



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 # 23-0098642

Incident Summary:

The incident occurred on December 7, 2023. Detectives from the ISU investigated an armed robbery involving Mr. C, who was violating his probation. He committed the robbery, which was tracked using a 3SI device. On November 20, 2023, Mr. C robbed Sally Beauty Supply, where the tracker started monitoring. Detectives tracked the device, followed a white sedan, confirmed it was driven by Mr. C, obtained a warrant, and placed the tracker on the sedan.

Detectives surveilled the vehicle and found Mr. C was on parole for armed robbery, with a history of violent crimes including robberies, assaults, child abuse, and fleeing law enforcement. They monitored robbery calls while obtaining an arrest warrant. On November 27, 2023, a Domino's robbery call led to Mr. C's identification. On December 7, 2023, he assaulted someone at the mosque, and his car was tracked. Detectives confirmed he was wanted for parole violation and had felony warrants.

Detectives tracked Mr. C to a second-floor apartment at Sun Pointe Park, then set up a perimeter and call-out with assistance from GVRU detectives. They maintained a safe distance, concealed themselves, and made PA announcements, waiting for him to surrender peacefully.

Mr. C jumped from the window onto a maintenance room roof, then leaped to the ground and fled from detectives. They chased him, issued commands, and used a 40 mm less-lethal weapon, but he kept running. When he turned a corner with detectives behind him, they observed what appeared to be a black object consistent with a gun. Multiple detectives fired, hitting Mr. C. He was later taken to hospital and died from his injuries.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
IAFD Reports
IAFD Investigation
Misconduct Investigation
On-Body Recording Device Videos
Drone footage
APD policies regarding force
CSS Photos

OMI Toxicology Report

MCST Report

Mandatory Training Referral

CPOA Director responding to the scene at the date and time of the incident

CPOA Director's attendance at the Force Review Board Briefing

Use of Force Types and Involved Officers:

- UOF1, Level 3 Officer #1 Firearm Discharge x3
- UOF2, Level 3 Officer #2 Firearm Discharge x3
- UOF3, Level 3 Officer #3 Firearm Discharge x2
- UOF4, Level 2, Officer #4 40mm (x2 miss, x1 hit)
- UOF5, Level 2, Officer #5 40mm x1
- SOF1, Level 1, Officer #6 Rifle-pointing (x1)
- SOF2, Level 1, Officer #7 Rifle-pointing (x5)
- SOF3, Level 1, Officer #8 40mm-pointing (x2)

Policy Consideration and Outcome:

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

2-54-4-B-4: Intermediate Weapon System General Requirements B. 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.

2-53-3-W-1: Definitions

1. 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.

2-53-3-MM: Definitions

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.

2-54-9-A-3: 40- Millimeter Impact Launcher

A. 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.

2-53-3-W-2-b: Definitions

2. Level 2 Use of Force: Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable. A Level 2 use of force includes:

b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;

2-52-6-B-1-c: 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;

2-53-3-W-3-b: Definitions

3. 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:

b. Critical Firearm discharge

Officers had a lawful objective to take Mr. C into custody. He was under arrest for his parole violation and was suspected of various armed robberies and aggravated assault with a deadly weapon. The force used was minimal, reasonable, and necessary since he refused to comply with officers after several PA announcements to take him into custody safely; instead, he chose to flee and was armed with a firearm. He pointed it at the officers who were pursuing him on foot. Officers perceived the imminent deadly threat and used deadly force to neutralize the threat posed by Mr. C.

These 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 use of force was **within policy**.

Additional Considerations:

The IAFD determined that four detectives were not in possession of their ECWs, thereby raising concerns regarding policy adherence.

An MTR was generated for a detective who attempted to discharge a 40 mm without disengaging the safety.

IAFD also identified a detective issue with the OBRD, where the position of the device on the person led to the accidental stopping of the OBRD recording.

The CPOA review identified concerns pertaining to the response strategies employed by the ISU and GVRU detectives. The investigation by the IAFD did not address the reasons behind the failure to request or deploy tactical support during the operation. The CPOA observed that the lack of tactical resources in a scenario involving a potentially armed and dangerous suspect posed a considerable risk.

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