



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 # 24-0029624

Incident Summary:

On April 11, 2024, Investigative Support Unit (ISU) and Gun Violence Suppression Unit (GVSU) investigators were conducting surveillance on two people associated with armed robberies in the Albuquerque area. Ms. G had three felony warrants for armed robbery. Mr. B was a person of interest in the robberies, suspected of being the getaway driver, and had a misdemeanor arrest warrant. Investigators located a green Cadillac at the Walmart at 2266 Wyoming Blvd. NE.

ISU detectives contacted Ms. G at the Cadillac while Mr. B was inside Walmart. She followed instructions to exit the vehicle, was handcuffed, and taken into custody without incident. Four GVSU detectives waited near the sliding doors of the Walmart exit. Detectives #1 and #2 approached Mr. B as he exited through the east doors, identified themselves as Albuquerque Police Department officers, and directed him to stop. Mr. B did not stop and attempted to flee. Detective #1 grabbed his left arm and performed a leg sweep, causing both to fall.

Mr. B grabbed Detective #1's rifle, disengaged the safety, and fired one round. Detective #1 tried to control Mr. B's arms and hands. Detective #2 fired three ECW probes into Mr. B's left leg. Detective #3 held the rifle in the downward position and struck Mr. B's face with an open hand. Mr. B did not comply.

Mr. B fired six more rounds, all of which struck the asphalt in the parking lot. Detective #1 fired two rounds from his service pistol, striking Mr. B in the back. Detective #2 reached between Detective #3's arms and fired three rounds from his service weapon toward Mr. B's midsection and upper chest. Mr. B stopped resisting and firing. He died at the scene from his injuries.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
CSS Photos
IAFD Reports
IAFD Investigation
Misconduct Investigation
Mandatory Training Referral
OMI Toxicology 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 Detective #1 Firearm-OIS (x2)
- UOF2, Level 3 Detective #2 Firearm-OIS (x3)
- UOF3, Level 2, Detective #2 Electronic Control Weapons
- UOF4, Level 2, Detective #1 Empty Hand Control
- UOF5, Level 2, Detective #1 Empty Hand leg sweep
- UOF6, Level 2, Detective #3 Empty Hand control
- UOF7, Level 2, Detective #3 Empty Hand strike

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 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.

2-52-5-C-3 (a-c) Department personnel shall use leg sweeps or the Department's Passive Restraint 4 System (PRS) only:

- a. To prevent imminent bodily harm to the officer, individual, or to another person(s);*
- b. To overcome active resistance; or*
- c. Where it is objectively reasonable and necessary to overcome passive resistance.*

2-53-3-W-1

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.

2-54-6-B (1-3) B. ECW Discharging Guidelines 1. Sworn personnel shall be authorized to discharge an ECW to control an actively resistant individual when attempts to subdue the individual by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for the officer to approach the individual within contact range. 2. Sworn personnel may discharge an ECW only when such force is necessary to protect themselves, the individual, or other people from physical harm and after considering less intrusive means based on the threat or resistance encountered.

3. The ECW is considered a less-lethal use of force unless other circumstances are present as outlined in this SOP, which may increase the likelihood of serious physical injury to the individual because of a secondary impact. An officer's decision to discharge an ECW shall be reasonable and necessary given the totality of the circumstances.

2-52-6-B-1-c (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.

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Detectives had the lawful objective to take Mr. B into custody based on misdemeanor warrants. Mr. B ignored their commands and became actively resistant by attempting to flee and escape the detectives' grasp as they grabbed him to effect an arrest. Mr. B posed a deadly threat to Detectives, other officers, and members of the public on the scene by taking possession of a detective's duty rifle. He continued to fire the rifle despite officers' commands to drop it. He did not respond to less-lethal means used by detectives, and deadly force was utilized to stop the imminent threat posed by Mr. B.

IAFD found the use of force consistent with APD policy.

Findings:

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

Additional Considerations:

During the IAFD investigation, a Mandatory Training Referral was submitted due to a potential training concern about the rifle's position during the hands-on engagement. Personnel are not trained to conduct a hands-on approach when the rifle is slung in front of their body.

The CPOA raised concerns that the use of deadly force to stop the immediate threat posed by Mr. B was reasonable. However, the circumstances leading up to the encounter raise important questions about planning and tactical decision-making.

The CPOA raised concerns about the uniform, noting that the detective was wearing a hoodie and a face mask during the apprehension. Subjects may perceive detectives wearing such clothing as non-law-enforcement personnel.

The force investigation identified several potential misconduct issues: improper yellow or orange tape labeling on the 40mm; force reporting; a detective's de-escalation and risk-assessment failures; a possible show of force; post-incident force discussions with involved or witness personnel; and ineffective scene supervision. The department addressed all issues appropriately.

During the post-use-of-force review of the incident, an OBRD of a detective inadvertently recorded a conversation between APOA personnel and two on-scene Sergeants that disparaged a protected class. An investigation was initiated into this conduct, and findings were substantiated against all involved personnel.

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