2-53 Use of Force Definitions

Related SOP(s):

2-19 Response to Behavioral Health Issues
2-45 Pursuit by Motor Vehicle
2-52 Use of Force: General
2-54 Intermediate Weapons Systems
2-55 Use of Force: De-escalation
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2-53-1 Purpose

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

2-53-2 Definitions

A. Critical Firearm Discharge

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

B. Deadly Force

1. Deadly force is any use of force that is likely to cause death or serious physical injury as listed in SOP – Use of Force - General ("Deadly Force is" Section).

C. De-escalate

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

D. Distraction Technique

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

2. The use of a distraction technique by an officer is reportable as a Level 2 use of force.

E. Electronic Control Weapon (ECW) Application

1. The contact and delivery of an electrical impulse to an individual with an ECW.

F. Escort Techniques

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

G. Feasible

1. An action is feasible when it can be done or carried out reasonably to achieve an arrest or lawful objective without increasing risk to the officer or other persons.

H. Force

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

I. Force Array

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

J. Hard Object

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

K. Immediate Threat

1. An immediate threat to an officer or other individual is one that can be delivered, without delay, and requires an instant response by an officer to stop the threat or control the situation.

L. Imminent Threat

1. A dangerous or threatening situation which is about to occur or take place and is

perceived to be unfolding.

M. Levels of Force

1. **Level 1 Use of Force:** Force that is likely to cause only transitory pain, disorientation, and/or discomfort during its application as a means of gaining compliance.

   a. This includes techniques that are not reasonably expected to cause injury, do not result in an actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing).
   b. Shows of force, including: pointing a firearm, beanbag shotgun, 40 millimeter impact launcher, OC spray, or ECW at an individual, or using an ECW to "paint" an individual with the laser sight or utilizing a warning arc. A show of force is reportable as a Level 1 use of force.
   c. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.

2. **Level 2 Use of Force:** Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.

   a. Level 2 use of force includes:
      i. Use of an ECW, including where an ECW is fired at an individual but misses;
      ii. Use of a beanbag shotgun or 40 millimeter impact launcher, including where it is fired at an individual but misses;
      iii. OC spray use including where it is sprayed at an individual but misses;
      iv. Empty-hand techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and
      v. Strikes and attempted strikes with impact weapons.
         - This excludes strikes to the head, neck, throat, chest, or groin, with a beanbag shotgun or 40 millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon, which are considered Level 3 uses of force.

3. **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.

   a. Level 3 use of force includes:
      i. Use of deadly force;
      ii. Critical firearm discharges;
      iii. Use of force resulting in death or serious physical injury;
      iv. Use of force resulting in hospitalization;
      v. Strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40 millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon;

vi. Use of force resulting in a loss of consciousness;
vii. Police Service Dog bites;
viii. Three or more applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers;
ix. ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application;
x. Neck holds;
xi. Four or more strikes with a baton or improvised impact weapon; and
xii. Any Level 2 use of force against a handcuffed individual.

N. Levels of Resistance

1. Passive Resistance

a. Refers to instances where an individual does not comply with an officer's commands and is uncooperative, but is nonviolent and prevents an officer from placing the subject in custody and/or taking control. Passive resistance may include but is not limited to standing stationary and not moving upon lawful direction, falling limply and refusing to move (dead weight), holding on to a fixed object, linking arms to another during a protest or demonstration, or verbally signaling an intention to avoid or prevent being taken into custody.

2. Active Resistance

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

O. Low-Level Control Tactics

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

a. Escort techniques, touching, use of control holds, or handcuffing an individual with no or minimal resistance (e.g., tensing of arm muscles or turning or pulling

away that does not escalate to a reportable use of force) which does not cause pain and is not reasonably likely to cause pain or injury; and

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

P. Low Ready

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

Q. Minimum Amount of Force Necessary

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

R. 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 reasonably necessary to achieve a legitimate, lawful objective.

S. Neck Hold (Choke Hold)

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

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

T. 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.

U. Reasonable Force

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.

V. Reportable Use of Force

1. Refers to force that officers must document and report in the manner outlined by SOP – Use of Force – Reporting by Department Personnel.

W. Serious Physical Injury

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

X. Show of Force

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

Y. Vascular Neck Restraint

1. 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.

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