



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 # 24-0046186

Incident Summary:

On June 7, 2024, at around 1212 hours, a person in a mental health crisis, Mr. P, was reported after his mother called dispatch. ACS responded initially, but when Mr. P attacked them, assistance was requested. The officer arrived, parked, and saw Mr. P near his vehicle but couldn't find ACS personnel. He identified himself and tried to de-escalate as Mr. P approached. The officer retreated, issued commands, but Mr. P advanced and resisted. Warning him to stop and threatening a taser, the officer deployed it multiple times, used OC spray, and finally, an empty-hand takedown after about 7 minutes alone waiting for backup, leading to Mr. P's detention.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
IAFD Reports
IAFD Investigation
On-Body Recording Device Videos
APD policies regarding force
CPOA Director's attendance at the Force Review Board Briefing

Use of Force Types and Involved Officers:

- UOF1, Ofc #1: Level 3 ECW Deployments (x3)
- UOF2, Ofc #1: Level 2 OC Deployment
- UOF3, Ofc #1: Level 2 Empty Hand Takedown (Injury)

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

2-53-3- W Level of Force

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:

e. Three or more ECW cycles on an individual during a single interaction, regardless of the duration of the cycle and regardless of whether the cycles are by the same or different sworn personnel:

f. An ECW cycle on an individual during a single interaction for longer than fifteen seconds, whether continuous or consecutive

2-54-6-B ECW Discharging Guidelines

2. Sworn personnel may discharge an ECW only when such force is necessary to protect themselves, the individual, or other people from physical harm and after considering less intrusive means based on the threat or resistance encountered.

2-53-3-X-1: Levels of Resistance

1. Active resistance: An individual's resistance that poses an imminent threat of harm to the officer or other people, such as when an individual attempts to attack or attacks an officer; exhibits combative behavior (e.g., lunging towards the officer, striking the officer with hands, fists, feet, or any instrument that may be perceived as a weapon, such as a knife or stick); or attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp. An individual who is brandishing or in possession of a weapon while also not following lawful commands is considered actively resisting. Verbal statements alone do not constitute active resistance. Target glancing alone does not constitute active resistance, but may if they pose a threat of harm to the officer or other people.

2-53-3-Q Imminent Threat

A dangerous or threatening situation which is about to occur or take place and is perceived to be unfolding.

2-53-3 Use of Force Definitions

L. Exigent Circumstances

An emergency situation(s) requiring action to prevent imminent danger to life, to forestall the imminent escape of an individual, or the destruction of evidence.

2-54-4-A OC Spray Guidelines

1. Sworn personnel shall:

a. Use OC spray when it is reasonable and necessary in order to gain control of an actively resistant individual or to protect sworn personnel and/or others from a threat;

2-53- H Empty Hand Takedown

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

Mr. P actively resisted, continued advancing towards the officer, and displayed noncompliance. The officer issued several warnings prior to deploying the ECW, followed by OC spray and an empty hand takedown. The force employed by the officer was minimal, reasonable, and necessary in accordance with APD policy.

The uses of force were found within the 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:

IAFD identified two non-force-related issues: the absence of a backup officer and an officer holding both ECW and OC spray in each hand simultaneously.

No additional issues or recommendations were identified or proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its May 7th, 2025 meeting. The Board's discussion can be found in the May minutes here: cabq.gov/cpoa

