

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 #21-0013737, IAFD Case #C2021-000084

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 presentation would have happened before I joined CPOA.

My review of the evidence shows that on February 20, 2021, Officers #1 and 2 responded to a call about the subject, Mr. T, walking in the middle of the road impeding traffic. Both officers identified themselves as being police and told Mr. T that he needed to get out of the road. While Officer #1 returned to his vehicle and moved it, Officer #2 followed Mr. T down the street, repeating that he was from APD and informing Mr. T that he was being detained, that he was being recorded, and that he was not free to leave.

As Mr. T continued to ignore police commands, Officer #1 rejoined Officer #2 in following Mr. T down the road. Officer #1 again commanded Mr. T to stop walking and again identified himself as a police officer. Officer #2 called for an additional unit, noting that Mr. T appeared to have some sort of weapon in his hand.

Officer #2 told Mr. T that he needed to get out of traffic or he would get tased. Mr. T continued to ignore the officers. Officer #1 again instructed Mr. T to get out of the road. Officer #2 repeated that Mr. T needed to get out of the road or he would be tased.

At that point, Mr. T stopped in the middle of the road and turned around to face Officer #2 while brandishing a knife. Both officers instructed Mr. T to drop the knife. Officer #2 backed up to create more distance between himself and Mr. T. Officer #2 also raised his ECW to a ready position.

Mr. T turned around and began walking again. Officer #2 began following him again with his ECW trained on Mr. T. Officer #1 also followed. Officer #2 instructed Officer #1 to get his gun out.

Officer #2 again instructed Mr. T to drop the knife. Mr. T turned and charged at Officer #2, again appearing to brandish the knife. Officer #2 deployed his ECW, which appeared to have no effect on Mr. T.

Officer #2 ran to the sidewalk to create more distance between himself and Mr. T. Simultaneously, Mr. T turned his attention to Officer #1. As Officer #2 turned back around, Mr. T threw his knife at Officer #1. Both officers fired at Mr. T.

Mr. T was struck 8 times and wound up dying from his wounds. Officer #1 was struck on his arm by Mr. T's knife.

Finding: The CPOA finds that the first use of force in this matter (the use of the ECW by Officer #2) was, by a preponderance of the evidence, **within policy**. This use of force did not violate APD policies, procedures, or training.

Finding: The CPOA finds that the subsequent uses of force in this matter (the shots fired by Officers #1 and 2) 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