2-56 Use of Force—Reporting by Department Personnel

Related SOP(s):

2-8 Use of the On-Body Recording Device
2-19 Response to Behavioral Health Issues
2-45 Pursuit by Motor Vehicle
2-52 Use of Force: General
2-53 Use of Force: Definitions
2-54 Intermediate Weapons Systems
2-55 Use of Force: De-escalation
2-57 Use of Force: Review and Investigation by Department Personnel
2-82 Restraint and Transportation of Prisoners
6-8 Specialized Tactical Units (SOP 6-8 is unpublished/restricted)

2-56-1 Purpose

The purpose of this policy is to describe the responsibilities of all Albuquerque Police Department personnel to report use of force, whether an officer is witness to a use of force or involved in a use of force, so that reviewers and investigators can determine whether such force was reasonable, necessary under the circumstances, and proportional to the threat or resistance of the individual.

2-56-2 Policy

An officer shall immediately notify a supervisor and document any use of force in order to facilitate the review and investigation of such incidents.

An officer witnessing or learning about use of force by another officer shall completely, thoroughly, and accurately report such incidents to the appropriate supervisor.

2-56-3 Classification of Use of Force by Department Personnel

The Department utilizes a force classification system that takes into consideration the likelihood and degree of pain or injury to the individual which determines the appropriate review or investigation by a supervisor in the officer's chain of command or an investigator with the Force Investigation Section (FIS).

A. **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.

1. 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).

2. 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.

3. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.

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

1. Level 2 use of force includes:

a. Use 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 where it is fired at an individual but misses;
c. OC spray use including where it is sprayed at an individual but misses;
d. Empty-hand techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and
e. 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, torso, or groin with a baton or improvised impact weapon, which are considered Level 3 uses of force.

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

1. Level 3 use of force includes:

a. Use of deadly force;
b. Critical firearm discharges;
c. Use of force resulting in death or serious physical injury;
d. Use of force resulting in hospitalization;
e. 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;
f. Use of force resulting in a loss of consciousness;
g. Police Service Dog bites;
h. 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;
i. ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application;
j. Neck holds;
k. Four or more strikes with a baton or improvised impact weapon; and
l. Any Level 2 use of force against a handcuffed individual.

2-56-4 Use of Force Reporting Procedures

A. General Requirements of Officers Who Use Force

5 1. All officers, regardless of rank, shall immediately notify their on-duty supervisor following any use of force, prisoner injury, allegation of any use of force, or show of force.

If the initial assessment by the supervisor concludes that an individual's injury was not the result of a use of force, this assessment shall be documented on Department memorandum and forwarded using BlueTeam through the chain of command to IAFD for statistical tracking.

An officer shall immediately report use of force to their chain of command when involved in off-duty enforcement action.

N/A 2. An officer is not required to notify their chain of command when they use low-level control tactics. (See SOP – Use of Force-Definitions.)

5 3. An officer who witnesses or is involved in a use of force or show of force shall notify another field supervisor when their immediate, on-duty supervisor is unavailable.

6 4. An officer shall remain on the scene of a use of force or show of force incident until relieved by a supervisor.

5 5. An officer who learns of an unreported use of force by another officer shall immediately report the incident to their on-duty supervisor.

5 6. All officers shall activate their on-body recording device (OBRD) and record all on-duty use of force incidents in accordance with SOP – Use of the On-Body Recording Device. Officers who do not record use of force incidents shall be subject to discipline, up to and including termination.

a. If the immediate activation of an OBRD is not feasible due to immediate risk to the safety of the Department personnel or others, then the Department personnel shall activate the OBRD when it is safe to do so.

7. An officer using an ECW during a use of force incident shall download the data from their device prior to the beginning of the officer's next shift.

8. A supervisor who was involved in a reportable use of force, including by participating in or ordering the use of force, shall not be involved in reviewing the incident.

a. "Participating" is defined as physically assisting in overcoming an individual's resistance.

7 9. If an officer is unable to write an initial report because of physical injury, involvement in an officer involved shooting, or the officer is the victim of a crime, then the on-duty supervisor will assign another officer to document the incident.

2-56-5 Officer Responsibilities Following Use of Force Incident

A. Duty to Provide Medical Attention and Transportation

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

5 a. Determine whether any person was injured by the use of force;
7 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 (SOP – Pursuit by Motor Vehicle);
vi. Impact munitions; or
vii. Firearm.

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.

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

7 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 Prisoners).

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.

B. Video of Use of Force Incident

1. An officer involved in a use of force shall not leave the scene without providing the responding supervisor access to their on-body recording device to review footage of the incident.

2. An officer witnessing a use of force shall, upon request, provide the responding supervisor access to their on-body recording device to review footage of the incident.

C. Officer's Obligations Following Level 1 Use of Force

6 1. An officer shall provide to the supervisor conducting the investigation, a written or recorded use of force narrative of the facts leading to the use of force or show of force by the end of the shift to the supervisor conducting the review or APD officer conducting the investigation. Any officer shall have the right to call for a representative.

7 The narrative shall include:

a. A detailed account of the incident from the officer's perspective;
b. The reason for the initial police presence;
c. A specific description of the acts that led to the use of force, including the behavior of the individual(s);
d. The level of resistance from the individual(s); and
e. A description of each type of force used and justification for each use of force.

The supervisor is responsible for initiating the BlueTeam entry before the end of a shift during which the use of force occurred. Where an officer provides a written narrative of the use of force, the supervisor shall attach the narrative to the BlueTeam entry.

2. An officer shall describe with specificity the actions taken by the officer and the individual(s) in the use of force narrative form. An officer 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.

D. Officer's Obligations Following Level 2 or Level 3 Use of Force

6 1. An officer who has used Level 2 or Level 3 force shall remain on-scene until contacted by an investigator with the Force Investigation Section.

2. An officer who has used Level 2 or Level 3 force shall provide the investigator with the Force Investigation Section a written or recorded statement concerning the incident. The statement shall include:

a. A detailed account of the incident from the officer's perspective;
b. The reason for the initial police presence;
c. A specific description of the acts that led to the use of force, including the behavior of the individual(s);
d. The level of resistance from the individual; and
e. A description of each type of force used and justification for each use of force.

E. Special Operations Division or Emergency Response Team Procedure Following Use of Chemical Munitions and Noise Flash Diversionary Devices. (SOP—Specialized Tactical Units).

1. When deployed, noise flash diversionary devices (NFDD) and chemical munitions are considered a use of force. As such, their use will be documented and submitted to the chain of command for review. The documentation should consist of a description of the reasons for deployment, the method of deployment, the effects of the deployment, a description of any injuries or property damage resulting from the deployment, and an assessment of the outcomes of the deployment.

N/A

2. The deployment of the below listed chemical munitions are considered a use of force because it is likely to cause only momentary discomfort during application and is utilized by personnel as a means of gaining compliance:

   a. CS Tri-Chamber;
   b. CS Triple Chaser;
   c. CS Hand Ball;
   d. OC Vapor Aerosol;
   e. Ferret 40mm Powder Barricade Round, OC; or
   f. Ferret 40mm Powder Barricade Round, CS.

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3. When NFDD or chemical munitions are deployed, an SOD supervisor will investigate the use of force as a Level 1 unless it is determined to be a Level 2 or Level 3. SOD supervisors responding to the scene of a use of force will:

   a. Immediately identify the officer(s) involved in the use of force;
   b. Review the involved officer(s) lapel video;
   c. Review the OBRD video of other officers on-scene where there is uncertainty about whether the incident is a use of force;
   d. Examine involved personnel and individual(s) for injuries;
   e. Gather any evidence located at the scene;
   f. Ensure photographs of the officer(s) and the individual(s) are taken; and
   g. Initiate a Blue Team entry for the use of force.

   When an NFDD is used as a means to gain the attention of an individual(s) it will not be considered a use of force if an intermediate barrier exists between the individual(s) and the NFDD. The use of an NFDD will still be documented in the tactical deployment sheet and after action report. An NFDD will only be deployed by trained tactical personnel upon authorization from a Tactical supervisor.