assigned at any time if leads become available; and

N/A

      iv. Robberies inside a store with the intent of shoplifting or theft that resulted in a robbery charge shall be sent to the Organized Crime Unit (OCU) in accordance with SOP Organized Crime Unit.

REDLINED

1-13 ARMED ROBBERY UNIT

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

A. Related SOP(s)

1-72 1-72 Organized Crime Unit (OCU)
2-8 Use of On-Body Recording Devices ~~(Formerly 1-39)~~
2-60 Preliminary and Follow-Up Criminal Investigations ~~(Formerly 2-24)~~
3-30 Line Inspection Process ~~(Formerly 3-42)~~

B. Form(s)

None

C. Other Resource(s)

Armed Robbery Unit Handbook

D. Active Special Order(s)

None

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

None

1-13-1 Purpose

The purpose of the Armed Robbery Unit is to investigate robberies and assist Field Services Bureau (FSB) personnel with robbery investigations that are complex and lengthy.

1-13-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide Armed Robbery Unit personnel and FSB personnel with rules and responsibilities for responding to robberies.

N/A

1-13-3 Definitions

A. Robbery

1. The unlawful taking of someone's property or from someone's immediate control, either forcefully or violently, or by threat. For the purposes of this policy, a robbery may also include, but is not limited to ~~a~~:

REDLINED

a. Carjacking: The taking of a motor vehicle by force from a person or from a person's immediate control;~~.~~
b. Commercial Robbery: The taking of anything of value from the person working at or representing a business; or~~.~~
c. Home Invasion: The unlawful entry into a person's residence through a ruse or coercion, or by force, in order to obtain anything of value.

B. Serious Physical Injury

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

6 **1-13-4 Roles and Responsibilities**

A. FSB sworn personnel who respond to a robbery shall:

N/A 1. Conduct an investigation, ~~as outlined~~ in accordance with SOP Preliminary and Follow-Up Criminal Investigations;

N/A 2. Collect a statement using their on-body recording device (OBRD) for all robbery cases, ~~as outlined~~ in accordance with SOP Use of On-Body Recording Devices; and

3. Notify and brief their supervisor about the robbery.

B. An FSB supervisor shall:

1. Determine whether a call-out is necessary based on the call-out criteria outlined in this Standard Operating Procedure (SOP); and

a. If the FSB supervisor determines that a call-out is necessary, contact the Emergency Communications Center (ECC) to ask for the on-call Armed Robbery Unit Detective's contact information.

2. Contact the on-call Armed Robbery Unit Detective to ensure the individual is not currently being investigated ~~on,~~ in other cases.~~;~~

a. If the individual is not currently being investigated ~~on,~~ in other cases, and the FSB supervisor approves the arrest, they shall assign the primary responding FSB officer to assume case responsibility.

C. An Armed Robbery Unit Detective shall:

REDLINED

1. Respond to armed robberies that meet call-out criteria;
2. Provide guidance and assistance in the event an officer who responds to the robbery needs assistance with the follow-up investigation;

N/A

3. Assume case responsibility and conduct follow-up investigations, ~~as outlined~~ in accordance with SOP Preliminary and Follow-Up Criminal Investigations;

~~3.~~

4. Follow all duties and responsibilities in the Armed Robbery Unit's handbook; and

5. Participate in armed robbery on-call rotations and homicide on-call rotations.

7

D. Call-Out Criteria

1. The on-call Armed Robbery Unit Detective assumes case responsibility and conducts follow-up investigations for each of the following situations:

   a. In-custody cases related to a robbery where sworn personnel have taken an individual(s) into custody ~~and related to a robbery~~, and additional investigation is immediately necessary;
   b. Robbery cases where a victim or witness sustains a serious physical injury;
   c. When a robbery initially occurs in the Department's jurisdiction and if the investigation further extends into any surrounding jurisdictions; and
   d. Whenever directed by the Armed Robbery Unit Sergeant or the on-call Serious Crimes Call-Out Supervisor if the Armed Robbery Unit Sergeant is unavailable.

2. An Armed Robbery Unit Detective may contact the Armed Robbery Unit Sergeant when the call-out requires additional personnel.

3. Armed Robbery Unit personnel shall not conduct or assume control of an investigation or retain responsibility for cases under the following conditions:

   a. If an individual is arrested and booked into a detention facility, and an Armed Robbery Unit Detective was not called out to the scene by an FSB Supervisor or FSB officer before the individual was booked; and/or
   b. If an Armed Robbery Unit Detective is called out and the initial investigation shows the reported crime is not a robbery, the Armed Robbery Unit Detective may advise the on-scene supervisor and decline to respond. It shall then be the on-scene FSB supervisor's responsibility to contact the appropriate investigative unit for case responsibility.

E. An Armed Robbery Unit Sergeant shall:

1. Assign and manage cases based on case review and solvability factors. The Armed Robbery Unit Sergeant or their designee shall enter cases in the case management system;

2. Track and identify serial cases;

REDLINED

3. Continuously inform the Investigative Services Division (ISD) Commander, Deputy Commander, and Lieutenant of high-profile, significant investigations; and

N/A

4. Complete monthly inspections, in accordance~~consistent~~ with SOP Line Inspection Process, and ensure Armed Robbery Unit Detectives are assigned the necessary equipment to perform their duties.

7

F. On-Call Rotation and Status

1. Armed Robbery Unit Detectives are placed in an on-call rotation.

   a. Each detective is required to be on-call for one (1) week at a time to function as the primary Armed Robbery Unit Detective and for one (1) week at a time to function as the secondary Armed Robbery Unit Detective.
      i. This also includes responding to homicide call-outs.
   b. The Armed Robbery Unit Sergeant has the discretion to move an Armed Robbery Unit Detective up in rotation due to case overload and/or emergencies.
      i. If moved up, the Armed Robbery Unit Detective shall complete the remainder of the on-call rotation and continue through the normal week of being on primary on-call status.

2. The on-call Armed Robbery Unit Detective shall be available twenty-four (24) hours a day during their on-call rotation.

   a. If the on-call Armed Robbery Unit Detective cannot respond to a call-out, they shall:
      i. Find a replacement;
      ii. Notify the Armed Robbery Unit Sergeant; and
      iii. Notify the ECC of the change in their on-call rotation status.

7

G. Case Assignments

1. Sworn personnel shall send Uniform Incident Reports for attempted robberies and completed robberies to the Armed Robbery Unit.

   a. The Armed Robbery Unit Sergeant or their designee shall review cases and assign a case according to case solvability factors:
      i. Not all cases will be assigned to an Armed Robbery Unit Detective;
      ii. For each case, assigned or not, the Armed Robbery Unit Sergeant or their designee shall enter the case into a tracking system with the appropriate coding;
      iii. Any cases unassigned or pending further leads may be assigned at any time if leads become available; and

N/A

      ~~iv.~~ Robberies inside a store with the intent of shoplifting or theft that resulted in a robbery charge shall be sent to the Organized Crime Unit (OCU) ~~as outlined~~ in accordance with SOP Organized Crime Unit.

REDLINED

~~v.~~iv.

REDLINED

1-16 AUTO THEFT UNIT

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

A. Related SOP(s)

2-60 Preliminary Follow-Up Criminal Investigations
2-86 Auto Theft and Motor Vehicle Theft-Related Investigations
2-88 Bait Car Program

B. Form(s)

None

C. Other Resource(s)

ROA 1994, §§ 7-7-1 to 7-7-99 City of Albuquerque Wrecker Ordinance

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

1-16-1 Purpose

The purpose of this policy is to outline the responsibilities of the Albuquerque Police Department's (Department) Auto Theft Unit when completing auto theft investigations and investigations related to the Bait Car Program; to outline operations for property crime reduction and wrecker services; and to outline the responsibilities for auto theft prevention training for Department personnel and outside agencies.

1-16-2 Policy

It is the policy of the Department's Auto Theft Unit to decrease auto theft rates by detecting, identifying, investigating, apprehending, and prosecuting individuals involved in auto thefts.

N/A

1-16-3 Definitions

None

6

1-16-4 Rules and Responsibilities

A. Auto Theft Unit personnel shall investigate:

REDLINED

1. Auto theft cases where follow-up investigation is needed;

2. Cases involving an illegal location or business which disassembles stolen automobiles for the purpose of selling them as parts, commonly known as a "chop shop";

3. Bait car activations, in accordance with SOP Bait Car Program and the Auto Theft Unit Handbook;

4. Vehicle Identification Number (VIN) inspections; and

   a. Auto Theft Unit personnel shall assign New Mexico-issued VINs when applicable.

5. Tow yard inspections and/or investigations.

B. Towing Services

1. Auto Theft Unit personnel shall:

   a. Enforce the provisions of the City of Albuquerque Wrecker Ordinance;
   b. On a quarterly basis or as directed by the Auto Theft Unit Sergeant, conduct yard inspections of wrecker companies on the Department's rotation list;
   c. Maintain a file of tow yard inspections documenting findings and actions taken;
   d. Check the vehicles that are towed by participating wrecker companies through the National Crime Information Center (NCIC) database; and
      i. The participating wrecker companies maintain a log of towed vehicles for seventy-two (72) hours.
   e. Recover and remove vehicles from the NCIC database that are reported as being stolen and towed by wreckers on the rotation list, in accordance with SOP Auto Theft and Motor Vehicle Theft-Related Investigations.

N/A

C. Auto Theft Call-Out Procedures

N/A

1. Field Services Bureau (FSB) personnel shall conduct a preliminary investigation for auto thefts, including interviews with all involved parties, in accordance with SOP Preliminary and Follow-Up Criminal Investigations.

2. FSB personnel shall determine whether a follow-up investigation is required and/or whether the on-call Auto Theft Detective is required on scene.

   a. If it is determined that a follow-up investigation is required, FSB personnel shall notify their supervisor.
   b. The FSB supervisor shall contact the on-call Auto Theft Unit Detective and brief the detective about the incident.
   c. The Auto Theft Unit Detective shall determine whether the incident meets the call-out criteria based on:

REDLINED

i. Whether the complexity of the case requires a response by a specialized unit because it goes beyond the capabilities of FSB personnel; and
ii. Whether a warrant is required.

3. If there is a disagreement between the FSB supervisor and the Auto Theft Unit Detective, the Auto Theft Unit Sergeant shall make the final determination for a call-out.

D. On-Call Status

1. The Auto Theft Unit shall have a primary and secondary detective on-call at all times.

2. The Auto Theft Unit Sergeant shall prepare the on-call schedule.

E. Training

1. Auto Theft Unit personnel shall:

a. Conduct auto theft-related training for Department personnel, as directed by Department unit supervisors and outside law enforcement agency personnel; and
b. Provide auto theft prevention training and events for the community.

REDLINED

1-16 AUTO THEFT UNIT

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

A. Related SOP(s)

2-60 Preliminary Follow-Up Criminal Investigations ~~(Formerly 2-24)~~
2-86 Auto Theft and Motor Vehicle Theft-Related Investigations ~~(Formerly 2-26)~~
2-88 Bait Car Program ~~(Formerly 2-58)~~

B. Form(s)

None

C. Other Resource(s)

ROA 1994, §§ 7-7-1 to 7-7-99 City of Albuquerque Wrecker Ordinance

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

1-16-1 Purpose

The purpose of this policy is to outline the responsibilities of the Albuquerque Police Department's (Department) Auto Theft Unit when completing auto theft investigations and investigations related to the Bait Car Program; to outline operations for property crime reduction and wrecker services; and to outline the responsibilities for auto theft prevention training for Department personnel and outside agencies.

1-16-2 Policy

It is the policy of the Department's ~~for the~~ Auto Theft Unit to decrease auto theft rates by detecting, identifying, investigating, apprehending, and prosecuting individuals involved in auto thefts.

N/A

1-16-3 Definitions

None

6

1-16-4 Rules and Responsibilities

A. Auto Theft Unit personnel shall investigate:

REDLINED

1. Auto theft cases where follow-up investigation is needed;

2. Cases involving an illegal location or business which disassembles stolen automobiles for the purpose of selling them as parts, commonly known as a "chop shop";

3. Bait car activations, in accordance~~consistent~~ with SOP Bait Car Program and the Auto Theft Unit Handbook;

4. Vehicle Identification Number (VIN) inspections; and

   a. Auto Theft Unit personnel shall assign New Mexico-issued VINs when applicable.

5. Tow yard inspections and/or investigations.

B. Towing Services

1. Auto Theft Unit personnel shall:

   a. Enforce the provisions of the City of Albuquerque Wrecker Ordinance;
   b. On a quarterly basis or as directed by the Auto Theft Unit Sergeant, conduct yard inspections of wrecker companies on the Department's rotation list;
   c. Maintain a file of tow yard inspections documenting findings and actions taken;
   d. Check the vehicles that are towed by participating wrecker companies through the National Crime Information Center (NCIC) database; and
      i. The participating wrecker companies maintain a log of towed vehicles for seventy-two (72) hours.
   e. Recover and remove vehicles from the NCIC database that are reported as being stolen and towed by wreckers on the rotation list, in accordance~~consistent~~ with SOP Auto Theft and Motor Vehicle Theft-Related Investigations.

N/A

C. Auto Theft Call-Out Procedures

N/A

1. Field Services Bureau (FSB) personnel shall conduct a preliminary investigation for auto thefts,~~;~~ including interviews with all involved parties, in accordance with~~(refer to~~ SOP Preliminary and Follow-Up Criminal Investigations~~s for sanction classifications and additional duties)~~.

2. FSB personnel shall determine whether a follow-up investigation is required and/or whether the on-call Auto Theft Detective is required on scene.

   a. If it is determined that a follow-up investigation is required, FSB personnel shall notify their supervisor.
   b. The FSB supervisor shall contact the on-call Auto Theft Unit Detective and brief the detective about the incident.

REDLINED

c. The Auto Theft Unit Detective shall determine whether the incident meets the call-out criteria based on:
   i. Whether the complexity of the case requires a response by a specialized unit because it goes beyond the capabilities of FSB personnel; and
   ii. Whether a warrant is required.

3. If there is a disagreement between the FSB supervisor and the Auto Theft Unit Detective, the Auto Theft Unit Sergeant shall make the final determination for a call-out.

D. On-Call Status

1. The Auto Theft Unit shall have a primary and secondary detective on-call at all times.

2. The Auto Theft Unit Sergeant shall prepare the on-call schedule.

E. Training

1. Auto Theft Unit personnel shall:

   a. Conduct auto theft-related training for Department personnel, as directed by Department unit supervisors and outside law enforcement agency personnel; and
   b. Provide auto theft prevention training and events for the community.

REDLINED

1-23 DIGITAL INTELLIGENCE TEAM (DIT)

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

A. Related SOP(s)

2-73 Collection, Submission, and Disposition of Evidence and Property

B. Form(s)

PD 4201-B Chain of Custody for In-Person Transfers

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

25-61 Amendment to SOP 1-23 Digital Intelligence Team (DIT)

1-23-1 Purpose

The purpose of this policy is to establish the principles and procedures for the handling of digital evidence to ensure its integrity, security, and admissibility in legal proceedings.

1-23-2 Policy

It is the policy of the Albuquerque Police Department (Department) to maintain the integrity of all evidence, to comply with the legal standards for evidence handling and storage, and to maintain the chain of custody.

N/A

1-23-3 Definitions

A. Carrier Records

The records collected during the course of business by mobile device service providers. These records can include location information, and information about the details of communications which would include the dates and/or times of communication, direction of communication, and phone numbers communicated with from mobile device service providers.

B. Cellebrite Guardian

REDLINED

A cloud-based digital evidence management system used to maintain chain of custody for physical digital devices, to store mobile device extractions, and to share evidence with law enforcement partners

C. Chain of Custody

The chronological documentation showing the seizure, custody, control, transfer, analysis, and disposition of evidence.

D. Cloud-Based Digital Evidence

Digital data stored, managed, and processed on a network of remote servers hosted on the internet, rather than on local servers or personal computers.

E. Digital Evidence

Information and data of investigative value that is stored on, received, or transmitted by an electronic device.

F. Digital Forensic Examiner

A member of the Digital Intelligence Team (DIT) who is responsible for the safe handling and examination of digital evidence.

G. Faraday Bag

A bag made of material that blocks electromagnetic signals, which is used to hold devices such as mobile devices in order to prevent outside signals from interfering with the contents of the device.

H. Geolocation Analysis

The review and analysis of historical location records, including but not limited to mobile device carrier records, social media location records, and GPS or IP address records.

I. Internet of Things (IoT)

Interconnection via the internet of computing devices embedded in everyday objects, enabling them to send and receive data.

J. Mobile Device Extraction

The use of digital forensic tools to download and parse the contents of a mobile device for forensic analysis.

K. Provider of Cloud-Based Digital Evidence

REDLINED

The company that stores, manages, and processes digital data on a network of remote servers hosted on the internet.

L. Social Media Records

Records collected during the course of business by social media companies. These records can include pictures, videos, communications, and location information.

6 **1-23-4 Roles and Responsibilities**

A. Identifying, Preserving, and Collecting Physical Digital Evidence

1. Department personnel shall:

a. Assess the scene to identify all potential sources of digital evidence, including computers, mobile devices, external storage devices, cloud storage services, and Internet of Things (IoT) devices;
b. Ensure any necessary physical forensic evidence is retrieved, including deoxyribonucleic acid (DNA) and fingerprints, before interacting with a device;
c. Document the location and state of the evidence, including possible software programs open on the device at the time of seizure;
d. For Wi-Fi only devices, locate the source of the internet feed and disconnect its power, or its internet connection; and
e. For cellular capable devices, remove connectivity to networks in order of preference by:
i. Placing the device into a Faraday bag;
ii. Removing the SIM card;
iii. Placing the device into “Airplane mode”; or
iv. Powering off the device.

B. Identifying and Preserving Cloud-Based Digital Evidence

1. Department personnel shall:

a. Identify the provider name of the cloud-based digital evidence;
b. Identify the username and/or unique identifier that corresponds to the target account;
c. Use the cloud-based provider’s instructions on how to preserve accounts for law enforcement investigations; and
i. If a guide cannot be located, Department personnel will send the preservation request to digitalintel@cabq.gov, which must include the case number, unique account identifier, and name of the provider.
d. Take a photo of the evidence and upload it to Evidence.com if a victim or witness shows any cloud-based digital evidence on their device.

C. Evidence Handling

REDLINED

1. Digital Forensic Examiners shall maintain at least one (1) secure room for short-term storage of physical digital evidence.

2. Access to the room shall be limited to DIT personnel, and/or the Deputy Commander or above of the Criminal Investigation Division.

3. Physical digital evidence in the custody of the DIT shall have a unique identifier and case number associated to the device.

4. Any extraction of digital evidence shall be uploaded to the Cellebrite Guardian system upon completion of the extraction and within one (1) working day. Any delay in uploading shall be documented in a report immediately, and the DIT supervisor will be notified.

5. Physical digital evidence shall be returned to the officer or tagged into evidence at the following points:

    a. An extraction is successful, and there is no further need to physically review the phone; and
    b. A physical device is locked or encrypted, and there does not currently exist any reasonable method to unlock the device.

6. Geolocation Analysis from mobile device extractions, carrier records, or social media records, and report writing on those topics, shall only be performed by full-time forensic examiners in the DIT.

    a. Only software and hardware tools approved by the DIT shall be used to conduct geolocation analysis and report writing.

7. Mobile device data extraction shall be done on hardware and software approved and regulated by the DIT or the Federal Bureau of Investigation (FBI) Regional Computer Forensic Laboratory.

    a. Photos or videos of the examination of a mobile device are permitted without specialty tools. Any such recordings shall be uploaded to Evidence.com.

D. Storage of Physical Digital Devices as Evidence

1. For Mobile Devices, including cell phones, tablets, SD cards, SIM Cards, drones, or thumb drives:

    a. If an officer or Department personnel has an account, the items shall be submitted into Cellebrite Guardian by the end of their shift.
    b. The physical device shall be transported to the DIT's location to be physically extracted.

REDLINED

c. If an officer or Department personnel do not have a Cellebrite Guardian account, the device shall be tagged into evidence at the Scientific Evidence Unit.
d. The item shall be listed on the officer's report in the property section upon seizure.

2. For computers and laptops or other full-size traditional computer equipment:

   a. Tag items at the Scientific Evidence Unit or the New Mexico Regional Computer Laboratory.

3. For Digital Video Recorders that capture surveillance video:

   a. Tag items at the Scientific Evidence Unit or the New Mexico Regional Computer Laboratory.

E. Case Assignment

1. All Homicide Unit cases and Crimes Against Children Unit (CACU) cases involving death shall be assigned to a Digital Forensic Examiner.

   a. Other case types shall be assigned by the DIT Supervisor(s).

F. Call-Outs and Overtime

1. Overtime shall be approved by the DIT Supervisor.

2. A call-out rotation shall be established by the DIT Supervisor, and the Digital Forensic Examiners will be notified by the DIT Supervisor at least fourteen (14) days before going on call.

G. Reports

1. Reports shall be written by a Digital Forensic Examiner when:

   a. Geolocation Analysis is completed; and
   b. Cases are from the Homicide Unit or CACU involving a death.

2. Reports shall be approved by a DIT Supervisor or their designee prior to being released to other Department personnel.

3. Approved reports shall be uploaded to the Department's Records Management System within five (5) working days of approval.

REDLINED

1-23 DIGITAL INTELLIGENCE TEAM (DIT)

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

A. Related SOP(s)

2-73 Collection, Submission, and Disposition of Evidence and Property ~~(Formerly 2-08)~~

B. Form(s)

PD 4201-B Chain of Custody for In-Person Transfers

C. Other Resource(s)

None

D. Active Special Order(s)

None

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

25-61 -Amendment to SOP 1-23 Digital Intelligence Team (DIT)~~None~~

1-23-1 Purpose

The purpose of this policy is to establish the principles and procedures for the handling of digital evidence to ensure its integrity, security, and admissibility in legal proceedings.

1-23-2 Policy

It is the policy of the Albuquerque Police Department (Department) to maintain the integrity of all evidence, to comply with the legal standards for evidence handling and storage, and to maintain the chain of custody.

N/A

1-23-3 Definitions

A. Carrier Records

The r~~R~~ecords collected during the course of business by mobile device~~cell phone~~ service providers. These records can include location information, and~~as well as~~ information about the details of communications which would~~,~~ include the~~ing~~ dates and/or times of communication, direction of communication, and phone numbers communicated with from mobile device~~cell phone~~ service providers ~~that can provide details of communications. as well as location information.~~

REDLINED

B. Cellebrite Guardian

A cloud-based digital evidence management system used to maintain chain of custody for physical digital devices, to store mobile device extractions, and to share evidence with law enforcement partners

C. Chain of Custody

The chronological documentation showing the seizure, custody, control, transfer, analysis, and disposition of evidence.

D. Cloud-Based Digital Evidence

Digital data stored, managed, and processed on a network of remote servers hosted on the internet, rather than on local servers or personal computers.

E. Digital Evidence

Information and data of investigative value that is stored on, received, or transmitted by an electronic device.

~~A.~~F. Digital Forensic Examiner

A member of the Digital Intelligence Team (DIT) who is responsible for the safe handling and examination of digital evidence.

~~A. Internet of Things (IoT)~~

~~Interconnection via the internet of computing devices embedded in everyday objects, enabling them to send and receive data.~~

G. Faraday Bag

A bag made of material that blocks electromagnetic signals, which is used to hold devices such as mobile devices~~cell phones~~ in order to prevent outside signals from interfering with the contents of the device.

H. Geolocation Analysis

The review and analysis of historical location records, including but not limited to ~~cell phone~~mobile device carrier records, social media location records, and GPS or IP address records.

I. Internet of Things (IoT)

Interconnection via the internet of computing devices embedded in everyday objects, enabling them to send and receive data.

REDLINED

J. Mobile Device Extraction

The use of digital forensic tools to download and parse the contents of a mobile device for forensic analysis.

K. Provider of Cloud-Based Digital Evidence

The company that stores, manages, and processes digital data on a network of remote servers hosted on the internet.

L. Social Media Records

Records collected during the course of business by social media companies. These records can include pictures, videos, communications, and location information.

6

1-23-4 Roles and Responsibilities

A. Identifying, Preserving, and Collecting Physical Digital Evidence

1. Department personnel shall:

a. Assess the scene to identify all potential sources of digital evidence, including computers, mobile devices, external storage devices, cloud storage services, and Internet of Things (IoT) devices;
b. Ensure any necessary physical forensic evidence is retrieved, including deoxyribonucleic acid (DNA)~~,~~ and fingerprints, before interacting with a device;
c. Document the location and state of the evidence, including possible software programs open on the device at the time of seizure;
d. For Wi-Fi only devices, locate the source of the internet feed and disconnect its power, or its internet connection; and
e. For cellular capable devices, remove connectivity to networks in order of preference by~~, in this order~~:
i. Placing the ~~e~~ device into a F~~f~~araday bag;~~.~~
ii. Removing~~e~~ the SIM card;~~.~~
iii. Placing~~e~~ the device into “Airplane mode”; or~~.~~
iv. Powering off the device.

B. Identifying and Preserving Cloud-Based Digital Evidence

1. Department personnel shall:

a. Identify the provider name of the cloud-based digital evidence;
b. Identify the username and/or unique identifier that corresponds to the target account;
c. Use the cloud-based provider’s instructions on how to preserve accounts for law enforcement investigations; and

PRELIMINARY

i. If a guide cannot be located, Department personnel will send the preservation request to digitalintel@cabq.gov.~~.~~ which must include the case number, unique account identifier~~-~~, and name of the provider.

d. Take a photo of the evidence and upload it to Evidence.com if a victim or witness shows any cloud-based digital evidence on their device.

~~A.~~C. Evidence Handling

1. Digital Forensic Examiners shall maintain at least one (1) secure room for short-term storage of physical digital evidence.

2. Access to the room shall be limited to DIT personnel, and/or the Deputy Commander or above of the Criminal Investigation Division.

3. Physical digital evidence in the custody of the DIT shall have a unique identifier and case number associated to the device.

~~4. Physical digital evidence shall be uploaded in the Cellebrite Guardian evidence system.~~

~~5.~~4. Any extraction of digital evidence shall be uploaded to the Cellebrite Guardian system upon completion of the extraction and within one (1) working day. Any delay in uploading shall be documented in a report immediately, and the DIT supervisor will be notified.

~~6.~~5. Physical digital evidence shall be returned to the officer or tagged into evidence at the following points:

a. An extraction is successful, and there is no further need to physically review the phone; and
b. A physical device is locked or encrypted, and there does not currently exist any reasonable method to unlock the device.

6. Geolocation Analysis~~,~~ from mobile device extractions, ~~or~~ carrier records, or social media records, and report writing on those topics, shall only be performed by full-time forensic examiners in the DIT~~igital Intelligence Team~~.

a. Only software and hardware tools approved by the DIT~~igital Intelligence Team~~ shall be used to conduct geolocation analysis and report writing.

7. Mobile device~~Cell pPhone~~ data extraction shall be done on hardware and software ~~that are~~ approved and regulated by the DIT~~igital Intelligence Team~~ or the Federal Bureau of Investigation (FBI) Regional Computer Forensic Laboratory.

~~b.~~a. Photos or videos of the examination of a mobile device are permitted without specialty tools. Any such recordings shall be uploaded to Evidence.com.

REDLINED

D. Storage of Physical Digital Devices as Evidence

1. For Mobile Devices, including cell phones, tablets, SD cards, SIM Cards, drones, or thumb drives:

   a. If an ~~the~~ officer or Department personnel has an account, the items shall~~will~~ be submitted into Cellebrite Guardian by the end of their shift.
   b. The physical device shall~~will~~ be transported to the DIT~~igital Intelligence Team~~'s location to be physically extracted.
   c. If an~~the~~ officer or Department personnel do not have a Cellebrite Guardian account, the device shall~~will~~ be tagged into ~~the~~ evidence at the Scientific Evidence Unit.
   d. The item shall~~will~~ be listed on the officer's report in the property section upon seizure.

2. For computers and laptops or other full-size traditional computer equipment:

   a. Tag items at the Scientific Evidence Unit or the New Mexico Regional Computer Laboratory.

3. For Digital Video Recorders that capture surveillance video:

   a. Tag items at the Scientific Evidence Unit or the New Mexico Regional Computer Laboratory.

~~B.~~E. Case Assignment

1. All Homicide Unit cases and Crimes Against Children Unit (CACU) cases involving death shall be assigned to a Digital Forensic Examiner.

   a. Other case types shall be assigned by the DIT Supervisor(s).

~~C.~~F. Call-Outs and Overtime

1. Overtime shall be approved by the DIT Supervisor.

2. A call-out rotation shall be established by the DIT Supervisor, and the Digital Forensic Examiners will be notified by the DIT Supervisor at least fourteen (14) days before going on call.

~~D.~~G. Reports

1. Reports shall be written by a Digital Forensic Examiner when:

   a. Geolocation Analysis is completed; and
   b. Cases are from the Homicide Unit or CACU involving a death.

REDLINED

2. Reports shall be approved by a DIT Supervisor or their designee prior to being released to other Department personnel.

3. Approved reports shall be uploaded to the Department's Records Management System within five (5) working days of approval.

REDLINED

1-78 POLICE SERVICE AIDE (PSA) PROGRAM

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

A. Related SOP(s)

2-46 Response to Traffic Crashes
2-71 Search and Seizure Without a Warrant
2-73 Collection, Submission, and Disposition of Evidence and Property
2-106 Lost and Found Government-Issued Identification Cards and Driver's Licenses

B. Form(s)

Abandoned Vehicle Notification (In TraCS)
Towed Vehicle Notification (In TraCS)
Tow-In Report (In TraCS)

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

1-78-1 Purpose

The purpose of this policy is to outline the job duties and responsibilities of an Albuquerque Police Department (Department) Police Service Aide (PSA).

1-78-2 Policy

It is the policy of the Department for a PSA to assist sworn personnel by performing non-hazardous duties within the Department and to provide the community with a variety of community services, including assisting motorists and responding to traffic crashes and calls for service that pertain to abandoned vehicles.

N/A

1-78-3 Definitions

A. Sleeping Individual

An individual who is considered sleeping and/or unresponsive due to possible intoxication, substance abuse, and/or unknown medical issues.

REDLINED

6 **1-78-4 Training**

A. A PSA shall:

1. Participate in pre-service training conducted by Academy Division personnel; and

2. Attend any additional training as ordered.

7 **1-78-5 General Responsibilities**

A. A PSA, as their position requires, shall:

6 1. Handle Department correspondence, including:

a. Hand-delivering interoffice correspondence from the Internal Affairs Force Division (IAFD) and the Internal Affairs Professional Standards (IAPS) Division to the area commanders; and
b. Picking up interoffice correspondence from the area commands and distributing the correspondence to Department personnel through the Office of the Chief's mail sorting system.

6 2. Distribute citations in the appropriate mail sorting system on the first (1st) floor of the Law Enforcement Center;

a. A PSA shall only place the court's original copy and the abstract copy of the citations in the mail sorting system.

6 3. Deliver license plates to the New Mexico Motor Vehicle Division (MVD);

4. When requested, pick up supplies from the City of Albuquerque Pino Yards warehouse, and the Property Unit;

5. Provide assistance at the area commands, including:

a. Assist community members with Uniform Incident Reports by answering their questions, and by answering telephone calls; and
b. Ensure that area commands are stocked with supplies.

6. When necessary, transport sworn personnel and Department-issued police vehicles and pool cars;

7. Maintain the Department-issued area command pool cars and ensure they are in good working condition, including, but not limited to:

a. Checking the headlights and brake lights;
b. Verifying the turn signals;

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c. Ensuring emergency equipment is operational;
d. Verifying the battery is charged; and
e. If the Department-issued pool car needs to be repaired, the PSA shall notify their immediate supervisor.

8. Perform any other duties as directed by a supervisor; and

9. Only use vehicle emergency equipment when on scene of a police-related incident.

5 a. PSAs are not permitted to use vehicle emergency equipment to clear intersections or respond to calls for service while operating the equipment to expedite response.

7 **1-78-6 Assisting with Calls for Service**

A. Response to Traffic Crashes

1. A PSA shall:

N/A a. Investigate traffic crashes occurring on public roadways in accordance with the requirements in accordance with SOP Response to Traffic Crashes;
i. If the PSA identifies elements or contributing factors that appear to be criminal in nature, they shall discontinue their investigation and request for sworn personnel to assist with their investigation and/or to potentially transfer investigative responsibility to an officer;

N/A b. Investigate crashes on private property in accordance with the requirements in accordance with SOP Response to Traffic Crashes; and
i. If the PSA identifies elements or contributing factors that appear to be criminal in nature, they shall discontinue their investigation and request for sworn personnel to assist with their investigation and/or to potentially transfer investigative responsibility to an officer.

c. Assist sworn personnel at the scene of traffic crashes that involve injuries and fatal crashes by:
i. Securing the scene;
ii. Directing and controlling traffic around the scene;
iii. Locating and identifying potential witnesses;
iv. Transporting victims, passengers, or witnesses;
v. Taking measurements as directed by the primary unit;
vi. Completing tow-in reports;
vii. Tagging evidence as necessary; and
viii. Any other assistance as directed by a supervisor or the primary unit.

N/A 2. A PSA may function as the primary responding personnel for traffic crashes that involve injuries when sworn personnel are unable to respond to the crash in a timely manner.

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a. If any person(s) is medically transported, the PSA shall notify the on-duty supervisor of the reason for the medical transport and the category/severity of the injuries.
   i. If no injuries are sustained from the traffic crash or the injured person signed a medical waiver with Albuquerque Fire Rescue (AFR), the PSA shall notify the supervisor and request to change the call type to a traffic crash with no injuries.

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   ii. If the PSA identifies elements or contributing factors that appear to be criminal in nature, they shall discontinue their investigation and request for sworn personnel to assist and/or to potentially transfer investigative responsibility to the officer.

3. Hit and Run Crashes

N/A

a. A PSA may be dispatched as primary responding personnel to a hit-and-run crash where there is no indication of a suspected individual on-scene or in the area.
   i. If a PSA finds criminal elements or activity, they shall move to a safe distance from the area, notify the Emergency Communications Center (ECC), and request an officer to respond and assist.

N/A

b. A PSA shall investigate hit-and-run crashes in accordance with the requirements in accordance with SOP Response to Traffic Crashes.
   i. In the event the provided vehicle information matches the registered vehicle description, sworn personnel shall be dispatched to assist with the follow-up investigation, in accordance with SOP Response to Traffic Crashes.

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B. Response to Traffic Hazards and Assisting Motorists

1. A PSA shall:

a. Reasonably attempt to provide assistance to motorists in need of mechanical assistance (i.e., provide jumper cables, change flat tires, etc);
   i. The PSA shall not attempt to push-start a vehicle.
b. When a tow truck is requested by the motorist and after explaining that the motorist is responsible for all towing charges, request for the on-call wrecker company to respond to the scene; and
c. Provide traffic direction at the scene of a crash or fire, traffic hazards, intersections where lights are malfunctioning, and/or for roadway closures.

N/A

2. A PSA may transport a stranded motorist to the nearest service station for fuel, provided that the motorist's vehicle is not obstructing traffic or causing a traffic hazard.

3. A PSA shall only attempt to unlock a vehicle by using an unlocking device (e.g., Slim Jim) in exigent circumstances, such as to retrieve a child or an animal locked in the vehicle, otherwise:

REDLINED

N/A

a. A PSA shall request a locksmith at the motorist's request; or
b. A PSA may call a third party when extra keys are available.

C. Assisting Sworn Personnel on their Calls for Service

1. A PSA shall:

a. Transport victims, witnesses, and children to any of the Department facilities and outside law enforcement facilities, receiving homes, shelters, and/or residences as requested by an officer or supervisor;
b. Assist sworn personnel with the towing of vehicles at traffic stops; and

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c. Conduct a thorough inventory consistent with the requirements in accordance with SOP Search and Seizure Without a Warrant and advise sworn personnel if any of the following are located:
   i. Weapons;
   ii. Stolen property;
   iii. Drugs and/or paraphernalia; and
   iv. Open containers of alcohol.

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D. Abandoned Vehicles on Public or City Property

1. When dispatched to an abandoned vehicle call, a PSA shall determine whether the vehicle is abandoned by confirming that:

a. The vehicle is parked on or along any street, alley, or public way and does not display a current license plate or have a current registration;
b. The vehicle was left unattended on or along any street, alley, or public way in the same place for thirty-six (36) hours;
c. The vehicle is violating a parking ordinance, and if so, issue appropriate citations; or
d. The vehicle has an abandoned vehicle sticker (red tag) and check for an Unattended Vehicle Permit.

2. When the owner cannot be contacted or refuses to move the vehicle, the PSA shall complete an Abandoned Vehicle Notification and place an abandoned vehicle sticker on the vehicle.

a. The PSA shall forward completed Abandoned Vehicle Notifications to Central Records personnel.
   i. Central Records personnel shall mail Abandoned Vehicle Notifications to the registered owner.
b. When practicable, the PSA who prepared the abandoned vehicle sticker shall be the same as the PSA who has the vehicle towed.

N/A

c. After seven (7) days from placing the abandoned vehicle sticker, the PSA may have the vehicle towed.
   i. The PSA shall obtain permission from an on-duty Field Services Bureau (FSB) supervisor before having a vehicle towed.

REDLINED

d. When the abandoned vehicle is being towed, the PSA shall complete a Tow-In Report, Towed Vehicle Notification, and a Uniform Incident Report, and shall issue the appropriate citation(s).
e. If notice is received from the City Hearing Officer that the registered owner contests the action, the PSA shall not have the vehicle towed until the City Hearing Officer makes a decision about how to proceed.

3. When a vehicle is abandoned on a public roadway and causes a traffic hazard, the PSA shall ensure the vehicle is removed from the roadway after receiving authorization from the FSB supervisor. The PSA shall stand by for a minimum of thirty (30) minutes from the time the call was created to see if the owner returns.

   a. If the owner returns, the PSA shall assist the motorist with removing the vehicle from the roadway.
   b. If an owner does not return after the thirty (30) minutes, the PSA shall issue the appropriate citation(s) and have the vehicle towed.

5 4. A PSA shall not tow vehicles that have been abandoned on private property.

   a. The PSA is encouraged to make a referral to City of Albuquerque Zoning personnel.

5. Parking Enforcement

   a. A PSA shall be responsible for enforcing parking violations on public and private property.
      i. On private property, a PSA may only issue citations for handicap parking and fire lane violations.
   b. When a PSA is notified by the ECC or Real Time Crime Center (RTCC) of a "hotlist" vehicle or identified as a vehicle with outstanding parking or speeding violations, they shall respond to the scene and verify the vehicle is the correct vehicle through license plate and by the Vehicle Identification Number (VIN).
      i. Once verified, the PSA shall contact the Parking Enforcement Division at 505-924-3908 or 505-924-3950 to confirm the vehicle has two (2) or more outstanding parking or speed violations and have them issue a boot device.
      ii. The PSA shall apply the boot device, complete a Boot Citation, and notify the Parking Enforcement Division of the time and the location of the vehicle.
         1. The PSA shall upload the Boot Citation to the Parking Enforcement Division's online system or hand-deliver it to their office in City Hall before close of business on the day of issuance.
      iii. At no time shall a PSA apply a boot device to a vehicle that is not verified by the Parking Enforcement Division.

E. Calls for Service for Property Crimes

1. Response to a Burglary or Stolen Vehicle

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N/A

a. A PSA may be dispatched as primary responding personnel to any delayed auto, residential, or commercial burglary call for service, or a stolen vehicle call for service where there is no indication the individual is on-scene or in the area.
   i. FSB sworn supervisors and ECC Dispatchers shall review calls for service to ensure the safety of PSAs.
b. Under no circumstances shall a PSA be dispatched as the primary unit to a burglary that has just occurred or is in progress.
   i. A PSA may be dispatched to assist in perimeter duties if the call requires it.
c. If requested by the PSA, sworn personnel shall be dispatched to assist.
d. If a PSA encounters a potentially dangerous scene, they shall move away from the scene and, from a safe distance, notify the ECC to request sworn personnel to respond to the scene.
e. A PSA shall process all burglary and stolen vehicle scenes and collect evidence using standard evidence collection procedures in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

2. Calls for Service for Vandalism or Larceny

N/A

a. A PSA may be dispatched as the primary responding personnel for vandalism or larceny calls for service when there is no indication of an individual on-scene or in the area.

N/A

b. A PSA may take initial vandalism and larceny calls for service.

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c. The PSA shall determine whether the incident is a felony or a misdemeanor.
   i. If the PSA determines that the incident is a misdemeanor, they shall complete a Uniform Incident Report.
      1. If any potential leads develop, the PSA shall obtain the individual's information and forward it to their direct supervisor to provide to sworn personnel to conduct a follow-up investigation.
   ii. If the incident is determined to be a felony, the PSA shall take the initial call for service, collect any viable individual information or leads, and forward it to their area command's Impact Team for follow-up investigation.

3. Found Items

a. A PSA shall pick up found items and complete a Uniform Incident Report.
b. A PSA shall make a reasonable effort to contact the rightful owner of the recovered property.

N/A

   i. If an owner is not located, the PSA shall tag the property into evidence before the end of their shift, in accordance with SOP Lost and Found Government-Issued Identification Cards and Driver's Licenses.

F. Periodic Watches and Welfare Checks

N/A

1. A PSA may be dispatched to:

   a. Periodic watches on houses and businesses; and

REDLINED

b. Conduct welfare checks on elderly people who are confined to a residence, or people who are too sick to care for themselves.

G. Response to Sleeping Individuals

N/A

1. A PSA may be dispatched as the primary responding personnel to a call for service involving a sleeping individual (39-6) where the only reason for the call is that the individual is sleeping or is otherwise not-responsive due to presumed intoxication, substance abuse, and/or unknown medical issue.

   a. If a PSA finds criminal elements or activity, or the individual becomes disorderly, they shall move to a safe distance from the area, notify the ECC, and request an officer to respond and assist.

2. FSB supervisors and ECC Dispatchers shall review, screen, and read calls for service prior to a PSA being dispatched to ensure the safety of PSAs.

   a. If the call has possible criminal elements or activity, a PSA shall not be dispatched.

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H. Calls for Service Not Handled by a PSA

1. A PSA shall not respond to the following types of calls for service unless they have been directed to do so by an FSB supervisor or sworn personnel and the scene has been secured:

   a. Audible or silent alarms;
   b. Police vehicle pursuits;
   c. Any crime that is in progress;
   d. Suspicious/unattended deaths;
   e. To assist sworn personnel who are involved in a foot pursuit; or
   f. Welfare checks on emotionally disturbed persons.

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2. A PSA shall not:

   a. Engage in self-initiated traffic stops or follow traffic violators;
   b. Arrest or assist with an arrest, including searching any person for any reason;
   c. Detain or guard individuals; or

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   d. Actively pursue investigative leads that potentially lead to physical contact with a suspected individual.
      i. This includes following up on hit-and-run investigations by going to the registered owner's house without sworn personnel present.

I. Assigned to the Transit Safety Section (TSS).

1. A PSA shall:

REDLINED

N/A

a. Attend additional and ongoing training as directed;
b. Board and ride City buses at the direction of TSS supervisor(s);
c. Monitor community members riding on City buses to ensure they adhere to the City's bus safety rules; and
   i. A PSA may request backup assistance from a TSS officer and/or sworn personnel if a violation is observed.
   ii. A PSA shall disengage and request backup assistance when encountering a community member who appears to be aggressive or hostile.
d. Monitor community members riding on City buses to ensure they adhere to local ordinances and/or laws.
   i. A PSA may request backup assistance from sworn personnel if a violation is observed.

REDLINED

1-78 POLICE SERVICE AIDE (PSA) PROGRAM

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

A. Related SOP(s)

2-46 Response to Traffic Crashes
2-71 Search and Seizure Without a Warrant ~~(Formerly 2-17)~~
2-73 Collection, Submission, and Disposition of Evidence and Property ~~(Formerly 2-08)~~
2-106 Lost and Found Government-Issued Identification Cards and Driver's Licenses ~~(Formerly 3-21 and 4-27)~~

B. Form(s)

Abandoned Vehicle Notification (In TraCS)
Towed Vehicle Notification (In TraCS)
Tow-In Report (In TraCS)

C. Other Resource(s)

None

D. Active Special Order(s)

None

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

~~SO 24-34 (Amended) Amendment to SOP 1-78 Police Service Aide (PSA) Program~~None

1-78-1 Purpose

The purpose of this policy is to outline the job duties and responsibilities of an Albuquerque Police Department (Department) Police Service Aide (PSA).

1-78-2 Policy

It is the policy of the Department for a PSA to assist sworn personnel by performing non-hazardous duties within the Department and to provide the community with a variety of community services, including assisting motorists and responding to traffic crashes and calls for service that pertain to abandoned vehicles.

N/A

1-78-3 Definitions

A. Sleeping Individual

REDLINED

An individual who is considered sleeping and/or unresponsive due to possible intoxication, substance abuse, and/or unknown medical issues.

6 **1-78-4 Training**

A. A PSA shall:

1. Participate in pre-service training conducted by Academy Division personnel; and

2. Attend any additional training as ordered.

7 **1-78-5 General Responsibilities**

A. A PSA, as their position requires, shall:

6 1. Handle Department correspondence, including:

a. Hand-delivering interoffice correspondence from the Internal Affairs Force Division (IAFD) and the Internal Affairs Professional Standards (IAPS) Division to the area commanders; and
b. Picking up interoffice correspondence from the area commands and distributing the correspondence to Department personnel through the Office of the Chief's mail sorting system.

6 2. Distribute citations in the appropriate mail sorting system on the first (1st) floor of the Law Enforcement Center;

a. A PSA shall only place the court's original copy and the abstract copy of the citations in the mail sorting system.

6 3. Deliver license plates to the New Mexico Motor Vehicle Division (MVD);

4. When requested, pick up supplies from the City of Albuquerque Pino Yards warehouse, and the Property Unit;

5. Provide assistance at the area commands, including:

a. Assist community members with Uniform Incident Reports by answering their questions, and by answering telephone calls; and
b. Ensure that area commands are stocked with supplies.

6. When necessary, transport sworn personnel and Department-issued police vehicles and pool cars;

REDLINED

7. Maintain the Department-issued area command pool cars and ensure they are in good working condition, including, but not limited to:

   a. Checking the headlights and brake lights;
   b. Verifying the turn signals;
   c. Ensuring emergency equipment is operational;
   d. Verifying the battery is charged; and
   e. If the Department-issued pool car needs to be repaired, the PSA shall notify their immediate supervisor.

8. Perform any other duties as directed by a supervisor; and

9. Only use vehicle emergency equipment when on scene of a police-related incident.

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   a. PSAs are not permitted to use vehicle emergency equipment to clear intersections or respond to calls for service while operating the equipment to expedite response.

7 **1-78-6 Assisting with Calls for Service**

A. Response to Traffic Crashes

1. A PSA shall:

N/A

   a. Investigate traffic crashes occurring on public roadways in accordance~~consistent~~ with the requirements~~ outlined~~ in accordance with SOP Response to Traffic Crashes;
      i. If the PSA identifies elements or contributing factors that appear to be criminal in nature, they shall discontinue their investigation and request for sworn personnel to assist with their investigation and/or to potentially transfer investigative responsibility to an officer;

N/A

   b. Investigate crashes on private property in accordance~~consistent~~ with the requirements~~ outlined~~ in accordance with SOP Response to Traffic Crashes; and
      i. If the PSA identifies elements or contributing factors that appear to be criminal in nature, they shall discontinue their investigation and request for sworn personnel to assist with their investigation and/or to potentially transfer investigative responsibility to an officer.
   c. Assist sworn personnel at the scene of traffic crashes that involve injuries and fatal crashes by:
      i. Securing the scene;
      ii. Directing and controlling traffic around the scene;
      iii. Locating and identifying potential witnesses;
      iv. Transporting victims, passengers, or witnesses;
      v. Taking measurements as directed by the primary unit;
      vi. Completing tow-in reports;
      vii. Tagging evidence as necessary; and

REDLINED

viii. Any other assistance as directed by a supervisor or the primary unit.

N/A

2. A PSA may function as the primary responding personnel for traffic crashes that involve injuries when sworn personnel are unable to respond to the crash in a timely manner.

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a. If any person(s) is medically transported, the PSA shall notify the on-duty supervisor of the reason for the medical transport and the category/severity of the injuries.
   i. If no injuries are sustained from the traffic crash or the injured person signed a medical waiver with Albuquerque Fire Rescue (AFR), the PSA shall notify the supervisor and request to change the call type to a traffic crash with no injuries.

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   ii. If the PSA identifies elements or contributing factors that appear to be criminal in nature, they shall discontinue their investigation and request for sworn personnel to assist and/or to potentially transfer investigative responsibility to the officer.

3. Hit and Run Crashes

N/A

a. A PSA may be dispatched as primary responding personnel to a hit-and-run crash where there is no indication of a suspected individual on-scene or in the area.
   i. If a PSA finds criminal elements or activity, they shall move to a safe distance from the area, notify the Emergency Communications Center (ECC), and request an officer to respond and assist.

N/A

b. A PSA shall investigate hit-and-run crashes in accordance~~consistent~~ with the requirements ~~outlined~~ in accordance with SOP Response to Traffic Crashes.
   i. In the event the provided vehicle information matches the registered vehicle description, sworn personnel shall be dispatched to assist with the follow-up investigation, in accordance~~consistent~~ with SOP Response to Traffic Crashes.

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B. Response to Traffic Hazards and Assisting Motorists

1. A PSA shall:

a. Reasonably attempt to provide assistance to motorists in need of mechanical assistance (i.e., provide jumper cables, change flat tires, etc);
   i. The PSA shall not attempt to push-start a vehicle.
b. When a tow truck is requested by the motorist and after explaining that the motorist is responsible for all towing charges, request for the on-call wrecker company to respond to the scene; and
c. Provide traffic direction at the scene of a crash or fire, traffic hazards, intersections where lights are malfunctioning, and/or for roadway closures.

N/A

REDLINED

2. A PSA may transport a stranded motorist to the nearest service station for fuel, provided that the motorist's vehicle is not obstructing traffic or causing a traffic hazard.

3. A PSA shall only attempt to unlock a vehicle by using an unlocking device (e.g., Slim Jim) in exigent circumstances, such as to retrieve a child or an animal locked in the vehicle, otherwise:

   a. A PSA shall request a locksmith at the motorist's request; or~~.~~
   b. A PSA may call a third party when extra keys are available.

N/A

C. Assisting Sworn Personnel on their Calls for Service

1. A PSA shall:

   a. Transport victims, witnesses, and children to any of the Department facilities and outside law enforcement facilities, receiving homes, shelters, and/or residences as requested by an officer or supervisor;
   b. Assist sworn personnel with the towing of vehicles at traffic stops; and
   c. Conduct a thorough inventory consistent with the requirements in accordance with~~outlined in~~ SOP Search and Seizure Without a Warrant and advise sworn personnel if any of the following ~~is~~ are located:
      i. Weapons;
      ii. Stolen property;
      iii. Drugs and/or paraphernalia; and
      iv. Open containers of alcohol.

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D. Abandoned Vehicles on Public or City Property

1. When dispatched to an abandoned vehicle call, a PSA shall determine whether the vehicle is abandoned by confirming that:

   a. The vehicle is parked on or along any street, alley, or public way and does not display a current license plate or have a current registration;
   b. The vehicle was left unattended on or along any street, alley, or public way in the same place for thirty-six (36) hours;
   c. The vehicle is violating a parking ordinance, and if so, issue appropriate citations; or
   d. The vehicle has an abandoned vehicle sticker (red tag) and check for an Unattended Vehicle Permit.

2. When the owner cannot be contacted or refuses to move the vehicle, the PSA shall complete an Abandoned Vehicle Notification and place an abandoned vehicle sticker on the vehicle.

   a. The PSA shall forward completed Abandoned Vehicle Notifications to Central Records personnel.

REDLINED

i. Central Records personnel shall mail Abandoned Vehicle Notifications to the registered owner.

b. When practicable, the PSA who prepared the abandoned vehicle sticker shall be the same as the PSA who has the vehicle towed.

N/A

c. After seven (7) days from placing the abandoned vehicle sticker, the PSA may have the vehicle towed.

i. The PSA shall obtain permission from an on-duty Field Services Bureau (FSB) supervisor before having a vehicle towed.

d. When the abandoned vehicle is being towed, the PSA shall complete a Tow-In Report, Towed Vehicle Notification, and a Uniform Incident Report, and shall issue the appropriate citation(s).

e. If notice is received from the City Hearing Officer that the registered owner contests the action, the PSA shall not have the vehicle towed until the City Hearing Officer makes a decision about how to proceed.

3. When a vehicle is abandoned on a public roadway and causes~~ing~~ a traffic hazard, the PSA shall ensure the vehicle is removed from the roadway after receiving authorization from the FSB supervisor. The PSA shall stand by for a minimum of thirty (30) minutes from the time the call was created to see if the owner returns.

a. If the owner returns, the PSA shall assist the motorist with removing the vehicle from the roadway.

b. If an owner does not return after the thirty (30) minutes, the PSA shall issue the appropriate citation(s) and have the vehicle towed.

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4. A PSA shall not tow vehicles that have been abandoned on private property.

a. The PSA is encouraged to make a referral to City of Albuquerque Zoning personnel.

5. Parking Enforcement

a. A PSA shall be responsible for enforcing parking violations on public and private property.

i. On private property, a PSA may only issue citations for handicap parking and fire lane violations.

b. When a PSA is notified by the ~~Emergency Communications Center (~~ECC~~)~~ or Real Time Crime Center (RTCC) of a “hotlist” vehicle or identified as a vehicle with outstanding parking or speeding violations, they shall respond to the scene and verify the vehicle is the correct vehicle through license plate~~,~~ and by the ~~Vehicle’s~~ Vehicle Identification Number (VIN).

i. Once verified, the PSA shall contact the Parking Enforcement Division at 505-924-3908 or 505-924-3950 to confirm the vehicle has two (2) or more outstanding parking or speed violations and have them issue a boot device.

ii. The PSA shall apply the boot device, complete a Boot Citation, and notify the Parking Enforcement Division of the time and the location of the vehicle.

REDLINED

1. The PSA shall upload the Boot Citation to the Parking Enforcement Division's online system or hand-deliver it to their office in City Hall before close of business on the day of issuance.

iii. At no time shall a PSA apply a boot device to a vehicle that is not verified by the Parking Enforcement Division.

E. Calls for Service for Property Crimes

1. Response to a Burglary or Stolen Vehicle

N/A

a. A PSA may be dispatched as primary responding personnel to any delayed auto, residential, or commercial burglary call for service, or a stolen vehicle call for service where there is no indication the individual is on-scene or in the area.
   i. FSB sworn supervisors and ECC Dispatchers shall review calls for service to ensure the safety of PSAs.
b. Under no circumstances shall a PSA be dispatched as the primary unit to a burglary that has just occurred or is in progress.
   i. A PSA may be dispatched to assist in perimeter duties if the call requires it.
c. If requested by the PSA, sworn personnel shall be dispatched to assist.
d. If a PSA encounters a potentially dangerous scene, they shall move away from the scene and, from a safe distance, notify the ECC to request sworn personnel to respond to the scene.
e. A PSA shall process all burglary and stolen vehicle scenes and collect evidence using standard evidence collection procedures in accordance~~consistent~~ with SOP Collection, Submission, and Disposition of Evidence and Property.

2. Calls for Service for Vandalism or Larceny

N/A

a. A PSA may be dispatched as the primary responding personnel for vandalism or larceny calls for service ~~where~~ when there is no indication of an individual on-scene or in the area.

N/A

b. A PSA may take initial vandalism and larceny calls for service.

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c. The PSA shall determine whether the incident is a felony or a misdemeanor.
   i. If the PSA determines that the incident is a misdemeanor, they shall complete a Uniform Incident Report.
      1. If any potential leads develop, the PSA shall obtain the individual's information and forward it to their direct supervisor to provide to sworn personnel to conduct a follow-up investigation.
   ii. If the incident is determined to be a felony, the PSA shall take the initial call for service, collect any viable individual information or leads, and forward it to their area command's Impact Team for follow-up investigation.

3. Found Items

a. A PSA shall pick up found items and complete a Uniform Incident Report.
b. A PSA shall make a reasonable effort to contact the rightful owner of the recovered property.

N/A

REDLINED

i. If an owner is not located, the PSA shall tag the property into evidence before the end of their shift, in accordance~~consistent~~ with SOP Lost and Found Government-Issued Identification Cards and Driver's Licenses.

F. Periodic Watches and Welfare Checks

N/A

1. A PSA may be dispatched to:

   a. Periodic watches on houses and businesses; and
   b. Conduct welfare checks on elderly people who are confined to a residence, or people who are too sick to care for themselves.

G. Response to Sleeping Individuals

N/A

1. A PSA may be dispatched as the primary responding personnel to a call for service involving a sleeping individual (39-6) where the only reason for the call is that the individual is sleeping or is otherwise not-responsive due to presumed intoxication, substance abuse, and/or unknown medical issue.

   a. If a PSA finds criminal elements or activity, or the individual becomes disorderly, they shall move to a safe distance from the area, notify the ECC, and request an officer to respond and assist.

2. FSB supervisors and ECC Dispatchers shall review, screen, and read calls for service prior to a PSA being dispatched to ensure the safety of PSAs.

   a. If the call has possible criminal elements or activity, a PSA shall not be dispatched.

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H. Calls for Service Not Handled by a PSA

1. A PSA shall not respond to the following types of calls for service unless they have been directed to do so by an FSB supervisor or sworn personnel and the scene has been secured:

   a. Audible or silent alarms;
   b. Police vehicle pursuits;
   c. Any crime that is in progress;
   d. Suspicious/unattended deaths;
   e. To assist sworn personnel who are involved in a foot pursuit; or
   f. Welfare checks on emotionally disturbed persons.

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2. A PSA shall not:

   a. Engage in self-initiated traffic stops or follow traffic violators;
   b. Arrest or assist with an arrest, including searching any person for any reason;
   c. Detain or guard individuals; or

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REDLINED

d. Actively pursue investigative leads that potentially lead to physical contact with a suspected individual.
   i. This includes following up on hit-and-run investigations by going to the registered owner's house without sworn personnel present.

I. Assigned to the Transit Safety Section (TSS).

1. A PSA shall:

a. Attend additional and ongoing training as directed;
b. Board and ride City buses at the direction of TSS supervisor(s);
c. Monitor community members riding on City buses to ensure they adhere to the City's bus safety rules; and
   i. A PSA may request backup assistance from a TSS officer and/or sworn personnel if a violation is observed.
   ii. A PSA shall disengage and request backup assistance when encountering a community member ~~that~~ who appears to be aggressive or hostile.
d. Monitor community members riding on City buses to ensure they adhere to local ordinances and/or laws.
   i. A PSA may request backup assistance from sworn personnel if a violation is observed.

N/A

REDLINED

1-96 CRISIS NEGOTIATION TEAM (CNT)

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

A. Related SOP(s)

1-92 Special Weapons and Tactics (SWAT)
2-20 Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments

B. Form(s)

None

C. Other Resource(s)

Crisis Negotiation Team Handbook

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

1-96-1 Purpose

The purpose of the Crisis Negotiation Team (CNT) is to assist in safely resolving tactical activations in a manner that avoids unnecessary risk of harm to the individual experiencing or causing the crisis incident, victims, community members, and sworn personnel.

1-96-2 Policy

It is the policy of the Albuquerque Police Department (Department) to attempt de-escalation in tactical activations, high-element suicide events, and situations that go beyond the general capabilities of sworn personnel.

N/A

1-96-3 Definitions

None

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1-96-4 Roles and Responsibilities

N/A

A. Composition

1. The CNT shall be comprised of supervisors and sworn personnel who serve in a collateral duty capacity. They are specialists who focus on and employ verbal de-

REDLINED

escalation techniques in an effort to reasonably and safely defuse dangerous, life-threatening situations or specific crisis incidents.

2. The CNT is comprised of a minimum of one (1) CNT Team Leader Lieutenant or Sergeant, Primary Negotiator, Coach, Secondary Negotiator, Scribe, and Equipment Officer.

B. Probationary Status

1. A CNT Team Leader shall:

   a. Serve a six (6) month probationary period after selection;
   b. Be placed on a scheduled on-call status;
   c. Respond to CNT activations; and
   d. Complete the assignments and responsibilities of a Team Leader who is not in a probationary status.

2. A CNT Team Member shall:

   a. Serve a six (6) month probationary period after selection;
   b. Be placed on a scheduled on-call status;
   c. Respond to CNT activations as a Team Member in the role of a scribe or information resource officer/intern, as needed; and
   d. Be assigned and expected to perform the responsibilities of a CNT Team Member.
      i. A CNT Team Member may be assigned by the CNT Team Leader and shall include participation in all required monthly and quarterly training and CNT activation practical exercises.

C. CNT Team Manager

1. The CNT Manager shall:

   a. Develop and implement CNT training curricula and lesson plans;
   b. Coordinate CNT training schedules, including annual, semiannual, and joint training exercises; and
   c. Coordinate and work with crisis negotiating teams from federal, state, and local law enforcement agencies.

D. CNT Sworn Personnel and CNT Team Members

1. CNT sworn personnel and CNT Team Members shall:

   a. Be in a non-probationary status as of the date of application;
   b. Successfully complete enhanced crisis intervention training, or be scheduled to participate in such training during the next scheduled crisis intervention certification course;

REDLINED

i. Successful completion of this training course is a prerequisite for final selection as a CNT Team Member.

c. Successfully complete a term as a scribe or intern;

i. This requirement does not apply to sworn personnel who have previously served in a CNT capacity.

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d. Upon notification of a tactical activation, respond within one (1) hour to the command post;

e. Abide by the CNT position responsibilities that are outlined in the CNT Handbook; and

f. Be authorized to wear the CNT patch on their Department-approved uniform after successful completion of the six (6) month probationary period.

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E. Deployment

1. Trained on-call CNT personnel shall be deployed to attempt to resolve crisis incidents requiring tactical activation, including, but not limited to:

a. Hostage incidents;

N/A

b. Barricaded individuals that meet the criteria in accordance with SOP Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments;

c. Sniper situations;

d. Execution of search or arrest warrants in exigent circumstances;

e. Major disturbances at jails or detention facilities; and

f. Mass civil disturbances or demonstrations.

2. CNT personnel shall be used in conjunction with SWAT whenever SWAT is activated and deployed to respond to a situation.

3. At the discretion of the on-scene supervisor, trained on-call CNT personnel may also respond to individual(s) who are in crisis at an elevated position (i.e., threatening to jump from a bridge or building or where a full tactical activation would not meet the threat assessment or matrix).

a. CNT response shall be approved through the Tactical Commander or Special Operations Division (SOD) Commander only after the Crisis Intervention Unit Detective has been contacted and has responded to the scene.

b. CNT response shall consist of a CNT Team Leader, Primary Negotiator, and Coach.

c. The on-scene CNT Team Leader shall determine CNT response, procedures, and protocols.

d. CNT response shall not be considered a tactical activation but only another resource to assist units in these types of situations.

e. Incident command is maintained by the initiating Incident Commander at the scene and not the Tactical Section.

REDLINED

1-96 CRISIS NEGOTIATION TEAM (CNT)

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

A. Related SOP(s)

1-92 Special Weapons and Tactics (SWAT) ~~(Formerly 6-8) (Formerly Specialized Tactical Units)~~
2-20 Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments ~~(Formerly 2-42)~~

B. Form(s)

None

C. Other Resource(s)

Crisis Negotiation Team Handbook

D. Active Special Order(s)

None

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

None

1-96-1 Purpose

The purpose of the Crisis Negotiation Team (CNT) is to assist in safely resolving tactical activations in a manner that avoids unnecessary risk of harm to the individual experiencing or causing the crisis incident, victims, community members, and sworn personnel.

1-96-2 Policy

It is the policy of the Albuquerque Police Department (Department) to attempt de-escalation in tactical activations, high-element suicide events, and situations that go beyond the general capabilities of sworn personnel.

N/A

1-96-3 Definitions

None

6

1-96-4 Roles and Responsibilities

N/A

A. Composition

REDLINED

1. The CNT shall be comprised of supervisors and sworn personnel who serve in a collateral duty capacity. They are specialists who focus on and employ verbal de-escalation techniques in an effort to reasonably and safely defuse dangerous, life-threatening situations or specific crisis incidents.

2. The CNT is comprised of a minimum of one (1) CNT Team Leader Lieutenant or Sergeant, Primary Negotiator, Coach, Secondary Negotiator, Scribe, and Equipment Officer.

B. Probationary Status

1. A CNT Team Leader shall:

   a. Serve a six (6) month probationary period after selection;
   b. Be placed on a scheduled on-call status;
   c. Respond to CNT activations; and
   d. Complete the assignments and responsibilities of a Team Leader who is not in a probationary status.

2. A CNT Team Member shall:

   a. Serve a six (6) month probationary period after selection;
   b. Be placed on a scheduled on-call status;
   c. Respond to CNT activations as a Team Member in the role of a scribe or information resource officer/intern, as needed; and
   d. Be assigned and expected to perform the responsibilities of a CNT Team Member.
      i. A CNT Team Member may be assigned by the CNT Team Leader and shall include participation in all required monthly and quarterly training and CNT activation practical exercises.

C. CNT Team Manager

1. The CNT Manager shall:

   a. Develop and implement CNT training curricula and lesson plans;
   b. Coordinate CNT training schedules, including annual, semiannual, and joint training exercises; and
   c. Coordinate and work with crisis negotiating teams from federal, state, and local law enforcement agencies.

D. CNT Sworn Personnel and CNT Team Members

1. CNT sworn personnel and CNT Team Members shall:

   a. Be in a non-probationary status as of the date of application;

REDLINED

b. Successfully complete enhanced crisis intervention training, or be scheduled to participate in such training during the next scheduled crisis intervention certification course;
   i. Successful completion of this training course is a prerequisite for final selection as a CNT Team Member.
c. Successfully complete a term as a scribe or intern;
   i. This requirement does not apply to sworn personnel who have previously served in a CNT capacity.

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d. Upon notification of a tactical activation, respond within one (1) hour to the command post;
e. Abide by the CNT position responsibilities that are outlined in the CNT Handbook; and
f. Be authorized to wear the CNT patch on their Department-approved uniform after successful completion of the six (6) month probationary period.

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E. Deployment

1. Trained on-call CNT personnel shall be deployed to attempt to resolve crisis incidents requiring tactical activation, including, but not limited to:

   a. Hostage incidents;

N/A

   b. Barricaded individuals that meet the criteria ~~outlined~~ in accordance with SOP Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments ~~(refer to SOP Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments for sanction classifications and additional duties)~~;
   c. Sniper situations;
   d. Execution of search or arrest warrants in exigent circumstances;
   e. Major disturbances at jails or detention facilities; and
   f. Mass civil disturbances or demonstrations.

2. CNT personnel shall be used in conjunction with SWAT whenever SWAT is activated and deployed to respond to a situation.

3. At the discretion of the on-scene supervisor, trained on-call CNT personnel may also respond to individual(s) who are in crisis at an elevated position (i.e., threatening to jump from a bridge or building or where a full tactical activation would not meet the threat assessment or matrix).

   a. CNT response shall be approved through the Tactical Commander or Special Operations Division (SOD) Commander only after the Crisis Intervention Unit Detective has been contacted and has responded to the scene.
   b. CNT response shall consist of a CNT Team Leader, Primary Negotiator, and Coach.
   c. The on-scene CNT Team Leader shall determine CNT response, procedures, and protocols.
   d. CNT response shall not be considered a tactical activation but only another resource to assist units in these types of situations.

REDLINED

e. Incident command is maintained by the initiating Incident Commander at the scene and not the Tactical Section.

REDLINED

2-2 DEPARTMENT PROPERTY

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

A. Related SOP(s)

2-1 Uniforms
2-3 Firearms and Ammunition Authorization
3-23 Retirement Observance

B. Form(s)

PD 3076 Property Replacement/Repair Request Form
PD 4418 Badge/Weapon Purchase Request Form
PD 4430 APD Clearance Form

C. Other Resource(s)

City of Albuquerque Administrative Instruction (AI) Number 6-2 Disposition of Surplus Property, Salvage Property, and Scrap Property
City of Albuquerque Administrative Instruction (AI) Number 6-4 Capitalization of City Assets
City of Albuquerque Administrative Instruction (AI) Number 8-1 City Telecommunications Services Usage Policy
PeopleSoft Company Property Database

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-2-1 Purpose

The purpose of this policy is to outline procedures and guidance for the receiving, issuance, inventory, audit, transfer, and salvage of Albuquerque Police Department (Department) property.

2-2-2 Policy

The purpose of this policy is to ensure that Department personnel are properly equipped to do their jobs effectively, efficiently, and safely.

N/A

2-2-3 Definitions

REDLINED

A. Audit

An examination of the Department's property stored within the Property Unit.

B. City of Albuquerque Legal Department Hold

A hold on personnel property upon termination of employment from the Department to include an officer's Department-issued electronic devices and firearms. The Property Unit hold is placed until the Department-issued electronic devices and firearms have been cleared by the Compliance Division of the City Attorney's Office for re-issuance.

C. Department Property

An item that is in the Department's possession that is non-expendable, as determined by City AI Number 6-4.

D. Inventory

A complete list of Department property stored within the Property Unit.

6 **2-2-4 General Responsibilities**

A. Property Unit personnel shall:

N/A

1. Be responsible for the general oversight of the Department's equipment and supply function;

2. Obtain quotes and other information necessary to ensure the Department uses the most cost-effective alternatives when planning for expenditures;

   a. Property Unit personnel shall submit the quotes and relative information to Fiscal Division personnel for approval and processing.

3. Complete inventory checks monthly;

   a. The Property Unit office is closed for routine property requests on the last Friday of every month and the last week of the fiscal year for inventory.
   b. The Property Unit personnel shall be available for emergency-type requests.

4. Complete audits monthly;

   a. The Property Unit office is closed for routine property requests on the last Friday of every month and the last week of the fiscal year for audits.
   b. The Property Unit personnel shall be available for emergency-type requests.

7

5. Be responsible for fulfilling property issuance through the Smart Lockers when requested and;

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a. Fulfill orders within twenty-four (24) hours;
b. Upon fulfillment, send communication to the requestor through their City email from the automated Smart Locker Computer System;
c. Communicate any delay(s) of order fulfillment through City email; and
d. Pick-up and restock property not picked up by Department personnel within forty-eight (48) hours.

6. Be responsible for all legal holds:

a. The Property Unit shall log and store Department-issued weapons on legal hold;
b. The Property Unit will forward all weapon legal holds to City legal once a month; and
c. City legal will advise the Property Unit when the Department-issued weapons are released from legal hold and may be re-issued.

7 **2-2-5 Requests and Purchases**

A. Requests

Department personnel shall notify the Property Unit when ordering property for the Department, or for personnel, for storage and tracking purposes.

B. Purchases

1. Purchases needing to be recorded and tracked through property identification (ID) tags/property cards shall be received and recorded by the Property Unit personnel at the Law Enforcement Center at 400 Roma Avenue Northwest, Albuquerque, New Mexico 87102.

2. ID tags and property card recordings are used for high-dollar purchases, electronics, officer equipment, grant purchases, and similar items. Exclusions include Tactical purchases, Special Investigation Division (SID) purchases, and any purchases too large for the Property Unit to store and/or distribute. Any purchasing questions shall be coordinated with the Property Unit Supervisor.

a. Department personnel shall not have personal mail or purchases sent to the Department.

3. After receiving, tagging, and entering items into the inventory database, Property Unit personnel shall notify the Department employee by their City email to pick up the items at the Property Unit within five (5) business days.

6 4. When Department personnel use a City Purchasing Card (P-Card) to purchase non-consumable property for a specific employee, it needs to be added to the employee's property card (e.g., specialized equipment, computer, smartphone

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accessories). The employee is responsible for contacting Property Unit personnel to have the items added to their property card within two (2) business days after receiving the property.

5 5. Department personnel who are authorized to purchase firearms shall have them shipped directly to the Property Unit to ensure Property Unit personnel enter the serial numbers into the PeopleSoft Company Property database.

C. Purchasing Department Firearms Upon Retirement

1. Sworn personnel who meet the following criteria are allowed to purchase their Department-issued firearm(s).

a. Sworn personnel who are retiring and are not facing termination or disciplinary action, which may lead to termination, are eligible to purchase their current Department-issued firearm upon approval from their chain of command by completing the following steps:
i. The officer shall forward a completed Badge/Weapon Purchase Form through their chain of command and receive approval;
ii. The officer shall contact a federally licensed firearms dealer to transfer the firearm from the Department to the officer after the approval is granted from the chain of command. The officer shall be responsible for the required transfer fee;
1. If a firearm other than those indicated on the Badge/Weapon Purchase Form is approved for purchase by the chain of command, the officer shall obtain an appraisal from a federally licensed firearms dealer to provide along with their Badge/Weapon Purchase Form.
iii. The officer shall make the payment directly to the Property Unit;
6 iv. Property Unit personnel shall remove the firearm from the officer's property card; and
v. The purchase price will be indicated on the Badge/Weapon Purchase.

6 **2-2-6 Issuance and Maintenance**

A. Issuance

1. The Property Unit Manager shall maintain a list of all Department-issued property and to whom the property is assigned.

2. Property Unit personnel shall issue all equipment and document it on the sworn personnel's property card.

2 3. Property Unit personnel shall not issue Department-owned firearms to non-Department personnel.

4. Upon issuance, Department personnel shall:

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a. Be responsible for the Department property issued to them;
b. Sign for the equipment on their property cards when taking possession of newly-issued property or property that is replaced;
c. Report all property changes to the Property Unit within five (5) working days in order for Property Unit personnel to update the employee's property card;
d. When issued a Department vehicle, personnel shall immediately report to the Property Unit for issuance of the following mandatory equipment, including, but not limited to:
   i. First aid kit;
   ii. Fire extinguisher;
      1. Department personnel shall ensure their Department-issued fire extinguishers are not expired.
      2. A fire extinguisher typically lasts two (2) years.
   iii. Emergency blankets; and
   iv. Road flares.
e. Ensure all assigned less-lethal weapon systems are available while on duty.

5. At a minimum, the Property Unit personnel shall issue all sworn personnel the following mandatory items:

   a. Duty firearm with an attached flashlight;
   b. Leather gear, in accordance with SOP Uniforms, which includes:
      i. Ammunition magazine carriers;
      ii. Belt keepers;
      iii. Chemical agent holder;
      iv. Equipment belt, two (2) inches wide, basket weave leather or synthetic;
      v. Handcuff case, open or closed type;
      vi. Holster with the required manual retention device; and
      vii. Flashlight holder.
   c. Flashlight;
   d. Electronic control weapon (ECW);
      i. When an ECW fails or malfunctions and the Property Unit is closed, uniformed sworn personnel shall replace their ECW at the Metropolitan Forensic Science Center (MFSC).
   e. Handcuffs;
   f. Handcuff key;
   g. At least two (2) additional authorized ammunition magazines filled to capacity with Department-authorized ammunition;
   h. Oleoresin capsicum (OC) spray; and
   i. Badge
      i. A badge patch is considered sufficient in accordance with SOP Uniforms.

N/A

N/A

6. All sworn personnel are issued an expandable baton and holster, but are not mandated to carry it on their duty belt.

B. Body Armor

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1. The Property Unit shall issue body armor to all Department personnel required to wear body armor.

2. All body armor purchases shall be made through the Property Unit.

3. Upon issuance, Property Unit personnel shall record and maintain the expiration date of the body armor.

4. Department personnel who are issued body armor shall notify Property Unit personnel ninety (90) days prior to its expiration, which is five (5) years from the manufacture date printed on the body armor.

5. Property Unit personnel shall provide the Department employee with temporary, unexpired body armor if the new body armor does not arrive prior to the employee's body armor expiration.

6. Department personnel shall pick up their new body armor within five (5) business days.

7. Department personnel shall turn in their Department-issued body armor, rifle plates, and tactical carriers to the Property Unit when they separate from the Department.

C. Department-Issued Cell Phones

1. An employee shall seek their direct supervisor's approval for a Department-issued cell phone.

2. If approved, the employee's direct supervisor shall seek the chain of command's approval to issue their employee a Department-issued cell phone.

3. The employee shall submit their cell phone request to Tech Services Unit personnel at APDhelpdesk@cabq.gov.

4. Department of Technology and Innovation (DTI) personnel shall:

   a. Order the cell phone;
   b. Abide by City of Albuquerque AI Number 8-1;
   c. Promptly call the employee when the phone arrives; and
   d. Send an email to Property Unit personnel and copy the employee in their email to advise that a cell phone has been assigned.

5. The employee shall:

   a. Make arrangements with DTI personnel to pick up the cell phone; and
   b. Ensure the cell phone is tracked on their property card by contacting the property immediately, but no later than forty-eight (48) hours after receipt.

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6. If an employee needs to replace their Department-issued cell phone, they shall contact APD Technical Services.

7. When an employee is separating from the Department, they shall:

   a. Go to DTI to log out of the Apple ID software; and
      i. DTI personnel shall sign off on the City of Albuquerque Employee Clearance Form;
   b. Physically turn in the cell phone to DTI personnel.

8. When an employee separates from the Department, Property Unit personnel shall follow the City of Albuquerque Legal Department's hold processes.

   a. Property Unit personnel shall hold all firearms as determined by the City of Albuquerque Legal Department.
   b. DTI shall hold all electronics as determined by the City of Albuquerque Legal Department.

D. Department-Issued Laptops

1. DTI personnel shall:

   a. Work directly with Academy Division personnel to coordinate the assignment of laptop computers to cadets while in the Academy;
   b. Send an email to the Property Unit immediately upon issuance of a laptop, with the serial number and to whom it is assigned;
   c. Send an email to the Property Unit and copy the employee in their email to advise of the new or replacement laptop equipment;
   d. Track any issuance of loaner equipment; it does not have to go through the Property Unit;
   e. Track the process of loaner equipment and determine when an employee will keep the computer permanently; and
   f. Send an email to the Property Unit and copy the employee with any permanent issuance of equipment to record on the employee's property card.

2. DTI personnel shall not issue or reissue grant-funded computers (yellow tags) without the permission of the Department's Grant Administration personnel.

3. The employee shall:

   a. Be responsible for contacting the Property Unit to ensure their permanent Department-issued laptop is recorded on their property card within forty-eight (48) hours of issuance;
   b. When they separate from the Department, physically turn in their Department-issued laptop to DTI; and
   c. Leave their desktop computer at its original location.

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4. The Property Unit shall follow the City of Albuquerque Legal Department's hold processes.

E. Repairs and Replacements

1. When Department personnel make a request to repair or replace their Department-issued property, they shall submit a Property Replacement/Repair Request Form through their chain of command. Property Management Section personnel shall determine repair and/or replacement costs.

   a. All request forms shall specify the circumstances of any damage or loss and will include supporting documents. A Uniform Incident Report shall be submitted for lost or stolen equipment.
   b. The Deputy Chief or Area Commander shall note on the Property Replacement/Repair Request Form whether the repair or replacement is either:
      i. An acceptable loss, damage, or destruction as required in the performance of duty, in which case, the officer shall take the completed form to the Property Unit for reissuance of equipment; or
      ii. If chargeable to the officer because of neglect, carelessness, or misuse, the officer shall make arrangements with Property Unit personnel to pay for the item at the price determined by the Property Unit.
   c. Property Unit personnel shall retain a copy of the Property Replacement/Repair Request Form and a receipt.

2. When Department personnel have their Department-issued property damaged or stolen, they shall contact their chain of command for immediate replacement of those items that are necessary for them to function in their particular job.

   a. Department personnel will be issued replacement property or loaned property on a temporary basis.
   b. Property Unit personnel shall track property that is loaned to Department personnel, excluding laptops.

N/A

3. Upon issuance of a new firearm, the officer must complete the New Mexico Department of Public Safety (NMDPS) daylight and low light qualification prior to returning to duty with that firearm, in accordance with SOP Firearms and Ammunition Authorization.

   a. Range personnel shall email the Property Unit Supervisor immediately upon issuance of a firearm with the serial number and employee information so they can record it on the officer's property card.

F. Leave

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1. Military

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a. Upon receiving military orders that last longer than thirty (30) days, sworn personnel shall return their Department-issued property to the Property Unit, including:
   i. Department-issued firearm(s);
   ii. 40-millimeter launcher;
   iii. ECW;
   iv. Portable handheld radio;
   v. Laptop/Toughbook computer;
   vi. External hard drive, if criminal cases are stored on them;
   vii. Body armor;
   viii. On-body recording device(s) (OBRD);
   ix. Leather gear;
   x. Badge;
   xi. Department-issued cell phones; and
   xii. If applicable, their spike belt and/or Stop Sticks.
b. An officer who was issued property for specialized units or sworn personnel who are on collateral duty shall return the property to the issuing unit.
c. If the officer's orders to deploy for more than thirty (30) days are received within less than forty-eight (48) hours' notice, they shall coordinate with their chain of command to return their property.
d. Whenever possible, Property Unit personnel shall hold separately the officer's gear and applicable vehicle property items from the general inventory for reissuance upon their return.

2. Administrative Leave

   a. Operations Review shall coordinate the collection of all Department property and turn it into the Property Unit.

7 G. Return of Department-Issued Property

1. When personnel separate from the Department, they shall surrender all Department-issued property and equipment no later than their last scheduled date of service.

   a. Personnel shall contact the Property Unit in advance to schedule an appointment to turn in all their property to the Property Unit.

5 2. When firearms are being turned in to the Property Unit, regardless of the reason, the officer shall ensure the firearm chamber is clear and in the lock-back position. The officer shall clearly show Property Unit personnel that this has been completed prior to turning over the firearm.

N/A 3. If sworn personnel intend to purchase a badge upon promotion or retirement, they must receive written permission from the Chief of Police in accordance with SOP Retirement Observance.

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6 **2-2-7 Surpluses and Transfers/Salvages of Department Property**

A. General Procedures

1. Property Unit personnel shall adhere to City AI Number 6-2.

2. The Fixed Asset Liaison shall be the Property and Fixed Assets Manager. The Property Disposal Officer shall be the Property Warehouse Supervisor.

3. Department personnel who request to initiate a request for surplus, salvage, or scrap shall complete the Property Replacement/Repair Request form in PeopleSoft.

   a. A printed copy of the form should be mailed to the Property Disposal Officer. The Property Disposal Officer shall determine if City property is surplus, salvage, or scrap.

4. If the City property is considered surplus and it will be transferred to another department.

   a. The Department employee (requestor) shall take pictures of the City property, provide a description of the items to be transferred, and provide point of contact information.
   b. Serial numbers and model numbers shall be used to identify the items being transferred or salvaged.

5. If the City property is considered surplus and it is not being transferred to another department, the following steps shall be followed:

   a. The Property Disposal Officer shall post it on the public surplus auction website (https://www.publicsurplus.com/sms/browse/home) for the required number of days. If there are any questions, the Property Disposal Officer shall send the questions to the Department personnel who requested the items be salvaged for their responses.
   b. If the City property is sold, the Property Disposal Officer shall provide the requestor with the contact information, and they shall coordinate with the bidder for pick-up.
   c. The Department employee (requestor) shall have the winning bidder sign the PeopleSoft form, and obtain a copy of their driver's license. If the City property is not sold and it has been listed three (3) times, the Property Disposal Officer shall notify the Department employee (requestor). The Department employee (requestor) shall be responsible for disposing of the City property.

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2-2 DEPARTMENT PROPERTY

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

A. Related SOP(s)

2-1 Uniforms ~~(Formerly 2-06)~~
2-3 Firearms and Ammunition Authorization ~~(Formerly 2-3)~~
3-23 Retirement Observance ~~(Formerly 3-61)~~

B. Form(s)

PD 3076 Property Replacement/Repair Request Form
PD 4418 Badge/Weapon Purchase Request Form
PD 4430 APD Clearance Form

C. Other Resource(s)

City of Albuquerque Administrative Instruction (AI) Number 6-2 Disposition of Surplus Property, Salvage Property, and Scrap Property
City of Albuquerque Administrative Instruction (AI) Number 6-4 Capitalization of City Assets
City of Albuquerque Administrative Instruction (AI) Number 8-1 City Telecommunications Services Usage Policy
PeopleSoft Company Property Database

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-2-1 Purpose

The purpose of this policy is to outline procedures and guidance for the receiving, issuance, inventory, audit, transfer, and salvage of Albuquerque Police Department (Department) property.

2-2-2 Policy

The purpose of this policy is to ensure that ~~Albuquerque Police Department (~~Department~~)~~ personnel are properly equipped to do their jobs effectively, efficiently, and safely.

N/A

2-2-3 Definitions

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A. Audit

An examination of the Department's property stored within the Property Unit.

B. City of Albuquerque Legal Department Hold

A hold on personnel property upon termination of employment from the Department to include an officer's Department-issued electronic devices and firearms. The Property Unit hold is placed until the Department-issued electronic devices and firearms have been cleared by the Compliance Division of the City Attorney's Office for re-issuance.

C. Department Property

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D. Inventory

A complete list of Department property stored within the Property Unit.

6 **2-2-4 General Responsibilities**

A. Property Unit personnel shall:

N/A

1. Be responsible for the general oversight of the Department's equipment and supply function;

2. Obtain quotes and other information necessary to ensure the Department uses the most cost-effective alternatives when planning for expenditures;

   a. Property Unit personnel shall submit the quotes and relative information to Fiscal Division personnel for approval and processing.

3. Complete inventory checks monthly;~~:~~

   a. The Property Unit office is closed for routine property requests on the last Friday of every month and the last week of the fiscal year for inventory.
   b. The Property Unit personnel shall be available for emergency-type requests.

4. Complete audits monthly;~~:~~

   a. The Property Unit office is closed for routine property requests on the last Friday of every month and the last week of the fiscal year for audits.
   b. The Property Unit personnel shall be available for emergency-type requests.

7

5. Be responsible for fulfilling property issuance through the Smart Lockers when requested and; ~~shall:~~

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a. Fulfill orders within twenty-four (24) hours;
b. Upon fulfillment, send communication to the requestor through their City email from the automated Smart Locker Computer System;
c. Communicate any delay(s) of order fulfillment through City email; and
d. Pick-up and restock property not picked up by Department personnel within forty-eight (48) hours.

6. Be responsible for all legal holds:

a. The Property Unit shall log and store Department-issued weapons on legal hold;
b. The Property Unit will forward all weapon legal holds to City legal once a month; and
c. City legal will advise the Property Unit when the Department-issued weapons are released from legal hold and may be re-issued.

7 **2-2-5 Requests and Purchases**

A. Requests

Department personnel shall notify the Property Unit when ordering property for the Department, or for personnel, for storage and tracking purposes.

B. Purchases

1. Purchases needing to be recorded and tracked through property identification (ID) tags/property cards shall be received and recorded by the Property Unit personnel at the Law Enforcement Center at 400 Roma Avenue Northwest, Albuquerque, New Mexico 87102.

2. ID tags and property card recordings are used for high-dollar purchases, electronics, officer equipment, grant purchases, and similar items. Exclusions include Tactical purchases, Special Investigation Division (SID) purchases, and any purchases too large for the Property Unit to store and/or distribute. Any purchasing questions shall be coordinated with the Property Unit Supervisor.

a. Department personnel shall not have personal mail or purchases sent to the Department.

3. After receiving, tagging, and entering items into the inventory database, Property Unit personnel shall notify the Department employee by their City email to pick up the items at the Property Unit within five (5) business days.

6 4. When Department personnel use a City Purchasing Card (P-Card) to purchase non-consumable property for a specific employee, it needs to be added to the employee's property card (e.g., specialized equipment, computer, smartphone

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accessories). The employee is responsible for contacting Property Unit personnel to have the items added to their property card within two (2) business days after receiving the property.

5 5. Department personnel who are authorized to purchase firearms shall have them shipped directly to the Property Unit to ensure Property Unit personnel enter the serial numbers into the PeopleSoft Company Property database.

C. Purchasing Department Firearms Upon Retirement

1. Sworn personnel who meet the following criteria are allowed to purchase their Department-issued firearm(s).

a. Sworn personnel who are retiring and are not facing termination or disciplinary action, which may lead to termination, are eligible to purchase their current Department-issued firearm upon approval from their chain of command by completing the following steps:
i. The officer shall forward a completed Badge/Weapon Purchase Form through their chain of command and receive approval;
ii. The officer shall contact a federally licensed firearms dealer to transfer the firearm from the Department to the officer after the approval is granted from the chain of command. The officer shall be responsible for the required transfer fee;
1. If a firearm other than those indicated on the Badge/Weapon Purchase Form is approved for purchase by the chain of command, the officer shall obtain an appraisal from a federally licensed firearms dealer to provide along with their Badge/Weapon Purchase Form.
iii. The officer shall make the payment directly to the Property Unit;
6 iv. Property Unit personnel shall remove the firearm from the officer's property card; and
v. The purchase price will be indicated on the Badge/Weapon Purchase.

6 **2-2-6 Issuance and Maintenance**

A. Issuance

1. The Property Unit Manager shall maintain a list of all Department-issued property and to whom the property is assigned.

2. Property Unit personnel shall issue all equipment and document it on the sworn personnel's property card.

2 3. Property Unit personnel shall not issue Department-owned firearms to non-Department personnel.

4. Upon issuance, Department personnel shall:

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a. Be responsible for the Department property issued to them;
b. Sign for the equipment on their property cards when taking possession of newly-issued property or property that is replaced;
c. Report all property changes to the Property Unit within five (5) working days in order for Property Unit personnel to update the employee's property card;
d. When issued a Department vehicle, personnel shall immediately report to the Property Unit for issuance of the following mandatory equipment, including, but not limited to:
   i. First aid kit;
   ii. Fire extinguisher;
      1. Department personnel shall ensure their Department-issued fire extinguishers are not expired.~~; and~~
      2. A fire extinguisher typically lasts two (2) years.
   iii. Emergency blankets; and
   iv. Road flares.
e. Ensure all assigned less-lethal weapon systems are available while on duty.

5. At a minimum, the Property Unit personnel shall issue all sworn personnel the following mandatory items:

   a. Duty firearm with an attached flashlight;
   b. Leather gear, ~~consistent~~ in accordance with SOP Uniforms, which includes:
      i. Ammunition magazine carriers;
      ii. Belt keepers;
      iii. Chemical agent holder;
      iv. Equipment belt, two (2) inches wide, basket weave leather or synthetic;
      v. Handcuff case, open or closed type;
      vi. Holster with the required manual retention device; and
      vii. Flashlight holder.
   c. Flashlight;
   d. Electronic control weapon (ECW);
      i. When an ECW fails or malfunctions and the Property Unit is closed, uniformed sworn personnel shall replace their ECW at the Metropolitan Forensic Science Center (MFSC).
   e. Handcuffs;
   f. Handcuff key;
   g. At least two (2) additional authorized ammunition magazines filled to capacity with Department-authorized ammunition;
   h. Oleoresin capsicum (OC) spray; and
   i. Badge
      i. A badge patch is considered sufficient~~ly~~ ~~consistent~~ in accordance with SOP Uniforms. ~~(refer to SOP Uniforms for sanction classifications and additional duties).~~

N/A

N/A

6. All sworn personnel are issued an expandable baton and holster, but are not mandated to carry it on their duty belt.

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B. Body Armor

1. The Property Unit shall issue body armor to all D~~d~~epartment personnel required to wear body armor.

2. All body armor purchases shall be made through the Property Unit.

3. Upon issuance, Property Unit personnel shall record and maintain the expiration date of the body armor.

4. Department personnel who are issued body armor shall notify Property Unit personnel ninety (90) days prior to its expiration, which is five (5) years from the manufacture date printed on the body armor.

5. Property Unit personnel shall provide the Department employee with temporary, unexpired body armor if the new body armor does not arrive prior to the employee's body armor expiration.

6. Department personnel shall pick up their new body armor within five (5) business days.

7. Department personnel shall turn in their Department-issued body armor, rifle plates, and tactical carriers to the Property Unit when they separate from the Department.

C. Department-Issued Cell Phones

1. An employee shall seek their direct supervisor's approval for a Department-issued cell phone.

2. If approved, the employee's direct supervisor shall seek the chain of command's approval to issue their employee a Department-issued cell phone.

3. The employee shall submit their cell phone request to Tech Services Unit personnel at APDhelpdesk@cabq.gov.

4. Department of Technology and Innovation (DTI) personnel shall:

   a. Order the cell phone;
   b. Abide by City of Albuquerque AI Number 8-1;
   c. Promptly call the employee when the phone arrives; and
   d. Send an email to Property Unit personnel and copy the employee in their email to advise that a cell phone has been assigned.

5. The employee shall:

   a. Make arrangements with DTI personnel to pick up the cell phone; and

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b. Ensure the cell phone is tracked on their property card by contacting the property immediately, but no later than forty-eight (48) hours after receipt.

6. If an employee needs to replace their Department-issued cell phone, they shall contact APD Technical Services.

7. When an employee is separating from the Department, they shall:

   a. Go to DTI to log out of the Apple ID software; and
      i. DTI personnel shall sign off on the City of Albuquerque Employee Clearance Form;
   b. Physically turn in the cell phone to DTI personnel.

8. When an employee separates from the Department, Property Unit personnel shall follow the City of Albuquerque Legal Department's hold processes.

   a. Property Unit personnel shall hold all firearms as determined by the City of Albuquerque Legal Department.
   b. DTI shall hold all electronics as determined by the City of Albuquerque Legal Department.

D. Department-Issued Laptops

1. DTI personnel shall:

   a. Work directly with Academy Division personnel to coordinate the assignment of laptop computers to cadets while in the Academy;
   b. Send an email to the Property Unit immediately upon issuance of a laptop, with the serial number and to whom it is assigned;
   c. Send an email to the Property Unit and copy the employee in their email to advise of the new or replacement laptop equipment;
   d. Track any issuance of loaner equipment; it does not have to go through the Property Unit;
   e. Track the process of loaner equipment and determine when an employee will keep the computer permanently; and
   f. Send an email to the Property Unit and copy the employee with any permanent issuance of equipment to record on the employee's property card.

2. DTI personnel shall not issue or reissue grant-funded computers (yellow tags) without the permission of the Department's Grant Administration personnel.

3. The employee shall:

   a. Be responsible for contacting the Property Unit to ensure their permanent Department-issued laptop is recorded on their property card within forty-eight (48) hours of issuance;

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b. When they separate from the Department, physically turn in their Department-issued laptop to DTI; and
c. Leave their desktop computer at its original location.

4. The Property Unit shall follow the City of Albuquerque Legal Department's hold processes.

E. Repairs and Replacements

1. When Department personnel make a request to repair or replace their Department-issued property, they shall submit a Property Replacement/Repair Request Form through their chain of command. Property Management Section personnel shall determine repair and/or replacement costs.

   a. All request forms shall specify the circumstances of any damage or loss and will include supporting documents. A Uniform Incident Report shall be submitted for lost or stolen equipment.
   b. The Deputy Chief or Area Commander shall note on the Property Replacement/Repair Request Form whether the repair or replacement is either:
      i. An acceptable loss, damage, or destruction as required in the performance of duty, in which case, the officer shall take the completed form to the Property Unit for reissuance of equipment; or
      ii. If chargeable to the officer because of neglect, carelessness, or misuse, the officer shall make arrangements with Property Unit personnel to pay for the item at the price determined by the Property Unit.
   c. Property Unit personnel shall retain a copy of the Property Replacement/Repair Request Form and a receipt.

2. When Department personnel have their Department-issued property damaged or stolen, they shall contact their chain of command for immediate replacement of those items that are necessary for them to function in their particular job.

   a. Department personnel will be issued replacement property or loaned property on a temporary basis.
   b. Property Unit personnel shall track property that is loaned to Department personnel, excluding laptops.

N/A

3. Upon issuance of a new firearm, the officer must complete the New Mexico Department of Public Safety (NMDPS) daylight and low light qualification prior to returning to duty with that firearm, in accordance ~~consistent~~ with SOP Firearms and Ammunition Authorization ~~(refer to SOP Firearms and Ammunition Authorization for sanction classifications and additional duties)~~.

   a. Range personnel shall email the Property Unit Supervisor immediately upon issuance of a firearm with the serial number and employee information so they can record it on the officer's property card.

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F. Leave

6

1. Military

   a. Upon receiving military orders that last longer than thirty (30) days, sworn personnel shall return their Department-issued property to the Property Unit, including:
      i. Department-issued firearm(s);
      ii. 40-millimeter launcher;
      iii. ECW;
      iv. Portable handheld radio;
      v. Laptop/Toughbook computer;
      vi. External hard drive, if criminal cases are stored on them;
      vii. Body armor;
      viii. On-body recording device(s) (OBRD);
      ix. Leather gear;
      x. Badge;
      xi. Department-issued cell phones; and
      xii. If applicable, their spike belt and/or Stop Sticks.
   b. An officer who was issued property for specialized units or sworn personnel who are on collateral duty shall return the property to the issuing unit.
   c. If the officer's orders to deploy for more than thirty (30) days are received within less than forty-eight (48) ~~hours~~ hours' notice, they shall coordinate with their chain of command to return their property.
   d. Whenever possible, Property Unit personnel shall hold separately the officer's gear and applicable vehicle property items from the general inventory for reissuance upon their return.

2. Administrative Leave

   a. Operations Review shall coordinate the collection of all Department property and turn it into the Property Unit.

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G. Return of Department-Issued Property

1. When personnel separate from the Department, they shall surrender all Department-issued property and equipment no later than their last scheduled date of service.

   a. Personnel shall contact the Property Unit in advance to schedule an appointment to turn in all their property to the Property Unit.

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2. When firearms are being turned in to the Property Unit, regardless of the reason, the officer shall ensure the firearm chamber is clear and in the lock-back position. The officer shall clearly show Property Unit personnel that this has been completed prior to turning over the firearm.

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3. If sworn personnel intend to purchase a badge upon promotion or retirement, they must receive written permission from the Chief of Police in accordance with~~(refer to~~ SOP Retirement Observance~~ for sanction classifications and additional duties)~~.

6 **2-2-7 Surpluses and Transfers/Salvages of Department Property**

A. General Procedures

1. Property Unit personnel shall adhere to City AI Number 6-2.

2. The Fixed Asset Liaison shall be the Property and Fixed Assets Manager. The Property Disposal Officer shall be the Property Warehouse Supervisor.

3. Department personnel who request to initiate a request for surplus, salvage, or scrap shall complete the Property Replacement/Repair Request form in PeopleSoft.

   a. A printed copy of the form should be mailed to the Property Disposal Officer. The Property Disposal Officer shall determine if City property is surplus, salvage, or scrap.

4. If the City property is considered surplus and it will be transferred to another department.

   a. The Department employee (requestor) shall take pictures of the City property, provide a description of the items to be transferred, and provide point of contact information.
   b. Serial numbers and model numbers shall be used to identify the items being transferred or salvaged.

5. If the City property is considered surplus and it is not being transferred to another department, the following steps shall be followed:

   a. The Property Disposal Officer shall post it on the public surplus auction website (https://www.publicsurplus.com/sms/browse/home) for the required number of days. If there are any questions, the Property Disposal Officer shall send the questions to the Department personnel who requested the items be salvaged for their responses.
   b. If the City property is sold, the Property Disposal Officer shall provide the requestor with the contact information, and they shall coordinate with the bidder for pick-up.
   c. The Department employee (requestor) shall have the winning bidder sign the PeopleSoft form, and obtain a copy of their driver's license. If the City property is not sold and it has been listed three (3) times, the Property Disposal Officer shall notify the Department employee (requestor). The Department employee (requestor) shall be responsible for disposing of the City property.

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2-20 HOSTAGE SITUATIONS, BARRICADED INDIVIDUALS, AND TACTICAL THREAT ASSESSMENTS

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

A. Related SOP(s)

1-92 Special Weapons and Tactics (SWAT)
2-8 Use of On-Body Recording Devices
2-19 Response to Behavioral Health Issues
2-71 Search and Seizure without a Warrant

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-20-1 Purpose

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel regarding hostage situations and barricaded individuals with the goal of increasing the likelihood of safely resolving such incidents.

2-20-2 Policy

It is the policy of the Department to employ tactics and tools that increase the likelihood of safely resolving incidents involving hostage situations and barricaded individuals. In order to accomplish this, Field Services Bureau (FSB) personnel shall work closely with trained crisis intervention personnel and tactical sworn personnel to ensure that they employ appropriate and coordinated responses to these incidents. This policy also describes how to assess such situations for possible tactical activations while considering the tools and tactics that increase the likelihood of a safe resolution to these incidents.

It is also the policy of the Department to avoid the unreasonable risk of harm while responding to hostage situations or barricaded individuals, community members, and sworn

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personnel, when feasible, while using the minimum amount of force necessary to resolve the situation. Such responses shall require personnel to slow or calm the situation when practicable and to use de-escalation techniques, which may serve to lessen the tension and safely diffuse a crisis.

N/A **2-20-3 Definitions**

A. Active Listening

A way of listening and responding to another person by using nonverbal cues, tone of voice, facial expressions, and body posture, all of which can improve mutual understanding.

B. Barricaded Individual

A person in a location that provides a barrier or spatial separation, assisting them to avoid apprehension by sworn personnel.

C. Crisis Intervention Trained Officer (CITO)

An officer who has successfully completed the forty (40) hour basic crisis intervention training (CIT).

D. Crisis Negotiation Team (CNT)

A team comprised of supervisors and sworn personnel who serve in an additional or collateral duty capacity. Who serve as specialists that use verbal de-escalation skills to assist in safely defusing dangerous, life-threatening situations or specific critical incidents when responding to tactical activations.

E. Elevated Position

A position that an individual has placed themselves in, in which they could fall, or cause themselves to fall, and the result of the fall would likely cause serious injury and/or death.

F. Enhanced Crisis Intervention Team (ECIT)

A team comprised of specially-trained, uniformed sworn personnel who function as specialists to respond to calls involving individuals affected by a behavioral health disorder or who are experiencing a behavioral health crisis.

G. Hostage Situation

A person or persons holding another person or persons against their will through intimidation, deception, duress, coercion, with force or threat of force.

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H. Inner Perimeter

A perimeter established to keep the incident and involved individual(s) contained. Methods for establishing an inner perimeter shall vary based upon the dynamics and location of each incident.

I. Media Staging Area

A designated area immediately outside the outer perimeter where news media may set up, film, and receive briefings from the Department's Public Information Officer (PIO). This location is established taking into consideration the location, potential volatility, and known weapons involved with the police action involved.

J. Mobile Crisis Team (MCT)

A two-person unit comprised of one (1) licensed mental health professional and one (1) ECIT officer who jointly respond to calls with a behavioral health component. The MCT provides immediate behavioral health services once the scene is secured. The MCTs are trained to complement the ECIT and Crisis Intervention Unit (CIU).

K. Outer Perimeter

A perimeter established to keep the public safely away from the incident and successfully divert traffic. The location of the outer perimeter shall vary based upon the dynamics of each incident.

L. Unwilling Individual

An individual who is unable to remove themselves from a location due to an extenuating circumstance, such as their proximity to the barricaded/suicidal individual, their belief that leaving may escalate the situation, or their inability to physically remove themselves from a location without assistance.

6 2-20-4 Procedures

A. Dispatch and Initial Assessment Protocol

1. If the initial call alerts the Emergency Communications Center (ECC) that a situation may involve a hostage situation or a barricaded individual, ECC shall dispatch an FSB supervisor and the on-duty FSB Lieutenant. If the situation involves a behavioral health crisis, ECC shall dispatch an Enhanced Crisis Intervention Team (ECIT) officer, in accordance with SOP Response to Behavioral Health Issues.

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2. The Incident Commander (IC) shall assess the situation and determine whether FSB personnel may use their crisis intervention training successfully to resolve an incident or whether a tactical activation shall be necessary.

3. If the call is not initially categorized for an ECIT or Mobile Crisis Team (MCT) response, the primary objectives of the first responding officer shall be to attempt to slow the situation, assess the nature of the call, and gather the appropriate information, personnel, and resources to respond effectively to the incident according to the protocols set forth below.

B. Response to a Hostage Situation

1. FSB Sworn Personnel Duties and Responsibilities

a. FSB sworn personnel shall:
   i. Notify an FSB supervisor and the ECC, as soon as possible, that there is a possible hostage situation. To the extent possible, the sworn personnel shall identify:
      1. The address;
      2. The suspect's identity or description;
      3. The number and identity of any hostages; and
      4. Any information indicating the suspect is armed or has made specific threats.
   ii. Request immediate backup;
   iii. Set up an inner perimeter and, as needed, an outer perimeter to exclude non-law enforcement pedestrians and vehicular traffic;
   iv. Maintain radio contact with ECC and other responders;
   v. If sworn personnel deem evacuation necessary and can be done safely, will evacuate community members from within the perimeter(s). If members of the public are within the inner perimeter and cannot be evacuated safely, sworn personnel shall direct them to shelter in place until an evacuation can be safely accomplished; and
   vi. If needed to confirm the actual status of the situation and if safe to do so, begin a dialogue with the individual who is in crisis to determine the nature of the situation and to confirm whether there are hostages and/or weapons involved. If the sworn personnel has built rapport with the individual, sworn personnel may continue the communication in an attempt to de-escalate the situation until the CNT arrives.

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b. FSB sworn personnel shall not:
   i. Exchange themselves for hostages or surrender their weapons; or
   ii. Allow the individual to leave the area with hostages, except under the most extreme circumstances. If there is a possibility that the individual can leave the area, FSB sworn personnel shall make initial preparations to provide surveillance and control travel routes.

2. FSB Supervisor Duties and Responsibilities

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a. The FSB supervisor shall:
   i. Assume initial incident command, conduct a preliminary investigation, and assess the scope and intensity of the situation;
   ii. Request sufficient personnel to handle the call, with an emphasis on enough personnel to establish an inner and outer perimeter around the location;
   iii. Request that ECC dispatch the on-duty lieutenant or their designee, if the lieutenant is not already on-scene;
   iv. Set up a command post in an appropriate and safe area;
   v. Notify the Tactical Commander;
   vi. Retain command until the Tactical Commander arrives;
   vii. Ensure that FSB units maintain an outer perimeter;
   viii. If outside agencies are involved, designate the FSB supervisor to be the Department point of contact, ensuring that proper communications are established and maintained among all responders;
   ix. Designate a media staging area and request a PIO through ECC;
   x. Transfer command of the scene to the Tactical Commander once a tactical activation has been authorized. The Tactical Commander shall then notify ECC that they have assumed command of the incident and the inner perimeter. The FSB supervisor shall then be solely responsible for maintaining the integrity of the outer perimeter;
   xi. Remain at the scene for the duration of the incident while reporting to the Tactical Commander;
   xii. Secure a radio frequency for the operation;
   xiii. Notify rescue, ambulance, and the fire department, as needed; and
   xiv. Upon the IC's determination that the suspected hostage situation does not involve hostages, follow the protocols for a barricaded individual as outlined in this SOP.

3. Tactical Commander Duties and Responsibilities

   a. Based on the briefing provided by the FSB supervisor, determine whether the call meets the criteria of tactical activation. When there is a tactical activation, the Tactical Commander shall:
      i. Advise the ECC and all sworn personnel on-scene that the call meets the criteria of a tactical activation;
      ii. Assume command and control;
      iii. Call out the CNT immediately upon responding to the scene;
      iv. Resolve the situation safely while using the minimum amount of force necessary to protect the lives of the hostages and other people at or near the scene;
      v. Prioritize the safety of the hostages, public, and sworn personnel through a resolution of the situation;
      vi. Continue negotiations, if they are progressing and hostages are not in immediate danger;
      vii. Cease negotiations and authorize force if communication with the individual is not progressing based upon articulable facts and circumstances, or if it is

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progressing in a negative direction and the lives of hostages are in imminent danger; and

N/A

viii. Follow the protocols in accordance with SOP Specialized Tactical Units.

C. Response to a Barricaded Individual

1. When sworn personnel are dispatched to a call of a barricaded individual, personnel shall first gather information to assess whether there is a need for a tactical response.

2. The responding sworn personnel shall ensure that backup sworn personnel are present before initiating contact. An FSB sworn personnel may make contact with the barricaded individual once backup sworn personnel are present. If an ECIT officer is on-scene, they shall make the initial contact with the barricaded individual. When possible, the supervisor shall ensure that a force array response is in place before making any contact with the barricaded individual.

3. If the nature of the call-out did not alert the ECC to dispatch a supervisor, the sworn personnel encountering a barricaded individual shall notify a supervisor and ECC as soon as possible.

4. ECC shall ensure that the on-duty FSB supervisor is dispatched to the call, together with the on-duty FSB Lieutenant.

   a. If the on-duty FSB supervisor is unavailable, another on-duty supervisor shall be notified and dispatched.

5. If the FSB supervisor determines, through consultation with the on-duty FSB Lieutenant and the Tactical Commander, that the incident is not appropriate for a tactical response, then the FSB supervisor shall notify ECC as soon as practicable.

   a. ECC shall dispatch an ECIT officer to assist with the response.
   b. The FSB supervisor shall retain command of the scene, but the ECIT officer shall take the lead on interactions with the barricaded individual and shall provide input to the FSB supervisor regarding strategies for resolving the incident.

6. The on-duty FSB Lieutenant shall monitor the incident and have oversight of the outer perimeter and FSB personnel.

   a. The FSB supervisor shall be the IC and shall collaborate with the on-duty FSB Lieutenant and an ECIT officer regarding strategy and coordination of resources to resolve the situation. These sworn personnel shall continually reassess and communicate with one another regarding tactics.
   b. In particularly complex or volatile situations, the on-duty FSB Lieutenant or higher-ranking sworn personnel may assume incident command.

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7. Sworn personnel shall attempt to obtain any information about the barricaded individual from family or friends. The FSB Lieutenant shall contact the Real Time Crime Center (RTCC) to use the CIU case management system and other available resources to obtain any available additional information on the location of the incident or barricaded individual. CIU shall be available for on-call consultation.

8. Sworn personnel responding to the scene shall:

   a. Use invisible deployment as much as possible, including cover and concealment;
   b. Contain the immediate area as soon as practicable to ensure the individual's safety, the community's safety, and sworn personnel's safety; and
   c. Separate the individual's family and/or friends from the individual if they are present at the location. Once family and/or friends are separated from the individual and moved to a safe location, they should be interviewed to gain additional information.

9. Communicating with the Individual and De-escalation

   a. When feasible, in communicating with the individual in crisis, the Crisis Intervention Trained Officer (CITO) or ECIT officer shall:
      i. Attempt to engage the individual by using de-escalation techniques;
      ii. Evaluate all available information when contacting the individual;
      iii. Not attempt face-to-face contact when an individual is armed, unless there is sufficient cover and protection to ensure the safety of sworn personnel;
      iv. Maintain an adequate distance from the individual after considering the threat presented; and
      v. When possible, attempt to contact the individual via telephone. If unable to make contact via telephone, an alternate means of communication, such as public address announcements, social media, or any other electronic communication, should be attempted. If contact is made with the individual, sworn personnel shall take the following actions:
         1. Provide reassurance that the police are there to help and that appropriate care will be provided.
         2. Attempt to find out the nature of the crisis the individual is experiencing.
         3. While listening to the individual's concerns, allow the individual to express their feelings.
         4. Attempt to guide the conversation towards topics that seem to ease the situation.
         5. Always be truthful. If the individual perceives deception, they may withdraw, which will further complicate the situation.
         6. Ask the individual to willingly disarm and follow the exit plan provided by sworn personnel and supervisors who are on-scene.
         7. Engage in active listening and non-threatening, non-judgmental verbal exchanges.
   b. If there is no search warrant, and reasonable attempts have been made to contact the barricaded individual, and the situation remains unresolved and

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does not meet the criteria outlined in the Tactical Threat Assessment section of this SOP, the IC shall instruct sworn personnel to withdraw from the area, consistent with the disengagement procedures below in this SOP.

10. If a suicidal individual is barricaded, refer to the Disengagement and the Tactical Threat Assessment sections of this SOP.

11. Crisis Negotiation Team (CNT) Response to Individuals Who Are in Crisis and in An Elevated Position

    a. The Tactical Commander or Special Operations Division (SOD) Commander shall approve the CNT's response to individuals who are in crisis and in an elevated position.
    b. Prior to calling CIU, FSB sworn personnel shall request the ECC to dispatch an ECIT officer or MCT to the scene. Sworn personnel are also reminded that, prior to calling CIU, they should request ECIT or MCT to respond to the scene.
    c. The FSB IC may request the ECC to dispatch a CIU detective if ECIT or MCT has not been successful in resolving the situation. Once the CIU Detective responds, the CIU Detective shall determine if additional assistance from a trained negotiator assigned to CNT shall be required to assist. If CIU responds to the incident and the individual is determined to have a contact history with CIU, CIU will be the primary incident management unit.
    d. A CNT response to a scene of an individual in crisis in an elevated position is not considered a tactical activation.
    e. Incident command shall be maintained by the FSB IC at the scene and not the Tactical Section. This shall include any documentation needed as a result of the incident.

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12. Pick-Up Orders and Certificates for Evaluation are civil orders. Mental health orders shall not be used as a basis for forced entry in order to take the individual into custody.

D. Disengagement Procedures

1. The on-scene supervisor shall ensure that every reasonable attempt is made to contact the individual. If the individual refuses to make contact with sworn personnel who are on scene and remains barricaded, the on-scene supervisor shall:

    a. Ensure that an on-duty lieutenant responds to the scene, if the lieutenant is not already on-scene;
    b. Ensure that all available resources are utilized in order to safely resolve the situation;
    c. Avoid escalating or making a forced entry into the location;
    d. Avoid closing distance on the individual;

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e. Ensure that the family members, friends, and the individual are provided with information about resources and services. A list of these resources is available through the RTCC;
f. Document the provision of resources and services through the use of an On-Body Recording Device (OBRD);
g. Use an OBRD to document any advisement to the family, friends, or others involved in the situation concerning the dangers of contacting a barricaded individual;
h. Ensure that a Uniform Incident Report is prepared, and includes:
   i. All supplemental reports;
   ii. Video or digital recordings;
   iii. Victim and witness statements; and
   iv. Any other pertinent documents related to the incident.
i. Ensure that copies of all reports and statements are forwarded to the CIU by the end of the officer's shift; and
j. Ensure that a periodic watch at the location is entered for each shift over a twenty-four (24) hour period. The watch is for area command information only and is not to be dispatched.

2. When sworn personnel clear the call, they cannot force the family, friends, or others who are present to leave the area. The IC shall ensure that any person who lives at the location of the incident and cannot safely return is offered a safe location to stay for the night.

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3. If the individual has pending misdemeanor charges or a misdemeanor warrant, sworn personnel shall not make forced entry to make an arrest. This does not prevent sworn personnel from filing the appropriate criminal charges under the appropriate state statute or City ordinance.

E. Tactical Threat Assessment

1. The on-scene Lieutenant or on-scene supervisor shall consult with the Tactical Lieutenant or designee, in their capacity as the Tactical Commander, if an incident for a potential hostage situation or barricaded individual involves one or more of the following:

a. The individual has a confirmed violent felony warrant;
b. The individual is currently committing a violent felony crime;
c. The individual is currently committing a non-violent felony and has a documented violent history or has recently demonstrated a propensity for violence/disregard for the life and safety of others;
d. The individual has a non-violent felony warrant and has a documented violent history or has recently demonstrated a propensity for violence/disregard for the life and safety of others;
e. The individual is armed with a firearm, and the on-scene sworn personnel can confirm that the individual has discharged the firearm;

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f. The individual is armed in a public area and displaying an imminent threat of violence; or
g. There is positive confirmation of the presence of an unwilling individual who is unable to leave the location of a suicidal and/or barricaded individual.

2. Tactical Unit personnel shall respond to the scene of an individual who has barricaded themselves in a vehicle when:

   a. The above-listed tactical threat assessment criteria have been met;
   b. The individual is verified to be armed with a firearm or another type of life-threatening weapon; and
   c. The Tactical Commander or their designee authorizes the tactical activation.

3. The Tactical Commander shall have the final authority to determine whether to initiate a full Tactical Unit tactical activation.

   a. If the Tactical Commander or their designee does not authorize a tactical activation, they shall consider using other SOD resources to assist in resolving the incident as safely as possible.
   b. When the Tactical Commander authorizes a tactical activation, FSB sworn personnel shall understand that if the barricaded individual becomes mobile and leaves the inner perimeter, the FSB IC shall direct them whether or not to pursue the individual's vehicle.
   c. When the Tactical Commander authorizes a tactical activation, they shall request a K-9 Handler to respond to the scene of the tactical activation.
      i. The K-9 Handler shall not use their Police Service Dog (PSD) as an extraction tool unless other lower-level force options have been ineffective or have been deemed impracticable by the Tactical Commander.

4. Any supervisor may contact the Tactical Commander at any time for incident consultation.

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2-20 HOSTAGE SITUATIONS, BARRICADED INDIVIDUALS, AND TACTICAL THREAT ASSESSMENTS

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

A. Related SOP(s)

1-92 Special Weapons and Tactics (SWAT)~~ized Tactical Units (Formerly 6-8)~~
2-8 Use of On-Body Recording Devices ~~(Formerly 1-39)~~
2-19 Response to Behavioral Health Issues
2-71 Search and Seizure without a Warrant

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

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

None

2-20-1 Purpose

The purpose of this policy is to provide guidance to~~describe the appropriate response by~~ A~~A~~lbuquerque Police Department (Department) personnel regarding~~to calls~~ ~~involving~~ hostage situations and barricaded individuals with the goal of increasing the likelihood of safely resolving such incidents. ~~This policy describes how to assess such situations for possible tactical activations while considering the tools and tactics that increase the likelihood of a safe resolution to these incidents. Department personnel shall follow the specialized response protocols set forth in Standard Operating Procedure (SOP) Specialized Tactical Units when there is a tactical activation to hostage situations and barricaded individuals.~~

2-20-2 Policy

It is the policy of the Department to employ tactics and tools that increase the likelihood of safely resolving incidents involving hostage situations and barricaded individuals. In order to accomplish this, Field Services Bureau (FSB) personnel shall work closely with trained crisis intervention personnel and tactical sworn personnel to ensure that they employ appropriate and coordinated responses to these incidents. This policy also~~In addition, it~~ ~~This policy~~

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describes how to assess such situations for possible tactical activations while considering the tools and tactics that increase the likelihood of a safe resolution to these incidents. ~~Department personnel shall follow the specialized response protocols set forth in Standard Operating Procedure (SOP) Specialized Tactical Units when there is a tactical activation to hostage situations and barricaded individuals.~~

It is also the policy of the Department to avoid the unreasonable risk of harm while responding to hostage situations or barricaded individuals, community members, and sworn personnel, when feasible, while using the minimum amount of force necessary to resolve the situation. Such responses shall require personnel to slow or calm the situation when practicable and to use de-escalation techniques, which may serve to lessen the tension and safely diffuse a crisis.

N/A **2-20-3 Definitions**

A. Active Listening

A way of listening and responding to another person by using nonverbal cues, tone of voice, facial expressions, and body posture, all of which can improve mutual understanding.

B. Barricaded Individual

A person in a location that provides a barrier or spatial separation, assisting them to avoid apprehension by sworn personnel.

C. Crisis Intervention Trained Officer (CITO)

A ~~CITO is a~~n officer who has successfully completed the forty (40) hour basic crisis intervention training (CIT).

D. Crisis Negotiation Team (CNT)

A team comprised of supervisors and sworn personnel who serve in an additional or collateral duty capacity. Who serve as specialists that use verbal de-escalation skills to assist in ~~hen requested,~~ safely~~upervisors and sworn personnel respond with every tactical activation to serve as specialists who use verbal de-escalation skills to assist in safely~~ defusing dangerous, life-threatening situations or specific critical incidents when responding to tactical activations. ~~.~~

E. Elevated Position

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A position that an individual has placed themselves in, in which they could fall, or cause themselves to fall, and the result of the fall would likely cause serious injury and/or death.

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A ~~The Enhanced Crisis Intervention t~~Team ~~(ECIT) is~~ comprised of specially-trained, uniformed sworn personnel who function as specialists to respond to calls involving individuals affected by a behavioral health disorder or who are experiencing a behavioral health crisis.

G. Hostage Situation

A person or persons holding another person or persons against their will through intimidation, deception, duress, coercion, with force or threat of force.

H. Inner Perimeter

A perimeter established to keep the incident and involved individual(s) contained. Methods for establishing an inner perimeter shall vary based upon the dynamics and location of each incident.

I. Media Staging Area

A designated area immediately outside the outer perimeter where news media may set up, film, and receive briefings from the Department's Public Information Officer (PIO). This location is established taking into consideration the location, potential volatility, and known weapons involved with the police action involved.

~~I.~~J. Mobile Crisis Team (MCT)

A~~The Mobile Crisis Team (MCT) is a~~ two-person unit comprised of one (1) licensed mental health professional and one (1) ECIT officer who jointly respond to calls with a behavioral health component. The MCT provides immediate behavioral health services once the scene is secured. The MCTs are trained to complement the ECIT and Crisis Intervention Unit (CIU).

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~~A designated area immediately outside the outer perimeter where news media may set up, film, and receive briefings from the Public Information Officer (PIO). This location is established taking into consideration the location, potential volatility, and known weapons involved with the police action involved.~~

K. Outer Perimeter

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A perimeter established to keep the public safely away from the incident and successfully divert traffic. The location of the outer perimeter shall vary based upon the dynamics of each incident.

L. Unwilling Individual

An individual who is unable to remove themselves from a location due to an extenuating circumstance, such as their proximity to the barricaded/suicidal individual, their belief that leaving may escalate the situation, or their inability to physically remove themselves from a location without assistance.

6 **2-20-4 Procedures**

N/A A. Dispatch and Initial Assessment Protocol

1. If the initial call alerts the Emergency Communications Center (ECC) that a situation may involve a hostage situation or a barricaded individual, ECC shall dispatch an FSB supervisor and the on-duty FSB Lieutenant. If the situation involves a behavioral health crisis, ECC shall dispatch an Enhanced Crisis Intervention Team (ECIT) officer, in accordance~~consistent~~ with SOP Response to Behavioral Health Issues.

2. The Incident Commander (IC) shall assess the situation and determine whether FSB personnel may use their crisis intervention training successfully to resolve an incident or whether a tactical activation shall be necessary.

3. If the call is not initially categorized for an ECIT or Mobile Crisis Team (MCT) response, the primary objectives of the first responding officer shall be to attempt to slow the situation, assess the nature of the call, and gather the appropriate information, personnel, and resources to respond effectively to the incident according to the protocols set forth below.

B. Response to a Hostage Situation

1. FSB Sworn Personnel Duties and Responsibilities

a. FSB sworn personnel shall:
   i. Notify an FSB supervisor and the ECC, as soon as possible, that there is a possible hostage situation. To the extent possible, the sworn personnel~~officer~~ shall identify:
      1. The address;
      2. The suspect's identity or description;
      3. The number and identity of any hostages; and
      4. Any information indicating the suspect is armed or has made specific threats.
   ii. Request immediate backup;

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iii. Set up an inner perimeter and, as needed, an outer perimeter to exclude non-law enforcement pedestrians and vehicular traffic;
iv. Maintain radio contact with ECC and other responders;
v. If ~~the~~ sworn personnel~~officer~~ ~~deems~~ deem evacuation necessary and can be done safely, will evacuate community members from within the perimeter(s). If members of the public are within the inner perimeter and cannot be evacuated safely, sworn personnel shall direct them to shelter in place until an evacuation can be safely accomplished; and
vi. If needed to confirm the actual status of the situation and if safe to do so, begin a dialogue with the individual who is in crisis to determine the nature of the situation and to confirm whether there are hostages and/or weapons involved. If the sworn personnel~~officer~~ has built rapport with the individual, sworn personnel~~the officer~~ may continue the communication in an attempt to de-escalate the situation until the CNT arrives.

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b. FSB sworn personnel shall not:
i. Exchange themselves for hostages or~~,~~ surrender their weapons; or
ii. Allow the individual to leave the area with hostages, except under the most extreme circumstances. If there is a possibility that the individual can leave the area, FSB sworn personnel shall make initial preparations to provide surveillance and control travel routes.

2. FSB Supervisor Duties and Responsibilities

a. The FSB supervisor shall:
i. Assume initial incident command, conduct a preliminary investigation, and assess the scope and intensity of the situation;
ii. Request sufficient personnel to handle the call, with an emphasis on enough personnel to establish an inner and outer perimeter around the location;
iii. Request that ECC dispatch the on-duty lieutenant or their designee, if the lieutenant is not already on-scene;
iv. Set up a command post in an appropriate and safe area;
v. Notify the Tactical Commander;
vi. Retain command until the Tactical Commander arrives;
vii. Ensure that FSB units maintain an outer perimeter;
viii. If outside agencies are involved, designate the FSB supervisor to be the Department point of contact, ensuring that proper communications are established and maintained among all responders;
ix. Designate a media staging area and request a PIO through ECC;
x. Transfer command of the scene to the Tactical Commander once a tactical activation has been authorized. The Tactical Commander shall then notify ECC that they have assumed command of the incident and the inner perimeter. The FSB supervisor shall then be solely responsible for maintaining the integrity of the outer perimeter;
xi. Remain at the scene for the duration of the incident while reporting to the Tactical Commander;
xii. Secure a radio frequency for the operation;
xiii. Notify rescue, ambulance, and the fire department, as needed; and

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xiv. Upon the IC's determination that the suspected hostage situation does not involve hostages, follow the protocols for a barricaded individual as outlined in this SOP.

3. Tactical Commander Duties and Responsibilities

a. Based on the briefing provided by the FSB supervisor, determine whether the call meets the criteria of tactical activation. When there is a tactical activation, the Tactical Commander shall:
   i. Advise the ECC and all sworn personnel on-scene that the call meets the criteria of a tactical activation;
   ii. Assume command and control;
   iii. Call out the CNT immediately upon responding to the scene;
   iv. Resolve the situation safely while using the minimum amount of force necessary to protect the lives of the hostages and other people at or near the scene;
   v. Prioritize the safety of the hostages, public, and sworn personnel through a resolution of the situation; ~~which considers:~~
      ~~1. The amount of time sworn personnel have been deployed; and~~
      ~~2. Any inconvenience to the community.~~
   vi. Continue negotiations, if they are progressing and hostages are not in immediate danger;
   vii. Cease negotiations and authorize force if communication with the individual is not progressing based upon articulable facts and circumstances, or if it is progressing in a negative direction and the lives of hostages are in imminent danger; and
   viii. Follow the protocols in accordance with SOP Specialized Tactical Units ~~(refer to SOP Specialized Tactical Units for sanction classifications and additional duties)~~.

N/A

C. Response to a Barricaded Individual

1. When sworn personnel are dispatched to a call of a barricaded individual, personnel shall first gather information to assess whether there is a need for a tactical response.

2. The responding sworn personnel~~officer~~ shall ensure that backup sworn personnel are present before initiating contact. An FSB sworn personnel~~officer~~ may make contact with the barricaded individual once backup sworn personnel are present. If an ECIT officer is on-scene, they shall make the initial contact with the barricaded individual. When possible, the supervisor shall ensure that a force array response is in place before making any contact with the barricaded individual.

3. If the nature of the call-out did not alert the ECC to dispatch a supervisor, the sworn personnel~~officer~~ encountering a barricaded individual shall notify a supervisor and ECC as soon as possible.

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4. ECC shall ensure that the on-duty FSB supervisor is dispatched to the call, together with the on-duty FSB Lieutenant.

    a. If the on-duty FSB supervisor is unavailable, another on-duty supervisor shall be notified and dispatched.

5. If the FSB supervisor determines, through consultation with the on-duty FSB Lieutenant and the Tactical Commander, that the incident is not appropriate for a tactical response, then the FSB supervisor shall notify ECC as soon as practicable.

    a. ECC shall dispatch an ECIT officer to assist with the response.
    b. The FSB supervisor shall retain command of the scene, but the ECIT officer shall take the lead on interactions with the barricaded individual and shall provide input to the FSB supervisor regarding strategies for resolving the incident.

6. The on-duty FSB Lieutenant shall monitor the incident and have oversight of the outer perimeter and FSB personnel.

    a. The FSB supervisor shall be the IC and shall collaborate with the on-duty FSB Lieutenant and an ECIT officer regarding strategy and coordination of resources to resolve the situation. These sworn personnel shall continually reassess and communicate with one another regarding tactics.
    b. In particularly complex or volatile situations, the on-duty FSB Lieutenant or higher-ranking sworn personnel~~officer~~ may assume incident command.

7. Sworn personnel shall attempt to obtain any information about the barricaded individual from family or friends. The FSB Lieutenant shall contact the Real Time Crime Center (RTCC) to use the CIU case management system and other available resources to obtain any available additional information on the location of the incident or barricaded individual. CIU shall be available for on-call consultation.

8. Sworn personnel responding to the scene shall:

    a. Use invisible deployment as much as possible, including cover and concealment;
    b. Contain the immediate area as soon as practicable to ensure the individual's safety, the community's safety, and sworn personnel's safety; and
    c. Separate the individual's family and/or friends from the individual if they are present at the location. Once family and/or friends are separated from the individual and moved to a safe location, they should be interviewed to gain additional information.

9. Communicating with the Individual and De-escalation

    a. When feasible, in communicating with the individual in crisis, the Crisis Intervention Trained Officer (CITO) or ECIT officer shall:

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i. Attempt to engage the individual by using de-escalation techniques;
ii. Evaluate all available information when contacting the individual;
iii. Not attempt face-to-face contact when an individual is armed, unless there is sufficient cover and protection to ensure the safety of sworn personnel;
iv. Maintain an adequate distance from the individual after considering the threat presented; and
v. When possible, attempt to contact the individual via telephone. If unable to make contact via telephone, an alternate means of communication, such as public address announcements, social media, or any other electronic communication, should be attempted. If contact is made with the individual, sworn personnel shall take the following actions:
   1. Provide reassurance that the police are there to help and that appropriate care will be provided.
   2. Attempt to find out the nature of the crisis the individual is experiencing.
   3. While listening to the individual's concerns, allow the individual to express their feelings.
   4. Attempt to guide the conversation towards topics that seem to ease the situation.
   5. Always be truthful. If the individual perceives deception, they may withdraw, which will further complicate the situation.
   6. Ask the individual to willingly disarm and follow the exit plan provided by sworn personnel and supervisors who are on-scene.
   7. Engage in active listening and non-threatening, non-judgmental verbal exchanges.

b. If there is no search warrant, and reasonable attempts have been made to contact the barricaded individual, and the situation remains unresolved and does not meet the criteria outlined in the Tactical Threat Assessment section of this SOP, the IC shall instruct sworn personnel to withdraw from the area, consistent with the disengagement procedures below in this SOP.

10. If a suicidal individual is barricaded, refer to the Disengagement and the Tactical Threat Assessment sections of this SOP.

11. Crisis Negotiation Team (CNT) Response to Individuals Who Are in Crisis and in An Elevated Position

a. The Tactical Commander or Special Operations Division (SOD) Commander shall approve ~~CNT~~ the CNT's response to individuals who are in crisis and in an elevated position. ~~only.~~
b. Prior to calling CIU, FSB sworn personnel shall request the ECC to dispatch an ECIT officer or MCT to the scene. Sworn personnel are also reminded that, prior to calling CIU, they should request ECIT or MCT to respond to the scene.
c. The FSB ~~Incident Commander~~IC may request the ECC to dispatch a CIU detective if ECIT or MCT has not been successful in resolving the situation. Once the CIU Detective responds, the CIU Detective shall determine if additional assistance from a trained negotiator assigned to CNT shall be required to assist. If CIU responds to the incident and the individual is

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determined to have a contact history with CIU, CIU will be the primary incident management unit.

d. A CNT response to a scene of an individual in crisis in an elevated position is not considered a tactical activation.
e. Incident command shall be maintained by the FSB ~~Incident Commander~~IC at the scene and not the Tactical Section. This shall include any documentation needed as a result of the incident.

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12. Pick-Up Orders and Certificates for Evaluation are civil orders. Mental health orders shall not be used as a basis for forced entry in order to take the individual into custody.

D. Disengagement Procedures

1. The on-scene supervisor shall ensure that every reasonable attempt is made to contact the individual. If the individual refuses to make contact with sworn personnel who are on scene and remains barricaded, the on-scene supervisor shall:

   a. Ensure that an on-duty lieutenant responds to the scene, if the lieutenant is not already on-scene;
   b. Ensure that all available resources are utilized in order to safely resolve the situation;
   c. Avoid escalating or making a forced entry into the location;
   d. Avoid closing distance on the individual;
   e. Ensure that the family members, friends, and the individual are provided with information about resources and services. A list of these resources is available through the RTCC;
   f. Document the provision of resources and services through the use of an On-Body Recording Device (OBRD);
   g. Use an OBRD to document any advisement to the family, friends, or others involved in the situation concerning the dangers of contacting a barricaded individual;
   h. Ensure that a Uniform Incident Report is prepared, and includes:
      i. All supplemental reports;
      ii. Video or digital recordings;
      iii. Victim and witness statements; and
      iv. Any other pertinent documents related to the incident.
   i. Ensure that copies of all reports and statements are forwarded to the CIU by the end of the officer's shift; and
   j. Ensure that a periodic watch at the location is entered for each shift over a twenty-four (24) hour period. The watch is for area command information only and is not to be dispatched.

2. When sworn personnel clear the call, they cannot force the family, friends, or others who are present to leave the area. The IC shall ensure that any person who

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lives at the location of the incident and cannot safely return is offered a safe location to stay for the night.

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3. If the individual has pending misdemeanor charges or a misdemeanor warrant, sworn personnel shall not make forced entry to make an arrest. This does not prevent sworn personnel~~an officer~~ from filing the appropriate criminal charges under the appropriate state statute or City ordinance.

E. Tactical Threat Assessment

1. The on-scene Lieutenant or on-scene supervisor shall consult with the Tactical Lieutenant or designee, in their capacity as the Tactical Commander, if an incident for a potential hostage situation or barricaded individual involves one or more of the following:
~~1.~~
   a. The individual has a confirmed violent felony warrant;
   b. The individual is currently committing a violent felony crime;
   c. The individual is currently committing a non-violent felony and has a documented violent history or has recently demonstrated a propensity for violence/disregard for the life and safety of others;
   d. The individual has a non-violent felony warrant and has a documented violent history or has recently demonstrated a propensity for violence/disregard for the life and safety of others;
   e. The individual is armed with a firearm, and the on-scene sworn personnel~~officer~~ can confirm that the individual has discharged the firearm;
   f. The individual is armed in a public area and displaying an imminent threat of violence; or
   g. There is positive confirmation of the presence of an unwilling individual who is unable to leave the location of a suicidal and/or barricaded individual.

2. Tactical Unit personnel shall respond to the scene of an individual who has barricaded themselves in a vehicle when:

   a. The above-listed tactical threat assessment criteria have been met;
   b. The individual is verified to be armed with a firearm or another type of life-threatening weapon; and
   c. The Tactical Commander or their designee authorizes the tactical activation.

3. The Tactical Commander shall have the final authority to determine whether to initiate a full Tactical Unit tactical activation.

   a. If the Tactical Commander or their designee does not authorize a tactical activation, they shall consider using other SOD resources to assist in resolving the incident as safely as possible.
   b. When the Tactical Commander authorizes a tactical activation, FSB sworn personnel shall understand that if the barricaded individual becomes mobile and

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leaves the inner perimeter, the FSB ~~Incident Commander (~~IC~~)~~ shall direct them whether or not to pursue the individual's vehicle.

c. When the Tactical Commander authorizes a tactical activation, they shall request a K-9 Handler to respond to the scene of the tactical activation.
   i. The K-9 Handler shall not use their Police Service Dog (PSD) as an extraction tool unless other lower-level force options have been ineffective or have been deemed impracticable by the Tactical Commander.

4. Any supervisor may contact the Tactical Commander at any time for incident consultation.

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2-45 PURSUIT BY MOTOR VEHICLE

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

A. Related SOP(s)

1-15 Air Support Unit
2-6 Use of Emergency Warning Equipment
2-11 Use of Tire Deflation Devices
2-12 Pursuit Intervention Technique (PIT)
2-13 StarChase Pursuit Management System
2-16 Reports
2-20 Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments
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
3-41 Complaints Involving Department Personnel

B. Form(s)

PD 3078 Post-Pursuit Checklist

C. Other Resource(s)

NMSA 1978, §§ 29-20-1 to 29-20-4 Law Enforcement Safe Pursuit Act

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-45-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) personnel who conduct vehicle pursuits to protect the safety of involved sworn personnel, the public, and property, and to comply with the Law Enforcement Safe Pursuit Act.

2-45-2 Policy

It is the policy of the Department to initiate a motor vehicle pursuit only when sworn personnel have reasonable grounds to believe an individual presents a clear and immediate threat of death or serious injury to others, or when the officer has probable cause to believe

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an individual poses a clear and immediate threat to the safety of other motorists or the public, which is ongoing and existed before the pursuit began, or the individual has committed or is committing a violent felony.

N/A

2-45-3 Definitions

A. Assisting Unit

An officer in the vicinity or location where the pursuit is occurring who can provide assistance with a high-risk stop or perimeter.

B. Authorizing Supervisor

The on-duty supervisor of the initiating/primary officer, or if unavailable, the next available on-duty supervisor who shall assume command of the pursuit. Although the supervisor is supervising the pursuit, they are not actively engaged in pursuing the vehicle.

C. Clear and Immediate Threat

Conduct that is present before the motor vehicle pursuit is initiated and for which there is an immediate threat of great bodily harm and/or death to others.

D. Engaged

Pursuit of an individual's vehicle as either the initiating/primary pursuit unit, the secondary unit, or any reasonable amount of additional units, which has been authorized by the authorizing supervisor.

E. High-Risk Stop

A method of stopping, removing, disarming, and detaining occupants of a vehicle who are believed to be dangerous, violent, and/or armed with a deadly weapon while reducing the risk of danger to community members and responding sworn personnel.

F. Individual

A person who has been arrested, or is a witness, community member, or victim being transported.

G. Initiating/Primary Pursuit Unit

The officer initiating a pursuit or any other officer assuming the position behind the vehicle that is being pursued. Only sworn personnel may initiate a pursuit.

H. Marked Department-Issued Vehicle

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An approved Department-issued vehicle that has a Department badge, decal, or the Department logo affixed to the exterior of the vehicle. The vehicle must be equipped with emergency lights and a siren.

I. Motor Vehicle Pursuit

A deliberate attempt by a law enforcement officer operating a marked authorized Department emergency vehicle to apprehend an occupant of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the speed limit, refusing to stop, disobeying traffic laws, or otherwise attempting to flee from the officer through evasive driving maneuvers.

a. A motor vehicle pursuit excludes a person(s) refusing to stop but not disobeying traffic laws or causing danger to the public.

J. Paralleling

Traveling in the same direction as the pursued vehicle extending in the same direction, are equidistant, and the involved vehicles' paths do not intersect.

K. Pursuit Intervention Technique (PIT)

A precision maneuver, which involves intentional, vehicle-to-vehicle contact and consists of a pursuing officer applying lateral pressure with the front corner of their vehicle to the rear quarter panel of the fleeing suspect's vehicle, resulting in a predictable spin.

L. Secondary Unit

The second officer in a Department-issued vehicle who becomes involved in the pursuit of a motor vehicle.

M. Termination/Disengagement of a Pursuit

To abandon or abort the pursuit. When terminating a pursuit, the officer will make all reasonable efforts to go in the opposite direction of the pursued vehicle, so as not to give a sense of a continued pursuit.

N. Tire Deflation Device

A device that uses sharp, hollow spikes to penetrate the tires of a vehicle. The spikes remain in the tire(s) of the vehicle, allowing air to pass through the spikes for a rapid and controlled deflation of the tires. Tire deflation devices include Stop Sticks or spike belts.

O. Violent Felony

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For the purpose of this Standard Operating Procedure (SOP), means a homicide, criminal sexual penetration, robbery with a deadly weapon, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm and/or death, or aggravated assault with a deadly weapon, and shooting at or from a dwelling or motor vehicle.

5 **2-45-4 Initiating a Pursuit**

A. An officer may initiate a pursuit when at least one (1) of the following factors exists:

1. The officer has reasonable grounds to believe an individual presents a clear and immediate threat of death or serious injury to others, or when the officer has probable cause to believe the individual poses a clear and immediate threat to the safety of other motorists or the public, that is ongoing, and existed before the pursuit began; or

2. The individual has committed or is committing a violent felony, and allowing escape would put the public in immediate danger of great bodily harm and/or death.

B. Sworn personnel shall, at a minimum, consider the following factors when deciding whether to initiate, continue, or terminate a pursuit:

1. The seriousness of the offense for which the pursuit was initiated;

2. Whether an individual poses a clear and immediate threat of death or serious injury to others;

3. The risk of harm to others should the individual(s) escape;

4. The amount of motor vehicles and pedestrian traffic;

5. Knowledge of the individual's identity, possible destination, and previous activities that may make apprehension at a later time feasible;

6. Road, weather, environmental, and vehicle conditions;

7. The time of day;

8. Negatively influencing driving behavior; and

9. Any other risk presented by the pursuit itself.

C. Sworn personnel with motorcycles and unmarked Department-issued vehicles shall only initiate a pursuit if their vehicles are equipped with a siren and red flashing lights.

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1. When sworn personnel with an approved Department-issued vehicle assist with the pursuit, the sworn personnel with motorcycles and unmarked Department-issued vehicles shall assume the responsibilities of sworn personnel assigned as secondary units.

   a. Once secondary units and subsequent authorized sworn personnel with marked Department-issued vehicles participate in the pursuit, those sworn personnel with motorcycles and unmarked Department-issued vehicles shall not actively participate in the pursuit; however, they may monitor the pursuit and shall be available to assist in the apprehension of the individual, if necessary.

D. Sworn personnel shall not initiate or participate in a pursuit if they have a ride-along or are transporting a witness, victim, or other community members in their Department-issued vehicle.

E. Sworn personnel shall not initiate or participate in a pursuit if they have an in-custody individual in their Department-issued vehicle.

F. Sworn personnel shall not initiate or continue a high-speed pursuit when the immediate danger to the officer and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large.

7 **2-45-5 Procedures during a Pursuit**

A. Sworn Personnel as Initiating/Primary Pursuit Units

1. After initiating a pursuit, the initiating/primary pursuing units shall:

5 a. Notify their supervisor via radio of the pursuit;
   i. After notifying their supervisor, the initiating/primary pursuing units shall only continue the pursuit with specific authorization from the supervisor.

6 b. Immediately notify an Emergency Communications Center (ECC) Dispatcher via radio that a pursuit is in progress, and provide the following information:
   i. Reason for the pursuit;
   ii. Present location and direction of travel;
   iii. Vehicle speeds from their speedometer;
   iv. Any safety factors that must be noted; and
   v. Whether a hostage situation is involved, in accordance with SOP Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments.

N/A c. Request Air Support Unit personnel to assist with the pursuit as soon as possible;

d. Request sworn personnel who are certified to use the StarChase pursuit management system to respond to the area of the pursuit;

e. Request any additional necessary resources, including additional sworn personnel or Department-authorized resources to assist with the pursuit;

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f. Broadcast the progress of the pursuit until the arrival of sworn personnel assigned as secondary units, who shall then assume that responsibility; and
   i. When sworn personnel are riding as a two-man unit, the passenger officer shall be responsible for radio transmissions until the officer assigned as the secondary unit arrives to assist.
   ii. The passenger officer shall continually relay over the radio the present location, the direction of travel, vehicle speeds, and any safety factors impacting the pursuit until the officer assigned as a secondary unit arrives.
g. Maintain communication for any pursuit on their original dispatch channel, regardless of whether the pursuit changes area commands and/or jurisdictions.
   i. If a pursuit is initiated on a radio frequency other than an area command dispatch channel, sworn personnel shall move to the area command dispatch channel in relation to their present location as quickly and safely as possible.

2. If the initiating officer is a supervisor, the next available on-duty supervisor shall assume command of the pursuit.

3. Pursuits initiated by an officer outside their area command or while off-duty shall be under the command of the supervisor responsible for the area command where the pursuit was initiated.

B. ECC Dispatcher

The ECC Dispatcher shall notify the on-duty supervisor of the pursuit after being notified by sworn personnel assigned as the initiating/primary pursuit unit.

C. Sworn Personnel Dispatched as Secondary Units

1. Sworn personnel dispatched as secondary units shall:

a. Notify the ECC Dispatcher of their call sign over the radio;
b. Assume the responsibility of radio communications to enable the initiating/primary unit to devote complete attention to the pursuit;
c. Be responsible for providing the ECC Dispatcher with updated speeds and any safety factors when they become involved;
N/A d. Engage all authorized emergency warning equipment, in accordance with Use of Emergency Warning Equipment; and
e. Assist with the high-risk stop.

6 D. Sworn Personnel Dispatched as Assisting Units

1. Sworn personnel dispatched as assisting units shall:

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a. Not parallel a pursuit, however, sworn personnel may proceed into the area of a pursuit if directed by the supervisor in command to assist at the termination point of the pursuit and assist with the high-risk stop;
b. Not involve more than two (2) police vehicles actively engaged in a pursuit unless specifically authorized to do so by a supervisor; and
c. Be alert to the pursuit progress and location.

E. Air Support Unit Personnel

1. Once Air Support Unit personnel have responded and have a visual on the pursued vehicle, they shall:

a. Be the primary unit of the authorized pursuit;
b. Relay the direction of travel of the pursued vehicle to ground units; and
c. Notify the supervisor who is in charge if sworn personnel on the ground continue to follow the pursued vehicle.
i. When possible, Air Support Unit personnel shall identify sworn personnel who continue to follow the pursued vehicle by the Department-issued police vehicle number.

2. Initiating/primary pursuit unit(s) shall discontinue pursuing the motor vehicle and shall provide enough distance so as not to affect the driving of the pursued vehicle, unless directed by a supervisor.

N/A

3. Air Support Unit personnel may call out the direction of travel as a means to notify other Department personnel to get out of the area if feasible, so as not to affect the driving of the pursued vehicle, and so the supervisor who authorized the pursuit can safely get sworn personnel in the area to set up an immediate perimeter in accordance with SOP Air Support Unit.

4. With direction from Air Support Unit personnel, the supervisor shall:

a. Continuously direct and control sworn personnel on the ground in a manner that increasingly constricts the perimeter surrounding the pursued vehicle in order to apprehend the individual(s); and

N/A

i. Sworn personnel on the ground may use emergency warning equipment as needed in order to maintain the reasonable distance needed from the pursued vehicle.
b. Determine how many sworn personnel with Department-issued vehicles are needed to form a perimeter around the vehicle based on information from Air Support Unit personnel.

F. Sworn Personnel

1. Sworn personnel who are not dispatched as initiating/primary pursuit units but who are involved in a pursuit shall:

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a. Before engaging emergency warning equipment, when feasible:
   i. Identify the license plate information and/or vehicle description;
   ii. Occupant status (number of occupants, descriptors); and
   iii. Relay that information immediately to an ECC Dispatcher.
b. At any time during a pursuit, when they or a supervisor determine that the danger to the public or officer(s) outweighs the need for immediate apprehension, immediately discontinue the pursuit; and
c. Continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit.

2. Sworn personnel engaged in a pursuit shall not attempt to pass the initiating/primary unit unless instructed to do so by that officer or if the initiating/primary pursuit officer is unable to continue.

G. Sworn Personnel with StarChase Pursuit Management Systems

1. Initiating/primary pursuit units and sworn personnel with Department-issued vehicles equipped with the StarChase pursuit management system shall coordinate, as necessary, to allow for deployment of the StarChase pursuit management system device.

2. When the StarChase pursuit management system is activated:

N/A

a. Initiating/primary pursuit units shall follow the procedures in accordance with SOP StarChase Pursuit Management System; and
b. Air Support Unit personnel shall continue to be the primary unit of the authorized pursuit and shall update the location of the pursued vehicle to sworn personnel on the ground.
   i. When Air Support Unit personnel lose visual of the pursued vehicle, the ECC Dispatcher or the supervisor monitoring the StarChase activation shall provide updated location information for the pursued vehicle.

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H. Authorizing Supervisor

1. Upon notification of a pursuit, the on-duty authorizing supervisor shall:

a. Constantly monitor radio communications within their area command to ensure all pursuits meet the proper criteria and the pursuit is managed according to this SOP;
b. Assume command through radio communication to acknowledge and either authorize or discontinue the pursuit, given the circumstances;
c. Ensure Air Support Unit personnel have been requested;
d. Ensure the affected public safety agencies are notified;
e. Assist sworn personnel assigned as initiating/primary pursuit units with any necessary support requested;
f. Call for the establishment of a location to disable the fleeing vehicle by using the PIT and/or tire deflation devices;

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g. When necessary, direct the sworn personnel assigned as initiating/primary pursuit units to abandon the pursuit; and
h. Continually evaluate the pursuit to allow its continuation, or to order termination of the pursuit.

2. If the initiating/primary pursuit sworn personnel on-duty supervisor is not available, the next available on-duty supervisor shall assume command of the pursuit.

6 I. Use of Devices and Techniques

1. Tire Deflation Device

N/A a. The tire deflation device is an acceptable method of disabling a pursued vehicle when used in accordance with SOP Use of Tire Deflation Devices.
i. Only sworn personnel who have been trained on how to deploy a tire deflation device shall be authorized to use it.
b. Sworn personnel shall not use the tire deflation device on two- or three-wheeled vehicles, unless the use of deadly force is justified in accordance with SOP Use of Tire Deflation Devices and SOP Use of Force: Definitions.

6 2. PIT

a. Sworn personnel shall:
i. Only use the PIT when they have been trained and certified to use it, and, the PIT has been authorized; and
ii. When feasible, use a high-risk stop (felony stop) with additional sworn personnel after the PIT has been completed.

N/A b. Sworn personnel shall not:
i. Use the PIT at speeds greater than thirty-five (35) miles per hour, unless deadly force is warranted in accordance with SOP Pursuit Intervention Technique; or

N/A ii. Use the PIT on two- or three-wheeled vehicles, unless the use of deadly force is justified in accordance with SOP Pursuit Intervention Technique and SOP Use of Force: Definitions.

N/A c. Sworn personnel may use the PIT to end a pursuit in accordance with SOP Pursuit Intervention Technique.
d. All uses of the PIT above thirty-five (35) miles per hour are considered deadly force and shall be reported as a Level 3 use of force in accordance with SOP Use of Force: Reporting by Department Personnel.

N/A e. All uses of the PIT above thirty-five (35) miles per hour shall be investigated as a Level 3 use of force in accordance with SOP Use of Force: Review and Investigation by Department Personnel.

N/A J. Sworn personnel shall not use firearms to disable the tires of a vehicle that is being pursued in accordance with SOP Use of Force: General.

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7 K. Sworn personnel shall, when feasible, use felony stop procedures when the vehicle has stopped or been disabled.

7 **2-45-6 Terminating a Pursuit**

A. When terminating a pursuit, sworn personnel shall make all reasonable efforts to go in the opposite direction of the pursued vehicle, so as not to give a sense of a continued pursuit.

B. Sworn personnel who terminate a pursuit for safety considerations shall not be subject to discipline for making this decision.

6 C. If a supervisor orders a pursuit to be terminated, they shall direct sworn personnel engaged or assisting with the pursuit to immediately meet with them at a designated location.

6 **2-45-7 Post-Pursuit Incident Review**

A. Sworn Personnel

1. Sworn personnel shall:

N/A a. Complete and submit a Uniform Incident Report before the end of their shift, in accordance with SOP Reports; and
   i. If an officer is unable to complete a Uniform Incident Report because of physical injury, involvement in an officer-involved shooting (OIS), or the officer is the victim of a crime, the on-duty supervisor shall assign another officer to document the incident.

N/A b. Upload on-body recording device (OBRD) footage before clearing from the incident in accordance with SOP Use of On-Body Recording Devices.

B. Authorizing Supervisor

1. The authorizing supervisor shall:

a. Create an Internal Affairs (IA) database web application entry by the end of their shift;
b. Complete, review, and submit the following IA database web application entry:
   i. Police Pursuit Post Checklist;
   ii. Police Pursuit Post-Incident Review, which is an Interoffice Memorandum addressed to the affected area commander/division head. The Police Pursuit Post-Incident Review shall include:
      1. The reason for the pursuit;
      2. A brief synopsis of the pursuit;
      3. Identify the number of vehicle accidents; and

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4. Highlights of pertinent information, including references to any pertinent SOP and any identified policy, training, equipment, and/or tactic concerns that require follow-up.
   A. If any training issues are identified, the authorizing supervisor shall complete a training request and attach the entry of the request in the IA database web application, including all necessary attachments that are pertinent to the reason for the training request.

iii. Review all Computer-Aided Dispatch (CAD) information related to the pursuit;
iv. Review the CAD recording(s);
v. Ensure all sworn personnel assisting in the pursuit complete Uniform Incident Reports and Uniform Crash Reports, if applicable;
vi. Review all Uniform Incident Reports;
vii. Review OBRD footage from sworn personnel assigned as initiating/primary pursuit units from the initiation of the pursuit to when all individuals are in custody;
viii. Photos of the incident, if applicable;
ix. Video footage from the Air Support Unit, if available; and
x. Documentation to support extension requests that were granted or denied.

c. Complete and submit the Police Pursuit Post-Incident Review within ten (10) calendar days.
   i. If a supervisor is unable to complete and submit a review within the initial ten (10) calendar day deadline, the supervisor may request a ten (10) calendar day extension by submitting an extension request through the IA database web application outlining the reason(s) for an extension to the involved officer's commander.

2. Once the reviewing supervisor has completed their review, it shall be sent to the affected lieutenant for review.

   a. If at any point a lieutenant is the authorizing supervisor, they shall complete the authorizing supervisor's responsibilities and ensure another lieutenant from the affected officer's area command completes the Lieutenant Review.

3. If any officer, regardless of rank, is the officer assigned as the initiating/primary pursuit unit, another on-duty authorizing supervisor starting at the rank of sergeant or acting sergeant shall complete the Police Pursuit Post-Incident Review.

   a. The lieutenant shall identify the on-duty authorizing supervisor who shall complete the Police Pursuit Post-Incident Review.
   b. If the lieutenant is unavailable, the next available on-duty lieutenant shall make the decision.

4. In the event the authorizing supervisor is unable to work their next shift due to injury or administrative leave, or had involvement as indicated in this SOP, another on-duty sergeant, acting sergeant, or the authorizing supervisor's

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lieutenant shall be responsible for completing and submitting the Police Pursuit Post-Incident Review.

5. A supervisor who was participating in the pursuit, by participating in a pursuit or ordering or participating in a use of force, or who was a witness to an officer-involved shooting, shall not complete the Police Pursuit Post-Incident Review.

6. If the pursuit results in a Level 2 or Level 3 use of force, the Internal Affairs Force Division (IAFD) shall be responsible for the Police Pursuit Post-Incident Review.

C. Lieutenant

1. The Lieutenant shall:

a. Ensure all steps were taken by the authorizing supervisor as listed in the authorizing supervisor's responsibilities in this SOP;
b. Review the:
   i. IA database web application entry;
   ii. Police Pursuit Post Checklist;
   iii. Police Pursuit Post-Incident Review and ensure that any policy, training, equipment, and tactics concerns are identified and follow-up is documented;
   iv. Review all CAD information related to the pursuit;
   v. Review CAD recording(s);
   vi. Review all Uniform Incident Reports and Uniform Crash Reports, if applicable;
   vii. Review OBRD footage from all sworn personnel involved in the pursuit from the initiation of the pursuit to when all individuals are in custody;
   viii. Photos of the incident, if applicable;
   ix. Video footage from the Air Support Unit, if available; and
   x. Documentation to support extension requests granted or denied.
c. Complete their review and address it to the affected area commander/division head, stating if they found the pursuit to be within compliance with this SOP or did not comply with this SOP; and
   i. If the pursuit did not comply with the procedures outlined in this SOP, the evidence identifying that the pursuit was out of compliance shall be identified and documented in the comments section.
   ii. The lieutenant shall ensure any policy, training, equipment, supervision, and/or tactics concerns were identified by the authorizing supervisor and follow-up was completed.
   iii. If the lieutenant identifies any supervisory concerns, they shall be responsible for documenting the concern and ensuring follow-up is completed by completing an Internal Affairs Request (IAR) in accordance with SOP Complaints Involving Department Personnel or training request.

N/A

d. Complete and submit the Police Pursuit Post-Incident Review within ten (10) calendar days upon receipt of the IA database web application entry.

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i. When the Lieutenant is unable to complete and submit a review within the initial ten (10) calendar day deadline, the Lieutenant may request a ten (10) calendar day extension by submitting an extension request through the IA database web application outlining the reason(s) for an extension to the involved officer's commander.

2. Lieutenants of sworn personnel involved in the pursuit shall hold an open critique session of the pursuit.

D. Area Commander/Division Head

1. The Area Commander/Division Head shall:

a. Approve extensions for Police Pursuit Post-Incident Reviews of up to ten (10) calendar days for both the authorizing supervisor and the lieutenant, and shall include the new due date in the approving correspondence;
b. Review the Police Pursuit Post-Incident Review to determine compliance with this SOP;
c. Check the Police Pursuit Post-Incident Review for completeness;
d. If necessary, conduct a meeting with the supervisor and sworn personnel involved in the pursuit to thoroughly review the pursuit;
N/A
e. Have ten (10) calendar days from receipt of the entry to enter comments in the IA database web application about whether the pursuit adhered to the procedures outlined in this SOP; and
f. If they identify any policy, training, equipment, tactics, or supervision concerns during their review, submit an IAR in accordance with SOP Complaints Involving Department Personnel.
i. Where the Area Commander/Division Head is unable to complete and submit a Police Pursuit Post-Incident Review within the initial ten (10) calendar day deadline, they may request a ten (10) calendar day extension by submitting an extension request through the IA database web application and outlining the reason(s) for an extension to the involved Commander's Deputy Chief.

2. The Area Commander/Division Head's completion of the Police Pursuit Post-Incident Review shall not exceed sixty (60) calendar days.

E. Operations Review Section

1. Operations Review Section personnel shall:

a. Prepare an analysis of pursuits for the calendar year; and
b. Distribute their analysis to the Chief of Police, Civilian Police Oversight Agency Board (CPOAB), and the Internal Affairs Professional Standards (IAPS) Division. The analysis shall include:
i. The number of pursuits for the calendar year;

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ii. The number of pursuits that did not adhere to the procedures outlined in this SOP, and why they were considered not to be within policy;
iii. The number of vehicle accidents that were the result of officer negligence;
iv. Any policy change requests for this SOP that were identified during the annual review and during follow-up, if any; and
v. Any negative trends involving supervision, training, equipment, and/or tactics that were identified, including during follow-up.

6 **2-45-8 Jurisdictional Issues during a Motor Vehicle Pursuit**

A. When a pursuit goes outside the City of Albuquerque limits, sworn personnel shall stop the pursuit if:

1. Directed to do so by a supervisor;

2. A supervisor is no longer in command of the pursuit;

3. Requested to do so by the jurisdictional agency;

4. Radio communications become a safety issue; or

5. Unable to establish proper communications with the outside jurisdictional agency to coordinate assistance and resources from that outside jurisdictional agency.

B. When a pursuit by an outside law enforcement agency enters City limits, a supervisor shall:

1. Ensure Department personnel adhere to this SOP when providing assistance; and

2. Ensure every attempt is made to assist the agency leading the pursuit when resources are available and when it is safe to do so.

C. When a pursuit by an outside law enforcement agency does not meet the standards of this SOP, Department personnel shall limit their participation.

1. Department personnel shall not actively participate in the pursuit, but may provide the following safety measures:

a. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit;
b. Communications support in order to coordinate the movements of the pursuit and facilitate the timely response of assisting personnel to the areas involved; and
c. Containment and preservation of the location where a pursuit stopped, if it is within the City service area.

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2-45 PURSUIT BY MOTOR VEHICLE

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

A. Related SOP(s)

1-15 Air Support Unit ~~(Formerly 5-2)~~
2-6 Use of Emergency Warning Equipment ~~(Formerly 2-56)~~
2-11 Use of Tire Deflation Devices
2-12 Pursuit Intervention Technique (PIT)
2-13 StarChase Pursuit Management System
2-16 Reports ~~(Formerly 1-05)~~
2-20 Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments ~~(Formerly 2-42)~~
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
3-41 Complaints Involving Department Personnel ~~(Formerly 3-22 and 3-43)~~

B. Form(s)

PD 3078 Post-Pursuit Checklist
~~PD 3099 Police Pursuit Post-Incident Review~~

C. Other Resource(s)

NMSA 1978, §§ 29-20-1 to 29-20-4 Law Enforcement Safe Pursuit Act

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-45-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) personnel who conduct vehicle pursuits~~,~~ to protect the safety of involved sworn personnel, the public, and property, and to comply with the Law Enforcement Safe Pursuit Act.

2-45-2 Policy

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It is the policy of the Department to initiate a motor vehicle pursuit only when sworn personnel have reasonable grounds to believe an individual presents a clear and immediate threat of death or serious injury to others, or when the officer has probable cause to believe an individual poses a clear and immediate threat to the safety of other motorists or the public, which is ongoing and existed before the pursuit began, or the individual has committed or is committing a violent felony.

N/A

2-45-3 Definitions

A. Assisting Unit

An officer in the vicinity or location where the pursuit is occurring who can provide assistance with a high-risk stop or perimeter.

B. Authorizing Supervisor

The ~~initiating/primary pursuit officer who is the~~ on-duty supervisor of the initiating/primary officer ~~or~~, or if ~~if is~~ unavailable, the next available on-duty supervisor who shall assume command of the pursuit. Although the supervisor is supervising the pursuit, they are not actively engaged in pursuing the vehicle.

C. Clear and Immediate Threat

Conduct that is present before the motor vehicle pursuit is initiated and for which there is an immediate threat of great bodily harm and/or death to others.

D. Engaged

Pursuit of an individual's vehicle as either the initiating/primary pursuit unit, the secondary unit, or any reasonable amount of additional units, which has been authorized by the authorizing supervisor.

E. High-Risk Stop

A method of stopping, removing, disarming, and detaining occupants of a vehicle who are believed to be dangerous, violent, and/or armed with a deadly weapon while reducing the risk of danger to community members and responding sworn personnel.

F. Individual

A person who has been arrested, or is a witness, community member, or victim being transported.

G. Initiating/Primary Pursuit Unit

The officer initiating a pursuit or any other officer assuming the position behind the vehicle that is being pursued. Only sworn personnel may initiate a pursuit.

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H. Marked Department-Issued Vehicle

An ~~authorized emergency~~approved Department-issued vehicle that has a Department badge~~ or decal~~, decal, or the Department logo affixed to the exterior of the vehicle. The vehicle must~~shall be~~~~is~~ equipped with emergency lights and a siren.

I. Motor Vehicle Pursuit

A~~ n authorized and~~ deliberate attempt by a law enforcement officer operating a marked~~n~~ authorized Department emergency vehicle~~, with engaged authorized emergency warning equipment,~~ to apprehend an occupant of a motor vehicle, the~~he~~ driver of which is actively attempting to avoid apprehension by exceeding the speed limit, refusing to stop, disobeying traffic laws, or otherwise attempting to flee from the officer through evasive driving maneuvers.

a. A motor vehicle pursuit ex~~in~~cludes a person(s) refusing to stop but not disobeying traffic laws or causing danger to the public. ~~Regardless of the speed is refusing to stop for law enforcement.~~

J. Paralleling

Traveling in the same direction as the pursued vehicle extending in the same direction, are equidistant, and the involved vehicles' paths do not intersect.

K. Pursuit Intervention Technique (PIT)

A precision maneuver, which involves intentional, vehicle-to-vehicle contact and consists of a pursuing officer applying lateral pressure with the front corner of their vehicle to the rear quarter panel of the fleeing suspect's vehicle, resulting in a predictable spin.

L. Secondary Unit

The second officer in a Department-issued vehicle who becomes involved in the pursuit of a motor vehicle.

M. Termination/Disengagement of a Pursuit

To abandon or abort the pursuit. When terminating a pursuit, the officer ~~shall~~ will make all reasonable efforts to go in the opposite direction of the pursued vehicle, so as ~~to~~ not to give a sense of a continued pursuit~~ continuing~~.

N. Tire Deflation Device

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A device that uses sharp, hollow spikes to penetrate the tires of a vehicle. The spikes remain in the tire(s) of the vehicle, allowing air to pass through the spikes for a rapid and controlled deflation of the tires. Tire deflation devices include Stop Sticks or spike belts.

O. Violent Felony

For the purpose of this Standard Operating Procedure (SOP), means a homicide,~~;~~ criminal sexual penetration,~~;~~ robbery with a deadly weapon,~~;~~ kidnapping/false imprisonment, ~~;~~ felony aggravated battery inflicting great bodily harm and/or death,~~;~~ or aggravated assault with a deadly weapon, and shooting at or from a dwelling or motor vehicle.

5 **2-45-4 Initiating a Pursuit**

A. An officer may initiate a pursuit when at least one (1) of the following factors exists:

1. The officer has reasonable grounds to believe an individual presents a clear and immediate threat of death or serious injury to others, or when the officer has probable cause to believe the individual poses a clear and immediate threat to the safety of other motorists or the public, that is ongoing, and existed before the pursuit began; or

2. The individual has committed or is committing a violent felony, and allowing escape would put the public in immediate danger of great bodily harm and/or death.

B. Sworn personnel shall, at a minimum, consider the following factors when deciding whether to initiate, continue, or terminate a pursuit:

1. The seriousness of the offense for which the ~~high-speed~~ pursuit was initiated;

2. Whether an individual poses a clear and immediate threat of death or serious injury to others;

3. The risk of harm to others should the individual(s) escape;

4. The amount of motor vehicles and pedestrian traffic;

5. Knowledge of the individual's identity, possible destination, and previous activities that may make apprehension at a later time feasible;

6. Road, weather, environmental, and vehicle conditions;

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7. The time of day; ~~and~~

~~7.~~8. Negatively influencing driving behavior; and

~~8.~~9. Any other risk presented by the pursuit itself.

C. Sworn personnel with motorcycles ~~, slick-top police vehicles,~~ and unmarked Department-issued vehicles shall only initiate a pursuit if their vehicles are equipped with a siren and red flashing lights.

1. When sworn personnel with an approved Department-issued vehicle ~~marked Department-issued vehicle with a roof-mounted light bar start to~~ assist with the pursuit, the sworn personnel with motorcycles~~, slick-top police vehicles,~~ and unmarked Department-issued vehicles shall assume the responsibilities of sworn personnel assigned as secondary units.

a. Once secondary units and subsequent authorized sworn personnel with marked Department-issued vehicles participate in the pursuit, those sworn personnel with motorcycles~~, slick-top police vehicles,~~ and unmarked Department-issued vehicles shall not actively participate in the pursuit; however, they may monitor the pursuit and shall be available to assist in the apprehension of the individual, if necessary.

D. Sworn personnel shall not initiate or participate in a pursuit if they have a ride-along or are transporting a witness, victim, or other community members in their Department-issued vehicle.

E. Sworn personnel shall not initiate or participate in a pursuit if they have an in-custody individual in their Department-issued vehicle.

F. Sworn personnel shall not initiate or continue a high-speed pursuit when the immediate danger to the officer and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large.

7 **2-45-5 Procedures during a Pursuit**

A. Sworn Personnel as Initiating/Primary Pursuit Units

1. After initiating a pursuit, the initiating/primary pursuing units shall:

5 a. Notify their supervisor via radio of the pursuit;
i. After notifying their supervisor, the initiating/primary pursuing units shall only continue the pursuit with specific authorization from the supervisor.

6 b. Immediately notify an Emergency Communications Center (ECC) Dispatcher via radio that a pursuit is in progress, and provide the following information:
i. Reason for the pursuit;

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N/A

ii. Present location and direction of travel;
iii. Vehicle speeds from their speedometer;
iv. Any safety factors that must be noted; and
v. Whether a hostage situation is involved, in accordance ~~consistent~~ with SOP Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments ~~(refer to SOP Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments for sanction classifications and additional duties)~~.

c. Request Air Support Unit personnel to assist with the pursuit as soon as possible;
d. Request sworn personnel who are certified to use the StarChase pursuit management system to respond to the area of the pursuit;
e. Request any additional necessary resources, including additional sworn personnel or Department-authorized resources to assist with the pursuit;
f. Broadcast the progress of the pursuit until the arrival of sworn personnel assigned as secondary units, who shall then assume that responsibility; and
   i. When sworn personnel are riding as a two-man unit, the passenger officer shall be responsible for radio transmissions until the officer assigned as the secondary unit arrives to assist.
   ii. The passenger officer shall continually relay over the radio the present location, the direction of travel, vehicle speeds, and any safety factors impacting the pursuit until the officer assigned as a secondary unit arrives.
g. Maintain communication for any pursuit on their original dispatch channel, regardless of whether the pursuit changes area commands and/or jurisdictions.
   i. If a pursuit is initiated on a radio frequency other than an area command dispatch channel, sworn personnel shall move to the area command dispatch channel in relation to their present location as quickly and safely as possible.

2. If the initiating officer is a supervisor, the next available on-duty supervisor shall assume command of the pursuit.

3. Pursuits initiated by an officer outside their area command or while off-duty shall be under the command of the supervisor responsible for the area command where the pursuit was initiated.

B. ECC Dispatcher

The ECC Dispatcher shall notify the on-duty supervisor of the pursuit after being notified by sworn personnel assigned as the initiating/primary pursuit unit.

C. Sworn Personnel Dispatched as Secondary Units

1. Sworn personnel dispatched as secondary units shall:

   a. Notify the ECC Dispatcher of their call sign over the radio;

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b. Assume the responsibility of radio communications to enable the initiating/primary unit to devote complete attention to the pursuit;
c. Be responsible for providing the ECC Dispatcher with updated speeds and any safety factors when they become involved;

N/A

d. Engage all authorized emergency warning equipment, in accordance~~consistent~~ with Use of Emergency Warning Equipment ~~(refer to SOP Use of Emergency Warning Equipment for sanction classifications and additional duties)~~; and
e. Assist with the high-risk stop.

6

D. Sworn Personnel Dispatched as Assisting Units

1. Sworn personnel dispatched as assisting units shall:
~~1.~~
a. Not parallel a pursuit.~~;~~ however, sworn personnel may proceed into the area of a pursuit if directed by the supervisor in command to assist at the termination point of the pursuit and assist with the high-risk stop;
b. Not involve more than two (2) police vehicles actively engaged in a pursuit unless specifically authorized to do so by a supervisor; and
c. Be alert to the pursuit progress and location.

E. Air Support Unit Personnel

1. Once Air Support Unit personnel have responded and have a visual on the pursued vehicle, they shall:

a. Be the primary unit of the authorized pursuit;
b. Relay the direction of travel of the pursued vehicle to ground units; and
c. Notify the supervisor who is in charge if sworn personnel on the ground continue to follow the pursued vehicle.
i. When possible, Air Support Unit personnel shall identify sworn personnel who continue to follow the pursued vehicle by the Department-issued police vehicle number.

2. Initiating/primary pursuit unit(s) shall discontinue pursuing the motor vehicle and shall provide enough distance so as not to affect the driving of the pursued vehicle, unless directed by a supervisor.

N/A

3. Air Support Unit personnel may call out the direction of travel as a means to notify other Department personnel to get out of the area if feasible, so as not to affect the driving of the pursued vehicle ~~they don't contribute to the driving~~, and so the supervisor who~~that~~ authorized the pursuit can safely get sworn personnel in the area to set up an immediate perimeter ~~consistent~~ in accordance with SOP Air Support Unit. ~~(Refer to SOP Air Support Unit for sanction classifications and additional duties.)~~

4. With direction from Air Support Unit personnel, the supervisor shall:

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a. Continuously direct and control sworn personnel on the ground in a manner that increasingly constricts the perimeter surrounding the pursued vehicle in order to apprehend the individual(s); and

N/A

i. Sworn personnel on the ground may use emergency warning equipment as needed in order to maintain the reasonable distance needed from the pursued vehicle.

b. Determine how many sworn personnel with Department-issued vehicles are needed to form a perimeter around the vehicle based on information from Air Support Unit personnel.

F. Sworn Personnel

1. Sworn personnel who are not dispatched as initiating/primary pursuit units but who are involved in a pursuit shall:

~~1.~~

a. Before engaging emergency warning equipment, when feasible:
   i. Identify the license plate information and/or vehicle description;
   ii. Occupant status (number of occupants, descriptors); and
   iii. Relay that information immediately to an ECC Dispatcher.
b. At any time during a pursuit, when they or a supervisor determine that the danger to the public or officer(s) outweighs the need for immediate apprehension, immediately discontinue the pursuit; and
c. Continually question whether the seriousness of the crime~~s~~(s) reasonably warrants continuation of the pursuit.

2. Sworn personnel engaged in a pursuit shall not attempt to pass the initiating/primary unit unless instructed to do so by that officer or if the initiating/primary pursuit officer is unable to continue.

G. Sworn Personnel with StarChase Pursuit Management Systems

1. Initiating/primary pursuit units and sworn personnel with Department-issued vehicles equipped with the StarChase pursuit management system shall coordinate, as necessary, to allow for deployment of the StarChase pursuit management system device.

2. When the StarChase pursuit management system is activated:

N/A

a. Initiating/primary pursuit units shall follow the procedures ~~outlined~~ in accordance with SOP StarChase Pursuit Management System ~~(refer to SOP StarChase Pursuit Management System for sanction classifications and additional duties)~~; and
b. Air Support Unit personnel shall continue to be the primary unit of the authorized pursuit and shall update the location of the pursued vehicle to sworn personnel on the ground.

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i. When Air Support Unit personnel lose visual of the pursued vehicle, the ECC Dispatcher or the supervisor monitoring the StarChase activation shall provide updated location information for the pursued vehicle.

6

H. Authorizing Supervisor

1. Upon notification of a pursuit, the on-duty authorizing supervisor shall:

a. Constantly monitor radio communications within their area command to ensure all pursuits meet the proper criteria and the pursuit is managed according to this SOP;
b. Assume command through radio communication to acknowledge and either authorize or discontinue the pursuit, given the circumstances;
c. Ensure Air Support Unit personnel have been requested;
d. Ensure the affected public safety agencies are notified;
e. Assist sworn personnel assigned as initiating/primary pursuit units with any necessary support requested;
f. Call for the establishment of a location to disable the fleeing vehicle by using the PIT and/or tire deflation devices;
g. When necessary, direct the sworn personnel assigned as initiating/primary pursuit units to abandon the pursuit; and
h. Continually evaluate the pursuit to allow its continuation, or to order termination of the pursuit.

2. If the initiating/primary pursuit sworn personnel on-duty supervisor is not available, the next available on-duty supervisor shall assume command of the pursuit.

6

I. Use of Devices and Techniques

1. Tire Deflation Device

N/A

a. The tire deflation device is an acceptable method of disabling a pursued vehicle when used in accordance with SOP Use of Tire Deflation Devices.
i. Only sworn personnel who have been trained on how to deploy a tire deflation device shall be authorized to use it.
b. Sworn personnel shall not use the tire deflation device on two- or three-wheeled vehicles, unless the use of deadly force is justified in accordance with~~(refer to~~ SOP Use of Tire Deflation Devices and SOP Use of Force: Definitions~~ for sanction classifications and additional duties)~~.

6

2. PIT

a. Sworn personnel shall:
i. Only use the PIT when they have been trained and certified to use it, and, the PIT has been authorized; and

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ii. ~~Make every effort to~~When feasible, use a high-risk stop (felony stop) with additional sworn personnel after the PIT has been completed.

N/A b. Sworn personnel shall not:

i. Use the PIT at speeds greater than thirty-five (35) miles per hour, unless deadly force is warranted in accordance ~~(refer~~ with~~to~~ SOP Pursuit Intervention Technique ~~for sanction classifications and additional duties)~~; or

N/A ii. Use the PIT on two- or three-wheeled vehicles, unless the use of deadly force is justified in accordance with~~(Refer to~~ SOP Pursuit Intervention Technique and SOP Use of Force: Definitions ~~for sanction classifications and additional duties)~~.

N/A c. Sworn personnel may use the PIT to end a pursuit in accordance with ~~(refer to~~ SOP Pursuit Intervention Technique ~~for sanction classifications and additional duties)~~.

d. All uses of the PIT above thirty-five (35) miles per hour are considered deadly force and shall be reported as a Level 3 use of force in accordance with ~~(refer to~~ SOP Use of Force: Reporting by Department Personnel ~~for sanction classifications and additional duties)~~.

N/A e. All uses of the PIT above thirty-five (35) miles per hour shall be investigated as a Level 3 use of force in accordance with ~~(refer to~~ SOP Use of Force: Review and Investigation by Department Personnel ~~for sanction classifications and additional duties)~~.

N/A J. Sworn personnel shall not use firearms to disable the tires of a vehicle that is being pursued in accordance with ~~(refer to~~ SOP Use of Force: General ~~for sanction classifications and additional duties)~~.

7 K. Sworn personnel shall, ~~(~~when feasible,~~)~~ use felony stop procedures when the vehicle has stopped or been disabled.

7 **2-45-6 Terminating a Pursuit**

A. When terminating a pursuit, sworn personnel shall make all reasonable efforts to go in the opposite direction of the pursued vehicle, so as ~~to~~ not to give a sense of a continued~~ing~~ pursuit.

B. Sworn personnel who terminate a pursuit for safety considerations shall not be subject to discipline for making this decision.

6 C. If a supervisor orders a pursuit to be terminated, they shall direct sworn personnel engaged or assisting with the pursuit to immediately meet with them at a designated location.

6 **2-45-7 Post-Pursuit Incident Review**

A. Sworn Personnel

1. Sworn personnel shall:

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N/A

a. Complete and submit a Uniform Incident Report before the end of their shift, in accordance ~~consistent~~ with SOP Reports ~~(refer to SOP Reports for sanction classifications and additional duties)~~; and
   i. If an officer is unable to complete a Uniform Incident Report because of physical injury, involvement in an officer-involved shooting (OIS), or the officer is the victim of a crime, the on-duty supervisor shall assign another officer to document the incident.

N/A

b. Upload on-body recording device (OBRD) footage before clearing from the incident ~~(refer to~~ in accordance with SOP Use of On-Body Recording Devices ~~for sanction classifications and additional duties)~~.

B. Authorizing Supervisor

1. The authorizing supervisor shall:

   a. Create an Internal Affairs (IA) database web application entry ~~within~~ by the end of their shift;
   b. Complete, review, and submit the following IA database web application entry:
      i. Police Pursuit Post Checklist;
      ii. Police Pursuit Post-Incident Review, which is an Interoffice Memorandum addressed to the affected area commander/division head. The Police Pursuit Post-Incident Review shall include:
         1. The reason for the pursuit;
         2. A brief synopsis of the pursuit;
         3. Identify the number of vehicle accidents; and
         4. Highlights of pertinent information, including references to any pertinent SOP and any identified policy, training, equipment, and/or tactic concerns that require follow-up.
            A. If any training issues are identified, the authorizing supervisor shall complete a training request and attach the entry of the request in the IA database web application, including all necessary attachments that are pertinent to the reason for the training request.
      iii. Review all Computer-Aided Dispatch (CAD) information related to the pursuit;
      iv. Review the CAD recording(s);
      v. Ensure all sworn personnel assisting in the pursuit complete Uniform Incident Reports and Uniform Crash Reports, if applicable;
      vi. Review all Uniform Incident Reports;
      vii. Review OBRD footage from sworn personnel assigned as initiating/primary pursuit units from the initiation of the pursuit to when all individuals are in custody;
      viii. Photos of the incident, if applicable;
      ix. Video footage from the Air Support Unit, if available; and
      x. Documentation to support extension requests that were granted or denied.
   c. Complete and submit the Police Pursuit Post-Incident Review within ten (10) calendar days.

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i. ~~Where~~ If a supervisor is unable to complete and submit a review within the initial ten (10) calendar day deadline, the supervisor may request a ten (10) calendar day extension by submitting an extension request through the IA database web application outlining the reason(s) for an extension~~,~~ to the involved officer's commander.

2. Once the reviewing supervisor has completed their review, it shall be sent to the affected lieutenant for review.

   a. If at any point a lieutenant is the authorizing supervisor, they shall complete the authorizing supervisor's responsibilities and ensure another lieutenant from the affected officer's area command completes the Lieutenant Review.

3. If any officer, regardless of rank, is the officer assigned as the initiating/primary pursuit unit, another on-duty authorizing supervisor starting at the rank of sergeant or acting sergeant shall complete the Police Pursuit Post-Incident Review.

   a. The lieutenant shall identify the on-duty authorizing supervisor who shall complete the Police Pursuit Post-Incident Review.
   b. If the lieutenant is unavailable, the next available on-duty lieutenant shall make the decision.

4. In the event the authorizing supervisor is unable to work their next shift due to injury or administrative leave, or had involvement as indicated in this SOP, another on-duty sergeant, acting sergeant, or the authorizing supervisor's lieutenant shall be responsible for completing and submitting the Police Pursuit Post-Incident Review.

5. A supervisor who was participating in the pursuit, by participating in a pursuit or ordering or participating in a use of force, or who was a witness ~~of an officer-involved shooting~~to an officer-involved shooting, shall not complete the Police Pursuit Post-Incident Review.

6. If the pursuit results in a Level 2 or Level 3 use of force, the Internal Affairs Force Division (IAFD) shall be responsible for the Police Pursuit Post-Incident Review.

C. Lieutenant

1. The Lieutenant shall:

   a. Ensure all steps were taken by the authorizing supervisor as listed in the authorizing supervisor's responsibilities in this SOP;
   b. Review the:
      i. IA database web application entry;
      ii. Police Pursuit Post Checklist;

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iii. Police Pursuit Post-Incident Review and ensure that any policy, training, equipment, and tactics concerns are identified and follow-up is documented;
iv. Review all CAD information related to the pursuit;
v. Review CAD recording(s);
vi. Review all Uniform Incident Reports and Uniform Crash Reports, if applicable;
vii. Review OBRD footage from all sworn personnel involved in the pursuit from the initiation of the pursuit to when all individuals are in custody;
viii. Photos of the incident, if applicable;
ix. Video footage from the Air Support Unit, if available; and
x. Documentation to support extension requests granted or denied.

c. Complete their review and address it to the affected area commander/division head, stating if they found the pursuit to be within compliance with this SOP or did not comply with this SOP; and
   i. If the pursuit did not comply with the procedures outlined in this SOP, the evidence identifying that the pursuit was out of compliance shall be identified and documented in the comments section.
   ii. The lieutenant shall ensure any policy, training, equipment, supervision, and/or tactics concerns were identified by the authorizing supervisor and follow-up was completed.

N/A

   iii. If the lieutenant identifies any supervisory concerns, they shall be responsible for documenting the concern and ensuring follow-up is completed by completing an Internal Affairs Request (IAR) in accordance with ~~(refer to~~ SOP Complaints Involving Department Personnel ~~for sanction classifications and additional duties)~~ or training request.

d. Complete and submit the Police Pursuit Post-Incident Review within ten (10) calendar days upon receipt of the IA database web application entry.
   i. When the Lieutenant is unable to complete and submit a review within the initial ten (10) calendar day deadline, the Lieutenant may request a ten (10) calendar day extension by submitting an extension request through the IA database web application outlining the reason(s) for an extension to the involved officer's commander.

2. Lieutenants of sworn personnel involved in the pursuit shall hold an open critique session of the pursuit.

D. Area Commander/Division Head

1. The Area Commander/Division Head shall:

   a. Approve extensions for Police Pursuit Post-Incident Reviews of up to ten (10) calendar days for both the authorizing supervisor and the lieutenant, and shall include the new due date in the approving correspondence;
   b. Review the Police Pursuit Post-Incident Review to determine compliance with this SOP;
   c. Check the Police Pursuit Post-Incident Review for completeness;

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d. If necessary, conduct a meeting with the supervisor and sworn personnel involved in the pursuit to thoroughly review the pursuit;

N/A

e. Have ten (10) calendar days from receipt of the entry to enter comments in the IA database web application about whether the pursuit adhered to the procedures outlined in this SOP; and

f. If they identify any policy, training, equipment, tactics, or supervision concerns during their review, submit an IAR in accordance with ~~(refer to~~ SOP Complaints Involving Department Personnel ~~for sanction classifications and additional duties)~~.

i. Where the Area Commander/Division Head is unable to complete and submit a Police Pursuit Post-Incident Review within the initial ten (10) calendar day deadline, they may request a ten (10) calendar day extension by submitting an extension request through the IA database web application and outlining the reason(s) for an extension to the involved Commander's Deputy Chief.

2. The Area Commander/Division Head's completion of the Police Pursuit Post-Incident Review shall not exceed sixty (60) calendar days.

E. Operations Review Section

1. Operations Review Section personnel shall:
~~1.~~

a. Prepare an analysis of pursuits for the calendar year; and

b. Distribute their analysis to the Chief of Police, Civilian Police Oversight Agency Board (CPOAB), and the Internal Affairs Professional Standards (IAPS) Division. The analysis shall include:

i. The number of pursuits for the calendar year;

ii. The number of pursuits that did not adhere to the procedures outlined in this SOP, and why they were considered ~~to~~ not to be within policy;

iii. The number of vehicle accidents that were the result of officer negligence;

iv. Any policy change requests for this SOP that were identified during the annual review and during follow-up, if any; and

v. Any negative trends involving supervision, training, equipment, and/or tactics that were identified, including during follow-up.

6

2-45-8 Jurisdictional Issues during a Motor Vehicle Pursuit

A. When a pursuit goes outside the City of Albuquerque limits, sworn personnel shall stop the pursuit if:

1. Directed to do so by a supervisor;

2. A supervisor is no longer in command of the pursuit;

3. Requested to do so by the jurisdictional agency;

REDLINED

4. Radio communications become a safety issue; or

5. Unable to establish proper communications with the outside jurisdictional agency to coordinate assistance and resources from that outside jurisdictional agency.

B. When a pursuit by an outside law enforcement agency enters City limits, a supervisor shall:

1. Ensure Department personnel adhere to this SOP when providing assistance; and

2. Ensure every attempt is made to assist the agency leading the pursuit when resources are available and when it is safe to do so.

C. When a pursuit by an outside law enforcement agency does not meet the standards of this SOP, Department personnel shall limit their participation.

1. Department personnel shall not actively participate in the pursuit, but may provide the following safety measures:

a. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit;
b. Communications support in order to coordinate the movements of the pursuit and facilitate the timely response of assisting personnel to the areas involved; and
c. Containment and preservation of the location where a pursuit stopped, if it is within the City service area.

REDLINED

2-68 INTERVIEWS AND INTERROGATIONS

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

A. Related SOP(s)

2-8 Use of On-Body Recording Devices
2-22 Juvenile Delinquency
2-60 Preliminary and Follow-Up Investigations
2-65 Language Access Procedure
2-71 Search and Seizure Without a Warrant

B. Form(s)

PD 1339 Interview Advise of Rights, Your Constitutional Rights
PD 1385 Crime Scene Canvass and Witness Information Form

C. Other Resource(s)

NMSA 1978, § 29-1-16 Electronic Recordings of Custodial Interrogations
Miranda v. Arizona, 384 U.S.436 (1966)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-68-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) personnel when completing interviews and interrogations.

2-68-2 Policy

It is the policy of the Department to ensure that Department personnel conduct interviews and interrogations of the individuals or witnesses in accordance with federal and state laws, and respecting their constitutional rights.

N/A

2-68-3 Definitions

A. Custodial Interrogation

REDLINED

Questioning by law enforcement officers that requires the advice of constitutional rights. A suspect is in custody for the purpose of *Miranda* if a reasonable person in his or her position would believe they are not free to leave the scene of an interrogation.

B. Detention of Witness

A request by a law enforcement officer for a person to be interviewed as a witness, as defined by the Fourth Amendment of the United States Constitution. The officer's detainment of a witness should be reasonable with minimal intrusion of the person's constitutional rights.

C. Exigent Circumstances

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

D. Interrogation

Formal and systematic questioning to elicit a statement from an individual suspected of committing a crime or suspected of having information pertinent to the investigation.

E. Interview

A non-accusatory question and answer session with a victim, witness, or an individual suspected of committing a crime. The goal of the interview is to gather information and make an assessment of each individual's credibility.

F. Limited English Proficient (LEP) Person

A person whose primary language is not English, and who has a limited ability to read, write, speak, or understand English. LEP persons may be competent in certain types of communication, e.g., speaking or understanding, but still be LEP for other purposes, e.g., reading or writing. Similarly, LEP designations are content-specific: a person may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

G. *Miranda* Warnings

Required warnings that are clearly articulated to any person being subjected to custodial interrogation, according to Miranda v. Arizona.

H. Witness

For the purpose of this policy, any person who sees, hears, or otherwise has information relevant to an investigation, such as audio or visual recordings, of a criminal act or major event.

REDLINED

7 **2-68-4 Procedures**

A. Sworn personnel conducting interviews of witnesses shall:

N/A 1. Wear and activate their on-body recording device (OBRD), in accordance with SOP Use of On-Body Recording Devices;

2. Conduct a preliminary interview to determine if a witness has information pertinent to the investigation of a crime;

3. Ask witnesses if they are willing and able to remain on-scene to provide further information to investigators;

6 a. Sworn personnel shall attempt to obtain a written or recorded statement and contact information from witnesses who do not wish to remain on the scene.

4. Ask all witnesses who are willing to remain at the scene not to discuss the incident with other witnesses, media, or other community members, to include not using their personal communication devices to discuss the incident;

5 a. Sworn personnel shall not seize communication devices from witnesses without probable cause, exigent circumstances, or a search warrant.

5. As soon as possible, make every attempt to accommodate witnesses who need to leave a scene before being interviewed;

6. Use a separate Crime Scene Canvass and Witness Information form for each witness contacted;

7. Use a separate Crime Scene Canvass and Witness Information form for each location when they are unable to make contact with a witness;

8. If the witness refuses to give a statement, document the attempt in their Uniform Incident Report or Supplemental Report and attempt to obtain the witness's signature on the Crime Scene Canvass and Witness Information form; and

9. Provide the investigator with all Crime Scene Canvass and Witness Information forms prior to leaving the scene, and document whom they contacted and the location where this contact took place in their Uniform Incident Report or Supplemental Report.

7 B. Physical Detention of Witnesses

5 1. Sworn personnel shall not detain witnesses unless they have reasonable suspicion that the individual is involved in criminal activity.

REDLINED

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2. Sworn personnel shall not pat down a witness unless they have reasonable suspicion that the witness may be armed and dangerous.

3. Sworn personnel shall prevent witnesses from entering a crime scene that has been secured or shall remove witnesses from within a secured crime scene perimeter.

4. Sworn personnel shall transport witnesses to a police facility or another location only with their voluntary consent unless the witness is under arrest.

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C. The on-scene supervisor:

1. Shall assign an officer to act as a liaison for the witnesses; and

a. The liaison officer shall allow witnesses to access food, water, restrooms, and a telephone, if possible, and shall provide updates to witnesses as they become available.

N/A

2. May request the Mobile Community Substation to respond to provide a comfortable place where witnesses may wait.

N/A

a. Sworn personnel may request a secondary Mobile Community Substation in the event there is a large number of witnesses.
b. Sworn personnel shall attempt to secure a location for the witnesses while they wait for investigators.

6

D. Custodial Interviews and Interrogations

1. Sworn personnel shall:

N/A

a. When interviewing or interrogating juveniles, ensure the child is advised of their constitutional rights and secure a knowing, intelligent, and voluntary waiver in accordance with SOP Juvenile Delinquency;

N/A

b. When interviewing a Limited English Proficient (LEP) individual, seek language interpretation assistance in accordance with SOP Language Access Procedure;
c. Electronically record (audio/video) all custodial interrogations in their entirety;
i. If the interview location has video capability, sworn personnel shall record the interview using the location's recording equipment and their OBRD.
ii. In the event the location does not have video recording capabilities, the officer shall use their OBRD to record the interview and/or interrogation.
1. Department personnel shall notify their supervisor if there are no audio or video recording capabilities.
2. Supervisors shall ensure the officer has an appropriate location equipped with recording devices.
d. Give *Miranda* warnings to the individual before any custodial interrogation;
i. Department personnel shall document the administration of the *Miranda* warning in the Interview: Advise of Rights Your Constitutional Right form.

REDLINED

e. Tag the recorded interview into evidence; and
f. Document in their Uniform Incident Report or Supplemental Report that the interview was electronically recorded.

5 E. Sworn personnel shall give the individual their *Miranda* warnings when they are subject to a formal arrest or restrained from freedom of movement, and when an officer asks questions of an individual that are reasonably likely to lead to an incriminating response.

6 F. General Security Concerns

1. Sworn personnel shall:

a. Conduct interrogations in a secured area;
b. Search all individuals before bringing them into the interview room;
c. Detain only one (1) individual in the interview room at a time;
d. Handcuff all in-custody individuals before entering the interview room; and
   i. The investigator has the discretion to remove the handcuffs during the interview.
e. While conducting an interview or interrogation, ensure a second officer is in the room or monitoring the interview.
   i. If the investigator needs assistance, they shall verbally and/or physically request the officer monitoring the interview or use the emergency key on their police radio.

N/A G. Weapons Control

1. Sworn personnel may remove their firearm when conducting interrogations in a secured location.

H. Interviews and/or Interrogations at Medical Facilities

6 1. Sworn personnel shall not interfere with medical treatment and, when feasible, shall conduct interviews or interrogations during regular visiting hours.

2. Sworn personnel shall arrange with the attending physician for the interview if the individual is being treated in a limited-access area, such as an Intensive Care Unit (ICU)/Critical Care Unit (CCU).

REDLINED

2-68 INTERVIEWS AND INTERROGATIONS

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

A. Related SOP(s)

2-8 Use of On-Body Recording Devices ~~(Formerly 1-39)~~
2-22 Juvenile Delinquency ~~(Formerly 2-34)~~
2-60 Preliminary and Follow-Up Investigations ~~(Formerly 2-24)~~
2-65 Language Access Procedure
2-71 Search and Seizure Without a Warrant ~~(Formerly 2-17)~~

B. Form(s)

PD 1339 Interview~~:~~ Advise of Rights, Your Constitutional Rights
PD 1385 Crime Scene Canvass and Witness Information Form

C. Other Resource(s)

NMSA 1978, § 29-1-16 Electronic Recordings of Custodial Interrogations
Miranda v. Arizona, 384 U.S.436 (1966)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-68-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) personnel when completing interviews and interrogations.

2-68-2 Policy

It is the policy of the Department to ensure that Department personnel conduct interviews and interrogations of the individuals or witnesses in accordance with federal and state laws, and respecting their constitutional rights.

N/A

2-68-3 Definitions

A. Custodial Interrogation

Questioning by law enforcement officers that requires the advice of constitutional rights. A suspect is in custody for the purpose of *Miranda* if a reasonable person in his

REDLINED

or her position would believe they are not free to leave the scene of an interrogation. ~~as provided by NMSA 1978, § 29-1-16.~~

B. Detention of Witness

A request by a law enforcement officer for a person to be interviewed as a witness, as defined by the Fourth Amendment of the United States Constitution. The officer's detainment of a witness should be reasonable with minimal intrusion of the person's constitutional rights.

C. Exigent Circumstances

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

~~D. Interview~~

~~A non-accusatory question and answer session with a victim, witness, or an individual suspected of committing a crime. The goal of the interview is to gather information and make an assessment of each individual's credibility.~~

~~E.~~D. Interrogation

Formal and systematic questioning to elicit a statement from an individual suspected of committing a crime or suspected of having information pertinent to the investigation.

E. Interview

A non-accusatory question and answer session with a victim, witness, or an individual suspected of committing a crime. The goal of the interview is to gather information and make an assessment of each individual's credibility.

F. Limited English Proficient (LEP) Person

A person whose primary language is not English, and who has a limited ability to read, write, speak, or understand English. LEP persons may be competent in certain types of communication, e.g., speaking or understanding, but still be LEP for other purposes, e.g., reading or writing. Similarly, LEP designations are content-specific: a person may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

G. *Miranda* Warnings

Required warnings that are clearly articulated to any person being subjected to custodial interrogation, according to Miranda v. Arizona.

REDLINED

H. Witness

For the purpose of this policy, any person who sees, hears, or otherwise has information relevant to an investigation, such as audio or visual recordings, of a criminal act or major event. ~~There is no reasonable suspicion or probable cause to believe these persons are committing a crime.~~

REDLINED

7 **2-68-4 Procedures**

A. Sworn personnel conducting interviews of witnesses shall:

N/A

1. Wear and activate their on-body recording device (OBRD), in accordance~~consistent~~ with SOP Use of On-Body Recording Devices ~~(refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties)~~;

2. Conduct a preliminary interview to determine if a witness has information pertinent to the investigation of a crime;

3. Ask witnesses if they are willing and able to remain on-scene to provide further information to investigators;

5

   a. Sworn personnel shall attempt to obtain a written or recorded statement and contact information from witnesses who do not wish to remain on the scene.

4. Ask all witnesses who are willing to remain at the scene not to discuss the incident with other witnesses, media, or other community members, to include not using their personal communication devices to discuss the incident;

5

   a. Sworn personnel shall not seize communication devices from witnesses without probable cause, ~~and under~~ exigent circumstances, or a search warrant.

5. As soon as possible, make every attempt to accommodate ~~As soon as possible, Mmake every attempt to prioritize interviews ofaccommodate~~ witnesses who need to leave a scene before being interviewed ~~soon; before being interviewed;~~

6. Use a separate Crime Scene Canvass and Witness Information form for each witness contacted;

7. Use a separate Crime Scene Canvass and Witness Information form for each location when they are unable to make contact with a witness;

8. If the witness refuses to give a statement, document the attempt in their Uniform Incident Report or Supplemental Report and attempt to obtain the witness's signature on the Crime Scene Canvass and Witness Information form; and

9. Provide the investigator with all Crime Scene Canvass and Witness Information forms prior to leaving the scene, and document whom they contacted and the location where this contact took place in their Uniform Incident Report or Supplemental Report.

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B. Physical Detention of Witnesses

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REDLINED

1. Sworn personnel shall not detain witnesses unless they have reasonable suspicion that the individual is involved in criminal activity.

5

2. Sworn personnel shall not pat down a witness unless they have reasonable suspicion that the witness may be armed and dangerous. ~~re are reasonable articulable facts that the individual is armed and dangerous.~~

3. Sworn personnel shall prevent witnesses from entering a crime scene that has been secured or shall remove witnesses from within a secured crime scene perimeter.

4. Sworn personnel shall transport witnesses to a police facility or another location only with their voluntary consent unless the witness is under arrest.

7

C. The on-scene supervisor:

1. Shall assign an officer to act as a liaison for the witnesses; and

a. The liaison officer shall allow witnesses to access food, water, restrooms, and a telephone, if possible, and shall provide updates to witnesses as they become available.

N/A

2. May request the Mobile Community Substation to respond to provide a comfortable place where witnesses may wait.

N/A

a. Sworn personnel may request a secondary Mobile Community Substation in the event there is a large number of witnesses.
b. Sworn personnel shall attempt to secure a location for the witnesses while they wait for investigators.

6

D. Custodial Interviews and Interrogations

1. Sworn personnel shall:

N/A

a. When interviewing or interrogating juveniles, ensure the child is advised of their constitutional rights and secure a knowing, intelligent, and voluntary waiver ~~as outlined~~ in accordance with SOP Juvenile Delinquency~~. (refer to SOP Juvenile Delinquency for sanction classifications and additional duties)~~;

N/A

b. When interviewing a Limited English Proficient (LEP) individual, seek language interpretation assistance ~~as outlined~~ in accordance with SOP Language Access Procedure~~. (refer to SOP Language Access Procedure for sanction classifications and additional duties)~~;
c. Electronically record (audio/video) all custodial interrogations in their entirety;
   i. If the interview location has video capability, sworn personnel shall record the interview using the location's recording equipment and their OBRD.
   ii. In the event the location does not have video recording capabilities, the officer shall use their OBRD to record the interview and/or interrogation.

REDLINED

1. Department personnel shall notify their supervisor if there are no audio or video recording capabilities.
2. Supervisors shall ensure the officer has an appropriate location equipped with recording devices.

d. Give *Miranda* warnings to the individual before any custodial interrogation;
   i. Department personnel shall document the administration of the *Miranda* warning in the Interview: Advise of Rights Your Constitutional Right form.~~;~~

e. Tag the recorded interview into evidence; and

f. Document in their Uniform Incident Report or Supplemental Report that the interview was electronically recorded.

5 E. Sworn personnel shall give the individual their *Miranda* warnings when they are subject to a formal arrest or restrained from freedom of movement, and when an officer asks questions of an individual that are reasonably likely to lead to an incriminating response.

6 F. General Security Concerns

1. Sworn personnel shall:

a. Conduct interrogations in a secured area;

b. Search all individuals before bringing them into the interview room;

c. Detain only one (1) individual in the interview room at a time;

d. Handcuff all in-custody individuals before entering the interview room; and
   i. The investigator has the discretion to remove the handcuffs during the interview.

e. While conducting an interview or interrogation, ensure a second officer is in the room or monitoring the interview.
   i. If the investigator needs assistance, they shall verbally and/or physically request the officer monitoring the interview or use the emergency key on their police radio.

N/A G. Weapons Control

1. Sworn personnel may remove their firearm when conducting interrogations in a secured location.

H. Interviews and/or Interrogations at Medical Facilities

6

1. Sworn personnel shall not interfere with medical treatment and, when feasible, shall conduct interviews or interrogations during regular visiting hours.

2. Sworn personnel shall arrange with the attending physician for the interview if the individual is being treated in a limited-~~-~~access area, such as an Intensive Care Unit (ICU)/Critical Care Unit (CCU).

REDLINED

2-93 CHILD ABDUCTION AND MISSING CHILD INVESTIGATIONS

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

A. Related SOP(s)

SOP 1-26 Special Victims Section

B. Form(s)

PD 1385 Crime Scene Canvass & Witness Information Form

C. Other Resource(s)

NMSA 1978, § 29-15-2 Definitions
NMSA 1978, § 30-4-1 Kidnapping
NMSA 1978, § 30-4-4 Custodial Interference; Penalties
NMSA 1978, § 40-10C-2 Definitions

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-93-1 Purpose

The purpose of this policy is to provide standards for Albuquerque Police Department (Department) personnel when responding to and investigating cases involving child abductions and missing children. It is also the purpose of this policy to establish the Department's standards for issuing AMBER Alerts.

2-93-2 Policy

It is the policy of the Department to respond in a timely and appropriate manner to thoroughly investigate reports of a missing child and to determine if the missing child has been abducted or kidnapped.

N/A

2-93-3 Definitions

A. Abducted Child

A child who is seventeen (17) years old or younger who has been taken, detained, concealed, or enticed away by a person(s) who does not have custodial rights to the child.

REDLINED

B. Abduction

The wrongful removal or wrongful retention of a person. The action of taking away of a person by persuasion, fraud, or force, consistent with NMSA 1978 § 40-10C-2 A.

C. AMBER Alert

A declaration by the authorized requester that an abduction has occurred and that notifications and broadcasts be made pursuant to the AMBER alert notification plan, consistent with NMSA 1978, § 29-15A-2.

D. Custodial Interference

Consists of any person having a right to custody of a child, who takes, detains, conceals, or entices away or fails to return that child without good cause and with the intent to deprive permanently or for a protracted time from another person also having a right to custody of that child, consistent with NMSA 1978, § 30-4-4B.

E. Kidnapping

1. The unlawful taking, restraining, transporting, or confining of a person by force, intimidation, or deception, with intent:

   a. That the victim be held for ransom;
   b. That the victim be held as a hostage or shield and confined against their will;
   c. That the victim be held to service against the victim's will; or
   d. To inflict death, physical injury, or a sexual offense on the victim.

F. Missing Child

A child who is seventeen (17) years old or younger who is not emancipated, and whose whereabouts are unknown to a parent, guardian, or responsible party, consistent with NMSA 1978, § 29-15-2B.

G. Missing Person Report

Information that is:

1. Given to a law enforcement agency on a form used for sending information to the national crime information center; and

2. About a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

H. Unlawful Interference with Custody

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Consists of any person, not having a right to custody, maliciously taking, detaining, concealing, enticing away, or failing to return any child with the intent to detain or conceal permanently or for a protracted time that child from any person having a right to custody of that child, consistent with NMSA 1978, § 30-4-4C.

I. Wrongful Removal

The taking of a child whereby taking the child breaches rights of custody or visitation given or recognized pursuant to the law of this state, consistent with NMSA 1978, § 40-10C-2J.

J. Wrongful Retention

The keeping or concealing of a child, which breaches the rights of custody or visitation given or recognized pursuant to the law of this state, consistent with NMSA 1978, § 40-10C-2-A.

6 **2-93-4 Procedures**

A. Investigations of Child Abduction, Kidnapping, or Missing Child Cases

1. The responding officer shall:

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a. When a child is reported missing or abducted the report shall be accepted without delay or exception;
b. Contact the Records Division to ensure the child is entered into the National Crime Information Center (NCIC) within two (2) hours from the time the incident was created in the Computer-Aided Dispatch (CAD) system in accordance with SOP Special Victims Section;
c. Interview the parent/guardian making the report;
d. Conduct a thorough search of the immediate area of the last known location the child was known to be;
e. Obtain a description and current photograph of the child;
f. Advise the Emergency Communications Center (ECC) of the information received, including the last known location, and have ECC broadcast this information on all Talk Groups;
g. Ensure the Real Time Crime Center (RTCC) completes a New Mexico Children, Youth, and Families Department (CYFD) portal check;
h. Request an additional officer to secure any scene that may be of evidentiary value if the location is other than the home or location where the officer was dispatched;
i. Interview potential witnesses at the scene, including children;
j. Request the on-duty supervisor to respond to the scene and be notified of pertinent information;
k. Stay on-scene to ensure the integrity of all potential evidence and obtain any new information when made available;
l. Create a Uniform Incident Report as soon as practical; and

REDLINED

m. Tag all officer recordings of evidentiary value into evidence.

2. The on-scene supervisor shall:

   a. Ensure that proper personnel are in place to carry out a proper and thorough investigation;
      i. The on-scene supervisor shall immediately assign a records keeper, who shall keep accurate records of all investigative steps taken.
      ii. The on-scene supervisor shall immediately assign personnel to begin a canvass of the neighborhood using a standardized canvass form.
   b. Organize and coordinate an immediate search of the area surrounding the missing child's home and/or location where the child was last seen;
   c. Establish a command post;
   d. Contact and brief a High-Risk Victims Unit (HRVU) Detective; 5
   e. Ensure that the primary officer has entered the child into NCIC; 5
   f. Ensure the Public Information Officer (PIO), the chain of command, and the Duty Chief are notified; and 5
   g. Ensure that all responding personnel write Supplemental Reports.

3. The HRVU Detective shall:

   a. If an investigation meets the criteria of an AMBER Alert, the HRVU detective will contact the HRVU supervisor, who will have the primary responsibility for the issuance of an AMBER Alert and for operating the phone bank; 5
      i. AMBER Alert recommended criteria are as follows:
         1. Law enforcement personnel have a reasonable belief that a child has been abducted;
         2. The child must be seventeen (17) years of age or younger;
         3. There must be specific information concerning the abductor and/or child, which would prove useful to the public in hopes of recovering the child;
         4. There must be a reason to believe the child is in imminent danger of bodily harm or death; and/or
         5. The child must be entered into NCIC as abducted.
      ii. The appropriate investigating unit will assist with investigatory tasks in coordination with the HRVU Supervisor. Upon locating the missing child, the appropriate investigating unit will take case responsibility for the criminal investigation.
   b. Ensure they are briefed by Department personnel at the scene;
   c. Verify the accuracy of all descriptive information;
   d. Obtain a brief history of family dynamics, including:
      i. Information from the Crime Scene Canvass and Witness Information Form; and
      ii. Any available records from CYFD, Department Records Division, family doctor(s), hospital, and school.
   e. Update descriptive information;
   f. Conduct follow-up interviews with the reporting parent/guardian and all possible witnesses and suspects; and

REDLINED

g. Respond to requests for assistance from other agencies as deemed necessary by the HRVU Supervisor.

4. The HRVU Supervisor shall:

a. Respond personally to the scene of any investigations of child abduction or child kidnapping being investigated by a Missing Persons Unit Detective;
b. After being briefed, assess the situation to determine the appropriate level of response;
5 c. If the on-call HRVU Supervisor concludes a high probability exists that the child was abducted and is in danger of bodily harm or death, the HRVU Supervisor shall contact the New Mexico Department of Public Safety AMBER Alert
5 Clearinghouse to activate the AMBER Alert and ensure contact is made with New Mexico State Police (NMSP) and 770 News Radio KKOB, who then disseminates the information by using the emergency alert system;
d. Confirm the child's information is entered into NCIC as a missing person;
e. Assume responsibility for command post operation;
f. Notify the appropriate investigative unit for the criminal investigation;
g. Keep the Criminal Investigations/Scientific Evidence Division Commander informed of all aspects of the investigation;
5 h. Ensure that all AMBER Alerts are issued based on the Department of Justice, Office of Justice Programs; and
5 i. Make the final decision to complete an AMBER Alert based on AMBER Alert Criteria.

REDLINED

2-93 CHILD ABDUCTION AND MISSING CHILD INVESTIGATIONS

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

A. Related SOP(s)

SOP 1-26 Special Victims Section ~~(Formerly 5-4)None~~

B. Form(s)

PD 1385 Crime Scene Canvass & Witness Information Form

C. Other Resource(s)

NMSA 1978, § 29-15-2 Definitions
NMSA 1978, § 30-4-1 Kidnapping
NMSA 1978, § 30-4-4 Custodial Interference; Penalties
NMSA 1978, § 40-10C-2 Definitions

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-93-1 Purpose

The purpose of this policy is to provide standards for Albuquerque Police Department (Department) personnel when responding to and investigating cases involving child abductions and missing children. It is also the purpose of this policy to establish the Department's standards for issuing AMBER Alerts.

2-93-2 Policy

It is the policy of the Department to respond in a timely and appropriate manner to thoroughly investigate reports of a missing child and to determine if the missing child has been abducted or kidnapped.

N/A

2-93-3 Definitions

A. Abducted Child

A child who is seventeen (17) years old or younger who has been taken, detained, concealed, or enticed away by a person(s) who does not have custodial rights to the child.

REDLINED

B. Abduction

The wrongful removal or wrongful retention of a person. The action of taking away of a person by persuasion, fraud, or force, consistent with NMSA 1978 § 40-10C-2 A.

C. AMBER Alert

A declaration by the authorized requester that an abduction has occurred and that notifications and broadcasts be made pursuant to the AMBER alert notification plan, consistent with NMSA 1978, § 29-15A-2.

D. Custodial Interference

Consists of any person having a right to custody of a child, who takes, detains, conceals, or entices away or fails to return that child without good cause and with the intent to deprive permanently or for a protracted time from another person also having a right to custody of that child, consistent with NMSA 1978, § 30-4-4B.

E. Kidnapping

1. The unlawful taking, restraining, transporting, or confining of a person by force, intimidation, or deception, with intent:

   a. That the victim be held for ransom;
   b. That the victim be held as a hostage or shield and confined against their will;
   c. That the victim be held to service against the victim's will; or
   d. To inflict death, physical injury, or a sexual offense on the victim.

F. Missing Child

A child who is seventeen (17) years old or younger who is not emancipated, and whose whereabouts are unknown to a parent, guardian, or responsible party, consistent with NMSA 1978, § 29-15-2B.

G. Missing Person Report

Information that is:

1. ~~(1)~~ Given to a law enforcement agency on a form used for sending information to the national crime information center; and

2. ~~(2)~~ About a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

~~G.~~H. Unlawful Interference with Custody

REDLINED

Consists of any person, not having a right to custody, maliciously taking, detaining, concealing, enticing away, or failing to return any child with the intent to detain or conceal permanently or for a protracted time that child from any person having a right to custody of that child, consistent with NMSA 1978, § 30-4-4C.

~~H.~~I. Wrongful Removal

The taking of a child whereby taking the child breaches rights of custody or visitation given or recognized pursuant to the law of this state, consistent with NMSA 1978, § 40-10C-2J.

~~I.~~J. Wrongful Retention

The keeping or concealing of a child, which breaches the rights of custody or visitation given or recognized pursuant to the law of this state, consistent with NMSA 1978, § 40-10C-2-A.

6 **2-93-4 Procedures**

A. Investigations of Child Abduction, Kidnapping, or Missing Child Cases

1. The responding officer shall:

5 a. ~~Upon determining that the child is~~When a child is reported missing or abducted the report shall be accepted without delay or exception;

~~a.~~b. ~~,~~ C~~c~~ontact the Records Division to ensure the child is entered into the National Crime Information Center (NCIC) within two (2) hours from the time the incident was created in the Computer-Aided Dispatch (CAD) system in accordance with SOP Special Victims Section;

~~b.~~c. Interview the parent/guardian making the report;

~~c.~~d. Conduct a thorough search of the immediate area of the last known location the child was known to be;

~~d.~~e. Obtain a description and current photograph of the child;

~~e.~~f. Advise the Emergency Communications Center (ECC) of the information received, including the last known location, and have ECC broadcast this information on all Talk Groups;

~~f.~~g. Ensure the Real Time Crime Center (RTCC) completes a New Mexico Children, Youth, and Families Department (CYFD) portal check;

~~g.~~h. Request an additional officer to secure any scene that may be of evidentiary value if the location is other than the home or location where the officer was dispatched;

~~h.~~i. Interview potential witnesses at the scene, including children;

~~i.~~j. Request the on-duty supervisor to respond to the scene and be notified of pertinent information;

~~j.~~k. Stay on-scene to ensure the integrity of all potential evidence and obtain any new information when made available;

~~k.~~l. Create a Uniform Incident Report as soon as practical; and

REDLINED

~~l.~~m. Tag all officer recordings of evidentiary value into evidence.

2. The on-scene supervisor shall:

   a. Ensure that proper personnel are in place to carry out a proper and thorough investigation;
      i. The on-scene supervisor shall immediately assign a records keeper, who shall keep accurate records of all investigative steps taken.
      ii. The on-scene supervisor shall immediately assign personnel to begin a canvass of the neighborhood using a standardized canvass form.
   b. Organize and coordinate an immediate search of the area surrounding the missing child's home and/or location where the child was last seen;
   c. Establish a command post;
   d. Contact and brief a High-Risk Victims Unit (HRVU) Detective;
   e. Ensure that the primary officer has entered the child into NCIC;
   f. Ensure the Public Information Officer (PIO), the chain of command, and the Duty Chief are notified; and
   g. Ensure that all responding personnel write Supplemental Reports.

3. The HRVU Detective shall:

   a. If an investigation meets the criteria of an AMBER Alert, the HRVU detective will contact the HRVU supervisor, who will have the primary responsibility for the issuance of an AMBER Alert and for operating the phone bank;
      i. AMBER Alert recommended criteria are as follows:
         1. Law enforcement personnel have a reasonable belief that a child has been abducted;
         2. The child must be seventeen (17) years of age or younger;
         3. There must be specific information concerning the abductor and/or child, which would prove useful to the public in hopes of recovering the child;
         4. There must be a reason to believe the child is in imminent danger of bodily harm or death; and/or
         5. The child must be entered into NCIC as abducted.
      ii. The appropriate investigating unit will assist with investigatory tasks in coordination with the HRVU Supervisor. Upon locating the missing child, the appropriate investigating unit will take case responsibility for the criminal investigation.
   b. Ensure they are briefed by Department personnel at the scene;
   c. Verify the accuracy of all descriptive information;
   d. Obtain a brief history of family dynamics, including:
      i. Information from the Crime Scene Canvass and Witness Information Form; and
      ii. Any available records from CYFD, Department Records Division, family doctor(s), hospital, and school.
   e. Update descriptive information;
   f. Conduct follow-up interviews with the reporting parent/guardian and all possible witnesses and suspects; and

REDLINED

g. Respond to requests for assistance from other agencies as deemed necessary by the HRVU Supervisor.

4. The HRVU Supervisor shall:

a. Respond personally to the scene of any investigations of child abduction or child kidnapping being investigated by a Missing Persons Unit Detective;
b. After being briefed, assess the situation to determine the appropriate level of response;
5 c. If the on-call HRVU Supervisor concludes a high probability exists that the child was abducted and is in danger of bodily harm or death, the HRVU Supervisor shall contact the New Mexico Department of Public Safety AMBER Alert
5 Clearinghouse to activate the AMBER Alert and ensure contact is made with New Mexico State Police (NMSP) and 770 News Radio KKOB, who then disseminates the information by using the emergency alert system;
d. Confirm the child's information is entered into NCIC as a missing person;
e. Assume responsibility for command post operation;
f. Notify the appropriate investigative unit for the criminal investigation;
g. Keep the Criminal Investigations/Scientific Evidence Division Commander informed of all aspects of the investigation;
5 h. Ensure that all AMBER Alerts are issued based on the Department of Justice, Office of Justice Programs; and
5 i. Make the final decision to complete an AMBER Alert based on AMBER~~mber~~ Alert Criteria.

REDLINED

2-95 UNDERCOVER HIGH-RISK VEHICLE CONTAINMENT PROCEDURES

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

A. Related SOP(s)

2-8 Use of On-Body Recording Devices
2-52 Use of Force: General
2-53 Use of Force: Definitions
2-45 Pursuit by Motor Vehicle

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-95-1 Purpose

The purpose of this policy is to outline the requirements for certified Investigative Services Division (ISD) personnel who conduct undercover high-risk vehicle containment procedures, including the Vehicle Containment Technique (VCT) and the Stationary Containment Technique (SCT).

2-95-2 Policy

It is the policy of the Albuquerque Police Department (Department) that undercover ISD personnel will only use the VCT when there are reasonable grounds to believe the individual presents an imminent threat of death or serious injury to others and immediate apprehension is needed to prevent a pursuit, or the individual has committed or is committing a violent felony.

It is also the policy of the Department that undercover ISD personnel only use the SCT when there are reasonable grounds to believe the individual has committed a felony crime or is in the process of committing a felony crime, and there are reasonable grounds to believe that the individual presents a risk of fleeing when contacted by law enforcement, or it is

REDLINED

determined that an SCT would be an advantageous means of apprehension. These techniques are a surprise containment tactic used by undercover ISD personnel in Department-issued vehicles to effect an arrest. The goal is to prevent the likelihood of motor vehicle and foot pursuits with individuals who are suspected of committing a felony crime to seek to reduce the danger to sworn personnel, individuals, and the public.

N/A **2-95-3 Definitions**

A. Life-threatening Injury

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight; that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

B. Stationary Containment Technique (SCT)

A procedure conducted by sworn personnel during which a Department-issued vehicle equipped with emergency equipment is positioned around an individual's stationary vehicle to prevent movement or avenues of escape to take the individual into custody. Sworn personnel do not intend on making contact with the individual's vehicle; however, they may make contact with their vehicle based on the individual's actions.

C. Undercover Officer

Any on-duty sworn personnel whose identity as a law enforcement officer is concealed or whose assignment requires them to work incognito while investigating individuals or organizations. The officer is working pursuant to an undercover operation, as approved by the Bureau Deputy Chief of Police, designed to obtain information about the criminal activity of individuals or organizations through the development of ongoing relationships with those individuals, organizations, or associates.

D. Vehicle Containment Technique (VCT)

A procedure conducted by sworn personnel during which an unmarked Department-issued vehicle is positioned around an individual's vehicle to stop and prevent their movement in an effort to decrease the likelihood of a vehicle pursuit and to take the individual into custody.

E. Violent Felony Crime

1. For the purpose of this policy, "violent felony crime" means:

   a. Homicide;
   b. Criminal sexual penetration;

REDLINED

c. Robbery with a deadly weapon;
d. Kidnapping or false imprisonment;
e. Felony aggravated battery that causes great bodily harm or death;
f. Aggravated assault with a deadly weapon; and
g. Shooting at or from a dwelling.

7 **2-95-4 Procedures**

A. Training and Certification

1. To be authorized to conduct a VCT or SCT, ISD personnel shall;

   a. Be certified through the Department's accredited training program; and
      i. ISD unit supervisors shall ensure that the Department's accredited training program completes the 7-Step Training Development Process.
   b. Demonstrate continued proficiency in conducting a VCT or SCT through additional yearly training and practical applications.

2. ISD unit supervisors shall maintain a VCT and SCT training and certification log for each officer certified to conduct a VCT and SCT.

5 B. Certified ISD Personnel Responsibilities

1. Only certified ISD personnel shall be authorized to conduct a VCT and SCT.

2. Regardless of certification, only ISD-authorized units shall conduct a VCT and SCT.

3. ISD personnel shall not conduct the VCT or SCT unless they have been authorized by a supervisor or acting supervisor and they have been certified and trained to conduct the techniques.

   a. A supervisor shall carefully consider the facts and circumstances of each case before authorizing ISD personnel to conduct the VCT or SCT.

4. Before conducting a VCT or an SCT, all involved ISD personnel shall ensure that the VCT or SCT meets the criteria outlined in this Standard Operating Procedure (SOP).

5. When conducting a VCT or an SCT, certified ISD personnel shall:

   a. Use a Department-issued vehicle that is equipped with emergency lights and strobes;
   b. Wear their Department-issued body armor carrier that clearly identifies them as a police officer; and
   c. Activate their on-body recording device (OBRD) before conducting either technique (refer to SOP Use of On-Body Recording Devices for sanction

N/A

REDLINED

classifications and additional duties).

6 C. ISD Supervisor Responsibilities

1. An ISD supervisor shall:

5 a. Before authorizing ISD personnel to conduct a VCT or an SCT, ensure that the VCT or SCT meets the criteria that are outlined in this SOP;
b. When the certified ISD detective makes contact with the individual's vehicle while conducting a VCT or SCT, ensure that photographs of all vehicles involved in the VCT or SCT are taken;
c. Document any injuries;
d. Notify Internal Affairs Force Division (IAFD) personnel if any injuries were the result of conducting the VCT or SCT;
e. Submit a completed ISD After-Action Report (AAR) for any VCT or SCT through the chain of command; and
f. Determine the specific tactics certified ISD detectives must use for each VCT or SCT that is conducted based on the totality of the circumstances present at the time of the incident.

5 D. Vehicle Containment Technique (VCT)

1. Before conducting a VCT, certified ISD personnel shall verify that one (1) or more of the following criteria are met:

a. There are reasonable grounds to believe that the individual has committed or is committing a violent felony and poses an ongoing threat to the community;
b. Certified ISD personnel have probable cause to believe the individual(s) poses an imminent threat to law enforcement or others if they are not taken into custody immediately;
c. The individual's suspected crime would otherwise authorize a motor vehicle pursuit under Department SOP Pursuit by Motor Vehicle;
d. The individual has a documented history of fleeing and resisting arrest and is reasonably believed to be armed or to have just committed a violent felony crime; or
e. It is reasonable to believe that conventional police tactics to stop the vehicle would likely fail to apprehend the individual and result in an increased risk to sworn personnel and the public.

N/A 2. Certified ISD personnel shall not conduct a VCT on two-wheeled or three-wheeled vehicles unless the use of deadly force is justified (refer to SOP Use of Force: Definitions for sanction classifications and additional duties).

6 E. Stationary Containment Technique (SCT)

1. Before conducting an SCT, certified ISD personnel shall verify that one (1) or more of the following criteria are met:

REDLINED

a. Certified ISD personnel have probable cause to believe the individual(s) is in possession of a stolen vehicle, and their location shall be advantageous for the implementation of the SCT;
b. The individual is suspected of a felony crime and has a documented history of fleeing and resisting arrest;
c. Based on the Computer-Aided Dispatch (CAD) system history, an individual has used the vehicle during the commission of felony crimes, and the individual has a documented history of using the vehicle to flee during attempted traffic stops; or
d. The individual is suspected of committing a felony crime, and through preoperational planning, certified ISD personnel determined that an SCT would be conducted if the individual's location would be advantageous for the implementation of the SCT.

N/A

2. Certified ISD personnel shall not conduct an SCT on two-wheeled or three-wheeled vehicles unless deadly force is justified, in accordance with SOP Use of Force: General and SOP Use of Force: Definitions..

6

F. Additional Considerations

1. Before conducting a VCT or an SCT, certified ISD personnel shall consider:

a. The individual's criminal history;
b. Whether there are additional occupants in the individual's vehicle, such as children, elderly persons, or uninvolved individuals;
c. The size and weight of the individual's vehicle;
d. The impact inclement weather has on road conditions; and
e. Whether the individual is in actual physical control of the vehicle while driving.

6

G. Reporting Procedures

1. If certified ISD personnel make contact with the individual's vehicle, they shall document the incident in a Uniform Incident Report.

2. When Department personnel initiate contact with an individual's vehicle that causes injury, the authorizing ISD supervisor shall notify IAFD personnel.

a. The authorizing ISD supervisor shall request a Crime Scene Specialist (CSS) to document the individual's injuries.

REDLINED

2-95 UNDERCOVER HIGH-RISK VEHICLE CONTAINMENT PROCEDURES

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

A. Related SOP(s)

2-8 Use of On-Body Recording Devices ~~(Formerly 1-39)~~
2-52 Use of Force: General ~~(Formerly 3-45)~~
2-53 Use of Force: Definitions
2-45 Pursuit by Motor Vehicle ~~(Formerly 2-55)~~

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-95-1 Purpose

The purpose of this policy is to outline the requirements for certified Investigative Services Division (ISD) personnel who conduct undercover high-risk vehicle containment procedures, including the Vehicle Containment Technique (VCT) and the Stationary Containment Technique (SCT).

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It is also the policy of the Department that undercover ISD personnel only use the SCT when there are reasonable grounds to believe the individual has committed a felony crime or is in the process of committing a felony crime, and there are reasonable grounds to believe that the individual presents a risk of fleeing when contacted by law enforcement, or it is

REDLINED

determined that an SCT would be an advantageous means of apprehension. These techniques are a surprise containment tactic used by undercover ISD personnel in Department-issued vehicles to effect an arrest. The goal is to prevent the likelihood of motor vehicle and foot pursuits with individuals who are suspected of committing a felony crime to seek to reduce the danger to sworn personnel, individuals, and the public.

N/A **2-95-3 Definitions**

A. Life-threatening Injury

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight; that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

B. Stationary Containment Technique (SCT)

A procedure conducted by sworn personnel during which a Department-issued vehicle equipped with emergency equipment is positioned around an individual's stationary vehicle to prevent movement or avenues of escape to take the individual into custody. Sworn personnel do not intend on making contact with the individual's vehicle; however, they may make contact with their vehicle based on the individual's actions.

C. Undercover Officer

Any on-duty sworn personnel whose identity as a law enforcement officer is concealed or whose assignment requires them to work incognito while investigating individuals or organizations. The officer is working pursuant to an undercover operation, as approved by the Bureau Deputy Chief of Police, designed to obtain information about the criminal activity of individuals or organizations through the development of ongoing relationships with those individuals, organizations, or associates.

D. Vehicle Containment Technique (VCT)

A procedure conducted by sworn personnel during which an unmarked Department-issued vehicle is positioned around an individual's vehicle to stop and prevent their movement in an effort to decrease the likelihood of a vehicle pursuit and to take the individual into custody.

E. Violent Felony Crime

1. For the purpose of this policy, "violent felony crime" means:

   a. Homicide;
   b. Criminal sexual penetration;

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c. Robbery with a deadly weapon;
d. Kidnapping or false imprisonment;
e. Felony aggravated battery that causes great bodily harm or death;
f. Aggravated assault with a deadly weapon; and
g. Shooting at or from a dwelling.

7 **2-95-4 Procedures**

A. Training and Certification

1. To be authorized to conduct a VCT or SCT, ISD personnel shall;

   a. Be certified through the Department's accredited training program; and
      i. ISD unit supervisors shall ensure that the Department's accredited training program completes the 7-Step Training Development Process.
   b. Demonstrate continued proficiency in conducting a VCT or SCT through additional yearly training and practical applications.

2. ISD unit supervisors shall maintain a VCT and SCT training and certification log for each officer certified to conduct a VCT and SCT.

5 B. Certified ISD Personnel Responsibilities

1. Only certified ISD personnel shall be authorized to conduct a VCT and SCT.

2. Regardless of certification, only ISD-authorized units shall conduct a VCT and SCT.

3. ISD personnel shall not conduct the VCT or SCT unless they have been authorized by a supervisor or acting supervisor and they have been certified and trained to conduct the techniques.

   a. A supervisor shall carefully consider the facts and circumstances of each case before authorizing ISD personnel to conduct the VCT or SCT.

4. Before conducting a VCT or an SCT, all involved ISD personnel shall ensure that the VCT or SCT meets the criteria outlined in this Standard Operating Procedure (SOP).

5. When conducting a VCT or an SCT, certified ISD personnel shall:

   a. Use a Department-issued vehicle that is equipped with emergency lights and strobes;
   b. Wear their Department-issued body armor carrier that clearly identifies them as a police officer; and
   c. Activate their on-body recording device (OBRD) before conducting either technique (refer to SOP Use of On-Body Recording Devices for sanction

N/A

REDLINED

classifications and additional duties).

6 C. ISD Supervisor Responsibilities

1. An ISD supervisor shall:

5 a. Before authorizing ISD personnel to conduct a VCT or an SCT, ensure that the VCT or SCT meets the criteria that are outlined in this SOP;
b. When the certified ISD detective makes contact with the individual's vehicle while conducting a VCT or SCT, ensure that photographs of all vehicles involved in the VCT or SCT are taken;
c. Document any injuries;
d. Notify Internal Affairs Force Division (IAFD) personnel if any injuries were the result of conducting the VCT or SCT;
e. Submit a completed ISD After-Action Report (AAR) for any VCT or SCT through the chain of command; and
f. Determine the specific tactics certified ISD detectives must use for each VCT or SCT that is conducted based on the totality of the circumstances present at the time of the incident.

5 D. Vehicle Containment Technique (VCT)

1. Before conducting a VCT, certified ISD personnel shall verify that one (1) or more of the following criteria are~~is~~ met:

a. There are reasonable grounds to believe that the individual has committed or is committing a violent felony and poses an ongoing threat to the community;
b. Certified ISD personnel have probable cause to believe the individual(s) poses an imminent threat to law enforcement or others if they are not taken into custody immediately;
c. The individual's suspected crime would otherwise authorize a motor vehicle pursuit under Department SOP Pursuit by Motor Vehicle;
d. The individual has a documented history of fleeing and resisting arrest and is reasonably believed to be armed or to have just committed a violent felony crime; or
e. It is reasonable to believe that conventional police tactics to stop the vehicle would likely fail to apprehend the individual and result in an increased risk to sworn personnel and the public.

N/A 2. Certified ISD personnel shall not conduct a VCT on two-wheeled or three-wheeled vehicles unless the use of deadly force is justified (refer to SOP Use of Force: Definitions for sanction classifications and additional duties).

6 E. Stationary Containment Technique (SCT)

1. Before conducting an SCT, certified ISD personnel shall verify that one (1) or more of the following criteria are~~is~~ met:

REDLINED

a. Certified ISD personnel have probable cause to believe the individual(s) is in possession of a stolen vehicle, and their location shall be advantageous for the implementation of the SCT;
b. The individual is suspected of a felony crime and has a documented history of fleeing and resisting arrest;
c. Based on the Computer-Aided Dispatch (CAD) system history, an individual has used the vehicle during the commission of felony crimes, and the individual has a documented history of using the vehicle to flee during attempted traffic stops; or
d. The individual is suspected of committing a felony crime, and through preoperational planning, certified ISD personnel determined that an SCT would be conducted if the individual's location would be advantageous for the implementation of the SCT.

N/A

2. Certified ISD personnel shall not conduct an SCT on two-wheeled or three-wheeled vehicles unless deadly force is justified, in accordance~~consistent~~ with SOP Use of Force: General and SOP Use of Force: Definitions. ~~(refer to Use of Force: General for sanction classifications and additional duties)~~.

6

F. Additional Considerations

1. Before conducting a VCT or an SCT, certified ISD personnel shall consider:

a. The individual's criminal history;
b. Whether there are additional occupants in the individual's vehicle, such as children, elderly persons, or uninvolved individuals;
c. The size and weight of the individual's vehicle;
d. The impact inclement weather has on road conditions; and
e. Whether the individual is in actual physical control of the vehicle while driving.

6

G. Reporting Procedures

1. If certified ISD personnel make contact with the individual's vehicle, they shall document the incident in a Uniform Incident Report.

2. When Department personnel initiate contact with an individual's vehicle that causes injury, the authorizing ISD supervisor shall notify IAFD personnel.

a. The authorizing ISD supervisor shall request a Crime Scene Specialist (CSS) to document the individual's injuries.

REDLINED

2-98 GUNSHOT DETECTION PROCEDURE

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

A. Related SOP(s)

1-83 Real Time Crime Center (RTCC)
2-8 Use of On-Body Recording Devices (OBRD)
2-16 Reports
2-73 Collection, Submission, and Disposition of Evidence and Property
2-100 Emergency Communication Center (ECC) Division

B. Form(s)

None

C. Other Resource(s)

Violence Reduction Plan

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-57 Amendment to SOP 2-98 Gunshot Detection Procedure

2-98-1 Purpose

The purpose of this policy is to provide Albuquerque Police Department (Department) personnel with procedures for responding to Gunshot Detection System Notifications, as part of the Department's Violence Reduction Plan.

2-98-2 Policy

It is the policy of the Department to provide Gunshot Detection System Notification procedures for Department personnel when responding to a Gunshot Detection System Notification call for service.

N/A

2-98-3 Definitions

A. Gunshot Detection System

An acoustic gunfire detection and location system that alerts law enforcement personnel to precisely-located gunshots fired within eighty-two (82') feet, under sixty (60) seconds.

B. Gunshot Detection System Application

A program that is available on a Department-issued mobile laptop or smartphone that provides a Gunshot Detection System Notification. The application notifies law enforcement personnel of precisely located gunshots fired within eighty-two (82') feet, under sixty (60) seconds.

C. Gunshot Detection System Notification

Audio and visual alerts that a gunshot has occurred within one (1) of the defined coverage areas, also known as ShotSpotter.

7 **2-98-4 Procedures**

A. Real Time Crime Center (RTCC) and Emergency Communications Center (ECC) Personnel Responsibilities

1. The RTCC and ECC shall monitor the Gunshot Detection System.

N/A

2. RTCC and ECC personnel shall generate Gunshot Detection System Notifications as a Priority 2 call for service, and Department personnel shall respond in accordance with SOP Emergency Communication Center (ECC) Division unless:

   a. A detection consists of one (1) to three (3) gunshots and is not accompanied by any additional information or calls for service. The call shall be entered as a Priority 3 and upgraded accordingly if additional information is obtained.

6

3. The ECC Dispatcher shall:

   a. Simultaneously voice and digitally dispatch the event and immediately transmit the call if a Priority two (2);
   b. Immediately voice the call if a Priority three (3);
   c. Dispatch a minimum of two (2) officers when an RTCC Bridge Personnel receives notification from the Gunshot Detection System and enters a call for service in the CAD system;
   d. Log the officer on the CAD event; and
   e. Notify the Field Service Bureau (FSB) supervisor in the area command that the Gunshot Detection System Notification was generated.

N/A

4. The ECC Dispatcher may dispatch a Crime Scene Specialist (CSS) to the Gunshot Detection System event to process the scene if sworn personnel locate gunshot impacts.

   a. A CSS shall not be dispatched to collect cartridge casings or projectiles.

5. If sworn personnel are dispatched during low-light conditions and do not locate a scene or evidence, they shall:

   a. Add comments to the call for service in the CAD system;
   b. Request the ECC Dispatcher create a CSS call, for a ShotSpotter (10-64-S) to be dispatched for follow-up during the daytime hours; and
   c. The ECC Dispatcher shall cross-reference the Gunshot Detection System event to the CSS call for a ShotSpotter (10-64-S).

6. The ECC Dispatcher shall create a separate call for service if the Gunshot Detection System event turns into an investigation and shall cross-reference the Gunshot Detection System event and the newly-created call for service.

6

7. The RTCC Bridge Operator shall:

   a. Determine if there are any cameras in the area of the gunshot detection alert;
   b. Access and monitor any available cameras, and report any additional information; and
   c. Broadcast on the affected area command talk group and update the CAD with any additional information observed that warrants an upgrade in priority.
      i. Information that does not impact the call priority may only be added to the CAD. An example would be that the camera was accessed, and nothing was observed.

8. The RTCC Bridge Personnel/ECC Supervisor shall:

   a. Enter the call for service in the CAD system as a call for service with a ten-code type of 39-3S and prioritize appropriately when the RTCC and ECC receive a Gunshot Detection System Notification.

B. Sworn Personnel Responsibilities

1. Sworn personnel shall:

   a. Use an eighty-two (82') foot radius to approach the scene, using a strategic approach. They shall be aware that an individual or multiple individuals may still be on-scene;
   b. If they receive the Gunshot Detection System Notification and are in the area, notify the ECC Dispatcher over the radio;
   c. Notify the ECC when responding to the scene of a Gunshot Detection System Notification;

N/A

   d. Activate their OBRD when conducting a Gunshot Detection System Notification canvass in accordance with SOP Use of On-Body Recording Devices;
   e. Canvass on foot the precise location identified via the Gunshot Detection System for victims, evidence, and witnesses;
   f. Search for evidence within a minimum of an eighty-two (82') foot radius of the "dot" that is on the map in the Gunshot Detection System Application with a

particular emphasis on locating cartridge casings, projectiles, and evidence of gunshot impacts;

i. If cartridge casings and projectiles are located, sworn personnel shall add comments to the call for service in the CAD system in reference to the number of cartridge casings and/or projectiles collected and the caliber of the casings.
ii. Sworn personnel shall collect all cartridge casings and projectiles recovered at the scene of Gunshot Detection System Notifications.
iii. Sworn personnel shall submit cartridge casings and/or projectiles found at the scene of Gunshot Detection System events to the Evidence Unit.

g. Exit their patrol vehicle and search on foot for:
   i. Victims;
   ii. Individuals suspected of committing a crime;
   iii. Evidence; and
   iv. Witnesses.
h. When appropriate, contact specialty investigative unit personnel, consistent with established SOP(s).

2. Any undercover officer or plainclothes officer who responds or is in the area of a Gunshot Detection System Notification shall notify ECC personnel.

   a. The Undercover or plainclothes officer shall ensure that they are clearly marked as a police officer, and identify their vehicle description.

3. If sworn personnel complete a Uniform Incident Report, they shall document whether the incident is related to the Gunshot Detection System Notification for follow-up by a specialized investigative unit.

N/A

   a. Sworn personnel shall submit their Uniform Incident Reports by the end of their shift in accordance with SOP Reports.
   b. Sworn personnel shall refer the Uniform Incident Report to the appropriate specialized investigator, consistent with Department SOP(s).

N/A

4. Sworn personnel may request additional FSB sworn personnel for assistance.

5. If sworn personnel do not locate a scene or evidence, they shall add comments to the call for service in the CAD system.

   a. Sworn personnel shall request that the ECC Dispatcher create a 10-64-S call for service.

C. Real Time Crime Center (RTCC) Responsibilities

1. The RTCC operator shall log onto the Gunshot Detection System event and, based on the initial review of the call, they shall use the RTCC's video network to identify the possible source of the event in the area or advise sworn personnel of any suspicious activity.

N/A

2. The RTCC operator shall be responsible for assisting in locating any additional information that would be relevant to making a proper identification of the vehicle(s) and/or individual(s) involved. This includes cases where only limited information, such as a partial plate, partial name, etc., is available in accordance with SOP Real Time Crime Center.

D. CSS Follow-up Canvass

1. During daylight hours, a CSS shall respond to the 10-64-S and go to the original Gunshot Detection System event location to search for evidence.

   a. The CSS shall canvass on foot within a minimum of an eighty-two (82') foot radius of the Gunshot Detection System application "dot," with particular emphasis on locating cartridge casings, projectiles, and evidence of gunshot impacts.
      i. The CSS shall use a metal detector while conducting the canvass.

N/A

      ii. The CSS shall activate their OBRD when conducting the follow-up canvass in accordance with SOP Use of On-body Recording Devices.
   b. The CSS shall collect cartridge casings and projectiles at the scene of all Gunshot Detection System Notifications.

2. If the CSS does not locate cartridge casing(s), projectile(s), or gunshot impact(s), at the scene, they shall add comments to the call for service in the CAD system that this type of evidence was not located.

   a. If the CSS locates cartridge casing(s) and projectile(s), the CSS shall add comments to the call for service in the CAD system in reference to the number of casings/projectiles located and the caliber.

N/A

3. If the CSS locates cartridge casing(s) or projectile(s), they shall complete a Uniform Incident Report by the end of their shift in accordance with SOP Reports.

N/A

4. If the CSS locates a scene with gunshot impact(s), an FSB officer shall be dispatched to the scene to complete the Uniform Incident Report by the end of their shift in accordance with SOP Reports.

N/A

   a. The CSS shall process the scene and collect the evidence in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

2-98 GUNSHOT DETECTION PROCEDURE

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

A. Related SOP(s)

1-83 Real Time Crime Center (RTCC) ~~(Formerly 5-9 and 5-10)~~
2-8 Use of On-Body Recording Devices (OBRD) ~~(Formerly 1-39)~~
2-16 Reports ~~(Formerly 1-05)~~
2-73 Collection, Submission, and Disposition of Evidence and Property – ~~(Formerly 2-08)~~
2-100 Emergency Communication Center (ECC) Division ~~(Formerly 2-01 and 9-1)~~

B. Form(s)

None

C. Other Resource(s)

Violence Reduction Plan

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-574~~-153~~ Amendment to SOP 2-98 Gunshot Detection Procedure

2-98-1 Purpose

The purpose of this policy is to provide Albuquerque Police Department (Department) personnel with procedures for responding to Gunshot Detection System Notifications, as part of the Department's Violence Reduction Plan.

2-98-2 Policy

It is the policy of the Department to provide Gunshot Detection System Notification procedures for Department personnel when responding to a Gunshot Detection System Notification call for service.

N/A

2-98-3 Definitions

A. Gunshot Detection System

An acoustic gunfire detection and location system that alerts law enforcement personnel to precisely-located gunshots fired within eighty-two (82') feet, under sixty (60) seconds.

B. Gunshot Detection System Application

A program that is available on a Department-issued mobile laptop or smartphone that provides a Gunshot Detection System Notification. The application notifies law enforcement personnel of precisely located gunshots fired within eighty-two (82') feet, under sixty (60) seconds.

C. Gunshot Detection System Notification

Audio and visual alerts that a gunshot has occurred within one (1) of the defined coverage areas, also known as ShotSpotter.

7 **2-98-4 Procedures**

A. Real Time Crime Center (RTCC) and Emergency Communications Center (ECC) ~~/ Real Time Crime Center (RTCC)~~ Personnel Responsibilities

1. The RTCC and ECC ~~and RTCC~~ shall monitor the Gunshot Detection System.

N/A

2. RTCC and ECC personnel shall generate Gunshot Detection System Notifications as a Priority 2 call for service, and Department personnel shall respond in accordance with SOP Emergency Communication Center (ECC) Division unless:

   a. A~~If a~~ detection consists of one (1) to three (3) gunshots and is not accompanied by any additional information or calls for service. T~~, t~~he call shall be entered as a Priority 3 and upgraded accordingly if additional information is obtained.

6

3. The ECC Dispatcher shall:

   a. ~~Enter the call for service in the Computer-Aided Dispatch (CAD) system as a call for service with a ten-code type of 39-3S and prioritize appropriately, when the ECC receives a Gunshot Detection System Notification~~Simultaneously voice and digitally dispatch the event and immediately transmit the call if a Priority two (2);

   ~~a.~~b. Immediately voice the call if a Priority three (3);~~.~~

   ~~b.~~c. Dispatch a minimum of two (2) officers when an RTCC Bridge Personnel receives notification from the Gunshot Detection System and enters a call for service in the CAD system;~~If the call is a Priority 2, simultaneously voice and digitally dispatch the Priority 2 event and immediately transmit the call;~~

~~c.~~d. Log the officer on the CAD event; and~~Dispatch a minimum of two (2) officers when an ECC Dispatcher receives notification from sworn personnel or the Gunshot Detection System Notification Priority 2;~~

~~d.~~ Notify the Field Service Bureau (FSB) supervisor in the area command that the Gunshot Detection System Notification was generated.~~Log the officer in the CAD system;~~

~~e. If no sworn personnel are available, notify the Field Services Bureau (FSB) supervisor of the pending call and add remarks indicating which FSB supervisor was notified;~~

~~f. Voice additional information to responding sworn personnel if additional calls for service are identified as possibly related to the Gunshot Detection System Notification; and~~

~~g.~~e. ~~Cross-reference the related event once sworn personnel determine it is related to the Gunshot Detection System event.~~

N/A

4. The ECC Dispatcher may dispatch a Crime Scene Specialist (CSS) to the Gunshot Detection System event to process the scene if sworn personnel locate gunshot impacts.

   a. A CSS shall not be dispatched to collect cartridge casings or projectiles.

5. If sworn personnel are dispatched during low-light conditions and do not locate a scene or evidence, they shall:

   a. Add comments to the call for service in the CAD system;
   b. Request the ECC Dispatcher create a CSS call, for a ShotSpotter (10-64-S) to be dispatched for follow-up during the day-time hours; and
   c. The ECC Dispatcher shall cross-reference the Gunshot Detection System event to the CSS call for a ShotSpotter (10-64-S).

6. The ECC Dispatcher shall create a separate call for service~~,~~ if the Gunshot Detection System event turns into an investigation and shall cross-reference the Gunshot Detection System event and the newly-created call for service.

6

7. The RTCC Bridge Operator shall:

   a. Determine if there are any cameras in the area of the gunshot detection alert;
   b. Access and monitor any available cameras, and report any additional information; and
   c. Broadcast on the affected area command talk group and update the CAD with any additional information observed that warrants an upgrade in priority.
      i. Information that does not impact the call priority may only be added to the CAD. An example would be that the camera was accessed, and nothing was observed.

8. The RTCC Bridge Personnel/ECC Supervisor shall:

~~i.~~a. Enter the call for service in the CAD system as a call for service with a ten-code type of 39-3S and prioritize appropriately when the RTCC and ECC receive a Gunshot Detection System Notification.

B. Sworn Personnel Responsibilities

1. Sworn personnel shall:

a. Use an eighty-two (82') foot radius to approach the scene, using a strategic approach. They shall be aware that an individual or multiple individuals may still be on-scene;
b. If they receive the Gunshot Detection System Notification and are in the area, notify the ECC Dispatcher over the radio;
c. Notify the ECC when responding to the scene of a Gunshot Detection System Notification;

N/A

d. Activate their OBRD when conducting a Gunshot Detection System Notification canvass in accordance~~consistent~~ with SOP Use of On-Body Recording Devices ~~(Refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties)~~;
e. Canvass on foot the precise location identified via the Gunshot Detection System for victims, evidence, and witnesses;
f. Search for evidence within a minimum of an eighty-two (82') foot radius of the "dot" that is on the map in the Gunshot Detection System Application with a particular emphasis on locating cartridge casings, projectiles, and evidence of gunshot impacts;
   i. If cartridge casings and projectiles are located, sworn personnel shall add comments to the call for service in the CAD system in reference to the number of cartridge casings and/or projectiles collected and the caliber of the casings.
   ii. Sworn personnel shall collect all cartridge casings and projectiles recovered at the scene of Gunshot Detection System Notifications.
   iii. Sworn personnel shall submit cartridge casings and/or projectiles found at the scene of Gunshot Detection System events to the Evidence Unit.
g. Exit their patrol vehicle and search on foot for:
   i. Victims;
   ii. Individuals suspected of committing a crime;
   iii. Evidence; and
   iv. Witnesses.
h. When appropriate, contact specialty investigative unit personnel, consistent with established SOP(s).

2. Any undercover officer or plainclothes officer who responds or is in the area of a Gunshot Detection System Notification shall notify ECC personnel.

a. The Undercover or plainclothes officer shall ensure that they are clearly marked as a police officer, and identify their vehicle description.

3. If sworn personnel complete a Uniform Incident Report, they shall document whether the incident is related to the Gunshot Detection System Notification for follow-up by a specialized investigative unit.

N/A

a. Sworn personnel shall submit their Uniform Incident Reports by the end of their shift in accordance~~consistent~~ with SOP Reports.~~s (Refer to SOP Reports for sanction classifications and additional duties).~~
b. Sworn personnel shall refer the Uniform Incident Report to the appropriate specialized investigator, consistent with Department SOP(s).

N/A

4. Sworn personnel may request additional FSB sworn personnel for assistance.

5. If sworn personnel do not locate a scene or evidence, they shall add comments to the call for service in the CAD system.

a. Sworn personnel shall request that the ECC Dispatcher create a 10-64-S call for service.

C. Real Time Crime Center (RTCC) Responsibilities

1. The RTCC operator shall log onto the Gunshot Detection System event and, based on the initial review of the call, they shall use the RTCC's video network to identify the possible source of the event in the area or advise sworn personnel of any suspicious activity.

N/A

2. The RTCC operator shall be responsible for assisting in locating any additional information that would be relevant to making a proper identification of the vehicle(s) and/or individual(s) involved. This includes cases where only limited information, such as a partial plate, partial name, etc., is available in accordance~~consistent~~ with SOP Real Time Crime Center ~~(refer to SOP Real Time Crime Center for sanction classifications and additional duties)~~.

D. CSS Follow-up Canvass

1. During daylight hours, a CSS shall respond to the 10-64-S and go to the original Gunshot Detection System event location to search for evidence.

a. The CSS shall canvass on foot within a minimum of an eighty-two (82') foot radius of the Gunshot Detection System application "dot," with particular emphasis on locating cartridge casings, projectiles, and evidence of gunshot impacts.
i. The CSS shall use a metal detector while conducting the canvass.

N/A

ii. The CSS shall activate their OBRD when conducting the follow-up canvass in accordance with ~~as outlined in~~ SOP Use of On-body Recording Devices

~~(refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties)~~.

b. The CSS shall collect cartridge casings and projectiles at the scene of all Gunshot Detection System Notifications.

2. If the CSS does not locate cartridge casing(s), projectile(s), or gunshot impact(s), at the scene, they shall add comments to the call for service in the CAD system that this type of evidence was not located.

   a. If the CSS locates cartridge casing(s) and projectile(s), the CSS shall add comments to the call for service in the CAD system in reference to the number of casings/projectiles located and the caliber.

N/A

3. If the CSS locates cartridge casing(s) or projectile(s), they shall complete a Uniform Incident Report by the end of their shift in accordance with SOP ~~as outlined in SOP~~ Reports ~~(refer to SOP Reports for sanction classifications and additional duties)~~.

N/A

4. If the CSS locates a scene with gunshot impact(s), an FSB officer shall be dispatched to the scene to complete the Uniform Incident Report by the end of their shift in accordance with~~as outlined in~~ SOP Reports ~~(Refer to SOP Reports for sanction classifications and additional duties)~~.

~~4.~~

N/A

   a. The CSS shall process the scene and collect the evidence in accordance with~~as outlined in~~ SOP Collection, Submission, and Disposition of Evidence and Property ~~(refer to SOP Collection, Submission, and Disposition of Evidence and Property for sanction classifications and additional duties)~~.

2-105 DESTRUCTION/CAPTURE OF ANIMALS

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

A. Related SOP(s)

1-35 Crime Scene Specialists Unit
1-62 Internal Affairs Professional Standards (IAPS) Division
2-16 Reports

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque Animal Welfare Department
New Mexico Department of Game and Fish (NMDGF)
New Mexico Livestock Board (NMLB)
ROA 1994, § 9-2-1-4 Definitions
ROA 1994, § 9-17-3 Definitions

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-105-1 Purpose

The purpose of this policy is to provide Albuquerque Police Department (Department) sworn personnel with guidance when assisting New Mexico Department of Game and Fish (NMDGF) personnel and City of Albuquerque Animal Welfare Department personnel when responding to incidents involving wild or dangerous animals.

2-105-2 Policy

It is the policy of the Department to assist NMDGF personnel and City Animal Welfare Department sworn personnel in the destruction and/or capture of wild or dangerous animals.

N/A

2-105-3 Definitions

A. Dangerous Dog

1. A dog that:

REDLINED

a. Has, without provocation, caused serious injury, great bodily harm, or mortal injury to a person or companion animal; or
b. Was previously designated as a potentially dangerous dog and subsequently:
   i. Causes injury to a person or companion animal that is less severe than a serious injury; or
   ii. Is observed by any person chasing or menacing a person or companion animal in an aggressive manner and without provocation.

2. A Department Police Service Dog (PSD) is not considered a dangerous dog by definition, consistent with City Ordinance § 9-17-13.

B. Wild Animal

A species of animal that is exotic to humans and is unlawful to possess, consistent with City Ordinance § 9-2-1-4.

7 **2-105-4 Procedures**

A. Destruction of Animals

1. When an animal is mortally injured, the on-duty Field Services Bureau (FSB) supervisor may authorize the destruction of the animal.

   a. Sworn personnel shall consult with NMDGF personnel or City Animal Welfare Department sworn personnel if time permits.
   b. Where destruction of an animal is authorized and is lawfully justified, sworn personnel shall carry out the destruction as humanely as possible.

2. Whenever possible, if the destruction of the animal is needed, it will be carried out by NMDGF personnel.

   a. Sworn personnel may assist NMDGF with the destruction of an animal at the direction of their on-call officer and shall document in their uniform incident report the NMDGF officer who provided authorization.
      i. If attempts to contact NMDGF are unsuccessful, an on-duty supervisor shall determine whether the destruction of the animal is necessary.

3. Sworn personnel may discharge their Department-issued firearm to destroy the animal, if a life-threatening situation or threat to public safety exists or if the animal is mortally injured and it is necessary to destroy the animal.

   a. Responding sworn personnel shall complete a Uniform Incident Report, in accordance with SOP Reports.
   b. A Crime Scene Specialist (CSS) shall be called to the scene for photographs and to collect evidence in accordance with SOP Crime Scene Specialists Unit.

N/A

REDLINED

5

4. If sworn personnel discharged their Department-issued firearm in the destruction of an animal, they shall contact Internal Affairs Professional Standards Division (IAPS) personnel in accordance with SOP Internal Affairs Professional Standards (IAPS) Division.

5. NMDGF handles incidents involving wild animals as defined in this SOP. NMDGF does not respond to or assist with domestic animals under any circumstances. Matters involving domestic animals are handled in coordination with the Animal Welfare Department.

7

B. Capture of Animals

1. In all cases where Department personnel or Emergency Communications Center (ECC) personnel are notified of a wild or dangerous animal in or near a populated area, ECC personnel shall call the NMDGF and the City Animal Welfare Department.

2. Department personnel shall:

   a. Be responsible for observing and following the animal at a safe distance;
   b. Not attempt to apprehend or contain the animal;
   c. Transfer overall responsibility of the animal to NMDGF personnel once NMDGF personnel are on-scene; and
   d. Be responsible for crowd management.

N/A

3. If needed, the New Mexico Livestock Board (NMLB) may be contacted for assistance with livestock.

REDLINED

2-105 DESTRUCTION/CAPTURE OF ANIMALS

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

A. Related SOP(s)

1-35 Crime Scene Specialists Unit ~~(Formerly 5-8)~~
1-62 Internal Affairs Professional Standards (IAPS) Division ~~(Formerly 2-05 and 7-1)~~
2-16 Reports ~~(Formerly 1-05)~~

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque Animal Welfare Department
New Mexico Department of Game and Fish (NMDGF)
New Mexico Livestock Board (NMLB)
ROA 1994, § 9-2-1-4 Definitions
ROA 1994, § 9-17-3 Definitions

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

2-105-1 Purpose

The purpose of this policy is to provide Albuquerque Police Department (Department) sworn personnel with guidance when assisting New Mexico Department of Game and Fish (NMDGF) personnel and City of Albuquerque Animal Welfare Department personnel when responding to incidents involving wild or dangerous animals.

2-105-2 Policy

It is the policy of the Department to assist NMDGF personnel and City Animal Welfare Department sworn personnel in the destruction and/or capture of wild or dangerous animals.

N/A

2-105-3 Definitions

A. Dangerous Dog

1. A dog that:

REDLINED

a. Has, without provocation, caused serious injury, great bodily harm, or mortal injury to a person or companion animal; or
b. Was previously designated as a potentially dangerous dog and subsequently:
   i. Causes injury to a person or companion animal that is less severe than a serious injury; or
   ii. Is observed by any person chasing or menacing a person or companion animal in an aggressive manner and without provocation.

2. A Department Police Service Dog (PSD) is not considered a dangerous dog by definition, consistent with City Ordinance § 9-17-13.

B. Wild Animal

A species of animal that is exotic to humans and is unlawful to possess, consistent with City Ordinance § 9-2-1-4.

7 **2-105-4 Procedures**

A. Destruction of Animals

1. When an animal is mortally injured, the on-duty Field Services Bureau (FSB) supervisor may authorize the destruction of the animal.

   a. Sworn personnel shall consult with NMDGF personnel or City Animal Welfare Department sworn personnel if time permits.
   b. Where destruction of an animal is authorized and is lawfully justified, sworn personnel shall carry out the destruction as humanely as possible.

2. Whenever possible, if the destruction of the animal is needed, it will~~shall~~ be carried out by NMDGF personnel.

   a. Sworn personnel may assist NMDGF with the destruction of an animal at the direction of their on-call officer and shall document in their uniform incident report the NMDGF officer who provided authorization.
   ~~2.~~i. If attempts to contact NMDGF are unsuccessful, an on-duty supervisor shall determine whether the destruction of the animal is necessary.

3. Sworn personnel may discharge their Department-issued firearm to destroy the animal, if a life-threatening situation or threat to public safety exists or if the animal is mortally injured and it is necessary to destroy the animal.

   a. Responding sworn personnel shall complete a Uniform Incident Report, in accordance~~consistent~~ with SOP Reports.
   b. A Crime Scene Specialist (CSS) shall be called to the scene for photographs and to collect evidence in accordance~~, consistent~~ with SOP Crime Scene

N/A

REDLINED

Specialists Unit ~~(refer to SOP Crime Scene Specialists Unit for sanctions classifications and additional duties)~~.

5

4. If sworn personnel discharged their Department-issued firearm in the destruction of an animal, they shall contact Internal Affairs Professional Standards Division (IAPS) personnel in accordance with ~~consistent with~~ SOP Internal Affairs Professional Standards (IAPS) Division.

~~4.~~5. NMDGF handles incidents involving wild animals as defined in this SOP. NMDGF does not respond to or assist with domestic animals under any circumstances. Matters involving domestic animals are handled in coordination with the Animal Welfare Department.

7

B. Capture of Animals

1. In all cases where Department personnel or Emergency Communications Center (ECC) personnel are notified of a wild or dangerous animal in or near a populated area, ECC personnel shall call the NMDGF and the City Animal Welfare Department.

2. Department personnel shall:

   a. Be responsible for observing and following the animal at a safe distance;
   b. Not attempt to apprehend or contain the animal;
   c. Transfer overall responsibility of the animal to NMDGF personnel once NMDGF personnel are on-scene; and
   d. Be responsible for crowd management.

N/A

3. If needed, the New Mexico Livestock Board (NMLB) may be contacted for assistance with livestock.

~~d.~~

REDLINED

2-106 LOST AND FOUND GOVERNMENT-ISSUED IDENTIFICATION CARDS AND DRIVER'S LICENSES

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

A. Related SOP(s)

None

B. Form(s)

PD 3024 Identification (ID) Card and Driver's License Log

C. Other Resource(s)

None

D. Active Special Orders(s)

None

E. Rescinded Special Order(s)

None

2-106-1 Purpose

The purpose of this policy is to ensure that a community member's government-issued identification card and/or driver's license, which is found by Albuquerque Police Department (Department) personnel, is properly secured and returned to them, if possible.

2-106-2 Policy

It is the policy of the Department to return government-issued identification cards and driver's licenses to community members. In the event Department personnel come into the possession of a government-issued identification card or driver's license belonging to a community member and cannot reasonably and safely return it to the owner listed on the government-issued identification card or driver's license at that time, Department personnel shall follow the procedures in this Standard Operating Procedure (SOP) in an attempt to return the card or license to the owner.

N/A

2-106-3 Definitions

None

7

2-106-4 Procedures

REDLINED

A. Log and Repository

1. Administrative staff or assigned Department personnel at each area command substation shall:

6

   a. Maintain a lost and found government-issued Identification Card (ID) and Driver's License Log and repository;

6

   b. Log the government-issued identification card or driver's license using the Identification (ID) Card and Driver's License Log;
   c. Make the first attempt to notify the owner by phone; and
      i. If the owner is reached by phone, or there is a voicemail, administrative staff or assigned Department personnel shall advise the community member of the name, address, and hours of operations of the area command where they may pick up their government-issued identification card or driver's license in person.
      ii. Administrative staff or assigned Department personnel shall then log the government-issued identification card or driver's license in the area command's Identification (ID) Card and Driver's License Log.
      iii. If Department personnel do not reach the owner by phone, they shall log the attempt in the Identification (ID) Card and Driver's License Log. The government-issued identification card or driver's license shall then be placed in the repository at the area command.
   d. Ensure that government-issued identification cards and driver's licenses are tracked in the Identification Card (ID) and Driver's License Log and are held in the repository for no more than thirty (30) days.
      i. Each area commander shall designate Department personnel whose responsibility is to remove government-issued identification cards and driver's licenses that have been held for over thirty (30) days, and return them to the New Mexico Motor Vehicle Division (MVD).
      ii. It shall be the designated Department employee's responsibility to log which government-issued identification cards and driver's licenses were taken to the MVD and the date they were taken.

2. Department personnel who assist the community member shall make a reasonable attempt to verify that the person retrieving the government-issued identification card or driver's license is the owner of that government-issued identification card or driver's license.

3. Administrative staff or assigned Department personnel at each area command substation shall not:

   a. Be required to look for phone numbers of individuals who reside outside of the City of Albuquerque; or
   b. Remove any government-issued identification card or driver's license from the Identification (ID) Card and Driver's License Log without logging their name, the date, and what was done with the government-issued identification card or driver's license.

REDLINED

2-106 LOST AND FOUND GOVERNMENT-ISSUED IDENTIFICATION CARDS AND DRIVER'S LICENSES

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

A. Related SOP(s)

None

B. Form(s)

PD 3024 Identification (ID) Card and Driver's License Log

C. Other Resource(s)

None

D. Active Special Orders(s)

None

E. Rescinded Special Order(s)

None

2-106-1 Purpose

The purpose of this policy is to ensure that a community member's government-issued identification card and/or driver's license, which ~~that~~ is found by Albuquerque Police Department (Department) personnel, is properly secured and returned to them, if possible.

2-106-2 Policy

It is the policy of the Department to return government-issued identification cards and driver's licenses to community members. In the event Department personnel come into the possession of a government-issued identification card or driver's license belonging to a community member and cannot reasonably and safely return it to the owner listed on the government-issued identification card or driver's license at that time, Department personnel shall follow the procedures in this Standard Operating Procedure (SOP) in an attempt to return the card or license to the owner.

N/A

2-106-3 Definitions

None

7

2-106-4 Procedures

REDLINED

A. Log and Repository

1. Administrative staff or assigned Department personnel at each area command substation shall:

6

a. Maintain a lost and found g~~G~~overnment-i~~I~~ssued Identification Card (ID) and Driver's License Log and repository;

6

b. Log the government-issued identification card or driver's license using the Identification (ID) Card and Driver's License Log;
c. Make the first attempt to notify the owner by phone; and
   i. If the owner is reached by phone, or there is a voicemail, administrative staff or assigned Department personnel shall advise the community member of the name, address, and hours of operations of the area command where they may pick up their government-issued identification card or driver's license in person.
   ii. Administrative staff or assigned Department personnel shall then log the government-issued identification card or driver's license in the area command's Identification (ID) Card and Driver's License Log.
   iii. If Department personnel do not reach the owner by phone, they shall log the attempt in the Identification (ID) Card and Driver's License Log. The government-issued identification card or driver's license shall then be placed in the repository at the area command.
d. Ensure that government-issued identification cards and driver's licenses are tracked in the Identification Card (ID) and Driver's License Log and are held in the repository for no more than thirty (30) days.
   i. Each area commander shall designate Department personnel whose responsibility is to remove government-issued identification cards and driver's licenses that have been held for over thirty (30) days, and return them to the New Mexico Motor Vehicle Division (MVD).
   ii. It shall be the designated Department employee's responsibility to log which government-issued identification cards and driver's licenses were taken to the MVD and the date they were taken.

2. Department personnel who assist the community member shall make a reasonable attempt to verify that the person retrieving the government-issued identification card or driver's license is the owner of that government-issued identification card or driver's license.

3. Administrative staff or assigned Department personnel at each area command substation shall not:

   a. Be required to look for phone numbers of individuals who reside outside of the City of Albuquerque; or
   b. Remove any government-issued identification card or driver's license from the Identification (ID) Card and Driver's License Log without logging their

REDLINED

name, the date, and what was done with the government-issued identification card or driver's license.

REDLINED

3-11 COMMAND STAFF RESPONSIBILITIES

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

A. Related SOP(s)

3-25 Bid Process

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque Personnel Rules and Regulations
United States of America v. City of Albuquerque, No. 1:14-cv-01025 – Document 465-1 (D.N.M. 2019)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

3-11-1 Purpose

The purpose of this policy is to describe the roles and responsibilities of command staff from the rank of Deputy Commander to the Chief of Police.

3-11-2 Policy

It is the policy of the Albuquerque Police Department (Department) for the command staff to assist the Chief of Police with the management of the Department, including its day-to-day operations, supporting the Department's mission and vision statements, promoting community policing, and upholding the Department's core values of integrity, respect, fairness, and pride.

N/A

3-11-3 Definitions

A. Chief of Staff

A sworn officer responsible for overseeing the area as defined in the active Department Organization Chart and by the Chief of Police.

B. Commander

REDLINED

A sworn officer who is responsible for a specific geographical area within the City of Albuquerque or division, and who is in charge of the field officers, investigative units, and other operations within their command.

C. Deputy Chief

A sworn officer responsible for overseeing the divisions as defined in the active Department Organization Chart.

D. Deputy Commander

A sworn officer who is responsible for assisting Commanders with administrative and operational duties associated with their assigned divisions and who holds authority over Department personnel at the rank of lieutenant, sergeant, or officer, or professional staff equivalent at the rank of lieutenant, sergeant, or officer.

E. Major

A sworn officer responsible for overseeing the area as defined in the active Department Organization Chart.

7 **3-11-4 Procedures**

N/A A. Appointments

1. Chief of Police

   a. The Chief of Police is appointed by the Mayor of the City of Albuquerque and is directly responsible to the Chief Administrative Officer for the efficient conduct and operation of the Department.
   b. The Chief of Police shall assign sworn personnel to the following ranks, consistent with City of Albuquerque Personnel Rules and Regulations:
      i. Deputy Chief;
      ii. Major;
      iii. Commander;
      iv. Deputy Commander; and
      v. All other positions the Chief deems appropriate for the needs of the Department.

2. Superintendent of Police Reform.

   a. The Superintendent of Police Reform is appointed by the Mayor of the City of Albuquerque and is directly responsible to the Chief Administrative Officer and will work with the Chief of Police.

3. Chain of Command

REDLINED

a. The chain of command is defined by the Department's organizational chart as approved by the Chief of Police.

N/A B. Delegation and Command

1. When a Deputy Chief, Chief of Staff, Major, Commander, or Deputy Commander is unable to perform their duties due to, for example, vacation, illness, etc., they may designate a temporary replacement to fulfill this responsibility.

   a. When a member of the command staff is unable to designate a temporary replacement before they are unable to perform their duties, their supervisor may designate the temporary replacement.

2. If the Chief of Police becomes incapacitated through illness, injury, death, or the Chief of Police is absent from the City of Albuquerque for any reason, the next designated Deputy Chief, as defined by the Department's most current organizational chart, shall assume command.

3. Incident Commander

   a. Unless specifically designated in Department Standard Operating Procedures (SOP), when the needs of an ongoing incident or operation require personnel from different commands to function as a single unit with a common goal, the person in command of that combined force shall be the on-scene ranking officer of the unit with overall responsibility for the outcome of the operation and will be designated as the Incident Commander.
   b. The affected Deputy Chief or Area Commander shall resolve conflicts in command responsibilities during emergency operations within their area of responsibility.
      i. The ranking officer may, in turn, designate a subordinate officer and authorize them to act in the capacity of a field Commander. If such a designation is made, the person relinquishing authority shall notify the supervisors of the various units to clarify who has the authority to direct operations.
   c. When using specialized units, to the greatest extent possible, the Incident Commander shall strive to support the specialized unit with personnel and resources sufficient to attain the specialized unit's objective.

C. Department Operations Responsibility During Non-Business Hours

1. The Chief of Police or their designee shall create a roster of command staff placed in rotation to serve as the on-call Duty Chief.

2. All Deputy Chiefs and Commanders shall be responsible for operations and incidents within their Bureaus, area commands, or divisions twenty-four (24) hours a day.

REDLINED

3. The Duty Chief shall:

   a. As the designated Duty Chief, be responsible for the operations of the Department during non-business hours;
   b. Be assigned using a monthly on-call duty roster; and
   c. Respond to major critical incidents in order to supervise overall incident management.

7 **3-11-5 General Expectations of Command Staff**

N/A A. Chief of Police

1. The Chief of Police shall be responsible for the assignment and reassignment of all Department personnel and the efficiency, discipline, general conduct, and appearance of such personnel; and in this capacity, shall have the authority to prescribe, promulgate, and enforce rules and regulations for the operation of the Department.

2. The Chief of Police or their designee may authorize Department personnel to deviate from the provisions in accordance with Department SOP when the Chief of Police believes that such deviation is in the interest of the City of Albuquerque, Department, or public and is lawful.

   a. The Chief of Police or their designee shall provide written notification of the deviation to the City Attorney within one (1) business day. The written notification shall include the specific policy modified/deviated from and the reasons for doing so.
   b. If the Chief of Police or their designee authorizes a deviation from a Department SOP during Emergency Response Team (ERT) deployments and tactical activations in which a deviation from a Department SOP is authorized, the Incident Commander shall document the Chief of Police or their designee's specific policy modified/deviated from and the reasons for doing so decision in an After-Action Report (AAR).

B. Command staff shall:

1. Be responsible for all matters relating to fulfilling the functions under their command;

2. Work in conjunction with each other to provide consistent leadership and unified direction to the multiple segments of the Department;

3. Assist the Chief of Police with managing the Department; and

4. In addition to overseeing day-to-day operations, ensure that the Department meets objectives and goals set forth by City Council, engages in strategic planning, and

REDLINED

holds the Department and individual employees accountable to the expectations of the Department as set forth in Department SOPs.

C. A Commander shall:

1. Understand the duties and expectations of the Chief of Police and the Department and comply with all Department SOPs, federal and state laws, and municipal ordinances;

2. Maintain responsibility for effective and efficient policy-driven operations within their command/division twenty-four (24) hours per day, seven (7) days per week;

3. Ensure all sworn personnel assigned to them complete the online bid packet on a yearly basis or whenever a transfer occurs, in accordance with SOP Bid/Transfers;

4. Ensure the bid information packet for their area command contains the most current information. Commanders shall work with Operations Review Section personnel to update any changes;

5. Ensure that all personnel under their command understand the duties and expectations of the Department. A Commander shall ensure that all personnel under their command have access to applicable Department SOPs; and

   a. Commanders shall monitor the performance of all personnel under their direct command to ensure compliance with these expectations, including all Department SOPs, federal and state laws, and municipal ordinances.

6. Promote community policing within their area commands/divisions. A Commander shall communicate with community members (e.g., residential, business, civic, religious, Community Policing Councils, and other groups) and other city Departments to address issues and priorities within their area.

   a. Through communications with community members and City Departments, Commanders shall identify issues within their areas that impact quality of life for community members and for which law enforcement activity may be an appropriate solution.
   b. Commanders shall plan and implement strategies for addressing the identified issues with copies to their Deputy Chief.
   c. Commanders shall inform the contributing community members of the implementation plan and contact them at an appropriate time after implementation for feedback on effectiveness in addressing the issue.
      i. Based on the feedback, the Commander may alter or discontinue the strategy.
      ii. Where the Commander determines that law enforcement activities may not be the only or best solution to the issue, the Commander shall collaborate with other city Departments for solutions or a multi-Department approach.

REDLINED

d. Commanders shall ensure that sworn Department personnel under their direct command attend community meetings and events as part of the Department's ongoing community outreach.
e. Commanders shall ensure that sworn uniformed personnel attend community meetings in uniform.
f. Commanders shall ensure that all Department personnel properly document in the appropriate databases the following information:
   i. Time and date of attendance;
   ii. Duration of meeting; and
   iii. Issues, concerns, and or any positive input provided by community members.

D. A Deputy Commander shall perform any other duties deemed necessary, including management of sworn and professional staff personnel, as assigned by the Chief of Police or their Commander.

6

E. Incident Commander

1. The Incident Commander, unless specifically designated in Department SOPs, when the needs of an ongoing incident or operation require personnel from different commands to function as a single unit with a common goal, the person in command of that combined force shall be the on-scene ranking officer of the unit with overall responsibility for the outcome of the operation.

   a. The affected Deputy Chief or Area Commander shall resolve conflicts in command responsibilities during emergency operations within their area of responsibility.
   b. The ranking officer may, in turn, designate a subordinate officer and authorize them to act in the capacity of a field Commander. If such a designation is made, the person relinquishing authority shall notify the supervisors of the various units to clarify who has the authority to direct operations.
   c. When using specialized units, to the greatest extent possible, the Incident Commander shall strive to support the specialized unit with personnel and resources sufficient to attain the specialized unit's objective.

REDLINED

3-11 COMMAND STAFF RESPONSIBILITIES

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

A. Related SOP(s)

3-25 Bid Process ~~(Formerly 2-10 and 4-11)~~

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque Personnel Rules and Regulations
United States of America v. City of Albuquerque, No. 1:14-cv-01025 – Document 465-1 (D.N.M. 2019)

D. Active Special Order(s)

None

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

None

3-11-1 Purpose

The purpose of this policy is to describe the roles and responsibilities of command staff from the rank of Deputy Commander to the Chief of Police.

3-11-2 Policy

It is the policy of the Albuquerque Police Department (Department) for the command staff to assist the Chief of Police with the management of the Department, including its day-to-day operations, supporting the Department's mission and vision statements, promoting community policing, and upholding the Department's core values of integrity, respect, fairness, and pride.

N/A

3-11-3 Definitions

A. Chief of Staff

A sworn officer responsible for overseeing the area as defined in the active Department Organization Chart and by the Chief of Police.

B. Commander

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A sworn officer who is responsible for a specific geographical area within the City of Albuquerque or division, and who is in charge of the field officers, investigative units, and other operations within their command.

C. Deputy Chief

A sworn officer responsible for overseeing the divisions as defined in the active Department Organization Chart.

D. Deputy Commander

A sworn officer who is responsible for assisting Commanders with administrative and operational duties associated with their assigned divisions and who holds authority over Department personnel at the rank of lieutenant, sergeant, or officer, or ~~a civilian~~ professional staff equivalent at the rank of lieutenant, sergeant, or officer.

E. Major

A sworn officer responsible for overseeing the area as defined in the active Department Organization Chart.

7 **3-11-4 Procedures**

N/A A. Appointments

1. Chief of Police

a. The Chief of Police is appointed by the Mayor of the City of Albuquerque and is directly responsible to the Chief Administrative Officer for the efficient conduct and operation of the Department.
b. The Chief of Police shall assign sworn personnel to the following ranks, consistent with City of Albuquerque Personnel Rules and Regulations:
i. Deputy Chief;
~~i.~~ii. Major;
~~ii.~~iii. Commander;
~~iii.~~iv. Deputy Commander; and
~~iv.~~v. All other positions the Chief deems appropriate for the needs of the D~~d~~epartment.

2. Superintendent of Police Reform ~~of Police Reform~~.

a. The Superintendent of Police Reform is appointed by the Mayor of the City of Albuquerque and is directly responsible to the Chief Administrative Officer and wi~~shall~~ work with the Chief of Police. ~~on all aspects of the Court-Approved Settlement Agreement (CASA).~~

REDLINED

3. Chain of Command

   a. The chain of command is defined by the Department's organizational chart as approved by the Chief of Police.

N/A B. Delegation and Command

1. When a Deputy Chief, Chief of Staff, Major, Commander, or Deputy Commander is unable to perform their duties due to, for example, vacation, illness, etc., they may designate a temporary replacement to fulfill this responsibility.

   a. When a member of the command staff is unable to designate a temporary replacement before they are unable to perform their duties, their supervisor may designate the temporary replacement.

2. If the Chief of Police becomes incapacitated through illness, injury, death, or the Chief of Police is absent from the City of Albuquerque for any reason, the next designated Deputy Chief, as defined by the Department's most current organizational chart, shall assume command.

3. Incident Commander

   a. Unless specifically designated in Department Standard Operating Procedures (SOP), when the needs of an ongoing incident or operation require personnel from different commands to function as a single unit with a common goal, the person in command of that combined force shall be the on-scene ranking officer of the unit with overall responsibility for the outcome of the operation and will be designated as the Incident Commander.
   b. The affected Deputy Chief or Area Commander shall resolve conflicts in command responsibilities during emergency operations within their area of responsibility.
      i. The ranking officer may, in turn, designate a subordinate officer and authorize them to act in the capacity of a field Commander. If such a designation is made, the person relinquishing authority shall notify the supervisors of the various units to clarify who has the authority to direct operations.
   c. When using specialized units, to the greatest extent possible, the Incident Commander shall strive to support the specialized unit with personnel and resources sufficient to attain the specialized unit's objective.

7 C. Department Operations Responsibility During Non-Business Hours

1. The Chief of Police or their designee shall create a roster of command staff placed in rotation to serve as the on-call Duty Chief.

REDLINED

2. All Deputy Chiefs and Commanders shall be responsible for operations and incidents within their Bureaus, area commands, or divisions twenty-four (24) hours a day.

3. The Duty Chief shall:

   a. As the designated Duty Chief, be responsible for the operations of the Department during non-business hours;
   b. Be assigned using a monthly on-call duty roster; and
   c. Respond to major critical incidents in order to supervise overall incident management.

7 **3-11-5 General Expectations of Command Staff**

N/A A. Chief of Police

1. The Chief of Police shall be responsible for the assignment and reassignment of all Department personnel and the efficiency, discipline, general conduct, and appearance of such personnel; and in this capacity, shall have the authority to prescribe, promulgate, and enforce rules and regulations for the operation of the Department.

2. The Chief of Police or their designee may authorize Department personnel to deviate from the provisions ~~outlined~~ in accordance with Department SOP when the Chief of Police believes that such deviation is in the interest of the City of Albuquerque, Department, or public and is lawful.

7 a. The Chief of Police or their designee shall provide written notification of the deviation to the City Attorney within one (1) business day. The written notification shall include the specific policy modified/deviated from and the reasons for doing so.

7 b. If the Chief of Police or their designee authorizes a deviation from a Department SOP during Emergency Response Team (ERT) deployments and tactical activations in which a deviation from a Department SOP is authorized, the Incident Commander shall document the Chief of Police or their designee's specific policy modified/deviated from and the reasons for doing so decision in an After-Action Report (AAR).

7 B. Command staff shall:

1. Be responsible for all matters relating to fulfilling the functions under their command;

2. Work in conjunction with each other to provide consistent leadership and unified direction to the multiple segments of the Department;

3. Assist the Chief of Police with managing the Department; and

REDLINED

4. In addition to overseeing day-to-day operations, ensure that the Department meets objectives and goals set forth by City Council, engages in strategic planning, and holds the Department and individual employees accountable to the expectations of the Department as set forth in Department SOPs.

6 C. A Commander shall:

1. Understand the duties and expectations of the Chief of Police and the Department and comply with all Department SOPs, f~~F~~ederal and state laws, and municipal ordinances~~, and all components of the Court-Approved Settlement Agreement (CASA)~~;

2. Maintain responsibility for effective and efficient policy-driven operations within their command/division twenty-four (24) hours per day, seven (7) days per week;

3. Ensure all sworn personnel assigned to them complete the online bid packet on a yearly basis or whenever a transfer occurs, in accordance ~~consistent~~ with SOP Bid/Transfers;

4. Ensure the bid information packet for their area command contains the most current information. Commanders shall work with Operations Review Section personnel to ~~have~~ update any changes ~~updated~~;

5. Ensure that all personnel under their command understand the duties and expectations of the Department. A Commander shall ensure that all personnel under their command have access to applicable Department SOPs;~~s and a copy of the CASA, and shall provide guidance and explanations regarding these expectations, as necessary;~~ and

   a. Commanders shall monitor the performance of all personnel under their direct command to ensure compliance with these expectations, including all Department SOPs, federal and state laws, and municipal ordinances.~~, and all components of the CASA through training, supervision, and discipline where appropriate.~~

6. Promote community policing within their area commands/divisions. A Commander shall communicate with community members (e.g., residential, business, civic, religious, Community Policing Councils, and other groups) and other city Departments to address issues and priorities within their area.

   a. Through communications with community members and City Departments, Commanders shall identify issues within their areas that impact quality of life for community members and for which law enforcement activity may be an appropriate solution.
   b. Commanders shall plan and implement strategies for addressing the identified issues with copies to their Deputy Chief.

REDLINED

c. Commanders shall inform the contributing community members of the implementation plan and contact them at an appropriate time after implementation for feedback on effectiveness in addressing the issue.
   i. Based on the feedback, the Commander may alter or discontinue the strategy.
   ii. Where the Commander determines that law enforcement activities may not be the only or best solution to the issue, the Commander shall collaborate with other city Departments for solutions or a multi-Department approach.
d. Commanders shall ensure that sworn~~,~~ D~~d~~epartment personnel under their direct command attend community meetings and events as part of the Department's ongoing community outreach.
e. Commanders shall ensure that sworn~~,~~ uniformed personnel attend community meetings in uniform.
f. Commanders shall ensure that all Department personnel properly document in the appropriate databases ~~that~~ the following information:
   i. Time and date of attendance;
   ii. Duration of meeting; and
   iii. Issues, concerns, and or any positive input provided by community members.

6 D. A Deputy Commander shall perform any other duties deemed necessary, including management of sworn and professional staff ~~civilian~~ personnel, as assigned by the Chief of Police or their Commander.

6 E. Incident Commander

1. The Incident Commander, unless specifically designated in Department SOPs, when the needs of an ongoing incident or operation require personnel from different commands to function as a single unit with a common goal, the person in command of that combined force shall be the on-scene ranking officer of the unit with overall responsibility for the outcome of the operation.

   a. The affected Deputy Chief or Area Commander shall resolve conflicts in command responsibilities during emergency operations within their area of responsibility.
   b. The ranking officer may, in turn, designate a subordinate officer and authorize them to act in the capacity of a field Commander. If such a designation is made, the person relinquishing authority shall notify the supervisors of the various units to clarify who has the authority to direct operations.
   c. When using specialized units, to the greatest extent possible, the Incident Commander shall strive to support the specialized unit with personnel and resources sufficient to attain the specialized unit's objective.

REDLINED

3-24 IN THE LINE-OF-DUTY DEATH NOTIFICATIONS AND BENEFITS

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

A. Related SOP(s)

1-25 Chaplain Unit

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, §§ 21-21F-1 to 21-21F-5 Fire Fighter and Peace Officer Survivors Scholarship Act
NMSA 1978, §§ 29-4a-1 to 29-4A-5 Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act
NMSA 1978, §§ 45-1-201 Uniform Probate Code Definitions
Public Safety Officers' Benefits Program, Bureau of Justice Assistance, U.S. Department of Justice

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

3-24-1 Purpose

The purpose of this policy is to outline the procedures for Albuquerque Police Department (Department) personnel when notifying the next of kin of sworn personnel about a death in the line of duty.

3-24-2 Policy

It is the policy of the Department to ensure that death notifications for sworn personnel who died in the line of duty are conducted with the utmost professionalism, dignity, and respect.

N/A

3-24-3 Definitions

A. Beneficiary

A designated person as defined in the Uniform Probate Code (NMSA 1978, § 45-1-201).

REDLINED

B. Benefits

Financial payments that are made to the beneficiary to ensure financial stability following the death of a Department employee in the line of duty.

C. Casualty Assistance Representative (CAR)

A Department-appointed officer who holds the rank of commander or higher, who is the point of contact for all families who may have to go through the traumatic experience of a death notification. A CAR acts as a direct-line resource to the Department, including the chain of command, up to the Chief of Police.

D. In the Line-of-Duty Death

Any action, felonious, accidental, or natural, which results in the death of a Department officer who was performing a work-related function while on duty.

E. Next of Kin

1. A person designated by an officer who is responsible for the disposition of the officer's remains, personal effects, and release of records. If the officer did not designate someone as their next of kin, it will be the officer's surviving spouse, or, if the officer does not have a surviving spouse, their closest relative. If none of these conditions are met, the Department will recognize the following people in the following order as the officer's next of kin:

    a. Natural and adopted children in order of seniority, including stepchildren and other children if acknowledged by the officer or as determined by a court;
        i. The age of majority is eighteen (18) years.
        ii. The rights of minor children, except for the disposition of the officer's remains, shall be exercised by their surviving parent or legal guardian.
    b. A parent, unless sole custody was granted to a person because of a court decree or a statutory provision;
    c. Blood or adoptive relative who was granted legal custody of the person by a court decree or a statutory provision;
    d. A brother or sister who is of legal age in order of seniority;
    e. A grandparent;
    f. Another relative in order of relationship to the officer according to the Uniform Probate Code; or
        i. The seniority of age will determine control when persons are of equal degree of relationship (e.g., parents or siblings).
    g. A person who stands in the place of a parent to the officer.
        i. The seniority of age will determine control when persons are of equal relationship.

REDLINED

7 **3-24-4 Procedures**

A. Preparing to Make a Death Notification

1. The on-duty supervisor shall notify their chain of command to ensure arrangements are made for the Chief of Police or Deputy Chief of Police, and the involved officer's chain of command to notify the involved officer's next of kin, regardless of where the next of kin lives.

2. The Chief of Police or their designee shall appoint a CAR before going to the next of kin's residence.

B. Delivering the Death Notification

1. The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall be the only personnel who notify the next of kin about an officer who died in the line of duty.

N/A

a. A Department Chaplain, in accordance with SOP Chaplain Unit, and/or a personal acquaintance of the involved officer may assist with delivering the death notification, if possible.

2. The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall deliver the death notification in person with relevant, available facts as soon as possible.

3. When necessary, the CAR shall stay at the residence with any children while adult next of kin, immediate family members, and other family members proceed to the hospital until the children's designated guardians can report to the residence.

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4. Department personnel are prohibited from notifying the media outlets of the deceased officer's name until the next of kin has been notified.

C. Casualty Assistance Representative (CAR) Responsibilities

1. The CAR shall:

a. Be the next of kin's point of contact for all Department communication;
b. Arrange for a secluded waiting area at the hospital away from media outlets and the public;
c. Arrange for transportation for next of kin to and from the hospital when necessary in coordination with the Honor Guard Team Lieutenant;
d. Arrange for medical bills to be sent to the Department, not the residence;
e. Coordinate with the Honor Guard Team Lieutenant to work with the next of kin for funeral arrangements;
f. Connect next of kin with a Behavioral Sciences Section (BSS) clinician;

REDLINED

g. Provide information to the designated beneficiary(s) about the City of Albuquerque's insurance and benefits;
h. Provide information to the designated beneficiary(s) from the following organizations, but not limited to:
   i. Albuquerque Police Officers' Association (APOA);
   ii. 100 Club of New Mexico; and
   iii. Benefits as granted to the beneficiary pursuant to the:
      1. Fire Fighter and Peace Officer Survivors Scholarship Act;
      2. Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act; and
      3. Public Safety Officers' Benefits Program.
i. If a lawsuit is filed in connection to the death of the officer, notify the next of kin within a reasonable amount of time of the adjudication process and shall provide information regarding any relevant legislation that arose from the court case.

D. Web-based Directory

1. All command staff personnel shall have access to the web-based directory that stores the decedent's next of kin's contact information, including their name and address, for death notification purposes.

2. Department personnel shall confirm that the information in the web-based directory for their next of kin is correct at the beginning of the bid and midway through the bid.

N/A

E. Honorary Upgrade

1. The Chief of Police may exercise at their discretion, award an honorary upgrade to an officer who was killed in the line of duty or to an officer who died honorably for other causes while employed by the Department.

   a. The officer's Deputy Chief of Police or Area Commander will offer the honorary upgrade to the surviving family of the deceased officer.
   b. An honorary upgrade only applies to sworn personnel who hold the rank of Lieutenant or below.
   c. The honorary upgrade is an optional recognition.

2. The Chief of Police or their designee will present the award for an honorary upgrade during a police memorial service unless otherwise requested by the surviving family of the deceased officer.

   a. The honorary upgrade award will have a badge mounted on a plaque, engraved with the deceased officer's name and dates of service.

REDLINED

F. Professional Staff Members

1. The Chief of Police or their designee will award professional staff with a plaque for those who were killed in the line of duty or who died honorably for other causes while employed by the Department.

2. The Chief of Police or their designee shall give the plaque to the decedent's family.

3. The plaque will have the decedent's name, dates of service, and the Department shield.

4. Operations Review personnel will be responsible for procuring the plaque.

REDLINED

3-24 IN THE LINE-OF-DUTY DEATH NOTIFICATIONS AND BENEFITS

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

A. Related SOP(s)

1-25 Chaplain Unit

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, §§ 21-21F-1 to 21-21F-5 Fire Fighter and Peace Officer Survivors Scholarship Act
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NMSA 1978, §§ 45-1-201 Uniform Probate Code Definitions
Public Safety Officers' Benefits Program, Bureau of Justice Assistance, U.S. Department of Justice

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

3-24-1 Purpose

The purpose of this policy is to outline the procedures for Albuquerque Police Department (Department) personnel when notifying the next of kin of sworn personnel about a death in the line of duty.

3-24-2 Policy

It is the policy of the Department to ensure that death notifications for sworn personnel who died in the line of duty are conducted with the utmost professionalism, dignity, and respect.

N/A

3-24-3 Definitions

A. Beneficiary

A designated person as defined in the Uniform Probate Code (NMSA 1978, § 45-1-201).

REDLINED

B. Benefits

Financial payments that are made to the beneficiary to ensure financial stability following the death of a Department employee in the line of duty.

C. Casualty Assistance Representative (CAR)

A Department-appointed officer who holds the rank of commander or higher, who is the point of contact for all families who may have to go through the traumatic experience of a death notification. A CAR acts as a direct-line resource to the Department, including the chain of command, up to the Chief of Police.

D. In the Line-of-Duty Death

Any action, felonious, accidental, or natural, which results in the death of a Department officer who was performing a work-related function while on duty.

E. Next of Kin

1. A person designated by an officer who is responsible for the disposition of the officer's remains, personal effects, and release of records. If the officer did not designate someone as~~to be~~ their next of kin, it will be the officer's surviving spouse, or, if the officer does not have a surviving spouse, their closest relative. If none of these conditions are met, the Department will recognize the following people in the following order as the officer's next of kin:

    a. Natural and adopted children in order of seniority, including stepchildren and other children if acknowledged by the officer or as determined by a court;
        i. The age of majority is eighteen (18) years.
        ii. The rights of minor children, except for the disposition of the officer's remains, shall be exercised by their surviving parent or legal guardian.
    b. A parent, unless sole custody was granted to a person because of a court decree or a statutory provision;
    c. Blood or adoptive relative who was granted legal custody of the person by a court decree or a statutory provision;
    d. A brother or sister who is of legal age in order of seniority;
    e. A grandparent;
    f. Another relative in order of relationship to the officer according to the Uniform Probate Code; or
        i. The seniority of age will determine control when persons are of equal degree of relationship (e.g., parents or siblings).
    g. A person who stands in the place of a parent to the officer.
        i. The seniority of age will determine control when persons are of equal relationship.

REDLINED

7 **3-24-4 Procedures**

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2. The Chief of Police or their designee shall appoint a CAR before going to the next of kin's residence.

B. Delivering the Death Notification

1. The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall be the only personnel who notify the next of kin about an officer who died in the line of duty.

N/A

a. A Department Chaplain, in accordance~~consistent~~ with SOP Chaplain Unit ~~(refer to SOP Chaplain Unit for sanction classifications and additional duties)~~, and/or a personal acquaintance of the involved officer may assist with delivering the death notification, if possible.

2. The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall deliver the death notification in person with relevant, available facts as soon as possible.

3. When necessary, the CAR shall stay at the residence with any children while adult next of kin, immediate family members, and other family members proceed to the hospital until the children's designated guardians can report to the residence.

4

4. Department personnel are prohibited from notifying the media outlets of the deceased officer's name until the next of kin has been notified.

C. Casualty Assistance Representative (CAR) Responsibilities

1. The CAR shall:

a. Be the next of kin's point of contact for all Department communication;
b. Arrange for a secluded waiting area at the hospital away from media outlets and the public;
c. Arrange for transportation for next of kin to and from the hospital when necessary in coordination with the Honor Guard Team Lieutenant;
d. Arrange for medical bills to be sent to the Department, not the residence;
e. Coordinate with the Honor Guard Team Lieutenant to work with the next of kin for funeral arrangements;

REDLINED

f. Connect next of kin with a Behavioral Sciences Section (BSS) clinician;
g. Provide information to the designated beneficiary(s) about the City of Albuquerque's insurance and benefits;
h. Provide information to the designated beneficiary(s) from the following organizations, but not limited to:
   i. Albuquerque Police Officers' Association (APOA);
   ii. 100 Club of New Mexico; and
   iii. Benefits as granted to the beneficiary pursuant to the:
      1. Fire Fighter and Peace Officer Survivors Scholarship Act;
      2. Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act; and
      3. Public Safety Officers' Benefits Program.
i. If a lawsuit~~,~~ is filed in connection to the death of the officer, notify the next of kin within a reasonable amount of time of the adjudication process and shall provide information regarding any relevant legislation that arose from the court case.

D. Web-based Directory

1. All command staff personnel shall have access to the web-based directory that stores the decedent's next of kin's contact information, including their name and address, for death notification purposes.

2. Department personnel shall confirm that the information in the web-based directory for their next of kin is correct at the beginning of the bid and midway through the bid.

N/A

E. Honorary Upgrade

1. The Chief of Police may exercise at their~~his~~ discretion, ~~and~~ award an honorary upgrade to an officer who was killed in the line of duty or to an officer who died honorably for other causes while employed by the Department.

   a. The officer's Deputy Chief of Police or Area Commander will offer the honorary upgrade to the surviving family of the deceased officer.
   b. An honorary upgrade only applies to sworn personnel who hold the rank of Lieutenant or below.
   c. The honorary upgrade is an optional recognition.

2. The Chief of Police or their designee will present the award for an honorary upgrade during a police memorial service unless otherwise requested by the surviving family of the deceased officer.

   a. The honorary upgrade award will have a badge mounted on a plaque, engraved with the deceased officer's name and dates of service.

REDLINED

F. Professional Staff Members

1. The Chief of Police or their designee will award professional staff with a plaque for those who were killed in the line of duty or who died honorably for other causes while employed by the Department.

2. The Chief of Police or their designee shall give the plaque to the decedent's family.

3. The plaque will have the decedent's name, dates of service, and the Department shield.

4. Operations Review personnel will be responsible for procuring the plaque.

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)

2-53 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.

REDLINED

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 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 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.

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;

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

REDLINED

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

6

   a. When feasible, sworn personnel are encouraged to use medical transport.
   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)

2-53 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 [A1]~~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 [A2]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 [A3]personnel shall only use force to accomplish a lawful objective

4- ~~C.~~D. Based [A4]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~~~~T~~he minimum amount of force necessary under the circumstances[A5]. ~~necessary~~[A6][A7]. ~~e necessary.~~

~~D.~~E. Department personnel shall continually assess whether they are using the minimum amount of force~~,~~ necessary under the circumstances [A8]~~whether the use of force is necessary, and whether the use of force~~ that is objectively reasonable.

5 ~~E.~~F. When [A9]feasible, any Department~~sworn~~ personnel~~Department employee~~ who observes another~~any~~ officer using force that a reasonable~~an~~ ~~reasonable~~ officer would consider unreasonable, [A10]~~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[A11]~~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~~[A12] ~~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~~

~~Any show of force.~~

~~A. Level 2 Use of Force~~

~~2. 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:~~

~~. 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;~~
~~. 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[A13].~~
~~. 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

~~a. Use of oleoresin capsicum (OC) spray, including when it is sprayed at an individual but misses;~~
~~Empty-hand techniques likely to cause injury or resulting in injury or complaint of injury;~~
~~b. 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.~~
~~b. Deployment of a noise flash diversionary device (NFDD) inside a structure without an intermediate barrier;~~
~~b. 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;~~ [A14]
~~b. Use of a horse rein strike on an individual's extremities; and~~
~~b. Use of the PIT maneuver at thirty five (35) mph or below.~~

~~A. 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:~~

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

~~A. Non-Force~~

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

~~2. 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.~~

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

~~2. Physical contact solely for the purpose of rendering aid is not a use of force.~~

~~2. 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[A15]~~, all sworn personnel shall identify themselves as "police".~~

~~When working in a plainclothes capacity, sworn personnel shall verbally identify themselves as "police."[A16]~~

~~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[A17] ~~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[A18] 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.[A19] ~~.~~

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 [A20] as soon as ~~the individual of force stops actively resisting, the scene is secure, and or~~ [A21] it is safe to do so. Department personnel shall monitor the individual for any breathing problems or any other signs of distress.

REDLINED

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.[A22]

~~2.~~

4- C. Prohibited[A23] 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[A24]~~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 g. Use ~~neck~~ of ~~intentional~~[A25] neck~~choke~~ [A26]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

REDLINE

~~g. Not all choke holds will be considered deadly force based upon the totality of circumstances.[A27]~~

h. Fire[A28] warning shots;

4 i. Fire[A29] 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~~ [A30]with any force application, unless deadly force is warranted[A31]; 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.

~~j.~~

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

1 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[A32] that is objectively reasonable and ~~minimal~~ [A33]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[A34] ~~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~~
   ~~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[A35] 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[A36] 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 [A37]attention when an individual is injured or complains of an injury[A38]~~if necessary~~.[A39]

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

REDLINED

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. Involved Officer

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

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Y. 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.

Z. Leg Sweep

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

AA. 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 oleoresin capsicum (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;
      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.

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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.

BB. 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
      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

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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.

CC. 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.

DD. 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.

EE. 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.

FF. Non-Force

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

GG. 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 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.

HH. Ordering Force

REDLINED

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.

II. 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.

JJ. Preponderance of Evidence

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

KK. 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.

LL. Rendering Aid

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

MM. 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.

NN. 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.

OO. 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.

PP. Totality of Circumstances

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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.

QQ. 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

RR. Vascular Neck Restraint

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

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

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

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neck restraint as soon as the person no longer poses a threat of imminent harm to the officer or another person".

SS. Witness Employee

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

REDLINED

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~~

REDLINED

~~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

REDLINED

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~~

REDLINED

~~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;

REDLINED

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

~~W.~~X. Involved Officer

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

~~X.~~Y. 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.~~Z. 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.~~AA. 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 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;

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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 injuryan 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.

~~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,

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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.~~BB. 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 prevent being taken into custody constitutes passive resistance.

~~BB.~~CC. 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 include~~ing~~:

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~~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.~~DD. 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.~~EE. 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.~~FF. 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.~~GG. ~~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 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

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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".~~

~~BB.~~HH. 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.

II. 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.~~JJ. Preponderance of Evidence

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

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

~~Z.~~LL. 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.~~KK. ~~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:~~

REDLINED

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

~~BB.~~MM. 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.~~NN. 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.~~OO. 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.

~~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.~~PP. 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.

REDLINED

QQ. 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.~~RR. Vascular Neck Restraint

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

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

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.~~SS. Witness Employee

REDLINED

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

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 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:

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;

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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:
      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.

6

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.

5

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. 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.

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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.

6

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.

7

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.

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.

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.

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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.

3

B. OC Spray Restrictions

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:

   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

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

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 necessary~~minimal~~, 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.

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 ~~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;

4

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.

6

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.

7

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)~~.

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 ~~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

6

~~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.

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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.

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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

6 **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;

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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 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;

REDLINED

ii. Document the lawful objective for detention and/or seizure;
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.

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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.

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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.

6

REDLINED

2-56-4 Reporting Procedures

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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.~~

7

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

REDLINED

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;

REDLINED

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

3-

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

REDLINED

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

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minimum amount of force that was reasonable, 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 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.

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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 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.

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5. Visually inspect Department personnel 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, 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:

    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;

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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, 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;

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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 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

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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.

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 that was 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

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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.
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.

N/A

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.

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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:
   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;

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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;
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.

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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.

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.

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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 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 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.

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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, 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.

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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 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.

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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;
   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

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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.
   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 MATFmatf or CID to forward the investigation to the appropriate prosecuting authority(s).

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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.

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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 that was reasonable~~ and necessary~~, based on the totality of the circumstances to bring about a lawful objective.

The Department categorizes force based on the level of force used and the ~~risk of~~ injury or ~~actual~~ 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.

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~~ 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;

5

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~~ **~~2-57-8Review 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 that 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.

5

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 10~~9 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

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MATFmatf 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.

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