

CITY OF ALBUQUERQUE



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October 6, 2020

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

RE: APD Case # 18-0122233, IAFD Case # C2018-000100

Dear Interim Chief Medina:

My review of this case included:

- Responding to the incident and being briefed on December 23, 2018
- 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 March 26, 2020

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My review of the evidence shows on December 23, 2018 the victim (Mr. P) was operating a White Hyundai. The license plate of the vehicle was listed as a stolen vehicle. Officer #1 initiated a felony traffic stop.

During the felony traffic stop Mr. P did not cooperate with the commands of the officers on scene. Mr. P discharged a weapon from inside the vehicle. In response Officer #5 fired two (2) 40mm in an attempt to break out windows of the vehicle.

Mr. P discharged his weapon a second time causing the rear window to shatter. Officers 1, 2, 3, 4, and 5 discharged their service weapons at Mr. P. Mr. P exited the vehicle and collapsed. Officers attempted life saving measures, but Mr. P died at the scene.

Finding: The CPOA finds Officer 1'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 2'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 3'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 4'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 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.

Sincerely,

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