

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 # 21-0072619, IAFD Case # F2021-574

Dear Chief Medina:

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

- Computer Aided Dispatch Reports
- Field 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 1/27/22
 - Power Point Presentation

On September 13, 2021, Officers 1 and 2 were dispatched in reference to a disturbance. Ms. F was pulling a fire alarm and breaking lights. There was a restraining order against Ms. F for being at the location. Officer 2 advised Ms. F she was under arrest for the violation. Ms. F ran from officers. However, she returned and was placed in handcuffs.

Types of Force analyzed:

Low level control tactics were used several times during the encounter to guide Ms. F.

Level 3 empty hand takedown (handcuffed subject)

Once in handcuffs Ms. F took several steps forward and leaned her body back. She sat on the ground, but used her legs to push herself back up. Officer 1 grabbed the back of her shirt and pushed her back down. She made a biting motion towards the officer.

The use of force by Officer 1 was within policy

Level 1 empty hand control

While being escorted she was uncooperative. She wrapped her legs around Officer 1's legs. She clamped her knee around his leg and refused to release. Officer 1 pried Ms. F's legs apart to release his leg.

The use of force by Officer 1 was within policy

The specific policies identified regarding the use of force were:

2-52-4-A-2 Use of force Requirements

A. General Requirements

2. When feasible, officers shall allow an individual a reasonable amount of time to submit to arrest or a lawful order before using force.

2-52-6-A-6-a-b Use of Force Procedures

A. General Procedures

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;
- b. To overcome active resistance.

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