

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Thursday, June 13, 2024 at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Shama Newton, Board, Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA

Members Present:

Aaron Calderon, Chair
Rowan Wymark, Vice Chair
Zander Bolyanatz
Gail Oliver

Members Absent:

Shama Newton
(unexcused)

Others Present In-Person:

Diane McDermott, CPOA
Valerie Barela, CPOA
Emily Selch, CPOA
Gabe Remer, CPOA
Kelly Mensah, CPC
Robert Kidd, Independent Counsel
Chris Sylvan, City Council
Lindsey Rosebrough, Managing City Atty.
Cmdr. Scott Norris, APD
Cmdr. Kenneth Johnston, APD
Lt. Troy Nicko, APD
Jeffrey Bustamante, ACS

Others Present via Zoom:

Dr. Omotayo (Ty) Olubiyi, CCO
Aja Brooks, DOJ

MEETING MINUTES

- I. **Welcome, Call to Order and Roll Call.** Chair Calderon called to order the regular meeting of the Civilian Police Oversight Advisory Board at approximately 5:01 p.m., and a roll call of members present was taken. Aaron Calderon, Zander Bolyanatz, Gail Oliver, and Rowan Wymark were present. Chair Calderon announced that Shama Newton was unexcused from the meeting.
- II. **Pledge of Allegiance.** Chair Calderon led the Pledge of Allegiance.
- III. **Approval of the Agenda**
 - a. **Motion.** Member Bolyanatz made a motion to approve the agenda. The motion was seconded by Vice-Chair Wymark. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

IV. Public Comments

- a. Daniel Williams, ACLU of New Mexico

V. Review and Approval of Minutes. For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here:

<https://www.cabq.gov/cpoa/police-oversight-board/police-oversight-board-agenda-meeting-minutes>

a. May 7, 2024

1. A website link was distributed to each Board member to review the draft minutes from the Civilian Police Oversight Advisory Board's regular meeting on May 7, 2024.
2. **Motion.** A motion was made by Member Bolyanatz to approve the minutes as written. The motion was seconded by Chair Calderon. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

VI. Appeal

- a. None.

VII. Reports from City Departments:

a. APD

1. **Internal Affairs Professional Standards (IAPS)**– *Acting Commander Kenneth Johnston*

- i. A document titled APD Internal Affairs Professional Standards (IAPS) Division Monthly Report May 2024 was distributed to CPOA Board members electronically. (*See attached*)

2. **Internal Affairs Force Division (IAFD)**– *Commander Scott Norris*

- i. A document titled APD Monthly Use of Force Report May 2024 was distributed to CPOA Board members electronically. (*See attached*)

b. **ACS**– *Jodie Esquibel, Deputy Director*

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal report on the following:
 - ACS summer of non-violence events

- ACS quadrant block parties
 - ACS ribbon cutting event
- c. **City Attorney-** *Lindsey Rosebrough, Managing Attorney*
1. City Managing Attorney for APD, Linsey Rosebrough, provided an oral report on the following updates:
 - The IMR-19 Court Hearing
 - City of Albuquerque’s Second Joint Motion for Partial Termination
- d. **City Council-** *Chris Sylvan, Council Services*
1. City Council Representative Chris Sylvan provided an oral report on the following:
 - City Council will resume meetings in August 2024
 - Monitor site visits
- e. **CPC-** *Kelly Mensah, CPC Liaison*
1. CPC Liaison Kelly Mensah provided an oral report on the following:
 - CPC meeting community and stakeholder engagement
 - CPC community outreach efforts
 - CPC Council of Chairs upcoming meeting
 - ARC Mental Health Conference
- f. **Mayor’s Office-** *Doug Small, Director of Public Affairs*
1. No one from the Mayor’s Office was present.
- g. **CPOA Executive Director – Diane McDermott**
1. **CPC 004-24 Non-Concurrence Memo**
 - a. Executive Director McDermott provided the Board with a copy of CPC 004-24 non-concurrence memo from the APD Office of Police Reform, and orally summarized the CPC complaint along with the non-concurrence rationale from the APD Office of Police Reform.
(See attached)
 2. Ms. McDermott provided an oral report on the following:
 - CPOA Complaints received from April 30, 2024 through June 3, 2024
 - Board Member NACOLE travel and training requirements

- MOU for UOF Board material review
- CPOA staffing

VIII. Reports from CPOAB Subcommittees:

a. Policy and Procedure Review Subcommittee – *Gail Oliver*

1. No Meeting was held on June 6, 2024 at 3 p.m.
2. Update on APD Policy Meetings
 - A. Member Oliver reported that the Policy and Procedure Review Committee did not meet on June 6, 2024, due to a lack of quorum.
 - B. Chair Calderon noted that Vice Chair Rowan will be assigned to the Policy and Procedure Review Subcommittee.
3. Next Meeting: July 1, 2024 at 3 p.m.

b. Ad Hoc Rules Subcommittee – *Zander Bolyanatz*

1. Met: May 15, 2024 and May 29, 2024 at 4 p.m.
2. Update on Ad Hoc Rules Committee meetings
 - A. Member Bolyanatz reported that the Ad Hoc Rules Committee is finalizing the draft Board Policies and Procedures.
3. Next meeting: June 26, 2024 at 4 p.m.

II. Discussion and Possible Action:

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

1. SOP 2-52 (Formerly 3-45) Use of Force General
 - i. Recommendation and public comment for SOP 2-52
 - A. Emily Selch, CPOA Data Analyst (*see attached*)
 - B. Daniel Williams, ACLU of New Mexico (*see attached*)
 - C. Member Bolyanatz inquired into a Use of Force Level 3, specifically regarding involuntary bites by police service dogs.
 - D. Scott Norris, APD Commander, provided an oral overview of APD training for involuntary bites by APD service dogs.
 - E. **Motion.** A motion was made by Chair Calderon to approve the APD Forward Coalition recommendation number 2, Related SOP, and have SOP 2-57 included in the related SOP list for the public. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

F. **Motion.** A motion was made by Chair Calderon to deny the APD Forward Coalition recommendation number 3, related to SOP 2-52-2 Policy. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

G. **Motion.** Member Bolyanatz moved to deny APD Forward Coalition recommendation number 4, related to SOP 2-52-4 Core Principles Section A. Chair Calderon seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

H. Scott Norris, APD IFAD Commander, provided commentary on SOP 2-52-4 and elaborated on the sanctity of life and Graham v. Conner.

I. **Motion.** Member Calderon motioned to deny APD Forward Coalition recommendation number 5, related to 2-52-4, Core Principles, Section B, excluding the language defining the totality of the circumstances in SOP 2-53 in APD Forward Coalition recommendation number 5. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

J. **Motion.** Chair Calderon motioned to recommend adding the definition of totality of circumstances to SOP 2-53 and to direct the CPOA to make the recommendation for the CPOA Board. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

K. **Motion.** Chair Calder motioned to approve the SOP 2-52-5-D-2-a recommendation from the CPOA Analyst and recommend APD take into account the document from APD Forward Collation for SOP 2-52. The motion was seconded by member Oliver. The motion was carried by the following vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

L.Motion. Chair Calder motioned to approve the SOP 2-52-5-D-2-a recommendation from the CPOA Analyst and recommend APD take into account the document from APD Forward Collation for SOP 2-52. The motion was seconded by member Oliver. The motion was carried by the following vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

M.Motion. Chair Calderon motioned to recommend adding the definition of totality of circumstances to SOP 2-53 and to direct the CPOA to make the recommendation for the CPOA Board.

Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

2. SOP 2-53 Use of Force Definitions

i. Recommendations and public comment for SOP 2-53 Use of Force Definition

1. Emily Selch, CPOA Data Analyst (*see attached*)
2. Member Bolyanatz inquired about the seven (7) active listening skills in SOP 2-53.
3. Scott Norris, APD Commander, orally presented an overview of the mandatory APD training related to the seven (7) active listening skills.
4. **Motion.** Member Bolyanatz motioned to approve all of the recommendations from the CPOA Analyst for SOP 2-53. Vice Chair seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

3. SOP 2-54 Use of Force Intermediate Weapon Systems

i. Recommendation(s) and public comment for SOP 2-53

1. Emily Selch, CPOA Data Analyst (*see attached*)

2. Motion. A motion by Chair Calderon to approve the CPOA Analyst recommendation and that the language in the policy remains as is and held to the same standard as Police Officers from APD. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

4. SOP 2-55 Use of Force De-escalation
 - i. Recommendation(s) and public comment for SOP 2-55
 1. Emily Selch, CPOA Data Analyst (see attached)
 2. Member Bolyanatz inquired about the seven (7) active listening skills in SOP 2-53.
 3. Scott Norris, APD Commander, orally provided an overview of the mandatory training related to the seven (7) active listening skills.
 4. **Motion.** Member Bolyanatz motioned to approve CPOA Data Analyst 2-55-4-B-5-a recommendation. Chair Calderon seconded the motion. The motion failed due to the following roll call vote.

For: 2 – Bolyanatz, Wymark

Against: 2 – Calderon, Oliver

5. SOP 2-56 Use of Force Reporting by Department Personnel
 - i. Recommendations and public comment for SOP 2-56
 - A.Emily Selch, CPOA Data Analyst (*see attached*)
 - B.Scott Norris, APD Commander, provided feedback on recommendations provided by the CPOA Analyst for SOP 2-56.
 - C.**Motion.** Chair Calderon made a motion to approve CPOA Data Analyst recommendations for SOP 2-56. The motion was seconded by Member Bolyanatz.

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

i. Recommendations and public comment for SOP 2-56

A. Emily Selch, CPOA Data Analyst (*see attached*)

B. **Motion.** A motion was made by Member Bolyanatz to approve CPOA Data Analyst recommendations for SOP 2- Chair Calderon seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

C. Member Bolyanatz inquired into meaning the word “related” in SOP 2-57-4-B-1.b.

D. Scott Norris, APD commander, provided feedback related to SOP 2-57-4-B-1.b.

E. Lindsey Rosebrough, APD Legal, provided feedback related to SOP 2-57-4-B-1.b.

F. **Motion.** A motion was made by Member Bolyanatz to add to SOP 2-57 to add policy 1-1 Personal Code of Conduct to be related to SOP 2-57. The motion was seconded by Chair Calderon.

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

***** A Dinner Break began at 7:01 p.m., and the meeting convened at 7:32 p.m. *****

III. Serious Use of Force Case:

a. APD Case #: 23-0050108

1. Chair Calderon read aloud a summary of Serious Use of Force (SUOF) APD Case #23-0050108.
2. Executive Director McDermont provided her assessment of SUOF APD Case #23-0050108.
3. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0050108.

4. **Motion.** A motion by Chair Calderon that the Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case 23-0050108. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

IV. Officer-Involved Shooting Case:

- a. APD Case #: 23-0047865
 1. Chair Calderon read aloud a summary of Officer-Involved Shooting (OIS) Case #23-0047865.
 2. Executive Director McDermont provided her assessment of OIS Case #23-0047865.
 3. Chair Calderon facilitated Board member feedback on the OIS Case #23-0047865.
 4. **Motion.** A motion by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of the APD Internal Force Division investigation for APD Case 23-0047865. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Bolyanatz, Calderon, Oliver, Wymark

V. CPOA Board’s Review of Garrity Materials: [Standing Item]

- a. None.

VI. Meeting with Counsel re: Pending Litigation or Personnel Issues: [Standing Item]

a. Discussion and Possible Action re:

1. CLOSED SESSION pursuant to Section 10-15-1(H)(7), NMSA 1978, excluding meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant from the requirements of the NM Open Meetings Act.

- i. None

VII. Other Business

- a. Chair Calderon reminded the Board to update their Board member training spreadsheet. The Executive Director reiterated that the Board could take CPA classes in the fall
- b. Chair Calderon requested that Board members filter all Board member issues or requests through the Chair for dissemination to the CPOA.

VIII. Adjournment

- a. **Motion.** A motion by Chair Calderon to adjourn the meeting at 7:53 p.m. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

- b. The meeting was adjourned at 7:53 p.m.

DRAFT

APPROVED:

Aaron Calderon, Chair
Civilian Police Oversight Advisory Board

Date

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

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

DRAFT

ATTACHMENTS

DRAFT



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
APD Use of Force Review
PUBLIC COMMENT
SIGN-IN SHEET
Thursday, June 13, 2024

NAME (PLEASE PRINT)

- | | |
|---------------------------|-----------|
| 1. <u>Daniel Williams</u> | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |



ALBUQUERQUE POLICE DEPARTMENT
INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS)
DIVISION MONTHLY REPORT
May 2024

Prepared by:

Data Analytics Unit
June 6, 2024

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.

INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF
May 2024



Internal Affairs Professional Standards (IAPS) is responsible for receiving and investigating allegations of misconduct made against the Albuquerque Police Department's employees. IAPS ensures a thorough, impartial, and prompt investigation of allegations to implement a transparent fact finding process and take corrective actions against the employees if investigative findings are sustained. IAPS investigates cases according to SOP 1-62: Internal Affairs Professional Standards (IAPS) Division. For more information on APD's Standard Operating Procedures, see: <https://public.powerdms.com/COA>.

The purpose of this monthly report is to provide the City administration, APD Executive staff, the City Council, Civilian Police Oversight Agency Advisory Board, and the residents of Albuquerque with the outcomes pertaining to IAPS Investigations. This report provides details on the investigations opened, completed, investigated by Area Commands, pending cases, and the average time taken (days) for case completion. It also provides data on cases with sustained/SNBOOC findings along with the discipline imposed. The report also includes information pertaining to the SOPs that were reviewed in completed investigations during the month of May 2024.

Total Cases Opened

104

Investigations opened by the Internal Affairs Professional Standards during May 2024

Total Cases Completed

122

Investigations completed by the Internal Affairs Professional Standards during May 2024

Cases Opened

[By Area Command]

48

Investigations opened by Internal Affairs Professional Standards and referred to the Area Command

Completed Cases

[By Area Command]

59

Investigations completed by the Area Command

Pending Cases

99

Investigations opened during May 2024 and are not yet completed

Average Days to Completion

78.52

Average days to completion for investigations completed during May 2024



Discipline Imposed for Investigations Completed in May 2024 (Sustained/SNBOOC Findings)

Files	Directives/SOPs	Discipline Imposed
I2023...	2.16.Reports	Verbal Reprimand
	2.16.Reports	Verbal Reprimand
	2.16.Reports	Written Reprimand
	2.60.Preliminary and Follow-Up Criminal Investigations	Closed
	2.68.Interviews and Interrogations	Suspension
	2.73.Collection, Submission, and Disposition of Evidence and Property	Suspension
	2.16.Reports	Written Reprimand
	2.8.Use of on-Body Recording Devices	Written Reprimand
	2.68.Interviews and Interrogations	Suspension
	2.60.Preliminary and Follow-Up Criminal Investigations	Suspension
	2.16.Reports	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
	2.8.Use of on-Body Recording Devices	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
I2023...	2.71.Search and Seizure Without a Warrant	Suspension
	3.14.Supervision	Suspension
	2.71.Search and Seizure Without a Warrant	Suspension
	1.1.Personnel Code of Conduct	Suspension
	1.1.Personnel Code of Conduct	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
	2.82.Restraints and Transportation of Individuals	Written Reprimand
I2023...	2.8.Use of on-Body Recording Devices	Suspension
	2.8.Use of on-Body Recording Devices	Suspension
	2.8.Use of on-Body Recording Devices	Suspension
	2.55.Use Of Force: De-Escalation	No Disciplinary Action
I2023...	1.1.Personnel Code of Conduct	Suspension
I2023...	2.57.Use of Force: Review and Investigation by Department Personnel	Suspension
I2023...	2.82.Restraints and Transportation of Individuals	Letter of Reprimand
I2023...	1.26.Special Victims Section	Suspension
	2.8.Use of on-Body Recording Devices	Written Reprimand
I2023...	2.8.Use of on-Body Recording Devices	Suspension
	1.1.Personnel Code of Conduct	Written Reprimand
I2023...	2.56.Use of Force: Reporting by Department Personnel	Written Reprimand
	2.56.Use of Force: Reporting by Department Personnel	Written Reprimand
	2.56.Use of Force: Reporting by Department Personnel	Written Reprimand
I2023...	2.47.Crash Involving Police Vehicles	Verbal Reprimand
I2023...	1.1.Personnel Code of Conduct	Suspension
I2023...	1.1.Personnel Code of Conduct	NDCA
	1.1.Personnel Code of Conduct	Written Reprimand
I2023...	2.57.Use of Force: Review and Investigation by Department Personnel	Letter of Reprimand
	2.52.Use of Force: General	Suspension
	2.52.Use of Force: General	Suspension
	2.52.Use of Force: General	Suspension
	2.52.Use of Force: General	Suspension
I2023...	2.60.Preliminary and Follow-Up Criminal Investigations	Written Reprimand
	2.60.Preliminary and Follow-Up Criminal Investigations	Written Reprimand
I2023...	2.8.Use of on-Body Recording Devices	Written Reprimand



Discipline Imposed for Investigations Completed in May 2024 (Sustained/SNBOOC Findings)

Files	Directives/SOPs	Discipline Imposed
I2023...	3.30.Line Inspection Process	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Letter of Reprimand
I2024...	1.1.Personnel Code of Conduct	Suspension
I2024...	2.47.Crash Involving Police Vehicles	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	2.57.Use of Force: Review and Investigation by Department Personnel	Written Reprimand
I2024...	3.32.Performance Evaluations	Verbal Reprimand
I2024...	2.21.Apparent Natural Death/Suicide of an Adult	Verbal Reprimand
	2.21.Apparent Natural Death/Suicide of an Adult	NDCA
I2024...	2.19.Response to Behavioral Health Issues	Verbal Reprimand
	2.19.Response to Behavioral Health Issues	NDCA
	2.19.Response to Behavioral Health Issues	Verbal Reprimand
I2024...	1.26.Special Victims Section	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	2.16.Reports	Verbal Reprimand
	1.35.Crime Scene Specialist(CSS)Unit	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.73.Collection, Submission, and Disposition of Evidence and Property	Verbal Reprimand
I2024...	2.111. Records Division Units	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.100.Emergency Communications Center (ECC) Division	NDCA
I2024...	2.8.Use of on-Body Recording Devices	Letter of Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
	2.54.Use of Force: Intermediate Weapon Systems	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Terminated
	1.1.Personnel Code of Conduct	Suspension
	1.1.Personnel Code of Conduct	Suspension
	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	2.57.Use of Force: Review and Investigation by Department Personnel	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand



Discipline Imposed for Investigations Completed in May 2024 (Sustained/SNBOOC Findings)

Files	Directives/SOPs	Discipline Imposed
I2024...	3.33.Performance Evaluation and Management System (PEMS)	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.16.Reports	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	3.33.Performance Evaluation and Management System (PEMS)	NDCA
I2024...	2.5.Department Vehicle	Written Reprimand
I2024...	2.76.Court	NDCA
I2024...	1.1.Personnel Code of Conduct	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	3.33.Performance Evaluation and Management System (PEMS)	NDCA
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.73.Collection, Submission, and Disposition of Evidence and Property	NDCA

TOP 5 Standard Operating Procedures with Sustained/SNBOOC Findings May 2024

Directives/SOPs	Count
2.76.Court	22
2.8.Use of on-Body Recording Devices	18
1.1.Personnel Code of Conduct	17
2.16.Reports	7
1.26.Special Victims Section	4



Standard Operating Procedures reviewed in completed investigations during May 2024

Directives/SOPs	Count
1.1.Personnel Code of Conduct	62
2.76.Court	35
2.52.Use of Force: General	29
2.8.Use of on-Body Recording Devices	27
2.56.Use of Force: Reporting by Department Personnel	19
2.57.Use of Force: Review and Investigation by Department Personnel	9
1.62.Internal Affairs Professional Standards (IAPS Division)	8
2.16.Reports	8
1.26.Special Victims Section	7
3.41.Complaints Involving Department Personnel	6
2.82.Restraints and Transportation of Individuals	5
3.32.Performance Evaluations	5
2.100.Emergency Communications Center (ECC) Division	4
2.5.Department Vehicle	4
2.60.Preliminary and Follow-Up Criminal Investigations	4
3.14.Supervision	4
2.19.Response to Behavioral Health Issues	3
2.47.Crash Involving Police Vehicles	3
2.54.Use of Force: Intermediate Weapon Systems	3
2.73.Collection, Submission, and Disposition of Evidence and Property	3
3.33.Performance Evaluation and Management System (PEMS)	3
2.21.Apparent Natural Death/Suicide of an Adult	2
2.55.Use Of Force: De-Escalation	2
2.68.Interviews and Interrogations	2
2.71.Search and Seizure Without a Warrant	2
1.35.Crime Scene Specialist(CSS)Unit	1
1.5.Harassment/Sexual Harasment in the Workplace	1
2.111. Records Division Units	1
3.21.Scheduled and Unscheduled Leave	1
3.30.Line Inspection Process	1

Albuquerque Police Department Monthly Use of Force Report

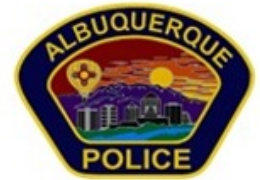
May 2024



Prepared by:

**Data Analytics Unit
June 5, 2024**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.



Total Use of Force Events - May 2024

This report provides a monthly overview of use of force events involving Albuquerque Police Department (APD) personnel. APD is committed to using force to achieve lawful objectives in instances where use of force is objectively reasonable, necessary, minimal, and proportional given the totality of circumstances (see SOP 2-52: Use of Force – General). When force is not consistent with these standards of conduct (SOP 2-52: Use of Force-General), APD takes corrective actions which may include discipline.

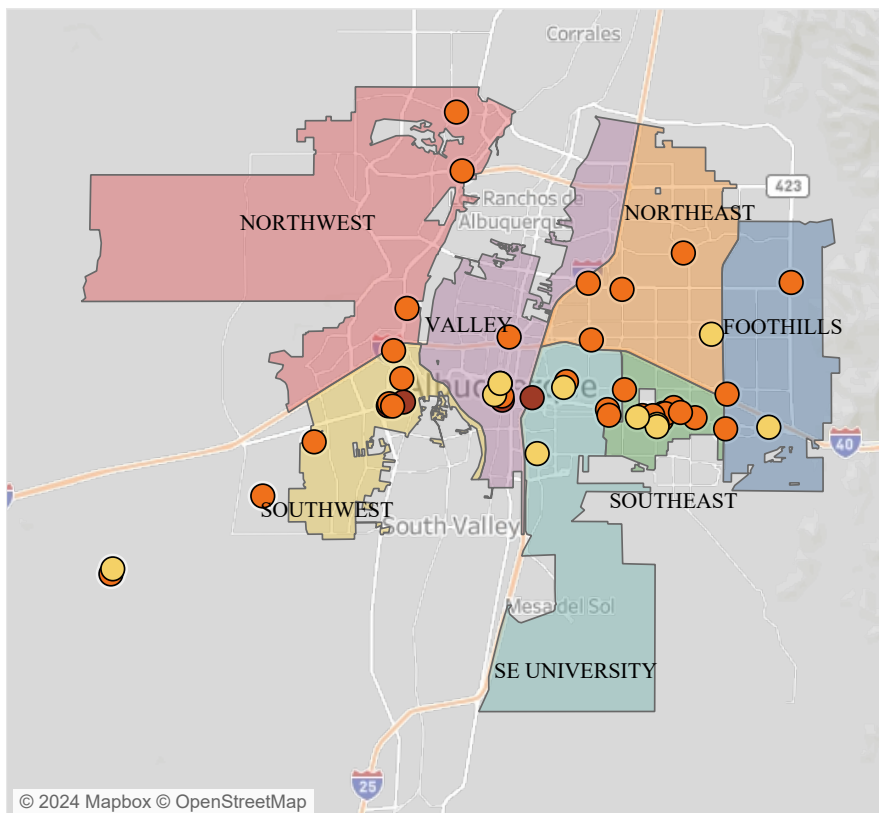
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is a Pilot Area Command and their force cases are combined with Southeast Area Command in this report.

Force is categorized into three levels based on APD policy. For more information on APD's Standard Operating Procedures, see: <https://public.powerdms.com/COA>

Total Use of Force Cases by Area Command and Level of Force

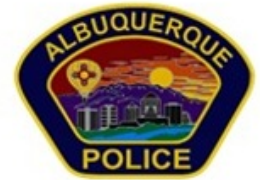
	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	1	3	0	4
Northeast	1	4	0	5
Northwest	0	3	0	3
Out of Area	1	1	0	2
Southeast	5	12	3	20
Southwest	0	6	2	8
Valley	2	2	2	6
Grand Total	10	31	7	48

Locations of Use of Force Cases



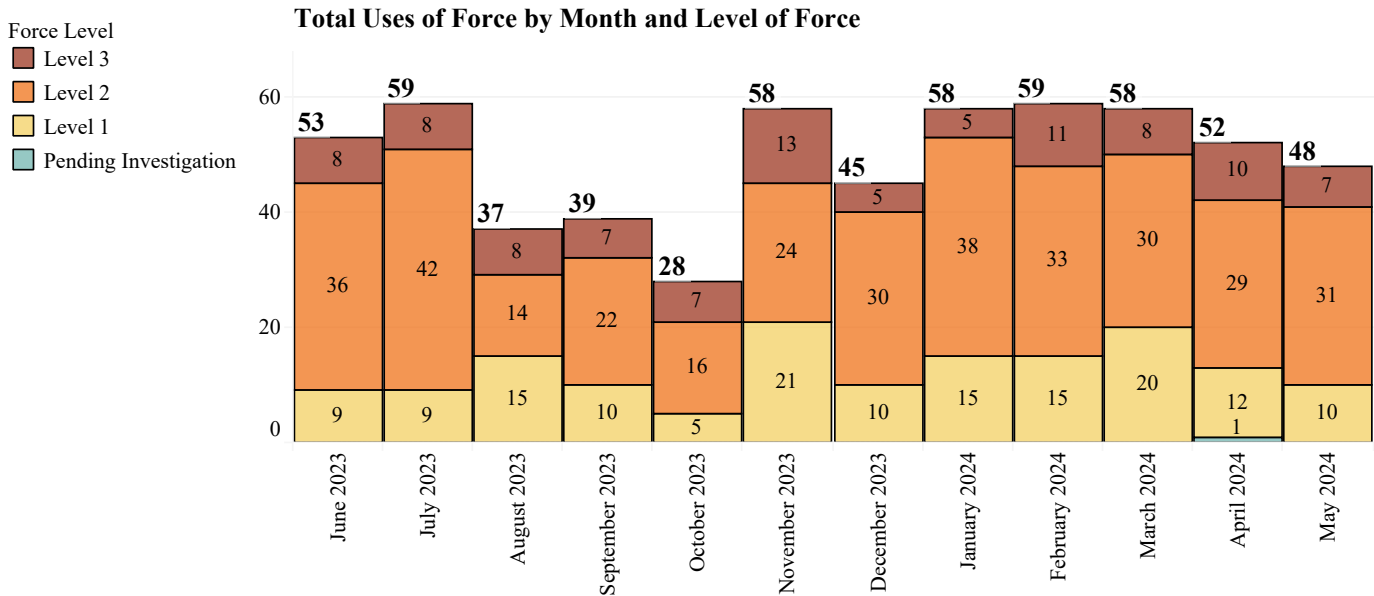
- Highest Force-Case Level
- Level 1
 - Level 2
 - Level 3

Note: Most force investigations in this report are open investigations since it reflects the previous month of data. As such, figures in this report are preliminary and subject to change as use of force investigations progress.



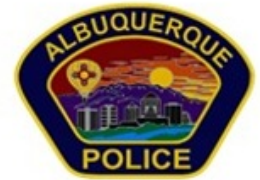
Use of Force Totals by Month - Past 12 Months

APD tracks use of force data over time to examine trends in use of force. For annual trends, see APD's Annual Use of Force Reports. This page reports monthly totals of all use of force for APD.



Total Uses of Force by Month and Area Command

		June 2023	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	Grand Total
Foothills	Level 1	1	1	2	2	2	4	2	2	0	3	1	1	21
	Level 2	3	2	0	6	1	3	2	3	2	2	2	3	29
	Level 3	1	2	0	0	1	1	1	1	0	1	1	0	9
Northeast	Level 1	2	2	2	1	1	8	2	2	5	5	2	1	33
	Level 2	10	10	2	2	2	3	4	7	7	3	2	4	56
	Level 3	1	0	1	1	1	2	1	1	2	3	2	0	15
Northwest	Level 1	0	1	1	1	0	0	0	1	1	1	0	0	6
	Level 2	4	7	2	1	1	0	0	3	3	6	4	3	34
	Level 3	0	0	0	1	3	2	0	0	2	2	0	0	10
Southeast	Null	0	0	0	0	0	0	0	0	0	0	1	0	1
	Level 1	2	3	6	3	1	4	2	7	6	5	3	5	47
	Level 2	12	9	4	5	7	11	13	15	13	10	9	12	120
	Level 3	2	4	3	1	1	4	2	1	4	1	3	3	29
Southwest	Level 1	3	0	3	1	1	1	3	2	1	1	2	0	18
	Level 2	3	4	1	2	2	2	3	8	5	4	6	6	46
	Level 3	3	0	3	0	0	2	0	0	0	2	0	2	12
Valley	Level 1	1	2	1	2	0	4	1	1	2	5	3	2	24
	Level 2	4	10	5	6	3	5	9	3	3	5	7	2	62
	Level 3	1	2	1	4	1	3	1	2	3	0	2	2	22
Out of Area	Level 1	0	0	0	0	0	1	0	0	0	0	1	1	3
	Level 2	0	0	0	0	0	0	0	0	0	0	0	2	2
	Level 3	0	0	0	0	0	1	0	0	0	1	2	0	4
Grand Total		53	59	37	39	28	58	45	58	59	58	52	48	594



Use of Force Benchmarked Against Calls For Service and Arrests - May 2024

Officers are required to only use force when necessary to achieve a lawful objective. When officers have more contacts with individuals, it is likely that there will be more uses of force. To control for factors that may contribute to higher or lower uses of force in a given month, this page shows the number of uses of force relative to the number of calls for service and the number of arrests made. For a detailed discussion of the method used on this page, see APD's 2022 Annual Use of Force Report.

Calls for Service

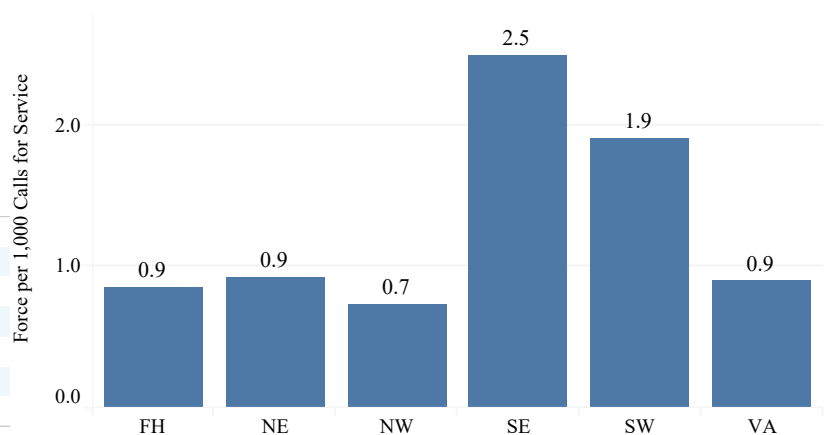
Total Calls for Service for Area Commands

Excludes calls for service where contact with an individual was unlikely, see Annual Use of Force report for full methodology

CAD Calls by Area Command, May 2024

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
FH	4	4,681	0.9
NE	5	5,451	0.9
NW	3	4,107	0.7
SE	20	8,051	2.5
SW	8	4,218	1.9
VA	6	6,671	0.9
Out of Area	3		

Force Rate per 1,000 Calls For Service



Arrests

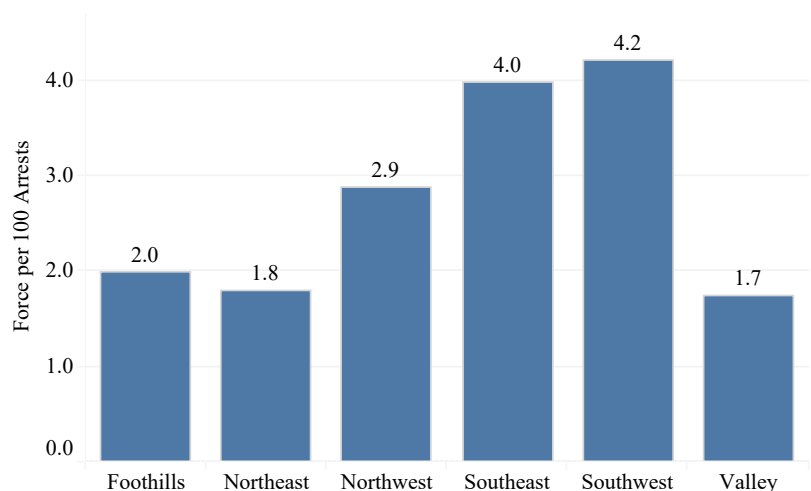
Total Arrests for Area Commands

Arrests include custodial arrests and summonses.

Force per Arrest by Area Command, May 2024

Area Command	Total Force	Total Arrests	Force Per 100 Arrests
Foothills	4	202	2.0
Northeast	5	279	1.8
Northwest	3	104	2.9
Southeast	20	502	4.0
Southwest	8	190	4.2
Valley	6	345	1.7
Out of Area	3	18	16.7

Force Rate per 100 Arrests

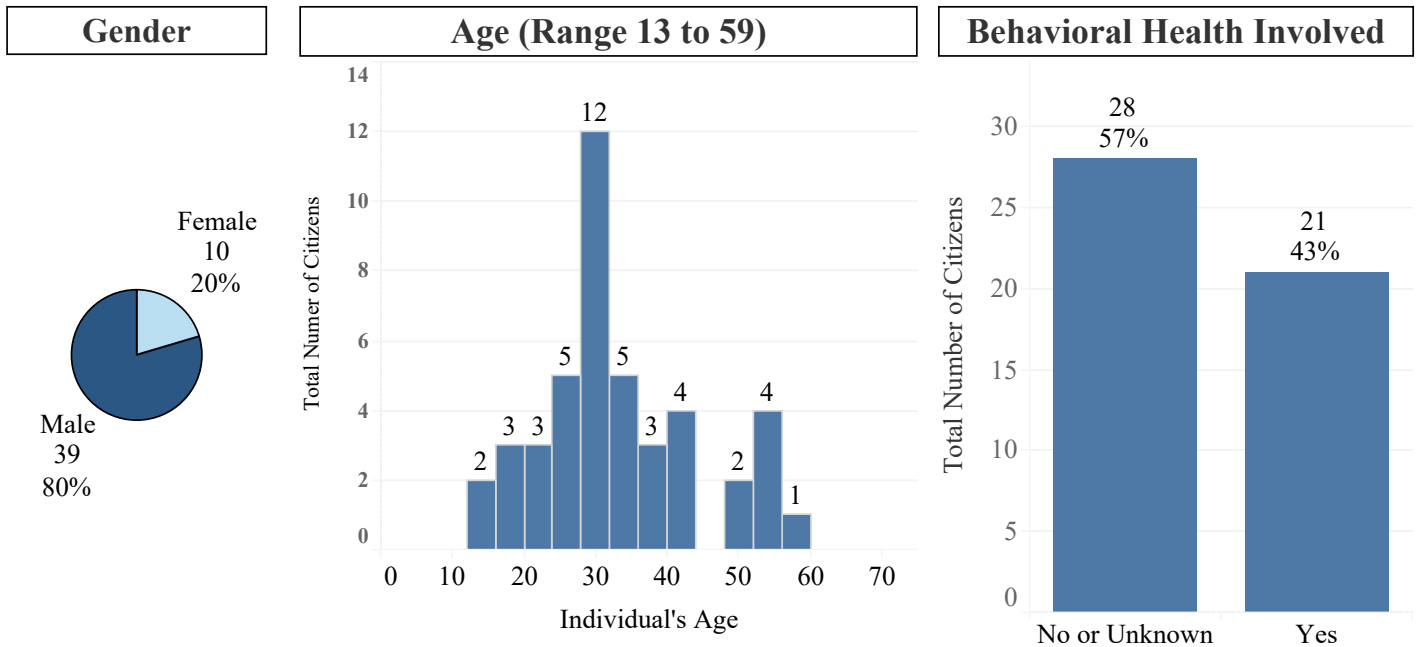




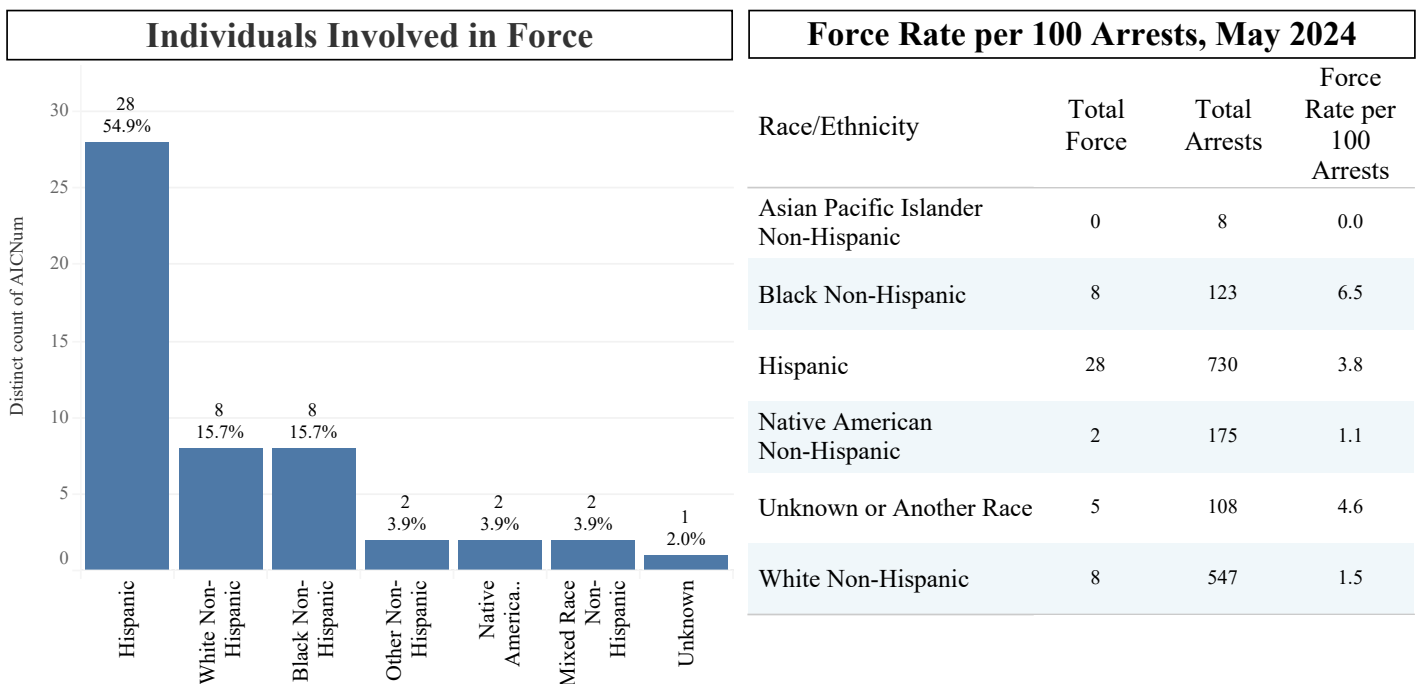
Demographics of Individuals Involved in Force - May 2024

APD records information about individuals involved in use of force incidents. Citizen information is based on what the individual reported or, if not reported by the individual, on the investigators observations on scene and through review of body-worn camera video. Information may change as investigations progress.

Note: Totals on different characteristics may differ due to missing values being excluded.



Race and Ethnicity





Final Call Types and Types of Force Used - May 2024

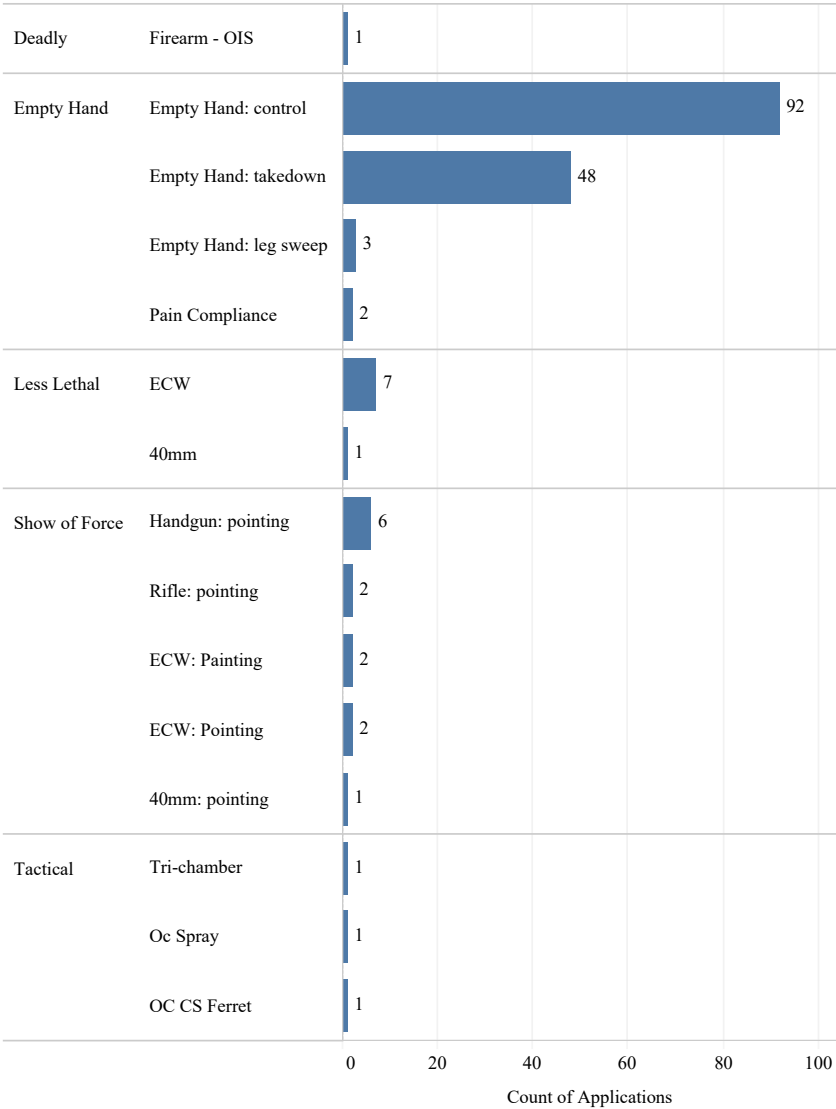
Officers are dispatched to calls for service and the original and final type of call for service are tracked. The table on the right shows the final call types for all calls involving force during the month.

Below, the total number of force applications for each type of force is shown. In any single force case, multiple officers are usually involved and each time a force technique is used, it is counted. For instance, if three officers were involved in a takedown technique with one person, that would be counted as three applications of an "Empty Hand: takedown".

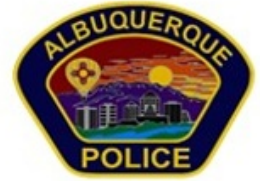
Final Call Types Associated with Force Events

Aggravated Assault/Battery	10
Burglary Auto	1
Contact	1
CSP	1
Disturbance	2
Drunk Driver	2
Family Dispute	1
Fight In Progress	1
Narcotics	2
Onsite Suspicious Person/Vehicle	10
Sex Offense	1
Stolen Vehicle Found	1
Suicide	2
Suspicious Person/Vehicle	5
SWAT	1
Traffic Stop	2
Unknown	1
Wanted Person	3
Welfare Check	1
Grand Total	48

Total Force Applications for Each Type of Force Used



During May 2024, there were 48 Force Cases with a total of 170 Force Applications.



Completed Force Investigations - May 2024

APD has two processes for force investigations based on the level of force. Level 1 force is investigated by the Level 1 force investigation unit. The Level 1 unit is required to complete investigations within 24 days (if all extensions are requested and approved).

Level 2 and Level 3 force are investigated by the Internal Affairs Force Division (IAFD). IAFD also investigated any Level 1 force where a Lieutenant or above was involved or Level 1 force if another person at the same event had a higher level of force used. These investigations must be completed within 90-days. All force investigations are investigated to determine whether the actions of the officer(s) involved were consistent with department policy.

Level 1 Unit		IAFD (Level 2 and Level 3)	
Total Completed Investigations		Total Completed Investigations	
13		44	
Average Days to Completion		Average Days to Completion	
11.6		84.2	
Minimum Days to Completion	Maximum Days to Completion	Minimum Days to Completion	Maximum Days to Completion
8	15	70	90

All Force Cases

APD strives to only use force that is objectively reasonable, necessary to achieve lawful objectives, and proportional to the resistance from the individual involved, and minimal based on the totality of the circumstances. APD uses a preponderance of evidence standard to determine whether the force met policy requirements. After investigation, force is deemed in policy when every force technique is used correctly and was found to be reasonable, necessary, proportional, and minimal as defined in SOP 2-52: Use of Force - General. If any officer's force techniques used were determined to be out of policy, the entire force case or interaction is considered to be out of policy.

Dispositions of Force Investigations Completed in May 2024

	Total Force Cases
In Policy	56
Out of Policy	1
Grand Total	57

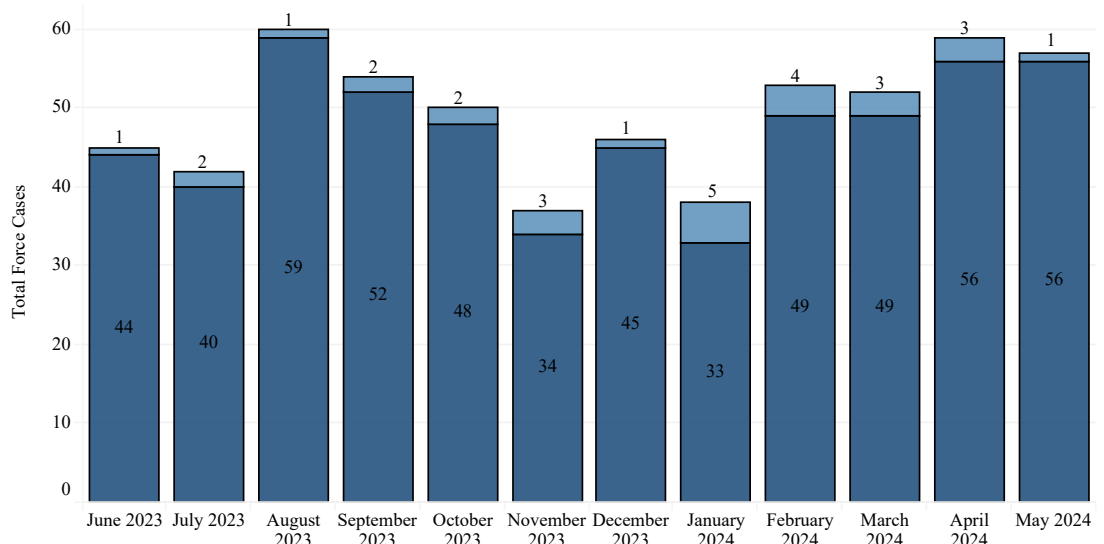
Out of Policy Force Cases by Area Command

Southeast	1
Grand Total	1

Case Disposition

- Out of Policy
- In Policy

Policy Outcomes Prior 12 Months

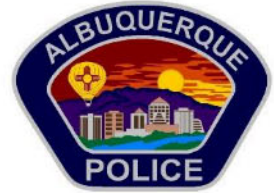




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

June 6, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA
From: Jimmy Collins, Major, Office of the Superintendent
Subject: Non-Concurrence of Action re: CPC-4-2024

This memorandum serves to convey the articulation for APD’s points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-8-4-G	Sustained NBOOC/Verbal Reprimand	Sustained/NDCA

Rationale for non-concurrence of action for 2-8-4-G:

APD concurs with the sustained finding for this policy violation regarding the recruit officer failing to properly attach a case number to his uploaded OBRD video. Without a case number attached, this will prompt the system to automatically delete the video 120 days after upload. At the time of the violation, the recruit officer was in the first phase of on the job training and assigned to a field training officer and there is a reasonable expectation mistakes will be made as part of the learning process. Usually with recruit officers, APD will permit the Academy FTO program to address minor violations related to the recruit officer’s training. Although this was a clear violation policy and a thorough investigation was conducted, APD has elected to document this as a corrective action and notify the APD Academy for correction.

Conclusion:

The non-concurrence is only related to the action taken. This violation is sanctioned as a class 7/Performance offense and under SOP 3-46 the range of acceptable correction/discipline is a non-disciplinary corrective action (NDCA) up to a written reprimand for a first offense. Based on the totality of the circumstances which include the training status of the recruit officer, the lack of disciplinary history on his retention record, and the minor nature of the offense (class 7), I have concluded a slight deviation from the recommended discipline of a verbal reprimand to a NDCA is appropriate.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', with a stylized flourish at the end.

Major Jimmy Collins,
Deputy Director of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform



Comments Compiled by APD Forward Coalition

For Barron

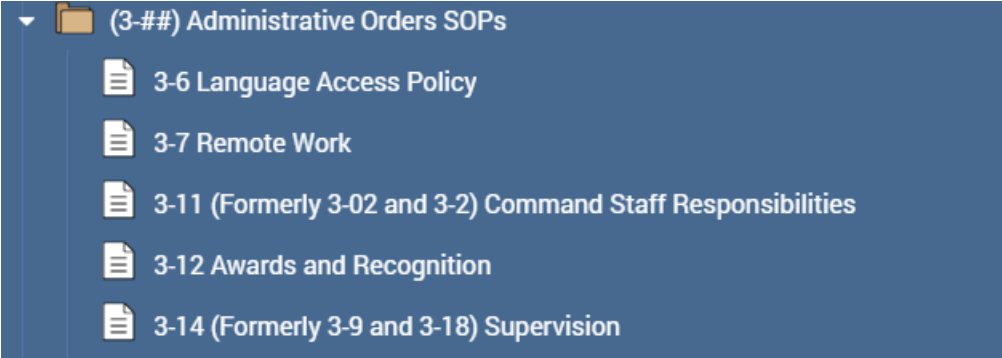
Date: May and June 2024

#	Page #	Section and Paragraph	Comment
1	—	—	<p>General Comments:</p> <p>There is a pattern in the narrative of the SOP that seemingly placing all the responsibility solely on the officers and there is not an explicit institutional commitment to upholding the principles and standards obliquely referenced or only referenced in the context of sworn personnel expectations. APD Forward noted this pattern in various sections of the SOP (see below).</p> <p>Also, we feel it is critical that the policy requirements codified in this and others in the Use of Force policy suite be more explicitly tied to the training officers receive. We have provided several concise edits below that meet that purpose.</p>
2	1	A. Related SOP (s)	SOP 2-57 Use of Force: Review and Investigation by Department Personnel is missing from the related SOP (s) list.
3	1	2-52-2, Policy	This policy statement falls flat and places all the emphasis on the Department personnel. APD needs to explicitly state that the sanctity of human life is a core principle that guides policy development, training, and policing practice at APD (see also below).
4	2	2-52-4, Core Principles, Section A	The Use of Force SOPs are some of the most important policies for APD or any police department for that matter. Creating high standards and uniform guidelines requires an explicit statement and genuine commitment regarding the <i>institutional core principles</i> and values, and aspirations of APD. What is missing is an explicit statement espousing APD’s institutional commitment to the core principles that are expressed in the following paragraphs—sanctity of human life, accountability, responsibility to the community, and only minimum and necessary force shall be allowed.
5	2	2-52-4, Core Principles, Section B	<p>The reference to <i>Graham v. Connor</i> is out of place in the Core Values section as well as unnecessary and interjects potential confusion regarding the standards required by the SOP. This is especially true because the paragraph begins with, “The Department holds Department personnel to a higher standard than that articulated in <i>Graham v. Connor, 490 U.S. 386 (1989) when performing their duties on behalf of the Department and the community.</i>” <i>Graham v. Connor</i> is the <i>floor</i> and is out of place in a policy that establishes a much higher standard.</p> <p>If the language is retained, we strongly suggest that a paragraph be devoted to explaining why and how APD aspires to a higher standard than the minimum standard set by <i>Graham</i> <i>AND</i> APD commits to training and equipping Department personnel to meet this higher standard. It is APD’s responsibility to properly train officers and this is an opportunity to make explicit the <i>mutual accountability</i> and recognize APD’s obligation to properly train and build capacity in Department personnel through best practices, reflective learning, continuing professional development, and transparent and appropriate discipline when necessary.</p> <p>This section also introduces the concept of the “totality of circumstances” and that term is <i>not defined</i> in SOP 2-53 Use of Force Definitions. The term should be defined in SOP 2-53 and should include an explicit statement indicating that the totality of</p>



Comments Compiled by APD Forward Coalition
Date: May and June 2024

For Barron

			<p>circumstances <i>also includes the officer's actions</i>. The independent Monitoring Team and the External Forces Investigation Team (EFIT) have repeatedly noted that many of APD's administrative investigations exclusively focus on the individual upon whom force was used and ignore or minimize the actions of the officer.</p>
6	2	2-52-4, Core Principles, Section C	<p>There needs to be a more explicit acknowledgement of the Department's responsibility to train to the four directives listed. We suggest the following edit of the first sentence: "Based on their training and the totality of the circumstances, Department Personnel shall:" Again, the term "totality of the circumstances" should be defined in SOP 2-53.</p>
7	2	2-52-4, Core Principles, Section D	<p>Again, we suggest that this section be explicitly linked to the training officers' received. A simple rewording like,</p> <p>"As trained, Department personnel shall continually assess whether they are using the minimum amount of force, whether the force is necessary, and whether the use of force is objectively reasonable.</p>
8	2	2-52-4, Core Principles, Section E	<p>APD Forward appreciates that the policy requires (when feasible) that any Department employee who observes any officer using force that a reasonable officer would consider out of policy shall safely intercede to stop the officer's action". It is equally important to include a statement here that requires the Department personnel to also report the out-of-policy use of force (whether they interceded or not). In a previous iteration of this policy APD Forward suggested that it would also be appropriate to cite SOP 3-13 Officer's Duties and Conduct, specifically Section 3-13-3, D. 1 and 2. Responsibility to Report and Intervene (pages 2 and 3). APD Forward also notes that the disciplinary sanctions in the SOP 2-52 for this section is a "6" and the sanction as defined in SOP 3-13 is (was) set at "7". The sanction in SOP 2-52 for this section should be consistent with SOP 3-13 and set at "7". Interestingly, SOP 3-13 is no longer available on APD's SOP web site, and we were unable to find an SOP that supersedes SOP 3-13. See screen capture from: 3-46 (Formerly 1-09) Discipline System - COA - PowerDMS</p> <p>Note that "SOP 3-13 Officer's Duties and Conduct" is missing from the website.</p> 
9	2	2-52-4, Core Principles, Section F	<p>Again, the term "totality of the circumstances" is used here and there is no definition in SOP 2-53 (see comments #4 and # 5 above). We also suggest making an explicit link back to the training. Suggested edit:</p> <p>"All levels of use of force by sworn personnel shall be evaluated under the totality of the circumstances and pursuant to the standards set forth in this policy and officer training."</p>



Comments Compiled by APD Forward Coalition
Date: May and June 2024

For Barron

10	2	2-52-4, Core Principles, Section G	<p>Citing SOP 3-41 "Complaints Involving Department Personnel" here is out of place (at least by itself). It seems most appropriate to cite SOP 2-57 Use of Force: Review and Investigation by Department Personnel, instead, or in addition to SOP 3-41. Further, in Section G. 1. states, "Use force [sic] that does not conform to this SOP or training that the Department conducts; and" It is ambiguous what SOP is being referred to in this sentence. Suggested edit:</p> <p>"1. Use of force that does not conform to the standards set forth in this SOP (2-52) or the training that the Department conducts; and"</p> <p>Also, why is the red discipline sanction level box reads "NA"</p>
11	2	2-52-4, Core Principles, Section H	It is unclear why the red discipline sanction level box reads "NA"
12	2	2-52-4, Core Principles, Section I	It is unclear why the red discipline sanction level box reads "NA"
13	5	2-52-6 A.3.	<p>The lack of explicitly linking the requirements in SOP 2-52 to office training is problematic. Here we suggest the following edit:</p> <p>"3. As trained and when feasible, Department personnel shall:"</p>
14	6	2-52-6 C. Prohibited Uses of Force	Please provide some clarity on the disciplinary sanctions under this section, C. writ large has a sanction of "5" and a., f., g., and h. have sanctions "1" and i. is a sanction of "4".
15	6	2-52-6 C. Prohibited Uses of Force j.i.1.	The unique identifier for the SOP being referenced here should be used "Use of Force: Reporting by Department Personnel" (SOP 2-56)
16	7	2-52-6 D. Deadly Force 1. d. iii.	<p>This paragraph, as currently written, is contradictory to the other de-escalation requirements elsewhere in the policy and in SOP 2-55 Use of Force: De-Escalation. If the individual is fleeing, and unlike the two previous paragraphs where 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..." In Paragraph iii, it seems to indicate that deadly force is permissible, for fleeing individuals, if the officer has identified themselves, stated the intention to used deadly force, and has given the individual a reasonable opportunity to comply with lawful orders and directions. So, here the only thing the individual is doing is fleeing and , as written, possess no other threat.</p> <p>Paragraph iii, should be stricken, as currently written, it only interjects confusion and is contradictory to other requirements in SOP 2-52 and SOP 2-55.</p>

Opening remarks

- On 5/15, PPRB reviewed the use of force suite. While we recommended, and collaborated with APD, on a number of items at that meeting, we have 25 additional recommendations that we believe will enhance the clarity and meaning of this policy suite for officers training or being trained in these policies
- Outside ensuring all the policies in this suite are aligned with one another, we compared these policies to other Department's with consent decrees or with similar specialized tools to see how APD's definitions compared

1-20

- No recommendations

1-98

- No recommendations

2-13

- No recommendations

2-34

- No recommendations

2-52

- 2-52-5-D-2-a: Recommend removing and adding use of the grappler to Level 1 use of force
 - Like the Independent Monitor's 18th report, we recommend the grappler be considered use of force and not a low-level control tactic. Research shows other departments consider the grappler use of force (e.g., Hollywood, FL, Lenexa, KS, Cass County, MO) and there have been examples of this technology resulting in deaths in Arizona and hospitalizations in Albuquerque (excluding whiplash or concussions) so at the very least the grappler is likely to cause temporary pain, disorientation, or discomfort (Level 1) or injury (Level 2)
 - The grappler is not used frequently because it is cost prohibitive (\$600 per use) so it would not likely lead to use of force review bottlenecks if it was automatically labeled Level 1 use of force. In fact, APD shared in the 5/8/2024 PPRB meeting that the grappler has only been deployed 30 times in the last year
 - At the recent monitor hearing, the assertion was made that the grappler is akin to a spike strip and is considered force used against a vehicle and not a person. A spike strip slows a vehicle down by rendering the tires unusable. This is a slow

process that involves the deflation of a tire. The grappler tethers onto a wheel and may result in, the very least, whiplash from slowing the vehicle down

- Add 2-52-7-C that requires officers to keep a tourniquet and chest seal on their person or in their vehicle to render aid

2-53

- 2-53-3-X: In order to retain some of what was removed, this definition could read: “Physical harm or damage to a person’s body incurred over the course of an officer-involved interaction”
- 2-53-3-DD: Even though it is sprinkled throughout, low-level control tactic should be specified as, on its own, not a use of force in a subpoint (“b”)
- 2-53-3-OO: show of force should be specified as use of force. That language was removed for this draft and should be added back in
- 2-53-3-HH: non-force definition still slightly different than that in 2-52-5-D-1. Should replace 2-52-5-D-1 with 2-53-3-HH because currently the definition of non-force in 2-52-5-D-1 is low-level control tactic in 2-53-3-DD

2-54

- During 5/15/2024 PPRB meeting, the policy holder said PSA/CSS use of force review process is different than that of sworn personnel with regards to OC spray, however, the current policy suite suggests that review covers all Department personnel, not just sworn personnel, so their exception is not covered (2-56-4-A-1). In any event, we recommend that the language stays the same so that there is no use of force review exception for PSA/CSS

2-55

- ~~• 2-55-4-B-5-a: Recommend this be changed to “active listening skills” or “active listening skills according to training” because this is not defined in any other policy and appears to be training specific. Recommend that active listening be defined, if the policy holder keeps some version of this in the policy~~
 - ~~○ Active listening is defined in SOP 2-20 as “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”~~

2-56

- 2-56-4-A-1-b: In 2-56-4-A-3-b: An involved supervisor can’t be the one that responds to the scene, so should add to this section so that it reads: “If the employee’s immediate on-duty supervisor is unavailable or involved, they shall notify another on-duty supervisor”

- 2-56-4-A-1-f-ii: Should be “Provide the written” as opposed to “Provide a written” because, I believe, it is referring to the same narrative described in 2-56-4-A-f-i
- 2-56-4-A-1-h: Since this is organized sequentially, this should be moved up and become “a”
- 2-56-4-A-3: In 2-57-4-B-1-a, a supervisor involved in, a witness to, ordered a use of force, or who was victim of the individual’s actions shall not be involved in reviewing the incident. In 2-56, the victim part is left out, so it should be included to be consistent with 2-57
- Removes: “Department personnel shall attempt to identify all potential witnesses of a use of force. Department personnel shall document descriptions of all potential witnesses to a use of force who refuse to stay on scene or who are unidentified. **Department personnel shall not detain witnesses solely for the purpose of conducting administrative investigations;** however, Department personnel shall request witnesses to remain on scene and cooperate with investigation.” Bolded language is not found elsewhere in the policy and should be added back in in 2-57-5-A-8 as a subpoint (“c”)
- 2-56-4-B-1: remove “that do not meet the definition of a Level 1 use of force” because low level control tactics are non-force and it is confusing to include them here as if they are tangentially use of force

2-57

- Add SOP 1-1 to list of related SOPs to inform section on officer refusal when a conflict of interest arises
- 2-57-4-B-1-a: In 2-56-4-A-3-a: a supervisor who ordered, was involved in, or witnessed a use of force, is not to be involved in the classification or review of the force incident. In 2-57-4-B-1-a: a supervisor who ordered, was involved in, witnessed, or was a victim of the individual’s actions is not to be involved in reviewing the force incident. In 2-56, being a victim isn’t mentioned, even though it is in 2-57. This needs to be made consistent across both policies
- 2-57-5-A-2: In 2-56-4-A-1-h says that sworn personnel are not to discuss use of force with other involved and witness Department personnel until the interview and narratives are completed. In 2-57, officers on-scene are not to speak about the use of force. Slightly different because 2-56 suggests the force can be discussed once certain tasks (interviews, narratives) are completed. Should be reconciled and made consistent
- 2-57-5-A-5: Says that when there is an allegation of force or injury, that the supervisor is to visually inspect personnel or civilian for injuries and call for medical if anyone is injured or complains of injury. In the case of Level 2 or 3 use of force, rescue is automatically called, irrespective of injury inspection or complaint of injury (2-56-4-A-1-a). This section used to be regarding Level 1 use of force and now it’s a general Field supervisory Investigative Responsibilities section, so it needs to account for the differences in response for Level 1 versus Level 2/3 use of force

- Also affects 2-57-8-B-1-a-iii-1
- 2-57-5-A-8: add a c) that pulls removed language from 2-56 about not detaining witnesses for administrative investigations
- 2-57-5-A-8-a: Need to obtain contact information for all community member witnesses, not just those that leave the scene, because contact information for cooperating community member witnesses is needed for review later in the policy (2-57-7-B-5-c) and is not mentioned in 2-56 either. Should specify that contact information for all is to be collected
 - Also affects 2-57-8-B-ix-3
- 2-57-5-A-12: the narrative forms should be consistently referred to as the same thing, so wherever it says narrative form, it should be replaced with Use of Force Written Narrative for Involved and Witness Officers form because the policy is referring to a specific form, not a general one
 - Should be changed also in 2-57-7-B-6-f
- Need to specify that on-scene supervisor/review/supervisor needs to interview the involved witnesses separately, not just physically separate them before the interviews. The current language could be misinterpreted such that sworn personnel are separated prior to interviews, so that they don't share information, but can then be interviewed together. This recommendation is to align this policy with PD 1122
- 2-57-7-D-2: Include unreported show of force, in light of PD 1123
- 2-57-7-E-2: remove low-level control case because low-level control tactic is non-force
- 2-57-9-2-a and b: If "Non-force database web application entry" is the same thing as BlueTeam then it should be called BlueTeam because that's what it is called elsewhere in the policy (2-57-7-E-2-a) and should be consistently called the same thing
- 2-57-7-D-2: Recommend specifying if "from receiving the supervisor's review" is the Level 1 reviewer or on-scene supervisor

2-66

- 2-66-4-C: As recommended at the 5/8/2024 PPRB, we recommend adding to this section a required supplemental report that documents when and how this information was given to the victim. We have received complaints from individuals that say they have not received this information, so a supplemental report would clear up this issue much more easily than having to comb through video or audio recordings that may also document this information

2-80

- 2-80-4-L-2-vii: Remove gendered language. Removed it in 2-80-5-A-2-c-i (re: searching), so should remove it here to keep consistent. Recognize that the policy holder says that transgender individuals are held separately, but this is not reflected in the policy, so

should do away with all gendered language also to avoid issues resulting from this missing language

2-101

- 2-101-4-B-4-c: recommend considering grappler a Level 1 use of force
 - Will use same evidence as is used in 2-52
- Recommend additional language, consistent with other department policies on:
 - Minimum speed restriction
 - Warning sticker
 - Traffic break
 - Cover vehicle

2-107

- No recommendations



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

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

A. Related SOP(s)

- 2-53 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. Rescinded Special Order(s)

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

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

N/A 2-52-4 Core Principles



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- 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 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 that is objectively reasonable and necessary and based on the totality of the circumstances confronting them in order to bring about a lawful objective.
- 6** C. Based on the totality of the circumstances, Department personnel shall:
 - 4** 1. Only use force to accomplish a lawful objective;
 - 2. Only use force that is objectively reasonable;
 - 3. Only use force when force is necessary; and
 - 4. Only use the minimum amount of force necessary.
- D. Department personnel shall continually assess whether they are using the minimum amount of force, whether the use of force is necessary, and whether the use of force is objectively reasonable.
- 6** E. When feasible, any Department employee who observes any officer using force that a reasonable officer would consider out of policy shall safely intercede to stop the officer's actions.
- F. All levels of use of force by sworn personnel shall be evaluated under the totality of the circumstances and pursuant to the standards set in this policy.
- N/A** G. 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
 - 2. Do not uphold lawful, professional, and ethical standards before, during, and after every use of force incident.
- N/A** H. Consistent with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable and found to be outside of the Department's policies.
- N/A** I. Department personnel may be subject to criminal prosecution and/or civil liability for uses of force that are unreasonable consistent with SOP Discipline System.



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6 2-52-5 Force Classification

A. Level 1 Use of Force

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

B. Level 2 Use of Force

1. Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable.
2. A Level 2 use of force includes:
 - a. Two (2) or fewer cycles of an Electronic Control Weapon (ECW), regardless of the number of discharges, including where the ECW is fired but misses;
 - b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
 - 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.
 - 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 shall not be investigated as a use of force unless it 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 cause injury or resulting in injury or complaint of injury;
 - e. Strikes and attempted strikes with impact weapons;
 - i. This excludes strikes to the head, neck, throat, chest, or groin with a baton or improvised impact weapon, which are considered deadly force.
 - f. Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - 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;
 - g. Use of a horse rein strike on an individual's extremities; and
 - h. Use of the PIT maneuver at thirty five (35) mph or below.

C. Level 3 Use of Force



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1. 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:
 - a. Use of deadly force;
 - b. Critical firearm discharge;
 - c. Force resulting in hospitalization, serious medical episode, 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 sworn personnel;
 - f. An ECW cycle on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive;
 - g. Four (4) or more strikes with a baton or improvised impact weapon;
 - h. Use of a horse rein strike on an individual's head, neck, throat, chest, or groin;
 - i. Any Level 2 use of force against a handcuffed individual;
 - j. 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. Use of the PIT maneuver above thirty-five (35) mph.

D. Non-Force

1. 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.
 - a. Use of the Department-Vehicle Grappler Device is considered a low-level control tactic.
3. Physical contact solely for the purpose of rendering aid is not a use of force.
4. An inadvertent covering of an individual with a weapon is not a use of force.

6 2-52-6 Use of Force Guidelines

A. Pre-Use of Force

N/A

1. When feasible, consistent with SOP Use of Force: De-escalation, Department personnel shall use de-escalation techniques to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.



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2. When feasible, sworn personnel shall identify themselves as “police” and announce their intent to detain, search, or arrest an individual before using force 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.
 - a. When working in a plainclothes capacity, sworn personnel shall verbally identify themselves as “police.”
3. 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 the individual before using force when doing so would not increase the danger to Department personnel or other people;
 - c. Issue a verbal force announcement to the individual 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 self-control; and
 - f. Consider whether specific techniques or resources would help resolve the situation without resorting to force.
4. Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to themselves or others.
5. 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 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.

5 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.



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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 as soon as the scene is secure, and it is safe to do so. Department personnel shall monitor the individual for any breathing problems or any other signs of distress.

5 C. Prohibited Uses of Force

1. Department personnel shall not:

- 1**
 - a. Use force in a manner that violates federal or state laws;
 - b. Use force to attempt to gain compliance with an unlawful command;
 - c. Engage in objectively unreasonable actions, tactics, or make statements that escalate a situation such that the use of force becomes necessary;
 - d. Use force against a restrained or handcuffed individual except as objectively reasonable:
 - i. To prevent the imminent threat of harm to Department personnel, the individual, or another person(s);
 - ii. To overcome active resistance; or
 - iii. To move an individual who is passively resisting.
 - e. Use leg sweeps and/or takedowns except as objectively reasonable:
 - i. To prevent imminent bodily harm to the officer, individual, or to another person(s);
 - 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 sworn personnel, or community members from a risk of deadly threat;
 - 1** g. Use neck holds, except where deadly force is authorized, as defined in SOP Use of Force: Definitions;
 - 1** h. Fire warning shots;
 - 4** i. Fire less-lethal or lethal munitions at an individual in a crowded environment unless, based upon the totality of the circumstances, the danger of hitting an innocent bystander is outweighed by the necessity and likelihood of stopping the individual; or
 - j. Use the weapon-mounted light for general illumination.
 - i. Sworn personnel may use weapon-mounted lights to illuminate a potential threat area when the use of a weapon system is warranted.
- N/A** 1. Refer to SOP Use of Force: Reporting by Department Personnel for reporting requirements.

1 D. Deadly Force

1. Department personnel shall not use deadly force:
 - a. Solely in defense or protection of property;



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- 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 felony involving the infliction or threatened infliction of death or serious physical injury;
 - 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
 - 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.

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 vehicle the officer is engaging is using deadly force, other than the vehicle itself, against the officer or another person;
 - b. Intentionally place themselves in the path of;
 - a. 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

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 that was objectively reasonable and necessary based on the totality of the circumstances confronting them in order to bring about a lawful objective.

5 2-52-7 **Duty to Provide Medical Attention and Transportation**

- A. Following any reportable use of force that is not a show of force, and once the scene is secure, Department personnel shall:
 - 1. Determine whether the use of force injured any individual;
 - 2. Render aid consistent with the officer's training;



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3. Request medical attention 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, regardless of visible injury or a complaint of injury;
 - a. This shall not apply to any Level 2 or Level 3 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;
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;
7. 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
 - 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.
- N/A B. 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.

7

N/A

6

N/A



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

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

A. Related SOP(s)

- 2-53 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. 3286 (1989)

D. Rescinded Special Order(s)

~~SO 21-59 Amendment to SOP 2-52 Use of Force: General~~
~~SO 21-82 Amendment to SOP 2-52 Use of Force: General~~ 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

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

N/A 2-52-4 Core Principles



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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.

~~A.B.~~ The Department holds Department personnel to a higher standard 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 that is objectively reasonable and necessary and based on the totality of the circumstances confronting them in order to bring about a lawful objective. ~~are trained to consider using only force that is necessary and reasonable under the circumstances, and such conduct will be evaluated from the perspective of a reasonable officer.~~

6 ~~B.~~ ~~When feasible, any Department employee who observes any officer using force that a reasonable officer would consider out of policy shall safely intercede to stop the officer's actions.~~

C. Based on the totality of the circumstances, Department personnel shall:

- 4**
1. Only use force to accomplish a lawful objective;
 2. Only use force that is objectively reasonable;
 3. Only use force when force is necessary; and
 4. Only use the minimum amount of force necessary; ~~and~~

~~5.D.~~ Department personnel shall cContinually assess whether they are using the minimum amount of force, whether the use of force is necessary, and whether the use of force is objectively reasonable.

6 ~~D.~~ ~~When feasible, any Department employee who observes any officer using force that a reasonable officer would consider out of policy shall safely intercede to stop the officer's actions.~~

E.

F. All levels of use of force by sworn personnel shall be evaluated under the totality of the circumstances and pursuant to the standards set in this policy.

N/A ~~B.~~ ~~When feasible, any Department employee who observes any officer using force that a reasonable officer would consider out of policy shall safely intercede to stop the officer's actions.~~

~~E.G.~~ Consistent with SOP Complaints Involving Department Personnel, the Department shall hold personnel accountable when they:



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1. Use force that does not conform to this SOP or training that ~~is conducted by the Department~~the Department conducts; and
2. Do not uphold lawful, professional, and ethical standards ~~through assertive leadership and supervision~~ before, during, and after every use of force incident.

N/A

H. Consistent with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable and found to be outside of the Department's policies. ~~and~~

N/A

I. Department personnel ~~shall~~ may be subject to ~~possible~~ criminal prosecution and/or civil liability for uses of force that are unreasonable consistent with SOP Discipline System. ~~(refer to SOP Discipline System for sanction classifications and additional duties).~~

~~2.~~

6

2-52-5 ~~Authorization to Use Force~~ Force Classification

A. Level 1 Use of Force

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

B. Level 2 Use of Force

1. Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable.
2. A Level 2 use of force includes:
 - a. Two (2) or fewer cycles of an Electronic Control Weapon (ECW), regardless of the number of discharges, including where the ECW is fired but misses;
 - b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
 - 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.
 - 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 it strikes an individual.
 - c. Use of oleoresin capsicum (OC) spray, including when it is sprayed at an individual but misses;



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- d. Empty-hand techniques likely to cause injury or resulting in injury or complaint of injury;
- e. Strikes and attempted strikes with impact weapons;
 - i. This excludes strikes to the head, neck, throat, chest, or groin with a baton or improvised impact weapon, which are considered deadly force.
- f. Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - 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 ~~will~~ not be considered a use of force;
- g. Use of a horse rein strike on an individual's extremities; and
- h. Use of the PIT maneuver at thirty five (35) mph or below.

C. Level 3 Use of Force

- 1. 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:
 - a. Use of deadly force;
 - b. Critical firearm discharge;
 - c. Force resulting in hospitalization, serious medical episode, 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 sworn personnel;
 - f. An ECW cycle on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive;
 - g. Four (4) or more strikes with a baton or improvised impact weapon;
 - h. Use of a horse rein strike on an individual's head, neck, throat, chest, or groin;
 - i. Any Level 2 use of force against a handcuffed individual;
 - j. 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. Use of the PIT maneuver above thirty-five (35) mph.

D. Non-Force

~~— A physical technique used to move, guide, restrain, or stop an individual that is not reasonably likely to cause any pain or injury and does not cause a complaint of pain or injury, including:~~

- 1. Escort techniques, use of control holds, or handcuffing an individual interaction with an individual that is not classified as a Level 1, Level 2, or Level 3 use of force.



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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.

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

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

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

6

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

~~1. Department personnel who use force shall use the minimum amount of force that is objectively reasonable and necessary and based on the totality of the circumstances confronting them in order to bring about a lawful objective.~~

~~2. Unreasonable force degrades the legitimacy of the officer's authority.~~

2-52-6 Use of Force Guidelines

~~a. Consistent with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable and found to be outside of the Department's policies; and~~

~~a. Department personnel shall be subject to possible criminal prosecution and/or civil liability for uses of force that are unreasonable (refer to SOP Discipline System for sanction classifications and additional duties).~~

A. Pre-Use of Force

N/A

1. When feasible, consistent with SOP Use of Force: De-escalation, Department personnel shall use de-escalation techniques to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.

~~a. Supervisors shall ensure that a pre-determined area is designated, and communicate the location over the appropriate area command frequency.~~

~~b. Supervisors shall visually ensure a force array is present.~~

2. When feasible, sworn personnel shall identify themselves as "police" and announce their intent to detain, search, or arrest an individual before using force 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.

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

3. When feasible, Department personnel shall:



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- 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 the individual before using force when doing so would not increase the danger to Department personnel or other people;
 - ~~b.c.~~ Issue a verbal force announcement warning to the individual before using force when doing so would not increase the danger to Department personnel or other people;
 - ~~c.d.~~ Allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force;
 - ~~c.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 ~~beyond~~ that may impair the individual's self-control; and
 - ~~c.f.~~ Consider whether specific techniques or resources would help resolve the situation without resorting to force.
4. Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to themselves or victims, hostages, and others ~~individuals~~.
5. When feasible, prior to making initial contact with an individual in response to a high-threat situation, Department personnel shall ~~take time to~~ 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 independently, unless there is an threat of death or serious physical injury.
 - b. When ~~reasonable~~ 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.

5

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.
2. ~~W~~In situations when the 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 as soon as the scene is secure, and it is safe to do so. Department personnel shall monitor the individual for any breathing problems or any other signs of distress.

~~3. Department personnel shall use leg sweeps or the Department's Passive Restraint System (PRS) only;~~

~~a. To prevent imminent bodily harm to the officer, individual, or to another person(s);~~



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- ~~b. To overcome active resistance; or~~
- ~~c. Where it is objectively reasonable and necessary to overcome passive resistance.~~

5 C. Prohibited Uses of Force

1. Department personnel shall not:

- 1** ~~a. Use force in a manner that violates federal or state laws;~~
 - a.
 - b. Use force to attempt to gain compliance with an unlawful command;
 - c. Engage in objectively unreasonable actions, ~~or~~ 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 ~~unless the force is necessary~~ except as objectively reasonable:
 - 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.
 - 1** ~~e. Use leg sweeps or the Department's Passive Restraint System (PRS) only~~ and/or takedowns except as objectively reasonable:
 - i. To prevent imminent bodily harm to the officer, individual, or to another person(s);
 - 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 sworn personnel~~ officers, or community members from a risk of deadly threat;
 - 1** ~~g. Use neck holds,~~ except where deadly force is authorized, as defined in SOP Use of Force: Definitions;
 - 1** ~~h. Fire warning shots;~~
 - 4** ~~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~~ outweighs the necessity and likelihood of stopping the individual; or
 - 1** ~~j. Use the weapon-mounted light for general illumination.~~
 - i. Sworn personnel may use weapon-mounted lights to illuminate a potential threat area when the use of a weapon system is warranted.
 - ~~b.1. Refer to SOP 2-56-4-B-2 Use of Force: Reporting by Department Personnel for reporting requirements.~~
 - ~~i. If sworn personnel use a weapon-mounted light and intentionally, or or unintentionally unintentionally illuminate the individual, they shall document the show of force document this action in their Uniform Incident Report in addition to any other use of force report, if necessary, unless it is evident that sworn personnel did not cover the individual with their muzzle.~~

1 D. Deadly Force



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1. Department personnel shall not use deadly force:

a. Solely in defense or protection of property;

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

~~b. Solely in defense or protection of property;~~

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 felony involving the infliction or threatened infliction of death or serious physical injury;

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 the individual would pose a significant threat of death or serious physical injury to the officer(s), individual(s), or another person(s) if not apprehended; and

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.

~~All levels of use of Use of deadly force by sworn personnel shall be evaluated under the totality of the circumstances and pursuant to the standards outlined in SOP Use of Force: General 2-52-4(A), (C), (D).~~

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 vehicle the officer is engaging is using deadly force, other than the vehicle itself, against the officer or another person; intentionally place themselves in the path of, or reach inside a moving vehicle.~~

b. Intentionally place themselves in the path of; or or;

~~i. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.~~

a.

c. Reach inside a moving vehicle.

~~i. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.~~

e.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.



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N/A F. Post-Use of Force

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 that was objectively reasonable and necessary based on the totality of the circumstances confronting them in order to bring about a lawful objective.

~~2. Department personnel shall not discharge a firearm at or from a moving vehicle, unless an occupant of the vehicle the officer is engaging is using deadly force, other than the vehicle itself, against the officer, or another person.~~

5 2-52-7 **Duty to Provide Medical Attention and Transportation**

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

1. Determine whether ~~any individual was injured by the use of force~~ the use of force injured any individual;
2. Render aid consistent with the officer's training;
3. Request medical attention 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, regardless of visible injury or a complaint of injury;
 - a. This shall not apply to any Level 2 or Level 3 use of force in which there is no bodily contact (i.e., attempted strikes and/or missed ECW discharges).
- ~~4.1. Not delay medical transport of the individual if medical attention is necessary;~~
5. ~~Any involved or witness officer shall immediately~~ Immediately request medical attention following any Level 2 or Level 3 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 in which there is no contact (i.e., attempted strikes and/or missed ECW discharges).~~
- ~~6.5.~~ 5. Closely monitor individuals who are taken into custody for signs of distress;
- ~~7.~~ 6. Not delay medical transport of the individual if medical attention is necessary;



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~~8~~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;

7

N/A

N/A

6

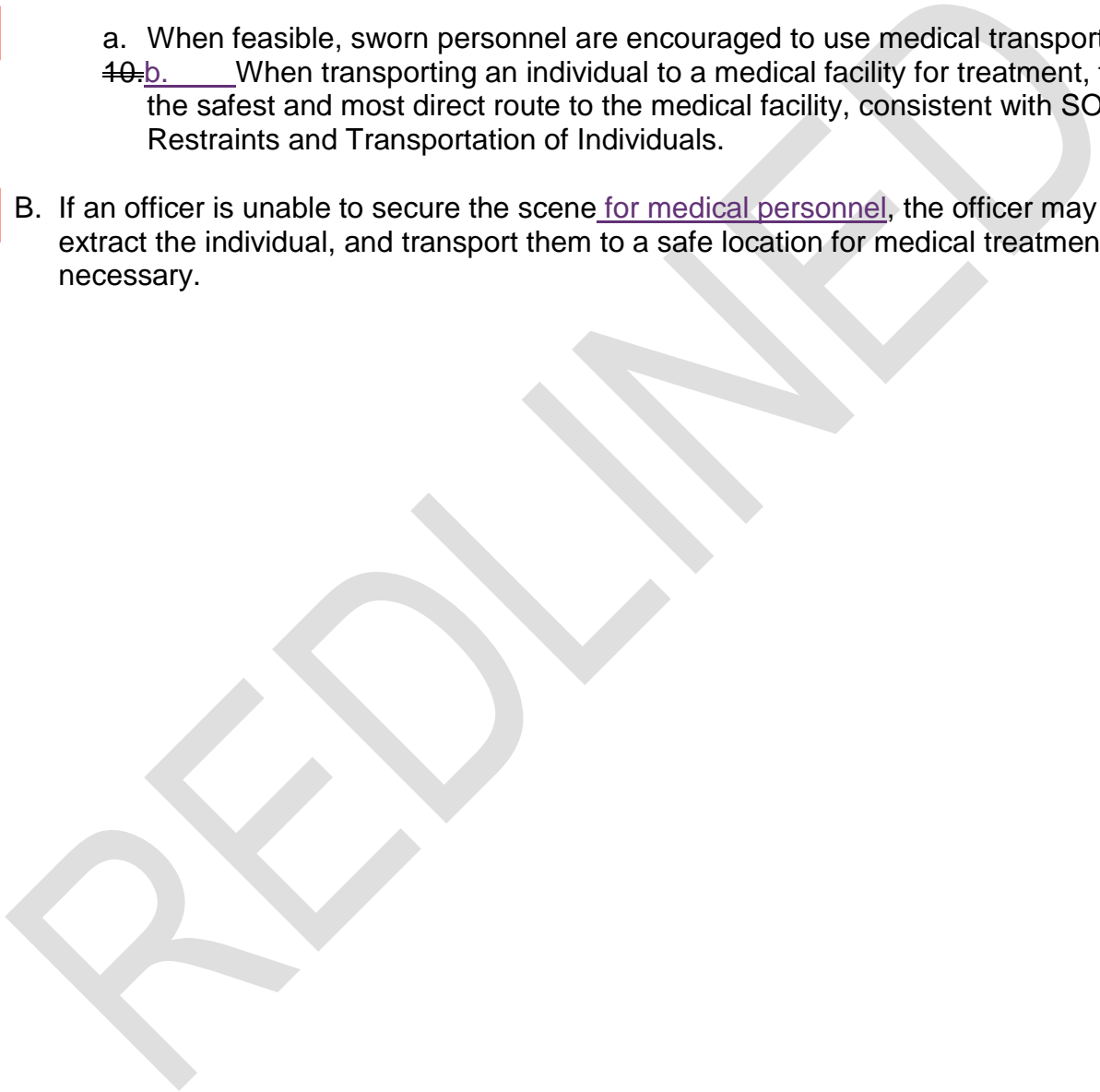
~~9~~8. If an officer transports an individual to a medical facility, notify the Emergency Communications Center (ECC) of the starting and ending mileage of the transporting vehicle; and

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

~~10~~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.

N/A

B. 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.





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)

None

D. 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

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.

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

A discharge of an off-duty or on-duty firearm by sworn personnel, excluding range practice and training firings, destruction of animals, and off-duty, accidental discharges of a personally owned weapon where no person is struck.

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, chest, or groin 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, 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 kneeling or kicking an individual's head, neck, throat, chest, or groin while the individual is in a prone or supine position;
 - i. Deliberately striking an individual with a motor vehicle;
 - j. Using the Pursuit Intervention Technique (PIT) over 35 mph, consistent with SOP Pursuit Intervention Technique;
 - k. Using a tire deflation device on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Use of Tire Deflation Devices; or
 - l. Using a PIT on all two-wheeled or three-wheeled motor vehicles, 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, 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

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 from a standing or upright position, to a non-standing 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 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. Force does not include the use of low-level control tactics, unless the individual complains of pain or injury that is a direct result of an officer's physical interaction with the individual.
 - c. An inadvertent covering of an individual with a weapon is not a force incident.

Q. Force Announcement

Verbal notification to notify on-scene 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. Hospitalization

An individual is admitted to the hospital as designated by medical personnel.

V. Imminent Threat

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

W. Improvised Impact Weapon

A hard object that was not designed to be a weapon, but can be used as a weapon if needed. To be considered an improvised impact weapon, the object must have the potential to cause injury when utilized by sworn personnel.

X. Injury

Physical harm or damage to a person's body.

Y. Involved Officer

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

Z. Lawful Objective

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

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

AA. Leg Sweep

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



BB. Levels of Force

1. **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.
 - a. Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.
2. **Level 2 Use of Force:** 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. A Level 2 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, chest, or groin with a beanbag shotgun, or 40-millimeter impact launcher, which are considered deadly 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 it strikes an individual.
 - c. Use of oleoresin capicum (OC) spray, including when it is sprayed at an individual but misses;
 - d. Empty-hand techniques likely to cause injury or resulting in injury or complaint of injury;
 - e. Strikes and attempted strikes with impact weapons;
 - i. This excludes strikes to the head, neck, throat, chest, or groin, with a baton or improvised impact weapon, which are considered deadly force;
 - f. Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - 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 will not be considered a use of force;
 - g. Use of a horse rein strike on an individual's extremities; and
 - h. Use of the PIT maneuver at thirty five (35) mph or below.
3. **Level 3 Use of Force:** 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. Level 3 use of force includes:
 - a. Use of deadly force;
 - b. Critical firearm discharge;
 - c. Force resulting in hospitalization, serious medical episode, 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 sworn personnel;
- f. An ECW cycle on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive;
- g. Four (4) or more strikes with a baton or improvised impact weapon;
- h. Use of a horse rein strike on an individual's head, neck, throat, chest, or groin;
- i. Any Level 2 use of force against a handcuffed individual;
- j. 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. Use of the PIT maneuver above thirty-five (35) mph.

CC. Levels of Resistance

- 1. 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 or poses an imminent threat or becomes combative; or
 - iv. 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.
- 2. Passive Resistance: Non-compliance with officer commands that is nonviolent and does not pose a threat to the officer or others.
 - a. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance.

DD. Low-Level Control Tactic

- 1. A physical technique used to move, guide, restrain, or stop an individual that is not reasonably likely to cause any pain or injury, and does not cause a complaint of pain or injury, including:
 - a. Escort holds, use of control holds, or handcuffing an individual.

EE. Low Ready



A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or beanbag shotgun in which the muzzle of the weapon is not covering an individual and the trigger finger is outside the trigger guard and straight along the frame. The angle of the low ready is based on the distance from the individual. A weapon at low ready is not a show of force because the weapon is not pointed at the individual.

FF. Material Discrepancy

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

GG. Minimum Amount of Force Necessary

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 other people.

HH. Non-Force

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

II. Neck Hold (Choke Hold)

1. 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. 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 restraints, refer to the definition of "vascular neck restraint".

JJ. Ordering Force

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

KK. Preponderance of Evidence

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

LL. Reasonable Force

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.



MM. Rendering Aid

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

NN. 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.

OO. Show of Force

Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or by pointing the laser of the ECW at an individual.

PP. 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.

QQ. 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.

RR. Temporary Pain

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

SS. Vascular Neck Restraint

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

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

TT. Witness Employee



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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)

None

D. Rescinded Special Order(s)

- ~~SO 21-02 Amendment to SOP 2-53 Use of Force Definitions, Definition of "Levels of Resistance"~~
- ~~SO 21-57 Amendment to SOP 2-53 Use of Force Definitions, Definition of "De-escalation"~~
- ~~SO 21-126 Amendment to SOP 2-53 Use of Force: Definitions, Definitions of "Rendering Aid" and "Sternum Rub"~~ 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

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.

B. Certificate for Evaluation

A document, completed by a qualified, licensed mental health professional ~~which~~ 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

A discharge of an off-duty or on-duty firearm by sworn personnel, excluding ~~Range practice and training firings, destruction of animals, off-duty hunting discharges where no person is struck,~~ and off-duty, accidental discharges of a personally owned weapon where no person is struck.

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, chest, or groin 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, 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 kneeling or kicking an individual's head, neck, throat, chest, or groin while the individual is in a prone or supine position;
 - i. Deliberately striking an individual with a motor vehicle;
 - j. Using the Pursuit Intervention Technique (PIT) over 35 mph, consistent with SOP Pursuit Intervention Technique;
 - k. Using a tire deflation device on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Use of Tire Deflation Devices; or
 - l. Using a PIT on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Pursuit Intervention Technique.



E. De-escalation

1. ~~When feasible, 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, 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 appropriate objective preponderance of the evidence ~~finding which is based upon objective evidence, and~~ or 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); ~~and~~
 - 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.

~~H.~~ I. Electronic Control Weapon (ECW) Discharge

The use or attempted use of an ECW by ~~either drive-stun or firing an~~ the ECW probes 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 ~~t~~) and auditory (high-pitched tone) stimulus that emanates from the ECW device, which is designed to gain compliance from an individual to ~~and~~ mitigate ~~the~~ the need to use force.

~~H.~~ K. Empty-Hand Takedown

Any authorized empty-hand technique used to forcibly maneuver an individual ~~to the~~



~~ground from a standing position or upright position, to a non-standing position.~~

~~L.~~ L. Empty-Hand Technique

A technique used by an officer with the specific intent to gain control ~~of or separate the individual's mind from body and break their focus,~~ 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.

~~K.~~ M. Escort Technique ~~Hold~~

A hands-on method ~~that is used by an officer~~ an officer uses to guide and maintain physical control of an individual ~~while to guide them to a destination, meet their lawful objectives. An escort technique is not intended to cause pain but, when necessary, allows an officer to easily transition to using force.~~

~~L.~~ N. 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.

~~M.~~ O. Feasible

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

~~N.~~ 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. Force does not include compliant handcuffing.~~

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

b. Force does not include the use of low-level control tactics, unless the individual complains of pain or injury that is a direct result of an officer's physical interaction with the individual.

~~c.~~ An inadvertent covering of an individual with a weapon is not a force incident. ~~reportable use of force.~~

~~d. A complaint of pain from handcuffing during a non-force incident is not a reportable use of force.~~



- ~~i. For example, the individual has a preexisting injury, and the handcuffs are likely to cause discomfort to the individual's preexisting injury.~~
- ~~e.c. The use of a low level control tactic is not a reportable use of force.~~

Q. Force Announcement

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

~~Q.~~ 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.

~~P.~~ 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. Hospitalization

An individual is admitted to the hospital as designated by medical personnel.

~~Q.~~ V. Imminent Threat

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

W. Improvised Impact Weapon

A hard ~~hard~~ object that was not designed to be a weapon, but can be used as a weapon if needed. To be considered an improvised impact weapon, the object ~~item~~ must have the potential to cause injury when utilized by sworn personnel.

~~R.~~ Individual

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

X. Injury



Physical harm or damage to a person's body.

~~Any scuff, bruise, scrape, cut, abrasion, or other wound identified on an individual, or anything beyond temporary pain.~~

~~Officer Induced Injury: A an injury to an individualAny now injury to an individual which is a direct result of an officer's actions and which would be reasonably expected to result from the officer's actions.~~

~~Non Officer Induced Fault Injury: Any Any injury which is not attributed to an officer's actions. This includes: Any pre-existing injury (injury which existed prior to the individual's physical contact with an officer.~~

Y. Involved Officer

~~Any officer who participates in a use of force, assists in overcoming an individual's resistance during a use of force, or orders or authorizes a use of force.~~

Z. Lawful Objective

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

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

AA. Leg Sweep

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

BB. Levels of Force

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

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

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

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



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be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable. A Level 2 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~~Discharge of an ECW, including where an ECW is fired at an individual but misses;~~
- b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
 - i. This excludes strikes to the head, neck, throat, chest, or groin with a beanbag shotgun, or 40-millimeter impact launcher, which are considered deadly force.
 - 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 it 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 cause resulting in injury or resulting complaint of injury or complaint of injury; (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps)
- e. Strikes and attempted strikes with impact weapons;
 - ~~e. 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, chest, or groin with a baton or improvised impact weapon, which are considered deadly force~~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 officers;Strikes and attempted strikes with impact weapons;
 - i. ~~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, chest, or groin with a baton or improvised impact weapon, which are considered deadly force.~~
- f. Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - ~~f. 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 will not be considered a use of force~~An ECW cycle on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive;Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - ii. ~~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 will not be considered a use of force.~~
- g. Use of a horse rein strike on an individual's extremities; and
- h. Use of the PIT maneuver at thirty five (35) mph or below.

3. **Level 3 Use of Force:** 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. Level 3 use of force includes:

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

CC. Levels of Resistance

~~1. Active Resistance: Active Resistance: When an individual physically counteracts an officer's control efforts. An individual's resistance that poses an imminent threat of harm to the officer or other people, such as when an individual:~~

- a. ~~Including when an individual:~~ Attempts to attack or attacks an officer;
 - 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); or
 - ii. Attempts to leave the scene, flee, or hide from detection;
 - iii. An individual is actively resisting when that individual ~~Pulls away from the officer's grasp and~~ or poses an imminent threat or becomes combative; or
 - iv. ~~W~~An individual who is brandishing ~~Brandishes or is in possession of a weapon while also not following lawful commands~~ is considered actively resisting.

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. ~~Bracing or tensing alone ordinarily does not constitute active resistance, but may if they pose a threat of harm to the officer or other people.~~



~~Possession of a weapon is based on the totality of circumstances and articulable facts known to the officer at the time force was used by a preponderance of evidence.~~

~~1. The standard of review for possession is by a preponderance of the evidence. An individual's resistance that poses an imminent threat of harm to the officer or other people, such as when an individual attempts to attack or attacks an officer, exhibits combative behavior (e.g., lunging towards the officer, striking the officer with hands, fists, foot, 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. An individual who is brandishing or in possession of a weapon while also not following lawful commands is considered actively resisting. Verbal statements alone do not constitute active resistance. Target glancing alone does 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 other people.~~

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

~~2-a.~~ Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes s passive resistance.

DD. Low-Level Control Tactic

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

a. Escort holds, use of control holds, or handcuffing an individual.

~~2.~~

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

~~3. A low level control tactic does not constitute a reportable use of force.~~

EE. Low Ready

A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or beanbag shotgun in which the muzzle of the weapon is not covering an individual and the trigger finger is outside the trigger guard and straight along the frame. The angle of the low ready is based on the distance from the individual. A weapon at low ready is not a ~~reportable~~ show of force because the weapon is not pointed at the individual.

FF. Material Discrepancy

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



GG. Minimum Amount of Force Necessary

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 other people.

~~HH. Non-Reportable Use of Force~~

~~Any incident involving a physical interaction with between an officer and an individual community member that using force that is not categorized classified as a Level 1, Level 2, or Level 3 use of force.~~

II. Neck Hold (Choke Hold)

1. 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. 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 restraints, refer to the definition of "vascular neck restraint".

JJ. Ordering Force

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

~~A supervisor's directive to use force is considered a reportable use of force.~~

~~KK. Participating Officer~~

~~Physically assisting the involved officer in overcoming an individual's active resistance.~~

~~LL. Person~~

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

~~MM.~~ KK. Preponderance of Evidence

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

~~NN.~~ LL. Reasonable Force

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.



~~OO~~.MM. Rendering Aid

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

~~PP.~~ ~~Reportable Use of Force~~

~~Any physical coercion used by an officer in the performance of their official duties that is categorized as a Level 1, Level 2, or Level 3 use of force.~~

~~QQ~~.NN. ~~————~~ Serious Physical Injury

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

~~RR~~.OO. Show of Force

Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or by pointing the laser sights of the ECW at an ~~individual~~ individual ~~or by using 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.

~~SS~~.PP. 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.

~~————~~ Takedown

~~Any action that of an officer that takes that removes an individual from a standing or elevated position and places that individual onto the ground without the ability to recover.~~

~~TT~~.QQ. Target Glancing

The obvious preoccupation an individual ~~has~~ will have 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. ~~or additional officers.~~

~~a. An Target glancing includes the individual's focus on an avenue of escape.~~

~~UU~~.RR. Temporary Pain



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

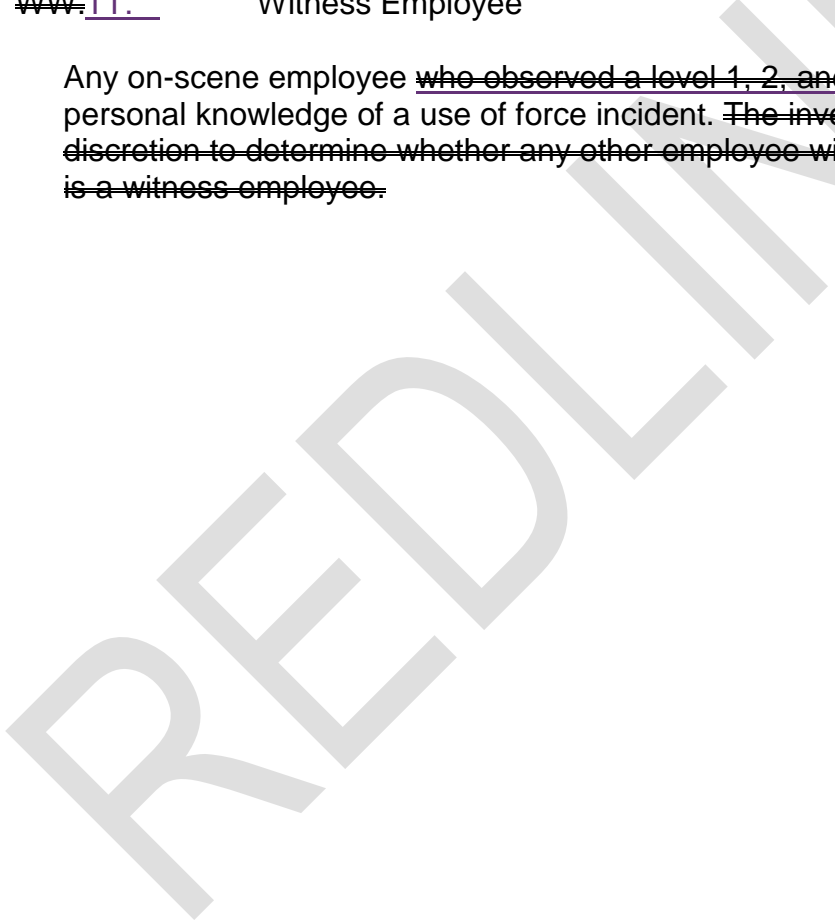
~~VV.SS.~~ Vascular Neck Restraint

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

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

~~WW.TT.~~ Witness Employee

~~Any on-scene employee who observed a level 1, 2, and 3 use of force with relevant, personal knowledge of a use of force incident. The investigator or reviewer has the discretion to determine whether any other employee with relevant personal knowledge is a witness employee.~~





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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 (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. Rescinded Special Order(s)

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 in order to gain compliance with lawful objectives.

N/A 2-54-3 Definitions

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



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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, 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!";
 - 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



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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. 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.

3 3. Shows 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, 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 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.

N/A 2. Sworn personnel shall not use OC spray to overcome passive resistance.

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.



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

N/A

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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

- 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



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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 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, given the totality of the circumstances.
4. 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. Upon discharging the ECW, the officer shall discharge the ECW no longer than reasonably 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. 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 necessary.
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.
 - 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. 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. 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.

N/A



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10. 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.

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 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;
- 4 d. A sworn officer shall not simultaneously point both an ECW and a firearm at an individual;
- 4 e. Sworn personnel shall only carry and use Department-issued ECWs;
- 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.
 - g. Generally, sworn personnel shall not discharge an ECW based solely on the fact that an individual is fleeing a lawful detention or arrest.
 - i. However, sworn personnel may be justified in discharging their ECW based on the totality of the circumstances. Sworn personnel shall consider the totality of the circumstances before discharging an ECW on a fleeing individual, including, but not limited to:
 1. Severity of the offense;
 2. Whether the individual is actively resisting; or
 3. Whether the individual poses an imminent threat to sworn personnel, other people, or themselves.

N/A

5 E. ECW Post-Use Guidelines and Requirements

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

N/A



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

N/A

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

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

6

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

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,



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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.

N/A

a. 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.

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.



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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, consistent with SOP Horse Mounted Unit.
4. Sworn personnel may use the expandable, straight, or Bokken batons when such force is reasonable and necessary to control an actively resistant 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 with an expandable baton, straight baton, or Bokken baton, except where deadly force is justified.

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, consistent with SOP Use of Force: General (refer to SOP Use of Force: General for sanction classifications and additional duties).

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

6 2-54-8

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').

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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 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.



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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.
- 6 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, 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 to control an actively-resistant individual or to protect the officer or another person from an imminent threat.



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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.

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, 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.



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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 (Formerly 6-12)
- 2-52 Use of Force: General (Formerly 3-45)
- 2-53 Use of Force: Definitions
- ~~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
- 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. Rescinded Special Order(s)

- ~~SO 20-57 Electronic Control Weapon (ECW) Taser 7 Administrative Procedures~~
- ~~SO 21-27 Amendment to SOP 2-54 Intermediate Weapon Systems~~
- ~~SO 21-154 Amendment to SOP 2-54 Intermediate Weapon Systems; Electronic Control Weapon (ECW) Undetermined Discharges~~ 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 in order to gain compliance with ~~from an individual who is actively resisting and to enforce~~ lawful objectives.

N/A 2-54-3 Definitions



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

2-54-4 Intermediate Weapon System General Requirements

6 A. Requirements to Carry Intermediate Weapon Systems

1. Sworn personnel shall only carry Department-issued intermediate weapon systems.
2. Sworn personnel shall not carry any intermediate weapon system unless they have been trained and currently qualified to use the system or certified to carry the system.
3. Uniformed sworn personnel, Police Service Aids (PSA), and Crime Scene Specialists (CSS) shall carry a ~~Department-issued electronic control weapon (ECW) and~~ 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 ~~4.5.~~ Sworn personnel may carry the expandable baton as an optional force tool.

N/A ~~5.6.~~ Sworn personnel and supervisors 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 ~~Standard Operating Procedures (SOP)~~ Standard

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, 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



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- 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. 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.
- ~~a. Sworn personnel shall objectively evaluate whether a situational hazard poses a substantial risk of serious physical injury or death based on the totality of the circumstances.~~
3. Shows of force are not considered the same as the application of the same force option. Sworn personnel, wWith the exception of pointing a firearm at an individual, ~~sworn personnel~~ 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.
- ~~4. Sworn personnel shall not point a firearm at an individual unless the officer reasonably believes the individual presents a threat to the officer, other sworn personnel, or community members.~~

3

N/A C. Reporting

Sworn personnel shall report their use of intermediate weapon systems, 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 in order to gain control of an actively resistant individual or to protect sworn personnel and/or others from a threat; and



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b. Direct OC spray only at the specific individual(s) posing a threat, and shall attempt to minimize exposure to other people, ~~and~~

N/A

2. Sworn personnel shall not use OC spray to overcome passive resistance.

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

~~Sworn personnel shall not discharge an OC Spray solely as a pain compliance technique or to overcome passive resistance.~~

1. OC Spray 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, but are not limited to, falling from an elevated position, drowning, and losing control of a moving motor vehicle or bicycle.~~

5

B.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), consistent with SOP Restraints and Transportation of 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.



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2. Sworn personnel shall secure their ECWs in a Department-approved holster with a retention device.

N/A

~~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: ~~Sworn personnel shall choose which mode they discharge depending upon the articulable facts and circumstances at the time of discharge and the guidelines and restrictions set forth in this SOP. The three (3) types of ECW modes are:~~
 - a. Show of Force Mode: Pointing an ECW and/or a laser sight at an individual; ~~or by using a warning arc;~~
 - ~~b. Drive Stun Mode; and~~
 - ~~i. Pressing and holding the ECW against the individual as it is cycled. This can be done in two (2) configurations:~~
 - ~~1. Drive stun only: A technique that involves pressing the ECW against the individual while it is energized without deploying the probes, causing pain but minimal or no neuromuscular incapacitation. This technique is solely a pain compliance technique.~~
 - ~~2. Follow-up drive stun: A technique that is used as a follow-up to the discharge of the ECW probes in standoff mode. It can increase the effectiveness of the ECW by increasing the spread between the connections in the event of a close-quarter probe discharge, completing the circuit in the event of a clothing disconnect, or when only one probe has made a connection with the individual.~~
 - ~~e.~~ b. Standoff Mode: Discharging an the ECW with a cartridge from the device, which propels at the probes towards the individual and, upon effective contact of at least two (2) probes, is intended to cause neuromuscular incapacitation.

6

C. ECW Discharging Guidelines

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 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, given the totality of the circumstances.



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4. 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 ~~using~~ 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. Upon discharging the ECW, the officer shall discharge the ECW no longer than reasonably necessary to accomplish a lawful objective. Upon discharging the ECW, assisting sworn personnel should attempt to handcuff the individual during the cycle (~~e.g., handcuffing the individual while the ECW is cycling~~) to reduce the risk of injury to the individual and sworn personnel.
6. Sworn personnel shall independently justify the reasonableness of each ECW ~~cycle~~ discharge. After one (1) ~~standard~~ ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are necessary.

~~a. Continuous cycling of ECWs is permitted only under exceptional circumstances, such as when it is necessary to handcuff an individual under power (e.g., when the individual is armed and it would be unsafe to evaluate a subsequent cycle). Back-up sworn personnel should attempt hands-on control tactics during ECW discharges, including handcuffing the individual during an ECW discharge (e.g., handcuffing under power). The model of ECW that the Department is currently using does not continuously cycle beyond five (5) seconds.~~

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. 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. ~~and~~

~~8.9.~~ 9. 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.

~~9.10.~~ 10. 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.



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~~a. If the individual is too close to engage, sworn personnel may discharge the ECW probes and use the ECW in follow up drive stun mode in order to disengage from the individual, create distance, and consider other force options.~~

N/A

N/A

~~10. Sworn personnel may discharge an ECW in follow up drive stun mode after deploying the ECW probes in standoff mode in order to complete the circuit.~~

6

D. ECW Restrictions

1. Sworn personnel shall not discharge an ECW ~~solely as a pain compliance technique or 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 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;

4

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

4

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

f. Sworn personnel shall not discharge an ECW ~~in any environment 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. they know or reasonably should know that potentially The known presence of an explosive or flammable, volatile, or explosive material or substances are present, including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane;

~~g. 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; and~~

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

N/A

i. However, sworn personnel may be justified ~~to discharge~~ in discharging their ECW based on the totality of the circumstances. Sworn personnel shall



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consider the totality of the circumstances before discharging an ECW on a fleeing individual, including, but not limited to:

1. Severity of the offense;
2. Whether the individual is actively resisting; or
3. Whether the individual poses an imminent threat to sworn personnel, other people, or themselves.

5

~~D. Holstering and Securing 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.~~

~~3. Uniformed sworn personnel, 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. Non-uniformed sworn personnel issued an ECW shall carry the ECW during the performance of any law enforcement function involving public contact unless otherwise exempted by their commander.~~

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 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), 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 ~~immediately~~ 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.

~~2.a.~~ The supervisor shall immediately respond to the scene, 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).



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~~b.a. Once the officer notifies the on-duty supervisor of the use of force, the on-duty supervisor shall immediately respond to the scene.~~

3. Department personnel shall call ~~E~~mergency ~~M~~edical ~~S~~ervices (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.

~~5. Sworn personnel shall independently justify the reasonableness of each cycle 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 ~~immediately~~ 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, 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.

N/A

~~a. The investigating supervisor shall generate a non-force IA database web application entry ~~an internal affairs request (IAR)~~ for the accidental discharge of the ECW probe consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).~~

a.



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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.
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. ~~Sworn personnel shall complete a function check at least once per week.~~

N/A

~~The instructions for an ECW function check are as follows:~~

~~Leave the cartridges in the ECW. The ECW will not discharge the cartridges unless the trigger is pulled;~~

~~ii. Press both side arc buttons while the ECW is pointed in a safe direction and powered off;~~

~~iii. Confirm the ECW display shows the percentage of battery power and the number of the current firmware;~~

~~iv. Turn the ECW power to the on position. The outer part of the display will appear in yellow, with the center squares showing up in black. This indicates the ECW is in function mode;~~

~~v. Press either of the side arc buttons. This will cause the ECW to spark over the ECW cartridges for five seconds. The display will show the count to five (5) seconds;~~

~~vi. Check the Central Information Display (CID) for error codes and addresses per training; and~~

~~vii. Turn the power to the off position to complete the function check.~~

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

~~a. The ECW batteries are not assigned to a specific ECW and will store and upload data from the ECW when a battery is inserted.~~

N/A

~~b. Exchanging the battery will accomplish the following:~~

~~i. Provide the ECW user with a fully charged ECW battery;~~

~~ii. Upload the data from the ECW. Data are stored and uploaded from the ECW batteries; and~~

~~iii. Upload Firmware updates from Axon.~~

N/A



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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.
- ~~3. Sworn personnel may use the expandable baton when such force is reasonable and necessary to control an actively resistant individual or protect the officer or another person from a threat.~~

N/A

- ~~4.~~ 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, consistent with SOP Horse Mounted Unit.

- ~~5.~~ Sworn personnel may use the expandable, straight, or Bokken batons when such force is reasonable and necessary to control an actively resistant individual or protect the officer or another person from a threat.

~~4.~~

- ~~6.~~ 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

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 ~~immediately~~ call EMS personnel to the scene to provide medical attention, consistent with SOP Use of Force: General (refer to SOP Use of Force: General for sanction classifications and additional duties).



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- 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 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, 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 of 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 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, consistent with SOP Use of Force General (refer to SOP Use of Force: General for sanction classifications and additional duties).



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- 6 a. If EMS personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies ~~of~~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 to control an actively-resistant individual or to protect the officer or another person from an imminent threat.

4. In potential ~~lethal~~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.

- 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



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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, 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~~ 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. 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 individuals who are uncooperative, and to reduce or eliminate the need to use force.

2-55-2 Policy

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

N/A 2-55-3 Definitions

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

6 2-55-4 De-escalation Techniques and Guidelines

- A. Sworn personnel shall proactively use de-escalation techniques to gain voluntary compliance of an individual to reduce or eliminate the need to use force.
- B. When feasible, sworn personnel shall:
 1. Assess the potential risks to the individual, the officer, and other people;



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- 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:
 - 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.
- 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.



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E. Should an individual fail 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 (refer to SOP Response to Behavioral Health Issues for sanction classifications and additional duties).

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.



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. Rescinded Special Order(s)

~~SO 21-58 Amendment to SOP 2-55 Use of Force: De-escalation~~ 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 individuals who are uncooperative, and to reduce or eliminate the need to use force.

2-55-2 Policy

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

N/A

2-55-3 Definitions

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

6

2-55-4 De-escalation Techniques and Guidelines

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

~~1. When feasible, in no order of priority, sworn personnel shall use the following de-escalation techniques, including, but not limited to:~~



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- ~~a. Using distance, cover, concealment, and/or time to:~~
 - ~~i. Assess the situation and their options; and~~
 - ~~ii. Develop a plan to reduce or eliminate the need to use force.~~
- ~~b. Using intermediate barriers;~~
- ~~c. Requesting additional sworn personnel and resources while waiting for their arrival;~~
- ~~d. Using active listening skills to indicate that they are engaged in a conversation with an individual; and~~
- ~~e. Employing verbal de-escalation, which may include:~~
 - ~~i. Communicating with the individual in a conversational tone of voice;~~
 - ~~ii. Beginning by asking questions rather than immediately issuing orders; and~~
- ~~iii. A. Advising the individual that disobeying orders and posing a threat to sworn personnel or other people may result in the need to use force.~~

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 officers 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. Given the facts and circumstances known to sworn personnel at the time, attempt to de-escalate and~~ 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; and
 - 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 coordinate additional resources, such as (e.g., Enhanced Crisis Intervention Team (ECIT))



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~~certified sworn personnel, officers personnel, Mobile Crisis Team (MCT) personnel, and Albuquerque Community Safety (ACS) Department personnel) to best to assist with resolving the incident/individual's crisis;~~

~~5. Use de-escalation techniques, including but not limited to when there is no threat that would require immediate action to prevent physical harm to the officer, the individual, or other people;~~

~~a. The seven (7) active listening skills;~~

~~b. Communicating with the individual in a conversational tone of voice; and~~

~~4-c. Beginning by asking questions rather than immediately issuing orders;~~

~~2-6. Use advisements, warnings, verbal persuasion, warnings, or other techniques before using force;~~

~~3. Transition to other de-escalation techniques and strategies if these techniques are ineffective in gaining compliance from individuals; and~~

~~4.1. Request and coordinate additional resources (e.g., Enhanced Crisis Intervention Team (ECIT) personnel, Mobile Crisis Team (MCT) personnel, and Albuquerque Community Safety (ACS) Department personnel) to best resolve the individual's crisis.~~

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

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

~~C.D. Sworn personnel shall not avoid engaging in~~ objectively unreasonable actions, use of tactics, or make statements that behavior determined to purposefully escalate a situation such that the need to use of force becomes necessary.

~~D. Should an individual fail 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:~~

E.

1. The influence of drugs and/or alcohol;

2. A known or reasonably apparent mental illness or developmental disability;

~~1. The individual is experiencing a behavioral health crisis;~~

3. A known or reasonably apparent physical disability or other medical or physical condition, including a visual or hearing impairment; ~~or~~

~~4. The individual is experiencing a behavioral health crisis; or~~

4.

5. A language barrier.



N/A

~~F. If the individual is or appears to be in a mental or behavioral health crisis, sworn personnel should attempt to de-escalate the situation and shall otherwise follow SOP Response to Behavioral Health Issues (refer to SOP Response to Behavioral Health Issues for sanction classifications and additional duties).~~

~~D. 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.~~

G.

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

H.

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

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

~~2. 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.~~

~~E. Should an individual fail to comply with lawful directions 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.~~

~~1. When feasible, when sworn personnel identify the presence of one (1) of the following factors, they shall use de-escalation techniques to reduce or eliminate the need to use force:~~

- ~~a. The influence of drugs and/or alcohol;~~
- ~~b. A known or reasonably apparent mental illness or developmental disability;~~
- ~~c. The individual is experiencing a behavioral health crisis;~~
- ~~d. A known or reasonably apparent physical disability or other medical or physical condition, including a visual or hearing impairment; or~~
- ~~e. A language barrier.~~

N/A

~~F. If the individual is or appears to be in a mental or behavioral health crisis, sworn personnel should attempt to de-escalate the situation and shall otherwise follow SOP Response to Behavioral Health Issues (refer to SOP Response to Behavioral Health Issues for sanction classifications and additional duties).~~



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~~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 response.~~

1.

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)

- 1-61 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. Rescinded Special Order(s)

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.

7 2-56-4 Reporting Procedures

5 A. Use of Force Reporting Procedures

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



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- a. When the scene is secure, and it is reasonably safe to do so, after Level 2 and 3 use force, call rescue to the scene;
- b. 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 unavailable, they shall notify another on-duty supervisor;
- c. Stay logged on the call of a 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.
- d. Provide the responding supervisor access to their On-Body Recording Device (OBRD) to review footage of the incident while on scene;
- e. 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;
- f. Complete the appropriate force reporting documentation;
 - i. Department personnel shall include in their written narrative, regardless of the level of force classification:
 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.
- g. Provide a written force narrative to the on-scene supervisor by the end of their shift;
- h. Not discuss the use of force with other involved and witness Department personnel until the interview and narratives are completed;
- 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 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.

6



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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, or witnessed a use of force, 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);
 - i. 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 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 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 SOP Use of Force: Review and Investigation by Department Personnel, and contact the appropriate investigative team upon determining force was used.

6

B. Procedures for Reporting Non-Force Incidents

- 1. Department personnel shall document in a Uniform Incident Report the use of low level control tactics that do not meet the definition of a Level 1 use of force.
- 2. Department personnel shall document in a Uniform Incident Report the circumstances of an inadvertent covering of an individual with a weapon.

5

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, follow the procedures in this SOP.
 - ii. If the on-duty supervisor determines that the incident is non-force, the Blue Team entry will be routed through the chain of command for review and approval.
- 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;



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- 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.
 4. Following an accidental discharge of a firearm 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; 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.

5

D. Unreported Uses of Force

1. 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.



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)

- 1-61 Internal Affairs Force Division (IAFD) (~~Currently~~ 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. Rescinded Special Order(s)

- ~~SO 22-17 Amendment to SOP 2-56 Use of Force: Reporting by Department Personnel; On-Body Recording Device (OBRD) Footage Upload~~
- ~~SO 22-41 Amendment to SOP 2-56: Use of Force Reporting by Department Personnel; Procedures for Unreported Uses of Force~~ None

2-56-1 Purpose

The purpose of this policy is to outline the requirements ~~and guidelines~~ for reporting uses of force by Albuquerque Police Department (Department) personnel, ~~and to outline the rules and guidelines for determinations about uses of force.~~

2-56-2 Policy

It is the policy of the Department to properly report and document ~~review~~ all uses of force to ~~determine whether the minimum amount of force was used and whether the force was reasonable and necessary.~~

N/A 2-56-3 Definitions

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

7 2-56-4 Reporting Procedures

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A. Use of Force Reporting ~~Procedures Following All Reportable Uses of Force~~

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 Level 2 and 3 use force, call rescue shall be called to the scene;~~

~~a.b. Following any use of force, notify their on-duty supervisor when the scene is secure and it is safe to do so. If the employee's immediate on-duty supervisor is unavailable, they shall notify another on-duty supervisor;~~

~~c. Stay logged on the call of a 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.~~

~~d. Provide the responding supervisor access to their On-Body Recording Device (OBRD) to review footage of the incident while on scene;~~

~~b.e. 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;~~

~~e.f. Complete the appropriate force reporting documentation, consistent with SOP Use of Force: Reporting by Department Personnel;~~

~~d. Remain on scene of a use of force, or show of force incident, until relieved by the responding on-duty supervisor or unit responsible for conducting review/investigation; and~~

~~Department personnel shall provide the IAFD Detective/Investigator conducting the investigation a written narrative by the end of their shift. If it is determined to be a Level 1, the written narrative shall be provided to the on-scene supervisor by the end of the shift.~~

~~The IAFD Detective/Investigator may order a follow-up interview. The IAFD Detective/Investigator will schedule the follow-up interview, consistent with SOP Internal Affairs Force Division (IAFD); and~~

~~For sworn personnel only, after the on-scene investigation is complete, upload the data from their electronic control weapon (ECW), if discharged; and e., and on-body recording device (OBRD) by the end of shift.~~

~~2. Involved and witness Department personnel shall not discuss with each other the use of force the use of force with each other until the interview and/or narratives are completed.~~

~~Supervisor responsibilities for all Uses of Force~~

~~The on-scene supervisor shall approve each written narrative completed by their personnel by the end of their shift.~~

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- i. Department personnel shall include in their written narrative, regardless of the level of force classification:
 - 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.

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.

OBRD Footage of Use of Force Incident Requirements

ii. Provide Department personnel involved in or a written witness to a use of force narrative shall not leave the on-scene without providing the responding supervisor access to their OBRD to review footage of the incident supervisor by the end of their shift;

g. h. Not discuss the use of force with other involved and witness Department personnel until the interview and narratives are completed;

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

j. Consistent with SOP Use of On-Body Recording Devices, by the end of the employee's shift during which the use of force incident occurred, Department personnel shall 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 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.

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.

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~~A supervisor who authorized, ordered, or was involved in a use of force:~~

~~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, or witnessed a use of force, 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);~~

~~i. 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.~~

~~If they~~

~~b. A supervisor who ordered force a use of force shall document the circumstances for ordering the force by completing in the Use of Force Written Narrative for Involved and Witness Officers form; and~~

~~c. If 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

~~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.~~

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

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B. Procedures for ~~Non-Reportable~~ Non-Uses of Force Incidents

~~1. Department personnel, regardless of rank, shall complete document in a Uniform Incident Report or Supplemental Report for all non-reportable uses of force. the use of low level control tactics that do not meet the definition of a Level 1 use of force.~~

~~2. Department personnel shall document in a Uniform Incident Report the circumstances of an inadvertent covering of an individual with a weapon,~~

~~that is not a reportable Level 1 use of force.~~

~~3. Sworn personnel shall document their involvement in a Uniform Incident Report when they use any type of low level control tactic as defined in Use of Force: Definitions.~~

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C. Procedures Following Other Reportable Incidents

~~1. Following any prisoner injury, complaint of injury or pain an, allegation of any use of force, or accidental discharge of a weapon system, Department personnel shall:~~



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- a. ~~Notify~~ document the incident in a Uniform Incident Report and shall 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, follow the procedures in this SOP. ~~2-56-4-A-1.~~
 - ii. If the on-duty supervisor determines that the incident is non-force, the Blue Team entry will be routed through the chain of command for review and approval.

N/A

~~The on-duty supervisor who has been notified shall conduct an on-scene review, 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).~~

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~~D. OBRD Footage of Use of Force Incident~~

- 1. ~~Department personnel involved in or a witness to a use of force shall not leave the scene without providing the responding supervisor access to their OBRD to review footage of the incident.~~
- 2. ~~Upon request, sworn personnel who witnessed a use of force shall provide the responding supervisor access to their OBRD to review footage of the incident.~~

N/A

~~Consistent with SOP Use of On-Body Recording Devices, by the end of the employee's shift during which the use of force incident occurred, Department personnel shall 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 (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).~~

~~a. 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.~~

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~~E. Procedures Following Level 1 Use of Force~~

~~1. Department personnel shall provide the on-scene supervisor a written narrative by the end of their shift. The on-scene supervisor shall approve each written narrative completed by their personnel by the end of their shift.~~

- a. ~~Department personnel shall include in their narrative:~~
 - i. ~~The reason for the initial police presence;~~



- ~~ii. A specific description of the facts that led to the use of force, including the behavior of the individual;~~
- ~~iii. The individual's level of resistance; and~~
- ~~iv. A description of each type of force used and justification for each use of force.~~
- ~~b. Department personnel shall not use boilerplate, canned, or conclusory language (e.g., "guided to the ground" or "offered resistance") when providing a narrative of a use of force incident.~~
- ~~c. The reviewer may order a follow up interview. The reviewer shall schedule the follow up interview.~~

6 ~~D. Procedures Following Level 2 and Level 3 Uses of Force~~

- ~~1. Department personnel shall provide the IAFD Detective/Investigator conducting the investigation a written narrative by the end of their shift. The on scene supervisor shall approve each written narrative completed by their personnel by the end of their shift.~~
- ~~a. Department personnel shall include in their narrative:
 - ~~i. The reason for the initial police presence;~~
 - ~~ii. A specific description of the facts that led to the use of force, including the behavior of the individual;~~
 - ~~iii. The individual's level of resistance; and~~
 - ~~iv. A description of each type of force used and justification for each use of force.~~~~
- ~~b. 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.~~
- ~~c. The IAFD Detective/Investigator may order a follow up interview. The IAFD Detective/Investigator will schedule the follow up interview, consistent with SOP Internal Affairs Force Division (IAFD).~~

6 ~~E. Individuals Upon Whom Force Was Used~~

- ~~1. Department personnel shall have a lawful objective to detain individuals prior to detaining them for an administrative investigation.~~
- ~~a. Department personnel shall not detain individuals solely for the purpose of conducting administrative investigations; however, Department personnel shall request individuals to remain on scene and cooperate with the investigation.~~
- ~~b. If the individual leaves, the on scene supervisor shall attempt to obtain their contact information.~~

~~F. Bystanders Who are Potential Witnesses to a Use of Force~~

- ~~1. Department personnel shall attempt to identify all potential witnesses of a use of force.~~



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- ~~a. Department personnel shall document descriptions of all potential witnesses to a use of force who refuse to stay on scene or who are unidentified.~~
- ~~b. Department personnel shall not detain witnesses solely for the purpose of conducting administrative investigations; however, Department personnel shall request witnesses to remain on scene and cooperate with the 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.

~~2.4.~~ 4. Following an accidental discharge of a firearm 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; and
- e. Upload OBRD footage, if available, by the end of their shift.

~~3.5.~~ 5. Following an accidental discharge of a firearm that strikes a person, Department personnel shall:

- a. Follow the procedures in ~~SOP 2-56-4-A-1~~ this SOP.

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D. Unreported Uses of Force



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- 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.
- ~~—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.~~
- ~~a. —The IAFD Investigator shall investigate unreported Level 2 and Level 3 uses of force consistent with SOP Use of Force: Review and Investigation by Department Personnel, excluding the following on scene investigation procedures:~~
- ~~b. —Examine personnel and the individual for injuries and request medical attention, where appropriate;~~
- ~~c. —Advise the individual involved in the use of force incident of their rights where it is necessary to gather additional information about injuries;~~
- ~~d. —Preserve any evidence located at the scene; and~~
- ~~e. —Canvass for witness(s);~~
- ~~f. —The IAFD Investigator 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.~~
- g.1. —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 including the investigation results.



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)

- 1-61 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. Rescinded Special Order(s)

SO 23-95 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 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 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 injury from the use of force. The category 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;
- 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 or 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, 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 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.

2. 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.

6 2-57-5 Field Supervisory Investigative Responsibilities

A. When there is an allegation of force or an allegation of injury or when there is a prisoner injury, 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);
 - 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;
4. Immediately identify involved and witness sworn and non-sworn personnel, the individual, upon whom force was used, and community member witnesses;
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 employees, when feasible;
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.
9. Ensure all evidence is identified, preserved, and collected;



10. Review sufficient on-scene OBRD footage in order to classify the correct level of force;
11. Record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;
12. Collect and approve use of force narrative forms from involved and witness Department personnel by the end of the shift;
13. Complete the Supervisor On-Scene Investigative Checklist;
14. Fill out and sign the Supervisor On-Scene Investigation Checklist to document their on-scene investigation and classification;
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. 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 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. Provide a completed On-Scene Accountability form and Mmunition 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. 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. Provide a copy of the After Action Report to the IAFD investigator for any Level 2 or Level 3 use of force within twenty (20) 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 Review of Level 1 Use of Force

A. The Level 1 Team Supervisor Call-Out Procedures

1. The on-call Level 1 Team Supervisor, when contacted by the on-scene supervisor, shall:
 - a. Ensure the supervisor is classifying the use of force as a Level 1 use of force incident;
 - b. Confirm the supervisor has visually inspected the individual for injuries;
 - c. Inform the supervisor to complete the Supervisor On-Scene Investigative Checklist and have it ready for the Level 1 Team Reviewer when they arrive on-scene;
 - d. Contact the on-call Level 1 Team Reviewer and notify them of the call-out; and
 - 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;



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- 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
 - k. Reclassify the level of force, if applicable.
 - i. If the incident is reclassified as a Level 2 or Level 3 use of force incident, the Level 1 Team Reviewer shall contact the on-call IAFD Supervisor and request IAFD respond to the scene.
 1. The Level 1 Team Reviewer shall assist with the on-scene investigation as requested by IAFD.
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 reviews of all Level 1 uses 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. 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 community member witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.
 - 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;



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- 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 involved sworn personnel's OBRD are bookmarked showing the use of force.
 - 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 narratives; 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.
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).
 - 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

N/A



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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).

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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
- iii. The reason(s) for the requested extension.

2. The Level 1 team supervisor shall have seven (7) calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force.



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 or low-level control case, 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.

6 2-57-8 **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. Level 2 and Level 3 uses of force;
 - b. Use of Force used by Lieutenants or ranks higher than Lieutenant; and
 - c. Use of Force when there is apparent criminal misconduct.
2. IAFD personnel shall objectively and thoroughly investigate 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 Level 2 and Level 3 Use of Force Investigations by IAFD



1. IAFD Detective/Investigator on-scene responsibilities

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. 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;
- 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. Witnesses shall be encouraged to provide and sign a written statement in their own words.
 2. Encourage witnesses to stay on scene to be interviewed by IAFD Detective(s).
 3. If the witness cannot stay on scene, obtain their contact information and, when feasible, obtain a written or recorded statement.
 4. If any witness does not want to cooperate and provide any information, a description of the witness shall be documented.
- x. 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



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- a. The IAFD Detective/Investigator shall:
 - i. Conduct interviews with involved sworn 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.
 - iii. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;
 - iv. Record all interviews with involved and witness Department personnel, the individual, and community member witness;
 - v. 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. Review all use of force reports to ensure that these statements include all required information;
 - vii. Review all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations; and
 - viii. Make all reasonable efforts to resolve material inconsistencies between the employee, individual, and witness statements, and inconsistencies between the level of force described by the employee and any injuries to Department personnel or individuals.
3. At the conclusion of each 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 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
 - 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 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 IAFD Commander through consultation with the Office of Police Reform.
- B. Procedures for Other Force Investigations by IAFD
- 1. Tactical Activations
 - 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.
 - 2. Apparent Criminal Misconduct
 - 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.
 - b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force, consistent with SOP Multi-Agency Task Force (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:

N/A



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N/A

- i. Conduct the Level 2 or Level 3 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 employees before contacting those employees.
 - 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.
 - 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 Level 2 or Level 3 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.
- g. When a Level 2 or Level 3 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.

C. 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.
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 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.

N/A

6 2-57-9 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. Ensure that the allegation and description of the incident is documented in the involved officer's Uniform Incident Report;
 - d. Create a "Non-Force" IA database web application entry and attach all evidence;
 - e. Ensure "Non-Force" or "low-level control" is marked in the "categories" section of the IA database web application; and
 - f. Route the "Non-Force" IA database web application entry to the Lieutenant within three (3) calendar 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 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 send the “Non-Force” IA database web application entry back to the Field Sergeant;
 2. Once received, the Field Sergeant will create a Level 1 IA database web application entry and begin Level 1 investigation; and
 3. The “Non-Force” IA database web application entry will be routed to the “To Be Deleted” group mailbox.
 - 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.”

B. Accidental Discharge: Less-Than-Lethal Weapon, No Person Hit

1. The Responding Supervisor shall:

- a. Complete the Responding Field Supervisor On-Scene Investigative Checklist and upload it to the IA database web application;
- b. Complete the Supervisor On-Scene Investigation Checklist;



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- c. Create a “Non-Force” IA database web application entry and attach all evidence;
- d. 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. Route the “Non-Force” IA database web application entry to the Lieutenant within three (3) calendar 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.

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.

C. Accidental Discharge: Less-Than-Lethal Weapon, Person Hit

1. The Responding Supervisor shall:

- a. Complete the 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. Collect all Use of Force Written Narrative for Involved and Witness Officers forms from sworn personnel; and
- 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.

D. Accidental Discharge: Firearm

1. The Responding Supervisor shall:



- a. Complete the 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. Collect all Use of Force Written Narrative for Involved and Witness Officers forms from sworn personnel; and
- 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.

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; and
- e. Contact the City Animal Welfare Department.

5 2-57-10 Responsibilities of the Office of Police Reform

- A. Where a force investigation indicates any apparent criminal conduct by an officer, the IAFD Commander shall notify the Superintendent of the Office of Police Reform, who shall then notify the Chief of Police. The Chief of Police or their designee shall ensure that the investigation is assigned to the appropriate specialized investigative unit.
 1. Where appropriate to ensure the fact and appearance of impartiality, and with the authorization of the Office of Police Reform and the Chief of Police, the Chief of Police or their designee may refer a use of force indicating apparent criminal conduct by an employee to the MATF for criminal investigation.
 2. The specialized unit shall consult with the Bernalillo County District Attorney's Office or the United States Attorney's Office, as appropriate.
 3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police or their designee shall instruct for the investigation to be forwarded to the appropriate prosecuting authority. If the MATF or the Criminal Investigations Division (CID) investigation indicates any apparent criminal conduct by an employee or reveals evidence of criminal conduct by an employee, the Chief of Police or their designee shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s).



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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.

REDLINED



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)

- [1-61 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 1117 Use of Force Recorded Narrative Guide~~
- PD 1118 Use of Force Written Narrative for Involved and Witness Officers
- PD 1119 Supervisor On-Scene [Investigation](#) Response Checklist
- PD 1120 [Supervisor On-Scene Investigation of Level 2 and 3 Uses of Force](#) ~~Supervisor On-Scene Investigation of Level 2 and Level 3 Uses of Force (Accidental Discharge, Allegation of Use of Force, and Prisoner Injury)~~
- 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. Rescinded Special Order(s)

[SO 23-95 Amendment to SOP 2-57 Use of Force Review and Investigation by Department Personnel](#) ~~None~~

2-57-1 Purpose

The purpose of this policy is [to establish procedures for](#) ~~for the~~ Albuquerque Police Department (Department) [personnel](#) to objectively and thoroughly review 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 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 injury from the use of force. The category of force—Level 1, 2, or 3—determines the kind of review or investigation that will be completed.

~~The Department's goal in categorizing force is to promote efficiency and reduce the burden on first line supervisors while optimizing critical investigative resources on higher level uses of force.~~

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; ~~and, when conducting interviews, avoid asking leading questions;~~
- b. When conducting interviews, avoid asking leading questions and never ~~Never~~ ask Department personnel or witnesses any questions that may suggest legal or procedural justifications for an employee's conduct;
- 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 ~~Department personnel or individuals.~~ Department

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.

- ~~2-a.~~ a. A 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 subsequent force incident involving the same individual prior to the law enforcement encounter terminating.



~~a.i.~~ The involved supervisor shall not review or approve any reports that are generated as a result of the force incident.

~~i.~~ A non-involved supervisor shall review and approve any reports that are generated following the force incident.

~~ii.~~

~~3.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.

~~B. Supervisory On Scene Responsibilities for Classifying Force~~

~~1. The on scene supervisor shall:~~

~~a. Immediately respond to the scene to classify the use of force according to the highest level of force used during the incident, to classify the in-custody individual injury or complaint of injury or pain based upon the Department's three level force classification system, consistent with SOP Use of Force: Definitions;~~

~~b. Use the Supervisor's On Scene Response Handbook/Guide when classifying force;~~

~~c. Record their investigation on their on body recording device (OBRD) in accordance with the Supervisor's On Scene Response Handbook/Guide;~~

~~d. Keep the in-custody individual on scene when they have established probable cause;~~

~~e. Review sufficient on scene OBRD footage for involved or witness employee(s) in order to classify the correct level of force;~~

~~f. Ensure that IA/FD is immediately notified and dispatched to the scene to initiate a Level 2 or Level 3 use of force or any level of force involving potential criminal misconduct by the involved or witness employee; the force investigation for the following:~~

~~i. Level 2 and Level 3 uses of force;~~

~~ii. Use of force by a lieutenant or above; and~~

~~iii. Force involving potential criminal misconduct by the involved or witness employee.~~

~~g. Fill out and sign the Supervisor Review On Scene Investigation Form to document their on scene investigation and classification; and~~

~~h. By the end of their shift, complete a non force IA database web application entry, including the Supervisor On Scene Investigation of Level 2 and 3 Uses of Force (Accidental Discharge, Allegation of UOF, and Prisoner Injury) form; and:~~

~~i. When the supervisor's on scene investigation verifies force did not occur;~~

~~ii. For accidental discharges of an intermediate weapons system;~~

~~iii. For prisoner injuries not as a result of a use of force, including pre-existing injuries; and and~~

~~For allegations of a use of force that are unsubstantiated.~~

~~Ensure the Level 1 Review Team is notified and dispatched to the scene to initiate a Level 1 review. appropriate use of force review team is notified and dispatched to the scene to conduct the follow up investigation.~~



~~IAFD on call supervisor to initiate a Level 2 or Level 3 use of force or any level of force involving potential criminal misconduct by the involved or witness employee;~~

~~iv. Level 1 Review Team is notified and dispatched to the scene to initiate a Level 1 review.~~

2. The responding Detective/Investigator/Reviewer shall review the incident and verify ~~have authority in classifying~~ the classification of the level of force used while on scene.

a. The ~~If the IAFD~~ Detective/Investigator/Reviewer ~~shall~~ shall have the authority to reclassify the level of force based on their on-scene review of the incident.

~~a.b. does not accept the case for investigation, the responding supervisor or reviewer shall be responsible for completing the Level 1 use of force investigation.~~ If the incident is reclassified, the case shall will be assigned based on the reclassified level of force.

6 2-57-5 Field Supervisory Investigative Responsibilities for Level 1 Use of Force

A. ~~The on-scene supervisor shall~~ When there is an allegation of force or an allegation of injury or if when there is a prisoner injury, 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);

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;

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

~~1. , and investigative interactions with sworn personnel;~~

~~2. Ensure CSS personnel photographs capture involved Department personnel, the individual(s) in which force was used, and any weapon systems used during the force incident;~~

~~3-5.~~ Visually inspect Department personnel and the individual for injuries and request medical attention if anyone where the individual is injured or complains of injury pain;



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- ~~4. Ensure that at least one (1) officer or Prisoner Transport Unit (PTU) employee is present with and monitoring the individual;~~
 - ~~6. Ensure Crime Scene Specialists (CSS) personnel are contacted to process the scene in accordance with SOP Use of Crime Scene Specialists (CSS) Unit;~~
 - ~~5.7. Physically separate involved and witness employees, when possible, feasible;~~
 - ~~6. Issue a verbal order for employees to not discuss the use of force;~~
 - ~~8. Make a reasonable effort to identify and attempt to interview or request all community member witnesses, encourage them to provide complete a written or recorded 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.~~
 - ~~7.b. The responding supervisor may obtain a verbal statement if the witness is willing to do so, at the scene of the use of force;~~
 - ~~8.9. Ensure all evidence is properly located, gathered, identified, and preserved, and collected; at the scene;~~
 - ~~10. Review sufficient on-scene OBRD footage in order to classify the correct level of force;~~
 - ~~11. Record their investigation on their OBRD in accordance with the On-Scene Supervisor Investigation Form;~~
 - ~~9.12. Collect and approve use of force narrative forms from involved and witness Department personnel by the end of the shift;~~
- ~~Attempt to obtain a statement from the in-custody individual(s) for the administrative investigation or review. Notify the on-call Level 1 Team supervisor of the incident;~~
- ~~10. Complete the Supervisor On-Scene Response Investigative Checklist; and~~
 - ~~13. Fill out and sign the Supervisor On-Scene Investigation Checklist On-Scene Supervisor On-Scene Response Investigative Checklist form to document their Level 1 detective upon their arrival at the scene on-scene investigation and classification;~~
 - ~~11.14. Provide a completed copy of Fill out and sign the Supervisor On-Scene Investigation Checklist On-Scene Supervisor On-Scene Response Investigative Checklist form to document their Level 1 detective upon their arrival at the scene on-scene investigation and classification;~~
 - ~~12. Complete the Supervisor Review Level 1 Use of Force form for Level 1 use of force reviews;~~



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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, or if any level of force involved potential criminal misconduct.

~~13.~~ 16. Ensure that a Uniform Incident Report is completed when the officer has a physical injury preventing them from completing a Uniform Incident Report, is in an officer-involved shooting, or the officer is the victim of a crime, ensure a Uniform Incident Report is completed by another officer; and

6 ~~14.~~ **2-57-6 Supervisor On-Scene Responsibilities for Classifying Force During a Tactical Activation** Notify IAFD personnel who shall respond to the scene if an accidental discharge of a firearm occurs, regardless of whether or not a person is struck; and

~~15.~~ Conduct follow up interviews as necessary to make a determination regarding whether the use of force was within policy.

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

- 1. Provide a completed ~~SOD~~ On-Scene Accountability Form and Mmunition Tracking Form to the IAFD investigator or Level 1 Team Reviewer. These forms are submitted in lieu of the Supervisor On-Scene Investigative Checklist ~~Supervisor On-Scene Response Checklist PD-1119~~ and On-Scene Supervisor Investigation ~~PD-1120~~ forms;
- 2. Review and approve all Use of Force Written Narrative for Involved and Witness Officers forms ~~involved and witness officers PD-1118c~~ and ensure they are submitted to the IAFD investigator or Level 1 Team Reviewer by the end of the shift; and
- 3. Provide a copy of the After Action Report to the IAFD investigator for any Level 2 or Level 3 use of force within twenty (20) calendar days.

~~B.~~

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

6 ~~2-57-7~~ **2-57-7** ~~D~~ **Supervisor Documentation Review** of Level 1 Use of Force

1.A. The on scene supervisor may be the investigating supervisor for a Level 1 use of force unless the investigation is reassigned by the area commander or the incident



~~is reviewed by the unit responsible for conducting Level 1 use of force reviews~~
The Level 1 reviewer is responsible for conducting Level 1 use of force reviews
Team Supervisor Call-Out Procedures

~~2.1. The on-scene investigating supervisor or reviewer shall initiate an IA database web application entry for each individual upon whom force was used by the end of their shift~~
The on-call Level 1 Team Supervisor, when contacted by the on-scene supervisor, shall
~~The Level 1 investigator shall initiate an IA database web application entry for each individual upon whom force was used within twenty four (24) hours of being notified of the use of force.;~~

- ~~a. The on-scene investigating supervisor or reviewer shall complete an additional IA database web application entry for each additional individual upon whom force was used.~~
- 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 ~~Remind~~ the supervisor to ~~have the complete the~~ Supervisor On-Scene Investigative Checklist ~~Responding Field 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
- ~~b.e. Contact the Emergency Communications Center (ECC) and advise them that a Level 1 Team Reviewer will be responding to the scene~~
The on-scene investigating supervisor or reviewer
~~Level 1 reviewer shall attach evidentiary items to the IA database web application entry, including, but not limited to:~~
 - i. The supervisors shall ~~may~~ can 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
 - ~~i. The supervisor ~~can~~ shall ~~may~~ advise the ECC via radio or phone that the Level 1 Team Reviewer ~~will~~ may ~~shall~~ be responding to the scene~~
Involved and witness employees' OBRD footage;
 - ~~ii. Other video footage that captured the use of force;~~
 - ~~iii. Involved and witness employees' Uniform Incident Reports;~~
 - ~~iv. Written or recorded statements from witness(s);~~
 - ~~v. Recorded statements from involved individuals;~~
 - ~~vi. Involved and witness officers' use of force narratives; and~~
 - ~~vii.ii. Any other items determined to have evidentiary value.~~

B. Level 1 Team Reviewer Responsibilities

1. The Level 1 Team Reviewer ~~will~~ 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.



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2. The on-call Level 1 Team Reviewer will 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; ~~Responding Field Supervisor On-Scene Investigative Checklist;~~
 - ii. Ensure that ~~Ask~~ sworn personnel ~~Officers~~ have been separated and have been advised not to discuss the incident; and
 - iii. Inform ~~Remind~~ the Supervisor to collect and provide the Use of Force Written Narrative for Involved and Witness Officers ~~Involved and Witness Officers' Use of Force Written Narrative for Involved and Witness Officers~~ ~~Forms and their On-Scene Supervisor Investigation checklist; ~~Form~~~~ 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 ~~Remind~~ sworn personnel ~~Officers~~ to submit their Use of Force Written Narrative for Involved and Witness Officers ~~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
 - k. Reclassify the level of force, if applicable.
 - i. If the incident is reclassified as a Level 2 or Level 3 use of force incident, the Level 1 Team Reviewer shall contact the on-call IAFD Supervisor and request IAFD respond to the scene.
 1. The Level 1 Team Reviewer shall ~~Assist~~ with the on-scene investigation as requested by IAFD.
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.



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5. The reviews of all Level 1 uses 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. A list of evidence that was gathered, including sufficient identifying and contact information of ~~civilian~~ 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 community member witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.
- 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; ~~trail;~~
- h. A copy of the ~~Computer Aided Dispatch (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 involved sworn personnel's ~~(s)~~ OBRD are bookmarked showing the use of force.
- b. Other video footage that captured the use of force;
- c. Involved and witness Department personnel's² Uniform Incident Reports;
- d. Written or recorded statements from witness(s);
- e. Recorded statements from involved individuals;
- f. Involved and witness sworn personnel's² use of force narratives; and
- g. Any other items determined to have evidentiary value.

—The reviewer shall forward a Level 1 use of force review to the Level 1 Team Supervisor.

7.



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 ~~a~~ complete and that the findings are supported by a preponderance of the evidence.
2. The Level 1 Team Supervisor ~~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 ~~supervisor~~ shall accurately complete the appropriate form for their level of review, including a citation to evidence as required.
4. The Level 1 Team Supervisor ~~supervisor~~ shall open an IAR on all deficient reviews (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).
 - a. The Level 1 Team Supervisor ~~supervisor~~ shall document the deficient reviews in the reviewer's performance documents (refer to SOP Performance Evaluations for sanction classifications and additional duties).
 - 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.
5. When a policy violation is discovered during a Level 1 use of force review, the Level 1 Team Supervisor ~~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. The Level 1 Team Supervisor ~~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 ~~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.

N/A

N/A

N/A

N/A

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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. ~~Use of Force~~ Level 1 Review Timelines

1. ~~The on-scene investigating supervisor or~~ Level 1 reviewer shall submit the Level 1 force review ~~within~~ within seven (7) days after the day the force was used.
 - a. ~~Where a~~ Level 1 reviewer ~~supervisor~~ is unable to complete a review within the initial seven (7) day deadline, ~~the Level 1 reviewer~~ they shall ~~may~~ seek an extension of ~~reasonable length~~ 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~~ identifying:
 - i. Why the seven (7) day deadline could not be met;
 - ~~The number of extra days requested; and~~
 - ii. ~~Why the seven (7) day deadline could not be met; and~~
 - iii. ~~The reason(s) for the requested extension to the involved employee's commander.~~
 - ~~b. The lieutenant in the involved employee's chain of command will have ten (10) calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force.~~
 - ~~c. The commander in the involved employee's chain of command will have ten (10) calendar days from receiving the lieutenant's review to complete the review of a Level 1 use of force.~~
2. The Level 1 team supervisor will ~~shall~~ have seven (7) calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force.
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 will ~~shall~~ begin when the Level 1 Team is notified of the incident.

6 A. E. Reassignment of Level 1 Force Reviews

- 6** 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 ~~an IAFD~~ Deputy Commander and provide them with the case evidence.
 - a. The IAFD Commander or Deputy Commander will ~~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 will ~~shall~~ create the IA database web application entry.
2. If the Level 1 Team Supervisor reclassifies the incident as a non-force or low-level control case, they shall



- 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 ~~civilian~~ community member witnesses and video surveillance;
- ix. Interview any on-scene ~~civilian~~ community member witness(s) as soon as possible;
 - 1. Witnesses shall be encouraged to provide and sign a written statement in their own words.
 - 2. Encourage witnesses to stay on scene to be interviewed by IAFD Detective(s).
 - 3. If the witness cannot stay on scene, obtain their contact information and, when feasible, obtain a written or recorded statement.
 - 4. If any witness does not want to cooperate and provide any information, a description of the witness shall be documented.
- x. 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 ~~officers~~ complete their Use of Force Written Narrative for Involved and Witness Officers Form ~~(PD-1118)~~ 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 personnel ~~officers~~ in accordance with the current Collective Bargaining Agreement (CBA);
- ii. Conduct interviews with witness sworn personnel ~~officers~~ and/or ~~civilian personnel~~ 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.
- iii. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;



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- iv. Record all interviews with involved and witness Department personnel, the individual, and ~~civilian~~ community member witness;
 - v. 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. Review all use of force reports to ensure that these statements include all required information;
 - vii. Review all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations; and
 - viii. Make all reasonable efforts to resolve material inconsistencies between the employee, individual, and witness statements, and inconsistencies between the level of force described by the employee and any injuries to Department personnel or individuals.
3. At the conclusion of each use of force investigation, the IAFD Detective/Investigator shall prepare an investigative report and ~~it~~. 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 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
 - 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 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 IAFD Commander through consultation with the Office of Police Reform.

B. Procedures for Other Force Investigations by IAFD

1. Tactical Activations

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.

2. Apparent Criminal Misconduct

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 ~~Multi-Agency Task Force (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, consistent with SOP Multi-Agency Task Force (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 administrative investigation;

ii. Not interfere with the MATF investigation; and, ~~and~~

1. Absent extraordinary circumstances, IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with involved and witness employees before contacting those employees.

N/A

a. If ~~the~~ 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.

2. IAFD personnel shall wait for the ~~=~~MATF to contact and conduct interviews, if any, with community member ~~civilian~~ 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 ~~civilian~~ 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 Level 2 or Level 3 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 ~~will~~ 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.
- g. When a Level 2 or Level 3 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.

N/A

C. 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 ~~of the Internal Affairs Division~~ 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, consistent with SOP Performance Evaluations.

~~2. When the IAFD commanding officer determines that the force investigation is complete and the findings are supported by a preponderance of the evidence, they commanding officer shall forward the investigation report to the Force Review Board (FRB) and file it within the internal affairs database within the Police Reform Bureau. The supervisory reviews of all Level 1 uses of force shall include:~~

6

- ~~a. All written use of force narratives and/or statements provided by Department personnel and/or community member witness(s);~~
- ~~b. Uniform Incident Reports and Supplemental Reports;~~
- ~~c. The reviewing chain of command's form pertaining to their review;~~
- ~~d. 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 supervisor shall document in their use of force report if there were no witnesses to the use of force.~~
- ~~ii. The supervisor reviewer shall explain why community member witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.~~
- ~~e. In their use of force report All, all available identifying information for anyone who refuses to provide a statement;~~
- ~~f. The names of Department employees who witnessed the use of force;~~
- ~~g. The supervisor's 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;~~
- ~~h. 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. The supervisor's documentation of any tactical issues found during the review, which shall be included as part of the IA database web application entry;~~
- ~~j. An Internal Affairs Request (IAR) submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified;~~
- ~~k. Photographs of the involved employee(s), the individual, and the scene;~~
- ~~i. If an intermediate weapon system was used, photographs of the system.~~
- ~~l. A copy of the Computer Aided Dispatch (CAD) printouts;~~
- ~~m. If an ECW was shown, the device log and audit trail; and~~
- ~~n. All other relevant documentation.~~

~~3. The supervisor or reviewer shall forward a Level 1 use of force review through the involved officer's, or the reviewing unit's chain of command once it has been completed. The reviewer shall~~



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~~forward a Level 1 use of force review to the Level 1 supervisor who shall complete the review within ten (10) calendar days.~~

====

- ~~a. The commander of the involved employee 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. The Level 1 Team supervisor shall assess the IA database web application entry to ensure that it is a complete, and that the findings are supported by a preponderance of the evidence.~~

====

N/A

- ~~4. The 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 supervisor shall document the deficient reviews in the supervisor's or reviewer's performance documents (refer to SOP Performance Evaluations for sanction classifications and additional duties).~~

N/A

- ~~b. The supervisor or reviewer who conducts two (2) or more deficient force reviews in a twelve (12) month rolling calendar shall receive corrective and/or disciplinary action (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.~~

====

~~D. OBRD Viewing Requirements~~

====

- ~~1. In conducting a Level 1 use of force review, the supervisor or reviewer shall view available OBRD video of the initial contact with the individual against whom force was used up to the point at which the individual is in custody on scene and secured in a police or emergency vehicle. The reviewing authority shall have discretion not to review video that is irrelevant to the determination of whether the use of force complied with Department policy. This provision does not preclude the reviewer from looking at additional video if necessary. The approving supervisor shall be responsible for watching OBRD footage that captures the use of force and all bookmarked portions of the footage.~~

====

- ~~a. The supervisor or reviewer shall view relevant video to the application of force. Ensure that bookmarks are applied on OBRD footage that pertains to the use of force, all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all potential policy violations.~~

====

- ~~2. The Lieutenant shall view available OBRD video of the initial contact with the individual against whom force was used up to the point at which the individual is in custody on scene and secured in a police or emergency vehicle. The Lieutenant shall not review ancillary videos unless necessary to complete a thorough review and make a proper finding based on the preponderance of the evidence.~~

====

- ~~a. The lieutenant shall ensure bookmarks are applied on OBRD footage that pertains to all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all policy violations.~~
- ~~b. The lieutenant shall ensure that bookmarks are applied on OBRD footage anywhere they cite evidence in their review.~~

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~~3. The commander or approving supervisor shall be responsible for watching OBRD footage that captures the use of force and all bookmarked portions of the footage.~~

~~E. Chain of Command Review of Level 1 Use of Force~~

~~1. The reviewing and approving chain of command shall accurately complete the appropriate form for their level of review, including a citation to evidence as required.~~

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~~2. The chain of command 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.~~

~~3. When a 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 IAFD to review and classify the use of force case for possible assignment.~~

N/A

~~4. When a policy violation is discovered during a Level 1 use of force review, the personnel identifying the policy violation shall ensure that an IAR is completed no later than twenty four (24) hours of obtaining that knowledge (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).~~

~~5. After a review is complete and approved, the review shall be marked as complete in the IA database web application entry.~~

~~F. Performance Review Unit (PRU) Review of Level 1 Use of Force Reviews~~

~~1. Upon receipt of a Level 1 use of force review, PRU personnel shall conduct sample reviews to ensure completion and that the findings are supported by the preponderance of evidence.~~

~~a. When PRU personnel determine that a Level 1 investigation was incomplete, they shall send it back to the Level 1 original reviewing chain of command with instructions.~~

~~b. Where PRU personnel determine that a Level 1 use of force investigation is deficient, it will be sent back to the original Level 1 reviewing chain of command for correction, if applicable.~~

~~i. PRU personnel shall submit an IAR for Department personnel who conduct deficient reviews as identified during the PRU employee's review of Level 1 use of force.~~

~~2. After completing their review, PRU personnel shall forward the file to IAFD personnel for recordkeeping.~~

N/A

~~G. The Chief of Police Authority to Re-assign Reviews and Resolve Level 1 Use of Force Potential Policy Violations~~

6

~~1. The reviewing supervisor requesting the reassignment of a Level 1 use of force review shall complete an Interoffice Memorandum to the Chief of Police or designee explaining the reason for~~



~~the reassignment. The supervisor shall attach the Interoffice Memorandum to the initial Internal Affairs (IA) database web application entry.~~

==

~~2. Any assignment or re-assignment of a Level 1 use of force review shall be documented in the IA database web application. The IA database web application shall document any assignment or re-assignment of a Level 1 use of force review.~~

==

6

~~a. IAFD shall track all case reassignments.~~

==

~~3.8. The Chief of Police or designee shall ensure equipment, policy, supervision, tactics, and/or training concerns noted by reviewing personnel during a Level 1 use of force review are resolved through the referral of such issues to the appropriate Department division for corrective action.~~

2-57-97 ~~_____~~ Supervisory Investigative Responsibilities for Non-Force Incidents of Accidental Discharge of Intermediary Weapons

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 ~~On-Scene Supervisor Investigation Form~~;
- c. Ensure that the allegation and description of the incident is documented in the involved officer's Uniform Incident Report;
- d. Create a "Non-Force" Internal Affairs Database Web Application entry and attach all evidence;
- e. Ensure "Non-Force" or "low-level control" is marked in the "categories" section of the Internal Affairs Database Web Application; and
- f. Route the "Non-Force" IA database web application entry to the Lieutenant within three (3) calendar days ~~[x time]~~ of the incident.

2. A Lieutenant shall:

- a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist ~~On-Scene Supervisor Investigation Form~~, and any attached evidence in the "Non-Force" Internal Affairs Database Web Application entry;
- b. If they ~~Lieutenant~~ concurs with the non-force classification, create a succinct summary of what they reviewed and why they concur with the "Non-Force" Internal Affairs Database Web Application entry in the comments section and route it to the Commander; and
- c. If they ~~Lieutenant~~ does not concur with the classification and re-classifies the force as:
 - i. Level 1:



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1. The Lieutenant will send the “Non-Force” Internal Affairs Database Web Application entry back to the Field Sergeant;
 2. Once received, the Field Sergeant will create a Level 1 Internal Affairs Database Web Application entry and begin Level 1 investigation; and
 3. The “Non-Force” Internal Affairs Database Web Application entry will be routed to the “To Be Deleted” group mailbox.
- ii. Level 2/3:
1. The Lieutenant will contact the IAFD a Deputy Commander within IAFD 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” Internal Affairs 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 On-Scene Supervisor Investigation Form, and attached evidence in the “Non-Force” Internal Affairs 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” Internal Affairs Database Web Application entry in the comments section and press “Investigation Completed.”

B. Accidental Discharge: Less-Than-Lethal Weapon, No Person Hit

1. The Responding Supervisor shall:

- a. Complete the Responding Field Supervisor On-Scene Investigative Checklist and upload it to the Internal Affairs Database Web Application;
- b. Complete the Supervisor On-Scene Investigation Checklist On-Scene Supervisor Investigation Form (PD 1120);
- c. Create a “Non-Force” Internal Affairs Database Web Application entry and attach all evidence;
- d. Ensure the less-than-lethal weapon that was used is marked as an “AD” in the “Categories” section of the Internal Affairs Database Web Application; and
- e. Route the “Non-Force” Internal Affairs Database Web Application entry to the Lieutenant within three (3) calendar days [x time] of the incident.

2. A Lieutenant shall:



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- a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist (PD-1119), Supervisor On-Scene Investigation Checklist On-Scene Supervisor Investigation Form (PD-1120), and attached evidence in the "Non-Force" Internal Affairs Database Web Application entry;
- b. Add comments within the Internal Affairs Database Web Application identifying any potential tactical, equipment, training, supervision, and/or policy issues; and
- c. Route the "Non-Force" Internal Affairs Database Web Application entry to the Commander.

3. A Commander shall:

- a. Review the attached Responding Field Supervisor On-Scene Investigative Checklist, Supervisor On-Scene Investigation Checklist On-Scene Supervisor Investigation Form, and attached evidence in the "Non-Force" Internal Affairs Database Web Application entry;
- b. Add comments within the Internal Affairs 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 Internal Affairs Database Web Application.

C. Accidental Discharge: Less-Than-Lethal Weapon, Person Hit

1. The Responding Supervisor shall:

- a. Complete the 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. Collect all Use of Force Written Narrative for Involved and Witness Officers Forms from sworn personnel officers; and
- 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.

D. Accidental Discharge: Firearm

1. The Responding Supervisor shall:

- a. Complete the 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. Collect all Use of Force Written Narrative for Involved and Witness Officers Forms from sworn personnel officers; and
- 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.

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;
- ~~a-d. Contact Internal Affairs Professional Standards (IAPS); and~~
- e. Contact the City Animal Welfare Department.

5 The responding supervisor shall:

~~Assume investigative responsibility for the accidental discharge of an intermediate weapon that does not strike a person;~~
~~An intentional discharge of the Intermediate weapon system that misses the individual is not considered an accident discharge.~~

N/A ~~Immediately respond and conduct the on scene investigation;~~

~~Complete the PD1119 On Scene Investigative Checklist;~~
~~Call for a Crime Scene Specialist (CSS); and~~
~~Complete the Supervisor Review On Scene Investigation Form;~~
~~Complete the PD 1120 Supervisor Review On Scene Investigation Form;~~

~~Create a "Non Force" BlueTeam Entry and attach all on scene documentation and any evidence collected to include but not limited to evidence;~~
~~On Scene Investigative Checklist PD 1119;~~
~~Supervisor Review On Scene Investigation Form PD 1120;~~
~~Photographs taken by CSS; and~~
~~OBRD footage if captured.~~

~~Ensure the "Non Force" or "less than lethallow level control" is marked in the "Categories" section of BlueTeam; and~~
~~Route the "Non Force" BlueTeam entry to theyour Lieutenant in the chain of command; and.~~

N/A ~~Generate an internal affairs request (IAR) for the accidental discharge of the ECW probe/Intermediate Weapons system, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties); and.~~

~~The on scene supervisor has seventy two (72) hours to complete the investigation and send it to the Lieutenant in the chain of command.~~



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A Lieutenant shall:

~~Review the Supervisor On Scene Response Checklist form, PD 1119, Supervisor On Scene Investigation of Level 2 and Level 3 Uses of Force (Accidental Discharge, Allegation of Use of Force, and Prisoner Injury) form, PD 1120 and evidence in the Non Force Blue Team entry;
Add comments within the Blue Team identifying any potential tactical, equipment, training, supervision, and/or policy issues; and
Review and route the accidental discharge within five (5) calendar days from receiving the non force Blue team entry.~~

A Commander shall:

~~Review the Blue Team entry submitted by the Lieutenant;
Add comments within the Blue Team identifying any potential tactical, equipment, training, supervision, and/or policy issues that were missed;
Ensure all deficiencies are noted and meaningfully addressed; and
Have five (5) calendar days to review and close out the entry within five (5) calendars from the date when once the Commander receives the non force Blue team entry from the Lieutenant. Accidental Discharge of Intermediate Weapons Timelines~~

Less Than Lethal

The Responding Supervisor shall:

~~Assume investigative responsibility for the accidental discharge of an intermediate weapon that strikes a person;
Immediately respond and conduct the on scene investigation while on scene they shall;
Complete the PD 1119 On Scene Investigative Checklist;~~

N/A

~~Call for an IAFD Supervisor; and
Provide the On Scene Investigative Checklist to the responding IAFD Investigator;
Create "Non Force" Blue Team Entry and attach all on scene documentation and any evidence collected to include but not limited to evidence;
On Scene Investigative Checklist PD 1119;
Supervisor Review On Scene Investigation Form PD 1120;
Photographs taken by CSS; and
OBRD footage if captured;
Ensure the "Non Force" or "less than lethal level control" is marked in the "Categories" section of Blue Team; and
Route the "Non Force" Blue Team entry to the your Lieutenant in the chain of command;~~

A Lieutenant shall:

~~Review the Supervisor On Scene Response Checklist form, Supervisor On Scene Investigation of Level 2 and Level 3 Uses of Force (Accidental Discharge, Allegation of Use of Force, and Prisoner Injury) form PD 1119, PD 1120 and evidence in the Non Force Blue Team entry;
Add comments within the Blue Team identifying any potential tactical, equipment, training, supervision, and/or policy issues; and
Review and route the accidental discharge within five (5) calendar days from receiving the non force Blue team entry.~~

A Commander shall:

~~Review the Blue Team entry submitted by the Lieutenant;
Add comments within the Blue Team identifying any potential tactical, equipment, training, supervision, and/or policy issues that were missed;
Ensure all deficiencies are noted and meaningfully addressed; and
Have five (5) calendar days to review and close out the entry within five (5) calendars days from the date when once the Commander receives the non force Blue team entry from the Lieutenant. Accidental Discharge of Intermediate Weapons Timelines~~



2-57-10 Responsibilities of the Office of Police Reform

- 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 ~~where appropriate,~~ consult with the Bernalillo County District Attorney's Office or the United States Attorney's Office, as appropriate.
 3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police or their designee shall instruct for the investigation to be forwarded to the appropriate prosecuting authority. If the MATF or the Criminal Investigations Division (CID) investigation indicates any apparent criminal conduct by an employee or reveals evidence of criminal conduct by an employee, the Chief of Police or their designee shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s).
 4. The Department need not delay the imposition of discipline until the outcome of the criminal investigation.
 5. The Office of Police Reform shall document the assignment or reassignment in writing and notify ~~with notice to~~ 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 ~~will~~ shall be forwarded to the Professional Integrity Division to ~~If the supervisor authorized the destruction of the animal,~~ 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.