



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 # 23-0105287

Incident Summary:

The incident occurred on December 30, 2023. Officers were dispatched following an ALPR notification that a stolen vehicle drove through the intersection at Central and Louisiana. The vehicle was identified as a grey 2014 Acura. It was radioed to the officers that the vehicle driven by Mr. P was parked at the Adam Market on the northwest side of the lot. Officers decided to conduct the felony stop in the parking lot where the vehicle was parked, as it was idle, to avoid the dangers of a fleeing vehicle.

Officers positioned their vehicles behind Mr. P's car and initiated a traffic stop by activating emergency lights. As they approached, Mr. P reversed his stolen vehicle, causing a collision with an officer. Ignoring commands, he partially opened his door, pointed a handgun, and fired two rounds, injuring an officer. Mr. P then exited, fired two more rounds, fled east, and was shot by an officer. He was hospitalized and later booked at the Metropolitan Detention Center.

Case Review:

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

Use of Force Types and Involved Officers:

- UOF1, Level 3 Officer #1 Firearm Discharge x2
- UOF2, Level 3 Officer #2 Firearm Discharge x1
- SOF1, Level 1, Officer #1 Handgun Pointing
- SOF2, Level 1, Officer #3 Handgun Pointing

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:

2-52-5-B-5 Authorization to Use Force

B. Pre Use of Force

5. When feasible, prior to making initial contact with an individual in response to a high-threat situation, Department personnel shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array.

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;

2-52-6-B-1 (d) Prohibited Uses of Force

B. 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; and

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.

2-53-3-W.3 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:

a. Use of deadly force;

2-53-3-X.1 Definitions X. Levels of Resistance

1. Active Resistance: An individual's resistance that poses an imminent threat of harm to the officer or other people, such as when an individual attempts to attack or attacks an officer; exhibits combative behavior (e.g., lunging towards the officer, striking the officer with hands, fists, feet, or any instrument that may be perceived as a weapon, such as a knife or stick); or attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp. An individual who is brandishing or in possession of a weapon while also not following lawful commands is considered actively resisting.

Verbal statements alone do not constitute active resistance. Target glancing alone does not constitute active resistance. Bracing or tensing alone ordinarily do not constitute active resistance, but may if they pose a threat of harm to the officer or other people.

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.

Considering the circumstances and preponderance of evidence, the force used was reasonable, minimal, and necessary. Officers had a lawful objective to arrest Ms. P and prevent further crime. Mr. P, in a stolen vehicle, disobeyed commands, rammed into a police car, and shot at officers with a deadly weapon, injuring one officer. He posed an imminent threat, prompting officers to use deadly force to stop him.

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:

An Internal Affairs Request for investigation was submitted for multiple officers concerning the duty to provide medical attention after the use of force. The issue was handled appropriately through the department's internal processes.

A tactical deficiency was also identified regarding the failure to follow protocols during high-risk stops. Mandatory Training Referrals (MTRs) were generated for two officers, and the training was completed. Another concern was raised about an officer's awareness of the backdrop of the suspect when shots were fired. There were discrepancies between the officers' perceptions and the forensic evidence. An MTR was generated, and training was completed.

Multiple officers were nominated for awards.

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