



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 # 24-0023118

Incident Summary:

On March 19th, 2024, at 10213 Mesa Arriba Ave NE, a report of a stolen vehicle was made around 1446 hours. An officer confirmed the vehicle was stolen. While waiting, the vehicle entered the US Post Office at 9719 Candelaria Road NE. A female driver exited, and, upon backup arrival, the passenger was detained at 1458 hours. The female driver fled, prompting a drone and K9 deployment for search.

Officers searched the neighborhood after receiving a description of the fleeing driver. The suspect was seen on a roof at 1504 hours and jumped fences. As of 1616 hours, officers continued searching. At 1618 hours, the K9 and drone found Ms. V in a backyard shed. The tactical team approached and warned her to come out.

Ms. V was inside the shed, with her phone aimed like a firearm. Officers believe that Ms. V was prepared to discharge a weapon in their direction. At approximately 1643 hours, according to CAD reports, a single officer discharged three rounds, and Ms. V fell. She was handcuffed, received medical aid, and was taken to the hospital, where Ms. V succumbed to the 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
Dispatch Recording
OMI report
Toxicology report
MCST report
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 (1 hit, 2 misses)
- UOF2, Level 2 Officer #2 40mm x1
- SOF1, Level 1, Officer #1 Rifle Pointing
- SOF2, Level 1, Officer #3 Rifle Pointing
- SOF3, Level 1, Officer #4 Rifle Pointing

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:

2-53-3-N-1-d Use of Force: Definitions N. Force

1. *Any physical means used to defend an officer or other people, restrain, or otherwise gain control of an individual who is resisting. d. A complaint of pain from handcuffing during a non-force incident is not a reportable use of force.*

2-23-4-B-2 (a-d) Use of a K-9 Unit, Primary Duties and Responsibilities A. Searches 1. Area Searches a. K-9 handlers may be used to track an individual in an outdoor area. b. Non-K-9 Unit sworn personnel shall remain out of the area to prevent contamination if a K-9 Unit is to be used. c. The K-9 Handler shall be called to the scene of an incident as quickly as possible while the individual's scent is still fresh d. A K-9 Unit supervisor shall respond to large-scale area searches for coordination and operational control.

2-8-5-A Use of On-Body Recording Devices, Mandatory Recording A. Department personnel shall activate their OBRD for any call for service that involves a law enforcement encounter, for any other law enforcement encounters that involve contact with community members, and for any investigative encounters involving community members.

2-8-3-G Use of On-Body Recording Devices, Definitions G. Investigative Encounter Engagement with community members, individuals, or entities in order to gather information, evidence, or intelligence, which often involves interviews, questioning, searches, and surveillance, to determine if further enforcement actions, such as arrests or citations, are necessary based on the gathered information.

2-52-5-B (1-5) Use of Force: General, Authorization to Use Force B. Pre-Use of Force

1. *When feasible, consistent with SOP Use of Force: De-escalation, Department personnel shall use de-escalation techniques to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.*
2. *When feasible, sworn personnel shall identify themselves as "police" and announce their intent to detain, search, or arrest an individual before using force when it is not plainly obvious that they are a law enforcement officer by virtue of their uniform and equipment, or by the circumstances of the contact with the individual.*
 - a. *When working in a plainclothes capacity, sworn personnel shall verbally identify themselves as "police."*
3. *When feasible, Department shall:*
 - a. *Recognize and use distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources;*

- b. Issue a verbal warning to the individual before using force when doing so would not increase the danger to Department personnel or other people;*
- c. Allow an individual an objectively reasonable amount of time to submit to arrest or lawful order before using force;*
- d. Consider whether an individual's failure to comply with their command is due to a medical condition, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control; and*
- e. Consider whether specific techniques or resources would help resolve the situation without resorting to force.*
- 4. Department personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to themselves, victims, hostages, and other individuals.*
- 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.*
 - a. At the scene of a potentially violent encounter, Department personnel shall attempt to use all available resources to avoid resolving the incident or situation independently, unless there is a threat of death or serious physical injury.*

2-23-4-A (a-c) Use of a K-9 Unit, Primary Duties and Responsibilities

B. K-9 Unit Searches

2. A K-9 Unit Handler shall be authorized to deploy their PSD:

- a. To apprehend an individual suspected of committing a felony crime*
- b. To apprehend an individual who poses an imminent threat to the safety of sworn personnel and/or others;*
- c. For officer safety, to conduct searches for an individual suspected of committing a felony crime when they have concealed themselves from law enforcement or are actively fleeing; and*

2-23-4-E-g Use of a K-9 Unit, Primary Duties and Responsibilities

E. Prohibited Use of a PSD

- g. A K-9 Unit Handler may not deploy their PSD merely because it is an available use of force option.*

2-15-3-E Small Unmanned Aircraft Systems (SUAS Operations), Definitions

E. Small Unmanned Aircraft System (SUAS)

An unmanned aircraft of any type that is capable of sustaining flight, whether remotely controlled or pre-programmed, with a weight of less than fifty-five (55) pounds. The SUAS is designed for gathering information through photographs or video recordings.

2-15-3-F Small Unmanned Aircraft Systems (SUAS Operations), Definitions

F. Visual Observer

A Department employee who is continuously responsible for notifying the RPIC/Drone Operator of any ground-based or airborne hazards to the flight. The VO shall be trained on their duties and responsibilities before acting in this role.

2-15-4-F-2(a-f) Small Unmanned Aircraft Systems (SUAS Operations), Procedures

2. The VO shall:

- a. Assist the RPIC/Drone Operator when needed;*

- b. Be responsible for see-and-avoid operations of the SUAS;*
- c. Remain in audio contact with the RPIC/Drone Operator and communicate any obstacles the SUAS may encounter during the mission;*
- d. Immediately notify the RPIC/Drone Operator when the flight becomes a hazard to ground personnel or other aircraft;*
- e. Be responsible for all radio communications with air traffic control and dispatch; and*
- f. Operate additional ground equipment to allow the RPIC/Drone Operator an ability to maintain complete focus on the operation of the SUAS.*

2-53-3-X-1: 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, but may if they pose a threat of harm to the officer or other people.*

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

- 2. Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in 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*

2-54-9-A (3-4) Intermediate Weapon Systems, 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.*
- 4. In potentially lethal force situations, sworn personnel shall have a lethal-cover officer when deploying less-lethal impact munitions.*

2-52-6-B-1-c Use of Force: General, 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(a-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 uses of force includes:*

- a. Use of a deadly force;*
- b. Critical firearm discharge*

2-53-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;*

2-53-LL Serious Physical Injury

An injury that creates a substantial risk of death, which causes death or serious and protracted disfigurement, or that impairs the function of any bodily organ or limb.

2-3-5-C-2 (a-c) Firearms and Ammunition Authorization, Qualifications

C. Qualification by Type of Firearm

2. Patrol Rifle

- a. To qualify to carry a patrol rifle, sworn personnel shall have successfully qualified on their duty handgun.*
- b. The officer shall attend and successfully pass the Department's patrol rifle course, scoring ninety percent (90%) or greater on the final qualification on the NMDPS daylight and low light qualification.*
- c. In order to continue to use their patrol rifle, sworn personnel shall qualify annually and maintain a ninety percent (90%) score or greater on their NMDSP daylight and low light rifle qualifications.*

2-54-4-B-4 Use of Force: Intermediate Weapon Systems, Intermediate Weapon System General Requirements

B. Intermediate Weapon Systems General Requirements

- 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-W-1 Level 1 use of Force

- 1. Any use of force that is likely to cause only temporary pain, disorientation, and/or discomfort during its applications as a means of gaining compliance; or any show of force.*

2-53-MM Show of Force

Pointing a firearm, beanbag, shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or by pointing 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 as reviewed as a Level 1 use of force.

Based on the totality of the circumstances and the preponderance of the evidence, the uses and shows of force were found to be reasonable, minimal, proportional, and necessary, as officers had a lawful objective to arrest Ms. V as she fled from them. Ms. V had felony warrants for arrest and was evading arrest. She was hiding from the police in the shed in someone's backyard. Ms. V presented herself as an imminent deadly threat to officers based on the manner in which she exited the shed and pointed her hands directly at officers while holding an unidentified object that officers perceived to be silver,

or shiny, and held by Ms. V with a two-handed grip. An officer perceived Ms. V as shooting at officers and had discharged the rifle.

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 officer improperly handled the drug paraphernalia found within the vehicle by placing it in the trash, only to later return to retrieve it for evidentiary purposes.

An issue was identified, and an IAR was submitted concerning an officer being observed using derogatory language on OBRD.

Another concern was raised regarding officers nodding their heads when paramedics inquired whether she had been shot. They had to repeat their questions several times to obtain a response from the officers present at the scene.

OBRD was not activated for the officers operating the drone. It remains unclear whether they are also required to record on OBRD while documenting the incident using the drone. IAFD has proposed a Standard Operating Procedure (SOP) recommendation.

A recommendation was also proposed during the course of the investigation to re-evaluate procedures regarding 10-3 radio status and to update SOPs to ensure communication is prioritized when officers' and subjects' safety is at stake.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its May 7, 2025 meeting. The Board's discussion can be found in the May minutes here: cabq.gov/cpoa