2-52 Use of Force – General

Related SOP(s):

2-19 Response to Behavioral Health Issues
2-45 Pursuit by Motor Vehicle
2-53 Use of Force: Definitions
2-54 Intermediate Weapons Systems
2-55 Use of Force: De-escalation
2-56 Use of Force: Reporting by Department Personnel
2-57 Use of Force: Review and Investigation by Department Personnel

2-52-1 Purpose

The purpose of this policy is to establish uniform guidelines and standards applicable to the use of force by personnel of the Albuquerque Police Department (Department).

2-52-2 Policy

Officers shall make every effort to preserve the sanctity of human life in all situations.

The Department shall hold officers accountable for upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.

Officers who use force shall use the minimum amount of force that is reasonable, necessary, and proportional based on the totality of the circumstances confronting the officers in order to bring about a lawful objective.

Once force is used, officers shall reduce the level of force or stop using force as the resistance or threat decreases.

Officers derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community. Unreasonable force degrades the legitimacy of the officer's authority. The unreasonable use of force will subject officers to discipline, as well as to possible criminal prosecution and/or civil liability.

Under this policy and the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 286 (1989), use of force by officers is considered from the perspective of a reasonable officer on-scene and other requirements consistent with this policy. (See SOP – Use of Force Review and Investigation by Department Personnel for discussion of the use of force standard of review.)

The Department requires officers to exercise a higher duty of care than that set forth in *Graham* when performing their duties on behalf of the Department and the community. That means officers will be held accountable by the Department when utilizing force that does not conform to this policy or training conducted by the Department.

Officers shall clearly articulate the facts demonstrating that they used the minimum amount of force that was reasonable, necessary, and proportional based on the totality of the circumstances confronting the officers in order to bring about a lawful objective.

2-52-3 Definitions

For a listing of definitions specific to use of force, refer to SOP – Use of Force Definitions.

2-52-4 Use of Force Requirements

A. General Requirements

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1. Officers shall first use de-escalation techniques when feasible to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.

   a. Among these techniques are the use of advisements, warnings, and verbal persuasion as discussed in SOP – Use of Force – De-escalation.

2. When feasible, officers shall allow an individual a reasonable amount of time to submit to arrest or a lawful order before using force.

3. Officers shall continually assess whether the use of force is necessary and when continued force applications are no longer necessary to accomplish a lawful objective. Officers shall reduce the level of force applied as the nature of the threat diminishes to include stopping the use of force.

B. Reasonable Force

N/A

1. Force is reasonable when it is the minimum amount of force necessary to effect an arrest or protect an officer or other individual under the circumstances.

C. Necessary Force

1. Force is necessary when no reasonable alternative to the use of force exists. When force is necessary, officers shall use the minimum amount of force required that is reasonable.

D. Proportional Force

1. Force is proportional when it includes consideration of the totality of the circumstances surrounding the situation, including the presence of articulable imminent danger to the officer or others.

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

E. Totality of the Circumstances

1. When force is used, the decision to use force and the level of force must be reasonable, necessary, and proportional given the totality of the circumstances.

2. Factors defining the totality of the circumstances include, but are not limited to the following:

   a. The severity of the crime(s) at issue;
   b. Whether the individual is actively resisting arrest or attempting to evade arrest by flight; and
   c. Whether the individual poses an immediate threat to the safety of the officer(s) or others.

3. Other factors may include the following:

   a. The knowledge or belief the individual is under the influence of alcohol and/or drugs.
   b. The individual's medical or mental health history or condition as known to the officer at the time.
   c. The individual's known history to include violent tendencies and/or previous combative encounters with law enforcement.
   d. Disparities of force (i.e., differences in factors such as physical size, numbers, gender, age, weapons, injury, special knowledge or skills that place an officer at an advantage (positive disparity) or disadvantage (negative disparity), are part of the "totality of the circumstances," and can have direct implications on the reasonableness of a use of force. The existence of a negative disparity for the officer could justify the use of a higher level of force in a given situation whereas a positive disparity for the officer could reduce the level of force deemed reasonable in a given situation.
   e. The individual's condition, if known (e.g., it is apparent to the officer that an individual is in crisis), must be considered in the officer's approach to the situation. (See SOP – Response to Behavioral Health Issues.)
   f. The opportunities the officer had to give a warning, use verbal de-escalation, and use other de-escalation techniques or tactics to limit the amount of force used.
   g. Whether the officers made statement(s) or took action(s) that created the need to use force.

4. The dynamics of a use of force encounter can quickly change which may cause the officer to reasonably escalate or de-escalate the level of force they are using against an individual.

5. All factors surrounding a use of force encounter must be clearly, concisely, and correctly documented.

F. Lawful Objective

4 1. Officers shall only use force to achieve a lawful objective. Officers are authorized to use force:

a. To effect a lawful arrest or detention of a person;
b. To prevent and/or terminate the commission of a crime;
c. To intervene in a suicide or self-inflicted injury;
d. To enforce a valid Certificate of Evaluation;
e. To defend an officer or person from the physical acts of another; or
f. To conduct a lawful search when an individual is actively resisting.

2-52-5 Use of Force Prohibitions

4 A. Officers shall not use force to attempt to gain compliance with an unlawful command.

6 B. Officers shall not engage in actions or tactics or make statements that escalate a situation such that the use of force becomes necessary.

5 C. Officers shall not use force against a restrained or handcuffed individual unless the force is necessary:

1. To prevent imminent bodily harm to the officer or another person or persons;

2. To overcome active resistance; or

3. To move an individual who is passively resisting.

1 D. Officers shall not use deadly force against any individual who is threatening suicide or self-injury when that individual is not posing a threat to anyone else.

4 E. Officers shall not use neck holds (See SOP – Use of Force Definitions) unless deadly force is justified.

3 F. Officers shall not fire warning shots.

2 G. Officers shall not fire less-lethal or lethal munitions at an individual in a crowded environment if, based upon the totality of the circumstances, the danger of hitting an innocent bystander outweighs the necessity and likelihood of stopping the individual.

2 H. Officers are prohibited from using deadly force solely in defense or protection of property.

2-52-6 Use of Force Procedures

A. General Procedures

7 1. When feasible, officers shall identify themselves as peace officers and announce their intent to detain, search, or arrest an individual before using force.

2. Officers shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.

3. When feasible, and when doing so would not increase the danger to officers or others, officers shall issue a verbal warning to the individual prior to using force.

4. Officers shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other involved civilians, as well as other officers and emergency personnel.

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5. In situations when the individual is forced into a face down position, officers shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. Officers shall monitor the individual for any breathing problems or any other signs of distress.

6. The use of leg sweeps, arm-bar takedowns, or a passive restraint system (P.R.S) shall only be considered and used in the following circumstances:

   a. To prevent imminent bodily harm to the officer or to another person or persons; or
   b. To overcome active resistance.

7. Any on-scene officer who observes another officer using force that a reasonable officer would view as excessive or unnecessary under the circumstances shall, when in a position to do so, safely intercede to stop the officer's actions.

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8. An officer shall immediately notify a supervisor and document any use of force as set forth in Department SOP – Use of Force – Reporting by Department Personnel.

B. Response to High Threat Situations

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1. Absent an immediate need to act, officers should take time to plan how they will respond to the situation. When feasible, the officers arriving on-scene will secure additional force options, to include less-lethal and lethal force, as part of a force array prior to the initial contact.

2. When an individual officer arrives on the scene of a potentially violent encounter, the officer should not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury. For example, in an active shooter scenario, immediate intervention shall be considered. Officers shall continually evaluate whether their response is reasonable, necessary, and proportional.

3. When feasible, officers shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.

6 4. Supervisors should manage the overall response to a potentially high threat or violent encounter by coordinating resources and ensuring a force array is employed.

C. Deadly Force

N/A 1. All provisions of this policy, which govern use of force, including the officers' duty to preserve human life, the requirement to use de-escalation techniques and tactics, the requirements officers use only the minimum amount of force reasonable, necessary, and proportional under the circumstances governing force, also govern lethal force.

1 2. An officer shall not use deadly force against an individual unless the officer has probable cause to believe an individual poses a significant threat of death or serious physical injury to the officer or anyone else.

3. An officer shall not use deadly force against an individual who is fleeing or attempting to escape unless:

a. The officer has probable cause to believe 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;
b. If permitted to flee or escape, the individual would pose a significant threat of death or serious physical injury to the officer(s) or others if not apprehended; and
c. The officer(s) have identified themselves as law enforcement officer(s), have stated the intention to use deadly force, and have given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.

6 4. When feasible, the officer(s) shall give verbal warnings prior to the use of deadly force.

D. Deadly Force is:

N/A 1. Discharging a firearm at an individual, whether intentional or accidental;

2. Any neck-hold as defined by Department policy;

3. Intentional strikes with a baton, flashlight, radio, weapon, stock/handle, or improvised impact weapon to vital areas of the body to include the head, neck, throat, torso, or groin;

4. Intentionally striking an individual's head against a hard, fixed object such as a roadway, floor, wall, or steel/iron bars;

5. Intentionally targeting the head, neck, throat, chest, or groin of an individual with a beanbag shotgun;

6. Intentionally targeting the head, neck, throat, chest, or groin with a 40 millimeter impact munition launcher;

7. Intentionally targeting an individual's head, neck, chest, or genitalia with an Electronic Control Weapon (ECW);

8. Intentionally kneeing or kicking an individual's head or neck while the individual is in a prone or supine position; or

9. Deliberately striking an individual with a motor vehicle.

E. Deadly Force and Motor Vehicles

6 1. Officers should not reach into vehicles unless absolutely necessary to protect an officer or another individual.

3 2. Officers shall not intentionally place themselves in the path of a vehicle.

3. When feasible, officers shall move out of the path of a moving vehicle to a position of cover.

1 4. Officers 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. Such action must be necessary for self-defense, for the defense of other officers, for the protection of another person, or because the officer has no reasonable alternative course of action.

F. Duty to Provide Medical Attention and Transportation

1. Following a use of force, and once it is safe to do so, an officer shall:

7 a. Determine whether any person was injured by the use of force;
b. Immediately render aid consistent with the officer's training;
5 c. Immediately request medical attention when an individual is injured or complains of injury;
d. Immediately request medical attention for the following use of force tools or techniques regardless of visible injury or complaint of injury:
i. Baton (expandable/straight or Bokken) or improvised impact weapon;
ii. Oleoresin Capsicum (OC) spray;
iii. ECW;
iv. Use of Police Service Dog;
v. Use of force with a vehicle (See SOP – Pursuit by Motor Vehicle);
vi. Impact munitions; or
vii. Firearm.

N/A

2. If an officer is unable to secure the scene, the officer may safely extract the individual, and transport them to a safe location for medical treatment, if necessary.

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3. An officer shall closely monitor individuals who are taken into custody if the individuals are injured, exhibit physical distress, complaint of pain, or have been rendered unconscious.

4. An officer transporting an individual to a medical facility for treatment shall take the safest and most direct route to the medical facility. (See SOP – Restraint and Transportation of Individuals).

5. If an officer transports an individual to a medical facility, the officer shall notify communications of the starting and ending mileage of the transporting vehicle.