



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 # 24-0009062

Incident Summary:

The incident occurred on February 1, 2024. The Emergency Communication Center received a 911 call from an individual identified as Mr. W at an apartment complex. The caller requested assistance for suicidal thoughts and alcoholism. He informed dispatch that he had been drinking for four days and could not afford outpatient treatment. He stated that he was armed with multiple firearms but did not have one in his hand. Mr. W became agitated, began using profanity, and threatened to shoot officers through his apartment door because of a prior use-of-force encounter with APD. He expressed anger, attributing his continued drinking to that anger. Additionally, he stated that he was a United States Marine veteran diagnosed with Post-Traumatic Stress Disorder. Mr. W advised, "If they point a gun at me, I will point one back."

When officers arrived at the scene, Mr. W was seated in his vehicle and in possession of a rifle and a handgun. One officer maintained phone contact with Mr. W at the scene and made repeated efforts to communicate calmly and build rapport. Mr. W did not comply with commands during this period.

At one point, Mr. W told the officer on the phone that he had a clear line of sight to an officer through his rifle scope. Moments later, officers at the scene reported that Mr. W was pointing a gun toward them, and two officers fired their firearms at his vehicle from a distance. The evidence shows no indication that Mr. W discharged a firearm toward officers. None of the rounds fired by officers struck Mr. W.

Mr. W put the car in motion and briefly drove it toward the officers. The vehicle's side windows were observed to break during this movement. Mr. W immediately drove away at a high rate of speed, reportedly around 65 mph, before crashing into a wall at the corner of the apartment complex. Officers requested the tactical unit to approach the vehicle, as it was unclear whether Mr. W was deceased or staging an ambush. Upon securing the vehicle, officers located Mr. W with a fatal gunshot wound. A single spent casing from Mr. W's handgun was located inside the vehicle. The OMI determined the cause of death to be a self-inflicted gunshot wound.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
IAFD Reports

IAFD Investigation
Misconduct Investigation
Crime Scene photographs
Dispatch Recordings
Criminalistic Report
OMI Report
Mandatory Training Referral
On-Body Recording Device Videos
CPOA Director's attendance at the Force Review Board Briefing

Use of Force Types and Involved Officers:

- UOF1, Level 3 Officer #1 Firearm discharge (Handgun)
- UOF2, Level 3 Officer #2 Firearm discharge (Rifle)

Policy Consideration and Outcome:

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

2-19-4-C Recognizing Behavioral Health Disorders

C. Department personnel, sworn personnel, and ECC employees should consider that someone may be in behavioral health crisis due to behavioral disorders or distress, impairment from alcohol or psychoactive drugs, or may have a hearing impairment, deafness, dementia, autism, or physical injury, and tailor their response accordingly.

2-52-5-B-3-a Pre-Use of Force

3. When feasible, Department personnel shall:

a. Recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.

2-55-4 De-escalation Techniques and Guidelines

A. Sworn personnel shall use de-escalation techniques as proactive actions and approaches to gain voluntary compliance of an individual to reduce or eliminate the need to use force.

1. When feasible, in no order of priority, sworn personnel shall use the following de-escalation techniques, including, but not limited to:

d. Using active listening skills to indicate that they are engaged in a conversation with an individual; and e. Employing verbal de-escalation, which may include:

i. Communicating with the individual in a conversational tone of voice;

ii. Beginning by asking questions rather than immediately issuing orders;

2-53-3-MM Show of Force

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.

2-53-3-W-3-b Level 3 Use of Force

3. 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

2-53-3-D-1-a Deadly Force

1. Any use of force that is reasonably likely to cause death or serious physical injury and includes, but is not limited to:

a. Discharging a firearm at an individual; whether intentionally or accidentally

2-52-5-C-1 Authorization to Use Force

C. During Use of Force

1. When using force, Department personnel shall stop or reduce the level of force as the individual reduces their resistance.

1-92-10-B-1 Noise Flash Diversionary Devices (NFDD)

1. NFDDs shall be deployed by SWAT personnel only during a tactical activation. Any deployments outside of a tactical activation will be authorized by Tactical Commander, except for those deployed in a training exercise.

1-92-10-B-1-g-ii Noise Flash Diversionary Devices (NFDD)

g. NFDD deployments and vehicles

ii. NFDD deployments used near a vehicle without an intermediate barrier are considered a use of force. If an NFDD is used as a means to gain the attention of an individual who is inside a vehicle or recreational vehicle, it shall not be deployed close enough for the pressure from the NFDD blast to affect the individual. Such a deployment shall be considered a Level 1 use of force unless the individual complains of pain or exhibits signs or symptoms of pain.

2-52-6-A-9 Use of Weapon-mounted Light for General Illumination

a. Sworn personnel may use weapon-mounted lights to illuminate a potential threat area when the use of a weapon system is warranted.

i. If sworn personnel use a weapon-mounted light and intentionally or unintentionally illuminate the individual, they shall document the show of force in their Uniform Incident Report in addition to any other use of force report, if necessary, unless it is evident that sworn personnel did not cover the individual with their muzzle.

2-53-3-N-1-c Definition of Force

N. Force

1. Any physical means used to defend the officer or other people, restrain, or otherwise gain physical control of an individual who is resisting.

c. An inadvertent covering of an individual with a weapon is not a reportable use of force

Officers were required to act as sworn law enforcement officers to prevent or stop a crime. Mr. W actively resisted by pointing a firearm at officers. Discharging a rifle toward him was deemed reasonable and the minimum force needed to protect officers in its line of fire. The immediate threat

left no reasonable alternative without increasing risks to officers and nearby community members. Further de-escalation was not feasible.

IAFD found the use of force to be within APD policy.

Findings:

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

Additional Considerations:

During the review of this case by the Internal Affairs Force Division, potential policy violations were identified. A misconduct investigation was initiated to address potential supervision concerns involving the on-scene Sergeant and OBRD use by uninvolved officers. The department handled these matters appropriately. A training referral was issued for the Sergeant regarding leadership and management of critical incidents.

The CPOA noted that the operator and the officer on scene worked diligently to de-escalate the situation and kept the line of communication open. Due to Mr. W's admission that he was armed, ACS responders were not dispatched to the scene for safety reasons.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its July 10, 2025 meeting. The Board's discussion can be found in the July 2025 minutes here: cabq.gov/cpoa