

CITY OF ALBUQUERQUE



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August 13, 2020

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

RE: APD Case # 19-0035838, IAFD Case # C2019-000029

Dear Chief Geier:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- Responding to the incident and being briefed on April 18, 2019
- 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 April 18, 2019 officers were dispatched to a home invasion robbery. Upon arrival officers observe Mr. D sitting on stairs outside of . Mr. D matches the description given of the offender.

Officers ask Mr. D to walk over and talk to them, and request he show them his hands. Mr. D fails to comply. Within a matter of minutes Mr. D raises and handgun a fires at the officers.

Officers seek cover. Mr. D begins to flee on foot westward through a parking area. Officers #1, 2, and 3 discharge their duty weapons striking Mr. D.

Officers take Mr. D into custody, and render medical treatment. Mr. D is transported the UNMH for treatment.

Albuquerque Police Department SOP 2-52-4 (3)(A)(ii) states in the context of Lethal Force – “Officers will adhere to all firearms safety rules as outlined in department training.”

Department personnel are trained to consider the back drop and surroundings when discharging their duty weapons.

The MATF investigation details several rounds impacted and penetrated

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

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

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

The investigation of this case by Albuquerque Police Department Internal Affairs Division is deficient. It did not interview the officers involved in this force incident. It relied on the statements given to the MATF Detectives. APD IA must interview the officers involved because the standard being examined is an administrative review, different than a criminal review. The investigation also failed to identify additional victims of force.

RECOMMENDATION: IAFD open a Force Investigation to identify victims of Lethal Force at _____ and evaluate the force used against those victims related to this incident.

Sincerely,



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