



**City of Albuquerque  
Civilian Police Oversight Agency**

**Richard J. Berry, Mayor**

**Edward W. Harness, Esq., Executive Director**

**Interoffice Memorandum**

**June 30, 2016**

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**To: Gorden Eden Jr. – Chief of Police Albuquerque Police Department**

**From: Edward W. Harness, Esq., Executive Director**

**Subject: C-005-16**

Chief Eden:

After reviewing the investigative materials in C-005-16 I recommend an Internal Investigation regarding the actions of Officer K and Investigator B.

1. Officer K's description of events doesn't make sense and appear to be untruthful. A review of the lapel video does not support the officer's statements.
  - a. The subject is a highly intoxicated individual that does not engage the ignition of the vehicle in an attempt to flee, i.e. a dome light does not come on when one starts a car. The attempt to flee is the premise for the initial use of force.
  - b. The initial use of force is not an arm bar, but was an escort hold.
  - c. The subject is taken to the ground and never hand cuffed
  - d. The subject is never patted down for weapons.
    - i. The subject is allowed to lie on the ground without being handcuffed with other officers on the scene for over 10 minutes.
2. Investigator B. reviews this case under the use of force policy in effect 4-1-2016, this incident occurred 1-29-2016
  - a. I question Investigator B's review of the entire incident, including but not limited to the wrong policy, the lack of consistency between the officer's actions and his statements, the actual evaluation of force used, and lack of comment on officer safety.

Based upon my review of this investigation I recommend the initiation of an internal investigation based upon the issues stated above.

Edward W. Harness, Esq.  
Executive Director  
CPOA