



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52 (Formerly 3-45)

Effective: 01/26/2023 Review: 01/26/24 Replaces: 01/11/2020

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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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. 286 (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D. Rescinded Special Order(s)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

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. The Department holds Department personnel to a higher standard than that articulated in *Graham v. Connor*, 490 U.S. 286 (1989) when performing their duties on behalf of the Department and the community. Department personnel 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.

5 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.

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

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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;
 4. Only use the minimum amount of force necessary; and
 5. 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 D. 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 is conducted by the Department; and
2. Do not uphold lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.

6 **2-52-5 Authorization to Use Force**

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.

N/A a. Consistent with SOP Discipline System, Department personnel shall be disciplined for using force that is unreasonable and shall be subject to possible



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criminal prosecution and/or civil liability (refer to SOP Discipline System for sanction classifications and additional duties).

B. Pre-Use of Force

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.
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 warning to the individual before using force when doing so would not increase the danger to Department personnel or other people;
 - c. Allow an individual an objectively reasonable amount of time to submit to arrest or a lawful order before using force;
 - d. 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 the individual’s control; and
 - e. 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, victims, hostages, and other 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.

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C. During Use of Force



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1. When using force, Department personnel shall stop or reduce the level of force as the individual reduces their resistance.
2. In situations when the 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);
 - b. To overcome active resistance; or
 - c. Where it is objectively reasonable and necessary to overcome passive resistance.

D. 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 2-52-6 Prohibited Uses of Force

A. Department personnel shall not:

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 1. Use force in a manner that violates federal or state laws;
 2. Use force to attempt to gain compliance with an unlawful command;
 3. Engage in objectively unreasonable actions or tactics or make statements that escalate a situation such that the use of force becomes necessary;
 4. Use force against a restrained or handcuffed individual unless the force is necessary:
 - a. To prevent the imminent threat of harm to Department personnel, the individual, or another person(s);
 - b. To overcome active resistance; or
 - c. To move an individual who is passively resisting.
- 1** 5. Use firearms as impact weapons, except to protect themselves, other officers, or community members from a risk of deadly threat;



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6. Use neck holds as defined in SOP Use of Force: Definitions;

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7. Fire warning shots;

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8. 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

9. Use the weapon-mounted light for general illumination.

N/A

a. Sworn personnel may use weapon-mounted lights to illuminate a potential threat area when the use of a weapon system is warranted.

- i. If sworn personnel use a weapon-mounted light and intentionally or unintentionally illuminate the individual, they shall document the show of force 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.

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B. Deadly Force

1. Department personnel shall not use deadly force:

- 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, 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.

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C. Deadly Force and Moving Motor Vehicles

1. Department personnel shall not intentionally place themselves in the path of, or reach inside a moving vehicle.



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- a. When feasible, Department personnel shall move out of the path of a moving vehicle to a position of cover.
- b. 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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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;
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. Not delay medical transport of the individual if medical attention is necessary;
5. 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. Closely monitor individuals who are taken into custody for signs of distress;
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;

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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

- N/A
- a. When feasible, sworn personnel are encouraged to use medical transport.

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9. 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, the officer may safely extract the individual, and transport them to a safe location for medical treatment, if necessary.