



City of Albuquerque

Civilian Police Oversight Agency



Diane McDermott
Executive Director

To: Scott Norris, Commander IAFD

From: Diane McDermott, Executive Director

Subject: CPOA Report on Officer Involved Shooting APD Case # 23-0057640

Incident Summary:

The incident occurred on July 20, 2023, at approximately 1500 hours. The call pertained to a wanted individual (10-29). The Investigative Support Unit received information from the Santa Fe Police Department and solicited assistance from the Albuquerque Police Department in locating, contacting, and detaining a male subject (G.C.) who was wanted for aggravated assault with a deadly weapon in Santa Fe.

On July 4, 2023, the New Mexico State Police conducted a traffic stop on G.C. in downtown Albuquerque. He subsequently crashed his vehicle and fled from the NMSP officers. The NMSP officers apprehended Mr. G.C., who engaged in a physical altercation with them. Following his arrest, Mr. G.C. was transported to a medical facility for treatment of injuries, from which he later escaped.

The Investigative Support Unit (ISU) conducted further investigation, which revealed that Mr. G.C. was a person of interest in a homicide that occurred earlier this year in Albuquerque. The ISU obtained a search warrant to ping a cell phone suspected to belong to Mr. G.C. Additionally, the Albuquerque Homicide Unit drafted an arrest warrant for homicide. Mr. G.C. was known to have a violent history and a propensity to evade law enforcement. Recent social media posts showed him with AK-47 and AR rifles.

Given the aforementioned incidents, his high likelihood to evade capture, and his repeated social media postings depicting possession of heavy armament, a decision was made to barricade him prior to attempted apprehension. The ISU requested assistance from the Tactical Unit to barricade and arrest Mr. G.C. Three days prior to the incident date, on July 17th, 2023, the ISU tracked the cell phone to 1200 Dickerson Street SE. During surveillance, G.C. was identified and observed seated in a vehicle in the parking lot. Given the risk of his fleeing the vehicle, efforts to contact him were not initiated.

This operational plan spanned three days, from July 17 to July 20, 2023. Due to G.C.'s active warrants for violent felonies, his status as a person of interest in a homicide, his access to multiple firearms, and his recent flight from NMSP resulting in a physical altercation, ISU detectives strategically waited for a suitable opportunity to utilize the SWAT team to control the location, employing tactics such as time, distance, cover, de-escalation, and verbal commands.

On the day of the incident, the Tactical Unit requested assistance from the New Mexico State Police to apprehend G.C. The Tactical Unit initiated a series of actions, beginning with public announcements

over a loudspeaker. Two females and a male exited the apartment. One of the females informed law enforcement that Mr. G.C. was inside with a two-year-old child who has autism. Law enforcement was also informed that the child is sensitive to loud sounds, and it was not fully known if the child was being held hostage.

Subsequently, a plan was devised to breach the front door with the rook; however, the ram only succeeded in partially opening the door due to a couch placed behind it, indicating that Mr. G.C. was barricading himself inside the apartment. A drone was then employed to observe the interior through the slightly breached front door. A bed was observed pushed against the bedroom door, further suggesting additional barricading.

A second entry was made through a window as tactical officers entered the apartment and exchanged gunfire. An APD tactical officer and a New Mexico State Police tactical officer discharged their firearms at Mr. G.C., who was subsequently pronounced dead. The decision to enter the apartment was made with full knowledge that an approved search warrant was not in place at that time; it was based on the belief that the child's safety took precedence over other considerations, given the circumstances and the urgency.

G.C. posed a lethal threat when he emerged from the closet and discharged a firearm at law enforcement officers. Officers recognized the danger by observing a muzzle flash and hearing a loud report, which prompted one officer to respond with gunfire. Afterward, the officers evacuated the apartment and conducted a search for the child. One officer heard a child behind a closed door to the left of the hallway. Upon breaching the bathroom door, he discovered the child inside the bathtub and safely evacuated him.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
Internal Affairs Reports
On-Body Recording Device Videos
APD policies regarding force
IAFD force investigation
Criminalistic Report
MATF Reports

Use of Force Types and Involved Officers:

- UOF 1 Level (3) OIS: Handgun x6 Officer (1)
- UOF 2 Level (2) NFDD Officer (2)
- UOF 3 Level (2) NFDD Officer (3)
- SOF 1 Level (1) SOF: Handgun Pointing Officer (1)
- SOF 2 Level (1) SOF: Rifle Pointing Officer (4)
- SOF 3 Level (1) SOF: Rifle Pointing Officer (3)

Policy Consideration and Outcome:

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

1-92-8 Deployments:

C. Use of tactical units in Response to Barricaded or Suicidal and Barricaded Individual(s)

1. The tactical team will respond to barricaded or suicidal and barricaded situations only when one or more of the following conditions is present:

a. The individual has a confirmed violent felony warrant or is currently committing one of the following violent felony crimes

i. Homicide

ii. Armed robbery; or

iii. kidnapping, consistent with the definition of “violent felony” in SOP Pursuit by Motor Vehicle

1.92.8.B.2:

B. Barricaded individuals

2. To reduce response and deployment time, SWAT should be called when the situation meets activation criteria:

a. Barricaded individual(s) shall be given time to surrender if safety allows

b. Investigative units have been notified and required warrants are in process.

c. The Tactical Commander shall authorize the use of tactical tools and forced entry into a building.

2-52-4.C:

Core Principles

C. Based on the totality of the circumstances, Department personnel shall

1. Only use force to accomplish a lawful objective;

2. Only use force that is objectively reasonable;

3. Only use force when force is necessary;

4. Only use the minimum amount of force necessary; and

5. Continually assess whether they are using the minimum amount of force, whether the use of force is necessary, and whether the use of force is objectively reasonable.

2-52-6-B-1c:

Prohibited Uses of Force

B. Deadly Force

(1) 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.

2-71-3-I:

I. Exigent Circumstances An emergency situation(s) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or the destruction of evidence

2-54-4-B-(3-4): Intermediate Weapon System General Requirements

3. Shows of force are not considered the same as the application of the same force option. With the exception of pointing a firearm at an individual, sworn personnel may use a show of force to gain

compliance with an individual who is passively resistant so long as the force is otherwise reasonable and is the minimum amount of force necessary.

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

1-92-10.B.1a.1b.1d

Chemical Munitions and Noise Flash Diversionary Devices (NFDD)

B. NFDD

1. NFDDs shall only be deployed by SWAT personnel during a tactical activation. Any deployments outside of a tactical activation will be authorized by the Tactical Commander.

a. If there are exigent circumstances and a SWAT officer has to react immediately to prevent harm to sworn personnel or civilians, then the SWAT officer may deploy an NFDD without prior authorization from the Tactical Commander.

b. When a SWAT officer deploys an NFDD without prior authorization from the Tactical Commander due to exigent circumstances, the SWAT officer shall immediately notify the Tactical Commander once it is safe to do so.

d. If an NFDD is deployed inside a structure or near a vehicle with open windows or doors, or if using an NFDD causes injury or results in a complaint of injury, it shall be reported to and investigated by the Internal Affairs Force Division (IAFD) as a Level 2 use of force

A tactical activation was initiated to apprehend Mr. G.C. due to multiple felony warrants and his status as a person of interest in a homicide investigation. Sufficient time was given to Mr. G.C. to exit the residence and surrender into APD custody; however, he continued to barricade himself inside the apartment, utilizing furniture placed against the front door and bedroom. It was subsequently revealed that a two-year-old child was present within the premises, with no relation to Mr. G.C. The use of deadly force by the officers during this incident was determined to be reasonable, minimal, or necessary upon review by the IAFD. Based on the preponderance of the evidence, Mr. G.C. discharged his firearms at the officers, striking one of them. The officers acted within policy to eliminate the imminent threat posed by Mr. G.C.

The uses and shows of force were found to be within APD policy by IAFD.

Findings:

The CPOA and CPOAB agreed with APD's determination that the uses of force and the shows of force were **within policy**.

Additional Considerations:

Potential tactical, supervision, and training concerns were raised during the force investigation and appropriately addressed by the department. The department also addressed an additional concern about not rendering aid. The CPOAB discussed the child safety issue and requested the Commander address the identified training issues.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its January 9th, 2025 meeting. The Board's discussion can be found in the January minutes here: cabq.gov/cpoa