

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



August 23, 2017

Edward W. Harness, Esq., Executive Director
Civilian Police Oversight Agency
600 2nd NW
Room 813
Albuquerque, NM 87102
505-924-3770

08-24-17P04:39 RCVD

RE: I-10-17

Dear Director Harness:

Internal Affairs case I-10-17 was completed on May 7, 2017. I received your letter of findings on July 13, 2017. The case was sent for review by the chain of command on July 18, 2017 and culminated with my review on August 11, 2017. My findings are as follows:

400 Roma NW

In regard to Officer F and Officer O who used deadly force, I concur with your finding of exonerated for both officers in reference to Albuquerque Police Department Standard Operating Procedure 2-52-4A Use of Deadly Force and 2-52-3A General Requirements and Expectations of all Officers with regard to Uses of Force.

Albuquerque

In regard to Officer H, I concur with your finding of sustained for alleged violations of SOP 2-19-3A Handcuffing of Prisoners and 2-19-4 Searching Prisoners. I do not concur with the proposed discipline of a letter and a verbal. I am noting a letter of reprimand on the officer's record. I referred to the Discipline System SOP 1-9-5B2 to reach my conclusion:

New Mexico 87102

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"Supervisor will identify the violation and will charge the employee with the SOP violation that covers the highest class violation applicable to the act or omission. Lesser SOP violations, which are included in the highest class violation, should not be considered when identifying the level of sanction."

The violation was that Officer H placed an unrestrained, unsearched person in their patrol vehicle. The highest class violation was a sanction 6; therefore a written reprimand is appropriate.

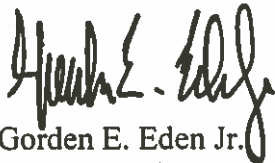
In regard to the alleged violation of SOP 1-39-1B Use of Tape and Digital Recorders for Officer O, I do not concur with your finding of sustained. After reviewing the facts in this case, there is insufficient evidence to demonstrate that Officer O did violate SOP 1-39-1B, which states:

"The Albuquerque Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity, may happen upon a situation requiring immediate action to prevent injury, destruction of evidence or escape. In these types of situations officers should activate the recorder if doing so does not place them or others in danger. If the immediate activation of the recorder is not feasible due to immediate risk to the safety of the officer or others, the officer will activate the camera at the first available opportunity when the immediate threat has been addressed. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist."

Officer H radioed he had been shot at and Officer O responded. While responding to the scene, Officer O observed the suspect running and immediately gave chase on foot. He was concerned for officer safety as he was aware that the suspect was armed with a firearm and had already fired at an officer. Due to the dangerous and rapidly evolving situation, Officer O was unable to safely activate his lapel camera at the onset of the foot chase. He did turn on his lapel camera when it was safe to do so.

Based on the aforementioned facts, Officer O's actions were reasonable and this alleged violation should be exonerated where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon E. Eden Jr.", written in a cursive style.

Gorden E. Eden Jr.
Chief of Police