

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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October 21, 2022

Harold Medina, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case #19-0031543, IAFD Case #C2019-000026

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD Investigation Reports
- Multi-Agency Task Force Reports
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- FRB slideshow

Please note that this is an older case and that the Force Review Board would have been attended by my predecessor, former Executive Director Ed Harness.

My review of the evidence shows that on April 5, 2019, Officers #1 and other APD officers conducted a high risk felony stop of the subject, Mr. E, in a vehicle which had been reported stolen. The reporting party had warned police that Mr. E might be armed. Mr. E drove away from the officers and refused to stop in response to their emergency equipment.

Mr. E continued to flee officers, running over a spike strip in the process, until he collided with another vehicle after running a stop sign. Mr. E exited the car and continue to flee on foot. Officer #1 got out of his vehicle and gave chase, instructing Mr. E to “get on the ground! Get on the ground now!”

Mr. E continued to flee, ignoring Officer #1's instructions. Officer #1 continued to command Mr. E to get on the ground. As Mr. E reached a fence, he stopped, turned around, and faced Officer #1. At that point, Officer #1 observed a handgun in Mr. E's hand. Officer #1 perceived that Mr. E was pointing the handgun at him and responded by firing 4 shots.

Mr. E was struck once. He was treated for his injury at UNMH and survived the encounter.

Finding: The CPOA finds that uses of force (the four shots fired by Officer # 1) were, by a preponderance of the evidence, **within policy**. These uses of force did not violate APD policies, procedures, or training.

Sincerely,

Deirdre Ewing

Deirdre Ewing
Executive Director
Civilian Police Oversight Agency