



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 # 23-0068461

Incident Summary:

On August 26, 2023, officers responded to an aggravated assault at 118 Tulane Dr SE (Tractor Brewing), where Mr. B allegedly threatened a woman and staff with a knife. En route, they learned Mr. B was outside with a woman, possibly related to domestic violence. Upon arrival, officers identified Mr. B with a female. Officer 1 instructed him to release her arm and stand with another officer; he refused. Officer 1 then detained Mr. B.

Mr. B approached Officers 2 and 3, who cuffed him. He appeared upset and resisted, shouting and struggling. An empty-hand takedown was performed, which involved a level 1 use of force.

Afterward, Mr. B resisted by twisting and kicking at officers, cursing and appearing intoxicated. Officers placed him in a passive restraint system (PRS), during which he sustained a minor abrasion on his right leg—a level 3 force. Despite warnings and de-escalation, he continued resisting and attempting to roll over.

Inside the vehicle, Mr. B was distressed, resisting and shouting. He later began banging his head and kicking the door, prompting officer intervention. He then tried to exit, but officers prevented this and applied headgear, securing him with a seatbelt in the vehicle using LLCT techniques.

During a calm search, Mr. B remained compliant until he became agitated again after a sergeant left. He falsely claimed the door shut on his foot. Injuries included ankle redness, a minor abrasion, and wrist pain, mostly from handcuffs and PRS. He was booked at MDC for charges including assault, resisting, evading, obstructing, and battery on an officer.

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 1 A/Lt. D: Empty Hand Takedown (Handcuff/No injury)
- UOF2, Level 1 Ofc. S: Empty Hand Takedown (Handcuff/ No injury)
- UOF3, Level 3 A/Lt. D: Empty Hand Control (Injury in Handcuffs)
- UOF4, Level 3, Ofc. R: Empty Hand Control (Injury in Handcuffs)
- UOF5, Level 3 Ofc. S: Empty Hand Control (Injury in Handcuffs)

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

APD SOP 2-53-3-Y.1.a: Low-Level Control Tactic

1: A physical interaction used to move or guide an individual that does not cause pain, is not reasonably likely to cause any pain or injury, and does not cause a complaint of injury, including:
a. Escort techniques, incidental touching, use of control holds, or handcuffing an individual or person with no or passive resistance (e.g., tensing of arm muscles or turning or pulling away that does not escalate to a reportable use of force), which does not cause pain and is not reasonably likely to cause pain or injury.

2-53-3-W.1.a: Levels of Force

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.
a. Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.

APD SOP 2-53-3.W.3.h:

Level 3 Use of Force

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

2-52-6-A-4(a-c): 4. 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.

2-52-6-A-4(a-c): 4. 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.

Based on the totality of the circumstances, the force applied was deemed reasonable, minimal, proportionate, and necessary. Officers had a lawful objective to detain or apprehend Mr. B as they responded to a dispatch involving an individual armed with a knife, threatened staff and was engaged in domestic violence with a female. The officers restrained Mr. B in handcuffs to facilitate an investigation concerning the alleged offenses. Mr. B was duly informed of his detention for investigative purposes. Subsequently, he commenced to twist, reduce his stance, resist by pulling away, and advance towards the female, demonstrating active resistance. The officers' use of force was necessary to overcome Mr. B's active resistance and to position him into a PRS. They used the minimum amount of force by employing an empty-hand technique to maintain control over Mr. B. It was concluded that the officers applied reasonable, minimal, and necessary force to effectively manage 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 Policy Considerations:

No policy violation resulted from this force incident.

A mandatory training request was submitted for A/Lieutenant D to address the role of a supervisor when responding to an incident and to avoid becoming involved in the physical control of a subject unless absolutely necessary. A supervisor's responsibilities should focus on managing resources and personnel.

An officer's OBRD was inadvertently shut off while utilizing low-level control tactics on Mr. B.

No additional recommendations were proposed.

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

