

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon

Douglas Mitchell

Edward Harness, Executive Director

February 2, 2021

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

RE: APD Case # 19-0070442, IAFD Case # C2019-000068

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- 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 and 2-54 Intermediate Weapons

My review of the evidence shows on August 2, 2019 the victim (Mr. T) contacted by officers of the Albuquerque Police Department because he was suspected of camping in a city park. During this contact it was discovered Mr. T had an outstanding warrant for his arrest. Mr. T was advised he was being placed under arrest. He fled officers on foot. Officer 1 used his Electronic Control Weapon (ECW) to keep him from avoiding arrest.

Officer 1 failed to give Mr. T a warning prior to deploying his ECW. APD policy states an officer shall issue a verbal warning prior to deployment of the weapon, to allow a subject to comply. Officer 1 did not issue a warning to Mr. T.

Finding: The CPOA finds Officer 1's conduct **SUSTAINED** where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur.

Recommendation: This violation is a Level 7 therefore I recommend a Verbal Reprimand for Officer 1.

Sincerely,

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