

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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December 10, 2020

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

**RE: APD Case # 19-0029519, IAFD Case # C2019-000023**

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attending the Force Review Board Briefing December 5, 2019

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

My review of the evidence shows on March 30, 2019 the victim (Mr. E) was observed operating a silver truck matching the description of a truck used in an armed kidnapping the previous day. APD officers utilized a spike belt and Star Chase to stop the truck and conduct a traffic stop. Mr. E refused to exit the vehicle. A tactical activation was authorized.

An eCIT officer contacts Mr. E via telephone. During this phone conversation Mr. E states, he has a handgun on his lap. After approximately 50 minutes on the phone with the officer Mr. E exits the vehicle, but refuses to move away from the vehicle. He is standing directly next to the vehicle with the driver's side door open. He is commanded not to reach back into the vehicle. When officers observed him move back into the vehicle, the K9 was deployed,

grabbing Mr E. on his left ankle and dragging him away from the vehicle. He was placed under arrest.

**Finding:** The CPOA finds Sergeant 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.

Sincerely,

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