



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 # 23-0092462

Incident Summary:

The incident occurred on November 16, 2023, at approximately 1530 hours.

On November 2, 2023, Detective N located the stolen Tacoma during an auto theft tactical operation. Instead of recovering the vehicle immediately, surveillance was maintained to gather evidence on stolen firearms and ammunition. Detectives also needed grounds for an arrest, as the vehicle's title and keys were stolen along with it. A tracker was placed on the vehicle.

On November 16, 2023, the Auto Theft Unit executed a tactical operation to locate the stolen vehicle and apprehend Mr. R, with air support available. The plan was to initiate a traffic stop using a marked patrol vehicle, since the vehicle was stolen along with its keys and title, suggesting Mr. R might have unknowingly bought a stolen vehicle. If Mr. R attempted to evade, it would imply awareness of its stolen status, justifying air support to follow. The unit tracked and surveilled the vehicle until it stopped. Once halted, officers planned to contact Mr. R. He fled during the stop, prompting air support to pursue while the officer discontinued the chase.

Mr. R then evaded law enforcement during a traffic stop involving a stolen vehicle. He was tracked to El Mezquite Market parking lot at 100 98th St. NW via air support and a vehicle tracker. After parking, Mr. R exited the vehicle and ran on foot to an alley behind the market. There, he was approached by Auto Theft Unit detectives, then ran east into a dirt alley, armed with a black handgun. He continued north to escape, turning back while armed with a handgun, who then discharged their weapons.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
IAFD Reports
IAFD Investigation
On-Body Recording Device Videos
APD policies regarding force
CSS Photos
MCST report
CPOA Director's attendance at the Force Review Board Briefing

Use of Force Types and Involved Officers:

- UOF1, Level 3 Officer #1 OIS Handgun (x7)
- UOF2, Level 3 Officer #3 OIS Handgun (x7)
- UOF3, Level 3 Officer #4 OIS Handgun (x6)
- UOF4, Level 3 Officer #2 OIS Handgun (x4)
- UOF5, Level 2 Officer #5 40mm Deployment (x1)
- SOF1, Level 1 Officer #1 Handgun pointing
- SOF2, Level 1 Officer #2 Handgun pointing
- SOF3, Level 1 Officer #3 Handgun pointing
- SOF4, Level 1 Officer #4 Handgun pointing

Policy Consideration and Outcome:

The applicable policy for the uses of force is:

2-54-4.B.4 Intermediate Weapon System Use Guidelines

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.

2-54-9.A.3 40-millimeter Impact Launcher

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.

2-52-6.B.1.d Deadly Force

(1) Department personnel shall not use deadly force:

(d) Against an individual who is fleeing or attempting to escape unless:

(i) They have established probable cause to believe that the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death or serious physical injury. (ii) If permitted to flee or escape, the individual would pose a significant threat of death or serious physical injury to the officer(s), individual(s), or another person(s) if not apprehended. (iii) The officer has identified themselves as a law enforcement officer, has stated the intention to use deadly force, and has given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.

Mr. R was operating a vehicle that was reported as stolen, from which multiple firearms and rounds of ammunition had been stolen. He fled from officers in the stolen vehicle, failed to comply with their directives, and was in possession of a weapon. During the subsequent foot pursuit, officers discharged their firearms as he brandished a gun. The level of force used by the officers was minimal, reasonable, and necessary.

These uses of force were found to be within APD policy by IAFD.

Findings:

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

Additional Considerations:

A concern was raised at the Force Review Board regarding whether the stolen vehicle was entered into the NCIC database and if there was any communication with other law enforcement agencies, such as the State police or BCSO, instructing them not to initiate a stop if APD was conducting surveillance on the individual due to stolen firearms. This information was not communicated.

A training referral for the Acting Sergeant was generated regarding the failure to utilize resources and to maintain command and control of the scene.

The subject, Mr. R, died approximately seven months later. The available evidence does not conclusively establish whether his death was directly caused by complications from the injuries sustained during the shooting.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its June 12, 2025 meeting. The Board's discussion can be found in the June minutes here: cabq.gov/cpoa

