

CITY OF ALBUQUERQUE



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February 12, 2021

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

RE: APD Case # 20-0007881, IAFD Case # C2020-000046

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force, APD Policy 2-54-5 Electronic Control Weapon

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My review of the evidence shows on January 25, 2020 the victim, Mr. S., was contacted by officers of the Albuquerque Police Department because he was reportedly at a home where the occupants, (family members) feared for their safety if he entered the home. The night before he had broken into the residence. Officer 1 arrived on scene, Mr. S was standing in the driveway, in front of the residence. Mr. S. had a knife on his belt. Mr. S. refused to comply with officer's directives Mr. S. began to walk around and appeared as though he would enter the residence. Officer 1 warned Mr. S to stop or he would be tased. Mr. S continued to ignore the officers, Officer 1 deployed his ECW. It was ineffective. Officer 2 deployed her ECW. It had the desired effect, after 2 cycles. Mr. S was taken into custody. Rescue was called to remove the probes.

Finding: The CPOA finds Officer 1's conduct "**Exonerated,**" regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Finding: The CPOA finds Officer 2's conduct "**Exonerated,**" regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770