



## **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### **Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**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
- 2-53 Use of Force: Definitions
- 2-45 Pursuit by Motor Vehicle
- 5-1 Special Investigations Division

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)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 Vehicle Containment Technique (VCT) when there are reasonable grounds to believe the individual presents a clear and imminent threat of death or serious injury to others, and probable cause exists that the individual poses a clear and imminent threat to the safety to the public 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.

**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.

**B. Undercover Officer**

Pursuant to an approved undercover investigation, any officer or detective who works in a covert manner who obtains information about individuals or organizations by developing ongoing relationships with individuals or organizations.

**C. 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 movement to decrease the likelihood of a vehicle pursuit to take the individual into custody. A certified ISD detective initiates a VCT while conducting mobile surveillance in an unmarked Department-issued vehicle. Depending on the totality of the circumstances, the certified ISD detective may make contact with the individual's vehicle when using the VCT.

**D. Violent Felony Crime**

1. For the purpose of this policy, "violent felony crime" means:

- a. Homicide;
- b. Criminal sexual penetration;
- c. Robbery with a deadly weapon;
- d. Kidnapping or false imprisonment;
- e. Felony aggravated battery that causes a life-threatening injury or death; and



- f. Aggravated assault with a deadly weapon.

**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 an accredited training program; and
  - b. Demonstrate continued proficiency to conduct a VCT or SCT through additional quarterly training and practical applications.
2. ISD unit supervisors shall maintain a VCT and SCT training and certification log for each officer that is 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 sworn 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 that are 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. Use 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 classifications and additional duties).

N/A

**5** C. ISD Supervisor Responsibilities

1. An ISD supervisor shall:



- a. Before authorizing all involved 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.

**6** D. Vehicle Containment Technique (VCT)

1. Before conducting a VCT, certified ISD personnel shall verify that one (1) or more of the following criteria is met:

- a. There are reasonable grounds to believe an individual presents a clear and imminent threat that would cause a life-threatening injury or death;
- b. Certified ISD personnel have probable cause to believe the individual(s) poses a clear and 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 one (1) or more of the following criteria is met:

- 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;



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- 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 (refer to SOP Use of Force: Definitions for sanction classifications and additional duties).

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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.

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.
  - b. The supervisor shall:
    - i. Conduct a non-use of force investigation;
    - ii. Investigate the in-custody individual's alleged injuries; and
    - iii. Submit the findings through the Internal Affairs (IA) database web application.
- 3. If the individual uses their vehicle to make contact with a Department-issued vehicle, the case agent shall charge the individual appropriately.