City of Albuquerque
Civilian Police Oversight Agency

ALBUQUERQUE CIVILIAN POLICE OVERSIGHT

Diane McDermott
Executive Director

To: **Scott Norris, Commander IAFD**

From: **Diane McDermott, Executive Director**

Subject: **CPOA Report on Officer Involved Shooting APD Case # 24-0049691**

Incident Summary:

The incident occurred on June 20, 2024 at approximately 0833hours involving two individuals Mr. M and Ms. B. A day before the incident, a female reported her car stolen from Walmart parking lot. On June 20 2024, an officer created a call regarding a vehicle with a stolen license plate. The officer reported the vehicle fled from him and requested air support assistance. Officers engaged the vehicle with assistance from the air support unit. With negative results from spike strips, the vehicle came to a stop at El Mezquite parking lot, where both occupants exited the vehicle and got into a black Nissan Frontier parked in the parking lot.

Both occupants evaded officers at a high rate of speed; air support followed the car and observed the subjects on I-40 and 98th Street and pulled the car of the road toward the east side entrance of a tunnel and ran inside. The officers, with the assistance of the air support unit, set up a perimeter around the area to contain the subjects. The male told officers that he was armed with a handgun. The officers utilized a drone to observe the subjects inside the tunnel and continuously made announcements for them to surrender safely.

The subjects exited the tunnel after approximately one hour. The male was then observed standing at the entrance of the tunnel with the female. Mr. M then held Ms. B in a manner that could reasonably be perceived as taking her hostage while holding a firearm in his right hand wrapped around her waist and started walking towards the car. As they walked toward the car, the female entered the vehicle from the driver side while Mr. M was standing outside the car.

The officer at that moment fired a 40mm, and another officer fired shots from his rifle. Ms. B raised her hands and walked towards the officer, and was taken into custody and Mr. M succumbed to his injuries.

Case Review:
Computer-Aided Dispatch Reports
APD Field Reports
CSS Photos
IAFD Reports
IAFD Investigation
Misconduct Investigation

Drone Footage
Air Support Unit Footage
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 H: Firearm- OIS Discharge (Rifle) (x5)
- UOF2, Level 2 Lieutenant W: Ordered Force (40mm)
- UOF3, Level 2 Sergeant L: Ordered Force (40 mm)
- UOF4, Level 2 Officer P: 40mm (Discharge)
- UOF5, Level 2 Officer P: 40mm (Miss)
- UOF6, Level 2 Officer G: 40mm (Discharge)
- UOF7, Level 1 Officer D: Empty Hand: Control
- UOF8, Level 1 Lieutenant W: Empty Hand: Control
- SOF1, Level 1 Acting Sergeant P: Rifle Pointing (x3)
- SOF2, Level 1 Officer A: Rifle Pointing (x11)
- SOF3, Level 1 Officer M: Rifle Pointing
- SOF4, Level 1 Officer P: 40mm Pointing (x2)
- SOF5, Level 1 Officer G: 40mm Pointing (x3)
- SOF6, Level 1 Officer H: Rifle Pointing (x2)

Policy Consideration and Outcome:

The applicable policies that were investigated by the Internal Affairs Force Division for the use of force and show of force for all involved officers are:

APD SOP 2-53-3-N-1: Force 1. Any physical means used to defend the officer or other people, restrain, or otherwise gain physical control of an individual who is resisting. c. An inadvertent covering of an individual with a weapon is not a reportable use of force.

APD SOP 2-53-3-W-1: Level 1 Use of Force 1. Any use of force that is likely to cause only temporary pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or any show of force.

APD SOP 2-53-3-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 b. Low-level control tactics that do not include overcoming active resistance.

APD SOP 2-54-4-B-4: Intermediate Weapon System General Requirements 4. Sworn personnel shall not point a firearm at an individual unless the officer reasonably believes the individual presents a threat to the officer, other sworn personnel, or community members.

APD SOP 2-53-3-MM: Show of Force MM. Pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or by pointing the laser sights of the ECW at an individual or by using a warning arc. A Show of Force shall be reported to the appropriate first line supervisor and reviewed as a Level 1 Use of Force.

APD SOP 2-53-3-EE: Ordering Force EE. A directive from a supervisor to any sworn personnel regardless of participating agency to use force against an individual. Ordering force is the equivalent of using force for the purposes of reporting force. A supervisor's directive to use force is considered a reportable Use of Force.

APD SOP 2-54-9-A-3: 40-millimeter Impact Launcher Use Guidelines 3. An officer may deploy their 40-millimeter impact launcher when such force is reasonable and necessary to control an actively-resistant individual or to protect the officer or another person from an imminent threat.

APD SOP 2-52-6-B-1-c: Deadly Force Department personnel shall not use deadly force: c. Against an individual unless the officer has an objectively reasonable belief that an individual poses a threat of death or serious physical injury to Department personnel or another person.

Officers had the lawful objective to take Mr. M and Ms. B into custody based on alleged felony charges. The subjects fled from a traffic stop, entered a stolen vehicle, fled from officers again, were involved in a high-speed chase, resisted and evaded police, and jeopardized the safety of the members of the public. After several unsuccessful spike strip deployments, the subjects drove the vehicle off-road and entered a nearby tunnel on foot. After exiting, the male subject took Ms. B what appears to be a hostage and moved toward the vehicle in an attempt to flee again, while armed with a firearm. To protect the other subject, one officer discharged his firearm.

IAFD found the use of force to be consistent with APD policy.

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

Additional Considerations:

The CPOAB noted potential policy violations identified during the course of the IAFD investigation. Potential misconduct during the course of this incident involved a Sergeant reported to be involved in the use of force who acted as an on-scene supervisor after shots were fired. The issue was investigated, but it was determined that he was not the on-scene supervisor. Two officers were involved in an unauthorized pursuit, along with additional tactical issues. The department appropriately addressed the identified concerns.

The CPOA review noted the police had lawful reasons to stop the subject's actions. Mr. M was armed, had engaged in multiple acts of flights from officers earlier that day, was facing active felony charges, and had taken a hostage after barricading for more than an hour. Mr. M's actions created a high likelihood of continued flight and posed a risk of re-entering traffic, potentially leading to another pursuit and endangering officers and the public.

Two policy recommendations resulted from this incident, including defining "inadvertent covering" to ensure consistent application throughout the department and clarifying supervisor responsibilities

following OIS. At the time of the incident, the policy states that inadvertent covering is not considered a use of force, but no definition could be found in SOP 2-53. A recent special order, SO 25-72, published on July 3, 2025, stated that the supervisor who witnesses the use of force shall conduct an on-scene investigation to classify the force. The policy does not explicitly distinguish OIS responses from other level 3 uses of force.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its August 14, 2025 meeting. The Board's discussion can be found in the August 2025 minutes here: cabq.gov/cpoa