

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Civilian Police Oversight Agency Board**

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Deirdre Ewing, Executive Director

November 15, 2022

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

**RE: APD Case #18-0110490, IAFD Case #C2018-000090**

Dear Chief Medina,

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Reports
- CIRT Investigation Reports
- Multi-Agency Task Force Reports
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- FRB slideshow

Please note that this is an older case and that the Force Review Board would have been attended by my predecessor, former Executive Director Ed Harness.

My review of the evidence shows that on November 18, 2018, police received a call about a domestic disturbance in which the subject, Mr. J, was highly intoxicated and making threats with a fire arm. By the time officers arrived on scene, the home in which the domestic situation had been unfolding had been vacated by Mr. J's wife and children, who took shelter at a neighbor's home across the street.

Upon arrival, Officer #1, who was CIT trained, began engaging Mr. J in conversation and working to deescalate the situation. Mr. J asked to speak with an officer he knew from his National Guard Unit. Officer #1 explained that this officer had retired, but asked about other APD officers in his unit in an attempt at rapport building. During this conversation, Officer #1 repeatedly asked Mr. J to show police his hands. Mr. J

repeatedly refused and made threats towards officers. This conversation went on for several minutes.

Officer #1 continued the conversation, assuring Mr. J that police didn't want to hurt him and that they just wanted to talk to him without the gun. During this conversation, Officer #2 noticed Mr. J pointing his gun at officers. Officer #2 responded by firing a single round at Mr. J. Officers were unclear at this point whether or not Mr. J had been struck by the shot.

As Sergeant #1 was radioing dispatch that a shot had been fired, Mr. J opened fire on officers, firing several shots in their direction. When there was a brief pause in the shooting from Mr. J, Officer #2 returned fire, firing nine shots back at Mr. J. At this point, Mr. J fled back into the house.

Mr. J eventually surrendered to officers. He was transported for medical treatment of a gunshot wound to his arm. Mr. J survived his injury and his criminal charges from this matter are still pending.

**Finding:** The CPOA finds that the uses of force in this matter (the shots fired by Officer #2) were, by a preponderance of the evidence, **within policy**. These uses of force did not violate APD policies, procedures, or training.

Sincerely,



Deirdre Ewing  
Executive Director  
Civilian Police Oversight Agency