



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 # 24-0049611

Incident Summary:

On June 20, 2024, around 0020 hours, officers responded to a residence after a caller reported hearing destruction on their rooftop. Air support identified Mr. S on the roof and relayed his location as officers approached. Mr. S ran from the police, jumping into yards; warnings were issued. After some struggle, he complied and was handcuffed, but then became noncompliant, kneeling and complaining of pain. When trying to stand, officers warned him about force if he attempted to flee and restrained him. Mr. S stated he didn't feel safe. After 15 minutes, officers guided him to the patrol vehicle, where he resisted, shouting and trying to crawl under the car. Officers used force to remove him and secure him within the vehicle, despite his continued resistance and complaints of pain. He was eventually transported to MDC and charged with multiple offenses.

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, Level 3 Officer #2 Empty Hand control (Injury handcuffed)
- UOF2, Level 3 Officer #5 Empty Hand control (Injury handcuffed)
- UOF3, Level 1, Officer #4 Empty Hand takedown
- UOF4, Level 1, Officer #1 Empty Hand control (x2)
- UOF5, Level 1, Officer #2 Empty Hand control (x4)
- UOF6, Level 1, Officer #5 Empty Hand control (x2)
- UOF6, Level 1, Officer #3 Empty Hand control (x2)

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

2.52.5.C.3

C. During Use of Force

3. Department personnel shall use leg sweeps or the Department's Passive Restraint System (PRS) only:

- a. To prevent imminent bodily harm to the officer, individual, or to another person(s);*
- b. To overcome active resistance; or*
- c. Where it is objectively reasonable and necessary to overcome passive resistance.*

2.53.3.W.1.a

Level 1 Use of Force: Any use of force that is likely to cause only temporary pain, disorientation, and discomfort during its application as a means of gaining compliance

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

2-53-3-Y-1-b

- 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:*
- b. Low-level control tactics that do not include overcoming active resistance.*

2-52-5.A.1

A. Department personnel derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community.

- 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.3.h

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;*

2.53.Y.1.a.b.2

Y. 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; and*
 - b. Low-level control tactics that do not include overcoming active resistance.*
- 2. A low-level control tactic does not constitute a reportable use of force.*

2.53.3.P

P. Hard Object

Any object used to strike an individual forcefully that has the potential to cause serious physical injury or death through blunt force trauma. A hard object may include an impact weapon (e.g., baton, beanbag shotgun rounds, and 40-millimeter impact launcher munitions) and improvised impact weapons. An officer's hands, knees, forearms, elbows, or feet are not considered hard objects.

The officers had a lawful objective in apprehending Mr. S for criminal damage to property. He initially evaded police and resisted throughout the entire incident. He was noncompliant with officers' commands, and officers employed the minimum, reasonable, and necessary force to safely restrain him, thereby minimizing injury to both the subject and the officers.

The uses of force were found to be 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 misconduct was identified or discovered during the course of this investigation.

No additional recommendations were proposed.

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

