

CITY OF ALBUQUERQUE



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Edward Harness, Esq., Executive Director

February 9, 2017

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

Re: I-1-15

Dear Chief Eden:

The shooting occurred on December 8, 2013. The Multi-jurisdictional Investigative team concluded its investigation April 1, 2014. The Bernalillo County District Attorney ruled on the use of Deadly Force December 2, 2016.

PO Box 1293

As to the officers who used Deadly Force,

Albuquerque

§2-52-3 Use of Deadly Force

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

New Mexico 87103

- 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."**

www.cabq.gov

Finding: The CPOA finds Officer M.'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 December 8, 2013 Officers M & C were dispatched to 1720 Central Ave SE regarding a male adult armed with a hammer. The subject later identified as Andy Snider was described as an Anglo or Hispanic male, 30 years of age, 5'10", bald, tattoos on body, wearing blues jeans and a grey hoodie. Upon arrival officers spoke with a victim that stated "Sniper" struck him with a fist and a hammer. The victim showed injuries consistent with events as he described them.

Officers departed the 7-11 store to search the area for the suspect. Officer M recalled seeing a suspect matching the description at a nearby bus stop. Officers located the subject on Mesa and Gold. Officer M made contact with the subject by issuing verbal commands to show his hands and place them on top of his head. The subject fled on foot eastbound up an alley. Both officers pursued the subject, also on foot.

Officer M was armed with his service weapon. Officer C had his service weapon and a bean bag shotgun. The subject ran into an area that was a dead end. The subject attempted to conceal himself behind a car. Officer C approached with the bean bag shotgun pointed at the subject. Officer M approached from the other side of the vehicle with his service weapon drawn. Officers shouted commands for the subject to reveal himself from behind the car.

The subject charged at Officer C with a hammer in his right hand. The hammer was raised in a position above his head in what could be described as an aggressive striking position. Officer C discharged his bean bag shotgun four (4) times in an attempt to stop his advance. The bean bags did not stop the subjects charge at Officer C.

As the subject continued his charge closing distance on Officer C, Officer M discharged his service weapon four (4) times. Two of the shots struck the subject. At the time Officer M discharged his weapon the subject was within striking distance of Officer C. The subject continued charging a short distance and collapsed. The subject was later pronounced dead at UNM hospital.

I-1-15
February 9, 2017
Page 3

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 'E. Harness', with a stylized flourish at the end.

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