

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Civilian Police Oversight Agency Board**

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Deirdre Ewing, Executive Director

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 #21-0064418, IAFD Case #F2021-520**

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD Investigation 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 August 15, 2021, officers responded to the Walmart at 2266 Wyoming in response to a GPS signal from a Starchase device that had been attached to a suspected stolen vehicle earlier in the day. Using the camera system in the store's loss prevention office, Sergeant #1 tentatively identified the people who had arrived at the store in the car.

Approximately half an hour later, Sergeant #1 and Officer #2 saw two people generally matching the description of the people identified in the Walmart video crossing the street near 9100 Menaul NE and detained them for jaywalking. The subject, Mr. P, was one of the two people stopped.

Officer #2 ran the personal information for both people and found there were no outstanding warrants. Sergeant #1 detained them to wait for Officer #1 to see if he could

identify either person from an earlier encounter with the stolen vehicle. When Officer #1 arrived, he was uncertain about identification, but felt there was at least reasonable suspicion to detain for investigation into the stolen vehicle.

The two people were separated and Officer #1 and Acting Sergeant #1 spoke with Mr. P. Mr. P handed over a knife he had in his pocket, but refused to let officers perform a Terry pat on him for weapons. Acting Sergeant #1 then noticed a second knife on Mr. P and told him not to reach for it.

Mr. P responded to this by running away from the officers. Officer # and Acting Sergeant #1 gave chase. After Officer #1 began giving warnings that he would use his ECW, Mr. P reached into his waistband and pulled out a silver handgun.

As he continued to run, Mr. P turned and pointed his gun at the closest officer, Officer #1. Both officers stopped running and fired on Mr. P. Officer #1 fired six shots; Acting Sergeant #1 fired four.

Mr. P was hit by three bullets. He was pronounced dead at the scene.

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

**Finding:** The CPOA finds that uses of force by Acting Sergeant #1 (four shots fired) 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