

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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August 13, 2020

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

**RE: APD Case # 18-0118590, IAFD Case # C2018-000097**

Dear Chief Geier:

My review of this case included:

- Responding to the incident and being briefed on December 12, 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 Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing February 20, 2020

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My review of the evidence shows on December 12, 2018 the victim (Mr. R) approached Ms. H. with a handgun and tried to rob her. He fled that scene in the arroyo near San Mateo and Montgomery. Ms. H gave responding officers a description, while a Mr. W who observed the attempted robbery called 911 and gave officers details on Mr. R's escape route.

As Mr. R continued to flee the robbery scene he is confronted by Officer #2. Mr. R disregards the commands of Officer #2 to stop and get on the ground. Instead Mr. R continues to flee eastbound, climbing a wall and jumping into the back yard of a residence on Kiowa Ave NE.

A civilian, Mr. H. contacts APD Officer #4 stating Mr. R jumped into the back yard where his children were home. Also, that Mr. R had shot and killed the family dog. Officer #4 advises other officers on the scene of these details.

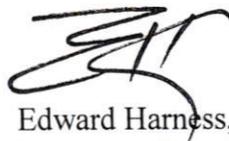
Officers #1 and #2 enter an adjacent backyard to search for Mr. R. Officers announce their presence in the backyard and command Mr. R to show himself. Mr. R. is observed hiding behind a wheelbarrow, holding a handgun, pointed at Officer #1. Officers #1 discharges his duty weapon.

Officers render medical treatment, but Mr. R dies 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.

The investigation of this case by Albuquerque Police Department Internal Affairs Division is deficient. It did not interview the officers involved in this force incident. It relied on the statements given to the MATF Detectives. APD IA must interview the officers involved because the standard being examined is an administrative review, different than a criminal review.

Sincerely,



Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
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