

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Eric Nixon *Rashad Raynor* *Michael Wartell*
Deirdre Ewing, Executive Director

SPECIAL MEETING AMENDED AGENDA

Monday, November 14, 2022 – 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Monday, November 14, 2022, at 5:00 p.m. will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-special-meeting-11-14-2022-suof-ois-case-review>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings online at any time during normal business hours. Please email for assistance.

The agenda for the meeting will be posted on the CPOA website by 4:00 p.m., Friday, November 11, 2022, at www.cabq.gov/cpoa.

Public Comment: The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Monday, November 14, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order**
- II. Roll Call**
- III. Approval of the Agenda**
- IV. Public Comment**
- V. Serious Use of Force Cases/Officer Involved Shooting Executive Director's Findings & Recommendation**
 - a. 18-0110490 OIS**
 - b. 18-0118590 OIS**
 - c. 21-0011959 OIS**

Board Special Meeting Amended Agenda
November 14, 2022
Page 2

- VI. Discussion, Updates, and Possible Action:**
 - a. CPOAB IMR-16 Notice Letter – *Jesse Crawford***

- VII. Old Business**

- VIII. New Business**

- IX. Adjournment- *The next Regularly scheduled CPOA Board meeting will be on December 8, 2022, at 5:00 p.m.***

CIVILIAN POLICE OVERSIGHT AGENCY

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Deirdre Ewing, Executive Director

November 15, 2022

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

RE: APD Case #18-0110490, IAFD Case #C2018-000090

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- CIRT 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 would have been attended by my predecessor, former Executive Director Ed Harness.

My review of the evidence shows that on November 18, 2018, police received a call about a domestic disturbance in which the subject, Mr. J, was highly intoxicated and making threats with a fire arm. By the time officers arrived on scene, the home in which the domestic situation had been unfolding had been vacated by Mr. J's wife and children, who took shelter at a neighbor's home across the street.

Upon arrival, Officer #1, who was CIT trained, began engaging Mr. J in conversation and working to deescalate the situation. Mr. J asked to speak with an officer he knew from his National Guard Unit. Officer #1 explained that this officer had retired, but asked about other APD officers in his unit in an attempt at rapport building. During this conversation, Officer #1 repeatedly asked Mr. J to show police his hands. Mr. J

repeatedly refused and made threats towards officers. This conversation went on for several minutes.

Officer #1 continued the conversation, assuring Mr. J that police didn't want to hurt him and that they just wanted to talk to him without the gun. During this conversation, Officer #2 noticed Mr. J pointing his gun at officers. Officer #2 responded by firing a single round at Mr. J. Officers were unclear at this point whether or not Mr. J had been struck by the shot.

As Sergeant #1 was radioing dispatch that a shot had been fired, Mr. J opened fire on officers, firing several shots in their direction. When there was a brief pause in the shooting from Mr. J, Officer #2 returned fire, firing nine shots back at Mr. J. At this point, Mr. J fled back into the house.

Mr. J eventually surrendered to officers. He was transported for medical treatment of a gunshot wound to his arm. Mr. J survived his injury and his criminal charges from this matter are still pending.

Finding: The CPOA finds that the uses of force in this matter (the shots fired by Officer #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

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November 15, 2022

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

RE: APD Case #18-0118590, IAFD Case #C2018-000097

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field 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 would have been attended by my predecessor, former Executive Director Ed Harness.

My review of the evidence shows that on December 12, 2018, a woman called 911 after the subject, Mr. R, attempted to mug her at gunpoint. Officer #2 contacted the subject at San Pedro and the arroyo. Officer #2 told Mr. R to stop and show his hands. Mr. R, instead, ran. Officer #2 gave chase into the neighborhood.

Mr. R jumped into a backyard and Officer #2 heard multiple gunshots. The homeowner into whose yard Mr. R jumped contacted Officer #4 and told him that Mr. R had jumped into his backyard and shot and killed their dog. Officers #1, 2 and 4 got the family safely out of the house, cleared the house, and found the dog.

Officers #1, 2, and 3 then moved next door and contact the homeowner. They were given permission to enter the backyard to search for Mr. R. Officers #1 and 2 entered the backyard. Officer #1 identified himself as Albuquerque Police and ordered anyone in the

yard to make their presence known. Officers crossed the back yard and came to the side of the house, where Mr. R was hiding behind a wheelbarrow. Mr. R pointed his handgun at Officer #1. Officer #1 responded by firing at Mr. R.

Mr. R died from his wounds.

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

Sincerely,

A handwritten signature in cursive script that reads "Deirdre Ewing".

Deirdre Ewing
Executive Director
Civilian Police Oversight Agency

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November 15, 2022

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

RE: APD Case #21-0011959, IAFD Case #F2021-000072

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field 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 would have been attended by my predecessor, former Executive Director Ed Harness.

My review of the evidence shows that on February 13, 2021, Officer #1 spotted the subject, Mr. G, on a property which Officer #1 knew had been deemed substandard by the city and which was not supposed to have any people on the property. As Officer #1 approached the property to speak with Mr. G, Mr. G fled on foot.

Officer #1 gave chase. He shouted after Mr. G to stop and identified himself as Police. Mr. G ignored the officer's commands.

As the chase proceeded, Mr. G turned and fired at Officer #1. Officer #1 felt something hit his face (it was later discovered that ricocheted material struck him in the lip). Mr. G shot at Officer #1 again, repeatedly. Officer #1 returned fire. In all, Officer #1 wound up firing 18 rounds during this exchange of fire.

Mr. G wound up hiding from officers in an abandoned refrigerator on the property. He was eventually taken into custody by other officers. He was not injured in the incident.

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