

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

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

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon

Edward Harness, Executive Director

Douglas Mitchell

February 12, 2021

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

RE: APD Case # 19-0096461, IAFD Case # C2019-000086

Dear 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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on October 19, 2019 the victim, Ms. B., was in a vehicle stopped by Sergeant #1 because he believed she may need help. Ms. B. exited the vehicle and walked toward Sgt. #1. He immediately grabbed her by the wrist and takes her to the ground. He then places her in handcuffs. He does not advise her she is under arrest or being detained for further investigation. The actions of SGT #1 were not reasonable. Ms. B went from a victim to a suspect based upon a hunch. That is not permitted under APD policy, nor "*Terry v. Ohio*".

Finding: The CPOA finds Sergeant 1's conduct "**Sustained**," where the investigation determines, by preponderance of the evidence, that the alleged misconduct did occur.

Sincerely,

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