



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 # 23-0014194

Incident Summary:

The incident occurred on February 20, 2023, at approximately 1715 hours at 2001 Candelaria Rd. NE (Motel 1). Officers responded to a disturbance call, which indicated in the Computer-Aided Dispatch (CAD) note that a male individual, identified as Mr. P, was at an abandoned motel and was refusing to vacate the premises. Security personnel at the motel detained Mr. P and handcuffed him prior to the arrival of the officers. It was reported that Mr. P had been shouting continuously before their arrival. Security officials conveyed to the officers that they intended to pursue a criminal trespass order against him. The officer inquired about Mr. P's name and informed him that, upon identification, he would be issued a trespass notice and be free to leave.

Mr. P consistently exhibited aggressive behavior, including shouting and agitation, and failed to comply with officers' instructions. He initially provided a false name to the officers. During the encounter, he pleaded with officers not to kill him and to refrain from using force. Throughout the interaction, he persistently resisted arrest and did not adhere to commands. The handcuffs were still secured in the front. Consequently, the officers decided to transport him to the hospital and commenced the process of switching his handcuffs to the rear. Mr. P continued to shout, scream, and actively resist. When he attempted to stand, Sergeant pushed him to the ground to maintain control while he was in custody. Despite this, Mr. P managed to stand, prompting the Sergeant to execute a takedown, forcing him to the ground while still in handcuffs, which constituted a level 3 use of force.

Officers successfully apprehended Mr. P and employed low-level control tactics (LLCT) to guide him to the vehicle. Once inside, Mr. P exhibited resistance and stiffened his body. Sergeant and EMS personnel swiftly intervened, forcibly exerting control and placing him into the vehicle while he was handcuffed (second L3 use of force). During this process, Mr. P's head was struck within the vehicle as a consequence of the force applied. EMS personnel arrived and decided to sedate him; with assistance from officers and an additional EMS team member, they restrained Mr. P within the vehicle to administer sedation and facilitate transportation to the hospital. Following sedation, officers utilized LLCT to secure Mr. P onto the EMS gurney, and he was subsequently transported to the hospital for a mental health assessment. He was later released and issued a summons for criminal trespassing.

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
IAFD Reports

Use of Force Types and Involved Officers:

- UOF1, Level 3 Officer #1: Empty Hand Takedown (Handcuffed x2)
- UOF2, Level 1 Officer #2: Resisted Handcuffing
- UOF3, Level 1 Officer #1: Empty Hand Control
- UOF4, Level 1 Officer #1: Resisted Handcuffing

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

Empty Hand Takedown (Handcuffed Individual)

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

Resisted Handcuffing & Empty Hand Control

2-53-3-W-1 AND 2-52-5-A-1

2 2-53-3-W-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.

AND

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.

2-53-3(W)(2)(d) 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: d. Use of empty-hand techniques that result in injury or complaint of injury (e.g., strikes, kicks, takedowns or leg sweeps).

Based on the totality of the circumstances, the force used was deemed reasonable, minimal, and necessary, as officers had a lawful objective to detain or apprehend Mr. P, who had trespassed on an abandoned property. Upon establishing contact, he refused to comply with the officers' directives. Mr. P persisted in resisting, exhibited visible agitation, and non-compliance prompting the officers to employ empty-hand techniques to overcome his resistance.

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 Policy Considerations:

No policy, procedure, training or any other violations were identified during the course of the force investigation for this incident.

An officer's OBRD fell from his person at least three times during the encounter with Mr. P.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its March 13, 2025 meeting. The Board's discussion can be found in the March minutes here: cabq.gov/cpoa

