

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 # 21-0065420, IAFD Case # F2021-000526

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 19, 2021, Sgt. 1 observed 2 individuals loitering. The management complained of loiterers. Sgt. 1 requested backup, Officer 1 arrived, and they contacted the individuals. One individual was allowed to depart as he had demonstrated he had conducted business at the establishment. Mr. G was detained for trespassing. Sgt. 1 noticed evidence of paraphernalia in plain view in Mr. G's backpack. Officer 1 requested to remove the paraphernalia, was given permission, and located narcotics. As a result, Mr. G was informed he was under arrest.

Types of Force analyzed:

Level 3 empty hand control (handcuffed subject)

During the search incident to arrest, Mr. G tried to pull free and reach into his pockets. Officer 1 and Sgt. 1 grabbed his arm from within his pocket. Mr. G denied doing anything, but

clenched something in his hand. Officer 1 tried to force his hand open. Mr. G tried to conceal the narcotics in his anus. Officers physically wrestled with his hands and arms to release what was in his hand and not conceal it.

The use of force by Officer 1 and Sgt. 1 was within policy

Level 3 empty hand takedown (handcuffed subject)

Mr. G raised his leg to kick and Officer 1 and Sgt. 1 put Mr. G to the ground.

The use of force by Officer 1 and Sgt. 1 was within policy

Level 3 empty hand control (handcuffed subject)

Sgt. 1 straddled Mr. G. Officer 1 still struggled with Mr. G's clenched fist to get him to release what he held while he was on the ground. Officer 1 applied pressure to Mr. G's arm and lifted it. He then pried Mr. G's hand open.

The use of force by Officer 1 and Sgt. 1 was within policy

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

2-52-5C C. Officers shall not use force against a restrained or handcuffed individual unless the force is necessary: 1. To prevent imminent bodily harm to the officer or another person or persons; 2. To overcome active resistance; or 3. To move an individual who is passively resisting.

2-52-5A.6 6. The use of leg sweeps, arm-bar takedowns, or a passive restraint system (P.R.S) shall only be considered and used in the following circumstances: a. To prevent imminent bodily harm to the officer or to another person or persons; or b. To overcome active resistance.

Post use of force action:

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