

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair*

Eric Nixon *Michael Wartell*

Diane McDermott, Interim Executive Director

May 19, 2022

Harold Medina, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case # 21-0063380, IAFD Case # F2021-000511

Dear Chief Medina:

The Interim Executive Director's review of this case included:

- Computer Aided Dispatch Reports
- Criminalistics Reports
 - Crime scene photos
- Use of Force Narratives
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Supervisor Review
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing 1/13/22
 - Power Point Presentation

On August 12, 2021, Mr. O was intoxicated and caused a disturbance in a hotel. Mr. O disturbed several individuals, fought with individuals, and allegedly attempted to strike an individual with a car. As a result, police were called. Officers investigated and determined there was probable cause to arrest Mr. O.

Officers 1 and 2 utilized low level control tactics on numerous occasions to overcome minimal resistance. Mr. O initially cooperated, but then offered passive resistance. At the police vehicle, Mr. O refused to get inside. Mr. O became agitated and hit his head on the police car causing a dent in the vehicle. Officers moved him away to prevent further injury to himself or damage.

Types of Force analyzed:

Level 3 empty hand takedown (handcuffed subject)

Mr. O attempted to trip officers. Mr. O struggled with officers and so he was put on the ground.

The use of force by Officers 1 and 2 was within policy

Level 1 resisted handcuffing

Once in handcuffs on the ground, Mr. O continued to struggle. Officer 2 prevented Mr. O from kicking. Officer 2 applied a PRS to Mr. O.

The use of force by Officers 1 and 2 was within policy

The specific policies identified in the investigation regarding the use of force were:

2-52-4-E-1 When force is used, the decision to use force and the level of force must be reasonable, necessary, and proportional given the totality of the circumstances. The use of force was within policy

2-52-4-E-2 Factors defining the totality of the circumstances include, but are not limited to the following: a. The severity of the crime (s) at issue; b. Whether the individual actively resisted arrest or attempting to evade arrest by flight; and c. Whether the individual poses an immediate threat to the safety of the officer (s) or others.

2-53-Q-1 Minimum Amount of Force Necessary 1. The lowest level of force within the range of objectively reasonable force that is necessary to make an arrest or to achieve a lawful objective without increasing the risk to the officers or others.

Post use of force action:

Mr. O remained uncooperative. He was assessed by Rescue.

The Civilian Police Oversight Board reviewed the case at their May 19, 2022 meeting.

The Board did not make any additional recommendations or considerations. The Board voted to approve the findings of the Interim Executive Director and the FRB.

Sincerely,



Diane McDermott
Interim Executive Director
Civilian Police Oversight Agency
(505) 924-3770