



2-54 Intermediate Weapon Systems

2-54-1 Purpose

To identify the Intermediate Weapon systems utilized by officers of the Albuquerque Police Department and establish directives for officers in the use and deployment of those Intermediate Weapons.

2-54-2 Policy

Intermediate Weapons are less-lethal options available to officers, executing lawful objectives, which are designed to produce pain and incapacitating effects. Intermediate Weapons are intended to overcome resistance or stop the threatening actions of an individual and/or control a situation without causing death or Serious Physical Injury. There is always a risk that an Intermediate Weapon will cause an unintended or unforeseen injury, or death, even when the weapon is deployed as intended. Officers must exercise restraint in the use of Intermediate Weapons, employing De-escalation techniques whenever possible.

Their use must be reasonable, necessary, and proportional, and permitted under Department policy.

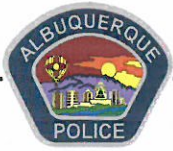
2-54-3 Intermediate Weapons: Use and Considerations

A. Requirements to Carry and Qualify

1. Officers shall carry only Intermediate Weapons that are issued by the Department.
2. Officers shall not be issued and carry any Intermediate Weapon unless the officer has been trained on the weapon and is certified.
3. Uniformed officers shall carry the Electronic Control Weapon (ECW) and Oleoresin Capsicum (OC) Spray on their duty belts.
4. The expandable baton is an optional Force tool and must be worn on the officer's duty belt.
5. Officers and supervisors assigned to specialized units may carry Intermediate Weapons as dictated by their responsibilities. The commander of each unit will ensure that officers carry Intermediate Weapons according to the unit's standard operating procedures.

B. Use Guidelines

1. Intermediate Weapons shall be used in accordance with the Department's Use of Force policies (See, SOP 2-52 Use of Force—General and SOP 2-53 Use of Force—Definitions).



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-54

OPA Draft as of July 23, 2018

2. The use of an Intermediate Weapon must be reasonable, necessary, and proportional in order to bring about a lawful objective.
3. Officers shall issue a verbal warning to an individual and allow that person a reasonable time to comply with the warning prior to deploying any Intermediate Weapon, unless doing so would place an officer or other person at increased risk. (e.g., "Stop or you will be tased!").
4. Officers shall give a verbal announcement in order to notify officers on scene that an Intermediate Weapon is about to be used (e.g. "Taser, taser!", "Beanbag, beanbag!"). The purpose of the verbal announcement is to avoid the possibility of firearms discharge by other officers due to a sympathetic or startle reaction from other officers on scene.
5. Officers shall consider that there are individuals who are more susceptible to injury as a result of using an Intermediate Weapon. These high-risk individuals include visibly pregnant women, young children, elderly persons, frail persons, individuals exhibiting signs of excited delirium, and individuals with low body mass.

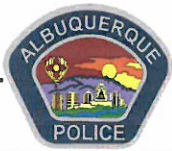
C. Reporting

Officers shall report the use of Intermediate Weapons in accordance with APD Procedural Order 2-56.

2-54-4 Oleoresin Capsicum (OC) Spray

A. OC Spray: Use Guidelines

1. Officers are authorized to deploy OC spray when such Force is reasonable, necessary, and proportional to control an actively resistant individual or to protect the officer or another party from an Immediate Threat.
2. Officers shall not use OC spray to overcome Passive Resistance by nonviolent and/or peaceful protestors, absent exigent circumstances, such as where there is imminent danger to life or property.
3. After deploying OC spray, officers shall avoid the risk of positional asphyxia caused by the individual being forced into a face-down position. Officers shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained, and it is safe to do so. Officers shall monitor the individual for any respiratory or breathing problems or change in mental status, e.g., loss of consciousness, confusion, difficulty speaking.
4. Officers shall direct OC spray at the specific individual(s) who are posing a threat, attempting to minimize exposure to others.



5. Officers shall consider other Intermediate Weapons options if OC spray appears to be ineffective.
6. Using OC spray on an animal is permissible to deter an attack or to prevent injury to an officer or others. Using OC spray on an animal shall be documented in an incident report.

B. Medical Attention After the Use of OC Spray

1. As soon as the scene is secure, and it is safe to do so, officers shall summon medics following the use of OC spray.
2. If the individual was exposed in a confined space, officers shall remove the individual as soon as possible from the contaminated area and expose the individual to fresh air.

2-54-5 Electronic Control Weapon (ECW)

A. ECW Modes

Officers have three options for ECW deployment. The choice of mode used shall depend upon the facts and circumstances at the time of deployment and the guidelines and restrictions set forth below. These are the three operational modes:

1. Show of Force Mode (Reviewed)

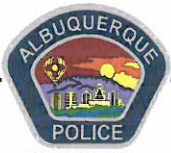
Drawing the ECW and using the laser sight to "paint" the individual and/or utilizing a warning arc. "Painting" involves intentionally pointing the device at an individual and utilizing the laser sight to target the individual.

A Show of Force by an officer will be reviewed by that officer's on-duty supervisor as set out in Department Procedural Order 2-56.

2. Drive Stun Modes

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

- a. Drive stun only – This technique involves removing the cartridge from the device and pressing it against the individual while it's energized, causing pain but minimal or no neuro-muscular incapacitation. This technique is solely a pain compliance technique and is prohibited.
- b. Follow-up Drive Stun – This technique is used as a follow-up to a probe deployment and is conducted with the cartridge on the ECW. It can increase the effectiveness of the ECW by increasing the spread between the connections in the event of a close-quarter probe deployment, completing the



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-54

OPA Draft as of July 23, 2018

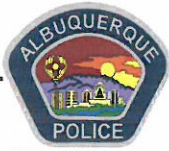
circuit in the event of a clothing disconnect or when only one probe has made a connection with the individual.

3. Standoff Mode

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

B. ECW Use Guidelines

1. Officers shall issue a verbal warning to an individual, and allow that person a reasonable time to comply with the warning prior to deploying any ECW, unless doing so would place an officer or other person at increased risk. (e.g., "Stop or you will be tased!").
2. Upon using the device, the officer shall apply the ECW no longer than reasonably necessary, to accomplish a lawful objective. Upon applying the device, back-up officers should attempt to handcuff the individual during the cycle (i.e., handcuffing under power) to reduce the risk of injury to the individual and officers.
3. Officers shall independently justify the reasonableness of each standard ECW cycle (five seconds) or continuous cycle exceeding five seconds. After one standard ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are necessary.
Continuous cycling of ECWs is permitted only under exceptional circumstances, such as, where it is necessary to handcuff an individual under power (e.g., where the individual is armed and it would be unsafe to evaluate a subsequent cycle). Back-up officers should attempt hands-on control tactics during ECW applications, including handcuffing the individual during an ECW application (i.e., handcuffing under power).
4. Officers shall consider other available Force options before deploying an ECW on potentially at-risk individuals. ECWs should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or others.
5. In standoff mode, center mass of the individual's back should be the primary target area when possible. In situations where a frontal deployment is the only available option, low center mass and/or the legs should be the targeted area, if Feasible. Officers shall not intentionally target an individual's head, neck, or genitalia, except where Lethal Force would be permitted.
6. ECWs shall not be used solely as a pain compliance technique. ECWs may be utilized as a follow-up drive stun to a probe deployment in order to complete the circuit.



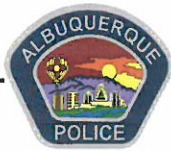
7. If an officer becomes involved in a physical confrontation with an individual which necessitates a close-quarter deployment of the ECW, the officer may utilize the ECW in drive-stun mode with the cartridge on the device in order to disengage from the individual, create distance, and consider other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

C. ECW Restrictions

Using the ECW is considered a less-lethal level of Force unless other variables are present (as described below), which may increase the likelihood of Serious Physical Injury to the individual because of the secondary impact. Decisions to use an ECW must be reasonable, necessary, and proportional given the totality of the circumstances.

The following restrictions, considerations and conditions apply:

1. Officers must never use the ECW in a punitive or coercive manner.
2. Exposure to the ECW for longer than fifteen (15) seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or Serious Physical Injury and is considered a Level 3 Use of Force. Officers shall also weigh the risks of subsequent or continuous cycles against other Force options.
3. Officers shall not use the ECW on a passively resistant individual.
4. Officers shall not use the ECW on handcuffed, restrained, or subdued individuals unless doing so is necessary to prevent them from causing Serious Physical Injury to themselves or others, and if lesser attempts of control have been ineffective.
5. As a result of the incapacitating effects of the ECW, individuals may lose the ability to protect themselves from injury in a fall. This increases the potential for Serious Physical Injury from the secondary impact.
6. ECWs shall not be used in any environment where an officer knows or reasonably should know that potentially flammable, volatile, or explosive materials are present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane).
7. Using the ECW based solely on the fact that an individual is fleeing an officer making a lawful detention or arrest is generally not authorized. However, the totality of the circumstances, including the severity of the offense, whether the individual is actively resisting or attempting to evade arrest and whether the individual poses an Immediate Threat to officers, others, or themselves, may justify ECW use under these conditions. (See Department Procedural Order 2-52). Officers shall consider all such factors before using an ECW on a fleeing individual.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-54

OPA Draft as of July 23, 2018

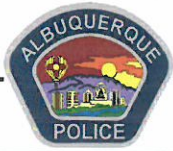
8. ECWs shall not be used where such deployment poses a substantial risk of Serious Physical Injury or death from situational hazards, except where Lethal Force would be permitted. Situational hazards include falling from an elevated position, drowning, and losing control of a moving motor vehicle or bicycle.
9. An officer shall not simultaneously point both an ECW and a firearm at an individual.
10. Authorized devices shall consist only of those devices issued and approved by the Department. Personally owned ECWs are not authorized for duty carry.

D. Holstering and Securing the ECW

1. Under no circumstances shall the ECW holster be located on the duty belt next to, or on the same side as, an officer's firearm. The ECW shall be carried on the support side, also known as the "weak side," while on duty to reduce the chance of accidentally drawing and/or firing a firearm.
2. ECWs shall be secured in a Department-issued or approved personal holster.
3. All authorized sworn, uniformed officers, unless specifically exempted by the Chief of Police, shall carry the ECW in the holster on their person at all times while on duty.
4. All authorized sworn, non-uniformed personnel issued an ECW shall carry the device during the performance of any law enforcement function involving public contact unless otherwise exempted by their commander.

E. ECW Post-Deployment Guidelines and Requirements

1. The deploying officer shall immediately notify his or her immediate supervisor, or if unavailable, the next available on-duty supervisor, by radio dispatch as soon as practical after deploying the ECW. The supervisor shall respond to the scene.
2. Officers who deploy ECWs shall call Albuquerque Fire Rescue (AFR) personnel to the scene to provide medical treatment. AFR shall determine, per their protocol, if the individual needs to be transported to a medical facility for high-risk/sensitive probe removal and/or other medical care. If it is determined that the individual should be transported, transportation shall be provided as soon as practicable. Absent exigent circumstances, probes shall be removed only by medical personnel.
3. If medical personnel determine that the individual requires medical transport, supervisors shall ensure that an officer accompanies the individual to the medical facility.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-54

OPA Draft as of July 23, 2018

4. The primary officer or designee shall request a crime scene specialist to respond to the scene.
5. The deploying officer or designee shall monitor any individual who has received an ECW application while in police custody, scanning for impaired respiration and signs of positional asphyxia per current training guidelines. (See SOP 2-82 – Restraint and Transportation of Prisoners)
6. The deploying officer shall inform responding medics about any individuals who have been subjected to an ECW application that may be under the influence of drugs, are exhibiting symptoms associated with excited delirium, or have been kept in prone restraints after ECW use.
7. Officers shall independently justify the reasonableness of each cycle in the Use of Force Report.

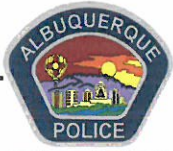
F. Unintended Discharge of the ECW

1. In the event an officer experiences an unintended discharge of an ECW cartridge, the officer shall immediately notify his or her immediate supervisor or, if unavailable, the next available on-duty supervisor.
2. The ECW data shall be downloaded prior to the beginning of the officer's next shift.
3. The responding supervisor shall assume investigative responsibility for the unintentional discharge.
4. The officer shall document the unintended discharge in an offense/incident report, including the serial number of the ECW cartridge discharged.
5. If an individual is hit by an unintentionally deployed probe, the use shall be reported by the involved officer, documented and investigated as set out in Department Procedural Order 2-56.

G. Use of ECW on Dangerous Animals

1. Officers may deploy the ECW on dangerous animals that pose a threat to officers or others.
2. If an officer is required to deploy an ECW against a dangerous animal, the officer shall notify his or her immediate supervisor regarding the deployment once the scene has been secured.
3. The primary officer or designee shall immediately contact Animal Control when officers successfully deploy an ECW against an animal.

2-54-6 Baton (Expandable/Straight or Bokken)



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

1. Officers are authorized to deploy the baton when such Force is reasonable, necessary and proportional in order to protect the officer or another individual from an Immediate Threat.
2. The use of straight batons is authorized only during field Force deployments.
3. Officers shall not intentionally strike sensitive areas, such as the head, neck, or groin. Preferred target areas are the arms, legs, or torso.
4. Impact weapons other than the baton (Expandable/Straight or Bokken) are prohibited by the Department unless exigent circumstances exist.
5. Officers shall not intentionally strike the head, neck or throat of an individual with a hard object, except where Deadly Force is justified.
6. Officers shall not use their firearm as an impact weapon, due to the possibility of unintentional discharge and/or the possibility that it could result in the Serious Physical Injury or death to the officer, the individual, or others.

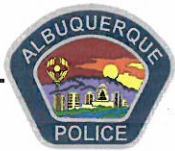
B. Medical Attention After the Use of the Baton (Expandable or Straight)

1. Following the use of an Expandable/Straight or Bokken baton officers shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. Refer to APD Procedural Orders 2-52-4(6)(F).
2. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-7 Beanbag Shotgun

A. Beanbag Shotgun: Use Guidelines

1. The beanbag shotgun may be deployed when an individual presents an Imminent Threat to an officer or others.
2. In potentially Lethal Force situations, officers shall have a lethal cover officer when deploying less-lethal impact munitions.
3. The optimal range for the 12-gauge beanbag round is 20 to 50 feet.
4. The maximum effective range for the 12-gauge beanbag round is 75 feet.



5. At distances between 50-75 feet, the effectiveness and accuracy of the beanbag shotgun start to diminish.
6. The beanbag shotgun shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.

B. Beanbag Shotgun: Restrictions

1. Absent deadly Force situations, officers shall not intentionally target an individual's head, neck, or chest.
2. Officers must understand that there is an increased risk of Serious Physical Injury when deploying inside 20 feet.
 - a. At distances inside 20 feet, officer should consider transitioning to other Force options (i.e. expandable baton, TASER).
3. Officers shall consider other available Force options before deploying a beanbag round on potentially at-risk individuals. Beanbag rounds should not generally be used against visibly pregnant women, elderly persons, young children, or frail persons.

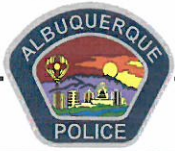
C. Medical Attention After the Use of a Beanbag Shotgun

1. Following the use of a beanbag shotgun officers shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. Refer also to APD Procedural Orders 2-52-4(6)(F).
2. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-8 40mm Impact Munition Launcher

A. 40mm Impact Munition Launcher: Use Guidelines

1. The 40mm Impact Munition Launcher may be deployed when an individual presents an Imminent Threat to an officer or others.
2. In potentially Lethal Force situations, officers shall have a lethal cover officer when deploying less-lethal impact munitions.
3. The optimal energy range for the 40mm impact munition is 5 to 120 feet.
4. The maximum effective range for the 40mm impact munition is 120 feet.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-54

OPA Draft as of July 23, 2018

5. At distances beyond 120 feet, the effectiveness and accuracy of the 40mm impact munition starts to diminish.
6. The 40mm Impact Munition Launcher shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.

B. 40mm Impact Munition Launcher: Restrictions

1. Absent deadly Force situations, officers shall not intentionally target an individual's head, neck or chest.
2. Officers must understand that there is an increased risk of Serious Physical Injury when deploying inside 5 feet.
 - a. At distances inside 5 feet, officer should consider transitioning to other Force options (i.e. expandable baton, TASER).
3. Officers shall consider other available Force options before deploying a 40mm impact munition on potentially at-risk individuals. 40mm impact munition should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or others.

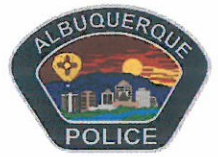
C. Medical Attention After the Use of a 40mm Impact Munition Launcher

1. Following the use of a 40 impact munition launcher officers shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. Refer also to APD Procedural Orders 2-52-4(6)(F).
2. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-9 Intermediate Weapons Approved For Use By Specialized Units (e.g., SWAT, ERT)

Intermediate Weapons approved for use by specialized units shall be used in accordance with the Department Use of Force policies and their unit procedural orders.

Policy Development Form
Office of Policy Analysis



Name and Title: Commander Robert Middleton

Phone: 401-2234

Email: Rmiddleton@cabq.gov

SOP: 2-54 Use of Force Intermediate Weapons

Date Completed: July 18, 2018

In order to gain a clear understanding of the reason for the policy change, please answer the questions below with as much detail as possible as this information will be shared with internal and external stakeholders interested in participating in APD's policy development process.

Explain the rationale or purpose for the new policy or amended policy? Example: Best practices, case law, liability, conflicts with other policies or regulations, CASA related.

With the Joint Stipulation becoming effective on April 19, 2018, it was essential to write a new Intermediate Weapons policy. We researched best practices from Seattle, Cleveland, and Baltimore.

What is the policy intended to accomplish? Explain the general intent with respect to the specific topic of the policy.

The intent of the policy is to identify for all APD personnel the Intermediate Weapon systems utilized by APD and establish the directives for officers in the use and deployment of those Intermediate Weapons.

How will the policy be measured to determine its effectiveness? (Example: Will data be collected, if so, in what format and who will maintain the information?)

IAFD personnel will investigate all Level 2 and 3 Uses of Force. IAFD detectives will document whether the use of Intermediate Weapons were used within policy and did not violate any criminal law, training, or tactics. The PRU will do the same with Level 1 Uses of Force.

Please list any references used to draft the policy such as policies from other agencies, case law, directives from the CASA, research papers, etc.

We researched Use of Force Policies from Seattle, Cleveland, and Baltimore. We relied heavily on the CASA for the language of this policy. For example; paragraphs 24 through 38 explain the directives for the ECW, and that language is reflected in this policy.

Please submit this form to OPA@cabq.gov

If you need assistance completing this form, and for any questions or concerns please contact your SOP liaison @ adgarcia@cabq.gov.

Updated 06/20/2018