

TITLE: USE OF FORCE

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PURPOSE

The purpose of this policy is to guide employees in the lawful application of force during the course of their duties. The following guideline is not meant, nor can it be expected to encompass all potential incidents in which force is used. This policy is a guide to actions that might be taken, by reasonable law enforcement personnel, in similar circumstances, with similar knowledge, and/or training at the time of the incident.

DISCUSSION

The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding value when using force shall be reverence for human life. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.

POLICY

It is the policy of the Santa Fe Police Department (SFPD) that employees shall use only that force which is reasonably necessary and constitutionally permissible to protect the sanctity of human life, preserve and protect individual liberties, and to affect lawful objectives.

APPLICABILITY

72.1.01

This General Order applies to sworn officers. This General Order supersedes all previous versions.

REFERENCES

72.1.02

- U.S. Supreme Court, *Graham v. Connor*, 490 U.S. 386 (1989)
- U.S. Supreme Court, *Tennessee v. Garner*, 471 U.S. 1 (1985)

- Section 30-2-6, NM Statutes Annotated, 1978 comp., as amended

DEFINITIONS

Active Resistance- Resistance that poses a threat of harm to the officer or others such as when a subject attempts to attack an officer or does attack an officer; exhibits combative behavior (Examples include but are not limited to: lunging toward the officer, striking the officer with hands, fists, kicks, or any instrument that may be perceived as a weapon); or attempts to leave the scene, flee, hide from detection, in some instances, standing when the subject has been told to sit down, 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.

Blue Team Database- is software that allows supervisors to document and review use of force incidents.

Constitutional Standard

Graham v. Connor, 490 U.S. 386 (1989)

Tennessee v. Garner, 471 U.S. I (1985)

The United States Supreme Court case Graham v. Connor, 490 U.S. 386 (1989), and other subsequent cases have established that an officer's right to make an arrest or investigatory stop necessarily carries with it the right to use physical coercion or threat thereof to effect it. An officer's use of force is considered a seizure under the 4th Amendment and must therefore be objectively reasonable when analyzed under the "Objective Reasonableness" standard as

defined below. In Tennessee v. Garner, 471 U.S. I (1985), the Supreme Court held that under the 4th Amendment, a police officer may not use lethal force to prevent the escape of a fleeing suspect unless the officer has probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others.

Feasible- Capable of being done or carried out to successfully achieve the arrest or lawful objective without increasing risk to the officer or other persons.

Force- Any application of physical techniques or use of tools as listed in this policy, or any other means used to defend, restrain, overcome, or otherwise gain physical control of a person.

Handcuffing, escorts, and holds of otherwise cooperative individuals do not constitute an application of force as used in this section if used according to training and policy. De minimus use of escort holds to prompt an initially non-compliant subject shall not be considered force as defined in this paragraph.

Force Array- A deployment tactic utilizing a layer of force options. The layered response can range from officers' presence to lethal force. The force array is used as a team response where officers are working in concert with one another through various force options. This style of deployment allows the officers to fluidly escalate and deescalate their force response.

Imminent Threat- A dangerous or threatening situation which is likely to occur at any moment, or is about to occur or take place, and is perceived to be unfolding.

Intermediate Force- A level of force used to compel compliance that while less severe than lethal force, nonetheless presents a significant intrusion upon an individual's rights.

Intermediate force has the potential to, but is not intended to, nor likely to, but may under certain circumstances, cause serious physical injury or death.

Involved Officer- Any personnel who participated in the application of the use of force.

Less-Lethal Force- A force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more-lethal police tactics. Use of less-lethal force can nonetheless result in serious physical injury or death. Less-lethal force is generally included within intermediate force.

Less-Lethal Impact Munitions- Those munitions or tools that are specifically designed to incapacitate an individual but are less likely to cause death or serious physical injury than other conventional lethal options. Use of less-lethal Impact Munitions can nonetheless result in death or serious injury. Department authorized Less-Lethal impact Munitions include but are not limited to: Bean Bag Shotgun, Foam Projectiles, Wooden Baton Rounds, Pepper Ball Rounds, and Rubber Pellet Rounds.

Lethal Force- Any use of force likely to cause death or serious physical injury, including the use of a firearm, neck hold, or strike to the head, neck, or throat with a hard object.

Low-Level Control Tactics- A control tactic that is neither intended nor likely to cause injury.

Minimum Amount of Force Necessary- The lowest level of force within the range of objectively reasonable force that is necessary to affect an arrest or achieve a lawful objective without increasing the risk to the officer or others.

Neck Hold- Refers to one of the following types of holds: a carotid restraint hold, a lateral vascular neck constraint, or a hold with a knee or other object to a subject's neck. A neck hold is considered lethal force. Mere incidental contact does not constitute a neck hold.

Objectively Reasonable Force- The test by which courts will evaluate force used to affect an arrest or protect the officer or other persons. This standard that courts will use to examine whether a use of force is constitutional/justifiable was first set forth in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. This is based on a totality of the circumstances and the facts known to the officer at the time of the incident. Courts will evaluate the reasonableness of an officer's use of force from the perspective of the reasonable officer on-scene at the time of the action rather than with 20/20 hindsight. The United States Supreme Court recognized that courts must make some allowance for the fact police officers are often forced to make split second decisions with limited information in situations which are tense, uncertain, and rapidly evolving.

Passive Resistance- Non-compliance with officer commands that is non-violent and does not pose an imminent threat to the

officer or the public. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or

Physical Injury- Any injury to a person that is not likely to cause death or great bodily injury to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person ' s body.

Professional Standards Division (PSD)- charged with the responsibility of impartially and objectively investigating all allegations of use of force at the request of the Chief of Police, or his or her designee, when use of force results in a death or physical injury or when a complaint of excessive force is received.

Reasonable Belief- Facts and circumstances known to the officer at the time, which would cause another reasonable and prudent officer to act or think in a similar way under similar circumstances.

Serious Physical Injury-A physical injury that creates a substantial risk of death, or that causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

Show of Force- Pointing a firearm at a person and acquiring a target. This is reportable as a show of force.

Rules, Responsibilities, and Procedures

72.1.04

A. GENERAL REQUIREMENTS AND EXPECTATIONS OF ALL OFFICERS WITH REGARD TO ALL USE OF FORCE INCIDENTS

1. Policing at times requires that an officer exercise control of a violent or resisting subject to make an arrest, or to protect the officer, other officers, or members of the community from risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated, but officers do have the ability to impact the direction and the outcome of many situations they handle, based on their decision-making and the tactics they choose to employ. The officer shall consider and use, where appropriate, de-escalation techniques.
2. Officers should continually assess the situation in order to increase an officer's ability to bring a situation to a safe, peaceful conclusion. This may be accomplished by using time, distance, information, isolation, teamwork, force array, coordination and other techniques, to maximize an officer's advantage.
3. Determining When to Use Objectively Reasonable Force
 - a. The Fourth Amendment of the United States Constitution requires that a police officer only use force as is "objectively reasonable" under all of the circumstances. The standard that courts will use to examine whether a use of force is constitutional was first set forth in *Graham v. Connor*, 490 U.S. 386 (1989) and expanded by subsequent court cases. Officers shall, if feasible, use only the

- minimum amount of force necessary as described below.
- b. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The reasonableness must account for the fact that officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving.
- c. The reasonableness inquiry in reviewing use of force is an objective one: the question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them. The officer's perception will be a consideration, along with other objective factors that may affect the reasonableness of the force. Common factors considered by the courts are "Graham Factors": (1) "the severity of the crime at issue"; (2) "whether the suspect poses an imminent threat to the safety of the officers or others "; and (3) "whether he/she is actively resisting arrest or attempting to evade arrest by flight". Other factors include:
- i. The knowledge or belief the subject is under the influence of alcohol and/or drugs;
 - ii. The subject's medical or mental history or condition known to the officer at the time;
 - iii. Known history of the subject to include violent tendencies or previous encounters with law enforcement which were combative;
 - iv. The relative size, age, and condition of the subject as compared to the officer;
 - v. The number of subjects compared to the number of officers;
 - vi. Where it is apparent to the officer a subject is in a state of crisis, this must be taken into account in the officer's approach to the situation;
 - vii. Special knowledge possessed by the subject (i.e. known experience in martial arts or hand-to-hand combat); Physical confrontations with the subject in which the officer is on the ground;
 - viii. If feasible, opportunities to deescalate or limit the amount of force used.
- d. The use of unreasonable force will subject officers to discipline, as well as possible criminal prosecution, and/or civil liability.
- e. Officers should be prepared to employ various force options to control the person if one particular tactical option is not effective or the circumstances of the encounter change such that the tactical option is no longer reasonable.
4. When force is necessary and objectively reasonable, officers must

strive to use the minimum amount of force necessary in the available range of objectively reasonable force options:

- i. Officers need not start at the lowest level of force in every situation. Where feasible, before deploying a particular force option, officers should evaluate the array of objectively reasonable options to select an option anticipated to cause the least injury to the subject while achieving the arrest or lawful objectives.
 - ii. While deploying a particular force option and where feasible, officers should continually evaluate whether the force option may be discontinued while still achieving the arrest or lawful objectives.
 - iii. Whether a particular use of force is the minimum amount of force necessary must be objectively judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The objective determination of "minimal" must account for the fact that officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving.
5. Officers must continually assess the effectiveness of their actions and consider the desired outcome for the level of force used, including, where feasible:
- a. What efforts can the officer use to de-escalate the situation or to minimize the need for the use of force?
 - b. Can the officer allow the subject time to submit to arrest before using force?
 - c. Is the officer using the minimum amount of force necessary to carry out lawful objectives?
 - d. Is the subject physically or mentally capable of complying with the officer's commands?
 - e. Does the officer have an opportunity to utilize additional resources/officers to bring the situation to a peaceful resolution?
 - f. What is the severity of the subject's actions and is the risk of injury to either the subject or officer worth achieving the officer's lawful objective?
 - g. What is the proximity or access of weapons to the subject?
 - h. What is the time available to an officer to make a decision and what efforts has the officer made to provide additional time?
 - i. What are the physical considerations for the officer, e.g. officer exhaustion or injury during a physical confrontation?

- j. Are innocent bystanders present who could be harmed if force is or is not used?
 - k. Are there hostile bystanders present who are sympathetic to the subject?
6. Officers must not engage in unreasonable actions (including inflammatory language) or tactics that precipitate the use of force, or that unduly jeopardize their own safety or the safety of others. Officers shall not use force to attempt to effect compliance with a command that is unlawful.
 7. When a confrontation escalates suddenly, an officer may use that degree of force necessary to defend the officer or others as long as the force is objectively reasonable.
 8. Immediately following a use of force, officers, and a supervisor upon arrival, shall inspect and observe subjects of force for injury or complaints of pain resulting from the use of force and immediately obtain any reasonable medical care. This may require an officer to provide emergency first aid until professional medical care providers arrive on scene.
 9. Officers are prohibited from using force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, to overcome active resistance, or

where physical removal is necessary to overcome passive resistance.

10. Officers are prohibited from using lethal force when pursuing a fleeing suspect to prevent escape unless the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

B. Duty to Intervene

Any officer present and observing another officer using force that a reasonable officer would view as excessive or unnecessary under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such force. Officers shall promptly report these observations to a supervisor.

C. De-Escalation

1. When reasonable under the totality of circumstances and where it may be accomplished without increasing the risk of harm to the officer or others, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. Officers should look for opportunities to de-escalate the situation if they are able to safely do so.
2. In their interaction with subjects, officers shall use advisements, warnings, verbal persuasion, and

other tactics and alternatives to higher levels of force, if feasible. Officers should recognize that they may be able to withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of tactical options.

3. Officers are expected to recognize that their approach to a civilian interaction may influence whether a situation escalates or de-escalates the need to use force.
4. When use of force is needed, and if feasible, officers will assess each incident to determine, based on policy, training and experience, which use of force option will de-escalate the situation and bring it under control in a safe and prudent manner.
5. Supervisors will become involved as soon as practicable in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform to Department standards.
6. In general, once control of a combative subject is gained and there is no longer an objectively reasonable threat, further use of force is prohibited. A degree of force which may have been justified earlier in an encounter does not

remain justified indefinitely. Force shall be de-escalated immediately as resistance decreases.

D. USE OF FORCE TO AFFECT A DETENTION, ARREST, OR TO CONDUCT A SEARCH

1. Officers shall, whenever possible, make clear their intent to detain, arrest or search a subject before resorting to use of force. When practicable, officers will identify themselves as a peace officer before using force.
2. Officers may use force consistent with this directive to accomplish lawful objectives. The lawful objectives for which force may be appropriate include:
 - a. To effect a lawful arrest or detention of a person;
 - b. To gain control of a combative subject;
 - c. To prevent and/or terminate the commission of a crime;
 - d. To intervene in a suicide or self-inflicted injury;
 - e. To defend an officer or member of the public from the physical acts of another; or
 - f. To conduct a lawful search.
3. Officers must be able to articulate an objectively reasonable basis to justify the level of force used.
4. A show of force shall be done only as objectively reasonable to accomplish a lawful police

objective. It shall be reported following the requirements set forth in 72.1.08.

5. A Police Service Dog, may be deployed as a show of force and may be used to the de-escalate situations

E. Drawing or Exhibiting Firearms

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of lethal force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm.

F. Levels of Resistance

a. Cooperative

A person contacted by an officer who is compliant, acknowledges lawful orders, follows directions and offers no passive or active levels of resistance. It is generally not objectively reasonable to use force against a cooperative individual.

b. Passive Resistance

A subject who is uncooperative and fails to follow an officer's lawful order or directions but does not pose an immediate threat to the officer or the public. Examples include, but are not limited to: failing to follow lawful directions, crossing their arms and shaking their head "no" in response to lawful directions, or verbally stating "no" to lawful directions.

c. Active Resistance

A subject who is uncooperative and takes some level of physical action to resist and prevent an officer from placing the subject in custody. Active resistance includes levels of resistance from non-assaultive actions such as pulling or running away, all the way up to a lethal attack on an officer.

G. Levels of Control

- a. The level of control must be proportionate to the circumstances and the level of resistance encountered by the officers. When use of force is needed, officers will assess each incident to determine, based on policy, training and experience, which use of force option is objectively reasonable, and if feasible, the minimum amount or force necessary under the circumstances for the situation, and bring it

- under control in a safe and prudent manner.
- b. Low-Level Control Tactics - These tactics do not require a Use of Force Report and include:

- i. Officer Presence
- ii. Verbal Communication
- iii. Escort holds
- iv. Un-resisted application of handcuffs/Other SFPD approved restraint devices
- v. Drawing a firearm to the low ready position

- c. Intermediate Force - This level of force requires a Use of Force Report and includes:

- i. Empty Handed Tactics, such as take downs, strikes, etc.
- ii. Kicks
- iii. Baton/Impact Weapons (jabs, strikes)
- iv. Oleoresin Capsicum Spray (OC)
- v. Electronic Control Weapon
- vi. Less-Lethal Impact Munitions Systems

- d. Lethal Force - Examples include but are not limited to:
- i. Discharge of a firearm
 - ii. Other tools that may be used as lethal force under certain circumstances

H. Guidelines for Use of Lethal Force

- a. Officers may use lethal force when the officer has a reasonable belief a subject presents an imminent threat of serious physical injury to the officer, another officer, or a member of the public.

OR

Probable cause to believe the subject has just committed a violent felony involving actual or threatened infliction of serious physical injury to another **AND** probable cause to believe that lethal force is necessary to prevent the escape of the subject and in order to protect the public or another officer(s) from death or serious physical injury.

- b. Verbal warnings shall be given when feasible.
- c. **WARNING SHOTS ARE PROHIBITED.**
- d. Lethal Force and Motor Vehicles
 - i. Officers are prohibited from reaching into or intentionally placing themselves in the path of a vehicle and thereby creating a justification for the use of lethal force.

- ii. Officers shall, when feasible, move out of the path of a moving vehicle to a position of cover.
- iii. Officers shall not discharge a firearm at or from a moving vehicle unless an occupant of the vehicle is using lethal force, other than the vehicle itself, against the officer or another person, and such action is necessary for self-defense, defense of other officers, or to protect another person, or unless the officer has no reasonable alternative course or action.
- iv. Where an officer faces an imminent threat from a moving vehicle that the subject is intentionally driving into the officer or others, the officer may use lethal force only if the officer has no reasonable alternative, and a reasonable officer would believe the lethal force will remove the danger the vehicle poses without creating additional risk to bystanders. Officers should consider whether the use of lethal force creates a danger to the public that outweighs the likely benefits of its use.

I. Response to High Threat Level Situations

- a. Absent an immediate need to act, officers should slow the situation down, if feasible. Under exceptional circumstances (e.g. Active Shooter), immediate intervention should be considered. Officers should continuously evaluate whether their response is objectively reasonable.
- b. Supervisors should manage the overall response to potentially violent encounters by coordinating resources and officers' tactical actions.
- c. Supervisors should possess a working knowledge of a force array of tactics and less-lethal options to ensure that the officers under their supervision perform to the standards established in this policy.
 - 1. When an individual officer arrives on a potentially violent encounter the officer should not attempt to resolve the incident by themselves unless it is a violent, ongoing call involving imminent threat of death or serious injury. Officers arriving on scene should secure additional less lethal and lethal resources as a part of the force array prior to the initial contact, when feasible. These tactics are intended to provide a force array for officers to resolve unknown violent encounters.

2. Officers are expected to recognize and utilize positions of advantage, cover, concealment, and barriers to maximize their reaction abilities and deployment of resources.

72.1.05 Use of Force Training and Certification

- A. Officers will use only those use of force options with which they have been trained. Officers will carry only those use of force tools and equipment that are issued and authorized by the department.
- B. Officers must complete and pass a Department-approved certification course of instruction on the operation or tactic in order to be authorized to utilize any department-authorized use of force option. Officers are required to receive annual/biannual recertification training, or as directed, in order to maintain their certification to utilize any department- authorized use of force option.

72.1.06

Authorized Control and Use of Force Options

This section describes the Use of Force options available to an officer in situations when force is objectively reasonable and necessary. Each section describes the force option and factors to consider pre-deployment and post-deployment as applicable.

A. Presence and Verbal Communication

- B. Officers will, when, and to the extent feasible, attempt to use verbal communication skills to control subjects before resorting to physical control methods.

C. Other Low Level Control Tactics

- D. Officers will, when, and to the extent feasible, use low-level control tactics before resorting to intermediate force options.

E. Intermediate Force

1. Empty Hand Techniques
 - a. Empty Hand Techniques (Intermediate Force) include the use of strikes, grabs, kicks, takedowns, and proper arrest techniques to effect control of an actively resistant subject.
 - b. Officers are prohibited from utilizing neck holds, except where lethal force is authorized.
 - c. Officers are prohibited from using leg sweeps, arm-bar takedowns, or prone restraints. **EXCEPT** as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, to overcome active resistance, or as objectively reasonable where physical removal is necessary to overcome passive resistance and handcuff the subject.
2. Oleoresin Capsicum (OC)
 - a. Oleoresin capsicum is an inflammatory agent. With proper

us e, it is meant to assist officers in the control of actively resistant subjects.

b. Pre-Deployment Considerations

- i. Except where necessary, officers shall not use OC aerosol under conditions where it is likely to affect innocent bystanders.
- ii. Except where necessary, officers shall not use OC aerosol in confined or enclosed environments.
- iii. Except where necessary, officers should not deploy OC around the elderly, infants, or small children due to the sensitivity of their respiratory systems.

c. Post-Deployment Considerations

- i. Where handcuffing is appropriate, subjects should be handcuffed as soon as practicable.
- ii. Once control is established and the scene is secure, officers may assist with decontamination of the subject. Officers shall ensure that subject decontamination by officers, EMS, jail, medical or other authorized personnel is offered as soon as practicable and without unnecessary delay.

- iii. Suspects who have been exposed to OC shall not be left alone and shall be continuously monitored for any indications of medical complications.
- iv. Common normal reactions to OC include twitching, contraction of the eyelids, shortness of breath, and burning sensation on affected skin areas.
- v. Symptoms should dissipate within 45 minutes.

3. Baton – Expandable

- a. Batons are considered an impact tool/weapon designed to assist officers in lawful use of force objectives where such force is authorized by this policy.

b. Deployment Considerations

- i. Strikes delivered to the head, neck, throat, or spines are considered lethal force. These areas shall not be intentionally targeted unless, based on a totality of circumstances and facts known to the officer at the time, the use of lethal force is warranted under the requirements set forth in 72. I .04(G) of this Directive.
- ii. Physical struggles are often dynamic, rapidly changing encounter and officers are not

expected to predict a subject's movements. Strikes should be aimed toward attacking limbs and large muscle groups available to the officer.

c. Post-Deployment Considerations

- i. Due to the increased blunt trauma capability from the use of a baton, officers will immediately summon EMS personnel once control of the subject is established and the scene is secure.
- ii. If an officer strikes inadvertently to the head, neck, or spine, the officer shall articulate how this occurred in the appropriate Departmental report.

4. Electronic Control Weapon (ECW)
"Taser"

ECW deployment is considered a use of force and shall be deployed in a manner consistent with the Department's Use of Force Directives and training guidelines. Although ECWs are considered a less-lethal force option, officers must remember that improper or unauthorized deployment can result in serious physical injury or death. ECWs shall not be used solely as a pain compliance technique or to overcome passive resistance.

Officers may use ECWs only when such force is objectively reasonable to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered.

Officers are authorized to use ECWs to control an actively resistant person when attempts to subdue the person by other tactics have been, or will likely be, ineffective, and there is a reasonable expectation that it would be unsafe for officers to approach the person within contact range. Refer to Directive 73. I "Taser"

5. Less-Lethal Impact Munitions Systems

a. Pre-Deployment Considerations

- i. Officer will have at a minimum, a lethal cover officer when deploying less-lethal munitions.
- ii. The distance the less-lethal munitions is fired from will be based on:
 - Manufacturer's recommendations;
 - Performance of the impact munitions; and
 - Objective reasonableness of the force being used.

b. Post-Deployment Considerations

Involved officers shall immediately contact EMS personnel if a person is hit by an impact munition.

A. Use of a Police Service Dog (K-9)

- a. Any time an officer assigned as a Handler within the K-9 Unit is required to use force, the force used will be in accordance with this Policy, and all applicable laws, and the United States Constitution.

- b. Use of the K-9 as a may range from the simple presence of the K-9 to a less lethal force option. A K-9 Handler may not deploy his or her K-9 merely because it is an available option. As a use of force option, the deployment of a K-9 must be objectively reasonable given the facts and circumstances confronting the handler and consistent with this policy.
 - c. A Handler using a K-9 as a use of force must use the minimum amount of force that is reasonable, necessary, and proportional based on the totality of the circumstances confronting the officer in order to bring about a lawful objective.
 - d. Handlers should consider the reasonableness of other use of force options before deploying the K-9.
- B.** Based on the totality of the circumstances the handler will have the discretion of deploying the K-9 with or without a muzzle or on or off lead.
- C.** Before deploying the K-9 the handler must evaluate the following factors, taking into consideration the safety of civilians, officer, and the suspect individual:
- 1. The severity of the crime(s) at issue:
 - 2. Whether the suspect poses an immediate threat to the safety of the officer(s) or others,
 - 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight,
 - 4. All other factors that must be considered pursuant to this policy.
- D.** It is the policy of the Santa Fe Police Department to allow the deployment of K-9's in the following circumstances;
- 1. To apprehend violent felony individuals,
 - 2. To apprehend individuals who pose an immediate threat to the safety of the officers or others,
 - 3. For officer safety, to conduct searches for felony individuals where the individual has concealed themselves from law enforcement, and,
 - 4. To locate a misdemeanor individual where the shift supervisor or commander has approved a search with a muzzle.
- E.** K-9s should not be deployed against an individual known by the officers, to be pregnant, less than fourteen (14) years old, or over the age of seventy (70) years old unless the officer(s) can articulate exceptional circumstances justifying the deployment.

F. Violating this policy will subject the handler to disciplinary action.

a. Lethal Force

1. Firearms (for further information, refer to Firearms and Ammunition Directive 74.1)

a. Officers shall carry only those weapons and ammunition that have been authorized by the Department. Modifications or additions to weapons shall only be performed by the Department’s Armorer as approved by the Chief.

b. Pre-Deployment Considerations

- 1. Officers will adhere to all firearms safety rules as outlined in Department training.
- 2. Officers must recognize that once a firearm is drawn and no longer secured in the holster, their ability to react with less-lethal force to a particular situation may be diminished. Refer to 72.1.04(0)

Nothing in this section is meant to prevent officers from having their firearms in a deployed position when confronted with situations which may escalate with such speed as the officer's ability to react defensively would be unacceptably slow as a result of having a holstered firearm.

c. Post- deployment Considerations

Due to the high probability of death or serious physical injury when firearms are used, officers will immediately summon EMS when safe to do so.

2. Other Lethal Force

When lethal force is objectively reasonable and necessary to protect the lives of officers or others, officers may generally utilize any tactics or options available.

MEDICAL AID

72.1.07

Medical Attention Following Use of Force

1. Medical Attention

Due to the wide range of possible outcomes from the use of force, officers shall immediately assess the subject for visible injuries or complaints of injuries once they gain control and secure the scene. The officer will monitor the subject and immediately request medical attention if needed or as required by this section. Officers who transport a civilian to a medical facility for treatment shall take the safest and most direct route to the medical facility if feasible. Officers shall notify Regional Emergency Communications Center (RECC) of their starting and ending mileage.

a. In situations where the subject is forced into a face-down position, officers are expected to release pressure/weight from the subject as

- soon as it is safe to do so and monitor the subject for any respiratory or breathing problems; and
- b. Position the subject on their side (recovery position) or sit them up as circumstances allow so as not reducing airflow or diaphragm function.
2. Medical attention shall be requested immediately when an individual is injured or complains of injury following a use of force.
 3. Medical attention shall be summoned for the following Use of Force applications regardless of visible injury or complaint of injury:
 - a. Baton strikes;
 - b. Oleoresin Capsicum (OC) Spray -All applications
 - c. ECW - any contact with a person;
 - d. Use of patrol canine– all bites;
 - e. Use of Force with a vehicle- Motor Vehicle Pursuit, refer to Directive 75.1.18, Pursuit Tactics;
 - f. Less-Lethal Impact Munition - deployments when positive contact is made on a person; or
 - g. Firearm - any discharge of a firearm that strikes a person.
 4. Documentation of Medical Treatment/Medical Facility
 - a. The subject will be asked to sign a release of medical information in order for the officer to obtain copies of the physician's assessment of injuries. If the subject agrees, copies of the assessment will be obtained and attached to the officer's report.
 - b. If the subject refuses to sign the release, the officer will note in the offense/incident report the refusal to sign and the identification of the attending physician or nurse witnessing the refusal to sign.
 - c. The officer will obtain a medical release from the attending physician prior to transporting the subject to the detention center.
 - d. A copy of the medical release shall be provided to the detention center and one retained for the offense incident report.
 - e. In the event that visible injuries are inflicted, the on-duty supervisor shall ensure that the injuries are photographed, with the consent of the subject.
 - f. If the subject refuses to allow photographs, this will be documented in the offense/incident report to include the identification of any witnesses to the refusal.

REPORTING USE OF FORCE INCIDENTS

72.1.08

Each officer is responsible for explaining and articulating the specific facts, and reasonable inferences from those facts, which justify the officer's use of force. The officer's justification will be reviewed to

determine whether or not the force used was in or out of policy. Failure to adequately document and explain the facts, circumstances and inferences when reporting force may lead to the conclusion that the force used was out of policy.

A. Notification to Supervisors:

1. Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:
 - a. The application caused a visible physical injury.
 - b. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
 - c. The individual subjected to the Force complained of injury or continuing pain.
 - d. The individual indicates intent to pursue litigation.
 - e. Any application of a less-lethal weapon.
 - f. Any show of force.
 - g. Any application of a restraint device other than hand cuffs, shackles or belly chains.
 - h. The individual subjected to the force was rendered unconscious.
 - i. An individual was struck or kicked.
 - j. An individual alleges any of the above has occurred.
 - k. An individual has been bitten by a police service K-9.
2. Officers who apply any use of force, or witness such police actions shall document their involvement on a narrative report.
3. On-Duty supervisor will:
 1. Investigate and submit a use of force Blue Team Incident report.
 2. Collect and submit all evidence, as appropriate to include photographs of officer and suspect.
 3. Review and ensure that the offense incident reports and all required paper work are completed as per department policy and procedure.
 4. Submit a copy of the investigation to the Office of the Chief of Police within 24 hours of being notified of all incidents of use of force by an officer.
 5. The Professional Standards Division and Chiefs office shall be contacted for the purpose of initiating an investigation in any of the following instances:
 - a. At the request of the Chief of Police, or his/her designee;
 - b. When a use of force results in death or physical injury; or

- c. When a complaint or excessive force is received.

B. Use of Force Offense/Incident Reports

The offense/incident report should include:

1. **The Pre-Force Information:** Day, date and time, location of the incident, officers involved, witnesses, and your initial observations--what drew your attention.
2. **Approach Considerations:** Why did you initiate contact, justification, safety of approach, reasonable suspicion, probable cause, other.
3. **Tactical Deployment:** How did you approach and why, environmental description, control of distance, positioning, team tactics and, call for assistance.
4. **Tactical Evaluation:** What were your perceptions, threat assessment, gut feelings, fear? Individual's ability to understand your requests, mental status as observed by the officer.
5. **Level of Resistance:** What did the subject do, unresponsive, non-responsive, ignoring you, dead weight tactics, resistance tension, tightening up, attempting to get away, pushing off, actual physical assault. Verbal defiance and wording responses.
6. **Early Warning Signs:** Consciously ignoring you, excessive emotional attention, and exaggerated movements, ceasing all movements, target glancing, looking around, Boxers stance, handset, shoulder shill, thousand yard stare, known violent background.
7. **Weapon Threat Assessment:** What weapons were brought to the scene? What weapons were accessible to the subject? What were the officer/ subject differences: size, agility, strength, age, gender, numbers involved, and skill level?
8. **Special Circumstances:** your perception to the threat, sudden assault, your physical position, subject's ability to escalate force rapidly, your knowledge of the individual, your injury or exhaustion, number of friends or other resistors around.
9. **During Force Objectives:** Type of force technique utilized by officer, type of resistance applied by the subject, stabilization, minimizing injury or amount of injury, application of restraints and what type, monitoring, debriefing, searching, escorting, seclusion, medical observation, hospitalization.
10. **Post Force Level of Resistance:** Continued level of anger, after restrained still kicking, head butt i ng, bump i ng, and pulling away, spitting, threatening verbiages. The resistance must be precisely defined.
11. **Officer Relaxation:** Post force officer's ability to regain composure and relax prior to the assumptions or

duties and initiating the report.
(Graham v. Connor, 490 U.S. 386,
395-96 (1989)).

C. Lethal Force Incident Debriefing

- 1. When a police officer's use of force causes death or serious bodily harm, the officer shall be placed on routine administrative leave until all internal investigative requirements as outlined in the Internal Affairs policy have been met and the officer has been determined to be ready to return to duty by a qualified mental health professional. This is intended to provide time for the involved officer(s) to recover from the physical, mental, and emotional stress of the incident.
- 2. The department will provide all department employees the opportunity to attend a critical incident debriefing conducted by trained staff and follow up treatment or counseling.

- 3. Blue Team Use of Force Report(s) shall be reviewed by the chain of command. If there is a question about the reasonableness of the use of force, an indication of a potential weakness in department policy, a question about the effectiveness of a technique or an indication of some training deficiency, the reviewing supervisor shall submit the Blue Team Use of Force Report to Professional Standards Division (PSD) and notify the chain of command.
 - a. Any Blue Team Use of Force Report, for which a review has been requested, will be processed by the PSD.
 - b. The Chief of Police shall appoint a committee to review all use of force incidents on a quarterly basis. The committee shall be comprised of the following individuals:
 - 1. Chair of committee (appointed by the chief of police). The chair has the responsibility for ensuring that the committee reports, fulfills its responsibility under this section.
 - 2. Internal Affairs Lieutenant(s);
 - 3. Patrol Captain;
 - 4. Training and Recruiting Lieutenant;
 - 5. Force Response to Resistance Instructor(s).

**USE OF FORCE BLUE TEAM
REPORTS/ADMINISTRATIVE
REVIEW OF USE OF FORCE
INCIDENTS**

72.1.09

- 1. Supervisors shall ensure that a Blue Team Use of Force Report and photographs are submitted for all reportable use of force incidents. Refer to 72.1.08(A)(1)(a-j).
- 2. A separate Blue Team Use of Force Report shall be completed and submitted for each person on whom force was used.

- c. A use of force review will consist of the examination of police Blue Team Use(s) or Force Reports, and any other available documentation associated with the incident (photos, video, audio, etc.).
- d. The findings report submitted by the assigned reviewing personnel will contain the following:
 - 1. Determination if the use of force was reasonable or unreasonable.
 - 2. Training suggestions or other recommendations (if applicable).
 - 3. Identify any policy weaknesses (if applicable).
 - 4. Identity any additional information needed to complete a comprehensive review (if applicable).
- e. Should the reviewing personnel be unable to reach a determination after reviewing the available documentation, a findings report indicating the lack of information necessary to determine reasonableness will be submitted to PSD.
- f. All findings shall be reported to the Chief of Police and to the appropriate unit for resolution. All findings and recommendations by the committee shall also be provided to the involved officer and his/her immediate supervisor.

- g. All use-of-force complaints shall be retained in accordance with New Mexico State archive records retention schedules.

NOTICE:

This directive is for departmental use only. The department standard should not be construed as a creation of a higher legal standard of safety or care.

Violations of this directive may result in departmental administrative sanctions.

ANNUAL ANALYSIS OF USE OF FORCE

72.1.10

- A.** An annual summary of all reviewed incidents will be compiled by the Professional Standards Division and provided to the Chief of Police for review. The annual summary will also be made a part of the department's annual report, published in March of each year. The department's training unit will be included and involved in the review process.
- B.** Annually, the Professional Standards Division will analyze all uses of force for the preceding 365 days for the purpose of:
 - 1. Ensure reasonable use of force by departmental personnel.
 - 2. Ensure training effectiveness.
 - 3. Ensure policy effectiveness.

- 4. Identify equipment in need of upgrade or replacement.
 - 5. Identify personnel in need of additional training.
 - 6. Statistical Data - to identify patterns and trends.
- C. The use of force analysis will be shared with the public to enhance transparency of the organization. This report will be available **no later than April 1st of each year.**

ATTACHEMENTS

ATTACHEMENT A: RELEASE OF MEDICAL INFORMATION FORM

Drafted (rfv) Amended (djw) 6/20

APPROVED: _____
[Signature]
ANDREW PADILLA
Chief of Police

DATE: _____
07/09/20