

CIVILIAN POLICE OVERSIGHT AGENCY Board

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August 12, 2021

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

RE: APD Case # 19-0077270, IAFD Case # C2019-000072

Dear Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Criminalistics Reports
 - Crime scene photos
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- Multi Agency Task Force Reports
 - Office of Medical Investigators Report
 - Witness statements
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing April 23, 2020

My review of the evidence shows on July 17, 2018 the victim Mr. S. was suspected of waiving and pointing a weapon at vehicles as they passed his location at a bus stop 340 Eubank Bd. NE.

Officers #1-7 approached the subject from the north with a “force array” in a flank line formation. Officers failed to provide themselves any cover from potential gun fire from a suspect that reportedly was waiving and pointing a weapon at vehicles as the passed by.

Officers began shouting commands at Mr. S. with which he did not comply. As Mr. S. moved from a lying position on the sidewalk to a seated position on the bus stop bench he reached toward his waistband. Officer #1 fired his hand gun, Officer #2 fired his rifle, Officer #3 fired his rifle, Officer #4 attempted to fire his rifle (he had not chambered a round), Officer 5 fired his 40mm rifle.

Mr. S. died on scene.

Finding: The CPOA finds Officer 1’s conduct “**Sustained**,” where the investigation determines, by preponderance of the evidence, that the alleged misconduct did occur.

Finding: The CPOA finds Officer 2’s conduct “**Sustained**,” where the investigation determines, by preponderance of the evidence, that the alleged misconduct did occur.

Finding: The CPOA finds Officer 3’s conduct “**Sustained**,” where the investigation determines, by preponderance of the evidence, that the alleged misconduct did occur.

Finding: The CPOA finds Officer 4’s conduct “**Sustained**,” where the investigation determines, by preponderance of the evidence, that the alleged misconduct did occur.

Finding: The CPOA finds Officer 5’s conduct “**Exonerated**,” regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Finding: The CPOA finds Officer 6’s conduct “**Exonerated**,” regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

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