



**2-53**    USE OF FORCE: DEFINITIONS

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

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

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

- SO 21-02 Amendment to SOP 2-53 Use of Force-Definitions, Definition of “Levels of Resistance”
- SO 21-59 Amendment to SOP 2-53 Use of Force-Definitions, Definition of “De-escalation”
- SO 21-XX (Placeholder: Amendment to SOP 2-53 Use of Force-Definitions, Definition of “Rendering Aid”)

**2-53-1**    Purpose

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

**2-53-2**    Policy

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

**N/A**    **2-53-32**    Definitions

A. Complaint of Injury or Pain



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

~~A~~. B. Critical Firearm Discharge

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

~~B~~. C. Deadly Force

~~A~~ Deadly force is any use of force that is likely to cause death or serious physical injury and is defined as follows includes but is not limited to:  
~~as listed in SOP Use of Force General ("Deadly Force is" Section).~~

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



SOP Use of Tire Deflation Devices; or

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

~~4.~~

D. Deficient Review

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

~~G.~~

D.E. De-escalation

~~1.~~

~~An action to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques, including active listening skills, tone of voice, announcement of actions, body posture, personal space, eye contact, and empathy and compassion to promote officer and individual safety, consistent with SOP Response to Behavioral Health Issues.~~  
An action to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques, including active listening skills, tone of voice, body posture, personal space, eye contact, and empathy and compassion to promote officer and individual safety, consistent with ~~(See SOP —Response to Behavioral Health Issues.)~~

~~1.~~

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

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

F. Empty-Hand Takedown

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

~~1.~~

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

F.G. Empty-Hand Technique



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

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

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

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

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

~~4.~~ The use of an escort technique involves the application of a "C-clamp" to the wrist notch and triceps notch of the individual's arm. The escort is applied to maintain physical control to move a compliant individual to meet the officer's objective.

J. Exigent Circumstances

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

~~H.K.~~ K. Feasible

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

~~H.L.~~ L. Force

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

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

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



necessary.

~~K.~~ N. Hard Object

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

~~L.~~ O. Immediate Threat

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

~~1.~~

~~M.~~ Imminent Threat

~~A.~~

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

P. Individual

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

P. Injury

~~P.~~

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

Q. Involved Officer

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

~~Q.~~ R. Levels of Force

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

a. This includes techniques that are not reasonably expected to cause injury, do



not result in an actual injury, and are not likely to result in a complaint of injury (i.e.g., pain compliance techniques and resisted handcuffing).

~~b. Shows of force, including: pointing a firearm, beanbag shotgun, 40 millimeter impact launcher, Oleoresin Capsicum (OC) spray, or ECW at an individual, or using an ECW to "paint" an individual with the laser sight or utilizing a warning arc. A show of force is reportable as a Level 1 use of force.~~

b. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering providing minimal resistance, unless it results in an injury or a complaint of injury.

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

c.

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

a. Level 2 use of force includes:

~~a.~~

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

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

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

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

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

v. Strikes and attempted strikes with impact weapon systems;

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

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

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

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

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

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

~~2.~~

~~2.~~



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

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

a. Level 3 use of force includes:

i. Use of deadly force;

~~ii.~~

ii. Critical firearm discharges;

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

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

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

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

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

~~viii.~~ v. Three or more applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers;

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

~~x. Neck holds;~~

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

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

~~xi. and and~~

ix. Any Level 2 use of force against a handcuffed individual;

~~If a Horse Maneuver results in, or could reasonably result in, serious physical injury, hospitalization, or death, it shall be investigated as a Level 3 use of force, consistent with SOP Use of Force: Review and Investigation by Department Personnel;~~

~~xii.~~

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

xi. Use of the PIT maneuver above 35 mph.

S. Levels of Resistance

1. Passive Resistance

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



~~object, linking arms to another during a protest or demonstration, or verbally signaling an intention to avoid or prevent being taken into custody).~~

Non-compliance with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.

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

2. Active Resistance

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

T. Low-Level Control Tactics

~~1. Physical interactions meant to guide and/or control an individual that do not constitute a reportable use of force. Low level control tactics include, but are not limited to:~~

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

a. Escort techniques, touching, use of control holds, or handcuffing an individual or person with no or minimal resistance (e.g., tensing of arm muscles or turning or pulling away that does not escalate to a reportable use of force), which does not cause pain and is not reasonably likely to cause pain or injury;

~~and  
Using hands or equipment to stop, push back, separate, or escort a person in a manner that does not cause pain, and is not reasonably likely to cause any pain or injury.~~

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

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

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

U. Low Ready

~~1. Low ready is a~~ A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or bean bag shotgun, in which the muzzle of the weapon is not covering an individual and the trigger finger is outside the trigger guard and straight





along the frame. The angle of the low ready is based on the distance from the individual. A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual.

V. Material Discrepancy

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

~~W.~~ W. Minimum Amount of Force Necessary

~~4.~~ The lowest level of force within the range of objectively reasonable force that is necessary to make an arrest or to achieve a lawful objective without increasing the risk to the officer or others.

~~W.X.~~ W.X. Necessary Force

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

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

~~4.~~ This term refers to the following types of holds: a carotid restraint hold; a lateral ~~a~~ vascular neck restraint; ~~a choke hold that inhibits breathing by compression of the airway in the neck;~~ or a hold with a knee or other object to the individual's neck. A neck hold is considered deadly force.

~~2.~~ Incidental contact, pressure point contact, touching, guiding, or controlling on the back of the neck do not constitute a neck hold. For more information on carotid restraint holds and lateral vascular neck restraint, refer to the definition of "vascular neck restraint" ~~below.~~

~~A. Complaint of Injury or Pain~~

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

Z. Non-force Complaint of Pain from Handcuffing

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

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

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



reportable use of force.

AA. Participating

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

BB. Person

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

CC. Potential Threat

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

~~Y. Proportional Force~~

~~1. Force is proportional when it includes consideration of the totality of the circumstances surrounding the situation, including the presence of articulable imminent danger to the officer or others. Force is proportional when, considering the articulable totality of the circumstances, it corresponds to the amount of force necessary given the resistance of or force used by the individual.~~

~~2. The use of proportional force by an officer does not require the use of the same type or amount of force as that used by the individual.~~

~~Z. DD. Reasonable Force~~

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

EE. Rendering Aid

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

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



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

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

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

~~CC.HH.~~ HH. ~~S~~Show of Force

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

II. Transitory Pain

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

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

~~4.~~ The application of pressure to the carotid arteries and jugular veins at the sides of the neck that results in diminished blood flow to the brain. When applied properly this diminished blood flow generally leads to unconsciousness. If applied improperly, the use of this technique could potentially result in death.

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

~~Witness Officer~~

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