



City of Albuquerque

Civilian Police Oversight Agency



Diane McDermott
Executive Director

To: Scott Norris, Commander IAFD

From: Diane McDermott, Executive Director

Subject: CPOA Report on Serious Use of Force APD Case # 23-0009267

Incident Summary:

The incident transpired on February 2, 2023, at approximately 23:25 hours. Officers responded to a call regarding a domestic disturbance made by a mother who reported an altercation with her daughter (Ms. V). During the communication, the mother indicated that her daughter had departed the residence and subsequently returned in a highly intoxicated state, exhibiting hysterical crying, hallucinations, and vomiting. The caller further asserted that her daughter was attempting to engage her in a physical confrontation. Upon arrival, the officers made contact with the caller, who granted them permission to enter the residence and converse with Ms. V. They commenced a discussion with Ms. V, assuring her that she would not be taken into custody but would be evaluated by rescue personnel.

Ms. V exhibited uncooperative behavior and raised her voice at the officers. She forcefully pushed one officer, which necessitated the officer to turn her around and proceed with the application of handcuffs. The officers established a lawful objective to detain Ms. V for her own safety, based on the statements provided by her mother and Ms. V's observed comportment. During the process of handcuffing, Ms. V's head inadvertently struck the kitchen cabinet. As the officers commenced escorting her out of the kitchen, she kicked backward towards them and actively resisted their actions. The officers, in response to her resistance, pushed her down while she was handcuffed, thereby escalating this incident to a level 3 use of force. Ms. V sustained minor scratches on her wrist, received medical treatment at the scene, and was subsequently transported to the hospital for further evaluation. She was not charged in connection with this incident.

Case Review:

Computer-Aided Dispatch Report
APD Field Reports
Internal Affairs Reports
On-Body Recording Device Videos
APD Policies Regarding Force
CPOA Director's attendance at the Force Review Board Briefing
IAFD Force Investigation
Mandatory Training Referral

Use of Force Types and Involved Officers:

- UOF1 Level (3) Empty hand takedown (Handcuffed) Officer 1
- UOF2 Level (3) Empty hand takedown (Handcuffed) Officer 2

- UOF3 Level (2) Empty hand control Officer 1
- UOF4 Level (2) Empty hand control Officer 2
- UOF5 Level (1) Empty hand control Officer 1
- UOF6 Level (1) Empty hand control Officer 2

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

Level 3: Empty Hand Takedown (Handcuffed)

2-52-6-A-4 (a-c) 1

Use force against a restrained or handcuffed individual unless the force is necessary:

- To prevent the imminent threat of harm to Department personnel, the individual, or another person(s);*
- To overcome active resistance; or*
- To move an individual who is passively resisting*

Level 2: Empty Hand Control

2-52-5-C-3 (a-c)

Department personnel shall use leg sweeps or the Department's Passive Restraint System (PRS) only:

- To prevent imminent bodily harm to the officer, individual, or to another person(s);*
- To overcome active resistance; or*
- Where it is objectively reasonable and necessary to overcome passive resistance.*

Level 1: Empty Hand Control

2-52-5-A-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.

The officers established a legitimate objective to detain Ms. V. She exhibited non-compliance with the officers' commands and was presumed to be under the influence of alcohol or narcotics. During the encounter, she actively resisted; officers sustained injuries and were unable to control her without resorting to the use of force.

The uses of force were found to be objectively reasonable, minimal and necessary and were deemed within APD policy by IAFD.

Findings:

The CPOA and CPOAB agreed with APD's determination that the uses of force were **within policy**.

Additional Policy Considerations:

The Internal Affairs Force Division has identified a potential policy violation concerning all officers, specifically regarding the lack of de-escalation prior to the execution of a level 3 takedown involving handcuffs during the investigation. This issue was handled appropriately.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its October meeting. The Board's discussion can be found in the November minutes of 10/10/24.

