



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 # 23-0093907

Incident Summary:

On November 21, 2023, at around 1141 hours, four officers responded to a report of aggravated assault at 2801 Vail Ave SE, where a male identified as Mr. P, a Hispanic about 23, 5'7" tall, in gray shirt and blue jeans, was waving a firearm at residents. Officers arrived by 1146 hours, and by 1158 hours, the suspect was moving through the apartment complex, prompting air support. The suspect then ran west on Vail Ave SE. An officer pursued him on foot, leading to an officer-involved shooting around 1159 hours. Casings were found in the front yard of 2801 Vail Ave SE, and signs of impact from gunfire were observed at 1805 Princeton Dr SE, where a sliding glass door and curtains were damaged, though no one was inside. The suspect discarded his bags during contact; these were secured by the Sergeant in her vehicle. Two backup officers were involved, and four rounds were fired — two hit Mr. P, who was then taken to the hospital, while two missed and impacted the residence.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
IAFD Reports
MATF Reports
IAFD Investigation
Misconduct Investigation
On-Body Recording Device Videos
APD policies regarding force
Criminalistic Report
CPOA Director's attendance at the Force Review Board Briefing

Use of Force Types and Involved Officers:

- UOF 1 Level (3) OIS: Rifle x4 Officer (1)
- SOF 1 Level (1) SOF: Rifle Pointing Officer (1)
- SOF 2 Level (1) SOF: Rifle Pointing Officer (2)

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:

2-54-4-B-4: Show of Force Firearm

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.

2-53-3-W-1: Levels of Force Level 1 Use of Force: 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.

2-52-6-B-1-c: Authorization of 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.

Level 3 Use of Force: Any use of force that results in, or could reasonably result in, serious physical injury, hospitalization, or death, regardless of whether the use of force was unintentional or unavoidable. Level 3 use of force includes:

- a. Use of deadly force;*
- b. Critical firearm discharge;*
- c. Force resulting in hospitalization, serious medical episode, loss of consciousness, and/or a seizure;*

Based on the preponderance of evidence, IAFD deemed the use of deadly force reasonable and necessary. The Officer observed Mr. P begin to turn to his right and saw his right arm holding a gun. The Officer perceived a deadly threat and used force. The force was deemed minimal because the Officer believed Mr. P was no longer a threat. The Officer stopped firing his rifle.

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

Findings:

The CPOAB agreed with APD's determination that the use of force and the show of force by involved officers were **within policy**.

Additional Policy and Training Considerations:

Potential tactical, supervision, and training concerns were raised during the force investigation and were appropriately addressed by the department.

The CPOA raised concerns about the officer's perception that the individual was running away and could have ambushed him as he turned toward the corner of the residence. The officer's use of deadly force was predicated on unsubstantiated fears. The CPOA and the CPOAB also raised concerns about rounds fired by the Officer that entered the residence.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its February 13, 2025, meeting. The Board's discussion can be found in the February minutes here: cabq.gov/cpoa