



## CIVILIAN POLICE OVERSIGHT AGENCY

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December 14, 2017

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

**Re: I-48-14**

Dear Chief Geier:

The shooting occurred on July 5, 2013. The Multi-jurisdictional Investigative team concluded its investigation December 16, 2013. The Bernalillo County District Attorney ruled on the use of Deadly Force August 15, 2015.

As to the officer's use of force, the policy in place at the time of the incident stated:

### **§2-52-3 Use of Deadly Force**

**B: "Officers are authorized to use Deadly Force. By any means in order to:**

- 1. Protect the officer or others from what is reasonable believed to be an immediate threat of death or serious physical injury;**
- 2. Prevent the escape of one reasonable believed to have committed a felony, but only when:**
  - a. There is probable cause to believe the suspect poses an immediate threat of death or serious physical injury to the officer or others."**

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[www.cabq.gov](http://www.cabq.gov)

**Finding:** The CPOA finds Officer B.'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.

**Finding:** The CPOA finds Officer W.'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.

### STATEMENT OF THE CASE

On July 5, 2013 officers were dispatched to 4601 San Mateo NE regarding a black male threatening two teenage boys with two large knives. Officer B located the subject at near the dispatched address. Officer B engaged with the subject, and the subject armed with two large knives, one in each hand advanced on Officer B. Multiple commands were given to the subject to drop the knives. Those commands were ignored. Officer W arrived on scene and observed the subject advancing towards Officer B. Officer W observed the subject was armed with two large knives, and advancing towards Officer B. Both officers discharged their service weapons striking the subject several times. The subject was transported to the hospital where he succumbed to his injuries.

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,



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