

CITY OF ALBUQUERQUE



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August 11, 2016

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

Re: I-37-15

Dear Chief Eden:

This case was received in our office on July 20, 2016. The shooting occurred on March 25, 2014. The investigation by conducted by the Multi-jurisdictional Investigative team concluded its investigation October 29, 2014. Internal Affairs completed their review on September 28, 2015.

PO Box 1293

The Bernalillo County District Attorney has not ruled on the use of deadly force.

Albuquerque

As to the officer who fired the shots,

§2-52-4 Deadly Force

New Mexico 87103

A1: "The decision to use Deadly Force still falls under the general requirements for all uses of force as outlined in 2-52-3 of this policy. Additionally, the reasonableness of the officer's decision will include: 1. Reasonable belief the subject presents an immediate threat to cause serious physical injury to the officer, another officer, or another member of the public."

www.cabq.gov

Finding: The CPOA finds Officer E.'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.

On March 25, 2014 Officer E. was dispatched to a call for service at 228 60th Street NW. The caller alleged a man, later identified as Alfred Redwine, confronted her 14 year old daughter with a gun. The confrontation took place in the parking area adjacent to the 60th Street address.

Upon arrival Officer E and Lt. S interviewed the caller who stated she also confronted MR. Redwine after speaking with her daughter and also observed he had a gun. Additionally, he threatened her with the gun before returning to the apartment next-door. Meanwhile Officers M., Officer D., Officer B., and Officer M. arrived on scene; Lt. S set-up a perimeter with the additional officers.

Once the perimeter was set APD began announcing, over a public address system, for Mr. Redwine to exit the apartment. These announcements were made every few minutes. At one point Mr. Redwine's sister arrived on scene. Lt S. spoke with the sister and learned her sons were in the apartment with Mr. Redwine. Lt. S. asked the sister to reach Mr. Redwine via cell phone to help gain his cooperation. Mr. Redwine's sister is irritated, combative, and fails to initially cooperate with the Lt's requests.

The sister does make eventually make contact with Mr. Redwine via cell phone. During this telephone conversation the nephews exit the apartment followed by Mr. Redwine. He is holding objects in each hand. In his left hand is a cell phone in his right is a black Ruger revolver .22 caliber. Mr. Redwine begins approaching the opening of the courtyard gate nearest Officer E. Officers are yelling commands to drop the gun. Mr. Redwine stops his approach and begins to yell at officers, still holding the gun to his temple. Shortly then after he lowers his right hand and discharges the revolver twice. Officer E in response fires his service rifle three times striking Mr. Redwine with all three shots.

There are two pieces of compelling evidence that lead to my conclusion. First, is the bystander cell phone video which clearly shows Mr. Redwine lower his right hand and discharge the revolver. Plumes of smoke are visible coming from the weapon as it discharges. Moments later Mr. Redwine collapses from being shot by the officer. Second, is the lapel video of Officer M. He is stationed to the north of Mr. Redwine as he is standing in the courtyard. At one point Mr. Redwine lowers the object in his left hand, the glow of a cell phone face is clearly visible. This refutes eyewitness testimony that Mr. Redwine only held a cell phone and it was in his right hand.

A preponderance of the evidence leads me to conclude the officer reasonably believed the person posed an immediate threat of death or serious physical injury to officers on scene. The officer reasonably believed the suspect was going to shoot him. The officer was authorized under those circumstances to use deadly force to protect himself and others from serious injury or death.

ISSUES OF CONCERN:

1. The investigation team never recovered the bullets fired by Mr. Redwine
2. The investigation team did not swab Mr. Redwine's hands for gunshot residue
3. My review of the incident revealed the presence of a minor child in Lt. S's squad. It does not appear an investigation into why the child was on scene during this incident was ever conducted. Additionally, it is not documented in this investigation.

RECOMMENDATION TO CHIEF

1. Review the investigation techniques utilized by the team to ensure completeness.
2. Initiate an investigation as to the presence of the minor child in Lt. S's squad on the night of March 25, 2014

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