



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**      *Joanne Fine, Chair*      *Dr. Carlotta Garcia, Vice Chair*  
*Johnny Armijo*      *Susanne Brown*      *Eric H. Cruz*      *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*      *Leonard Waites*  
Edward Harness, Esq., Executive Director

May 18, 2017

Gorden Eden Jr., Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**Re: I-118-16**

Dear Chief Eden:

The shooting occurred on May 22, 2014. The investigation by conducted by the Multi-jurisdictional Investigative team concluded its investigation February 4, 2015. The Bernalillo County District Attorney released its findings of no criminal wrongdoing on May 6, 2016. Internal Affairs completed their review on March 10, 2017.

As to the officers who fired the shots,

### **§2-52-4 Deadly Force**

**A1: "The decision to use Deadly Force still falls under the general requirements for all uses of force as outlined in 2-52-3 of this policy. Additionally, the reasonableness of the officer's decision will include: 1. Reasonable belief the subject presents an immediate threat to cause serious physical injury to the officer, another officer, or another member of the public."**

**Finding:** Officer F resigned from the department effective January 3, 2016.

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

On Thursday, May 22, 2014, Officers F and G were dispatched to 2001 2<sup>nd</sup> St NW reference to a fight in progress. Details of the fight were a female was in an altercation with a male, the male had a knife. While responding to the area, dispatch advised officers the female was possibly raped by the male with the knife. The description provided was a male, medium build wearing a black shirt. The suspect was last seen walking southbound on 2<sup>nd</sup> St towards I40. Dispatch also advised a possible male victim entered the Freeway Liquor store bleeding from the neck.

Officer F arrived in the area of 2<sup>nd</sup> St and I40. He observed a male wearing a black shirt walking southbound on 2nd St. Officer F parked his vehicle, drew his weapon and engaged the subject, Ralph Chavez. Officer F observed a knife in Mr. Chavez's right hand. He also observed what appeared to be fresh blood on the knife and clothing of Mr. Chavez. Officer F commanded the subject to drop the knife and to stop walking towards him. The subject continued an erratic approach toward Officer F; meaning he would stop and then start again. Officer F while engaged with the subject with his weapon drawn continued to keep space between he and the subject. Officer F was retreating eastbound across 2<sup>nd</sup> St.

Officer G arrived on the scene as from the opposite direction on 2<sup>nd</sup> St. Officer G drew his weapon and engaged the subject. Officer G observed a knife in the right hand of the subject, along with what appeared to be fresh blood on his clothing.

On the available lapel video, officers can be heard asking the subject his name, pleading with the subject to drop the knife, telling the subject they don't want to shoot him. The subject can be heard yelling at the officers, 'Just shoot me'.

When both officers are in position as to not create crossfire, the subject is standing with the knife place against his throat. Both officers continue speak with the subject, telling him to drop the knife and get on the ground. Sgt. B arrived on scene.

Sgt. B exited her vehicle with the intention of establishing a force array. As she came around the back of her police vehicle, the subject advanced on Officers F & G. The officers discharged their weapons striking the subject. Officers hand cuffed the subject and rendered aid until the arrival of a rescue unit. The subject was transported to UNM hospital where he succumbed to his injuries.

### **Conclusion**

Officers were dispatched to a man with a knife. He had already severely injured and man and possibly raped a woman at knife point. Officers observed a man holding a knife with fresh blood on his clothing. The subject continued to advance on officers despite the officers' commands to drop the knife and get on the ground. The pavement on scene was wet from rain. Officers perceived a slip and fall could lead to their death or serious bodily injury.

Officers perceived they had no more room to retreat, nor could they disengage from this subject that posed a threat of death or serious injury to the officers and the public. The actions of the subject lead to the action taken by the officers. These are the factors that lead to my conclusion.

Review of the investigative file of Internal Affairs and any opinion expressed in this letter are pursuant to the duties of the CPOA as described in the POB Ordinance and are not intended for any other purpose.

Please contact me if there are questions or concerns. I look forward to your response to the concerns and recommendations contained in this letter.

Please ensure the findings are placed in the officer's retention file.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Edward Harness', with a stylized flourish at the end.

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