
I-171-24

Chief of Police Harold Medina

Commander Benito Martinez

LIEUTENANT JAMES ORTIZ
INTERNAL AFFAIRS PROFESSIONAL STANDARDS

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EXECUTIVE SUMMARY

On February 17, 2024, APD Chief of Police Harold Medina was involved in a traffic collision at the intersection of Central Ave., NE and Alvarado Dr., NE. Chief Medina, who was accompanied by his wife, was in the area for a previously scheduled press conference. While Chief Medina, in his unmarked police vehicle, was stopped for a red light at the intersection, a physical altercation between two individuals occurred near the northwest corner of the intersection. One of the individuals pulled out a gun and fired one round. Chief Medina observed the individual pointing the gun in an easterly direction which was where Chief Medina's vehicle was stopped at the light. Chief Medina described himself as being "in the backdrop" if any further rounds were to be fired. Chief Medina drove south, running the red light without emergency equipment engaged, and collided with a gold Mustang that was traveling eastbound on Central Avenue. The crash victim was transported to the hospital and was later determined to have sustained serious physical injuries.

Allegations were made that Chief Medina was not acting above reproach after the crash occurred while still on scene. An allegation was made against Commander Benito Martinez that he violated the Crash Review Board SOP by hearing a serious physical injury crash investigation.

The IAPS investigation determined that **Chief Harold Medina** violated **Department Procedural Order 2-8-5.A** by not activating his On-Body Recording Device (OBRD) during a law enforcement encounter.

- Chief Medina's OBRD was completely powered off while he was operating his Department issued vehicle and the OBRD was not in "buffer mode." Buffer Mode is a pre-recording mode in which the OBRD is powered on and has not been activated to record. The operation LED (light) will blink green. The OBRD captures video but no audio. The OBRD is required to be carried in buffer mode while an officer is in uniform. Uniformed Personnel are defined by policy as sworn personnel who wear a Department authorized uniform. This includes the alternate duty uniform the Chief of Police was wearing that day. There is an exception to carrying the OBRD in buffer mode if the sworn personnel are working in an administrative capacity. Those working in an administrative capacity are still required to activate their OBRD for mandatory recording events. Traffic crashes are, by policy, considered a mandatory recording event.

- Chief Medina cited [REDACTED]

[REDACTED] However, this investigator noted that APD SOP 2-8 does not provide for non-recording based on spousal privilege.

- Chief Medina indicated he powered his body camera on to prove he had it with him, but he intentionally and purposefully did not record the interaction of the crash because he was invoking his 5th Amendment right not to self-incriminate, claiming that anything he said on video could be used against him in a criminal prosecution. The investigator noted that APD SOPs are frequently more restrictive than case law and local statutes or ordinances. APD SOP does not allow for officers not to record mandatory recording incidents based on the fact that the evidence captured on that video may be used in a subsequent criminal investigation.

The IAPS investigation determined that **Chief Harold Medina** violated **Department Procedural Order 2-5-4.A.3** by driving his vehicle in an unsafe manner and running a red light, resulting in a vehicle collision with serious physical injuries to the victim.

The IAPS investigation determined that **Chief Harold Medina** did not violate **Department Procedural Order 2-6-4.A.1** and the finding was UNFOUNDE concerning not using authorized emergency warning equipment. Chief Medina was acting in response to an emergency situation when he entered an intersection and collided with another vehicle. Chief Medina was not responding to an emergency situation and was reacting to the violent actions occurring concerning the aggravated assault while getting himself and his passenger out of the line of fire due to being behind the intended victim when the situation occurred. .

The IAPS investigation determined that **Chief Harold Medina** did not violate **Department General Order 1-1-6.A.1** and the allegation was unfounded.

- Chief Medina emphasized the potential for misunderstanding when capturing a moment or place without context, explaining that his laughter was not directed at the victim's injuries. He clarified that his strong relationship with the Mayor, who expressed relief and gratitude that the Chief was unharmed, underscored the seriousness of the incident. Chief Medina highlighted his involvement in the critical situation, stressing the gravity and sensitivity of the circumstances.

The IAPS investigation determined that Commander Benito Martinez violated **Department Procedural Order 2-50-4.C.1.b** by permitting Chief Medina's crash to be reviewed by the Crash Review Board (CRB), despite the fact that SOP 2-50 prohibited the CRB from hearing serious injury crashes.

James Ortiz

Lieutenant James Ortiz
Internal Affairs Professional Standards

INVOLVED PERSONS

- **Complainant**
 - Major Jimmy Collins
- **Subject (Interviewed)**
 - Chief of Police Harold Medina, Interviewed
 - Commander Benito Martinez, Interviewed
- **Witnesses (Interviewed, chronological)**
 - Sergeant Joann Lopez
 - Sergeant Kevin Hernandez
 - Officer Howard Perry
 - Officer Zachary Earles
 - Officer Manuel Lara
 - Sergeant James Burton
 - Detective Leah Wise
 - Detective Efrain Martinez
 - Major Jimmy Collins
 - Audrianna Chavez
 - Detective Robert Carlson
 - Stephanie Griego
- **Ancillary Personnel (Not interviewed)**
 - Air Support
 - Matthew Goff
 - Command Staff Personnel
 - Commander Michael Hernandez
 - Fatal Crash Unit
 - Officer William Jackson, primary investigator
 - Officer Courtney Wells
 - Aaron Wroten, Reconstructionist
 - Field Services Bureau
 - Lieutenant Roger Legendre (retired, unable to interview)
 - Officer Bianca Carrier
 - PSA Diana Chavez
 - PSA Rafael Cardenas-Garcia
 - PSA Vicente Martinez
 - PSA William Allen
 - PSA McKenzie Jaramillo
 - PSA Angelo Santistevan

- Real Time Crime Center
 - Struan Robertson
- Special Investigations Personnel
 - Detective Phillip Meier
- Traffic Division
 - Officer Steven Reazin
 - Officer Gabriel Sanchez

ISSUES OF CONCERN

Chief of Police Harold Medina

1. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department Procedural Order 2-8-5.A? Department Procedural Order 2-8-5.A states:

2-8: Use of On-Body Recording Devices

2-8-5: Mandatory Recording

2-8-5.A: Department personnel shall activate their OBRD for any call for service that involves a law enforcement encounter, for any other law enforcement encounters that involve contact with community members, and for any investigative encounters involving community members. [6] (Effective 12/20/2023).

2. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department Procedural Order 2-5-4.A.3? Department Procedural Order 2-5-4.A.3 states:

2-5: Department Vehicles

2-5-4: General Procedures for Department-Issued Vehicles

2-5-4.A: Department personnel shall:

2-5-4.A.3: Operate their vehicle in a safe manner while on- and off-duty [6] (Effective 04/20/2023).

3. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department Procedural Order 2-6-4.A.1? Department Procedural Order 2-6-4.A.1 states:

2-6: Use of Emergency Warning Equipment

2-6-4: Procedures

2-6-4.A: Authority for Code Response

2-6-4.A.1: When sworn personnel respond to an emergency call, or when in pursuit of an individual who has violated or is suspected of violating a law, sworn personnel shall be authorized to exercise the right-of-way privilege, pursuant to the New Mexico state statute

on authorized emergency vehicles, if the officer is driving an authorized emergency vehicle and properly using authorized emergency warning equipment. This authority does not: Relieve the officer who is driving an authorized emergency vehicle from the duty to drive with due regard for the safety of others, or protect the officer from the consequences of reckless disregard for the safety of others. [6] (Effective 08/31/2023).

4. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department General Order 1-1-6.A.1? Department General Order 1-1-6.A.1 states:

1-1: Personnel Code of Conduct

1-1-6: Professional Conduct While On- and Off-Duty

1-1-6.A: Honesty, Integrity, and Accountability

1-1-6.A.1: All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that: may cast doubt on their integrity, or honesty, brings discredit to the department, or impairs the Department's efficient and effective operation. [5] (Effective 02/14/2023).

ISSUES OF CONCERN

Commander Benito Martinez

1. Did **Commander Benito Martinez** comply with Albuquerque Police Department Procedural Order 2-50-4.C.1.b? Department Procedural Order 2-50-4.C.1.b states:

2-50: Crash Review Board (CRB)

2-50-4: Rules

2-50-4.C: Reviewing Crashes that Involve Department-Issued Vehicles

2-50-4.C.1: When reviewing Department-issued vehicle crashes, CRB personnel shall:

2-50-4-C.1.b: Review each Department-issued vehicle crash not resulting in a fatality or serious injury, and determine whether the crash was a preventable crash, a non-preventable crash, or a non-crash. [6] (Effective 02/14/2023).

INVESTIGATIVE REPORT

Administrative Investigation

On February 26, 2024, I, Lieutenant James Ortiz, assumed investigative responsibilities for this incident. My focus was directed towards the alleged policy violations described, with the objective of gathering the evidence essential for formulating the preponderance-based conclusions detailed within the case documentation.

The IAPS investigation included interviews with numerous witnesses, officers, detectives, command staff personnel and the investigation examined various evidence sources, such as OBRD footage, Computer Aided Dispatch (CAD) reports, surveillance footage, and media articles.

Vehicle Crash Report BlueTeam (VC)

On February 17, 2024 at approximately 1018 hours, Sergeant Kevin Hernandez submitted a BlueTeam Vehicle Crash Report (VC). The following is a summary of that submitted report:

On February 17, 2024 at approximately 0919 hours at Central and Alvarado NE, Chief Medina reported via police radio that he was involved in a vehicle crash and had witnessed a subject firing a firearm at another subject before the collision. Chief attempted to evade the gunfire by driving south into the intersection, resulting in a collision with another vehicle. APD Motors were requested to lead the investigation into the vehicle crash.

Chief Medina clarified that the incident was neither an Officer-Involved Shooting (OIS) nor a show of force. The other party in the collision was transported to the hospital, and both vehicles were significantly damaged. Sgt. Hernandez stayed on the scene overseeing the motors callout and shooting investigation.

Sgt. Hernandez was aware Chief Medina did not record On-Body Recording Device (OBRD) footage of the incident. Sgt. Hernandez had limited overall review of the incident, but believed Chief Medina was confronted with a violent crime and tried to escape the line of fire, leading to the crash. After the crash, officers arrived within minutes, took control of the scene, and Chief Medina no longer had a mandatory recording event. There was evidence of gunfire at the scene, including a casing and a shot spotter activation. **(Refer to Vehicle Crash BlueTeam)**

Internal Affairs Request (IAR)

On February 17, 2024 at approximately 1813 hours, Major James Collins submitted a BlueTeam Internal Affairs Request (IAR) for investigation. The following is a summary:

Harold Medina, 2-8-5A - Mandatory Recording **(Refer to IA Request Report BlueTeam)**

Evidence Reviewed

As part of my investigation into this complaint, I obtained and reviewed the following:

- Administrative Memorandums
 - Chief Injury Report
 - Chief Post Accident Decision Making Form
 - Department Memorandum DM 24-24 March 6, 2024
- BlueTeam
 - IA Investigation Report BlueTeam 2-20-2024
 - IA Request Report BlueTeam 2-17-2024
 - Vehicle Crash Report BlueTeam 2-17-2024
- CADs
 - CAD 45 240480437
 - CAD 64 (45) 240480446
 - CAD 27-8 240480461
 - CAD 64 (27-8) 240480467
 - CAD 39-3S 240480436
 - CAD 25 240511159
 - CAD 25 240540320
 - CAD History Medina 2-17-2024
- Citizen Police Complaints (CPC)
 - CPC Referral 3-2-2024
 - CPC Referral 3-9-2024
- Email
 - Attorney Client Privilege I-171-24
 - Email RE: Todd Perchert (tacinjurylaw)
 - Seatbelt Email Dated 5-3-2024
- IAPS Evidence-Audit Trail
 - Axon 4 Assignment Screenshot
 - Evidence.com Search Results 2-17-2024
 - Reports_deviceAuditTrail_2024_05-29-01-12-22.UTC
- IAPS Evidence-ECC Audio-911 Calls
 - 240480437_CT_13_0919_TO_0921
 - 240480437_CT_16_0918_TO_0921
 - 240480437_CT_18_0919_TO_0922
 - 240480437_CT_6_1049_TO_1051
 - 240511159_CT_19_1436_TO_1442
 - 240540320_CT_5_0712_TO_0721

- IAPS Evidence-OBRD
 - All OBRD and Surveillance Footage
 - Sgt. Hernandez 1
 - Sgt. Hernandez 2
 - Sgt. Hernandez 3
 - Sgt. Lopez 1
 - Sgt. Lopez 2
 - Sgt. Lopez 3
- Evidence-Other Invest Material
 - Major update I-391
 - Chief Medina Speaks
- Interview-Interview Recordings
 - Attorney Inquiry
 - Audrianna Chavez Interview
 - Chief Harold Medina Interview
 - Det. Efrain Martinez Interview
 - Det. Leah Wise Interview
 - Det. Robert Carlson Interview
 - Major Jimmy Collins Interview
 - Ofc. Howard Perry Interview
 - Ofc. Manuel Lara Interview
 - Ofc. Zachary Earles Interview
 - Sgt. James Burton Interview
 - Stephanie Griego Interview
 - Cmdr. Benito Martinez Interview 1
 - Cmdr. Benito Martinez Interview 2
 - Sgt. Joann Lopez Interview
 - Sgt. Kevin Hernandez Interview
- IAPS Prelim-Extension Memo
 - I2024-171 Extension Memorandum Dated 5-16-2024
- Prelim-SOP
 - 1-6-4.B.1 Patrol Ride-Along Program
 - APOA CBA Section 25 Take Home Car Plan
 - 2-7-4.B.1 Damage to Civilian Property
 - Ride Along Request Form PD1002
 - 2-50-4.C.1.b Crash Review Board (CRB)
 - 1-1-6.A.1 Personnel Code of Conduct
 - 2-5-4.A.3 Department Vehicles
 - 2-6-4.A Use of Emergency Warning Equipment

- 2-8-5.A Use of On-Body Recording Devices
- Media
 - KOAT:<https://www.koat.com/article/albuquerque-police-chief-crash-non-preventable/60401788>
 - KOAT: <https://www.koat.com/article/how-much-could-chief-medinas-crash-cost-the-city/60415085>
 - 1 News articles and stories related to Albuquerque Chief of Police Harold Medina
 - ABQ Raw [apd-releases-new-details-from-apd-chief-medina-s-car-crash-into-a-civilian](#)
 - ABQ RAW [apd-releases-video-of-chief-medina-s-crash-critically-injuring-a-citizen 1](#)
 - ABQ Raw [chief-medina-and-his-wife-patrolling-the-war-zone-allegedly-gets-shot-at-crashes-into-classic-musta](#)
 - ABQ RAW [post apd-releases-new-details-from-apd-chief-medina-s-car-crash-into-a-civilian Suspect](#)
 - ABQ RAW [post apd-releases-new-details-from-apd-chief-medina-s-car-crash-into-a-civilian Suspect Vehicle](#)
 - ABQ Raw [Post opinion-medina-is-not-a-hero](#)
 - ABQ Raw [wild-car-crash-and-shootout-happens-down-the-street-before-mayor-keller-s-press-conference-new-con](#)
 - [abqraw_com-post-apd-releases-new-details-from-apd-chief-medina-s-car-crash-into-a-civilian](#)
 - [abqraw_com-post-apd-releases-video-of-chief-medina-s-crash-critically-injuring-a-citizen](#)
 - [abqraw_com-post-chief-medina-and-his-wife-patrolling-the-war-zone-allegedly-gets-shot-at-crashes-into-classic-musta](#)
 - [abqraw_com-post-wild-car-crash-and-shootout-happens-down-the-street-before-mayor-keller-s-press-conference-news-con](#)
 - Albuquerque Journal Pete Dinelli Guest Opinion Column “Chief Medina Should Be Fired And Prosecuted In Connection to Crash” _
 - KOAT [Victim of crash involving Albuquerque police chief demands accountability 3-27-2024](#)
- NMSA
 - NMSA 1978 66-7-104
 - NMSA 1978 66-7-105C1
 - NMSA 1978 66-7-6
 - NMSA 1978 66-8-101
 - NMSA 1978 66-8-113
 - NMSA 1978 66-8-114

- NMSA 1978 66-8-116
- State v_ Harris
- State v_ Yarborough
- State v_ Yazzie

- Other Investigative Material
 - IMR 18 Page 107-110
 - Attorney James Tawney 505-587-1719

- Photos
 - 24-0013747 Jerdino
 - 24-0013747 Montoya
 - 24-0013749 Wood
 - 24-0013749 Biddinger

- Serious Injury Crash Investigation
 - CADs
 - Fatal Support Finished
 - NMUCR NMDOT Report-71102380 - REAZIN, STEVEN
 - NMUCR Supplemental Narrative Report-240013749 - SAVEDRA, VICTOR
 - NMUCR Supplemental Narrative Report-71102380 - CASTILLO, HALEY
 - NMUCR Supplemental Narrative Report-71110238 - CARRIER, BIANCA
 - NMUCR Supplemental Narrative Report-711102380 - ALLEN, WILLIAM
 - NMUCR Supplemental Narrative Report-711102380 - CHAVEZ, DIANA
 - NMUCR Supplemental Narrative Report-711102380 - EARLES, ZACHARY
 - NMUCR Supplemental Narrative Report-711102380 - HERNANDEZ, KEVIN
 - NMUCR Supplemental Narrative Report-711102380 - JARAMILLO, MCKENZIE
 - NMUCR Supplemental Narrative Report-711102380 - MARTINEZ, VICENTE
 - NMUCR Supplemental Narrative Report-711102380 - PERRY, HOWARD
 - NMUCR Supplemental Narrative Report-711102380 - SANCHEZ, GABRIEL
 - NMUCR Supplemental Narrative Report-711102380 - WROTEN, AARON
 - Serious Injury Crash – Event Diagram
 - Serious Injury Crash – Scene Diagram
 - Updated Fatal Support

- Shooting Incident Investigation
 - 1000000345
 - 1000000346
 - 1000000347
 - 1000000348
 - 1000000349
 - 24-0013747 Arrest Warrant T4FR202403177

- 24-0013747 Criminal Complaint Michael Mountjoy
- 24-0013747 Diagram 1
- 24-0013747 Shot Spotter 576-370090
- 24-0013747 Diagram 2
- 24-0039630 Booking Sheet Michael Mountjoy
- 240480461_DP_SE_0930_TO_1414
- Report _ 240013747 – Combined Reports
- Surveillance Footage
 - Envios_El_Rey_east_facing_camera-vehicle_crash
 - Tewa_Lodge_Northeast_Facing_Camera_Snippet
 - Trujillo_Family_Funeral_Home-Wide_Angle
 - Trujillo_Family_Funeral_Home-Zoomed
 - ART camera Central and San Pedro South @4:40
- Target Letter
 - Martinez SOI Letter I2024-171 Emailed 5-10-2024
 - I171 SOI Email Martinez 5-10-2024
 - I171 SOI Email Martinez Read Receipt 5-10-2024
 - I171 SOI Email Martinez Response 5-10-2024
 - Medina SOI Letter I2024-171 Emailed 2-28-2024
 - I171 SOI Email Medina 2-28-2024
 - SOI Email Medina Read Receipt 2-28-2024
 - Medina SOI Letter AMENDED I2024-171 Emailed 2-28-2024
 - I171 SOI Email Medina AMENDED 2-28-2024
 - I171 SOI Email Medina AMENDED Read Receipt 2-28-2024
 - I171 SOI Email Medina AMENDED Response 2-28-2024
 - Medina SOI Letter SECOND AMENDED I2024-171 Emailed 6-5-2024
 - I171 SOI Email Medina SECOND AMENDED 6-5-2024
 - I171 SOI Email Medina SECOND AMENDED Read Receipt 6-5-2024
- Vehicle Crash
 - VC excel sheet example
 - VC level
 - VC Minutes example

Summary of Evidence

The following is an explanation of the collected and reviewed evidence:

CAD (Computer Aided Dispatch)

CAD 45 – Traff Acc Injury 240480437

CAD 240480437 was created on February 17, 2024 at 0919 hours and was categorized as a Traffic Accident with Injury.

The document is a detailed history of a police event that occurred on 02/17/2024 at 09:19:27 at the location of Central Avenue, NE and Alvarado Drive NE, Albuquerque. The event involved a traffic accident with injuries, a shooting, and a search for a suspect.

Units and agencies involved: The event was handled by multiple units and agencies, including APD, Albuquerque Fire Rescue (AFR), Transit Department, and ShotSpotter. The primary unit was 775, and the incident commander was S32. The case number was AP240013749.

Suspect description and direction: The suspect was described as a white male with long hair, armed with a handgun, who shot at a black male. The suspect fled westbound on Central Avenue in a black pickup truck.

Scene and perimeter: Several units and officers blocked the scene of the accident and shooting, setting up a perimeter and checking for cameras. All westbound and eastbound lanes of Central Avenue were closed at various points. The media was staged at Central Avenue and Valencia Drive. AFR and the Transit Department were also notified and assisted.

(Refer to CAD 10-45 240480437)

CAD 64 – Crime Scene Investigation 240480446

The document is a detailed history report for a police event with the number P240480446, which involved a crime scene investigation and an accident with injuries. The event was related to another police event with the number P240480437, which involved shots being fired.

Event closure: The event was closed on 02/17/2024 at 11:26:45 by unit CS28 with the disposition code 42, which means a police report was written. Unit CS28 uploaded photos of the intersection and both vehicles involved in the accident. Unit CS23 uploaded photos of the driver of the gold Mustang, who was injured in the accident. The case number for the accident was AP240013749, and the Tracs number was 711102380.

(Refer to CAD 10-64 240480446)

CAD 27-8 240480461

The document is a detailed history of a police event with the number P240480461, which involved a shooting at the location of Central Ave. NE and Alvarado Dr. NE, Albuquerque on 2/17/2024.

The primary unit for the event was B336, which was identified as Ofc. Manuel Lara #6810. The event was assigned the case number AP240013747.

The document lists contact information for three responsible parties (RPs) who were contacts for nearby local businesses. The businesses were described as potentially having surveillance footage related to the shooting and were identified as: Envios El Rey, Tewa Lodge, and Cafe De Lat.

(Refer to CAD 27-8 240480461)

CAD 64 240480467

The document is a detailed history for a police event with the number P240480467 that occurred on 02/17/2024. The event type was a crime scene investigation initially created at the location of Central Avenue, NE and Palomas Dr. NE, Albuquerque. However, the location was an error, and the correct location was updated to reflect Central Ave. NE and Alvarado Dr. NE (Just North).

The prime unit for the event was CS22, who was identified as Adrian Montoya #5915. The secondary unit involved was CS26, who was identified as Laura Laskar #6484. Both units were dispatched and enroute at 09:48. CS22 arrived on the scene at 10:12 and closed the event at 11:35 with the disposition code 42.

Unit "B336," identified as Manuel Lara #6810, was re-logged as Unit CS22 at approximately 10:47:37. It was important to note this was a clerical error, and the correct designation for Manuel Lara #6810 was B336.

10:47:24	HOLD	
10:47:37	*MISC	CS22 Comment:P6810 OperNames:LARA,MANUEL (ECIT)
10:56:42	HOLD	

The CAD event utilized the case number AP240013747. One casing (c-1) of 9mm caliber was collected from the crime scene. No impacts were found.

(Refer to CAD 10-64 240480467)

CAD 39-3S 240480436

The document is a detailed history for a police event with the number P240480436, created on 02/17/2024 at 09:19:05.

The event type is 39-3S, which means shots fired/Shotspotter and the location address was [REDACTED] Central Avenue NE, the Northwest corner of Central Ave. NE and Alvarado Dr. NE

The event was cross-referenced with another event with the number P240480461. The event type was 27-8, which means "Shooting."

(Refer to CAD 39-3S 240480436)

CAD 25 240511159

The document is a detailed history for a police event with the number P240511159, which involved a citizen contact that was created on 2/20/2024.

The event originated when a caller was transferred from Crime Stoppers. The caller reported that a possible suspect with similar features and vehicle from the incident with the chief was often seen in the area of her neighborhood.

The location provided was 501 Amherst Dr. SE. The vehicle was described as a white Ford pickup truck, possibly 250 or 350, with a camper shell. The suspect was described as a white male, 35-40 years old, with a red beard.

(Refer to CAD 10-25 240411159)

CAD 25 240540320

The document is a detailed history for a police event with the number P240540320, which involved a citizen contact that was created on 2/23/2024.

The location of the event was The Village at Sandia Apartments, 12901 Central Ave. NE. The caller was a security guard who claimed to have seen the same subject and vehicle from the news media story approximately two months before it aired.

The vehicle involved was described as a white Nissan pickup with bearing New Mexico license plate number LDX463. The subject was described as a white male, aged 40-50, with blond hair, slim build, and a goatee.

(Refer to CAD 10-25 240540320)

CAD History Medina 2-17-2024

The document is a CAD detailed history of a police unit (CAR1) that was involved in a shooting incident with a suspect who was armed with a handgun and fled on foot. The unit call sign was CAR1 which was assigned to Chief Harold Medina. Chief Medina was logged on the CAD system at 09:19:27 on 02/17/2024 at the location of Central Avenue NE and Alvarado Drive NE.

The CAD history document also records the closure of the incident and the logoff of the police unit. The incident was cleared at 13:21:23 with a type of 45 (vehicle collision with injury) and a disposition of 8 (no report completed). The police unit (CAR1) was logged off at the same time.

(Refer to CAD History Medina 2-17-2024)

Citizen Police Complaints

CPC Referral 3-2-2024

A concerned citizen alleged Police Chief Harold Medina made false and misleading statements to his subordinate officers, violating department policy, including APD Standard Operating Procedures (SOPs) and citywide ride-along policies on February 17, 2024.

(Refer to CPC Referral 3-2-2024)

CPC Referral 3-9-2024

A concerned citizen requested a civilian review of police conduct, particularly concerning Chief Medina and the events of February 17, 2024. Several direct inquiries and rhetorical questions were listed. A summary is shown below:

- Was Chief Medina on or off duty, and did he transition during the events? If so, when did this transition occur, and were his actions appropriate based on his duty status? If off duty, is the City liable for his vehicle operation?
- Was transporting a family member in a government vehicle authorized? Does the City assume liability for passengers in government vehicles, and does this affect an officer's ability to perform duties?
- Was Chief Medina obligated to arrest or attempt to arrest the offender or to protect the victim? If not, why do we provide him with the authority and equipment to do so? Did he communicate the offense and coordinate a response properly?
- There has been no evidence that the Chief, his spouse, or his vehicle was targeted by gunfire, nor any reported injury or property damage from gunfire. Was the Chief's reaction appropriate, and does he have PTSD?

- Was the emergency equipment on his vehicle operating at the time of the crash, and was this required by policy?
- If Chief Medina disregarded a red light and caused a collision, was he cited? Are citizens cited in similar circumstances?
- Who initiated the event communication, and did it contain the required elements? Was the Critical Incident Management policy followed?
- Were all witnesses separated and interviewed properly? Did Chief Medina's spouse give testimony in his presence?
- The Chief announced that the APD Motors Unit and Internal Affairs (IA) would investigate. Are there conflicts of interest in these investigations, and do IA investigators include current or former officers?
- Did the Chief submit to drug and alcohol screening, and was this required by policy?
- Are other officers or city employees involved in at-fault collisions suspended pending investigations, and has Chief Medina faced similar restrictions?
- Does the CPOA investigate or penalize officers for failing to use force when necessary, and what is the protocol for an officer refusing to act in the face of a felony?

The concerned citizen called for accountability and evaluation of this incident, particularly regarding the duty to protect. They indicated that police should be treated the same as citizens in similar circumstances, and self-investigation or investigations by one's own organization should be prohibited. There should be mayoral and legislative oversight, as the Chief appears to disregard conflicts of interest and his responsibilities as a public official.

The concerned citizen wanted the Albuquerque Police Department (APD) to be trustworthy, transparent, and accountable, believing that recent events reveal pervasive self-interest, dereliction of duty, and poor moral character among officers, including the Chief. Albuquerque deserves better.

(Refer to CPC Referral 3-9-2024)

Emails

AC Privilege I-171-24



(Refer to Email titled "AC Privilege I-171-24")

Email RE: Todd Perchert (tacinjurylaw)

Mr. Perchert was the driver of the gold Mustang at the time the crash occurred. The following is a summary of an email chain between Lieutenant James Ortiz and James Tawney, Mr. Perchert's attorney:

Lieutenant Ortiz reached out regarding the request to provide an opportunity for Mr. Tawney, their client(s), to participate in an interview as part of the ongoing internal affairs investigation regarding APD Chief Medina. Alternatively, an addendum or other documentation was requested to be added to the investigation.

Mr. Tawney sent an initial response regarding the nature of the inquiry, but due to non-cooperation, no follow-up was completed.

(Refer to Email titled "Email RE Todd Perchert (tacinjurylaw)

Seatbelt Email Dated 5-3-2024

The email documentation confirmed the ACM shows that both front occupants of the truck that Chief Medina was driving were using their seat belts.

(Refer to Email titled "Seatbelt Email Dated 5-3-2024)

IAPS Evidence-Audit Trail

Axon 4 Assignment Screenshot

This evidence shows the Axon Body 4 device (OBRD) was assigned to Chief Medina on January 22, 2024.

(Refer to Axon 4 Assignment Screenshot)

Evidence.com Search Results 2-17-2024

This evidence shows the body camera footage upload history for Chief Medina specific to the date of the incident, February 17, 2024. No body camera videos were uploaded.

(Refer to Evidence.com Search Results 2-17-2024)

Reports_deviceAuditTrail_2024-05-29_01-12-22_UTC

This evidence shows the body camera device was assigned to Chief Medina on January 22, 2024. The audit trail indicates the device was initially powered off but powered on at 0922 hours on

February 17, 2024. The event button was pressed and released several times, but not in accordance with turning on the recording function.

- 2/17/2024 10:14:23 Event button pressed
- 2/17/2024 10:14:30 Event button released
- 2/17/2024 11:01:52:55 Event button pressed
- 2/17/2024 11:01:52:74 Event button released
- 2/17/2024 11:04:40:09 Event button pressed
- 2/17/2024 11:04:40:64 Event button released
- 2/17/2024 15:52:30 Device powered off due to low battery

(Refer to Reports_deviceAuditTrail_2024-05-29_01-12-22.UTC)

IAPS Evidence-Emergency Communications Center (ECC) Audio-911 Calls

240480437_CT_13_0919_TO_0921

A citizen called 911 dispatch to report they witnessed an accident at Central and Alvarado, indicating an officer of the law was involved. The accident was between a black unmarked vehicle and a caramel/silver/gold vehicle.

240480437_CT_16_0918_TO_0921

A citizen called 911 dispatch to report they were driving on Central towards San Mateo westbound next to O'Reilly's, and there was an accident they wanted to report. The intersection was Central and Alvarado, and the citizen said, "*Some guy ran a red light on Central and just completely ran straight into this car and t-boned the heck out of him.*" The vehicles were described as a black truck and a brown/tan sedan.

240480437_CT_18_0919_TO_0922

A citizen called 911 dispatch to report they had been hit and were located at Central and Alvarado. The 911 caller is in apparent pain, which can be heard in the recording. The victim was later identified as Todd Perchert, the driver of the gold Mustang.

The caller was transferred to AFR dispatch who obtained the location and asked the caller if there was anyone else to speak to them on the phone. APD Chief Harold Medina can be heard in the background of the recording and later speaking directly to AFR dispatch.

240480437_CT_6_1049_TO_1051

A citizen called 911 dispatch via Sandoval county transfer; the citizen reported that between Alvarado and Valencia Street on Central some people that were in the black truck ran off down

Valencia Street and hid a gun. The citizen did not see it, but he talked to the guy who did see it and felt relaying the information was important.

240511159_CT_19_1436_TO_1442

A citizen called 911 dispatch via a Crimestoppers transfer. The citizen reported seeing the large truck involved in the incident involving Chief Medina. The citizen relayed information she had frequently observed the possible suspect in the area of a neighborhood near Carlisle and Coal to Ridgecrest along Garfield.

240540320_CT_5_0712_TO_0721

A citizen called 911 to report information regarding the Chief's wreck. The citizen reported that they were a security officer and had run-ins with the individual. The citizen indicated that a few months ago, he observed the vehicle and had a clear picture of the license plate. The license plate was described as white or orange with a Zia balloon on it, "LDX463." The citizen provides a description of the individual which is similar to the described shooter from the incident.

IAPS Evidence-OBRD (On Body Recording Device Footage)

Earles 1

This footage begins on February 17, 2024, at approximately 0919 hours. Officer Zachary Earles #7560 was driving with lights and siren to the scene of the reported collision and a shot being fired. Chief Medina informed the officer that the suspect was a "white guy with a t-shirt" and the suspect went north towards, into, or around the Tewa Lodge. Officer Earles directs citizens of the Tewa Lodge to enter their room(s) and lock their doors. Officers set up a team and began to check and clear the parking lot. **(Refer to OBRD footage Earles 1, 00:30 – 05:05)**

Officer Earles, Officer Lara and Sergeant Hernandez clear the parking lot and move north to check the alleyway. Officers then return to the parking lot of the Tewa Lodge and walk south to Central Avenue. After returning to Central, officers hold their positions and Ofc. Earles escorts a resident to their apartment number 21. Sgt. Hernandez asked if the officers had checked for cameras, and they confirmed they had not. Ofc. Earles then knocks at the front office but does not receive an immediate response. **(Refer to OBRD footage Earles 1, 05:05 – 16:00)**

The officers spoke with the occupant of Room 22, who identified himself as Shawn. The officers asked for his cooperation as he may have access to surveillance footage, and he agreed, but several seconds later, they believed Shawn matched the offender's description. Shawn was nearly detained in handcuffs pending a field identification procedure. However, an officer informed them that Shawn was not the suspect, and Shawn was not handcuffed. Officers discussed their understanding that Chief was involved in a traffic collision after the offender shot at the victim, and the Chief

became distracted by the shooting and was subsequently involved in the collision. Officers also discussed their initial belief that the Chief was directly involved in the shooting. Officers also expressed confusion as they were not certain if someone had been shot or if the person taken to the hospital was the victim of the traffic collision. Ofc. Earles spoke with a resident who indicated he had to attend an appointment and Ofc. Earles explained he would be allowed to leave, but to not return until police were done. Officers discussed their relief that the incident was not an “OIS” (officer-involved shooting). Ofc. Earles stated that the Chief does not likely wear armor and has a little Smith and Wesson Shield (handgun). **(Refer to OBRD footage Earles 1, 16:00 – 35:00)**

Ofc. Earles remained at the location in front of Tewa Lodge, occasionally directing pedestrians to go around the scene. At approximately 38:45 Ofc. Earles turns south towards Central Ave. and a Crime Scene Specialist vehicle is observed parked on Central Avenue on the roadway. Ofc. Earles speculates about the traffic collision with other officers on the scene and asks if the Chief was originally headed to their location with the Mayor at Central and Pennsylvania. Sgt. Hernandez obtains a short briefing from the officers, but the audio is unclear from this angle. Sgt. Hernandez was informed there was no available footage from the Real Time Crime Center (RTCC), there was a Shotspotter (gunfire detection system) activation and a casing located. It was also possible the offender may be inside or near the Tewa Lodge so officers were requested to remain at that location until further notice. **(Refer to OBRD footage Earles 1, 35:00 – 01:00:00)**

Officers knocked on room 22 to check on the arrival time for the individual(s) who had access to obtain surveillance footage. Officers expressed confusion amongst each other about not knowing who the primary unit was during the initial call-out for backup assistance. The officers are able to view the surveillance footage which shows the offender flee west from the Tewa Lodge and not into the area of the parking lot of apartments where police initially believed he may have potentially been. Officers then canvass at the Envios El Rey business west of their original location where they observe exterior facing surveillance cameras, but the employee was unable to access the footage. **(Refer to OBRD footage Earles 1, 01:00:00 – 01:55:27)**

The entirety of the footage was 1 hour, 55 minutes and 27 seconds.

(Refer to OBRD entitled Earles 1 for further details)

Earles 2

This footage begins on February 17, 2024, at approximately 1124 hours. Officer Earles was speaking with Ofc. Bianca Carrier #7324. Both officers walk north towards a parking lot and speak with a citizen to let them know what area is closed and how they can exit.

The entirety of the footage was 48 seconds.

(Refer to OBRD entitled Earles 2 for further details)

Earles 3

This footage begins on February 17, 2024 at approximately 1139 hours with Officer Earles walking into the Café Da Lat restaurant at 5615 Central Ave NE. The Digital Imaging and Video Recovery Team (DIVRT) attempted to obtain relevant surveillance footage from the business. **(Refer to OBRD footage “Earles 3, :21-19:45)**

(Refer to OBRD entitled Earles 1, Earles 2, and Earles 3 for further details)

Lara 1

This footage begins on February 17, 2024, at approximately 0921 hours. Officer Manuel Lara #6810 was adjacent to and within proximity of Ofc. Earles through the majority of the incident; based on that only a general summary of the footage was provided herein.

Ofc. Lara knocks on room 22 and the occupant confirms the business has surveillance footage which he was trying to access. **(Refer to OBRD footage Lara 1, 00:00 – 15:15)**

Ofc. Lara gets briefed by Chief and the following information was relayed: The offender was described as a white male, adult, possibly with long-hair wearing a white t-shirt. The offender started arguing with a black male. (Chief was parked near Central and Alvarado gestured on body camera). The offender produced a handgun and discharged a round towards the black male (in an East direction). The black male fled, and Chief exited into the intersection when the shot was fired. That is when the collision occurred, and afterward, Chief exited his vehicle but was unable to locate the black male. The other victim who got shot at told the Chief he was not hurt or shot, but was last seen walking south, despite Chief telling him to wait and not leave. **(Refer to OBRD footage Lara 1, 20:30 – 24:15)**

Ofc. Lara provides a brief to the Crime Scene Specialist, who informs Ofc. Lara he is taking the collision portion of the incident, but CSS Adrian Montoya (CS22) will collect the handgun casing. **(Refer to OBRD footage Lara 1, 28:20 – 31:00)**

Ofc. Lara briefs Sergeant Hernandez and confirmed with the Chief the direction the offender discharged his handgun. Ofc. Lara later briefs Crime Scene Specialist personnel. **(Refer to OBRD footage Lara 1, 51:05 – 58:00)**

Chief explains his reasoning and thought process explaining that his wife was in the passenger seat, and he needed to move out of the way. Chief did not want to exit his vehicle and shoot at the offender because his wife would have been between them. Chief intended to get across the street before getting down (from his vehicle). Chief confirmed he only heard one shot and that Shotspotter only registered one shot. **(Refer to OBRD footage Lara 1, 58:45 – 01:01:20)**

DIVRT Team arrived on scene to assist in processing surveillance footage. Ofc. Lara moved his patrol vehicle north along Alvarado Dr. NE from Central Ave NE. **(Refer to OBRD footage Lara 1, 58:45 – 01:01:20)**

Shawn Reece from room 22 and management provide video surveillance footage to the DIVRT Team. Police verify the offender was wearing a dark possibly leather jacket, black beanie, white t-shirt and fled west from the location. The remainder of the body camera footage shows officers and DIVRT Team at the businesses name Envios El Rey and Café Da Lat in order to obtain surveillance footage. The possible offender vehicle located and described as a white truck with a camper shell. **(Refer to OBRD footage Lara 1, 01:17:52 – 02:13:30)**

The entirety of the footage was 2 hour, 16 minutes and 50 seconds.

(Refer to OBRD entitled Lara 1 for further details)

Lara 2

This footage begins on February 17, 2024, at approximately 1139 hours. Officer Lara remained with DIVRT Team and they relocated to the Café Da Lat and later north along Palomas past the Metal Finishing Specialty and into the Armageddon Turbo Systems business to obtain surveillance footage. The footage concluded with Ofc. Lara speaking with a citizen in a white t-shirt. However, the interaction was in Spanish. **(Refer to OBRD footage Lara 2, 39:45 – 43:48)**

The entirety of the footage was 2 hour, 16 minutes and 50 seconds.

(Refer to OBRD entitled Lara 2 for further details)

Perry 1

This footage begins on February 17, 2024, at approximately 0921 hours.

(Refer to OBRD footage Perry 1)

Ofc. Howard Perry #7355 arrived in the area and assisted in circling the block in order to find the outstanding subject(s). Ofc. Perry was directed by another officer to post along the west side along Palomas Dr. NE (north of Central Avenue).

The entirety of the footage was 4 minutes and 4 seconds.

(Refer to OBRD entitled Perry 1 for further details)

Perry 2

This footage begins on February 17, 2024, at approximately 0934 hours. Officer Perry was adjacent to and within proximity of Ofc. Earles/Ofc. Lara throughout the majority of the incident; based on that a general summary of the footage was provided herein.

Ofc. Perry speaks with Shawn from room 22 and asked for his cooperation regarding the incident. Ofc. Perry believed Shawn matched the description of the offender and intended to handcuff him but did not after another officer confirmed that Shawn was not the suspect. **(Refer to OBRD footage Perry 2, 01:25 – 02:00)**

The entirety of the footage was 10 minutes and 7 seconds.

(Refer to OBRD entitled Perry 2 for further details)

Perry 3

This footage begins on February 17, 2024, at approximately 0946 hours. Officer Perry walks to O'Reilly's Auto Parts Store, 5820 Central Ave. to check if they have surveillance footage. A store employee informs Ofc. Perry they do not have surveillance footage.

The entirety of the footage was 1 minute and 6 seconds.

(Refer to OBRD entitled Perry 3 for further details)

Perry 4

This footage begins on February 17, 2024, at approximately 0952 hours. Officer Perry was standing next to Ofc. Earles and he turned on his camera to redirect a pedestrian away from the incident scene.

The entirety of the footage was 50 seconds.

(Refer to OBRD entitled Perry 4 for further details)

Perry 5

This footage begins on February 17, 2024, at approximately 1002 hours. Officer Perry was standing next to Ofc. Earles and he turned his body to the west and began motioning his arm. Ofc. Perry turned on his camera to redirect some pedestrians away from the incident scene

The entirety of the footage was 1 minute and 52 seconds.

(Refer to OBRD entitled Perry 5 for further details)

Perry 6

This footage begins on February 17, 2024, at approximately 1005 hours. Officer Perry was standing next to Ofc. Earles and Ofc. Lara as they discuss to which apartment they believe the offender may have gone. Sgt. Hernandez arrived and obtained a briefing.

The entirety of the footage was 18 minutes and 42 seconds.

(Refer to OBRD entitled Perry 6 for further details)

Perry 7

This footage begins on February 17, 2024, at approximately 1026 hours. Officer Perry was standing next to Officer Earles, Carrier and Lara. The responsible party for Tewa Lodge arrived with a key to the office and DIVRT team members began their process of obtaining surveillance footage with the assistance of Shawn from Room 22. Officers establish the offender fled and continued fleeing westbound (past the area of Tewa Lodge).

The entirety of the footage was 27 minutes and 29 seconds.

(Refer to OBRD entitled Perry 7 for further details)

Perry 8

This footage begins on February 17, 2024, at approximately 1053 hours. Officers Perry, Lara, Earles, and Carrier move west to the Envios El Rey business to look for additional surveillance footage. DIVRT team members later relocate there to assist. After approximately 33 minutes, Ofc. Perry walks to the Café Da Lat restaurant to check if they have surveillance cameras.

The entirety of the footage was 42 minutes and 37 seconds.

(Refer to OBRD entitled Perry 8 for further details)

Carrier 1

This footage begins on February 17, 2024, at approximately 0925 hours. Officer Bianca Carrier #7324 arrived and was directed to the Southeast corner of Central Ave SE and Alvarado Dr. SE by Chief Medina. Ofc. Carrier spoke with potential witnesses who observed the subject who got shot at walking away from the scene. One individual said he did not see anything, but the other one stated he observed a black male, wearing all black (with braids) carrying a handgun as he walked off. The witness overheard and saw the two individuals arguing/fighting and kicking each other. Ofc. Carrier was redirected to the Northwest corner of the intersection to ensure the integrity of a spent shell casing that Chief Medina located on the ground. **(Refer to OBRD footage Carrier 1, 00:30 – 05:00)**

Ofc. Carrier spoke with a witness who identified himself as Mr. Vigil.

The entirety of the footage was 23 minutes and 53 seconds.

(Refer to OBRD entitled Carrier 1 for further details)

Carrier 2

This footage begins on February 17, 2024, at approximately 1031 hours. Officers Carrier, Earles, Perry, and Lara remain posted near the south side of Tewa Lodge. DIVRT team members arrive to obtain surveillance footage from Tewa Ledge. After approximately 22 minutes it was determined that the offender continued fleeing west. Officers relocated to the Envios El Rey business to look for additional surveillance.

The entirety of the footage was 30 minutes and 12 seconds.

(Refer to OBRD entitled Carrier 2 for further details)

Carrier 3

This footage begins on February 17, 2024, at approximately 1106 hours. Officers Carrier and Earles walk briskly from the intersection of Central and Palomas to the intersection of Central and Alvarado. There appeared to be a commotion with a pedestrian that was resolved just before they arrived.

The entirety of the footage was 2 minutes and 13 seconds.

(Refer to OBRD entitled Carrier 3 for further details)

Carrier 4

This footage begins on February 17, 2024, at approximately 1124 hours. Officers Carrier and Earles appear to be near the Tewa Lodge speaking with a citizen and directing them how to go around the scene.

The entirety of the footage was 53 seconds.

(Refer to OBRD entitled Carrier 4 for further details)

Legendre 1

This footage begins on February 17, 2024, at approximately 0926 hours. Lieutenant Roger Legendre #3848 arrived and positioned his marked patrol vehicle to block eastbound traffic on

Central Ave SE near the Pep Boys business. The address for Pep Boys was 5600 Central Ave. SE. Ofc. H. Perry drives by and speaks to Lt. Legendre briefly and they relay the offender and victim information. Lt. Legendre is relieved of his traffic post by Police Service Aide (PSA) William Allen #8050. **(Refer to OBRD footage Legendre 1, 00:00 – 07:45)**

Lt. Legendre relocated to Central Ave. and Alvarado Dr., and asked Sgt. Hernandez, “Do we have this guy anywhere?” Sgt. Hernandez responds by stating officers were unsure if the offender went into an apartment and they were looking for surveillance. At this point, Chief Medina sees officers speaking with an individual at the Tewa Lodge, and he requests that officers make contact with the individual and have him come out of the door. Lt. Legendre relayed that it was negative field identification. **(Refer to OBRD footage Legendre 1, 08:54; 08:40 – 10:30)**

Chief Medina tells Lt. Legendre where he was parked, that the shot was fired, and that he “punched it” to get through the intersection. **(Refer to OBRD footage Legendre 1, 10:33)**

Lt. Legendre confirms with Sgt. Hernandez that no shooting victim and no shooting offender were located. Sgt. Hernandez asks Lt. Legendre about Chief Medina completing post-accident drug/alcohol testing. **(Refer to OBRD footage Legendre 1, 13:10)**

The entirety of the footage was 13 minutes and 50 seconds.

(Refer to OBRD entitled Legendre 1 for further details)

Savedra 1

This footage begins on February 17, 2024, at approximately 0926 hours. Officer Victor Savedra #7971 arrived and parked on eastbound Central in front of O’Reilly’s Auto Parts, 5820 Central Ave SE. Sgt. Lopez asked Ofc. Savedra to block eastbound traffic at Central and Alvarado. While there, Albuquerque Ambulance (Unit 37) arrived and was directed further east to assist the male victim from the traffic collision. After a few minutes, Sgt. Hernandez redirected Ofc. Savedra to block westbound traffic at Central Ave. NE and Valencia Dr. NE. PSA Vicente Martinez #8089 relieved Ofc. Savedra and Ofc. Savedra followed the ambulance transporting the crash victim to the hospital. **(Refer to OBRD footage Savedra 1, 00:00 – 18:00)**

Ofc. Savedra relocated to the hospital. CSS Biddinger arrived at the hospital and met with Ofc. Savedra. Demographic information for the victim was shared and he was provided with emergency medical treatment. **(Refer to OBRD footage Savedra 1, 19:00 – 28:53)**

The entirety of the footage was 28 minutes and 53 seconds.

(Refer to OBRD entitled Savedra 1 for further details)

Savedra 2

This footage begins on February 17, 2024, at approximately 0957 hours. Ofc. Savedra was asked by medical staff if the victim should be placed on do not announce. There was some initial confusion, however, Ofc. Savedra indicated it was ultimately not necessary. The charge nurse (unidentified) asked Ofc. Savedra, if the emergency room, should be expecting any gunshot wound victims. Ofc. Savedra speaks with CSS Biddinger about the press release and how officers were staged nearby when the shooting incident and vehicle collision occurred. **(Refer to OBRD footage Savedra 2, 00:00 – 09:00)**

CSS Biddinger spoke with Ofc. Savedra about an unrelated mass stabbing incident. CSS Biddinger forgot to replace her SD card, so she left briefly to obtain it before attempting to take victim photographs. Ofc. Savedra and CSS Biddinger engaged in casual conversation. **(Refer to OBRD footage Savedra 2, 09:00 – 20:00)**

CSS Biddinger steps away to take a phone call. Ofc. Savedra is asked by medical staff to provide an account of what happened. CSS Biddinger and Ofc. Savedra continued to wait at the hospital. The collision victim was identified as Todd Perchert and he was wheeled to the trauma area bay 2 **(Refer to OBRD footage Savedra 2, 20:00 – 30:00)**

CSS Biddinger spoke with Mr. Perchert, identified herself, and asked him if he was aware of what happened. CSS Biddinger asked Mr. Perchert if he was ok with having his injuries photographed and documented. Mr. Perchert provided his phone number and emergency contact to Ofc. Savedra. Mr. Perchert provided his wife's name and phone number to Ofc. Savedra. **(Refer to OBRD footage Savedra 2, 20:00 – 33:24)**

The entirety of the footage was 33 minutes and 24 seconds.

(Refer to OBRD entitled Savedra 1 for further details)

Savedra 3

This footage begins on February 17, 2024, at approximately 1030 hours. Ofc. Savedra said he was going to contact Mr. Perchert's wife to let her know. CSS Biddinger determines preliminary injuries described as fractured ribs, a broken clavicle, and possibly a laceration on his facial area. **(Refer to OBRD footage Savedra 3, 00:00 – 10:00)**

Ofc. Savedra was informed by medical staff that Mr. Perchert would be admitted to the hospital and considered to be in stable condition. Medical staff ask Ofc. Savedra if Mr. Perchert's family had been notified and they had not yet been. Medical staff continue to provide medical care to Mr. Perchert. **(Refer to OBRD footage Savedra 3, 10:00 – 01:22:00)**

Cmdr. Mike Hernandez arrived at the hospital and brought Mr. Perchert's cell phone with him. Cmdr. Hernandez explains that Mr. Perchert gave his cell phone to Chief Medina's wife on scene.

Cmdr. Hernandez said he tried to call Mr. Perchert's wife to notify her, but there was no answer. Cmdr. Hernandez obtained an update on Mr. Perchert's status from Ofc. Savedra. Cmdr. Hernandez was able to speak with Mr. Perchert and call Mrs. Perchert so they could have a conversation. Ofc. Savedra was relieved of his post by other officers presumably from the APD Motors Unit. **(Refer to OBRD footage Savedra 3, 01:22:00 – 01:51:40)**

The entirety of the footage was 1 hour, 51 minutes and 40 seconds.

(Refer to OBRD entitled Savedra 3 for further details)

Biddinger 1

This footage begins on February 17, 2024, at approximately 0945 hours. Crime Scene Specialist (CSS) Teresa Biddinger #7438 arrived at the University of New Mexico Hospital and met with Ofc. Savedra in the ambulance bay shortly after they arrived from transporting the crash victim to the hospital. Medical staff try to ascertain the cause of the injury and determine if there was also a gunshot wound to the victim. CSS Biddinger engages in casual conversation with Ofc. Savedra and then check her camera realizing she needs to obtain an SD card prior to taking photographs. CSS Biddinger leaves.

The entirety of the footage was 23 minutes and 31 seconds.

(Refer to OBRD entitled Biddinger 1 for further details)

Biddinger 2

This footage begins on February 17, 2024, at approximately 1011 hours. CSS Biddinger was putting on gloves and she walked back into the hospital. CSS Biddinger met with Ofc. Savedra and they waited for the victim to come out of X-ray. CSS Biddinger spoke with Mr. Perchert and asked him if she could document and photograph his injuries. CSS Biddinger completed the photographs and left the hospital.

The entirety of the footage was 26 minutes and 52 seconds.

(Refer to OBRD entitled Biddinger 2 for further details)

Martinez 1

This footage begins on February 17, 2024, at approximately 0945 hours. Police Service Aide (PSA) Vincente Martinez #8089 put up crime scene tape surrounding the vehicle collision.

The entirety of the footage was 2 minutes and 35 seconds.

(Refer to OBRD entitled Martinez 1 for further details)

Martinez 2

This footage begins on February 17, 2024, at approximately 0955 hours. PSA Martinez let an unmarked police vehicle into the scene. Other vehicles driving on Central Avenue were diverted onto Valencia Drive. NE.

The entirety of the footage was 36 seconds.

(Refer to OBRD entitled Martinez 2 for further details)

Martinez 3

This footage begins on February 17, 2024, at approximately 0956 hours. PSA Martinez spoke with an individual who identified himself as “Carlos”. Carlos wanted to get to the Tewa Lodge to pick up his cell phone. PSA Martinez asked Sgt. Hernandez over the radio if Carlos could get the phone. While doing this, Carlos made a statement that he witnessed the shooting and was sitting at the bus stop when it happened. Carlos said, “Nobody ran”. Carlos then walked off after being told he would not be able to get his cell phone.

The entirety of the footage was 1 minute and 36 seconds.

(Refer to OBRD entitled Martinez 3 for further details)

Martinez 4

This footage begins on February 17, 2024, at approximately 0958 hours. PSA Martinez maintained his outer perimeter traffic post at Central Ave and Valencia Dr. Several media camera operators set up their tripods and cameras on the northwest corner of the intersection. An additional camera operator was set up near the southwest corner of Central and Valencia.

The entirety of the footage was 3 minutes and 35 seconds.

(Refer to OBRD entitled Martinez 4 for further details)

Martinez 5

This footage begins on February 17, 2024, at approximately 1006 hours. PSA Martinez maintained his outer perimeter traffic post at Central Ave. and Valencia Dr. He informed a bicyclist they would have to go around the police perimeter.

The entirety of the footage was 39 seconds.

(Refer to OBRD entitled Martinez 5 for further details)

Martinez 6

This footage begins on February 17, 2024, at approximately 1018 hours. PSA Martinez maintained his outer perimeter traffic post at Central Ave. and Valencia Dr. PSA Martinez spoke with two citizens who were looking at the damage sustained on the Ford Mustang.

The entirety of the footage was 2 minutes and 15 seconds.

(Refer to OBRD entitled Martinez 6 for further details)

Martinez 7

This footage begins on February 17, 2024, at approximately 1023 hours. PSA Martinez maintained his outer perimeter traffic post at Central and Valencia. Additional camera operators were set up at the northwest corner of Central and Valencia. One of them spoke with PSA Martinez and informed him that an APD representative was going to provide an interview or brief at that location.

The entirety of the footage was 59 seconds.

(Refer to OBRD entitled Martinez 7 for further details)

Martinez 8

This footage begins on February 17, 2024, at approximately 1032 hours. PSA Martinez maintained his outer perimeter traffic post at Central and Valencia. A red sedan pulled up close to the crime scene tape while driving west on Central Avenue. PSA Martinez stopped traffic so the red sedan could turn off of Central.

The entirety of the footage was 48 seconds.

(Refer to OBRD entitled Martinez 8 for further details)

Martinez 9

This footage begins on February 17, 2024, at approximately 1045 hours. PSA Martinez maintained his outer perimeter traffic post at Central and Valencia. A media brief appeared to occur as it can be seen in the background. PSA Martinez walked west on Central to speak with the occupants of a sport utility vehicle that exited a parking lot in the middle of the police perimeter. PSA Martinez asked the occupants to exit Central and head back to the parking lot.

The entirety of the footage was 48 seconds.

(Refer to OBRD entitled Martinez 9 for further details)

Martinez 10

This footage begins on February 17, 2024, at approximately 1114 hours. PSA Martinez maintained his outer perimeter traffic post at Central and Valencia. PSA Martinez spoke with the driver of a red Nissan sport utility vehicle that was trying to turn around because Central Avenue was blocked. PSA Martinez stopped traffic so the driver was able to turn around and leave.

The entirety of the footage was 1 minute and 1 second.

(Refer to OBRD entitled Martinez 10 for further details)

Martinez 11

This footage begins on February 17, 2024, at approximately 1130 hours. PSA Martinez informed a citizen he was unable to release any information and they could look to local news media for more information.

The entirety of the footage was 1 minute and 16 seconds.

(Refer to OBRD entitled Martinez 11 for further details)

Martinez 12

This footage begins on February 17, 2024, at approximately 1147 hours. PSA Martinez had moved location to the area of Central Ave. and Alvarado and appears to be speaking with PSA Diana Chavez #7734 and PSA Rafael Cardenas-Garcia #8207. A male subject wearing a green jacket with a hooded top and dark blue pants walked up to PSA Martinez holding what appeared to be a black tablet; he appeared to be turning it in. PSA Chavez told the male subject, "A guy over there, threw it over there" and "So you can keep it or throw it away." PSA Martinez said, "Finders keepers."

The entirety of the footage was 43 seconds.

(Refer to OBRD entitled Martinez 12 for further details)

Martinez 13

This footage begins on February 17, 2024, at approximately 1206 hours. PSA Martinez maintained his post at Central and Valencia. A male subject with long hair, glasses and a dark coat walked up to ask when the intersection would be opened. PSA Martinez informed him as soon as the tow truck arrived.

The entirety of the footage was 51 seconds.

(Refer to OBRD entitled Martinez 13 for further details)

Wood 1

This footage begins on February 17, 2024, at approximately 0949 hours. Crime Scene Specialist (CSS) Kalin Wood #6106 and Nissa Chavez #7105 arrived on scene to the west of Tewa Lodge. CSS Wood appeared to be training CSS Chavez as he provided instruction and quizzed CSS Chavez throughout the encounter.

CSS Wood spoke with Ofc. Lara and obtained a short brief of what occurred including that there was a casing near the front of Tewa Lodge. CSS Wood informed Ofc. Lara that he was on scene to process the scene for the vehicle collision portion of the incident. CSS Wood spoke with Ofc. Reazin (Motors Unit) and obtained an understanding of what needed to be photographed.

CSS Wood processed the scene and answered any question CSS Chavez had.

The entirety of the footage was 27 minutes and 28 seconds.

(Refer to OBRD entitled Wood 1 for further details)

Chavez 1

This footage begins on February 17, 2024, at approximately 0949 hours. Crime Scene Specialist (CSS) Nissa Chavez #7105 and CSS Kalin Wood #6106 arrived on scene to the west of Tewa Lodge. CSS Wood appeared to be training CSS Chavez as he provided instruction and quizzed CSS Chavez throughout the encounter. CSS Chavez did not take an active role in the crime scene processing, but remained with CSS Wood for the duration of the footage.

CSS Wood spoke with Ofc. Lara and obtained a short brief of what occurred including that there was a casing near the front of Tewa Lodge. CSS Wood informed Ofc. Lara that he was on scene to process the scene for the vehicle collision portion of the incident.

CSS Wood processed the scene and answered any questions CSS Chavez had.

The entirety of the footage was 27 minutes and 21 seconds.

(Refer to OBRD entitled Chavez 1 for further details)

Jaramillo 1

This footage begins on February 17, 2024, at approximately 0954 hours. Police Service Aide (PSA) McKenzie Jaramillo #7666 appeared to be posted on Alvarado Dr. SE about a block south of Central Avenue. PSA Jaramillo exited her vehicle to speak with a citizen and she indicated she would move for people coming out.

The entirety of the footage was 38 seconds.

(Refer to OBRD entitled Jaramillo 1 for further details)

Jaramillo 2

This footage begins on February 17, 2024, at approximately 1000 hours. Police Service Aide (PSA) McKenzie Jaramillo #7666 appeared to be posted on Alvarado Dr. SE about a block south of Central Avenue. PSA Jaramillo exited her vehicle to speak with a citizen and she indicated she would move for people coming out.

The entirety of the footage was 1 minute and 35 seconds.

(Refer to OBRD entitled Jaramillo 2 for further details)

Higgins 1

This footage begins on February 17, 2024, at approximately 1000 hours. Crime Scene Specialist (CSS) Supervisor Loren Higgins #4351 arrived on scene and spoke with Ofc. Lara to obtain a briefing of what happened. CSS Higgins asks Ofc. Lara what direction the suspect was shooting and was informed the offender the shooting westbound (which was not correct). CSS Higgins was waiting for the arrival of CSS Adrian Montoya. CSS Higgins spoke with Chief Medina to ask which direction the shot was fired. Chief Medina confirmed the offender was facing eastbound.

The entirety of the footage was 9 minutes and 38 seconds.

(Refer to OBRD entitled Higgins 1 for further details)

Higgins 2

This footage begins on February 17, 2024, at approximately 1013 hours. CSS Supervisor Higgins met with CSS Adrian Montoya #5915 and informed him they would check for impacts on buildings. Ofc. Lara confirmed the shot was fired in an eastbound direction. Ofc. Lara provided another brief of what occurred.

CSS Supervisor Higgins told CSS Montoya to let him know as soon as evidence was tagged in so that NIBIN could begin working. NIBIN is an acronym for National Integrated Ballistic Information Network. This national network allows for the capture and comparison of ballistic evidence to aid in solving violent crimes involving firearms. CSS Higgins turns off his camera to have a discussion on a phone call he received.

The entirety of the footage was 8 minutes and 14 seconds.

(Refer to OBRD entitled Higgins 2 for further details)

Higgins 3

This footage begins on February 17, 2024, at approximately 1025 hours. CSS Supervisor Higgins informed CSS Montoya he did not locate any impacts to buildings. CSS Higgins met with Ofc. Reazin, who informed him it did not meet the criteria for a fatal or serious injury traffic call-out and based on that, they were not going to contact Bernalillo County Sheriff's Office to take over the investigation.

The entirety of the footage was 10 minutes and 12 seconds.

(Refer to OBRD entitled Higgins 3 for further details)

Sanchez 1

This footage begins on February 17, 2024, at approximately 1009 hours. Officer Gabriel Sanchez #6651 arrived on scene and met with Ofc. Reazin before turning the camera off.

The entirety of the footage was 1 minute and 17 seconds.

(Refer to OBRD entitled Sanchez 1 for further details)

Sanchez 2

This footage begins on February 17, 2024, at approximately 1106 hours. Officer Sanchez and Ofc. Wesley Jackson #7044 were standing on the southeast corner of Central and Alvarado when they walked to the north side of the intersection to tell an individual he could not go through the scene. Ofc. Jackson asks PSA Chavez to put up some more crime scene tape to block the area. There was an item on the ground and Ofc. Sanchez asked what he had thrown, and Ofc. Jackson responded by saying it looked like a tablet.

The entirety of the footage was 1 minute and 5 seconds.

(Refer to OBRD entitled Sanchez 2 for further details)

Sanchez 3

This footage begins on February 17, 2024, at approximately 1213 hours. Officer Sanchez, Ofc. Reazin and Commander Hernandez were at the hospital. Ofc. Sanchez and Ofc. Reazin spoke with Ofc. Savedra at the hospital. Ofc. Reazin verified Mr. Perchert's contact information was obtained by police and Ofc. Savedra informed Ofc. Reazin, Mr. Perchert's wife, was called and informed of the situation.

The entirety of the footage was 4 minutes and 1 second.

(Refer to OBRD entitled Sanchez 3 for further details)

Sanchez 4

This footage begins on February 17, 2024, at approximately 1222 hours. Officer Sanchez was at the hospital with Ofc. Reazin. Ofc. Reazin spoke with Mr. Perchert to determine what happened. Mr. Perchert told Ofc. Reazin the following information:

- I was going down Central, had a green light at the intersection.
- Saw this truck coming at me and I struck all my breaks he swerved but he ended up hitting me.
- T-bone right into my door and spun me around and my brakes went out at that point.
- I was going backward ways.

Ofc. Reazin asked if there was anyone the police could call to assist him since his wife was out of town. Mr. Perchert said his wife was making some calls because they had dogs at home.

Ofc. Reazin informed Mr. Perchert his vehicle was towed and was in bad condition. Ofc. Reazin told Mr. Perchert he would put the paperwork and case number in his hospital property bag. Ofc. Reazin asked about Mr. Perchert's injuries and Mr. Perchert said he had broken ribs and a few broken bones.

It was important to note that there was a lot of background noise and the audio for this footage was poor quality.

The entirety of the footage was 3 minutes and 58 seconds.

(Refer to OBRD entitled Sanchez 4 for further details)

Sanchez 5

This footage begins on February 17, 2024, at approximately 1233 hours. Ofc. Sanchez returned with Ofc. Reazin to speak with Mr. Perchert. Ofc. Reazin provided the paperwork, police report number, his name and a contact number for City of Albuquerque Risk Management.

The entirety of the footage was 1 minute and 46 seconds.

(Refer to OBRD entitled Sanchez 5 for further details)

Reazin 1 - titled "Interview with Chief"

This footage begins on February 17, 2024, at approximately 0959 hours. Officer Steven Reazin #6687 was just east of the intersection of Central and Alvarado. Ofc. Reazin walked up to Chief

Medina and asked him, “*Can you explain what happened today?*” Chief Medina relayed the following information:

- We were at the intersection parked right here to go south to east on Central.
- Two individuals started fighting.
- The individual that was facing east drew a handgun.
- I heard the shot go off and he still had the handgun up.
- As we tried to get across out of the line of fire, as we were crossing we struck that older model car.
- I think I tried to slow down, but I was still trying to clear the intersection to get away from the spot.
- I think, I tried to slow down, I think in the middle but you have to double check on the video and then we hit as I was trying to get completely across and out of the way.
- Chief Medina said he did not have any injuries, but that his wife hit her head.

Ofc. Reazin spoke with Chief Medina’s wife and asked her to explain what happened. She relayed the following information.

- We were coming down Alvarado turning towards Central.
- Saw some people right here in front of the Tewa, just hanging out there.
- There was a black male probably in his thirties, twenties, fighting with another individual who was a white male kind of about five foot four.
- They kind of got into a verbal argument from what I could see.
- The white male went up to the black male and showed his hands like this towards his belt
- The black male started talking to him, they were kind of in a verbal conversation and the black male then went up to the white male and kind of kicked him.
- Then the black male ran this way.
- The white male pulled out his gun and shot him, or shot at him.
- As we were turning, I saw the weapon.
- I told Harold Medina that there was a gun, and then we were trying to proceed to leave that area, and we got in an accident and hit another vehicle.
- I did get out of the vehicle, I went to check on the person that got hit, called an ambulance for him.
- The black male came by the truck, said I got shot at but I’m okay.
- Chief Medina asked him can you please stay here, he said no I’m gonna keep going.
- Then he walked down the street and I saw him walk down the next block all the way down the street and then I lost visual of him.
- She indicated she hit her head but did not have any other injuries.

Ofc. Reazin concluded the contact at that time and turned off his body camera.

The entirety of the footage was 4 minutes and 44 seconds.

(Refer to OBRD entitled Reazin 1 for further details)

Reazin 2

This footage begins on February 17, 2024, at approximately 1213 hours. Officer Gabriel Sanchez and Commander Hernandez are observed briefly and then Ofc. Reazin and Ofc. Sanchez walk into the room. Ofc. Reazin confirmed that demographic information was obtained for the crash victim, Mr. Perchert. Ofc. Savedra informed Ofc. Reazin that Mr. Perchert's wife was contact and aware of the incident.

The entirety of the footage was 4 minutes and 2 seconds.

(Refer to OBRD entitled Reazin 2 for further details)

Reazin 3 – titled "Interview with Vic"

This footage begins on February 17, 2024, at approximately 1222 hours. Officer Reazin identifies himself to Mr. Perchert as being with the Albuquerque Police Department Traffic Unit that investigates crashes with serious injuries. Mr. Reazin spoke with Mr. Perchert and asked him what happened. Mr. Perchert relayed the following information:

- I was going down Central, I had a green light at the intersection I was going through.
- I saw this truck coming at me and I stepped on my breaks and he swerved but he ended up hitting me.
- T-bone right into my door and spun me around and my brakes went out at that point.
- I just rolled, backwards a little ways.
- Once it stopped, I just had to go to my side because my other side was hurting.

Ofc. Reazin told Mr. Perchert his car was towed and had bad damage to it. Ofc. Reazin said he would give Mr. Perchert the information and paperwork and place them into the hospital bag containing his personal belongings. Mr. Perchert said his injuries were fractured ribs (not sure how many), a couple of broken bones in his shoulder, and a punctured lung.

The entirety of the footage was 3 minutes and 59 seconds.

(Refer to OBRD entitled Reazin 3 for further details)

Reazin 4 – titled ‘Providing Tow Sheet to vic’

This footage begins on February 17, 2024, at approximately 1233 hours. Officer Gabriel Sanchez was observed at the start of the footage and officers walk into the emergency room. Ofc. Reazin provided the paperwork, including the case number and telephone number for the City of Albuquerque Risk Management Division. The paperwork was placed into his property bag at the foot of Mr. Perchert’s hospital bed

The entirety of the footage was 1 minute and 55 seconds.

(Refer to OBRD entitled Sanchez 1 for further details)

Wise 1

This footage begins on February 17, 2024, at approximately 1201 hours. Det. Leah Wise #5168 was sitting in a room with Beatrice Medina. Det. Wise asked Beatrice to walk her through what happened from start to finish, why they were driving through that area and Det. Wise would ask questions to clarify afterward. The following information was relayed.

Mrs. Medina said, *“At approximately 0915 to 0920 hours, we were driving to Pennsylvania on southbound Alvarado, intending to turn eastbound on Central. There was a stop sign, and on the left was the Tewa Hotel with multiple people in the area. Two individuals were having an exchange of words that was getting confrontational. There was a black male subject, mid-20s to early 30s, having words with another white male individual, probably 40s, a little short, about 5’5” or so. They were getting closer, starting fighting a little bit and exchanging words. The white individual went up to the black individual and made a motion with his hands in front of his pants. They started exchanging words again, and the black individual walked towards the white individual, kicking his leg up to try to kick him. We were at the stoplight at this time and I could see all of this happening. As we were turning to go towards the east, we saw a white guy pull out a gun and heard a shot fired. I told Chief Medina, “Gun,” and then we were turning. I was looking at the people in the area people started leaving. I did not see the other car that we made impact with. At the time we were struck, we turned around, I hit my head. No airbags got deployed. We assessed everybody, and we were both fine. The black individual in the confrontation walked across the street and approached our vehicle on the driver’s side. He told Chief Medina, ‘Hey, I’m ok. I didn’t get shot’ and then he started leaving. Chief Medina told him to ‘Have a seat and stay here, we need to talk to you’; he just continued to leave. **(Refer to OBRD footage Wise 1, 00:30 – 04:04)***

At that point, I got out of the vehicle and went to the vehicle that had been struck. I checked on that individual and told him to stay in the vehicle. He was on the phone, I think with 911. I got on the phone, told them where he was, told them the injuries I had seen, and told them we needed rescue immediately. Rescue went over to that area probably within 5-7 minutes. We could not get

him out of the vehicle because the car had an impact on the driver's side, so he stayed in that vehicle. During the time I was walking to that vehicle, the black subject who got shot at, I also told him, "Hey, can you stay right here? Don't leave". He said, "Yeah, I'm just gonna go to the corner"; he was walking toward the next street right next to O'Reilly. I saw him walk down that next street, and then I lost visual contact with him only because I was with the individual who was in the vehicle that got struck." (Refer to OBRD footage Wise 1, 04:05 – 05:20)

Det. Wise asked for descriptions of each individual. She learned the black male was about 5' 9" or 5' 10", slimmer build wearing black clothing. Mrs. Medina did not remember his hair specifically, or facial hair; he was covered unable to see if he had any tattoos. **(Refer to OBRD footage Wise 1, 05:21 – 05:59)**

Mrs. Medina said the white male wearing a baseball cap; he was shorter than the black guy. She could not remember if he had a beard or not. It might have been a little longer hair (tied back) coming out of the baseball cap and he might have been wearing jeans. She could not remember the color of shirt. **(Refer to OBRD footage Wise 1, 05:59 – 06:49)**

Det. Wise asked where exactly the males were. Mrs. Medina stated they were right on the corner by the Tewa. The white male was the individual who had the gun and he fired the gun towards the black male and subsequently towards the vehicle they were in. There was nobody who stayed on scene after the incident occurred that were potential witnesses other than some people from the nearby restaurant who may have heard the gunfire and possibly saw the collision. Det. Wise asked her to draw the intersection and label where she saw the two males. **(Refer to OBRD footage Wise 1, 06:50 – 14:25)**

The entirety of the footage was 14 minutes and 25 seconds.

(Refer to OBRD entitled Wise 1 and Meier 1 for further details)

Wise 2

This footage begins on February 17, 2024, at approximately 1217 hours. Det. Wise interviews Chief Medina regarding the incident. The following information was relayed.

Chief Medina said, "I had a press conference scheduled at 1000 at Adam's Food Market at Pennsylvania and Central. We left the house a little bit early and I got off on San Mateo and I was going up San Mateo and wanted to check some of the side streets because we get a lot of complaints about the homeless on the sidewalks. As I was passing Alvarado, there were always homeless issues in that area, I saw a large group of individuals in what appeared to be a camp on the sidewalk, but I wasn't sure. Since I had enough time, I turned north on San Pedro and turned around going back west. I then turned southbound on Alvarado. I saw that they were on the sidewalk so I was going to call it out. When I got to the intersection, we were stopped facing

southbound. All of a sudden I saw two guys kinda arguing. I was like man these guys were about to get in a fight. I was reaching down for my radio and the pad for the light so I could at least hit my horn just to let them know, there's a cop here so they would knock it off. (Refer to OBRD footage Wise 2, 00:30 – 01:57)

All of a sudden, I heard my wife say, 'gun'. When I looked up, I could see the guy that was facing us (facing east) was the one who had the gun. The guy who got shot at was the aggressor (he was facing west) and was a black male who ended up being the victim. It was a white male, I think he had long hair underneath a hat and a t-shirt. All of sudden I looked and the white male had a black firearm just pointed straight up at the guy and I heard the first round go off. I could see the guy was right in front of my wife's window. So I was like, "Shit, I need to get out of the way. I got to the middle", but I still didn't feel comfortable jumping down out of my car because I was worried my wife was still on that side that was between me and the person with the gun. (Refer to OBRD footage Wise 2, 01:58 – 03:00)

I tried to inch my way, across all the way, but I ended up hitting a gold car. That spun us out, and when it spun us out, I checked on her right away because the impact was on her side of the car. She looked okay and I opened my door. The victim actually ran up to my car. He told me, 'I'm not hit, I'm not hit, I'm okay'. I told him, 'Okay, stay here for me. I need you to stay here for me'. I went and checked on my wife, and I looked right away and the guy had already run, and I didn't see where he ran to. So I called it out that there had been shots fired and that I had been involved in a "44". My wife got out and checked on the guy in the car and she told me he was hurt. So I went and checked on him and he was bleeding and stuff. So we were trying to get him an ambulance. Units were getting there and I was trying to tell them, I think he ran into the middle part of the Tewa Lodge. After that, an FI came, and I showed him where the shot was fired. I looked, and I could see the shell casing right off the curb in the roadway. They had an officer stand with the shell casing, and then eventually, I talked to George and told him it was probably best if you got a statement from us, given who I am; I already know the drama with certain people that will follow". (Refer to OBRD footage Wise 2, 03:00 – 04:33)

Det. Wise asked clarifying questions to Chief Medina and determined the firearm looked like a black semi-automatic handgun. The Chief clarified that he heard one shot, and he was told that Shotspotter registered one shot, and he found one shell casing. The Chief clarified that after he fired the shot, he still had the gun pointed after him. Chief Medina described the white male as being in his 40s, with possibly light brownish hair. Chief Medina was unsure about the possibility of facial hair, but stated he had a black t-shirt on. Chief Medina said the individual was real lean and short about 5' 5" or 5' 6". (Refer to OBRD footage Wise 2, 04:33 – 06:22)

Chief Medina then confirmed that he was turning east onto Central and the individuals were on the northwest corner of Alvarado and Central. The white male retreated westbound. After Chief

Medina looked up from trying to grab his radio, they were probably about 20 feet from the intersection almost in front of the Tewa Lodge (almost exactly where the shell casing was). Det. Wise asked Chief Medina to draw a diagram to indicate where he saw the males. After drawing the diagram, Det. Wise asked if Chief Medina saw when the white male fled. Chief Medina said he did not because he was still pointing the gun and he punched it out of the intersection. He said, *"I was just worried 'cause my wife. So I punched it out of the intersection; when I hit the car we spun so it put the driver's side to his side. During that spin, I lost track of him. The first thing I looked was to see if she was okay and I looked up the guy came up to me and by then I couldn't see the other guy anymore. I think the guy fled when the accident happened."* **(Refer to OBRD footage Wise 2, 06:23 – 10:24)**

Det. Wise asked Chief Medina to tell her about the African American male being the primary aggressor. Chief Medina relayed the following:

"He started getting in the white guy's face and you could see the guy trying to back up and retreat. The other guy was closing distance on him, that's when he pulled the gun. I don't think he realized there's so many people in front of him at this point. If you look at my picture where the two stick figures are there's a bunch of people around them watching them (a large crowd there). The casing was found right in the curb lane, on the inside track, about a foot from the end of the cement from the curb." Chief Medina said there was a lady who came up to him and said she saw three people flee from the truck. Chief Medina told her that he was driving the truck and his wife was in the truck. Chief Medina believed she may have gotten confused. In closing, the Chief said he knew the white male ran west but was not sure if he went north into the Tewa lodge or hit the next street and turned north. **(Refer to OBRD footage Wise 2, 06:23 – 13:03)**

The entirety of the footage was 13 minutes and 3 seconds.

(Refer to OBRD entitled Wise 2, Meier 2 for further details)

Meier 1

This footage begins on February 17, 2024, at approximately 1201 hours. Det. Phillip Meier #5826 was sitting in the room during the recording interview completed by Det. Wise. For detailed information refer to Det. Wise body camera footage.

The entirety of the footage was 14 minutes and 26 seconds.

(Refer to OBRD entitled Meier 1 and Wise 1 for further details)

Meier 2

This footage begins on February 17, 2024, at approximately 1201 hours. Det. Meier was sitting in the room during the recording interview completed by Det. Wise. For detailed information refer to Det. Wise body camera footage.

The entirety of the footage was 13 minutes and 3 seconds.

(Refer to OBRD entitled Meier 2 and Wise 2 for further details)

Jackson 1

This footage begins on February 17, 2024, at approximately 1101 hours. Officer Wesley Jackson #5786 was standing at the southeast corner of Central and Alvarado. Ofc. Jackson ran to the east and told a male individual the he cannot walk underneath police tape, informing him it was a closed scene and to go back. Ofc. Jackson told the individual if he needed to get through he would have to go around.

The entirety of the footage was 59 seconds.

(Refer to OBRD entitled Jackson 1 for further details)

Jackson 2

This footage begins on February 17, 2024, at approximately 1106 hours. Officer Jackson was standing on the southwest corner of Central and Alvarado. Ofc. Jackson starts his recording, asking others for some help. Ofc. Jackson tells an individual it's a closed scene and to go that way. Ofc. Jackson informs some Police Service Aides in the background of his video to put some tape up across there. An officer can be heard asking, "What did he throw, a tablet?"

The entirety of the footage was 53 seconds.

(Refer to OBRD entitled Jackson 2 for further details)

Hernandez 1

This footage begins on February 17, 2024, at approximately 0920 hours. Sergeant Kevin Hernandez #4746 was driving to the scene with lights and sirens at intervals. Sgt. Hernandez began critical incident management by setting up a perimeter and instructing responding personnel to block off intersections surrounding the area. After exiting his patrol vehicle, Sgt. Hernandez spoke with Sergeant Joann Lopez #5418. Sgt. Lopez asked Sgt. Hernandez if he wanted to run this and she would leave. Sgt. Hernandez confirmed, but asked Sgt. Lopez to check on Chief Medina. Sgt. Hernandez walked up to the Tewa Lodge and spoke with Ofc. Lara and Ofc. Earles to ask what they had. Officers informed Sgt. Hernandez the possible offender may be in the area of the Tewa.

Sgt. Hernandez coordinated with the officers to search. Sgt. Hernandez instructed officers to clear (check) the area and if he was not in the area to check cameras and expand the perimeter if needed. As Sgt. Hernandez, Ofc. Lara and Ofc. Earles check the area dispatch asks Sgt. Hernandez for permission to start PSA's to block outer perimeter posts. Officers checked and cleared the initial area of the Tewa parking lot and the alleyway just north. After this, Sgt. Hernandez walked back to Central Avenue. **(Refer to OBRD footage Hernandez 1, 00:00 – 05:30)**

Sgt. Hernandez walked to the southeast corner of Central and Alvarado to check on Chief Medina. Chief Medina asked Sgt. Hernandez if they found the guys and Sgt. Hernandez told him, "No". Sgt. Hernandez asked Chief Medina if he had a "show of force" and Chief Medina told him, "No". Chief Medina tells Sgt. Hernandez, "It's a 45" (Traffic collision with injuries) and that he saw the guy pull the gun and he "jammed it" to get out of the line of fire and that he "jammed it across the street." Chief Medina asked again, "If we got the guy" and Sgt. Hernandez told him, "No", but that officers were checking cameras. Sgt. Hernandez informs Southeast Dispatch that the incident was not an OIS and that it was a 45. Chief Medina can be heard telling Sgt. Hernandez there should be a shell casing in front of the Tewa. Chief Medina walked along the sidewalk in front of the Tewa and pointed out a shell casing that he observed. **(Refer to OBRD footage Hernandez 1, 05:31 – 08:05)**

Sgt. Hernandez asks some people standing at the northwest corner of Central and Alvarado to move. Ofc. Carrier takes the position near the shell casing, and Sgt. Hernandez tells her thanks. Sgt. Hernandez requested a Crime Scene Specialist and an APD Traffic Motors Unit for the officer involved traffic collision. Chief Medina walked up to Sgt. Hernandez to speak with him. The conversation is cut off as Sgt. Hernandez turned off his body camera.

The entirety of the footage was 10 minutes and 3 seconds.

(Refer to OBRD entitled Hernandez 1 for further details)

Hernandez 2

This footage begins on February 17, 2024, at approximately 0935 hours. Sgt. Hernandez walked from the intersection of Central and Alvarado up to the Tewa Lodge and told the officers, "*It's Negative, negative, negative.*"

The entirety of the footage was 1 minute and 7 seconds.

(Refer to OBRD entitled Hernandez 2 for further details)

Hernandez 3

This footage begins on February 17, 2024, at approximately 0955 hours. Sgt. Hernandez appeared to be sitting in his patrol vehicle. Sgt. Hernandez spoke to a male citizen and provided direction for them to go around the scene.

The entirety of the footage was 58 seconds.

(Refer to OBRD entitled Hernandez 3 for further details)

Lopez 1

This footage begins on February 17, 2024, at approximately 0907 hours and was associated with APD Case #24-0013739. Sergeant Joann Lopez #5418 logged onto an aggravated assault where the victim called police to report being followed by a vehicle where the occupant pointed a gun. This incident was unrelated to the collision or shot being fired near Central and Alvarado involving Chief Medina.

The footage is included here because the last portion of the body camera footage is when Chief Medina called for assistance on the Southeast Dispatch channel. The body camera audio is poor due to ambient background noise; however, Sgt. Lopez overheard the request and said, *“I gotta go.”*

Chief Medina can be heard a short time later saying, *“PD subject was armed with a gun, older, white male, long hair last seen headed westbound from Central and Alvarado, also start 43/55 reference the possible 45 . . . subject armed with a black handgun.”*

Sgt. Lopez requested air support. Chief Medina was asked if he was *“10-4,”* and he responded by saying, *“Yeah, 10-4, the subject was shooting at a subject as I was coming down a side street and I had to cross the street to get out of the line of fire and got in a 45.”* **(Refer to OBRD footage Lopez 1, 12:29 – 13:37)**

The entirety of the footage was 13 minutes and 37 seconds.

(Refer to OBRD entitled Lopez 1 for further details)

Lopez 2

This footage begins on February 17, 2024, at approximately 0923 hours. Sgt. Lopez was driving and stopped her vehicle to say, *“Do you want to run this and I will leave?”* Sgt. Lopez was asked to check on Chief Medina (Car 1) to make sure he was okay. Chief Medina can be heard in the background saying, *“Fuck man . . . I stopped to check on the homeless and literally he fired the shot.”*

The entirety of the footage was 54 seconds.

(Refer to OBRD entitled Lopez 2 for further details)

Lopez 3

This footage begins on February 17, 2024, at approximately 0923 hours. The footage started with Sgt. Lopez driving eastbound past O'Reilly Auto Parts. Sgt. Lopez stopped near Central and Valencia. Sgt. Lopez spoke with the victim, Mr. Perchert, asking him if he was okay. Sgt. Lopez requested emergency medical personnel through dispatch and said, *"I know you started them, but this male's having a hard time breathing. He's elderly. He's the one that was hit."* **(Refer to OBRD footage Lopez 3, 00:00 – 01:55)**

Sgt. Lopez obtained Mr. Perchert's license plate which was 14583US. Sgt. Lopez told dispatch to request assistance from PSAs citywide. Sgt. Lopez requested PSAs stop all eastbound traffic at Central and Alvarado (west) and requested dispatch notify transit to divert buses from going through the scene. Sgt. Lopez requested the next PSA to go to Central and Valencia and stop all westbound traffic. Albuquerque Fire Rescue (AFR) Engine 11 and Albuquerque Ambulance 37 arrived. Sgt. Lopez continued to coordinate closing the roads off to traffic. Sgt. Lopez asked AFR if there was a category and she was informed Mr. Perchert was going to make it. Sgt. Lopez asked for an additional PSA to block southbound traffic just north of Central and Alvarado. Dispatch confirmed that Chief Medina's police unit (vehicle) was involved in the collision. **(Refer to OBRD footage Lopez 3, 01:56 – 15:20)**

The entirety of the footage was 15 minutes and 20 seconds.

(Refer to OBRD entitled Lopez 3 for further details)

Montoya 1

This footage begins on February 17, 2024, at approximately 1013 hours. Crime Scene Specialist (CSS) Adrian Montoya #5915 arrived just west of the Tewa Lodge. CSS Montoya spoke with CSS Supervisor Higgins briefly and they discussed the direction of the shot being fired. Ofc. Lara briefs CSS Montoya of the circumstances of the shot being fired and the traffic collision involved Chief Medina. CSS Supervisor Higgins asked Montoya to let him know when the shell casing it tagged in so that it can be checked through NIBIN. CSS Montoya spoke with the Mayor and the Mayor thanked him for being out there. CSS Montoya spent time checked surrounding buildings for projectile impacts including Kap's Coffee Shop and O'Reilly Auto Parts. **(Refer to OBRD footage Montoya 1, 00:00 – 10:00)**

CSS Montoya did not locate any projectile impact to the nearby building. CSS Montoya informed Ofc. Carrier that she was no longer needed to stand by the shell casing. CSS Montoya took

photographs of the scene. They discussed the shell casing and Ofc. Lara believed at initial glance the caliber was 9mm. CSS Montoya looked at Chief Medina’s issued truck to look for any projectile impacts. CSS Montoya concluded his portion of the crime scene processing.

The entirety of the footage was 23 minutes and 24 seconds.

(Refer to OBRD entitled Montoya 1 for further details)

Martin 1

This footage begins on February 17, 2024, at approximately 1023 hours. Digital Imaging and Video Recovery Team (“DIVRT”) Analyst Calvin Martin E51177 arrived and checked surrounding businesses for video footage. Analyst Martin spoke with Ofc. Reazin, who indicated the preliminary investigation, indicated the collision appeared to have resulted due to the shot being fired. Hard acceleration was noted where the two plugs were located on Central Ave. **(Refer to OBRD footage Martin 1, 14:09)**



Kap’s Coffee Shop and Diner – 5801 Central Ave. NE
O’Reilly Auto Parts – 5820 Central Ave. SE
Trujillo Family Funeral Home – 110 Alvarado Dr. SE
United States Postal Service – 111 Alvarado Dr. SE
Redeemer Lutheran Church – 210 Alvarado Dr. SE
Tewa Lodge – 5715 Central Ave. NE
Envios El Rey – 5701 Central Ave. NE
Café Da Lat – 5615 Central Ave. NE

Metal Finishing Specialty – 115 Palomas Dr. NE
Armageddon Turbo Systems – 130 Palomas Dr. NE
The entirety of the footage was 1 hour, 56 minutes and 29 seconds.

(Refer to OBRD entitled Martin 1 for further details)

Martin 2

This footage begins on February 21, 2024, at approximately 1455 hours. DIVERT analysts Martin and Arthur returned to Trujillo Family Funeral Home, 110 Alvarado Dr. SE. They confirmed the camera should capture the intersection of Central and Alvarado from a distance and that when zooming in, grainy footage was observed of the individuals involved in the altercation.

The entirety of the footage was 16 minutes and 7 seconds.

(Refer to OBRD entitled Martin 2 for further details)

Martin 3

This footage begins on April 3, 2024, at approximately 1557 hours. DIVERT analyst Martin and Lt. Jaramillo walked into the O'Reilly Auto Parts business. Divert analyst Martin turned his camera off to start the recording over.

The entirety of the footage was 48 seconds.

(Refer to OBRD entitled Martin 3 for further details)

Martin 4

This footage begins on April 3, 2024, at approximately 1557 hours. DIVERT analyst Martin and Lt. Andrew Jaramillo returned to O'Reilly Auto Parts to confirm the absence of surveillance footage.

The entirety of the footage was 1 minutes and 47 seconds.

(Refer to OBRD entitled Martin 4 for further details)

Martin 5

This footage begins on April 3, 2024, at approximately 1610 hours. DIVERT analyst Martin and Lt. Jaramillo checked Pep Boys, 5600 Central Ave. SE to determine if they had surveillance that would capture Central and Alvarado. They confirmed the absence of surveillance footage.

The entirety of the footage was 1 minute and 13 seconds.

(Refer to OBRD entitled Martin 5 for further details)

Jaramillo 1

This footage begins on April 3, 2024, at approximately 1557 hours. Lieutenant Andrew Jaramillo #5267 was at the O'Reilly Auto Parts business, 5820 Central Ave. SE. Lt. Jaramillo walked into the business and turned his camera off.

The entirety of the footage was 45 seconds.

(Refer to OBRD entitled Jaramillo 1 for further details)

Jaramillo 2

This footage begins on April 3, 2024, at approximately 1557 hours. Lt. Jaramillo turned his camera on and spoke with an employee of the auto parts business to confirm the absence of surveillance footage. Lt. Jaramillo was informed they have a live-view camera that does not record.

The entirety of the footage was 1 minute and 48 seconds.

(Refer to OBRD entitled Jaramillo 2 for further details)

Jaramillo 3

This footage begins on April 3, 2024, at approximately 1610 hours. Lt. Jaramillo turned his camera on and spoke with an employee of the Pep Boys business to confirm the absence of surveillance footage. Lt. Jaramillo was informed their camera view does not extend that far east.

The entirety of the footage was 1 minute and 39 seconds.

(Refer to OBRD entitled Jaramillo 3 for further details)

Arthur 1

This footage begins on February 17, 2024, at approximately 1020 hours. Digital Imaging and Video Recovery Team ("DIVRT") Analyst Jerdino Arthur E24327 and Calvin Martin arrived and spoke with Chief Medina. Chief Medina asked him to check two streets for the victim. They checked surrounding businesses for video footage.

At approximately 1205 hours, DIVRT analyst Arthur returned to Tewa Lodge, 5715 Central Ave. NE to obtain the surveillance footage in a different file format because the original format would not play. **(Refer to OBRD footage Arthur 1, 01:42:00 – 01:59:14)**

DIVRT Analysts Arthur and Martin remained together for the duration of the canvass. For detailed information, refer to DIVRT Analyst Martin's body camera footage titled Martin 1.

(Refer to OBRD entitled Arthur 1 and Martin 1 for further details)

Arthur 2

This footage begins on February 21, 2024, at approximately 1455 hours. DIVERT analysts Arthur and Martin returned to Trujillo Family Funeral Home, 110 Alvarado Dr. SE. They confirmed the camera should capture the intersection of Central and Alvarado from a distance and that when zooming in grainy footage was observed of the individuals involved in the altercation.

The entirety of the footage was 16 minutes and 7 seconds.

(Refer to OBRD entitled Arthur 2 for further details)

IAPS Evidence-Other Investigative Material

Major Update I-391-24

This document details ancillary concerns identified during the investigation of the primary issue related to this case.

It specifically identifies several cases of APD personnel violating SOP 2-8-5B, which requires them to activate their OBRD prior to contact with individuals, except in emergencies. The cases involve officers, PSAs, and a DIVERT analyst who failed to record their interactions with witnesses, suspects, media, and other personnel.

The document also reports other violations by officers, such as not submitting police reports in a timely manner (SOP 2-16-5C1) and not clearing intersections while running code (SOP 1-1-6C1). These violations were discovered by reviewing OBRD footage and police reports related to a shooting incident and will be addressed in a separate investigation.

(Refer to Major Update I-391-24 for further details)

Chief Medina Speaks

The footage is of a video message to Albuquerque Police Department personnel by Chief Medina, who explains that he was involved in an incident where he witnessed a shooting and was in a car crash while driving with his wife.

Chief Medina says that he tried to get his wife out of the way of the shooter and that he accidentally hit another vehicle. He says he submitted to a drug test, a breathalyzer test, and an IA investigation for not having his camera on.

Chief Medina expressed his regret for the injury of the other driver, and his gratitude for the support he received from the department and the community. He also emphasizes the need to work together to end gun violence and to maintain a work-life balance for the officers.

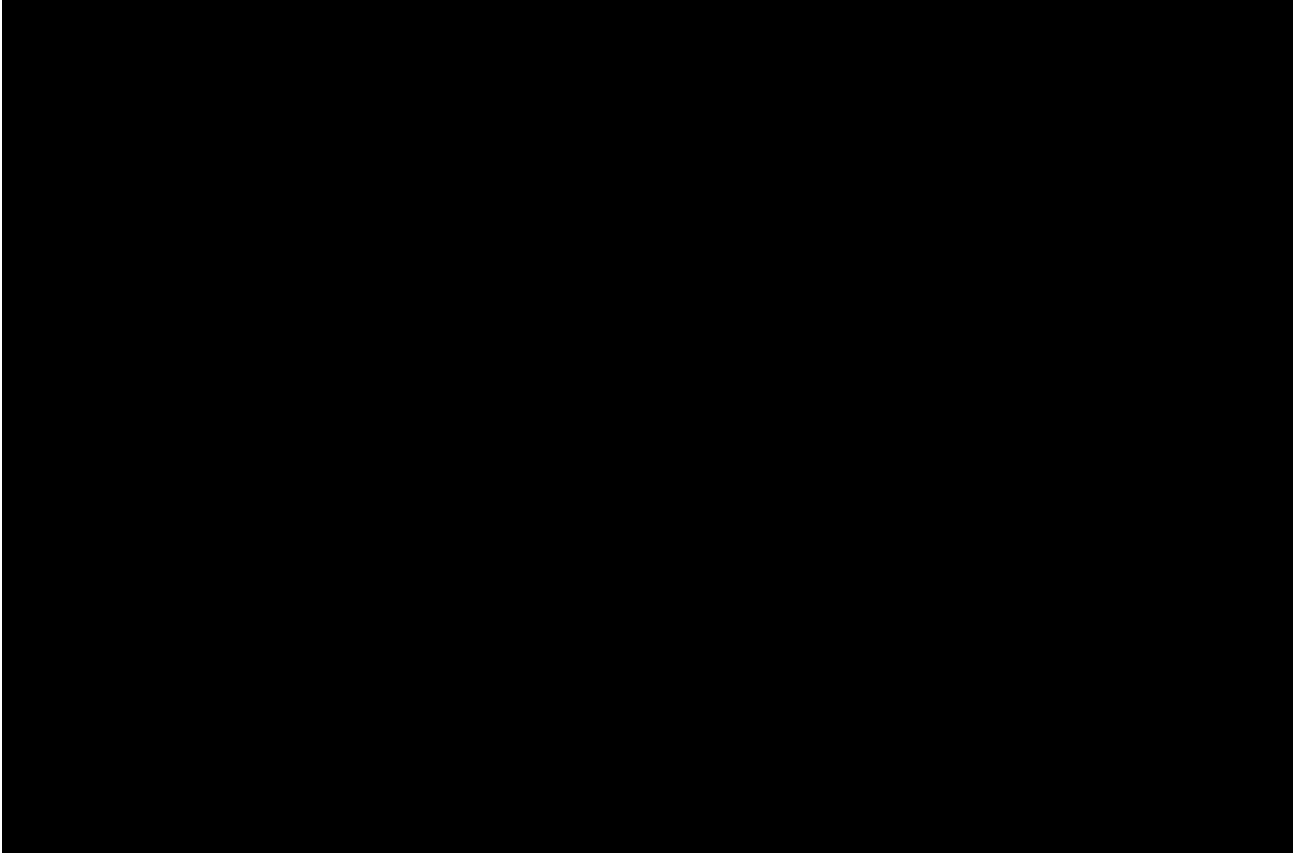
(Refer to Chief Medina Speaks for further details)

IAPS Interviews and Interview Recordings

Summary of Interview with Sergeant Joann Lopez (Witness)

On April 26, 2024, I completed an in-person, recorded interview with Sergeant Joann Lopez at the IAPS Office. Sgt. Lopez was a witness in the investigation, and she did not have representation.

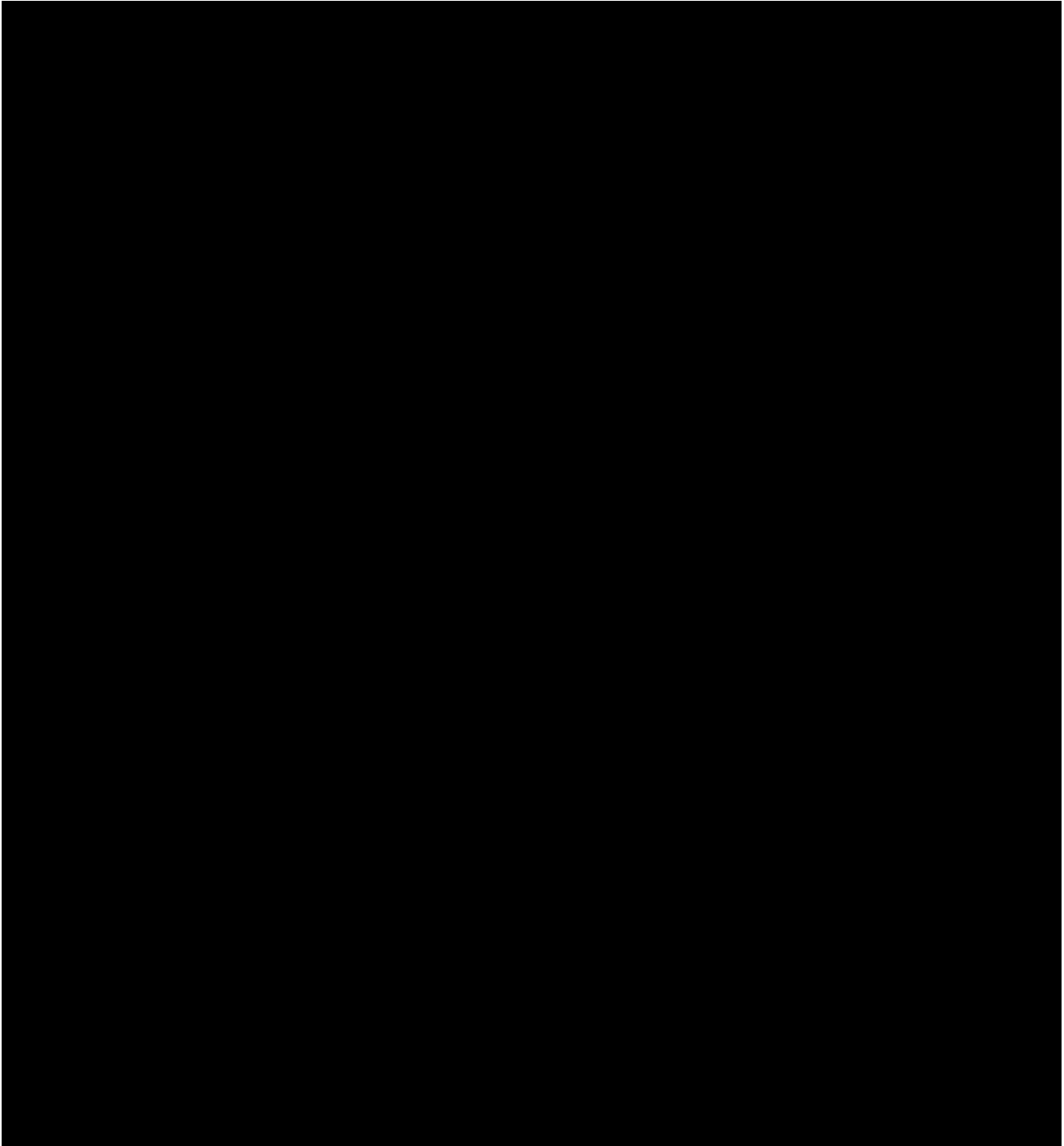
I informed Sgt. Lopez that the focus of the investigation, was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.

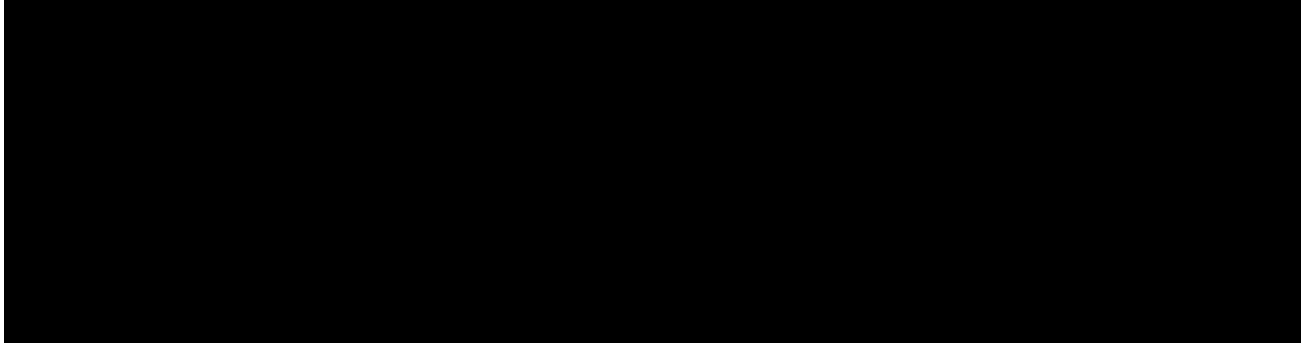


(Refer to Interview Recording “Sgt. Joann Lopez Interview” for further details)

Summary of Interview with Sergeant Kevin Hernandez (Witness)

On April 26, 2024, I completed an in-person, recorded interview with Sergeant Kevin Hernandez at the IAPS Office. Sgt. Hernandez was a witness in the investigation and he did not have representation. I informed Sgt. Hernandez that the focus of the investigation, was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.

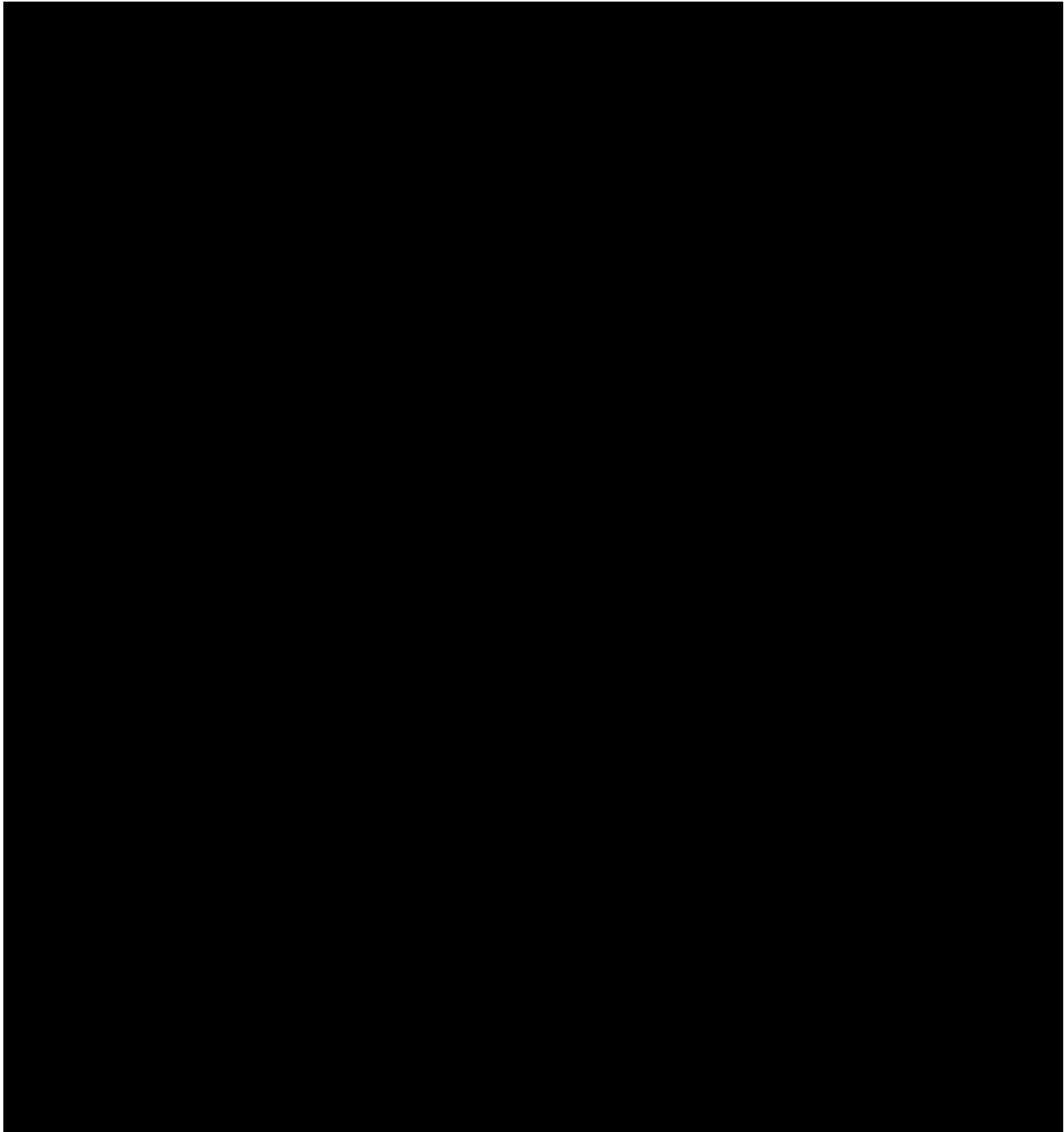


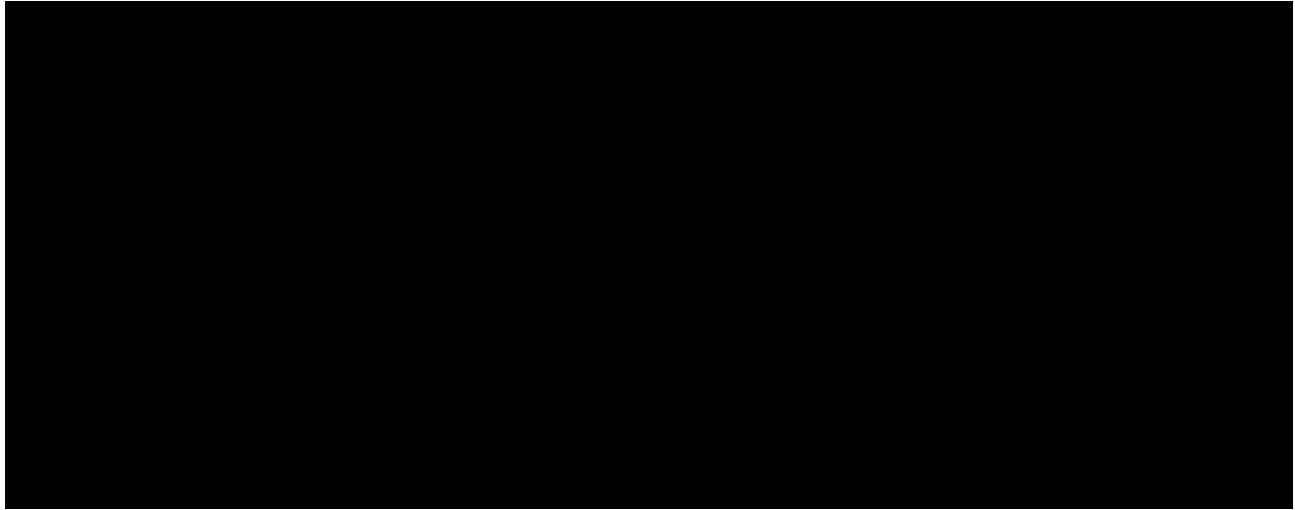


(Refer to Interview Recording “Sgt. Kevin Hernandez Interview” for further details)

Summary of Interview with Officer Howard Perry (Witness)

On April 26, 2024, I completed an in-person, recorded interview with Officer Howard Perry at the IAPS Office. Ofc. Perry was a witness in the investigation and he did not have representation with him. I informed Ofc. Perry that the focus of the investigation, was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.

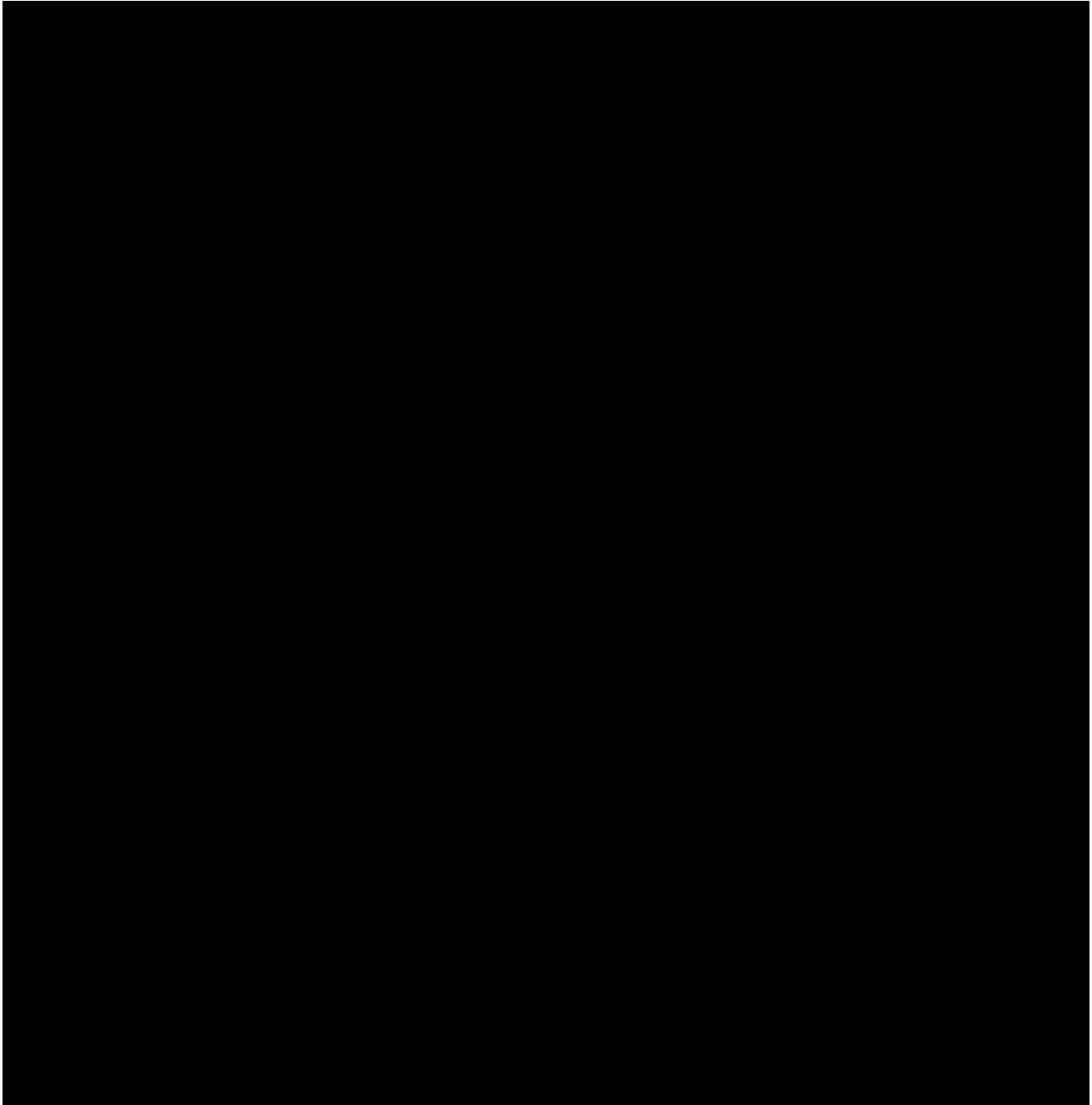




(Refer to Interview Recording “Ofc. Howard Perry Interview” for further details)

Summary of Interview with Officer Zachary Earles (Witness)

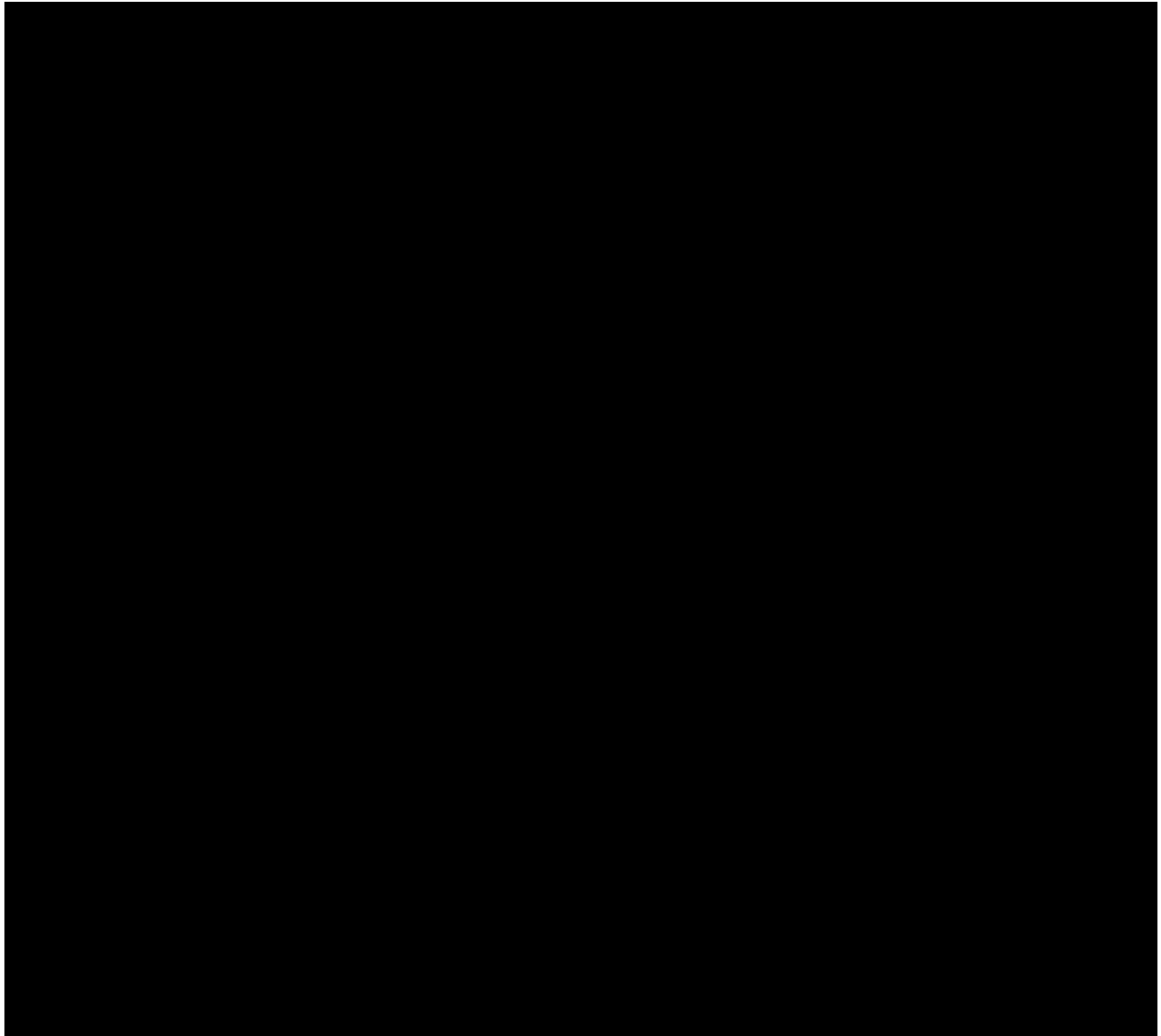
On April 26, 2024, I completed an in-person, recorded interview with Officer Zachary Earles at the IAPS Office. Ofc. Earles was a witness in the investigation and did not have representation. I informed Ofc. Earles that the focus of the investigation, was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.



(Refer to Interview Recording “Ofc. Zachary Earles Interview” for further details)

Summary of Interview with Officer Manuel Lara (Witness)

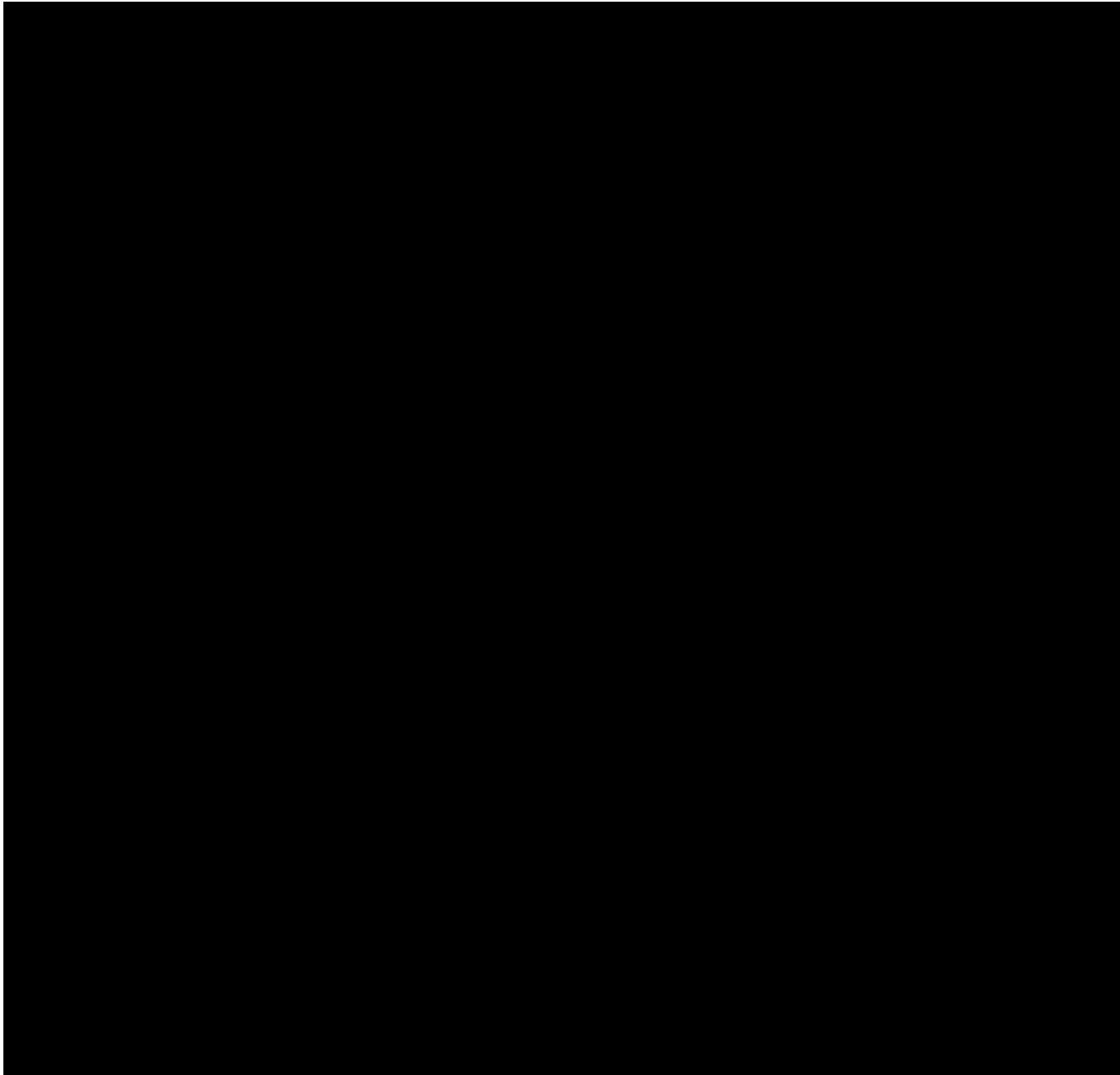
On April 29, 2024, I completed an in-person, recorded interview with Officer Manuel Lara at the IAPS Office. Ofc. Lara was a witness in the investigation and did not have representation. I informed Ofc. Lara that the focus of the investigation was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.

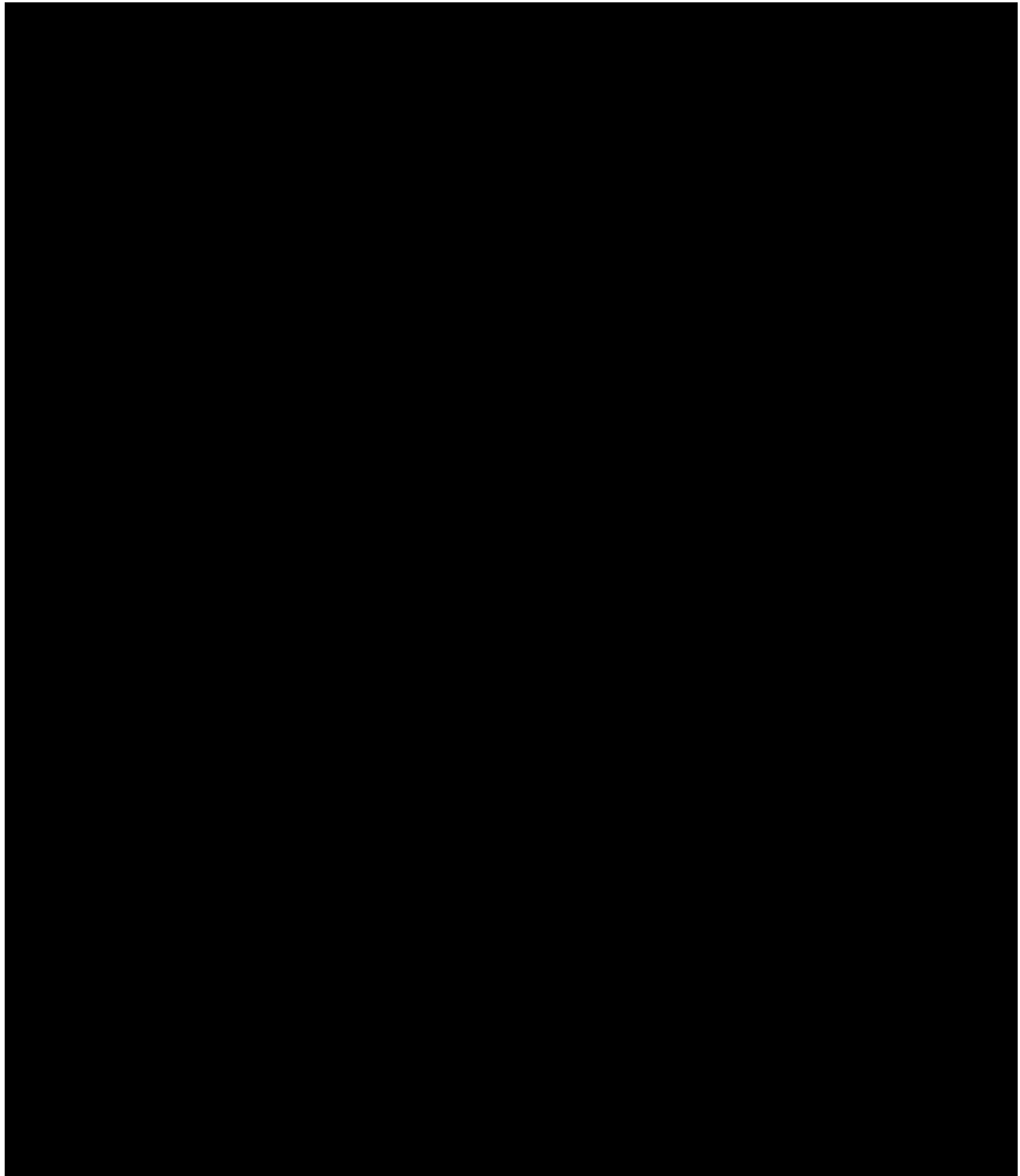


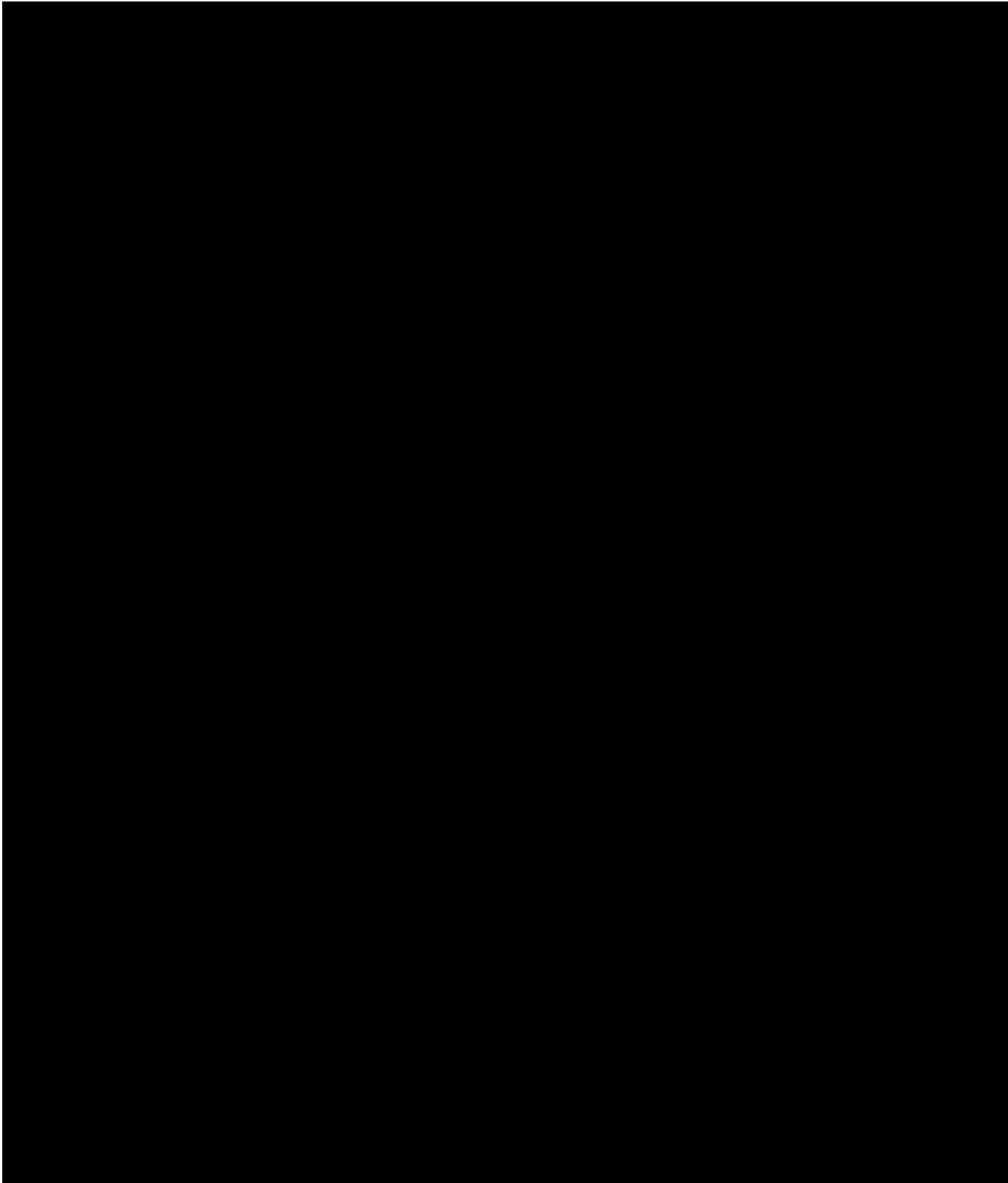
(Refer to Interview Recording “Ofc. Manuel Lara Interview” for further details)

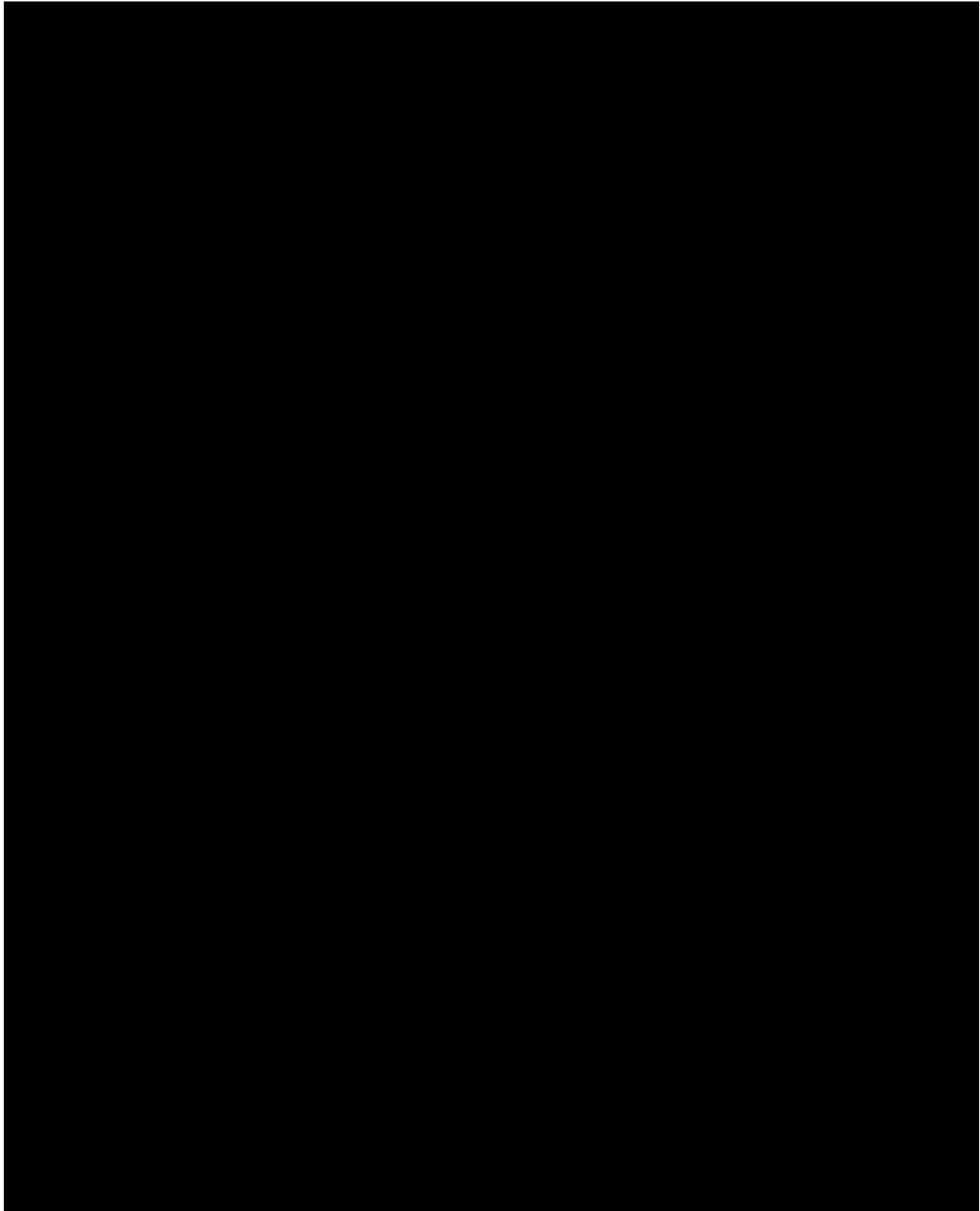
Summary of Interview with Sergeant James Burton (Witness)

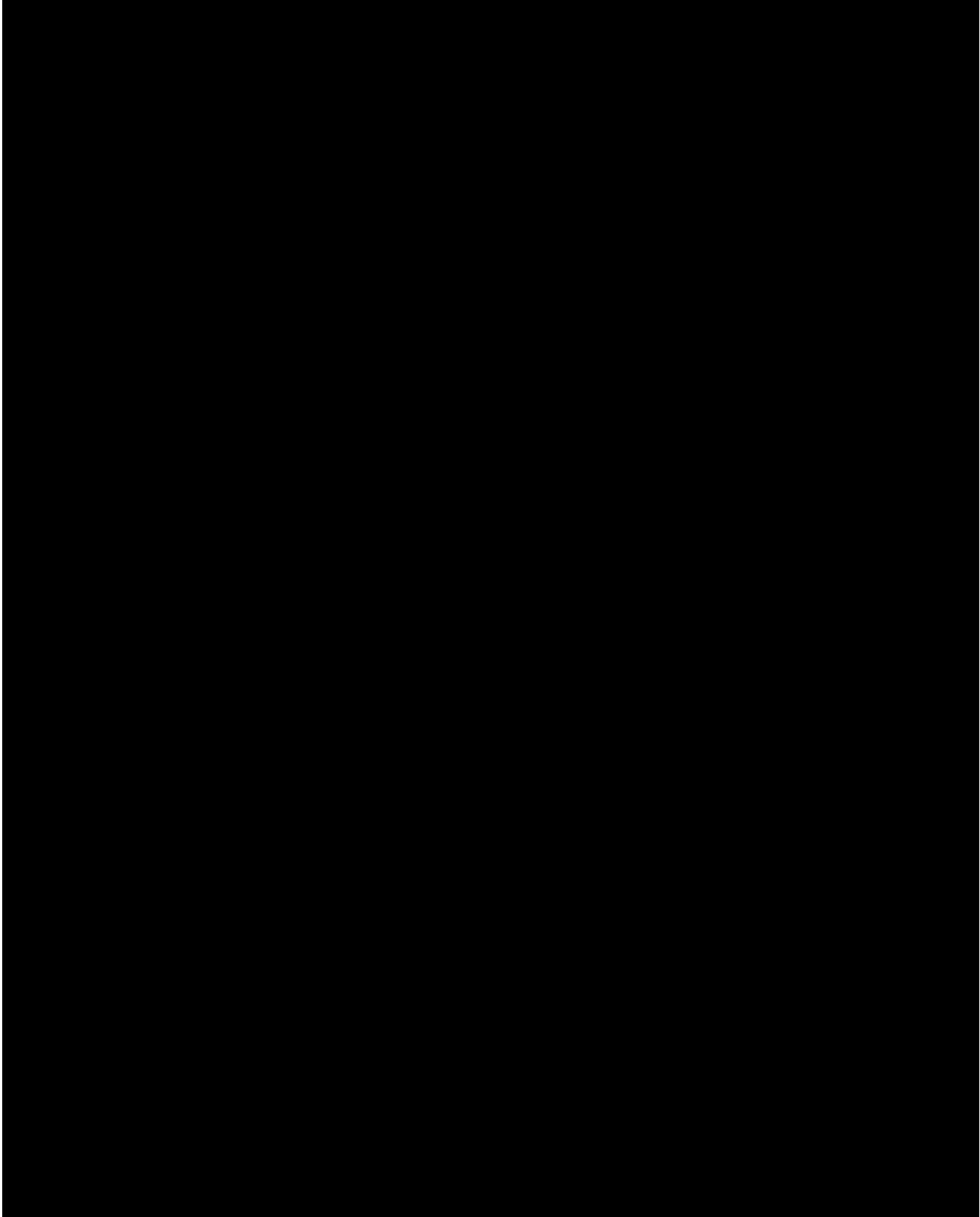
On May 1, 2024, I completed an in-person, recorded interview with Sergeant James Burton at the Regional Transportation Management Center at 400 Wyoming Blvd. NE. Sgt. Burton was a witness in the investigation and did not have representation. I informed Sgt. Burton that the focus of the investigation, was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.

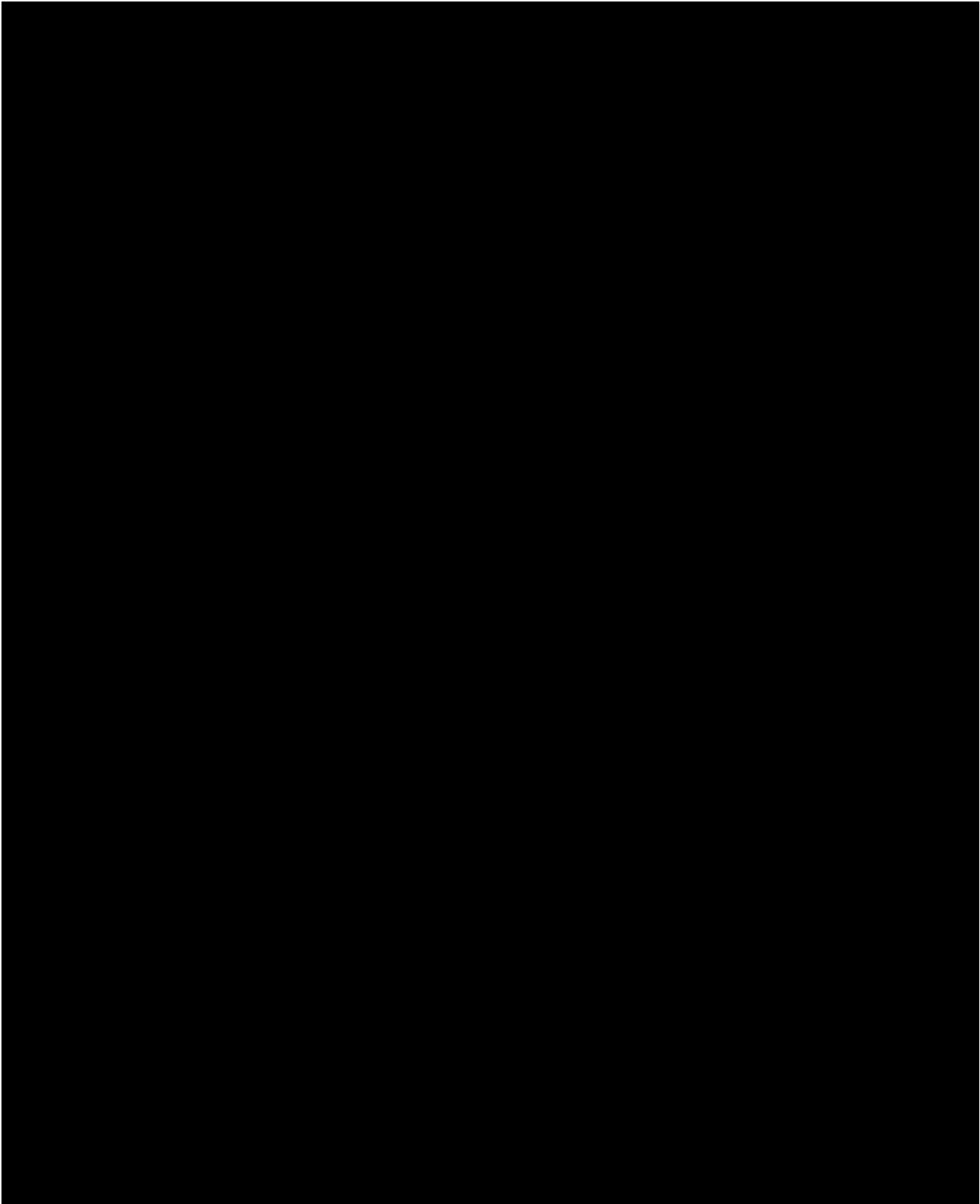


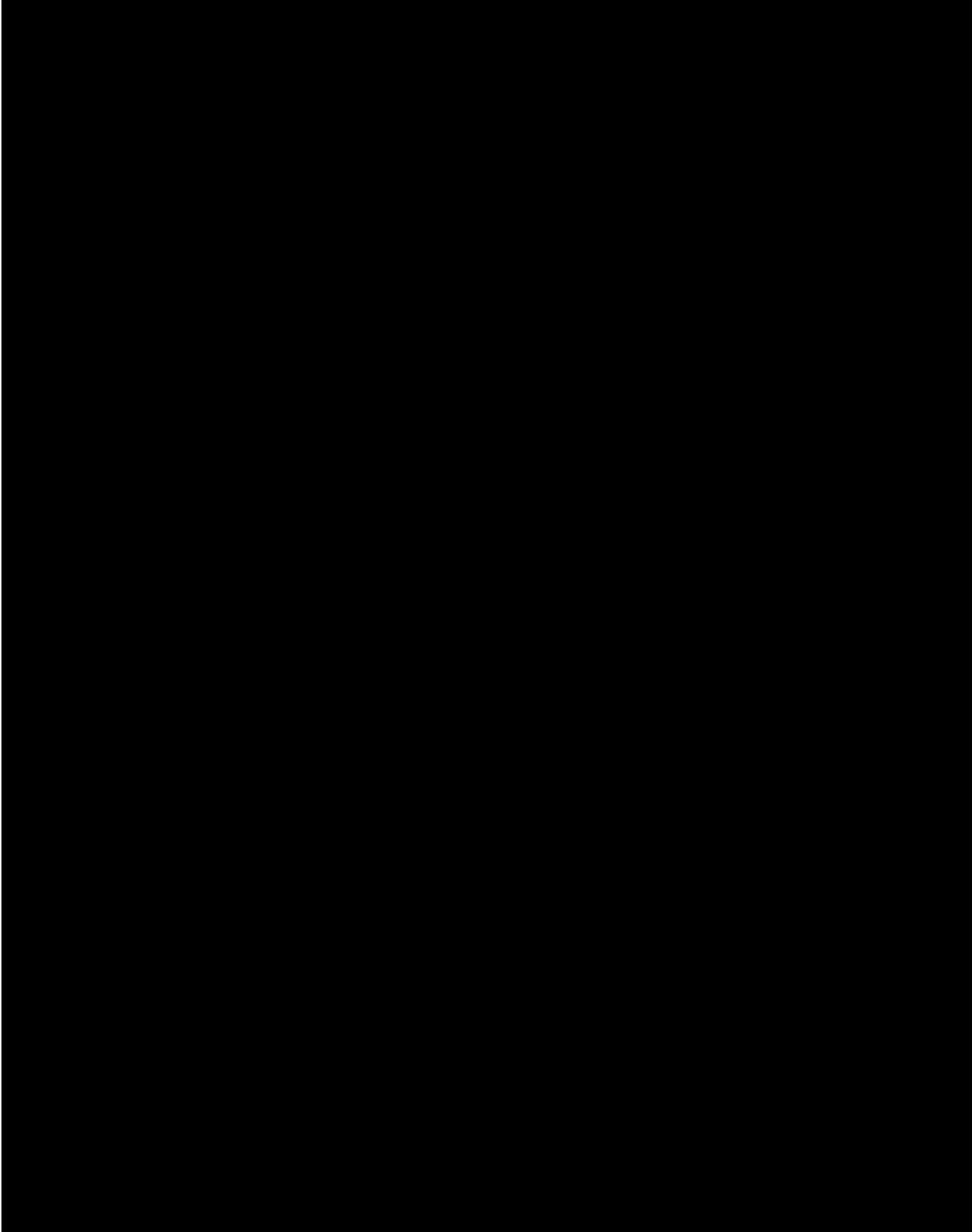










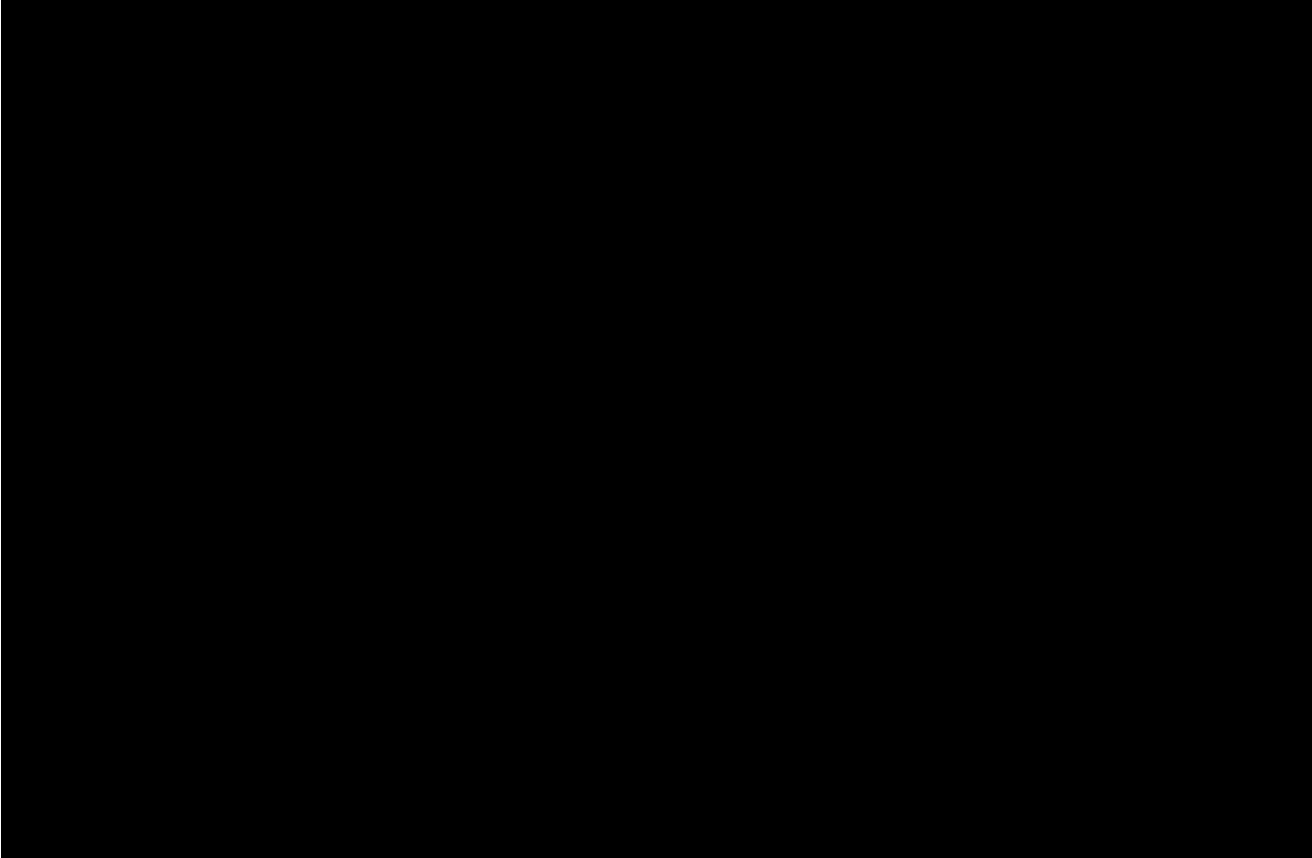




(Refer to Interview Recording “Sgt. James Burton Interview” for further details)

Summary of Interview with Detective Leah Wise (Witness)

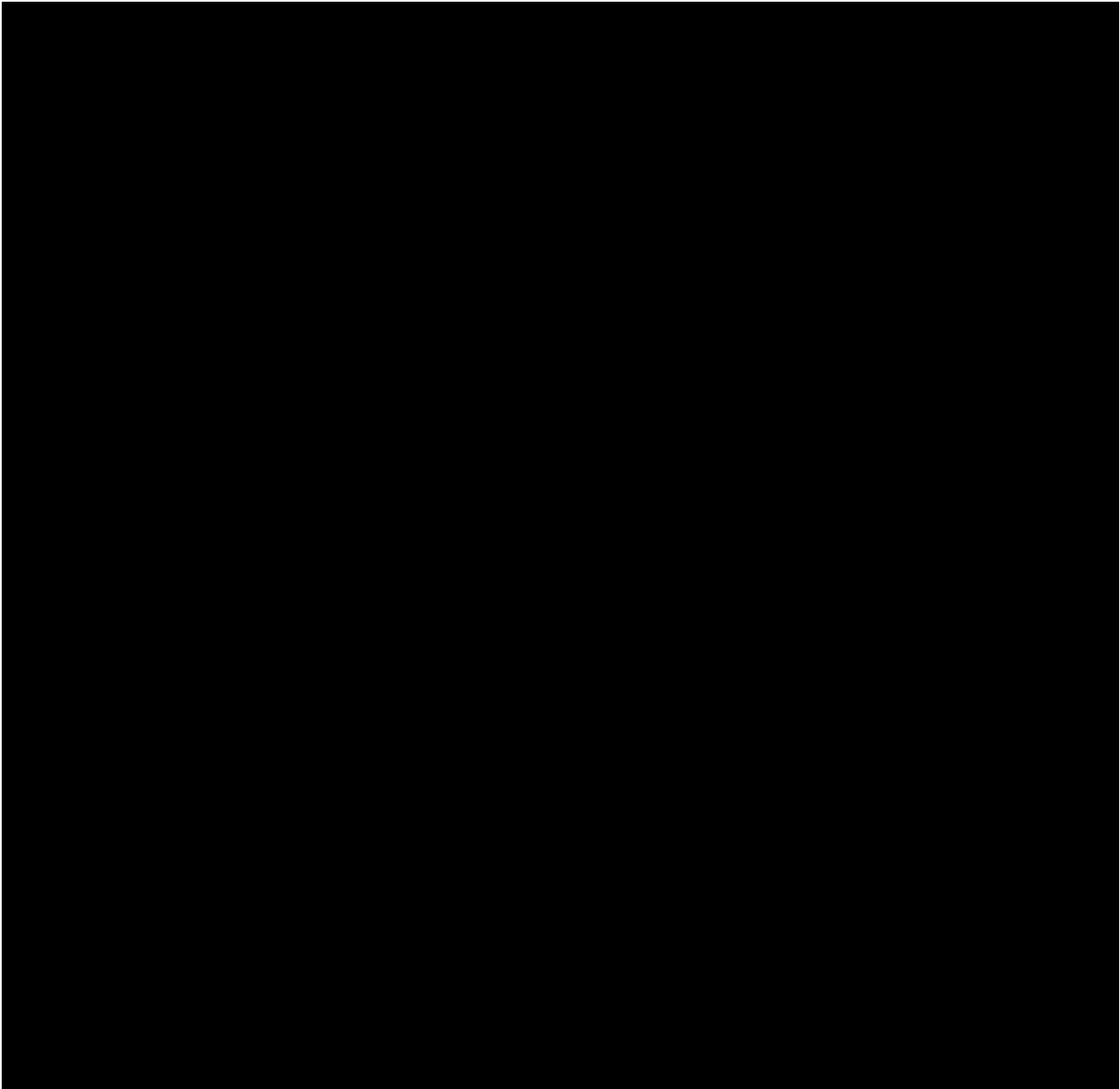
On May 7, 2024, I completed an in-person, recorded interview with Detective Leah Wise at the IAPS Office. Det. Wise was a witness in the investigation and was present with Albuquerque Police Officer's Association (APOA) representative Shaun Willoughby. I informed Det. Wise that the focus of the investigation was a traffic collision/shooting involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.



(Refer to Interview Recording “Det. Leah Wise Interview” for further details)

Summary of Interview with Detective Efrain Martinez (Witness)

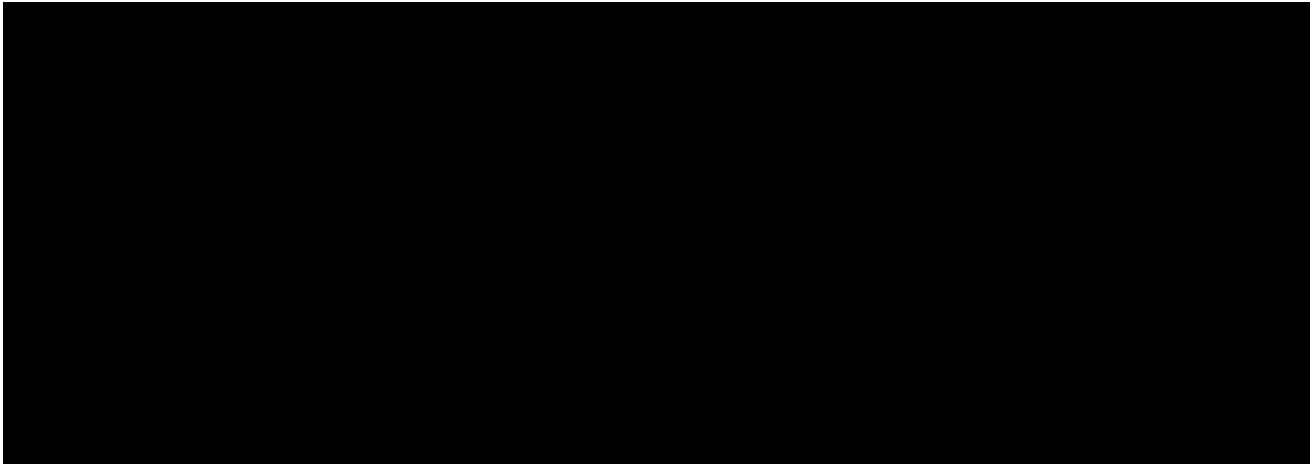
On May 7, 2024, I completed an in-person, recorded interview with Detective Efrain Martinez at the IAPS Office. Det. Martinez was a witness in the investigation and did not have representation. I informed Det. Martinez that the focus of the investigation was a traffic collision and shooting involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.



(Refer to Interview Recording “Det. Efrain Martinez Interview” for further details)

Summary of Interview with Major Jimmy Collins (Complainant)

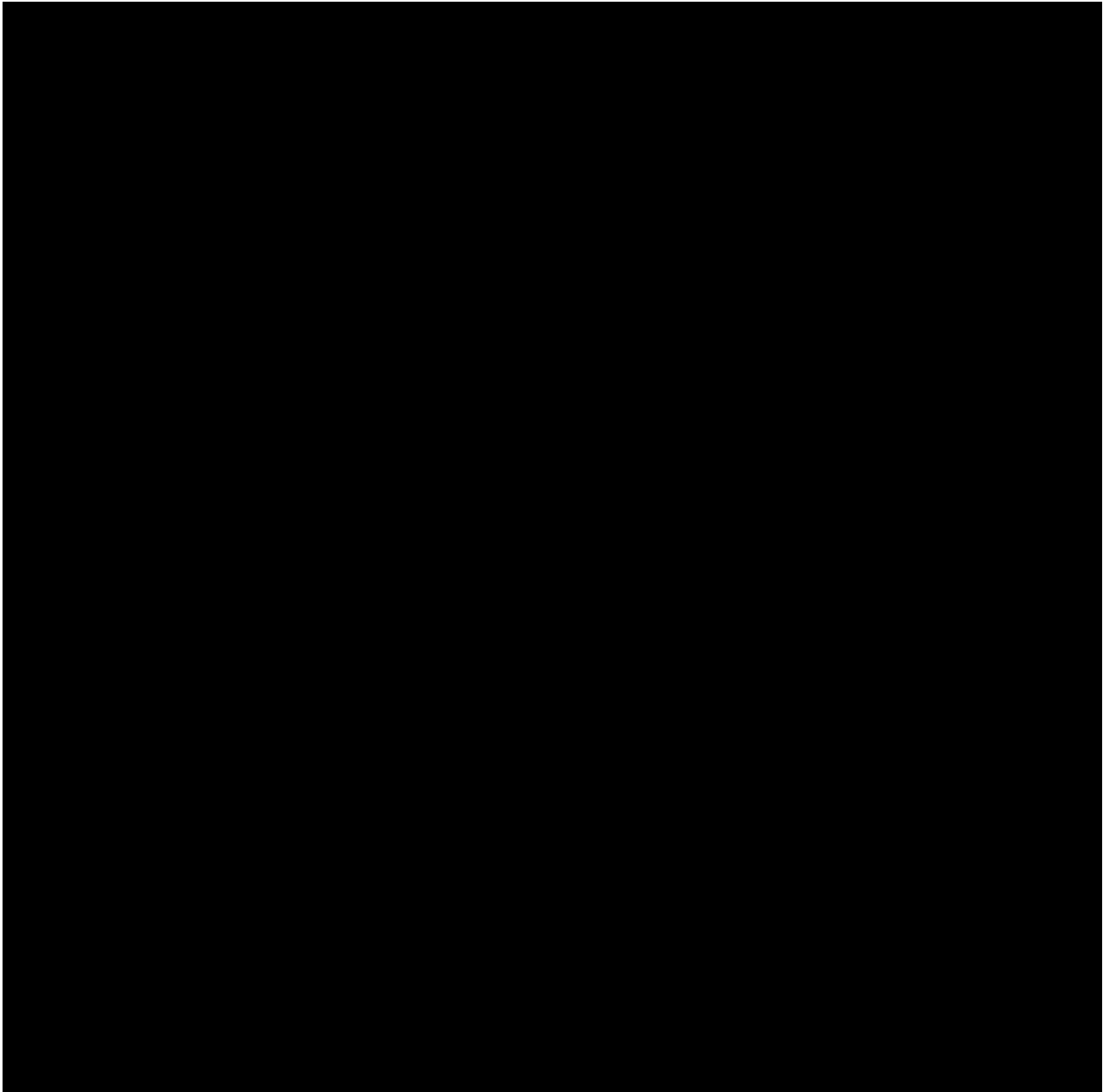
On May 9, 2024, I completed an in-person, recorded interview with Major Jimmy Collins at the IAPS Office. Major Collins was the complainant in the investigation. I informed Major Collins that the focus of the investigation was a traffic collision and shooting involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.

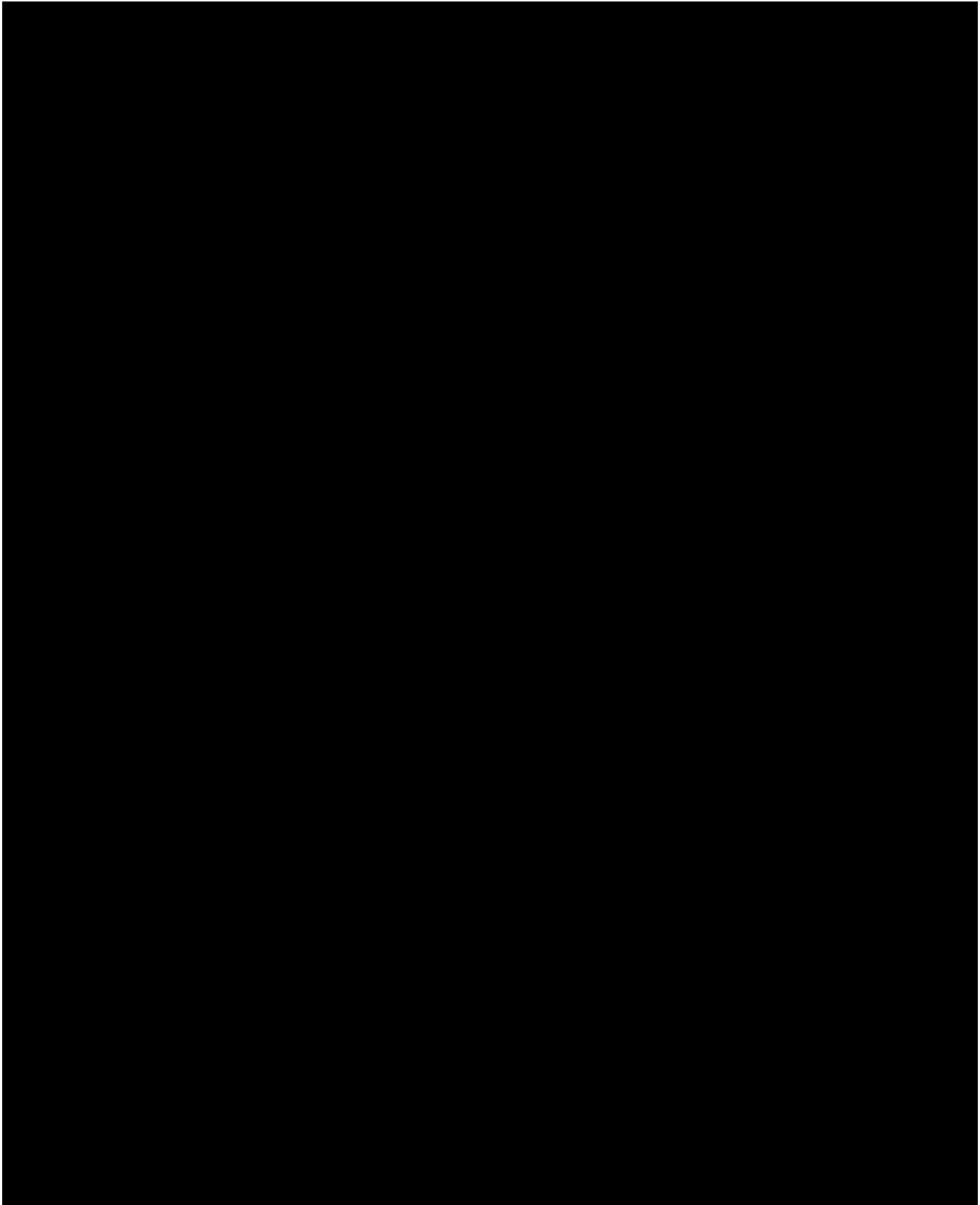


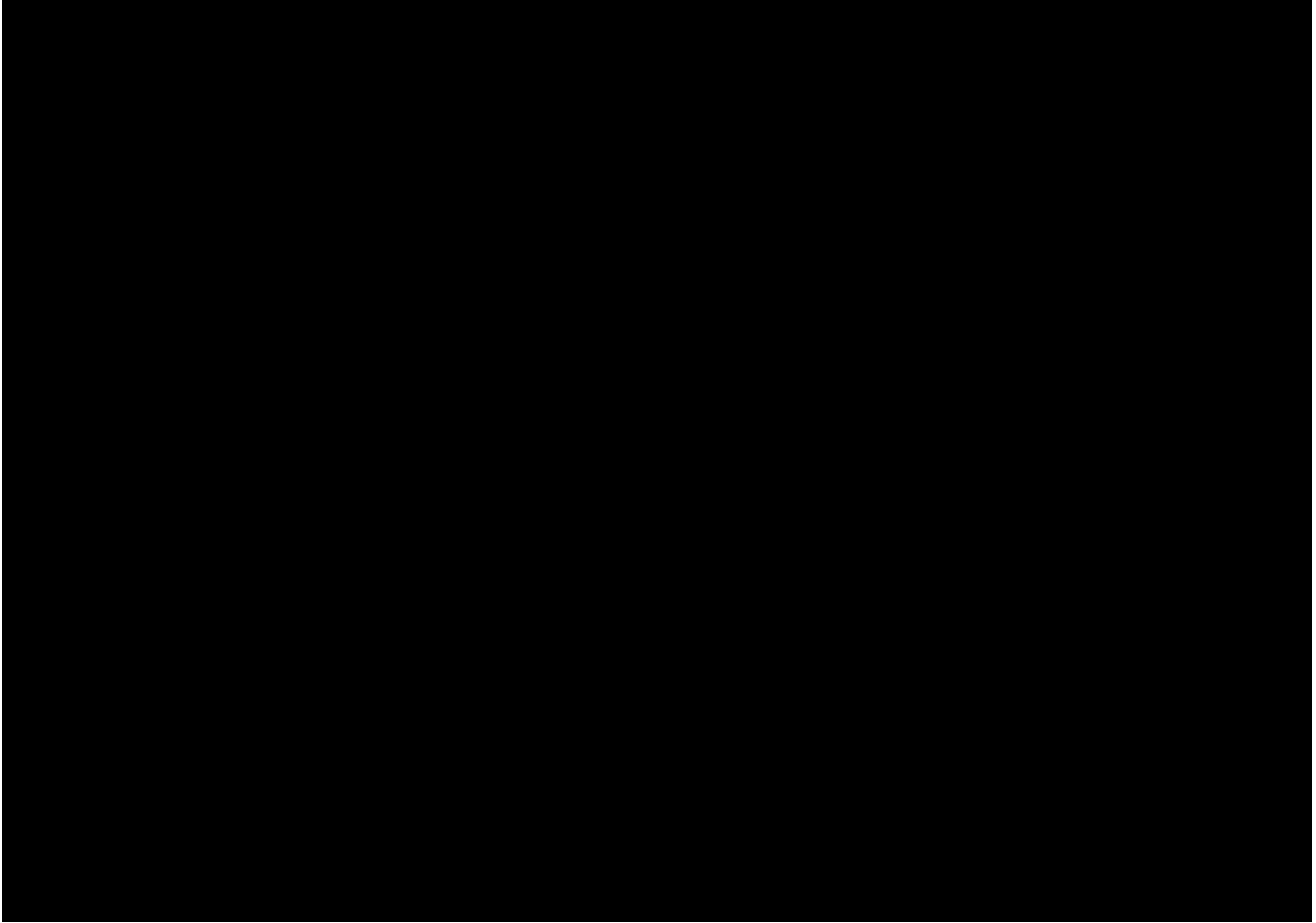
(Refer to Interview Recording “Major Jimmy Collins Interview” for further details)

Summary of Interview 1 with Commander Benito Martinez (Subject)

On May 9, 2024, I completed an in-person, recorded interview with Commander (Cmdr.) Benito Martinez at the IAPS Office. Cmdr. Martinez was a witness in the investigation and did not have representation. Deputy Commander Paul Skotchdopole of IAPS was present during this interview. I informed Cmdr. Martinez that the focus of the investigation was a traffic collision and shooting involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.



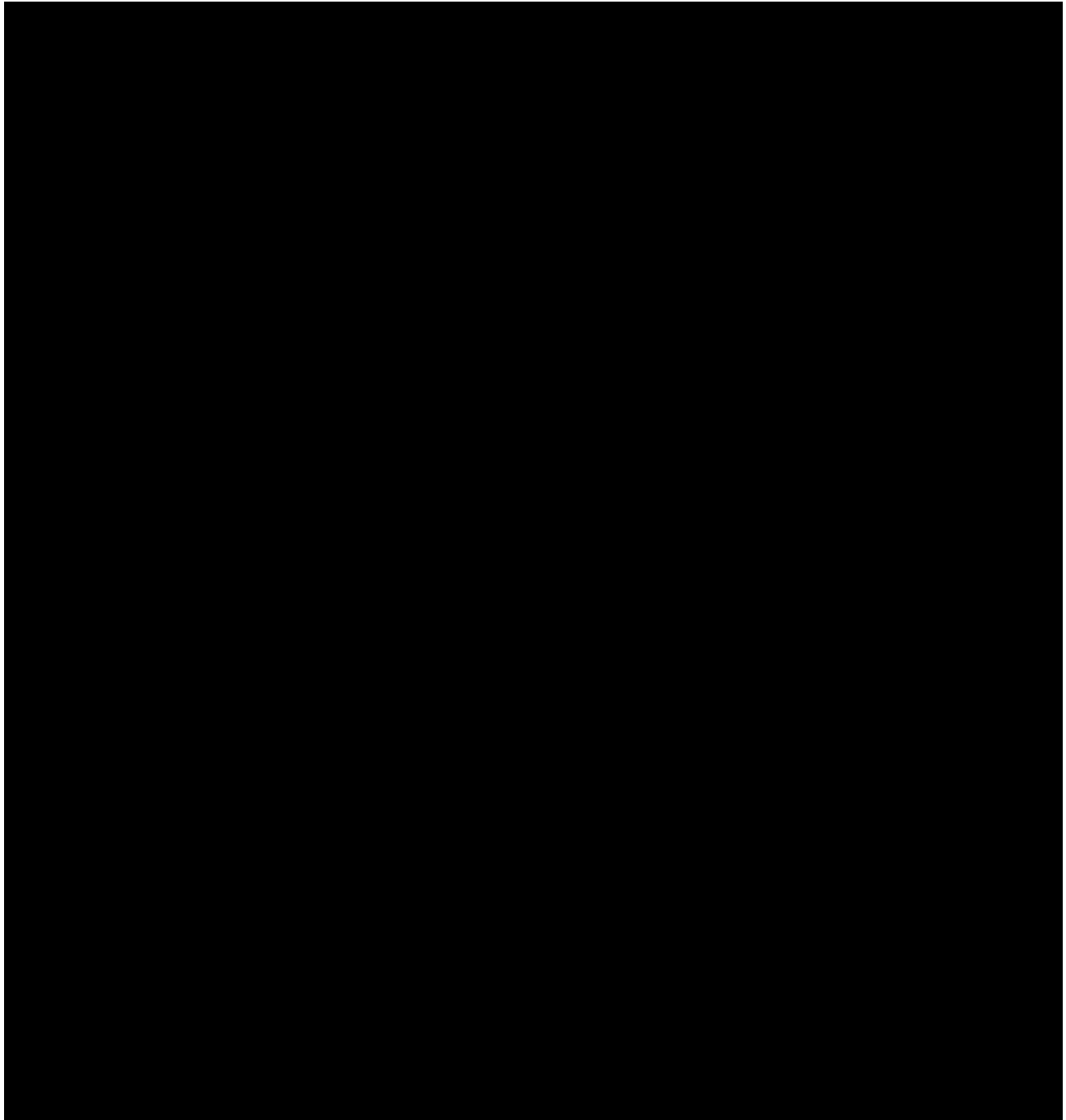


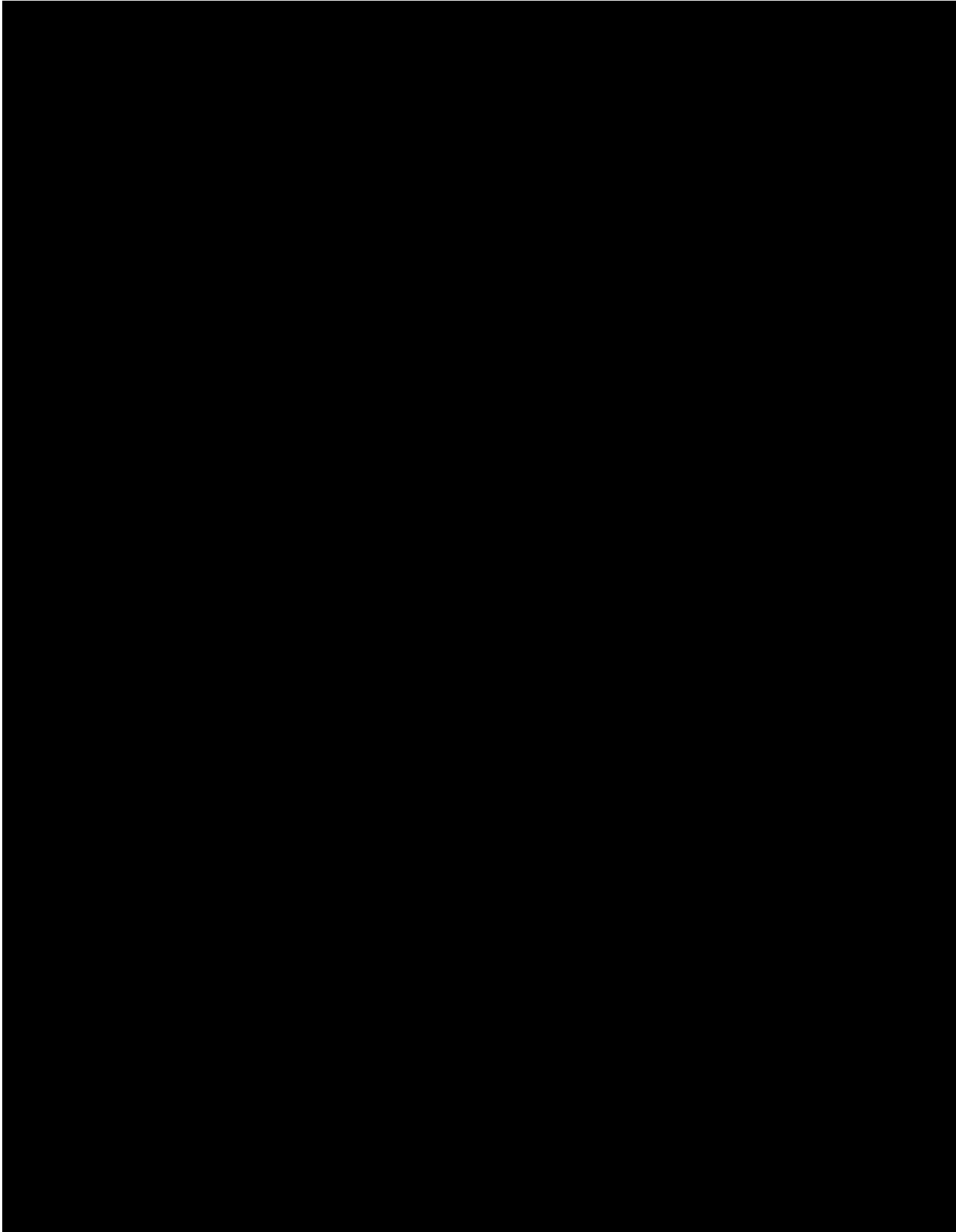


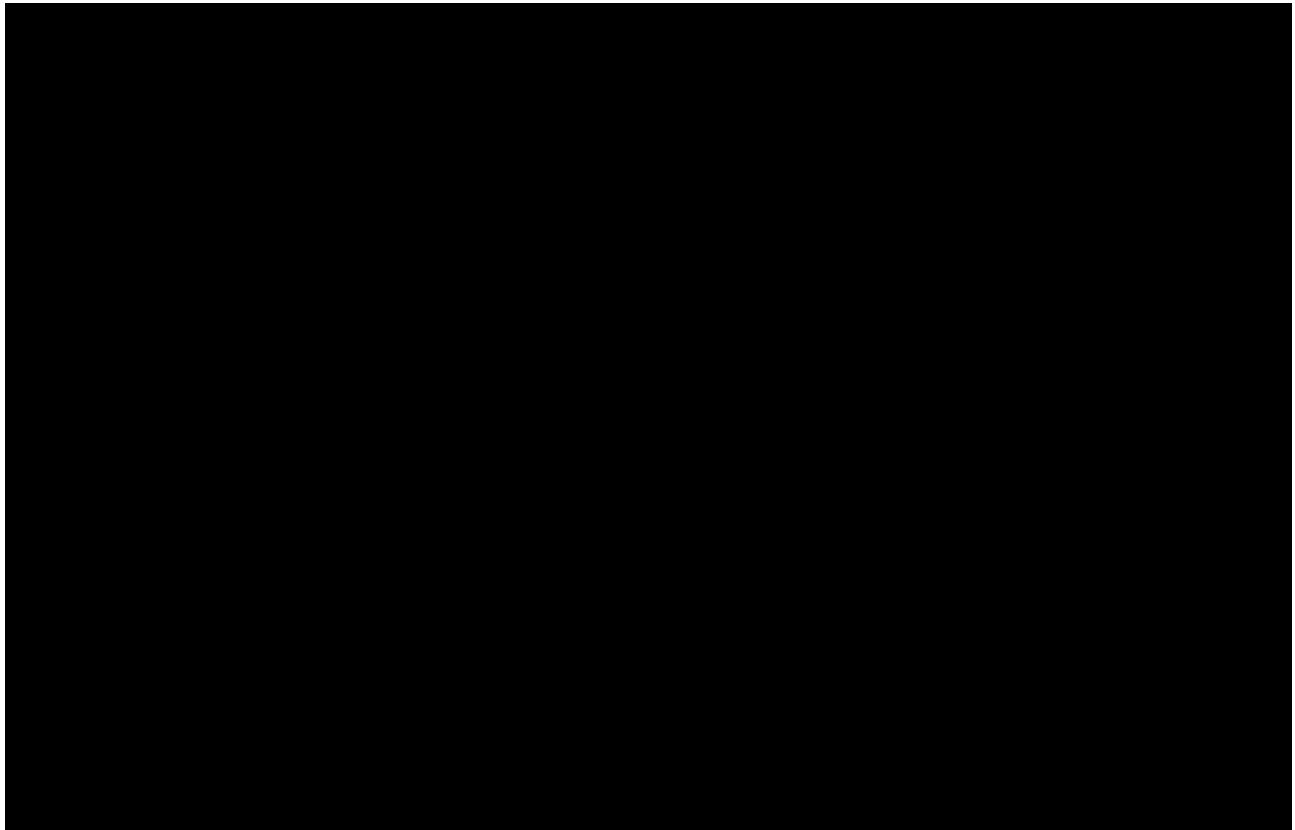
(Refer to Interview Recording “Cmdr. Benito Martinez Interview 1” for further details)

Summary of Interview 2 with Commander Benito Martinez (Subject)

On May 9, 2024, I completed a second in-person, recorded interview with Commander (Cmdr.) Benito Martinez at the IAPS Office. Cmdr. Martinez was a witness in the investigation and did not have representation. Deputy Commander Paul Skotchdopole of IAPS remained present during this interview. The first interview reconvened after an approximately seven-minute break.



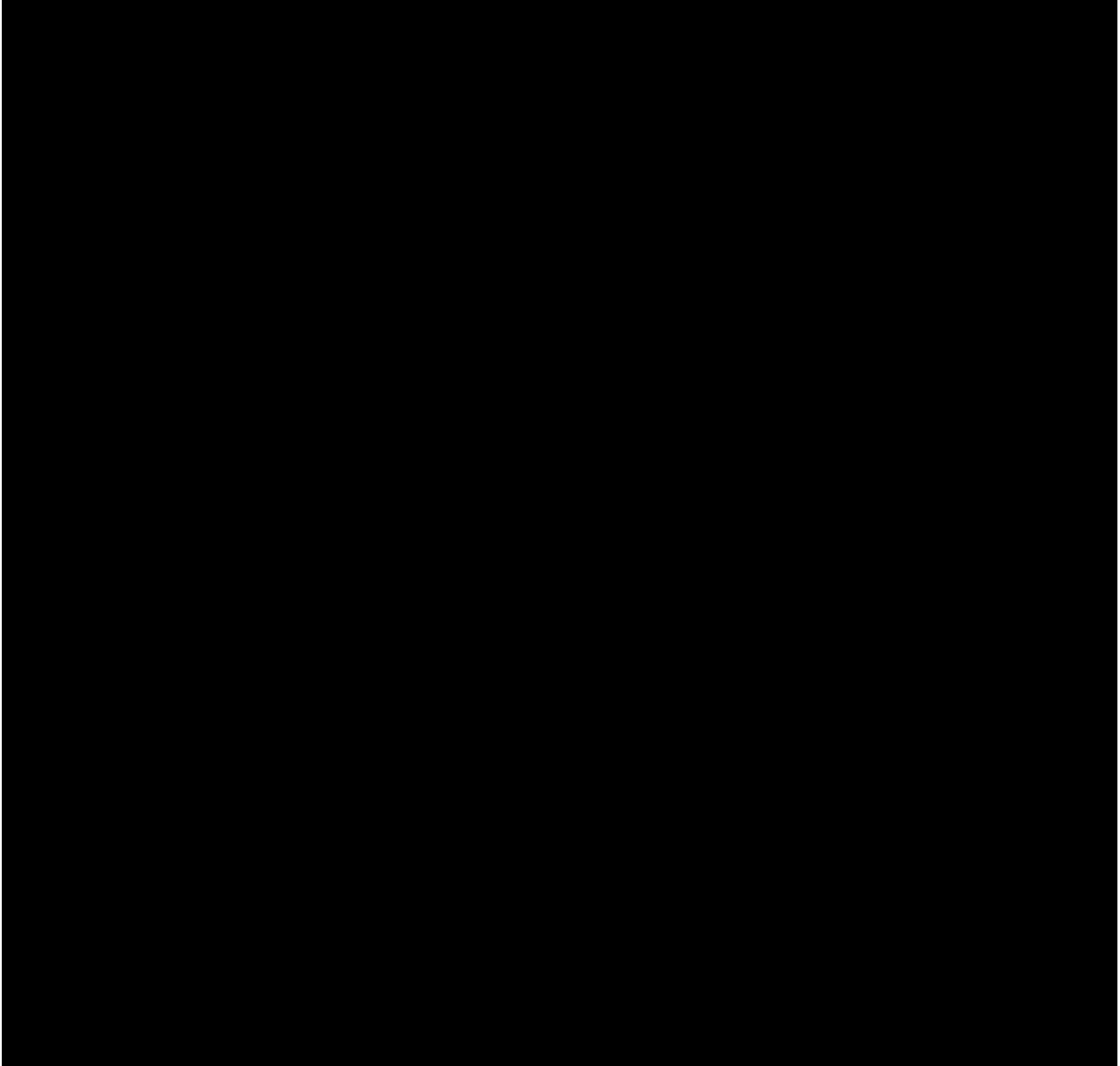


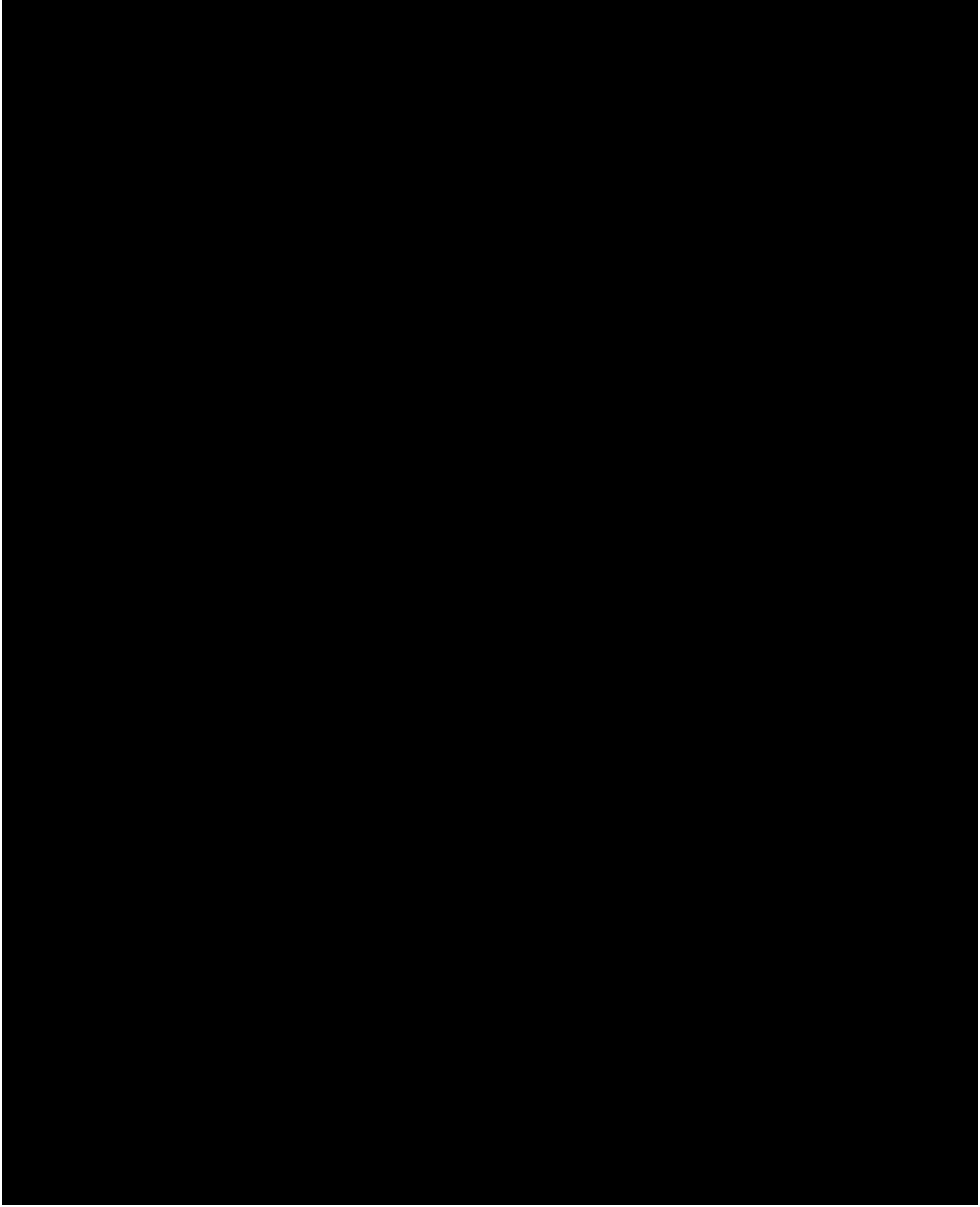


(Refer to Interview Recording “Cmdr. Benito Martinez Interview 2” for further details)

Summary of Interview with Audrianna Chavez (Witness)

On May 13, 2024, I completed an in-person, recorded interview with Senior Office Assistant Audrianna Chavez at the IAPS Office. Ms. Chavez was a witness in the investigation and did not have representation. Deputy Commander Paul Skotchdopole of IAPS was present during this interview. I informed Ms. Chavez that the focus of the investigation was a traffic collision involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.



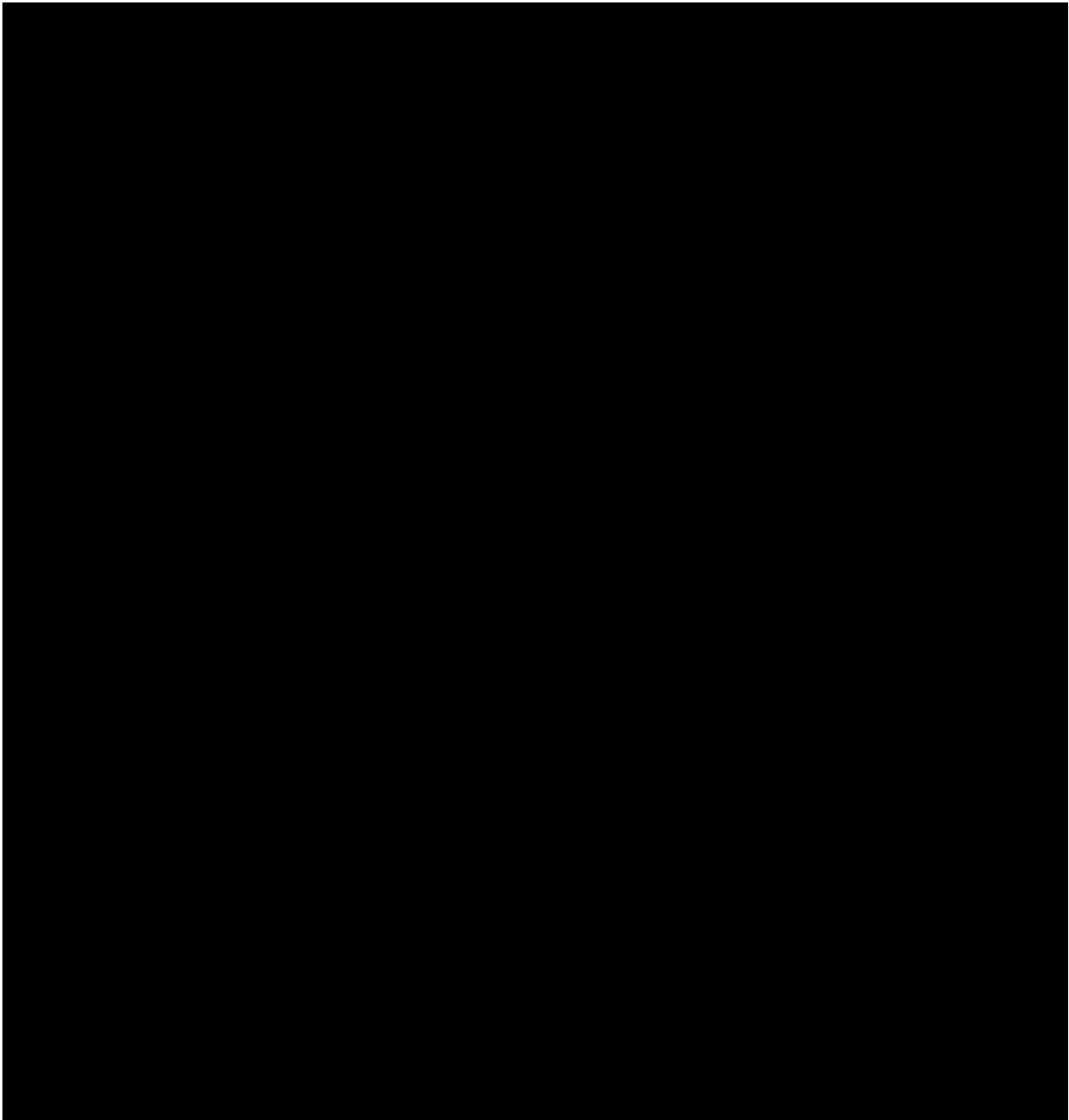


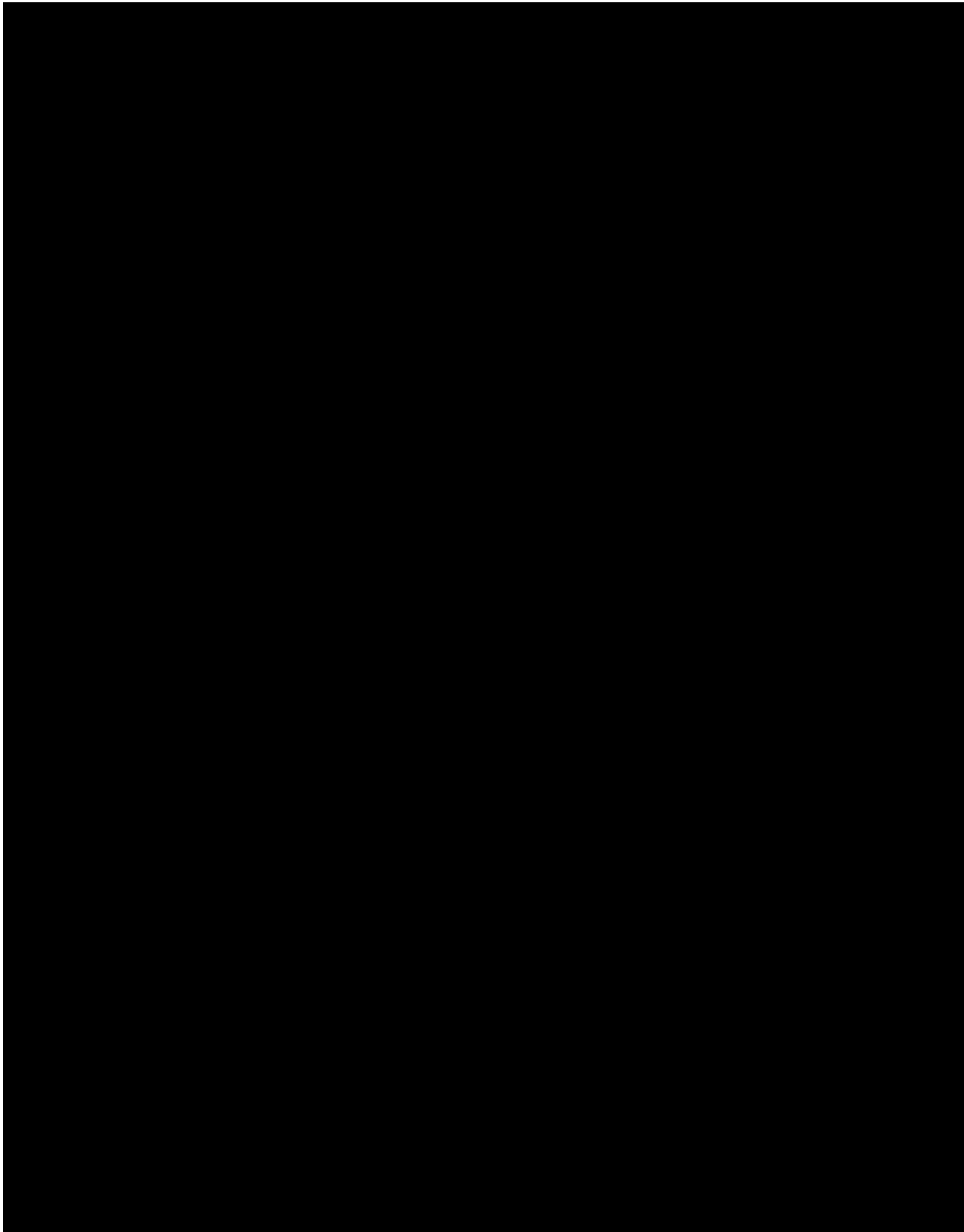


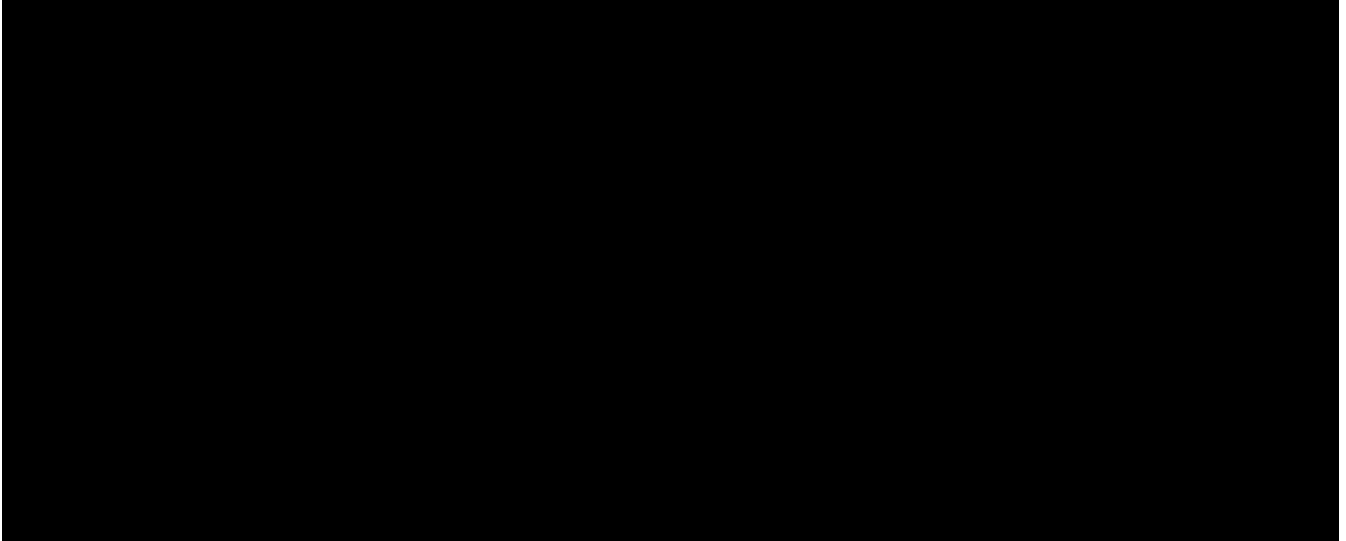
(Refer to Interview Recording “Audrianna Chavez Interview” for further details)

Summary of Interview with Detective Robert Carlson (Witness)

On May 16, 2024, I completed an in-person, recorded interview with Detective Robert Carlson at the IAPS Office. Det. Carlson was a witness in the investigation and did not have representation. I informed Det. Carlson that the focus of the investigation was a traffic collision and shooting involving Chief Harold Medina on February 17th, 2024, at Central and Alvarado.



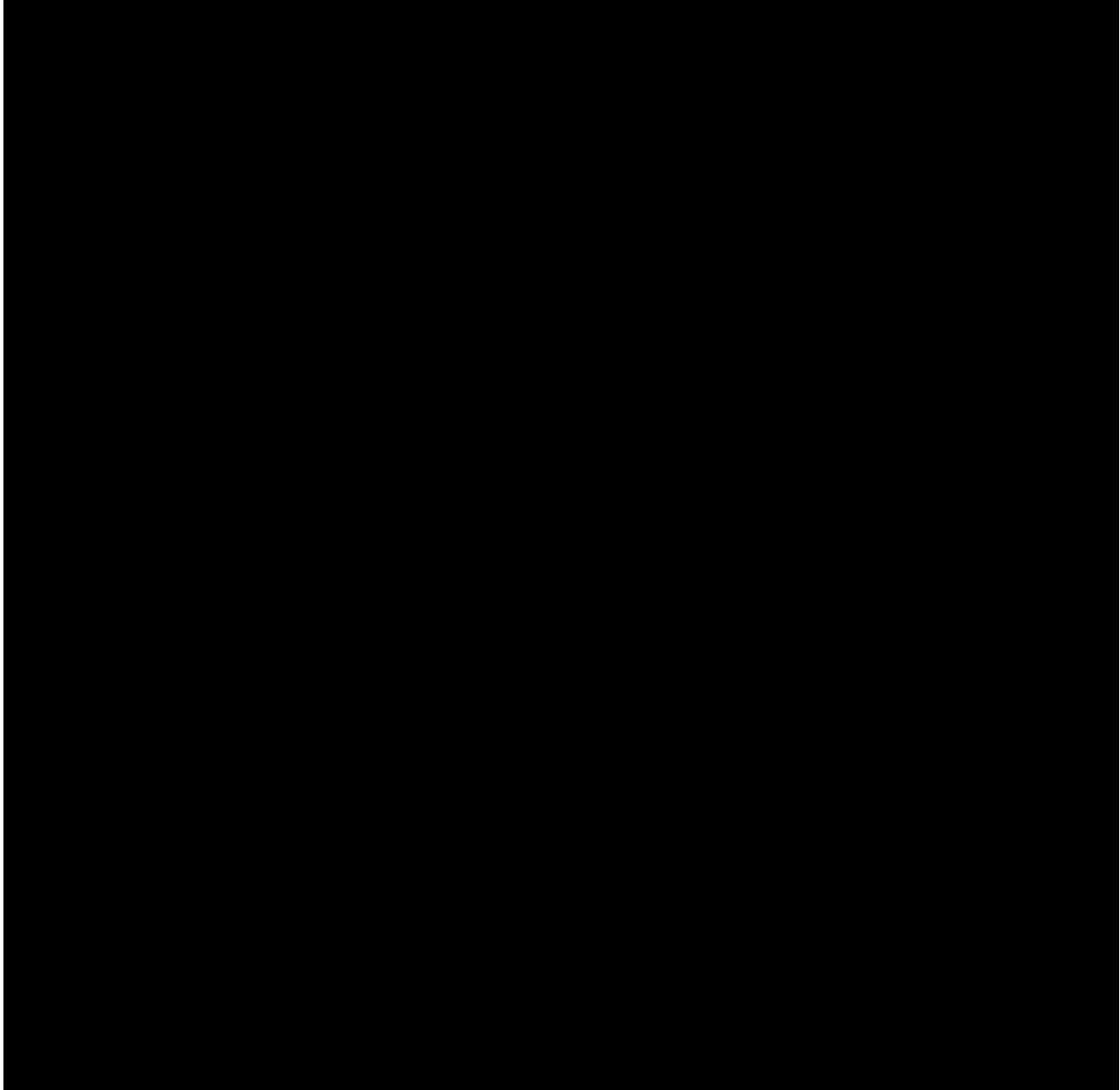




(Refer to Interview Recording “Det. Robert Carlson Interview” for further details)

Summary of Interview with Stephanie Griego (Witness)

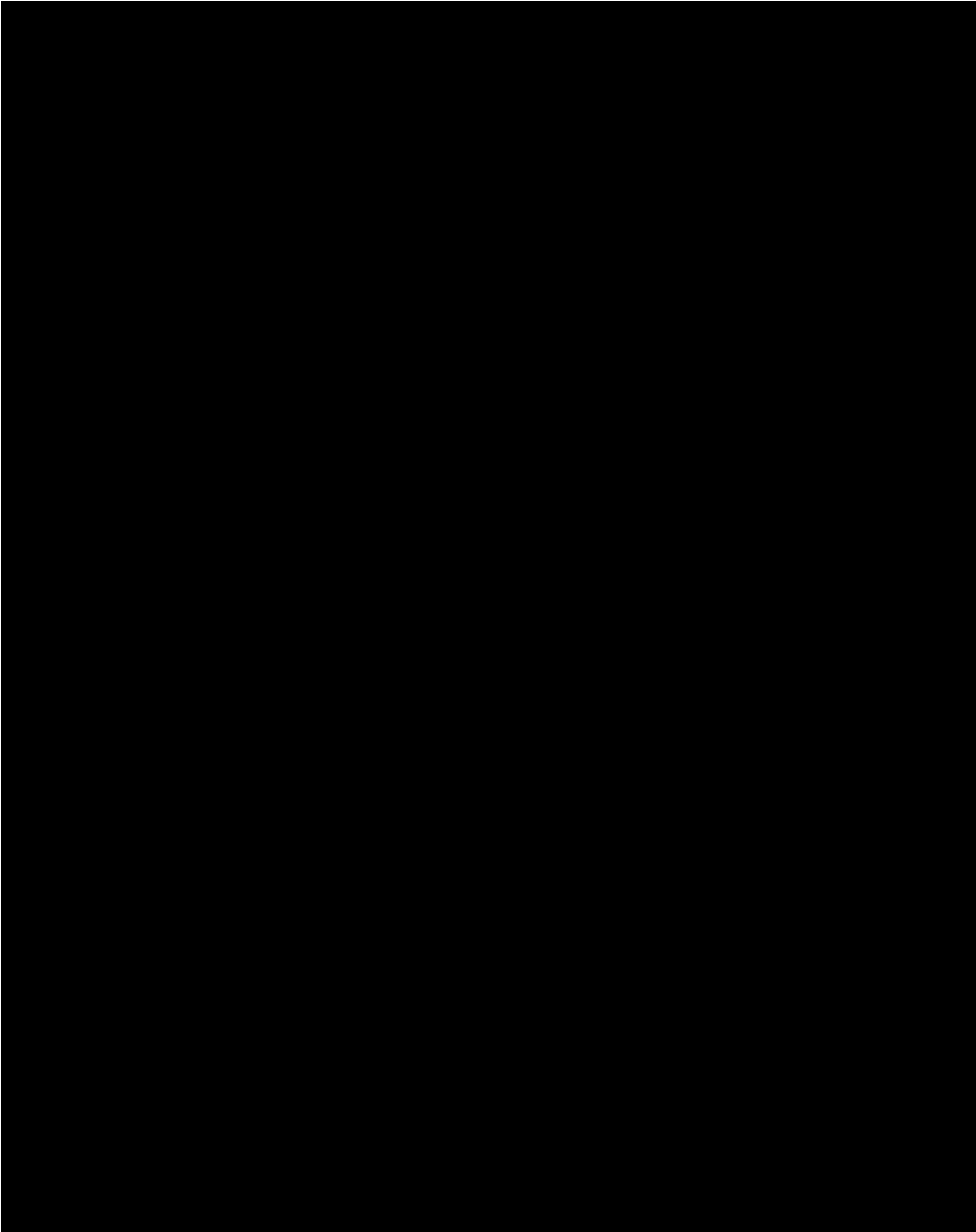
On June 4, 2024, I completed an in-person, recorded interview with Volunteer Program Coordinator Stephanie Griego at the IAPS Office. Stephanie Griego was a witness in the investigation and did not have representation.

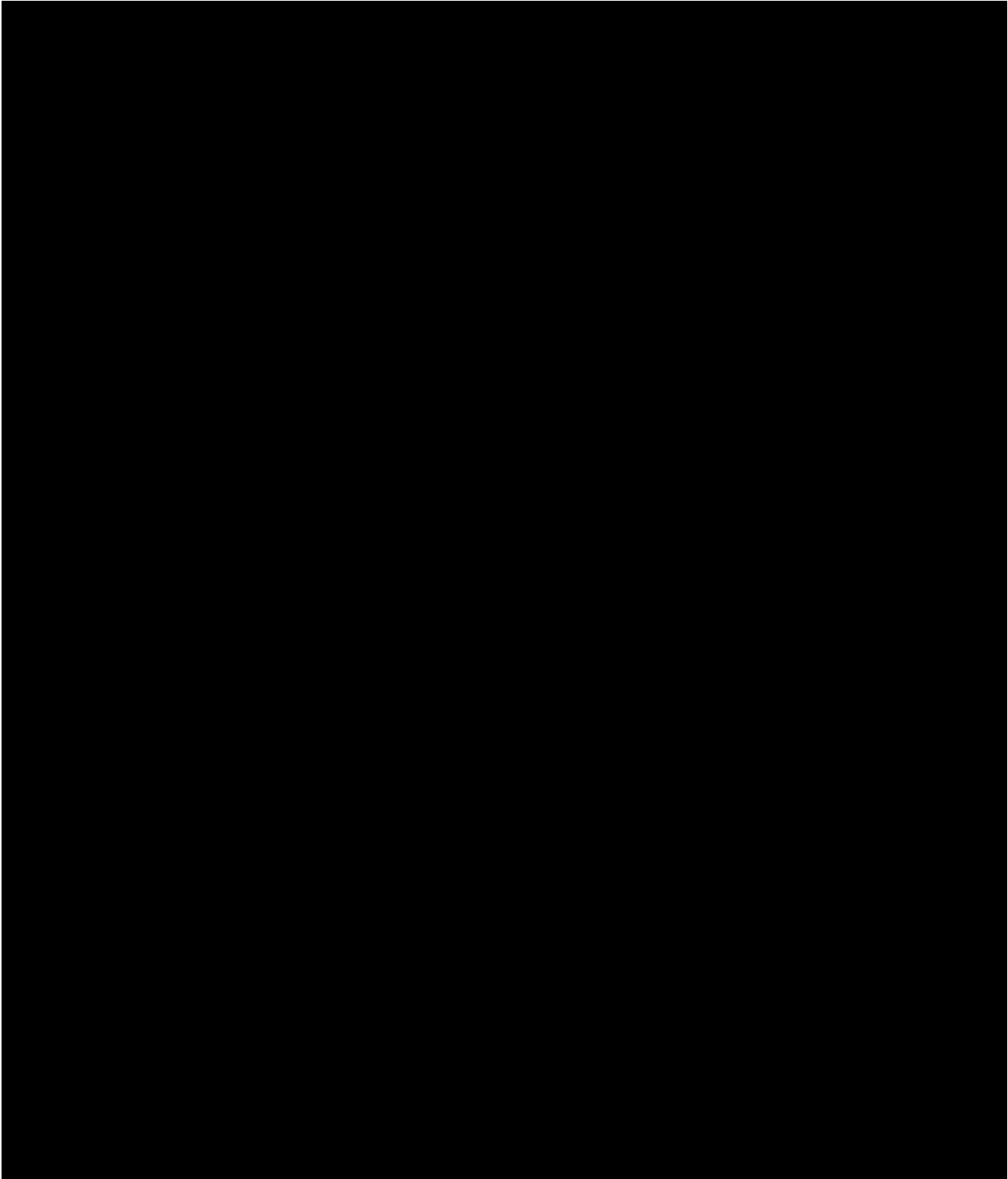


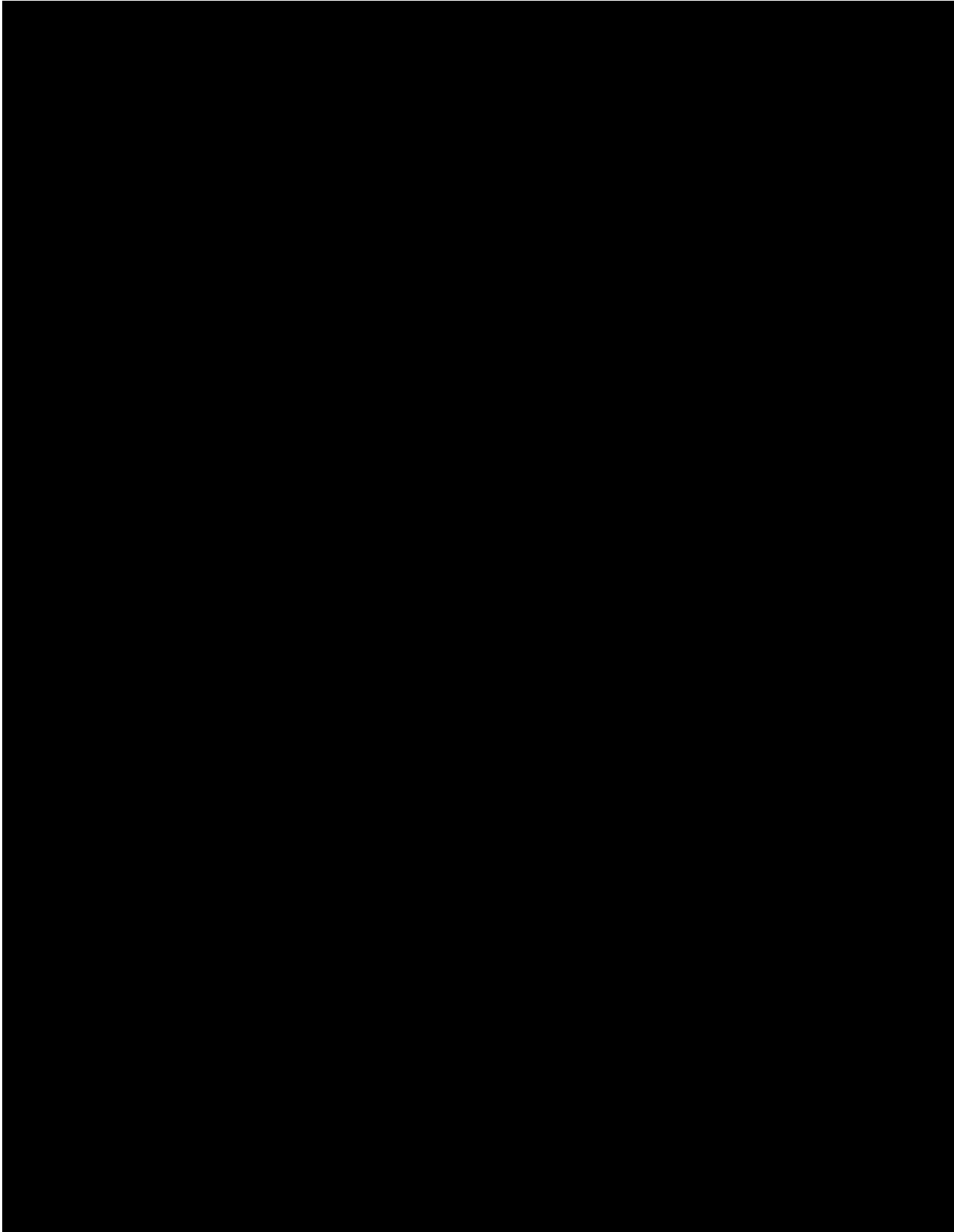
(Refer to Interview Recording “Stephanie Griego Interview” for further details)

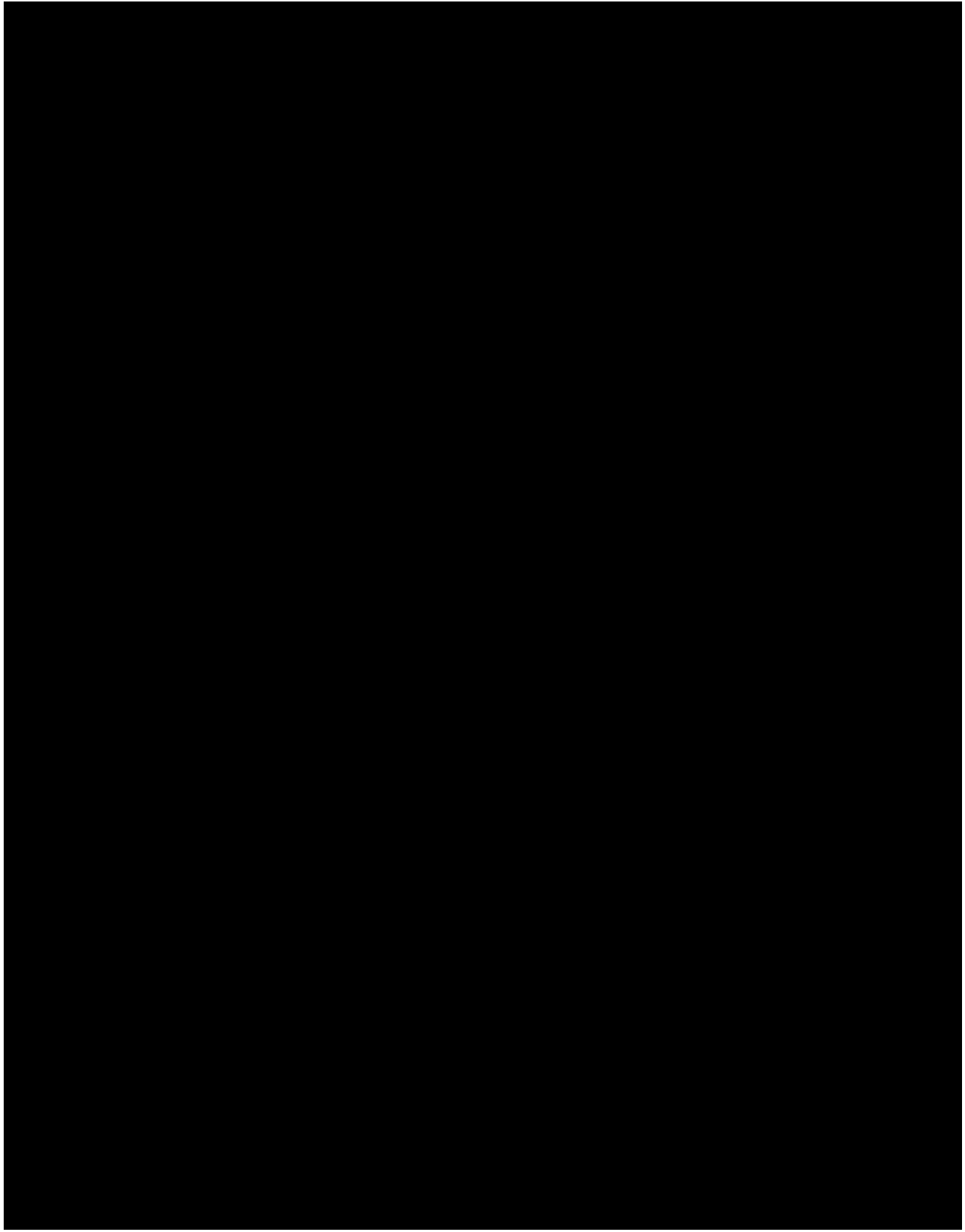
Summary of Interview with Chief of Police Harold Medina (Subject)

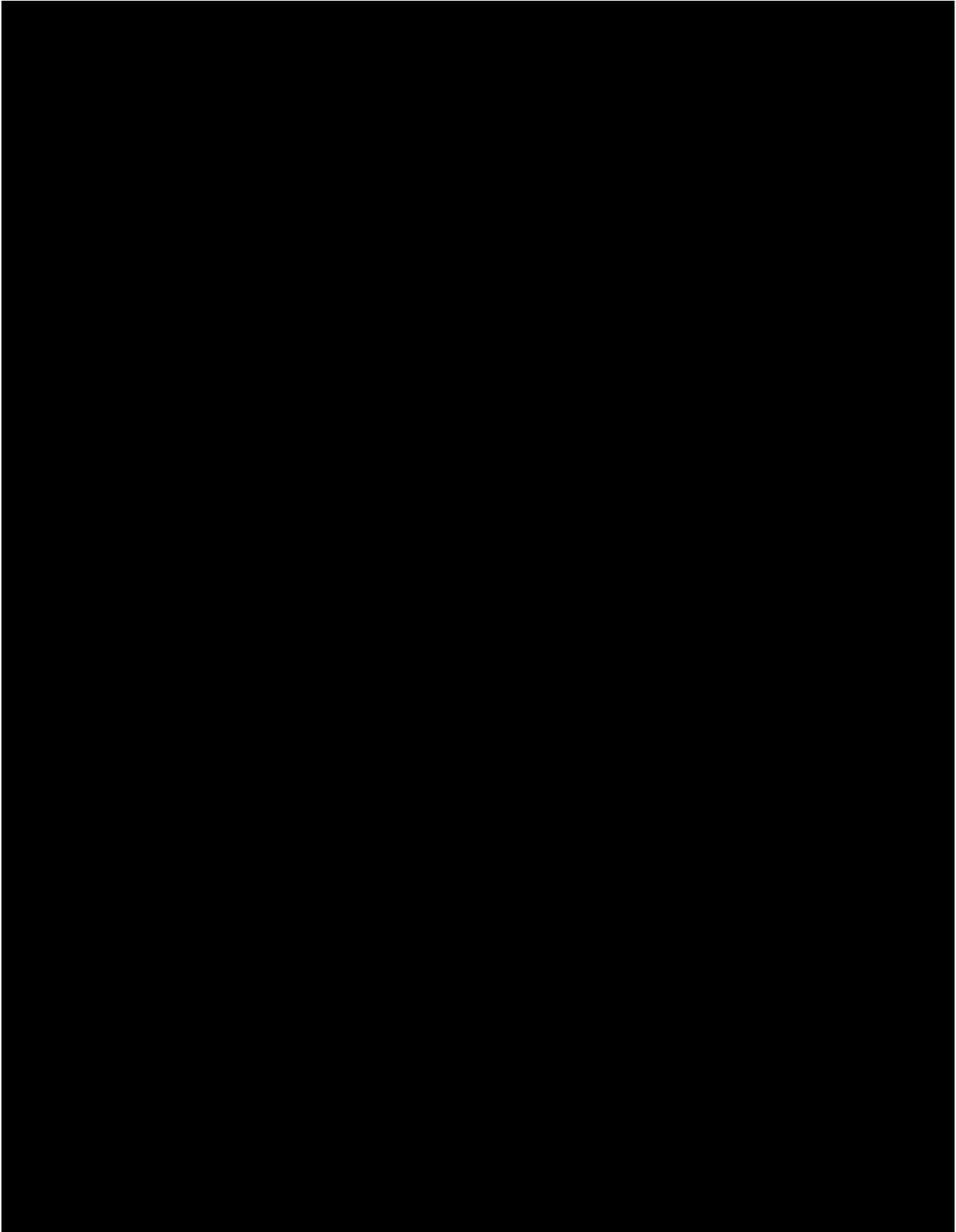
On June 13, 2024, I completed an in-person, recorded interview with Albuquerque Police Department Chief of Police Harold Medina at the Main Police Station. Chief Medina was the subject (target) of the investigation, the interview was recorded, the recording would become an official part of the investigation, and the investigation and recording were considered confidential. Chief Medina stated he understood and did not have any representation. Deputy Commander Paul Skotchdopole was also present in the interview.

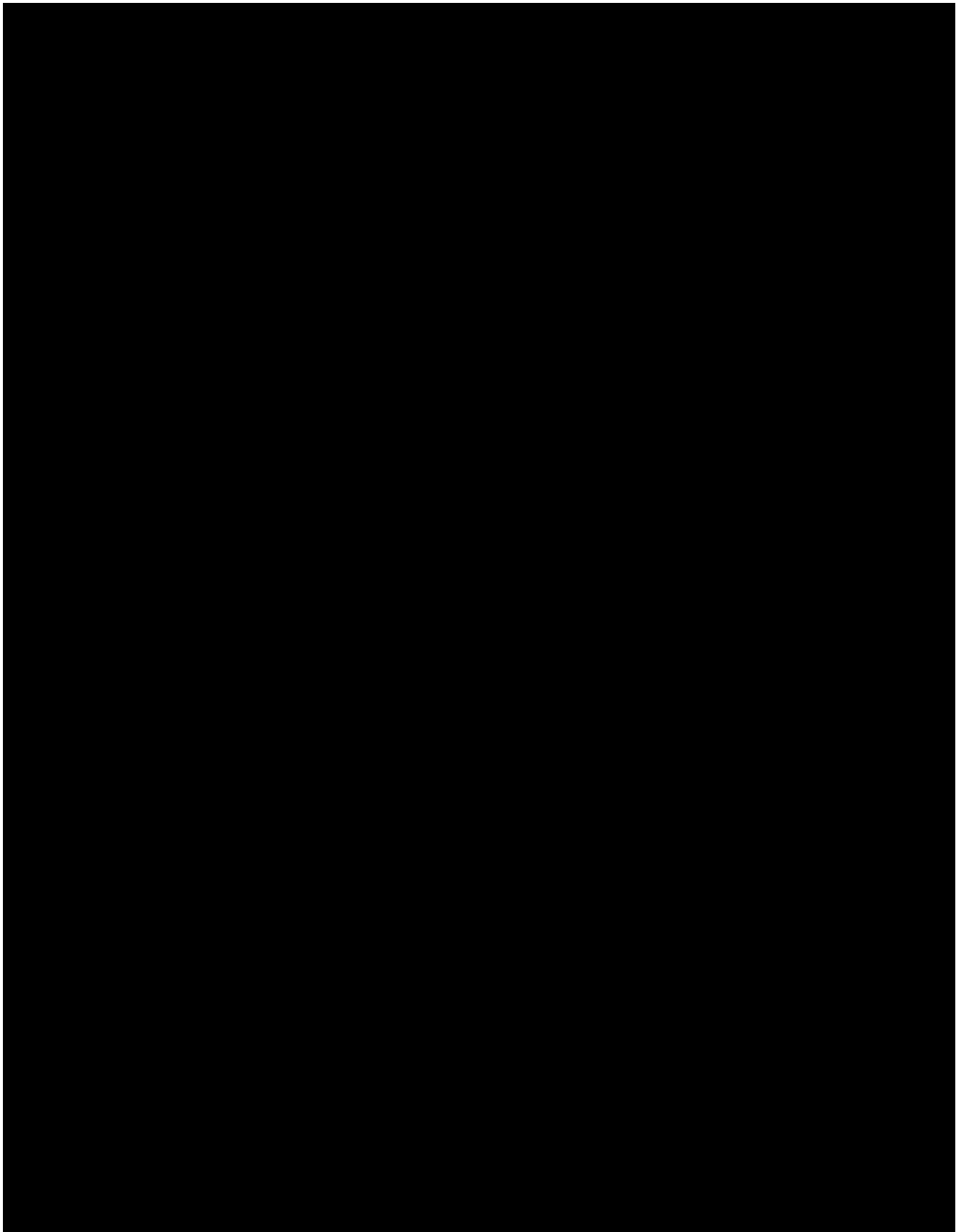


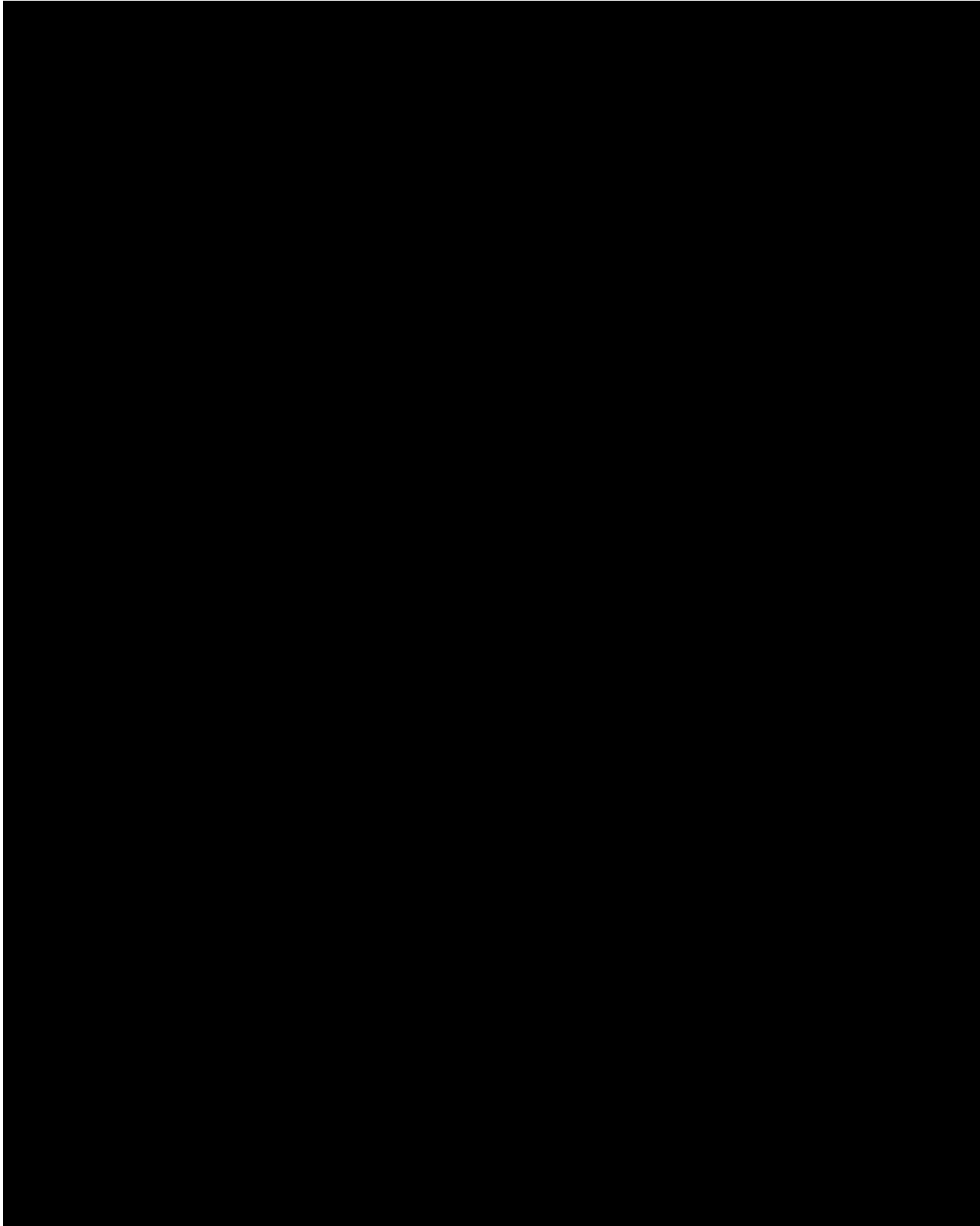


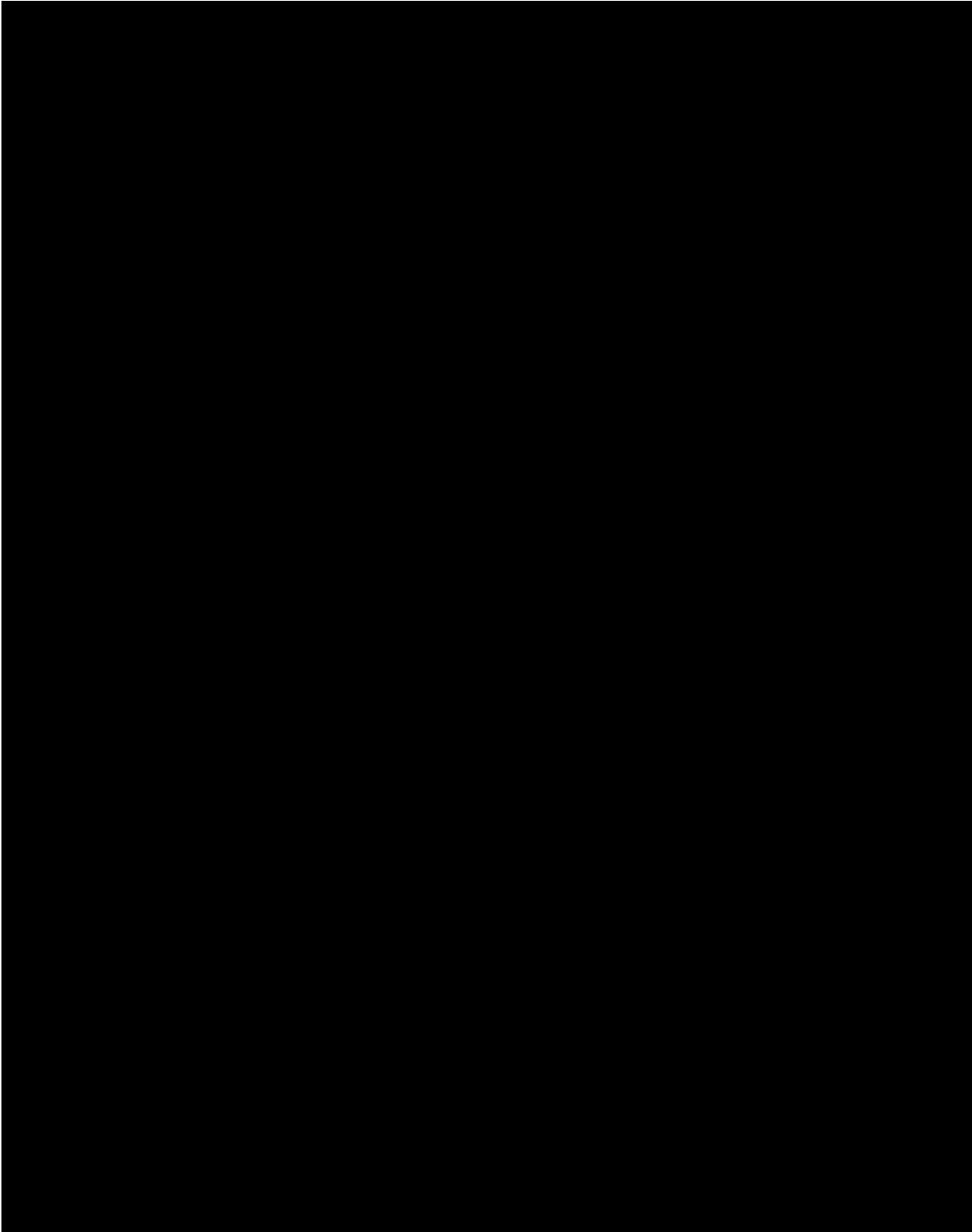


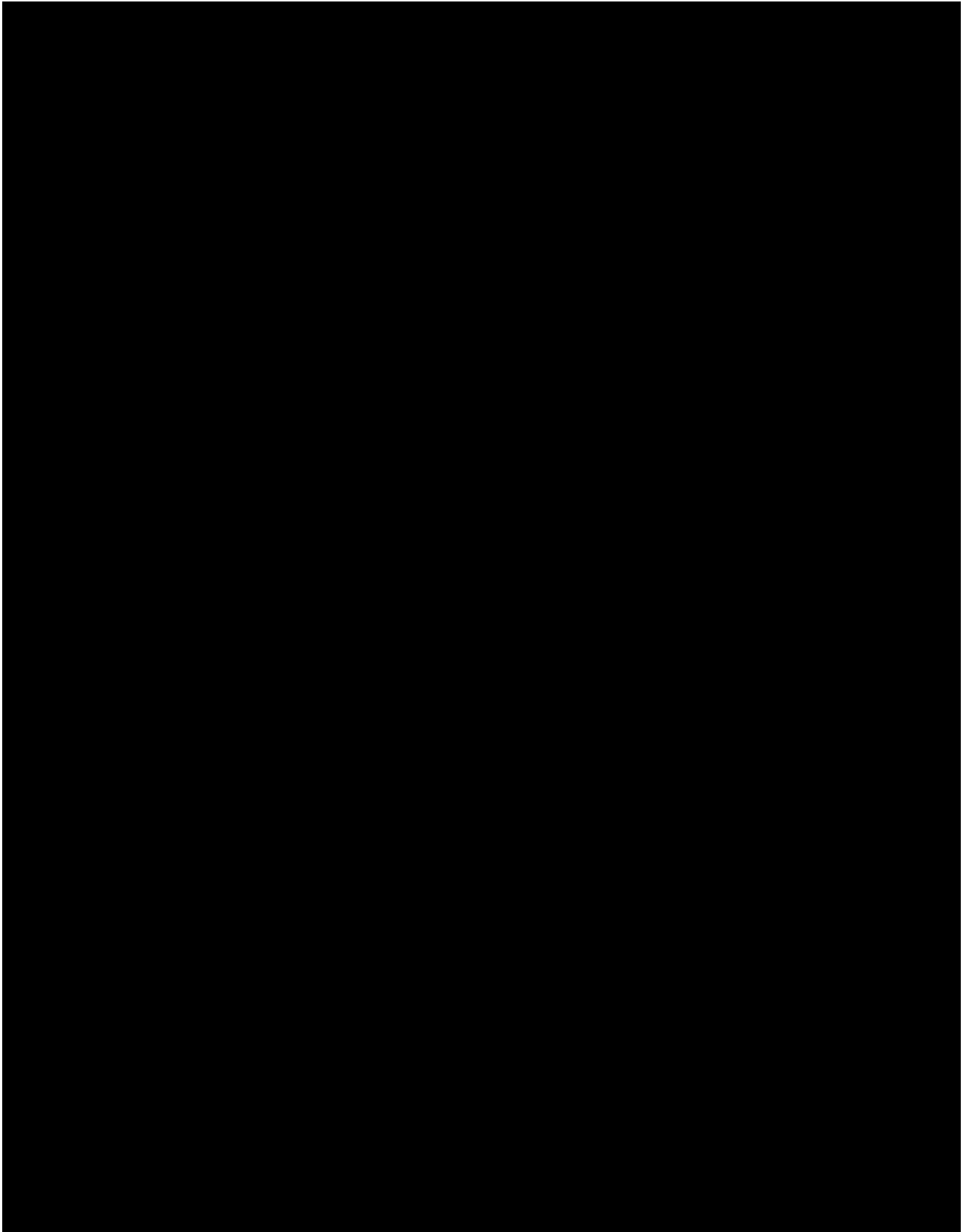


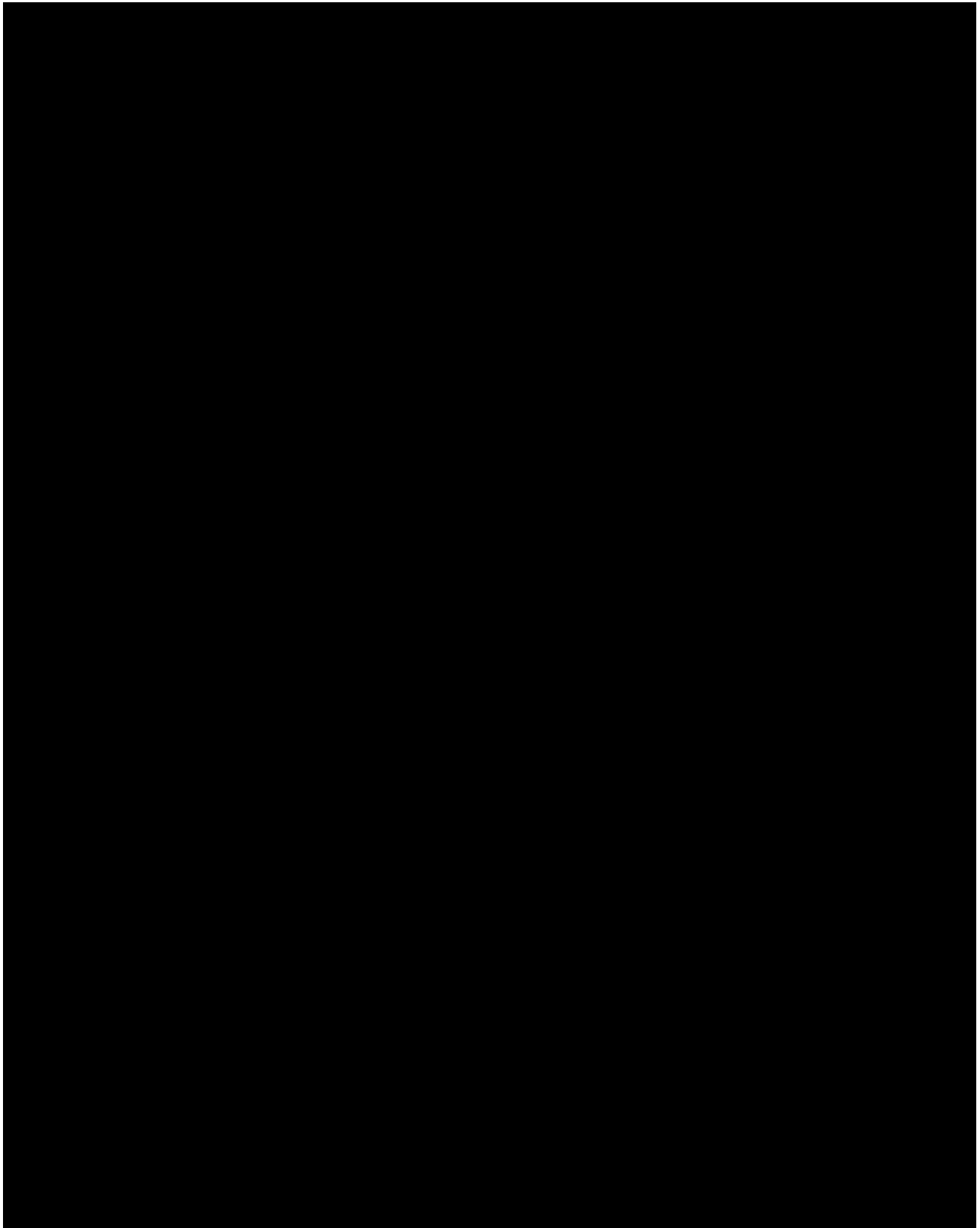


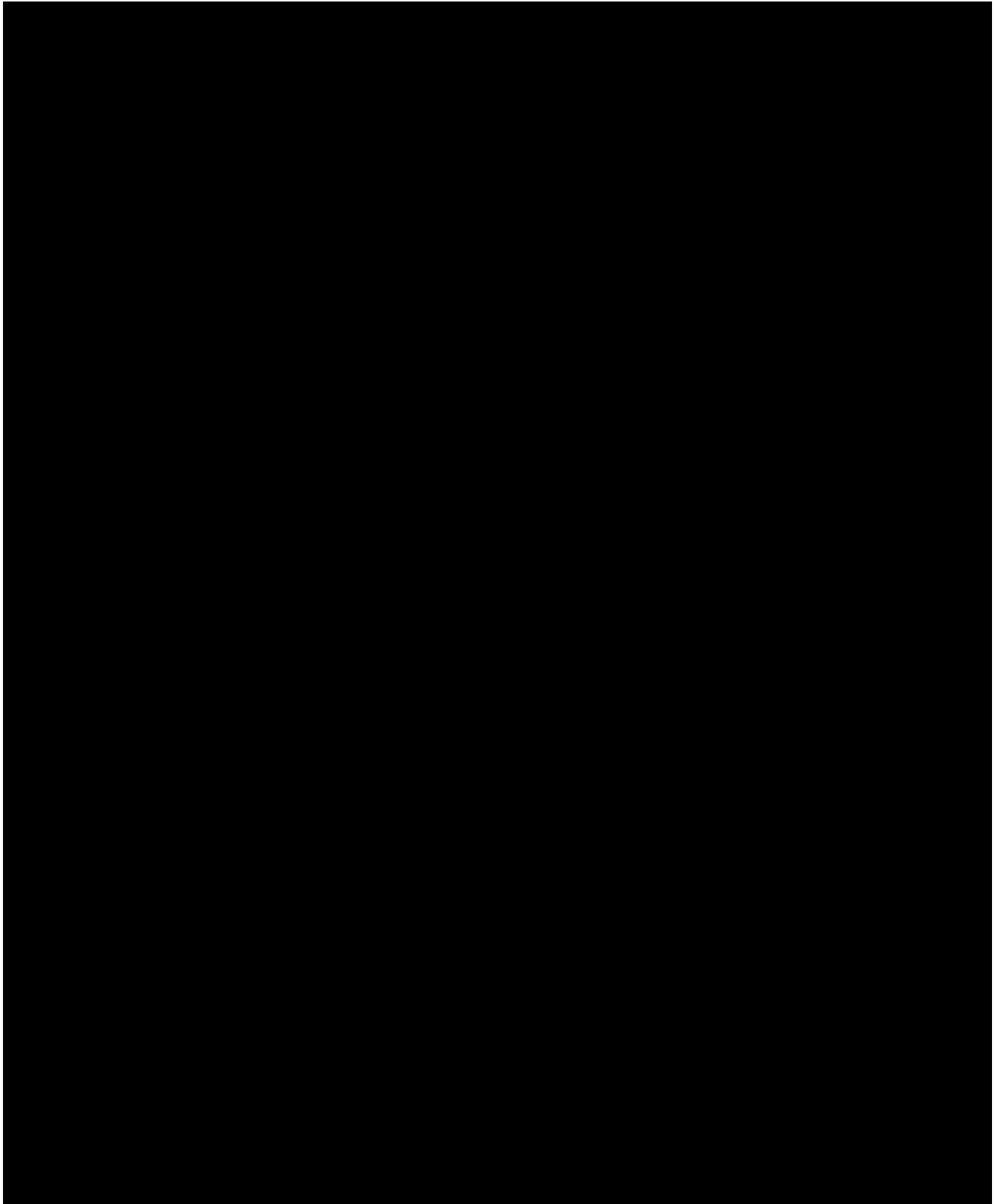


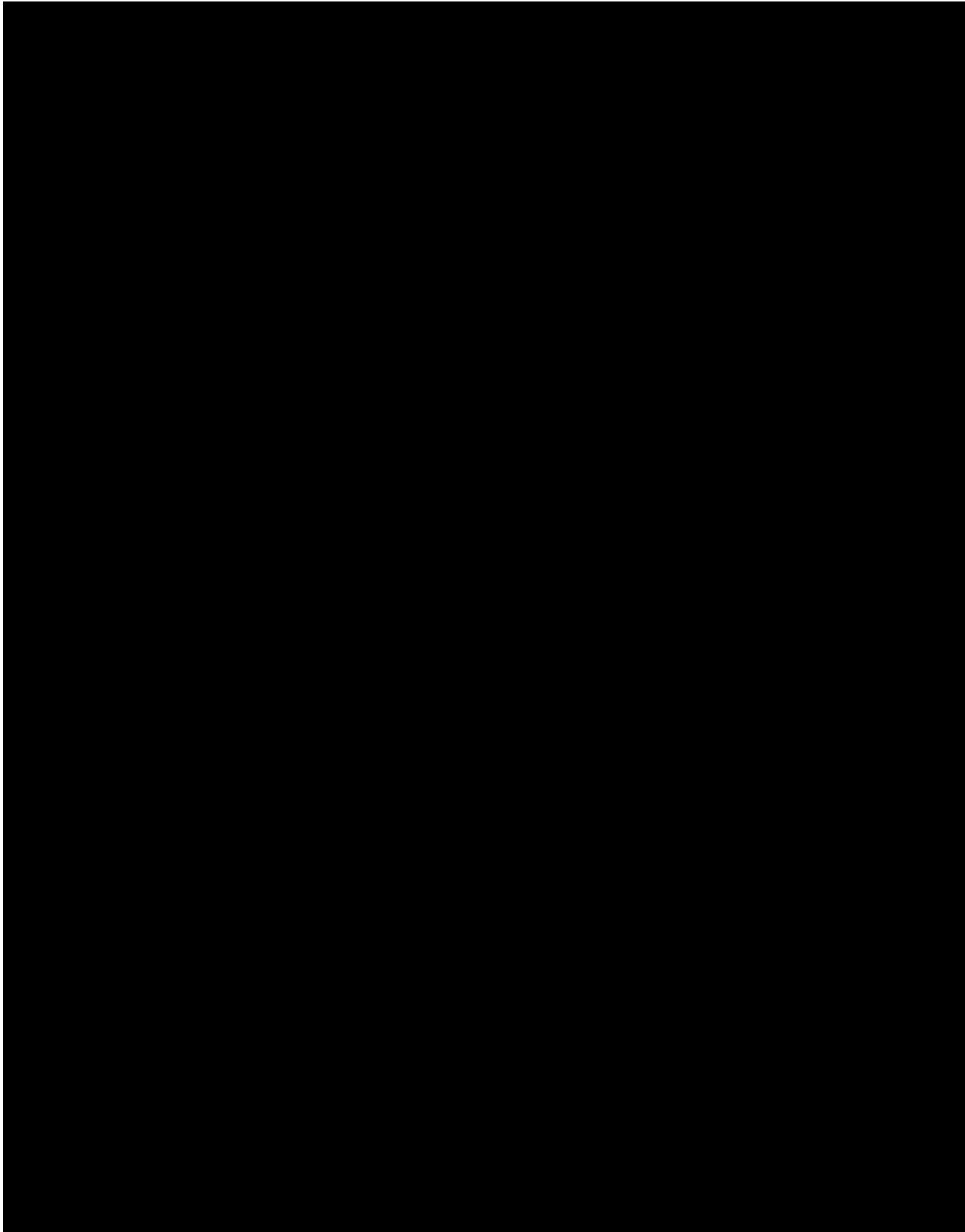












This concluded the interview with Chief Medina.

(Refer to Interview Recording “Chief Harold Medina Interview” for further details)

IAPS Prelim-Extension Memo

I2024-171 Extension Memorandum Dated 5-16-2024

The memorandum requests an extension of 30 days to finish the investigation, as it required additional interviews and examination. The original due date was May 20, 2024, and the requested due date after extension was June 19, 2024.

IAPS Prelim-SOP

APOA CBA Section 25 Take Home Car Plan

The take home car plan is a voluntary program for non-probationary officers: The program allows officers to use department vehicles for personal use, subject to department rules and regulations. The Chief of Police can decide to end the program with 45 days' notice to the Association.

Officers who participate in the program must follow the regulations governing the program, which may be modified by the Chief of Police with prior notice to the Association. Officers who fail to follow the regulations may lose their privileges for a certain period of time, depending on the number and severity of infractions. The same conditions and regulations of the take-home car plan apply to the take-home motorcycle plan. The program does not apply to the Aviation Police.

Ride Along Request Form PD1002

The document is a covenant not to sue that the Albuquerque Police Department (APD) requires from private citizens who voluntarily ask to ride in a police vehicle. The participants acknowledge that police work is inherently dangerous and that they may encounter hazardous situations. They agree to obey all instructions from police personnel and to retreat from any danger. They also agree that APD has the sole discretion to determine the details of the ride-along.

The participants fully hold APD and the City of Albuquerque harmless from any wrongful death, injury, or property damage they may suffer while riding in a police vehicle. They also represent that they will not bring any action against them on any grounds whatsoever, including negligence. The document clarifies that the covenant not to sue is not intended to release from liability any third party that might cause harm to the participants.

2-50-4C1b Crash Review Board (CRB)

The document is an APD Standard Operating Procedure (SOP) that outlines the purpose and policy of the Crash Review Board (CRB). The CRB reviews and classifies all crashes involving Department-issued vehicles, except for serious injury crashes and fatalities, as preventable or non-preventable and recommends actions to prevent future crashes.

The document specifies the members of the CRB, which include the Metro Traffic Division Commander (chairperson), the Metro Traffic Division Lieutenant, a Metro Traffic Division Sergeant, a Metro Traffic Division Officer, an Operations Review Section employee, and the Department Safety Officer.

The document describes the procedure and criteria for reviewing crashes, which include posting a Department Memo, allowing the involved personnel to attend the CRB voluntarily or mandatorily, rescheduling the review if necessary, determining the crash's preventability or non-preventability, and making rulings and recommendations based on the facts and evidence.

The document provides the disciplinary guidelines and exceptions for crashes, which state that the CRB does not have disciplinary authority, the Chief of Police or their designee has the final authority to discipline subordinates, all preventable crashes are classified as a Class 6 offense, the Chief of Police or their designee may consider mitigating and aggravating circumstances, and some incidents are considered non-crashes and are reported differently.

1-1-6A1 Personnel Code of Conduct

The document is an APD Standard Operating Procedure (SOP) for the personnel code of conduct. It outlines the department's mission, vision, and values and provides clear expectations for professional standards of conduct on and off duty.

The document states that Department personnel shall obey the U.S. and New Mexico Constitutions, the criminal codes of the U.S. New Mexico, and Albuquerque, and the City of Albuquerque Code of Ordinances, Administrative Instructions, and Personnel Rules and Regulations. It also requires sworn personnel to maintain an active, unrestricted state certification issued by the New Mexico Law Enforcement Academy.

The document specifies that Department personnel shall treat the public with respect, courtesy, and professionalism, and shall not discriminate or violate civil rights. The document emphasizes that Department personnel shall act in a manner that is above reproach and shall not engage in any conduct that may cast doubt on their integrity, honesty, or credibility. It also prohibits personnel from engaging in any activity or personal business that may cause a conflict of interest, or from soliciting or accepting any gifts, gratuities, or advantages from any person or entity. Furthermore, it forbids personnel from offering or soliciting any special consideration, privilege, or professional courtesy to or from other personnel or law enforcement agencies.

2-5-4A3 Department Vehicles

The document is an APD Standard Operating Procedure (SOP) for the guidance on the assignment, maintenance, and operation of department-issued vehicles. Department personnel are required to have valid licenses and permits, wear seat belts, operate the vehicle safely, use the police radio

cautiously, keep the vehicle clean and secure, use only regular unleaded gasoline, and notify their chain of command of any citation.

Sworn personnel are required to have their police radio on, carry necessary equipment, wear appropriate attire, respond to Priority 1 calls, and display a 311 bumper sticker on their vehicle.

Department personnel are responsible for ensuring scheduled preventative maintenance, changing flats, and taking the vehicle for repairs. Supervisors are required to formally inspect the vehicles monthly and report any problems.

Sworn personnel who have take-home vehicles are allowed to use them for unofficial business, but they must follow certain rules and restrictions. They may lose their take-home vehicle privileges or face other discipline for violating the policy or the Collective Bargaining Agreement (CBA).

2-6-4A Use of Emergency Warning Equipment

The document is an APD Standard Operating Procedure (SOP) for the use of emergency warning equipment. It outlines the policy and procedures for authorized emergency vehicles to use sirens, flashing or red and blue lights, in response to different types of calls for service.

Code 1 response is for non-emergency calls and requires compliance with all traffic regulations without the use of emergency equipment. Code 3 response is for life-threatening or in-progress felony calls and allows the right-of-way privilege with engaged full emergency equipment.

Sworn personnel can exercise the right-of-way privilege only when driving an authorized emergency vehicle and properly using authorized emergency warning equipment. They must also drive with due regard for the safety of others and not protect themselves from the consequences of reckless disregard. Supervisors can monitor and direct the code responses as needed.

2-8-5A Use of On-Body Recording Devices

The document is an APD Standard Operating Procedure (SOP) for the use of on-body recording devices (OBRDs) by the department personnel. The purpose of the SOP is to enhance public trust and promote constitutional policing and professionalism through the consistent use of OBRDs.

The document specifies the rules and responsibilities for wearing and using OBRDs by different categories of Department personnel, such as uniformed, plainclothes, prisoner transport, and guard duty. It also defines the modes, locations, and timelines for uploading OBRD footage and the procedures for reporting and exchanging malfunctioning OBRDs.

The document lists the events that require department personnel to activate the OBRD mandatory, prohibited, or discretionary. Mandatory recording events include any law enforcement,

investigative, or community caretaking encounters, such as traffic crashes, use of force, arrests, searches, and prisoner transport. Prohibited recording events include any interactions with confidential informants, personal activities and conversations, locations where recording is illegal and sensitive areas.

The document outlines the supervisor responsibilities for reviewing and inspecting OBRD footage of Department personnel under their command. The supervisors are required to verify the functionality of the OBRDs, review the OBRD footage involving use of force, injuries, foot pursuits, and complaints, report any policy violations, and perform monthly video inspections.

Media

News Articles and stories related to Albuquerque Chief of Police Harold Medina

<https://www.krqe.com/news/albuquerque-metro/police-release-surveillance-video-of-crash-involving-apd-chief/>

<https://www.koat.com/article/video-albuquerque-police-harold-medina-crash/60345543>

<https://www.usnews.com/news/best-states/new-mexico/articles/2024-02-17/albuquerque-police-department-chief-crashes-into-vehicle-while-avoiding-gunfire>

<https://www.koat.com/article/police-activity-near-central-and-alvarado/46832937>

<https://abqraw.com/post/chief-medina-and-his-wife-patrolling-the-war-zone-allegedly-gets-shot-at-crashes-into-classic-mustang/>

<https://autos.yahoo.com/albuquerque-police-chief-far-faces-170000507.html>

<https://www.koat.com/article/victim-crash-involving-albuquerque-police-chief-medina/60324357>

<https://www.petedinelli.com/2024/03/11/injuries-inflicted-to-mustang-driver-by-apd-chief-medina-in-february-17-car-crash-revealed-medina-admits-liability-reckless-driving-law-body-camera-law-and-sops-violated-by-medina-chief-m/>

<https://www.koat.com/article/video-albuquerque-police-harold-medina-crash/60345543>

<https://www.petedinelli.com/2024/03/28/victim-of-chief-medinas-reckless-driving-comes-forward-and-speaks-out-about-injuries-demands-that-chief-be-held-accountable-lawsuit-to-be-filed-mayor-keller-eviscerated-for-praising-medina/>

<https://www.koat.com/article/new-body-cam-video-shows-moments-after-impact-in-apd-chief-crash/60457197>

<https://www.koat.com/article/video-albuquerque-police-harold-medina-crash/60345543>

<https://www.usnews.com/news/best-states/new-mexico/articles/2024-02-17/albuquerque-police-department-chief-crashes-into-vehicle-while-avoiding-gunfire>

<https://abqraw.com/post/apd-releases-new-details-from-apd-chief-medina-s-car-crash-into-a-civilian/>

<https://reason.com/2024/04/04/albuquerque-police-chief-ran-a-red-light-and-broadsided-a-car-a-review-board-says-it-was-unavoidable/>

<https://abqraw.com/post/apd-releases-video-of-chief-medina-s-crash-critically-injuring-a-citizen/>

<https://www.facebook.com/abqraw/videos/apd-releases-footage-of-chief-harold-medinas-crash/1576427819814383/>

<https://www.kob.com/new-mexico/apd-releases-surveillance-video-of-police-chiefs-crash/>

<https://www.petedinelli.com/2024/04/02/on-april-3-city-council-will-vote-on-resolution-of-no-confidence-to-remove-apd-chief-harold-medina-attend-council-meeting-or-contact-your-city-councilor-and-tell-them-to-vote-yes-to-remove-apd/>

<https://www.petedinelli.com/2024/02/05/abq-journal-guest-opinion-columns-mayor-keller-and-chief-medina-must-be-held-accountable-for-dwi-scandal-lack-of-leadership-has-ruined-moral-within-apd-will-city/>

<https://www.petedinelli.com/2024/04/05/vote-of-no-confidence-and-resolution-to-remove-apd-chief-harold-medina-withdrawn-apd-crash-review-board-votes-unanimously-that-february-17-medina-crash-non-preventable-internal-aff/>

<https://bing.com/search?q=public+opinion+on+Chief+Medina+Albuquerque>

<https://www.cabq.gov/council/>

https://www.abqjournal.com/opinion/editorials/opinion-city-council-was-right-not-to-pursue-a-no-confidence-vote-against-police-chief/article_e03dacc0-f390-11ee-b776-a35df81e631e.html

<https://www.petedinelli.com/2024/04/02/on-april-3-city-council-will-vote-on-resolution-of-no-confidence-to-remove-apd-chief-harold-medina-attend-council-meeting-or-contact-your-city-councilor-and-tell-them-to-vote-yes-to-remove-apd/>

<https://www.krqe.com/news/city-review-board-determines-crash-involving-chief-harold-medina-was-non-preventable/>

<https://abqraw.com/post/opinion-medina-is-not-a-hero/>

<https://abqraw.com/post/chief-medinas-crash-has-been-found-non-preventable-by-his-subordinates/>

<https://www.koat.com/article/new-body-cam-video-shows-moments-after-impact-in-apd-chief-crash/60457197>

<https://www.koat.com/article/victim-crash-involving-albuquerque-police-chief-medina/60324357>

<https://www.petedinelli.com/2024/03/28/victim-of-chief-medinas-reckless-driving-comes-forward-and-speaks-out-about-injuries-demands-that-chief-be-held-accountable-lawsuit-to-be-filed-mayor-keller-eviscerated-for-praising-medina/>

<https://www.koat.com/article/albuquerque-chief-harold-medina-shooting-crash/46860190>

<https://abqraw.com/post/opinion-medina-is-not-a-hero/>

<https://www.newsradiokob.com/2024/02/19/apd-provides-update-of-shooting-crash-involving-chief-medina/>

<https://www.kob.com/new-mexico/apd-seeks-info-on-shooting-related-to-chiefs-weekend-crash/>

NMSA – New Mexico Statutes Annotated

NMSA 1978 66-7-104

This section provides the definition for obedience to any required traffic-control devices.

NMSA 1978 66-7-105C1

This section explains the colors and symbols used in traffic-control signals and what they mean for drivers and pedestrians. When the signal is red, vehicles must stop before entering the crosswalk or the intersection. Vehicles may turn right after standing and checking that the intersection is safe unless there is a sign prohibiting such a turn. Vehicles must yield the right-of-way to all pedestrians and vehicles lawfully in or approaching the intersection before turning right.

NMSA 1978 66-7-6

This section defines authorized emergency vehicles as those designated by the chief of the New Mexico state police or the appropriate local agency and that can exercise certain privileges when responding to emergencies or pursuing violators.

The section lists four privileges that authorized emergency vehicles can exercise, such as parking or standing irrespective of the Motor Vehicle Code, proceeding past a red or stop signal or stop sign, exceeding the maximum speed limits, and disregarding regulations governing the direction of movement or turning. The document also states that these privileges are subject to the conditions of slowing down as necessary for safe operation, sounding an audible signal by bell, siren, or exhaust whistle, and displaying a red light visible from the front of the vehicle.

It also clarifies that the driver of an authorized emergency vehicle is not relieved from the duty to drive with due regard for the safety of all persons and is not protected from the consequences of his reckless disregard for the safety of others.

NMSA 1978 66-8-101

This section provides the definition and penalty of homicide by vehicle and great bodily harm by vehicle in New Mexico. Reckless driving is a felony offense.

NMSA 1978 66-8-113

This section provides the definition and penalty of reckless driving in New Mexico. Reckless driving is a misdemeanor offense.

NMSA 1978 66-8-114

This section provides the definition and penalty of careless driving in New Mexico. Careless driving is a misdemeanor offense.

NMSA 1978 66-8-116

This section outlines the framework for penalty assessment of misdemeanors related to motor vehicle violations. This statute defines a schedule of penalties for various traffic offenses. For example, a "penalty assessment misdemeanor" is a minor traffic violation that can be resolved by paying a set fine. However, this does not apply if the violation caused an accident resulting in injury or death which are handled through the regular judicial process.

State v. Harris

The appellant, Harris, was tried and found guilty of killing a pedestrian with his truck in a reckless manner. He appealed the verdict, claiming that the trial court erred in instructing the jury on the law of manslaughter.

The appellant did not raise any objections to the testimony or the instructions during the trial, nor did he request any different or contrary instructions. The Supreme Court of New Mexico held that this failure was fatal to his appeal, as he did not point out the errors that he now claimed.

The Supreme Court of New Mexico agreed with the rule that involuntary manslaughter requires a reckless, wanton, and willful disregard for the safety of others, not mere negligence. The court reviewed the evidence and found that there was ample proof that the appellant's driving was so reckless, wanton, and willful as to warrant a conviction.

Conviction affirmed: The Supreme Court of New Mexico affirmed the judgment and sentence of the district court, finding no fundamental error to justify a reversal. The court concluded that the appellant received a fair trial and that the evidence supported the verdict.

State v. Yarborough

The document analyzes the legal issues involved in the conviction of the defendant, who caused the death of another person by driving through an accident scene without braking or slowing down.

The document traces the evolution of the standard of negligence required for involuntary manslaughter, from criminal negligence (reckless, wanton, or willful disregard of consequences) to civil negligence (failure to exercise due care).

Santillanes is cited, a case that held that civil negligence is an inappropriate predicate for a felony child abuse conviction, and argues that the same reasoning applies to any crime punishable as a felony, including involuntary manslaughter.

The document concludes that careless driving, which requires only a finding of civil negligence, cannot be the basis for a felony involuntary manslaughter conviction.

The defendant's conviction for involuntary manslaughter by careless driving was reversed and remanded the case for further proceedings.

State v. Yazzie

The document summarizes the facts and the arguments of a criminal appeal involving a defendant who caused a fatal car accident while driving drunk.

The defendant claims that the testimony of a doctor who did not perform the autopsies of the victims violated his right to confrontation, that his intoxication negated his criminal intent, and that the jury instruction on negligent child abuse was deficient.

The court concludes that any error in admitting the doctor's testimony was harmless, that the defendant's voluntary intoxication did not affect the general intent or strict liability crimes he was charged with, and that the jury instruction did not rise to the level of fundamental error.

Other Investigative Material

Attorney James Tawney 505-587-1719

Contact information for Tawney Acosta and Chaparro Truck Crash & Injury Attorneys.

IMR 18 Page 107-110

IMR-18 detailing and defining a law enforcement encounter specific to any action by department personnel for the purposes of enforcing laws and/or maintaining order does not require specific interaction with suspects or members of the public.

Photos

24-0013747 Jerdino

Surveillance footage screenshots of the suspect and suspect vehicle.

24-0013747 Montoya

Police photographs of Tewa Lodge, the intersection of Central and Alvarado, and recovered 9mm shell casing.

24-0013749 Wood

Police photographs of Central and Alvarado, Chief Medina's black unmarked pickup truck, and Mr. Perchert's Mustang.

24-0013749 Biddinger

Police photographs of Mr. Perchert.

Serious Injury Crash Investigation

CADs

Fatal Suppout Finished (Victim name misspelled)

NMUCR NMDOT Report-71102380-REAZIN, STEVEN

- Primary Uniform Crash Report

NMUCR Supplemental Narrative Reports – 240013749 / 711102380

- Allen, William
- Chavez, Diana
- Carrier, Bianca
- Castillo, Haley
- Earles, Zachary
- Hernandez, Kevin
- Jaramillo, McKenzie
- Martinez, Vicente
- Perry, Howard
- Sanchez, Gabriel
- Savedra, Victor
- Wroten, Aaron

Serious Injury Crash – Event Diagram

- A detailed illustration that represents the sequence of events leading up to, during, and following a collision.

Serious Injury Crash – Scene Diagram

- A visual representation of the accident scene

Updated Fatal Suppout (Victim name corrected)

- Analysis of the events leading up to, during, and after the collision, along with conclusions about the causes and contributing factors.

Shooting Incident Investigation

1000000345

- Poor quality video footage from inside O'Reilly Auto Parts

1000000346

- Poor quality video footage from inside O'Reilly Auto Parts

1000000347

- Poor quality video footage showing intersection of Central and Alvarado

1000000348

- Photograph of gold Mustang

1000000349

- Photograph of gold Mustang

24-0013747 Arrest Warrant T4FR202403177

- Arrest warrant for Michael Mountjoy (shooter)

24-0013747 Criminal Complaint Michael Mountjoy

- Michael Mountjoy

24-0013747 Diagram 1

- Diagram completed by H Medina

24-0013747 Shot Spotter 576-370090

- Shotspotter Investigative Lead Summary

24-0013747 Diagram 2

- Diagram completed by B Medina

24-0039630 Booking Sheet Michael Mountjoy

- Prior booking sheet for Michael Mountjoy

240480461_DP_SE_0930_TO_1414

- Southeast Area Command Dispatch Recording

Report _ 240013747 – Combined Reports

- Primary and supplementary offense reports regarding the shooting

Surveillance Footage

ART Central and San Pedro South @ 4:40

- ART Stop footage of the crash

Envios_El_Rey_east_facing_camera-vehicle_crash

- Surveillance footage of the crash

Tewa_Lodge_northeast_facing_camera_-_precrash

- Surveillance footage north of central on Alvarado

Trujillo_Family_Funeral_Home-Wide Angle

- Surveillance footage from the southeast to the northwest

Trujillo_Family_Funeral_Home-Zoomed

- Surveillance footage zoomed

Target Letter

Medina

- Subject of Investigation Letters
- Emails
- Read Receipts

Martinez

- Subject of Investigation Letters
- Emails
- Read Receipts

Investigator Notes

- Chief Medina submitted to Post-Accident Drug/Alcohol Testing as required by APD standard operating procedures and which was consistent with City Rules and Regulations.
- The following individuals were not interviewed as part of the investigation:
 - Mr. and Mrs. Perchert – I contacted them through their attorney on record, Mr. James Tawney. I received an initial email response asking what the police department wanted. I followed up with the two additional emails and never received another response.
 - Given the lack of response following multiple attempts to communicate, this investigator concluded that the interview opportunity was implicitly declined.
 - Beatrice Medina – Medina declined the opportunity to provide a second interview with APD, specifically Internal Affairs. Medina maintained her position as stated in the criminal investigation recorded on February 17, 2024.
 - Roger Legendre (retired APD Lieutenant) – Lt. Legendre retired from the department after this incident occurred and attempts to contact him for an interview as the duty lieutenant for this incident were not answered.
 - Ancillary personnel – Numerous individuals were not interviewed due to their ancillary role. These individuals are listed above on Page 5 of this document. Interviews with these individuals would not provide significant or useful information to the fact of the matters asserted.
- All perceived policy violations were addressed during the IAPS interview with APD Chief Harold Medina. The following are clarified due to specific requests made by concerned citizens of the Albuquerque area:
 - General Orders SOP 1-6-4B1 – Potential Policy Violation Unfounded
 - B. Unauthorized Patrol Ride-Along**
 - 1. Officers and PSAs shall abide by the Patrol Ride-Along requirements prior to authorizing any community member or professional staff member to ride along on patrol.
 - Procedural Orders SOP 2-5-10A3 and 2-5-10B1 stipulate take-home vehicle privileges and permit personnel to utilize their take-home vehicle for unofficial

- business, including travel for unofficial business to and from the Albuquerque metropolitan area if they reside outside of city limits.
- Personnel are required to maintain professionalism, secure their department-issued weapons, and ensure preventive maintenance procedures are followed.
 - A passenger inside of the department-issued vehicle is not considered a ride-along for these purposes and therefore, Chief Medina did not violate the Patrol Ride-Along policy.
- Procedural Orders SOP 2-7-4B1 – Potential Policy Violation Unfounded
 - B. When Department personnel damage civilian property, they shall:
 - 1. Complete a Uniform Incident Report documenting the damage:
 - a. If the primary officer caused the damage, they shall document the information in their Uniform Incident Report.
 - b. If another officer caused the damage, they shall document the information in a Supplemental Report.
 - The intent of this policy is specific to an officer damage citizen property through their usual and routine enforcement activities. For example, a K9 officer cuts the lock to a gate to apprehend a hiding suspect. The damage shall be documented in a uniform incident report.
 - Vehicle collisions are documented in a Uniform Crash Report and not authored by the involved officer to ensure accountability and transparency.
 - In this case, damaged property was documented by uninvolved personnel.
 - Internal Affairs Confidentiality
 - As part of standard procedure, Internal Affairs prepares a subject of investigation letter addressed to the officer under investigation. The document includes the following statement:

Please be aware that any and all allegations and investigations are to remain strictly confidential and are not to be discussed by you or any other employee except within the limits of the investigation itself or if such communications pertain to your right of union representation.
 - The policy aims to prevent personnel from discussing the investigation, coordinating their accounts, or engaging in any actions that could compromise its integrity.

- The unique role of high-ranking executive-level staff necessitates transparency, precluding complete silence on the matter.

RECOMMENDED FINDINGS and CONCLUSIONS

Chief of Police Harold Medina

1. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department Procedural Order 2-8-5.A? Department Procedural Order 2-8-5.A states:

2-8: Use of On-Body Recording Devices

2-8-5: Mandatory Recording

2-8-5.A: Department personnel shall activate their OBRD for any call for service that involves a law enforcement encounter, for any other law enforcement encounters that involve contact with community members, and for any investigative encounters involving community members. [6] (Effective 12/20/2023).

The IAPS investigation determined that Chief Harold Medina violated this policy.

Chief Medina was in the area, driving while awaiting the start time for a pre-scheduled press conference taking place at Central and Pennsylvania. Chief Medina was conducting a proactive check of the Domingo and Alvarado area, where temporary shelter areas frequently appear due to unhoused individuals. These shelters often obstruct the sidewalk and are subject to police enforcement. Chief Medina observed an encampment during his drive and made a note to inform the area commander, without stopping or engaging with anyone at the site.

After the collision occurred, the shooting victim approached. The victim informed the Chief that he was okay and had not been shot. Chief Medina asked the victim to remain at the scene, but the victim refused and fled southbound on Alvarado. Another citizen approached the Chief and reported having seen individuals leaving a black truck and fleeing away from the scene. Chief clarified with the witness that no one was outstanding. It is important to note that these interactions were not recorded and are contacts that require mandatory recording.

According to departmental Standard Operating Procedures (SOP), Department personnel shall activate their OBRD prior to contact with individuals in situations such as these. These interactions are classified as law enforcement encounters. Chief Medina did not activate his On-Body Recording Device (OBRD) during these contacts. The Department's SOP defines a law enforcement encounter as follows:

K. Law Enforcement Encounter

Any interaction by Department personnel with individuals who are the subject of stops, detentions, and/or pat-downs based on reasonable suspicion or probable cause; any action by Department personnel for the purposes of enforcing laws and/or maintaining order; and any time Department personnel are acting pursuant to the community caretaker doctrine.

The second clause, “any action by Department personnel for the purposes of enforcing laws and/or maintaining order,” does not require direct interaction with suspects or members of the public. In this case, Chief Medina had actual contact with at least two community members and a reasonable opportunity to begin recording. Refer to the Addendum titled, “*IMR 18 Page 107-110*” for further background analysis.

Chief Medina’s On-Body Recording Device (OBRD) was completely powered off and not in “buffer mode,” as required for uniformed patrol officers. Chief Medina asserted he was in an administrative capacity and thus not obligated to keep the camera in buffer mode. However, it was observed that Chief Medina was scheduled for a press conference in a high-crime area known for frequent violent crime, homicides, and drug activity. Driving in this area, he was no longer in an administrative role or office environment and was likely to encounter the public. This area is widely recognized among police personnel as one of the city’s busiest hot spots. Additionally, Chief Medina also stated the apparel he was wearing was an alternate duty uniform including the associated duty belt with a handgun, handcuffs, and his OBRD device. Chief Medina had the equipment and capability to record the incident.

Chief Medina subsequently assumed his role as a supervisor in managing the initial stages of the critical incident. He utilized the police radio to call out, secure dispatch air frequency, and relay critical information regarding the shot fired, vehicle crash, and suspect direction of travel. He also requested emergency medical personnel for the crash victim. By policy, a traffic crash is a mandatory recording event. These actions underscore Chief Medina’s involvement in a law enforcement encounter, necessitating the activation of his body camera at the earliest opportunity.

Chief Medina mentioned making telephone calls to executive staff and public information personnel to cancel the press conference. By making these calls, Chief Medina affirmed that there was no immediate or life-threatening danger, making the activation of the body camera feasible.

Chief Medina also cited intermittent conversations with his wife, who was a passenger in his unmarked patrol vehicle at the time of the collision. He claimed there was a right to privileged communication between spouses, which specifically exempted him from mandatory recording requirements. However, this investigator noted that APD SOP 2-8 does not provide for non-recording based on spousal privilege.

4	02/17/2024 09:22:40.341 AM -0700	Device powered on using button
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Lastly, Chief Medina indicated he powered his body camera on (this may be confirmed by viewing the body camera audit log above) but purposefully did not record because he was invoking his 5th Amendment right not to self-incriminate. Chief Medina indicated he was involved in a traffic collision and, therefore, subject to 5th Amendment protections. However, a police department's Standard Operating Procedures can be and often are more restrictive than case law or constitutional amendments in the following ways:

SOPs are often highly detailed and specific in outlining procedures for officers to follow in different scenarios. They may provide step-by-step instructions or set strict parameters on how officers should act. In contrast, case law (which interprets the Constitution) and constitutional amendments (such as the Bill of Rights) provide broader principles and rights without necessarily dictating exact procedures.

APD's SOPs are crafted by the department and several community stakeholders to reflect APDs organizational culture, priorities, and Albuquerque's legal standards. These SOPs frequently impose additional restrictions and requirements on officers beyond what is required by constitutional law. For example, an SOP might require officers to obtain a warrant in situations where case law suggests it may not always be necessary.

APD's SOPs often incorporate training requirements and mechanisms for internal accountability. They serve as a framework for ensuring officers understand and adhere to departmental expectations. This results in stricter guidelines than what is mandated by law to promote professionalism and reduce department and officer liability.

The Albuquerque Police Department operates within the Court Approved Settlement Agreement (as a result of Department of Justice Consent Decree) and has adopted SOPs that reflect community expectations. These expectations are much more stringent than the minimum standards set by statute, case law, and all neighboring police agencies.

Refer to *Chief Harold Medina's Interview* at the following timestamps: 09:50, 10:48, 11:50, 12:44, 13:07, 16:04, 21:45, 01:04:26, 01:08:00, 01:09:27, and 01:16:56

This investigator recommends

James Ortiz

Lieutenant James Ortiz, Internal Affairs Professional Standards

RECOMMENDED FINDINGS and CONCLUSIONS

Chief of Police Harold Medina

2. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department Procedural Order 2-5-4.A.3? Department Procedural Order 2-5-4.A.3 states:

2-5: Department Vehicles

2-5-4: General Procedures for Department-Issued Vehicles

2-5-4.A: Department personnel shall:

2-5-4.A.3: Operate their vehicle in a safe manner while on- and off-duty [6] (Effective 04/20/2023).

The IAPS investigation determined that Chief Harold Medina violated this policy.

Chief Medina was in the area, driving while awaiting the start time for a pre-scheduled press conference at Central and Pennsylvania. As he drove southbound on Alvarado and approached Central Ave., he stopped at a red traffic signal. While stopped, the front right passenger of the vehicle pointed out what appeared to be an altercation between two individuals. To get a better look at the situation, Chief Medina drove further south, crossing into the crosswalk/stop line. At that moment, the altercation turned physical, and one of the individuals pulled out a handgun and pointed it to the east. Chief Medina perceived that he and his passenger were in the backdrop of the handgun, placing them in the direct line of fire. A shot was fired from the handgun, and the suspect fled west on the sidewalk on the north side of Central Ave. Surveillance footage from a local funeral home captured the moment the shot was fired and the suspect's subsequent flight. As the suspect began to flee, Chief Medina ran the red light, driving southbound onto Central Ave. He navigated between a white pickup truck and a red sport utility vehicle, clearing the roadway. After clearing the westbound traffic, Chief Medina described "punching it," propelling his vehicle forward and directly into the driver's side of a gold Mustang traveling eastbound on Central Ave. Chief Medina noted that he saw the gold Mustang coming but misjudged the timing by about 4 feet. Refer to surveillance footage titled, *Trujillo_Family_Funeral_Home-Zoomed*.

[REDACTED]

The initial decision to enter the intersection is not in question, but the facts and circumstances do not relieve department personnel of driving safely to ensure no additional harm is done to personnel or to citizens. Based on the encounter, the vehicle was being driven in an unsafe manner; by definition, driving into a crosswalk, darting between two vehicles driving on a busy street, and crossing through an intersection with vehicles traveling eastbound were unsafe driving practices, and in this case, it resulted in a vehicle collision with serious physical injuries to the victim, including a broken collarbone and shoulder blade, 8 broken ribs (reconstructed with titanium plates after surgery), collapsed lung, lacerations to left ear and head, multiple gashes to his face, a seven-hour surgery, and hospitalization requiring epidural painkiller and a chest tube for nearly a week. Refer to Chief Harold Medina's Interview at the following timestamp: 01:21:21.

This investigator recommends [REDACTED]

[REDACTED]

James Ortiz

Lieutenant James Ortiz
Internal Affairs Professional Standards

RECOMMENDED FINDINGS and CONCLUSIONS

Chief of Police Harold Medina

3. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department Procedural Order 2-6-4.A.1? Department Procedural Order 2-6-4.A.1 states:

2-6: Use of Emergency Warning Equipment

2-6-4: Procedures

2-6-4.A: Authority for Code Response

2-6-4.A.1: When sworn personnel respond to an emergency call, or when in pursuit of an individual who has violated or is suspected of violating a law, sworn personnel shall be authorized to exercise the right-of-way privilege, pursuant to the New Mexico state statute on authorized emergency vehicles, if the officer is driving an authorized emergency vehicle and properly using authorized emergency warning equipment. This authority does not: Relieve the officer who is driving an authorized emergency vehicle from the duty to drive with due regard for the safety of others, or protect the officer from the consequences of reckless disregard for the safety of others. [6] (Effective 08/31/2023).

The IAPS investigation determined that Chief Harold Medina violated this policy.

Chief Medina noted that he was targeted for Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 2-6-4.A, which relates to “*Authority for Code Response.*” Chief Medina stated that he was parked at the intersection at this time and did not conduct a code response. Chief Medina read the APD SOP reference code response, “*When sworn personnel respond to an emergency call, or when in pursuit of an individual who has violated or is suspected of violating a law...*” and stated, [REDACTED]

The SOP, 2-6-4.A.1 clearly states: When sworn personnel respond to an emergency call, or when in pursuit of an individual who has violated or is suspected of violating a law, sworn personnel shall be authorized to exercise the right-of-way privilege, pursuant to the New Mexico state statute on authorized emergency vehicles, if the officer is driving an authorized emergency vehicle and properly using authorized emergency warning equipment.

Chief Medina was not responding to an emergency call, he was reacting to an emergency occurring, the aggravated assault with a deadly weapon. Based on the SOP Chief Medina did not violate this SOP section.

Concerning the use of emergency equipment or his Radio at the time of the incident, Chief Medina said that it was hard to get to his radio and the siren activation pad and he did not want to alert the individual with the gun that he was a law enforcement officer. However, he told Det. Wise, in his interview with her only hours after the crash, said that he was reaching into his console to hit the horn to alert the individuals who were getting ready to fight to let them know that law enforcement was in the area. The two statements were inconsistent but it did not affect the findings for this policy.

This investigator recommends



James Ortiz

Lieutenant James Ortiz
Internal Affairs Professional Standards

RECOMMENDED FINDINGS and CONCLUSIONS

Chief of Police Harold Medina

4. Did **Chief of Police Harold Medina** comply with Albuquerque Police Department General Order 1-1-6.A.1? Department General Order 1-1-6.A.1 states:

1-1: Personnel Code of Conduct

1-1-6: Professional Conduct While On- and Off-Duty

1-1-6.A: Honesty, Integrity, and Accountability

1-1-6.A.1: All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that: may cast doubt on their integrity, or honesty, brings discredit to the department, or impairs the Department's efficient and effective operation. [5] (Effective 02/14/2023).

The IAPS investigation determined that Chief Harold Medina did not violate this policy.

Chief Medina stated

[REDACTED]

This investigator made attempts to contact Mr. Perchert's attorney to obtain clarifying details regarding their knowledge and perception of Chief Medina's conduct, but my attempts to schedule an interview were not accepted.

Refer to ***Chief Harold Medina's Interview*** at the following timestamps: 01:30:21 and 01:31:55.

There was no evidence to support that this SOP was violated.

This investigator recommends

[REDACTED]

James Ortiz

Lieutenant James Ortiz
Internal Affairs Professional Standards

RECOMMENDED FINDINGS and CONCLUSIONS

Commander Benito Martinez

1. Did **Commander Benito Martinez** comply with Albuquerque Police Department Procedural Order 2-50-4.C.1.b? Department Procedural Order 2-50-4.C.1.b states:

2-50: Crash Review Board (CRB)

2-50-4: Rules

2-50-4.C: Reviewing Crashes that Involve Department-Issued Vehicles

2-50-4.C.1: When reviewing Department-issued vehicle crashes, CRB personnel shall:

2-50-4.C.1.b: Review each Department-issued vehicle crash not resulting in a fatality or serious injury, and determine whether the crash was a preventable crash, a non-preventable crash, or a non-crash. [6] (Effective 02/14/2023).

The IAPS investigation determined that Commander Benito Martinez violated this policy.

During the IAPS interview, Commander Martinez confirmed that he was the policyholder for APD SOP 2-50, stating, "It's my policy," and clarified that it was not the responsibility of the Crash Review Board (CRB) to identify or investigate policy violations related to vehicle crashes. Cmdr. Martinez indicated that he had served as the chairperson of the CRB for a little over a year and had previously been a CRB board member as a traffic lieutenant. He stated that he had never personally reviewed a serious injury or fatal crash (during CRB), although he was aware that the Chief's crash was considered a serious injury crash on the date of the incident, February 17, 2024.

Cmdr. Martinez acknowledged that SOP 2-50 prohibited the CRB from hearing serious injury crashes and stated that allowing such a case to be heard would be a policy violation. He explained that his reasoning for permitting the Chief's crash to be reviewed by the CRB was based on his belief that someone wanted the crash to be heard. He confirmed that neither the Chief nor any other ranking personnel influenced his decision. Cmdr. Martinez knew the crash was scheduled for the CRB agenda a couple of days before March 6, 2024, and the CRB met on March 26, 2024. He was aware of the agenda item at least 20 days prior to the CRB hearing date.

Cmdr. Martinez clarified that he believed someone from Internal Affairs wanted the case to be heard by the CRB to ensure full transparency. However, he did not consult with anyone in Internal Affairs to verify the accuracy of this assumption.

Refer to ***Cmdr. Benito Martinez Interview 2*** at the following time stamps: 02:47, 03:15, 09:08, 10:17, 11:41, 11:52, 13:00, 13:50, 14:41, 21:50, and 23:15.

This investigator recommends

[REDACTED]

James Ortiz

Lieutenant James Ortiz
Internal Affairs Professional Standards

TIMELINE

- **February 17, 2024**
 - Date of Incident
- **February 17, 2024**
 - Identified Potential Policy Violation (Chief Medina)
 - Submitted Internal Affairs Request to IAPS
- **February 20, 2024**
 - I-Number Assigned
- **February 26, 2024**
 - Case assigned to investigator
- **February 28, 2024**
 - Subject of Investigation Letter emailed to Chief Medina
- **April 26, 2024**
 - Interview completed with witness Sergeant Joann Lopez
 - Interview completed with witness Sergeant Kevin Hernandez
 - Interview completed with witness Officer Howard Perry
 - Interview completed with witness Officer Zachary Earles
- **April 29, 2024**
 - Interview completed with witness Officer Manuel Lara
- **May 1, 2024**
 - Interview completed with witness Sergeant James Burton
- **May 7, 2024**
 - Interview completed with witness Detective Leah Wise
 - Interview completed with witness Detective Efrain Martinez
- **May 9, 2024**
 - Interview completed with complainant Major Jimmy Collins
 - Interview completed with witness/subject Commander Benito Martinez
- **May 10, 2024**
 - Identified Potential Policy Violation (Commander Martinez)
- **May 10, 2024**
 - Subject of Investigation Letter emailed to Commander Martinez
- **May 13, 2024**
 - Interview completed with witness Audrianna Chavez
- **May 16, 2024**
 - Interview completed with witness Detective Robert Carlson
- **June 4, 2024**
 - Interview completed with witness Stephanie Griego
- **June 13, 2024**
 - Interview completed with subject Chief Harold Medina
- **June 17, 2024**
 - Case completed and submitted to chain of command for final review process