



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 # 24-0006800

Incident Summary:

On January 25, 2024, officers responded to a priority 1 aggravated assault near Love's Travel Shop at 6th and Interstate 40. Dispatch reported that a male, later identified as Mr. B, was breaking windows and brandishing a handgun, pointing it at a Love's gas station employee and leaving the scene. The Real Time Crime Center saw Mr. B on camera, wielding a weapon and attempting to hit vehicles, including aiming at a semi-truck driver who stopped and then sped away. Officers arrived, heard a gunshot, and proceeded toward the sound. At that moment, security guards confronted Mr. B and fired their weapons. The officers confronted Mr. B, who did not comply and pointed his gun at them. An officer then shot him, hitting him in the abdomen and lower back. Mr. B was taken to a hospital and succumbed to his injuries.

Case Review:

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

Use of Force Types and Involved Officers:

- UOF1, Level 3 Officer #1 Rifle discharge (x2)
- SOF1, Level 1 Officer #1 Rifle pointing
- SOF2, Level 1 Officer #2 Rifle pointing
- SOF3, Level 1 Officer #3 Rifle pointing

Policy Consideration and Outcome:

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

2-53-3.W.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.

2-52-5.A.1

Authorization to Use Force:

Department personnel who use force shall use the minimum amount of force that is objectively reasonable and necessary and based on the totality of the circumstances confronting them in order to bring about a lawful objective.

2-54-4.B.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.

2-52-6.B.1.c

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

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.

The officers had a lawful objective to apprehend Mr. B based on information that he vandalized the Loves' windows, threatened employees and security with a firearm, attempted to hijack two vehicles, and was believed to be discharging a weapon at people. When force was used, Mr. B, in possession of a black handgun, was fleeing and resisting arrest. He posed a lethal threat as he advanced toward officers, aiming his gun at them. The officers' lawful reason for deadly force was to protect themselves and others from this threat.

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 and shows of force were **within policy**.

Additional Considerations:

During the review of this case by the Internal Affairs Force Division, potential policy violations were identified for all involved officers regarding the feasibility of issuing a warning of force. The investigation concluded that issuing a warning was not feasible and would endanger personnel. Due to the call dynamics and evolving situation, the response was similar to responding to an active shooter scenario. The suspect was shot when about sixty-three yards away and aiming directly at the officer, making a warning infeasible.

A concern was noted about the dispatcher's tone during the incident. The issue was handled by the supervisors.

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

