



# 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 Serious Use of Force APD Case # 24-0058826

### **Incident Summary:**

The incident occurred on July 21, 2024. Officers were dispatched to the area of Broadway Blvd and Avenida Cesar Chavez SE in response to a naked male walking in and around traffic lanes. The male was later identified as Mr. C. Officers were notified that he was pulling wires from a light pole at the intersection.

Officers attempted to make contact with Mr. C. He began throwing rocks at the officers, and one struck a nearby sign in front of them. A force array was established. Officers gave Mr. C verbal commands to comply and raise his hands. He continued to throw rocks at the officers. Officer #1 deployed a single 40mm munition, which struck Mr. C. Officer #1 was approximately 140 feet from the subject when the 40mm munition was deployed. It was later determined that Mr. C was struck on the left side of his neck, and he was observed to have some bleeding on his neck.

The officer approached Mr. C and placed him in custody while he was face down on the ground. Mr. C was transported to Lovelace Hospital downtown, where he received medical treatment for his injury. He was then transported to the Metropolitan Detention Center (MDC), where he was booked on charges of Aggravated Assault on a Peace Officer, Aggravated Indecent Exposure, Resisting-Evading-Obstructing an Officer, and Felony Warrant. No officers reported any injuries.

### **Case Review:**

Computer-Aided Dispatch Reports  
APD Field Reports  
IAFD Investigation  
On-Body Recording Device Videos  
APD use of force policies  
CPOA Director's attendance at the Force Review Board Briefing

### **Use of Force Types and Involved Officers:**

- UOF1, Level 3 Officer #1 40mm deployment

### **Policy Consideration and Outcome:**

The applicable policy for the use of force is:

*2-52-5-B-1 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.*

*2-52-5-B-2 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*

*2-52-5-B-3-b 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;*

*2-52-5-B-3-e e. Consider whether specific techniques or resources would help resolve the situation without resorting to force.*

*Special Order 23-154 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. An individual is actively resisting when that individual pulls away from the officer's grasp and poses an imminent threat or becomes combative. 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 does not constitute active resistance, but may if they pose a threat of harm to the officer or other people.*

*2-53-3-Q Imminent Threat A Dangerous or threatening situation which is about to occur or take place and is perceived to be unfolding.*

*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: a. Using distance, cover, concealment, and/or time to: i. Assess the situation and their options; and ii. Develop a plan to reduce or eliminate the need to use force. b. Using intermediate barriers; c. Requesting additional sworn personnel and resources while waiting for their arrival; 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; and iii. Advising the individual that disobeying orders and posing a threat to sworn personnel or other people may result in the need to use force.*

*2-53-3-W-b Level of Force Level 2 Use of Force: Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable.*

*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.*

*2-54-9-B-1. 40 mm Impact Launcher Restrictions 1. Sworn personnel shall not intentionally target an individual's head, neck, throat, chest, or groin.*

Officers had a lawful objective to detain Mr. C for being unclothed and throwing rocks at vehicles. That lawful basis changed when Mr. C began throwing rocks at the officers. In light of the direct threat posed by Mr. C's actions and his active resistance, the use of the 40mm less-lethal weapon was deemed a reasonable, minimal, and necessary response to address the threat to officer safety.

**The use of force was 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 Policy Considerations:**

Under the department's use of force policy, any application of a 40mm to the head, neck, face, or other private/sensitive areas is classified as a level 3 use of force.

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](https://cabq.gov/cpoa)