



# City of Albuquerque

## Civilian Police Oversight Agency



**Diane McDermott**  
Executive Director

**To:** Scott Norris, Commander IAFD, APD  
**From:** Diane McDermott, Executive Director, CPOA  
**Subject:** CPOA Report on Level 3 Use of Force (non-OIS) APD Case # 23-0050108

### **Incident Summary:**

The incident occurred on June 24, 2023. The call for service was initiated with the mother to Mr. C. Per her, Mr. C was experiencing a mental health episode. He was reported to be running around the apartment complex naked. MCT units were requested but were not available. Responding officers were ECIT trained. Mr. C's mother continued with updates and reported to the police that her son had struck someone. The victim of that battery also called the police.

Officers arrived and contacted Mr. C. The officers asked him to sit down, and Mr. C originally acted as if he would comply but then walked toward the officers. Mr. C grabbed Officer O's arms while the officer attempted to move him back. Officer B held onto Mr. C's arms to move him away from Officer O. Both officers moved Mr. C's arms behind his back to handcuff him. He was escorted to the patrol car.

Mr. C then stopped being compliant, stopped walking toward the car, and bent his knees and waist to pull his weight down. Mr. C then threw his torso and head backward into Officer B's face. Despite Mr. C being handcuffed, he was able to batter Officer B. Officer B performed a takedown but, in the process, tripped on the curb and momentarily let go of Mr. C's arm. Officer O lost her grip during the takedown and had no physical contact. The empty-hand takedown was reasonable to maintain control of Mr. C since, after his battery of a peace officer, he was subject to arrest, among other charges.

### **Case Review:**

Computer-Aided Dispatch Reports  
APD Field Reports  
Internal Affairs Force Reports  
On-Body Recording Device Videos  
APD policies regarding force  
CPOA Director's attendance at the Force Review Board Briefing 11/9/23

### **Use of Force Types and Involved Officers:**

- Level 3 UOF Officer B empty hand takedown in handcuffs

### **Policy Consideration and Outcome:**

The applicable policy for the use of force is:

*2.52.6.A.4.a-c Department personnel shall not: Use force against a restrained or handcuffed individual unless the force is necessary:*

*a. To prevent the imminent threat of harm to Department personnel, the individual, or another person(s);*

*b. To overcome active resistance; or*

*c. To move an individual who is passively resisting*

Mr. C became actively resistant when Officer B detained Mr. C and escorted Mr. C to the marked patrol unit. Mr. C continued to pull his arms away while officers maintained control, pulling officers and himself and head-butting Officer B during his active resistance. Mr. C's active resistance was the actions of throwing his body, which led to the head-butting of Officer B and his resistance to walk toward the unit. Officer B utilized an empty-hand takedown to gain control of Mr. C, overcome his active resistance, and place him under arrest for battery on a peace officer.

**This use of force was found within APD policy by IAFD.**

Both responding officers also used low-level control tactics in this situation.

**Findings:**

The CPOA and CPOAB agreed with APD's determination that the use of force was within policy.

**Additional Policy Considerations:**

No additional recommendations were proposed. However, IAFD did submit a training referral for Officer O, who did not correctly complete a use-of-force document, which was completed.

The Civilian Police Oversight Advisory Board reviewed this case at its June meeting. The Board's discussion can be found in the June minutes of 6/13/24.