



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 # 23-0023684

Incident Summary:

The incident occurred on March 25, 2023, at approximately 1532 hours. Officers were dispatched to Albertsons located at 7101 Wyoming Blvd NE. The call requested officers to conduct a welfare check on a female, later identified as Ms. B, presumed to be intoxicated and potentially under the influence of drugs, while walking around wearing only a shirt. At approximately 1444 hours, officers were dispatched to the Comfort Inn at 5251 San Antonio Dr. NE in relation to a reported disturbance. It was believed that this call pertained to the same female due to the close proximity and the matching description provided during the call at Albertsons. The reporting party indicated that the female was engaged in a physical altercation with an unidentified male inside a vehicle. As officers were en route, the female allegedly threw a brick through a window of the establishment and continued to argue and fight with a male.

Officers located Ms. B approximately a block from the hotel, positioned in the median. It was established that she was the perpetrator in a domestic violence incident and was also accountable for shoplifting at the grocery store roughly one hour prior to this occurrence. She swiftly raised her hands above her head, clenching them into fists, and tensed her muscles as officers attempted to bring her hands down to apply handcuffs. Following the application of the handcuffs, she made suicidal remarks and began to strike her head against the patrol vehicle. Officers executed a sweep of her left leg while taking her down, resulting in her landing on her bottom.

The use of the PRS (Passive Restraint System) was mandated by the on-scene supervisor. The PRS and headgear were applied without any form of resistance. Ms. B was subsequently placed in the back of the patrol vehicle. While in the back of the patrol vehicle, she continued to strike her head against the interior surfaces and expressed complaints of back pain related to the takedown maneuver. Officers maintained control over Ms. B until Emergency Medical Services (EMS) and Albuquerque Ambulance arrived on the scene. After she was transferred onto a gurney, she persisted in hitting her head against it and attempted to pull away from EMS personnel. Officers ensured the control of Ms. B while she was sedated by EMS staff and subsequently aided in restraining her. She was transported to Lovelace Women's Hospital via ambulance for reported back pain stemming from the takedown incident. Later, she was booked on charges including felony shoplifting, battery on a police officer, and misdemeanor domestic violence offenses.

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

Use of Force Types and Involved Officers:

- UOF1 Level (3) Empty hand leg sweep (handcuffed) Officer 1
- UOF2 Level (3) Empty hand take down (handcuffed) Officer 2
- UOF3 Level (3) Ordered force (takedown) Officer 3
- Low-level control tactics

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

2-53-3-H:

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

Ms. B was involved in multiple crimes. Officers had a lawful objective to apprehend her. She persistently resisted and failed to comply with the directives of the officers. The officers were compelled to employ empty-hand techniques along with the utilization of personal restraint systems (PRS) and headgear to mitigate Ms. B's resistance. The force employed by all officers was determined to be objectively reasonable, minimal, and necessary, and was assessed as being in accordance with the policies of the APD by the Internal Affairs Force Division (IAFD).

The use of force was found to be within APD policy by IAFD.

Findings:

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

Additional Policy Considerations:

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its September meeting. The Board's discussion can be found in the September 09/12/2024 minutes here: cabq.gov/cpoa.