

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 #19-0044654, IAFD Case #C2019-000040

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 May 14, 2019, APD Detectives were attempting to locate the subject, Mr. C, who had two outstanding felony warrants. Detectives had reason to believe that Mr. C would be armed when they encountered him, as their social media investigation in the process of trying to locate Mr. C turned up photographs of Mr. C holding handguns.

Detectives were eventually able to locate Mr. C and arrange a meeting with him through social media. After surveilling him at the Walmart at Coors and I-40, they followed him

and a companion as they drove first to the parking lot of the Wienerschnitzel on the SW corner of Ouray and Corona, and then back onto Corona. As the car approached Ouray, it struck the curb on the north side of Ouray, damaging the right front wheel and bringing the car to a stop.

At this point, Mr. C exited the passenger side of the vehicle and ran through a strip mall as detectives approached the area. While one officer stayed with the driver of the vehicle, detectives approached the strip mall where Mr. C ran.

Detectives caught up with Mr. C at the Firestone Auto Care within the strip mall. As Detective #1 exited his vehicle, he immediately identified himself as police and ordered Mr. C to get on the ground. As he cleared his car door, he saw that Mr. C was pointing a handgun at him.

Detective #1 drew his handgun and fired at Mr. C 4 times.

Mr. C was not struck by any of the shots and continued to run from police. Detective #1 shouted that Mr. C had a gun. Mr. C was met moments later by detectives #2-4, who made shows of force with their own firearms as they instructed him to get on the ground. Mr. C moved to his knees. Detective #4 transitioned from his firearm to his electronic control weapon (ECW) while Detectives #2 and 3 continued to cover Mr. C with their firearms. Mr. C was then taken into custody.

The gun Mr. C had pointed at Detective #1 was subsequently found in a bush.

When he was contacted by the CSS investigator in the hospital, Mr. C complained of pain in his right shoulder and right knee, but the investigator did not observe any injuries.

Finding: The CPOA finds that uses of force 1-4 (the four shots fired by Detective # 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
Executive Director
Civilian Police Oversight Agency