



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

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

2-53 USE OF FORCE: DEFINITIONS (FORMERLY ELECTRONIC CONTROL WEAPON (ECW))

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-11 Use of Tire Deflation Devices](#)

[2-12 Pursuit Intervention Technique](#)

[2-19 Response to Behavioral Health Issues](#)

[2-56 Use of Force: Reporting by Department Personnel](#)

[2-105 Destruction/Capture of Animals \(Formerly 4-26\)](#)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 21-02 Amendment to SOP 2-53 Use of Force-Definitions, Definition of "Levels of Resistance"

SO 21-57 Amendment to SOP 2-53 Use of Force-Definitions, Definition of "De-escalation"

SO 21-126 Amendment to SOP 2-53 Use of Force: Definitions, Definitions of "Rendering Aid" and "Sternum Rub"

2-53-1 Purpose

The purpose of this policy is to define terminology used in the Albuquerque Police Department's (Department) use of force Standard Operating Procedures (SOP).

2-53-2 Policy

It is the policy of the Department to define terms within the use of force SOP to ensure that Department personnel use and understand the terms consistently.

N/A 2-53-3 Definitions

A. Authorizing Force

A directive from a supervisor to a subordinate to permit the use of force, consistent with the Department's use of force SOPs.



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B. Certificate for Evaluation

A document, completed by a qualified, licensed mental health professional which certifies that an individual person, as a result of a mental disorder, presents a likelihood of harming themselves or others, and that immediate detention is necessary to prevent such harm, which may include grave passive neglect. All Certificates for Evaluation expire seventy-two (72) hours after they are issued, unless explicitly stated otherwise.

C. Critical Firearm Discharge

A discharge of a firearm by sworn personnel, excluding Range practice and training firings, destruction of animals, off-duty hunting discharges where no person is struck, and off-duty, accidental discharges of a personally owned weapon where no person is struck.

D. Deadly Force

1. Any use of force that is reasonably likely to cause death or serious physical injury and includes, but is not limited to:
 - a. Discharging a firearm at an individual, whether intentionally or accidentally;
 - b. Any neck hold, as defined in this SOP;
 - c. Intentionally striking vital areas of the body, including the head, neck, throat, chest, or groin with a baton, flashlight, radio, weapon, stock/handle, improvised impact weapon, or hard object;
 - d. Intentionally striking an individual's head against a hard, fixed object, such as a roadway, floor, wall, or steel/iron bars;
 - e. Intentionally targeting an individual's head, neck, throat, chest, or groin with a beanbag shotgun;
 - f. Intentionally targeting an individual's head, neck, throat, chest, or groin with a 40-millimeter impact munition launcher;
 - g. Intentionally targeting an individual's head, neck, throat, chest, or groin with an Electronic Control Weapon (ECW);
 - h. Intentionally kneeling or kicking an individual's head, neck, throat, chest, or groin while the individual is in a prone or supine position;
 - i. Deliberately striking an individual with a motor vehicle;
 - j. Using the Pursuit Intervention Technique (PIT) over 35 mph, consistent with SOP Pursuit Intervention Technique;
 - k. Using a tire deflation device on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Use of Tire Deflation Devices; or
 - l. Using a PIT on all two-wheeled or three-wheeled motor vehicles, consistent with SOP Pursuit Intervention Technique.

E. De-escalation



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1. When feasible, a concerted effort 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, body posture, personal space, eye contact, empathy, and compassion to promote officer and individual safety, consistent with SOP Response to Behavioral Health Issues.

- a. Commands and orders (e.g., “stop” and/or “get on the ground”) are not de-escalation techniques.

F. Deficient Review or Investigation

A review or an investigation that fails to derive a finding based upon objective evidence or the totality of the circumstances.

G. Department Employee or Department Personnel

1. For the purpose of the Department’s use of force SOPs, “Department employee” or “Department personnel” refers to the following employees:
 - a. Crime Scene Specialist (CSS);
 - b. Sworn Personnel;
 - c. Police Service Aide (PSA); and
 - d. Prisoner Transport Unit (PTU) employee.

H. Empty-Hand Takedown

Any authorized empty-hand technique used to forcibly maneuver an individual to the ground.

I. Empty-Hand Technique

A technique used by an officer with the specific intent to gain control of or separate the individual’s mind from body and break their focus, through the manipulation of an individual’s joints, limbs, extremities, and pressure points. When effective, an empty-hand technique creates time for the officer to react and allow them to transition to another tool or technique in order to gain control of the individual, or to disengage and create distance between themselves and the individual.

J. Electronic Control Weapon (ECW) Discharge

The use or attempted use of an ECW by either drive stun or firing the ECW probes at an individual. A show of force with an ECW is not an ECW discharge.

K. Escort Technique

A method that is used by an officer to maintain physical control of an individual to guide them to meet their lawful objectives. An escort technique is not intended to



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cause pain but, when necessary, allows an officer to easily transition to using force.

L. Exigent Circumstances

An emergency situation(s) requiring action to prevent imminent danger to life, to forestall the imminent escape of an individual, or the destruction of evidence.

M. Feasible

An action that can be done or carried out reasonably to achieve a lawful objective without creating unnecessary risk to the officer or other people based on the totality of the circumstances.

N. Force

1. Any physical means used to defend the officer or other people, restrain, or otherwise gain physical control of an individual who is resisting.
 - a. Force does not include compliant handcuffing.
 - b. Physical contact solely for the purpose of rendering aid is not a reportable use of force.
 - c. An inadvertent covering of an individual with a weapon is not a reportable use of force.
 - d. A complaint of pain from handcuffing during a non-force incident is not a reportable use of force.
 - i. For example, the individual has a preexisting injury, and the handcuffs are likely to cause discomfort to the individual's preexisting injury.
 - e. The use of a low-level control tactic is not a reportable use of force.

O. Force Array

A team tactic that provides sworn personnel with a range of force options and allows them to quickly escalate or de-escalate their force response when necessary.

P. Hard Object

Any object used to strike an individual forcefully that has the potential to cause serious physical injury or death through blunt force trauma. A hard object may include an impact weapon (e.g., baton, beanbag shotgun rounds, and 40-millimeter impact launcher munitions) and improvised impact weapons. An officer's hands, knees, forearms, elbows, or feet are not considered hard objects.

Q. Imminent Threat

A dangerous or threatening situation which is about to occur or take place and is perceived to be unfolding.



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R. Individual

A subject on whom force or a show of force was used.

S. Injury

Any scuff, bruise, scrape, cut, abrasion, or other wound identified on an individual, or anything beyond temporary pain.

T. Involved Officer

Any officer who participates in a use of force, assists in overcoming an individual's resistance during a use of force, or orders or authorizes a use of force.

U. Lawful Objective

1. A purpose permitted by law, including, but not limited to:
 - a. Making a lawful arrest or lawful detention of an individual;
 - b. Preventing harm to an individual or others;
 - c. Preventing and/or terminating the commission of a crime;
 - d. Intervening in a suicide or self-inflicted injury;
 - e. Enforcing a valid Certificate for Evaluation (CforE);
 - f. Defending an officer or person from the physical acts of an individual; or
 - g. Conducting a lawful search.

V. Leg Sweep

Intentionally tripping a person causing one or both legs of an individual to collapse and the individual to fall to the ground.

W. Levels of Force

1. **Level 1 Use of Force:** Any use of force that is likely to cause only temporary pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or any show of force.
 - a. Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.
2. **Level 2 Use of Force:** Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable. A Level 2 use of force includes:
 - a. Discharge of an ECW, including where an ECW is fired at an individual but misses;



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- b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
 - i. The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless it strikes an individual.
 - c. Use of oleoresin capsicum (OC) spray, including when it is sprayed at an individual but misses;
 - d. Use of empty-hand techniques that result in injury or complaint of injury (e.g., strikes, kicks, takedowns or leg sweeps);
 - 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, chest, or groin with a baton or improvised impact weapon, which are considered deadly force.
 - f. Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - i. If an NFDD is deployed outside of a structure or outside an enclosed vehicle and is used as a means to gain the attention of an individual, it will not be considered a use of force.
 - g. Use of a horse rein strike on an individual's extremities; and
 - h. Use of the PIT maneuver at 35 mph or below.
3. **Level 3 Use of Force:** Any use of force that results in, or could reasonably result in, serious physical injury, hospitalization, or death, regardless of whether the use of force was unintentional or unavoidable. Level 3 use of force includes:
- a. Use of deadly force;
 - b. Critical firearm discharge;
 - c. Force resulting in hospitalization, serious medical episode, loss of consciousness, and/or a seizure;
 - d. Police service dog (PSD) directed bite;
 - e. Three (3) or more ECW discharges on an individual during a single interaction, regardless of the mode or duration of the discharge, and regardless of whether the discharges are by the same or different officers;
 - f. An ECW discharge on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive, regardless of the mode of discharge;
 - g. Four (4) or more strikes with a baton or improvised impact weapon;
 - h. Any Level 2 use of force against a handcuffed individual;
 - i. Use of the PIT maneuver thirty-five (35) mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and
 - j. Use of the PIT maneuver above thirty-five (35) mph.

X. Levels of Resistance

- 1. **Active Resistance:** An individual's resistance that poses an imminent threat of harm to the officer or other people, such as when an individual attempts to attack or



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attacks an officer; exhibits combative behavior (e.g., lunging towards 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. An individual who is brandishing or in possession of a weapon while also not following lawful commands is considered actively resisting. Verbal statements alone do not constitute active resistance. Target glancing alone does 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 other people.

2. Passive Resistance: Non-compliance with officer commands that is nonviolent and does not pose a threat to the officer or the community. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitute passive resistance.

Y. Low-Level Control Tactic

1. A physical interaction used to move or guide an individual that does not cause pain, is not reasonably likely to cause any pain or injury, and does not cause a complaint of injury, including:
 - a. Escort techniques, incidental touching, use of control holds, or handcuffing an individual or person with no or passive 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. Low-level control tactics that do not include overcoming active resistance.
2. A low-level control tactic does not constitute a reportable use of force.

Z. Low Ready

A position of preparedness with a firearm, ECW, 40-millimeter impact launcher, or beanbag 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.

AA. Material Discrepancy

A contradiction existing between two (2) or more factual items of evidence which can affect the outcome of the investigation.

BB. Minimum Amount of Force Necessary



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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 other people.

CC. Non-Reportable Use of Force

Any incident involving force that is not categorized as a Level 1, Level 2, or Level 3 use of force.

DD. Neck Hold (Choke Hold)

1. A carotid restraint hold; a lateral vascular neck restraint; 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 restraints, refer to the definition of "vascular neck restraint."

EE. Ordering Force

A directive from a supervisor to any sworn personnel regardless of participating agency to use force against an individual. Ordering force is the equivalent of using force for the purposes of reporting force.

A supervisor's directive to use force is considered a reportable use of force.

FF. Participating Officer

Physically assisting the involved officer in overcoming an individual's active resistance.

GG. Person

A community member upon whom force or a show of force is not used.

HH. Preponderance of Evidence

Evidence that establishes that a fact is more probable than not.

II. Reasonable Force

Force that is objectively appropriate under the circumstances and the minimum amount of force necessary to make an arrest or protect the officer or other person.

JJ. Rendering Aid

Any intervention consistent with training applied for the purpose of providing first aid



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and trauma care or applied for the purpose of determining whether an individual is unconscious. Rendering aid shall not be considered a reportable use of force.

KK. Reportable Use of Force

Any physical coercion used by an officer in the performance of their official duties that is categorized as a Level 1, Level 2, or Level 3 use of force.

LL. Serious Physical Injury

An injury that creates a substantial risk of death, which causes death or serious and protracted disfigurement, or that impairs the function of any bodily organ or limb.

MM. Show of Force

Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or by pointing the laser sights of the ECW at an individual or by using 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.

NN. Situational Hazard

Any circumstance that may include, but is not limited to, falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.

OO. Target Glancing

1. The obvious preoccupation an individual will have with a particular area of an officer's body or any of their weapons, or scanning for items to be used as improvised weapons or additional officers.

a. Target glancing includes the individual's focus on an avenue of escape.

PP. Temporary Pain

A brief discomfort that dissipates after the application of force.

QQ. Vascular Neck Restraint

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.

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



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RR. Witness Employee

Any on-scene employee with relevant, personal knowledge of a use of force incident. The investigator or reviewer has the discretion to determine whether any other employee with relevant personal knowledge is a witness employee.