

Civilian Police Oversight Agency Board

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

SPECIAL MEETING AGENDA

Thursday, October 20, 2022 – 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, October 20, 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-10-20-2022-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 CPOA@cabq.gov for assistance.

The agenda for the meeting will be posted on the CPOA website by 4:00 p.m., Monday, October 17, 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 Thursday, October 20, 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. Approval of the Agenda**
- III. Public Comments**

IV. Serious Use of Force Cases/Officer Involved Shooting Executive Director's Findings & Recommendation

- a. 16-0003286 OIS
- b. 19-0031543 OIS
- c. 19-0044654 OIS
- d. 19-0060599 OIS
- e. 21-0013737 OIS
- f. 21-0017967 OIS
- g. 21-0064418 OIS

V. Serious Use of Force Cases/Officer Involved Shooting Executive Director's Findings & Recommendation

- a. 18-0110490 OIS
- b. 18-0118590 OIS
- c. 20-0036730 SUOF
- d. 20-0037585 SUOF
- e. 21-0011959 SUOF
- f. 21-0076453 SUOF
- g. 21-0082733 SUOF
- h. 21-0084243 SUOF
- i. 21-0084423 SUOF

[The intent is to not review agenda item V. Serious Use of Force Cases/Officer Involved Shooting Executive Director's Findings & Recommendation cases at this time – Materials unavailable]

VI. Old Business

VII. New Business

VIII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on November 10, 2022 at 5:00 p.m.*

CIVILIAN POLICE OVERSIGHT AGENCY

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Greg Jackson

Rashad Raynor

Eric Nixon

Michael Wartell

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 #16-003286, IAFD Case #C2016-000002

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
- Declination letter dated January 22, 2018
- 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 January 11, 2016, the subject, Mr. S, attempted to rob the Bank of America located at 3101 Carlisle Blvd NE. Responding to and following the directions of the 911 call by a civilian witness, Officers #1 and 2 followed Mr. S into the alley behind a nearby 7-11.

Officer #2 identified herself as police and directed Mr. S to stop. When Mr. S ran, the officers returned to their vehicles and followed him. When they caught up with Mr. S, Officer #1 exited his vehicle and found Mr. S pointing a handgun at him. As Officer #1 tried to stop in his tracks, he slipped and fell. Mr. S took advantage of the situation to run again.

Officer #1 gave chase down Carlisle. As he tried to cross Carlisle, Mr. S tripped and fell to the ground directly in front of Officer #2's patrol car. As he sat back up, Mr. S pointed his gun at Officer #1 again. Perceiving a threat to his life, Officer #1 fired once at Mr. S, striking him in the shoulder.

Mr. S survived his wound.

Finding: The CPOA finds that the use of force in this matter (the shot fired by Officer #1) was, by a preponderance of the evidence, **within policy**. These use 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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Harold Medina, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case #19-0031543, IAFD Case #C2019-000026

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD 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 April 5, 2019, Officers #1 and other APD officers conducted a high risk felony stop of the subject, Mr. E, in a vehicle which had been reported stolen. The reporting party had warned police that Mr. E might be armed. Mr. E drove away from the officers and refused to stop in response to their emergency equipment.

Mr. E continued to flee officers, running over a spike strip in the process, until he collided with another vehicle after running a stop sign. Mr. E exited the car and continue to flee on foot. Officer #1 got out of his vehicle and gave chase, instructing Mr. E to “get on the ground! Get on the ground now!”

Mr. E continued to flee, ignoring Officer #1's instructions. Officer #1 continued to command Mr. E to get on the ground. As Mr. E reached a fence, he stopped, turned around, and faced Officer #1. At that point, Officer #1 observed a handgun in Mr. E's hand. Officer #1 perceived that Mr. E was pointing the handgun at him and responded by firing 4 shots.

Mr. E was struck once. He was treated for his injury at UNMH and survived the encounter.

Finding: The CPOA finds that uses of force (the four 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

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

RE: APD Case #19-0044654, IAFD Case #C2019-000040

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD 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 May 14, 2019, APD Detectives were attempting to locate the subject, Mr. C, who had two outstanding felony warrants. Detectives had reason to believe that Mr. C would be armed when they encountered him, as their social media investigation in the process of trying to locate Mr. C turned up photographs of Mr. C holding handguns.

Detectives were eventually able to locate Mr. C and arrange a meeting with him through social media. After surveilling him at the Walmart at Coors and I-40, they followed him

and a companion as they drove first to the parking lot of the Wienerschnitzel on the SW corner of Ouray and Corona, and then back onto Corona. As the car approached Ouray, it struck the curb on the north side of Ouray, damaging the right front wheel and bringing the car to a stop.

At this point, Mr. C exited the passenger side of the vehicle and ran through a strip mall as detectives approached the area. While one officer stayed with the driver of the vehicle, detectives approached the strip mall where Mr. C ran.

Detectives caught up with Mr. C at the Firestone Auto Care within the strip mall. As Detective #1 exited his vehicle, he immediately identified himself as police and ordered Mr. C to get on the ground. As he cleared his car door, he saw that Mr. C was pointing a handgun at him.

Detective #1 drew his handgun and fired at Mr. C 4 times.

Mr. C was not struck by any of the shots and continued to run from police. Detective #1 shouted that Mr. C had a gun. Mr. C was met moments later by detectives #2-4, who made shows of force with their own firearms as they instructed him to get on the ground. Mr. C moved to his knees. Detective #4 transitioned from his firearm to his electronic control weapon (ECW) while Detectives #2 and 3 continued to cover Mr. C with their firearms. Mr. C was then taken into custody.

The gun Mr. C had pointed at Detective #1 was subsequently found in a bush.

When he was contacted by the CSS investigator in the hospital, Mr. C complained of pain in his right shoulder and right knee, but the investigator did not observe any injuries.

Finding: The CPOA finds that uses of force 1-4 (the four shots fired by Detective # 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

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

RE: APD Case #19-0060599, IAFD Case #C2019-000054

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD 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 July 2, 2019, Detective #1 was undercover, conducting surveillance when the subject, Mr. C, pulled up in a black vehicle and parked in front of Detective #1's vehicle. Mr. C exited his vehicle and approached Detective #1's vehicle. Mr. C then struck the windows of Detective #1's vehicle with a firearm.

Within moments, Mr. C stopped striking the vehicle with his firearm and began using the firearm to shoot at Detective #1. Detective #1 returned fire. When the exchange of fire stopped, Mr. C returned to his vehicle and was pulled into the back by two companions.

Mr. C eventually died of a gunshot wound obtained during the exchange of gunfire with Detective #1.

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

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

RE: APD Case #21-0013737, IAFD Case #C2021-000084

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD 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 presentation would have happened before I joined CPOA.

My review of the evidence shows that on February 20, 2021, Officers #1 and 2 responded to a call about the subject, Mr. T, walking in the middle of the road impeding traffic. Both officers identified themselves as being police and told Mr. T that he needed to get out of the road. While Officer #1 returned to his vehicle and moved it, Officer #2 followed Mr. T down the street, repeating that he was from APD and informing Mr. T that he was being detained, that he was being recorded, and that he was not free to leave.

As Mr. T continued to ignore police commands, Officer #1 rejoined Officer #2 in following Mr. T down the road. Officer #1 again commanded Mr. T to stop walking and again identified himself as a police officer. Officer #2 called for an additional unit, noting that Mr. T appeared to have some sort of weapon in his hand.

Officer #2 told Mr. T that he needed to get out of traffic or he would get tased. Mr. T continued to ignore the officers. Officer #1 again instructed Mr. T to get out of the road. Officer #2 repeated that Mr. T needed to get out of the road or he would be tased.

At that point, Mr. T stopped in the middle of the road and turned around to face Officer #2 while brandishing a knife. Both officers instructed Mr. T to drop the knife. Officer #2 backed up to create more distance between himself and Mr. T. Officer #2 also raised his ECW to a ready position.

Mr. T turned around and began walking again. Officer #2 began following him again with his ECW trained on Mr. T. Officer #1 also followed. Officer #2 instructed Officer #1 to get his gun out.

Officer #2 again instructed Mr. T to drop the knife. Mr. T turned and charged at Officer #2, again appearing to brandish the knife. Officer #2 deployed his ECW, which appeared to have no effect on Mr. T.

Officer #2 ran to the sidewalk to create more distance between himself and Mr. T. Simultaneously, Mr. T turned his attention to Officer #1. As Officer #2 turned back around, Mr. T threw his knife at Officer #1. Both officers fired at Mr. T.

Mr. T was struck 8 times and wound up dying from his wounds. Officer #1 was struck on his arm by Mr. T's knife.

Finding: The CPOA finds that the first use of force in this matter (the use of the ECW by Officer #2) was, by a preponderance of the evidence, **within policy**. This use of force did not violate APD policies, procedures, or training.

Finding: The CPOA finds that the subsequent uses of force in this matter (the shots fired by Officers #1 and 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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Harold Medina, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case #21-0017967, IAFD Case #C2021-000125

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- IAFD Investigation Reports
- IAPS 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 presentation would have happened before I joined CPOA.

My review of the evidence shows that on March 7, 2021, Officer #1 conducted a traffic stop of the subject, Mr. G. Mr. G produced an ID for a Samuel Hodder. Officer #1 noticed that the photograph on the license did not appear to match the person he was interacting with.

When Officer #1 received confirmation that Samuel Hodder had reported both his driver's license and his concealed carry permit had been stolen, he opened the driver's side door of the vehicle and instructed Mr. G to exit the vehicle. When Mr. G put his keys back into the ignition and restarted the vehicle, Officer #1 reached into the vehicle in an apparent attempt to turn the vehicle back off.

Mr. G pulled away from the scene of the stop. Officer #1 fired multiple shots after the fleeing vehicle.

Mr. G was struck once, but survived his injury.

Finding: The CPOA finds that the use of force in this matter (the shots fired by Officer #1) were, by a preponderance of the evidence, **outside of policy**.

Sincerely,

Deirdre Ewing

Deirdre Ewing
Executive Director
Civilian Police Oversight Agency

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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