2-54 Intermediate Weapon Systems

Related SOP(s):

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2-54-1 Purpose

The purpose of this policy is to identify the intermediate weapon systems utilized by officers of the Albuquerque Police Department and to establish uniform guidelines for officers in the use and deployment of those intermediate weapons.

2-54-2 Policy

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

The following list of intermediate weapons is not intended to establish an order of priority in their use by officers.

The use of intermediate weapons must be reasonable, necessary, and proportional, and permitted under Department policy.

2-54-3 Intermediate Weapons: Use and Considerations

A. Requirements to Carry and Qualify

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1. An officer shall carry only intermediate weapons that are issued by the Department.

2. An officer shall not be issued nor carry any intermediate weapon unless the officer has been trained and is certified on the weapon.

3. A uniformed officer shall carry the Electronic Control Weapon (ECW) and Oleoresin Capsicum (OC) spray on their duty belts.

N/A 4. The expandable baton is an optional force tool.

7 5. Officers and supervisors assigned to specialized units may carry intermediate weapons as dictated by their responsibilities. The commander of each unit will ensure that officers carry intermediate weapons according to the unit's standard operating procedures.

B. Use Guidelines

N/A 1. Intermediate weapons shall be used in accordance with the Department's Use of Force policies. (See SOP – Use of Force-General and Use of Force-Definitions).

4 2. The use of an intermediate weapon must be reasonable, necessary, proportional, and shall be used only to bring about a lawful objective.

6 3. An officer shall issue a verbal warning to an individual and allow that individual a reasonable time to comply with the warning prior to deploying any intermediate weapon, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is: "Stop or you will be tased!"

4. An officer shall give a verbal announcement in order to notify officers on-scene that an intermediate weapon is about to be used, e.g., "Taser, taser!", "Beanbag, beanbag!" The purpose of the verbal announcement is to avoid the possibility of firearms discharge by other officers due to a sympathetic or startle reaction from other officers on scene.

6 5. An officer shall consider that there are individuals who are more susceptible to injury as a result of using an intermediate weapon. These high-risk individuals include visibly pregnant women, young children, elderly persons, frail persons, individuals exhibiting signs of excited delirium, and individuals with low body mass.

C. Reporting

5 1. Officers shall report the use of intermediate weapons in accordance with SOP – Use of Force-Reporting by Department Personnel.

2-54-4 Oleoresin Capsicum (OC) Spray

A. OC Spray: Use Guidelines

N/A 1. An officer is authorized to deploy OC spray when such force is reasonable, necessary, and proportional to control an actively resistant individual or to protect the officer or another party from an immediate threat.

6 2. An officer shall not use OC spray to overcome passive resistance by nonviolent and/or peaceful protestors, absent exigent circumstances, such as where there is imminent danger to life or property.

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3. After deploying OC spray, an officer shall avoid the risk of positional asphyxia caused by the individual being transported or left in a face-down position. An officer 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. An officer shall monitor the individual for any respiratory or breathing problems or change in mental status, e.g., loss of consciousness, confusion, or difficulty speaking.

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4. An officer shall direct OC spray only at the specific individual(s) posing a threat, attempting to minimize exposure to others.

5. An officer shall consider other intermediate weapon options if OC spray appears to be ineffective.

6. Using OC spray on an animal is permissible to deter an attack or to prevent injury to an officer or others. Using OC spray on an animal shall be documented in an incident report.

B. Medical Attention After the Use of OC Spray

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1. As soon as the scene is secure, and it is safe to do so, an officer shall summon medics following the use of OC spray.

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2. If the individual was exposed in a confined space, an officer shall remove the individual as soon as possible from the contaminated area and expose the individual to fresh air.

2-54-5 Electronic Control Weapon (ECW)

A. ECW Modes

N/A

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

a. Show of Force Mode
   i. Pointing an ECW at an individual or using an ECW to “paint” an individual with the laser sight or utilizing a warning arc.
   ii. A show of force by an officer will be reviewed by that officer’s on-duty supervisor as set out in SOP Use of Force-Review and Investigation by Department Personnel.

b. Drive Stun Modes
   i. Pressing and holding the device against the individual as it is cycled. This can be done in two configurations:
   ii. Drive stun only – This technique involves pressing the ECW against the individual while it is energized without probe deployment, causing pain but

minimal or no neuro-muscular incapacitation. This technique is solely a pain compliance technique and is prohibited.

iii. Follow-up Drive Stun – This technique is used as a follow-up to a probe deployment. It can increase the effectiveness of the ECW by increasing the spread between the connections in the event of a close-quarter probe deployment, completing the circuit in the event of a clothing disconnect or when only one probe has made a connection with the individual.

c. Standoff Mode

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

B. ECW Use Guidelines

7 1. An officer shall issue a verbal warning to an individual, and allow that person a reasonable time to comply with the warning prior to deploying any ECW, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is: "Stop or you will be tased!"

4 2. Upon using the device, the officer shall apply the ECW no longer than reasonably necessary, to accomplish a lawful objective. Upon applying the device, back-up officers should attempt to handcuff the individual during the cycle (i.e., handcuffing under power) to reduce the risk of injury to the individual and officers.

6 3. An officer shall independently justify the reasonableness of each standard ECW cycle (five seconds) or continuous cycle exceeding five seconds. After one standard ECW cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are necessary.

a. Continuous cycling of ECWs is permitted only under exceptional circumstances, such as, where it is necessary to handcuff an individual under power (e.g., where the individual is armed and it would be unsafe to evaluate a subsequent cycle). Back-up officers should attempt hands-on control tactics during ECW applications, including handcuffing the individual during an ECW application (i.e., handcuffing under power).

7 4. An officer shall consider other available force options before deploying an ECW on potentially at-risk individuals. ECWs should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or others.

6 5. In standoff mode, center mass of the individual's back should be the primary target area when possible. If feasible, in situations where a frontal deployment is the only available option, low center mass and/or the legs should be the targeted area.

4 a. An officer shall not intentionally target an individual's head, neck, chest, or genitalia, except where lethal force would be permitted.

6. ECWs shall not be used solely as a pain compliance technique. ECWs may be utilized as a follow-up drive stun to a probe deployment in order to complete the circuit.

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

C. ECW Restrictions

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

2. The following restrictions, considerations, and conditions apply to the use of an ECW:

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

officer shall consider all such factors before using an ECW on a fleeing individual.

h. ECWs shall not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include falling from an elevated position, drowning, and losing control of a moving motor vehicle or bicycle.

i. An officer shall not simultaneously point both an ECW and a firearm at an individual.

j. Authorized devices shall consist only of those devices issued and approved by the Department. Personally owned ECWs are not authorized for duty carry.

D. Holstering and Securing the ECW

1. Under no circumstances shall the ECW holster be located on the duty belt next to, or on the same side as, an officer's firearm. The ECW shall be carried on the support side, also known as the "weak side," to reduce the chance of accidentally drawing and/or firing a firearm.

2. ECWs shall be secured in a Department-issued or approved personal holster.

3. All authorized sworn, uniformed officers, unless specifically exempted by the Chief of Police, shall carry the ECW in the holster on their person at all times while on duty.

4. All authorized sworn, non-uniformed personnel issued an ECW shall carry the device during the performance of any law enforcement function involving public contact unless otherwise exempted by their commander.

E. ECW Post-Deployment Guidelines and Requirements

1. The deploying officer shall immediately notify his or her immediate supervisor, or if unavailable, the next available on-duty supervisor, by radio dispatch as soon as practical after deploying the ECW. The supervisor shall respond to the scene.

2. An officer who deploys an ECW shall call Albuquerque Fire Rescue (AFR) personnel to the scene to provide medical treatment. AFR shall determine, per their protocol, if the individual needs to be transported to a medical facility for high-risk/sensitive probe removal and/or other medical care. If it is determined that the individual should be transported, transportation shall be provided as soon as practicable. Absent exigent circumstances, probes shall be removed only by medical personnel.

3. If medical personnel determine that the individual requires medical transport, supervisors shall ensure that an officer accompanies the individual to the medical facility.

4. The primary officer or designee in an ECW deployment shall request a crime scene specialist to respond to the scene.

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5. The deploying officer or designee shall monitor any individual who has received an ECW application while in police custody, scanning for impaired respiration and signs of positional asphyxia per current training guidelines. (SOP– Restraint and Transportation of Individuals).

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6. The deploying officer shall inform responding medics about any individual who has been subjected to an ECW application that may be under the influence of drugs, is exhibiting symptoms associated with excited delirium, or has been kept in prone restraints after ECW use.

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7. An officer shall independently justify the reasonableness of each cycle of the ECW in the use of force report.

F. Unintended Discharge of the ECW

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1. In the event an officer experiences an unintended discharge of an ECW cartridge, the officer shall immediately notify their immediate supervisor or, if unavailable, the next available on-duty supervisor.

2. The ECW data shall be downloaded prior to the beginning of the officer's next shift.

3. The responding supervisor shall assume investigative responsibility for the unintentional discharge.

4. The officer shall document the unintended discharge in an offense/incident report, including the serial number of the ECW cartridge discharged.

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5. If an individual is hit by an unintentionally deployed probe, the use shall be reported by the involved officer, documented and investigated as set out in SOP Use of Force-Reporting by Department Personnel.

G. Use of ECW on Dangerous Animals

N/A

1. An officer may deploy the ECW on dangerous animals that pose a threat to officers or others.

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2. If an officer is required to deploy an ECW against a dangerous animal, the officer shall notify their immediate supervisor regarding the deployment once the scene has been secured.

3. The primary officer or designee shall immediately contact Animal Control when an officer successfully deploys an ECW against an animal.

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

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

N/A

1. The Bokken is an impact tool or weapon that is a white oak or polypropylene baton. It has an overall length of forty-one (41) inches or less, and has no sharp edges or points. The Bokken is used in replacement of an expandable baton due to the height and position of a mounted rider, and is only used when mounted. (See SOP – Horse Mounted Unit).

2. An officer is authorized to deploy the baton when such force is reasonable, necessary, and proportional in order to protect the officer or another individual from an immediate threat.

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3. The use of straight batons is authorized only during field force deployments.

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4. Preferred target areas are the extremities (arms and legs).

5. An officer shall not intentionally strike the head, neck, throat, torso, or groin of an individual with a baton, except where deadly force is justified.

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6. Impact weapons other than the baton (expandable/straight or Bokken) are prohibited by the Department unless exigent circumstances exist.

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7. An officer shall not use their firearm as an impact weapon due to the possibility of unintentional discharge and/or the possibility that it could result in the serious physical injury or death to the officer, the individual, or others.

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

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1. Following the use of an expandable/straight or Bokken baton, an officer shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. (See SOP – Use of Force-General for procedures concerning use of force and attention to injuries).

2. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-7 Beanbag Shotgun

A. Beanbag Shotgun: Use Guidelines

N/A

1. The beanbag shotgun may be deployed when an individual presents an imminent threat to an officer or others.

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2. In potentially deadly force situations, an officer shall have a lethal cover officer when deploying less-lethal impact munitions.

N/A

3. The optimal range for the beanbag round is twenty (20) to fifty (50) feet.

4. The maximum effective range for the beanbag round is seventy-five (75) feet.

5. At distances between fifty (50) and seventy-five (75) feet, the effectiveness and accuracy of the beanbag shotgun starts to diminish.

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6. The beanbag shotgun shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.

B. Beanbag Shotgun: Restrictions

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1. Absent deadly force situations, an officer shall not intentionally target an individual's head, neck, throat, chest, or groin.

N/A

2. An officer must understand that there is an increased risk of serious physical injury when deploying beanbag shotgun rounds inside twenty (20) feet.

   a. At distances inside twenty (20) feet, an officer should consider transitioning to other force options, i.e., expandable baton or ECW.

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3. An officer shall consider other available force options before deploying a beanbag round on potentially at-risk individuals. Beanbag rounds should not generally be used against visibly pregnant women, elderly persons, young children, or frail persons.

C. Medical Attention After the Use of a Beanbag Shotgun

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1. Following the use of a beanbag shotgun, an officer shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. (See SOP – Use of Force-General for procedures concerning use of force and attention to injuries).

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2. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

2-54-8 40 millimeter Impact Launcher

A. 40 millimeter Impact Launcher: Use Guidelines

N/A

1. The 40 millimeter impact launcher may be deployed when an individual presents an imminent threat to an officer or others.

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2. In potentially lethal force situations, an officer shall have a lethal cover officer when deploying less-lethal impact munitions.

N/A

3. The optimal energy range for the 40 millimeter impact launcher is five (5) to one hundred and twenty (120) feet.

4. The maximum effective range for the 40 millimeter impact launcher is one hundred and twenty (120) feet.

5. At distances beyond one hundred and twenty (120) feet, the effectiveness and accuracy of the 40 millimeter impact launcher starts to diminish.

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6. The 40 millimeter impact launcher shall be plainly marked with high visibility yellow or orange tape, or paint, on the buttstock and muzzle area of the barrel.

B. 40 millimeter Impact Launcher: Restrictions

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1. Absent deadly force situations, an officer shall not intentionally target an individual's head, neck, throat, chest, or groin.

N/A

2. An officer must understand that there is an increased risk of serious physical injury when deploying a 40 millimeter impact launcher inside five (5) feet.

   a. At distances inside five (5) feet, an officer should consider transitioning to other force options, i.e. expandable baton or ECW.

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3. An officer shall consider other available force options before deploying a 40 millimeter impact launcher on potentially at-risk individuals. The 40 millimeter impact launcher should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or others.

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

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1. Following the use of a 40 millimeter impact launcher an officer shall first restrain the individual and then, once it is safe to do so, immediately call AFR to the scene to provide medical attention. (See SOP – Use of Force-General for procedures concerning use of force and attention to injuries).

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2. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.

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

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A. Intermediate weapons approved for use by specialized units shall be used in accordance with the Department use of force policies and their unit procedural orders.