

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt

Chantal M. Galloway

Douglas Mitchell

Eric Nixon

Edward Harness, Executive Director

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 # 19-0063551, IAFD Case # C2019-000058

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- 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
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing January 9, 2020

My review of the evidence shows on June 29, 2019 APD officers were dispatched to a possible down and out call, for a vehicle parked at . The victim (Mr. V) was observed, by APD officers, asleep in the driver's seat of the aforementioned vehicle. Adjacent to Mr. V. in plain view was drug paraphernalia.

Mr. V. was removed from the vehicle, placed under arrest and handcuffed. During the custodial search Mr. V failed to cooperate with Officer 1 during this search. Mr. V physically interfered with Officer 1's ability to search his pockets. Officer 1 used a leg sweep to take Mr. V. to the ground to gain control and complete the search.

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.

Sincerely,

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