



## CIVILIAN POLICE OVERSIGHT AGENCY

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December 14, 2017

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

**Re: I-70-14**

Dear Chief Geier:

The shooting occurred on October 28, 2013. The Multi-jurisdictional Investigative team concluded its investigation December 10, 2013. The Bernalillo County District Attorney ruled on the use of Deadly Force August 16, 2016.

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."***

PO Box 1293

Albuquerque

NM 87103

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

**Finding:** The CPOA finds Officer P.'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 October 28, 2013 Officer T and P were dispatched to an automobile accident, automobile struck a pole at Washington and Central SE. The driver of the vehicle was reported to be staggering away from the scene wearing a black shirt, khaki shorts and armed with a handgun. While in route dispatch advised officers the driver was observed pointing a handgun at a female and a small child standing at a bus stop.

Officer P traveling westbound on Central observed the subject engaged in a conversation with a male. Officer P stopped, exited his vehicle, pulled his weapon and demanded the subject drop the gun. The subject refused and fled on foot. Officer P was able to identify the object in the subjects hand as a gun. Officer P gave chase on foot. The subject stopped, turned toward the officer, and raised the gun in the direction of Officer P. Officer P fired his service weapon wounding the subject.

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