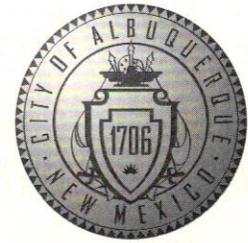


CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

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July 9, 2020

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

RE: APD Case # 18-00582142, IAFD Case # C2018-0051

Dear Chief Geier:

My review of this case includes:

- Responding to the incident and being briefed on June 16, 2018
- 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
- Multi Agency Task Force Reports
 - Office of Medical Investigators Report
 - Witness statements
- On Body Recording Device (OBRD) Videos
- APD Policy 2-52 Use of Force
- APD Policy 2-8 On Body Recording Device (OBRD)
- APD Policy 2-12 Pursuit Intervention Technique (PIT)
- APD Policy 2-11 Tire Deflation Device
- APD Policy 2-3 Firearms and Ammunition Authorization
- APD Policy 2-45 Pursuit by Motor Vehicle
- Attending the Force Review Board Briefing January 30, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on June 16, 2018 the victim (Mr. R) of this shooting committed an Armed Robbery at a cell phone store. Because he stole recently activated cell phones, officers were able to electronically trace the stolen phones to a van he operated.

APD officers attempted a traffic stop and the van fled. Officers deployed a spike belt, deflating the left front tire. The van continued its flight from officers. A vehicle pursuit was authorized. Mr. R continued to flee from officers in the van and began shooting at officers with a handgun from the driver side window.

A PIT maneuver was executed by Sergeant 1. The PIT failed to stop the vehicle. After the failed PIT maneuver, the van continued moving in the direction of Sergeant 1. Officer 1 exited his police squad and fired his department issued rifle at Mr. R. Those shots failed to stop Mr. R as he continued to operate his van in flight of police.

A second PIT maneuver was executed by Sergeant 1; that PIT also failed to stop the vehicle. Mr. R continued his flight from officers.

A third PIT maneuver was executed by Officer 1; that PIT disabled the vehicle. Mr. R exited the van and fled on foot. Officer 1 gave pursuit also on foot. Mr. R entered a grocery store parking lot. Officer 1 gave him lawful commands to "stop or you're going to get shot". Mr. R continued to flee stating "I've got a gun" and reaching towards his waist. Mr. R continued to flee. Officer 1 discharged his department issued handgun. APD officers attempted life saving measures, but Mr. R died at the scene.

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.

Finding: The CPOA finds Sergeant 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 W. Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770