



# 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 # 23-0014030

### **Incident Summary:**

On February 20th, 2023, at approximately 12:15 AM, the incident occurred at the Prisoner Transport Center (PTC). Earlier that day, at around 8:20 PM on February 19th, officers responded to a disturbance call that later escalated to an aggravated assault and battery at an apartment. The officers contacted the individual involved, identified as Mr. S, but no charges were filed then. Mr. S was advised to leave the premises and not return. Approximately one hour later, officers responded again after the caller reported that Mr. S had returned with a firearm and threatened his girlfriend's son. Four officers arrived at the scene, contacted Mr. S, and subsequently arrested him for aggravated assault with a deadly weapon. The lead officer handed custody of Mr. S to Officers C and V for transport to the PTC. During the transfer, Officer C observed that Mr. S's handcuffs had been shifted to the front. The officers then applied a second set of handcuffs behind his back before placing him in Officer V's patrol vehicle for transport.

Upon arrival at PTC, officers opened the door to allow Mr. S to exit the vehicle, at which point it was observed that his handcuffs were again positioned in front. As they arrived at PTC, Mr. S began active resistance and tried to pull away from the officers. The officers maintained control of Mr. S and issued a verbal warning for him to get down on the ground, employing an empty hand takedown (leg sweep) technique to secure control and compliance. Mr. S adjusted his handcuffs to the front and broke his fall by allowing his hands to catch his body. Both officers assisted in the takedown while Mr. S was in handcuffs, thereby escalating the use of force to a level 3 by the policy. After being subdued by the officers, Mr. S began striking his head against the ground. He remained on the ground for several minutes as officers held him in the recovery position while awaiting rescue. Officer C contacted the on-scene Sergeant to report the use of force. Albuquerque Fire Rescue arrived and transported Mr. S to Presbyterian Hospital due to a head injury sustained during the incident. He was transferred to PTC and later to Metropolitan Detention Center after medical evaluation. He has been charged with aggravated assault with a deadly weapon.

### **Case Review:**

Computer-Aided Dispatch Report  
APD Field 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 Forms

### **Use of Force Types and Involved Officers:**

- UOF1 Level (3) Empty hand takedown: Leg Sweep (Handcuffed) Officer C (x3)
- UOF2 Level (3) Empty hand takedown: Leg Sweep (Handcuffed) Officer V (x1)  
Officer C initially attempted two unsuccessful leg sweeps and, with the assistance of the other officer, successfully conducted the third one.

### **Policy Consideration and Outcome:**

The applicable policy for the use of force is:

2.53.3. W.3.h

*Level 3 Takedown (Handcuffed)*

2.53.3 V (Leg sweep)

*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*

*H. Any Level 2 use of force against a handcuffed individual;*

*Leg Sweep*

*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.*

Based on the totality of the circumstances, the takedown was found to be reasonable, minimal, proportional, and necessary as Mr. S was under arrest for aggravated assault with a deadly weapon and was attempting to flee and pull away from the custody of the officers. It was determined that the officers used minimum force to address the situation.

**The uses of force were found within APD policy by IAFD.**

### **Findings:**

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

### **Additional Considerations:**

No policy violation resulted from this force incident.

A mandatory training request was submitted for both officers to the academy on handcuffing procedures and when it is appropriate to use two sets of handcuffs. Both officers successfully completed the required training. APD informed the Board that the nylon belts used to secure hands to prevent handcuff slippage are acquired by the department.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its January 9<sup>th</sup>, 2025 meeting. The Board's discussion can be found in the January minutes here: [cabq.gov/cpoa](http://cabq.gov/cpoa)