Independent Review Office
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P.O. Box 1293 Albuquerque NM 87103
Phone: (505) 924-3770 Fax: (505) 924-3775
www.cabq.gov/iro

***INCLUDED IN THIS REPORT*:**

POLICE OVERSIGHT COMMISSION OVERVIEW Update on appointed and newly elected Commissioners; their duties; and subcommittees.
INDEPENDENT REVIEW OFFICE Recently appointed IRO and the duties of the IRO.
COMPLAINT PROCEDURE Process the IRO uses to address citizen complaints against APD officers.
DATA /STATISTICAL HIGHLIGHTS Information extracted from IRO's database for cases filed with IRO.
EXECUTIVE SUMMARY IRO Robin S. Hammer addresses procedure changes, and recommendations made.

CITY OF ALBUQUERQUE

Richard J. Berry
Mayor

Robert J. Perry
Chief Administrative Officer

Independent Review Office of the Police Oversight Commission
2012 Fourth Quarter Report

Mission Statement

The Police Oversight Commission (POC) provides a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department (APD), provides for community participation in setting and reviewing police department policies, practices, and procedures.

Linda Martinez
Chair

Bambi Folk
Vice Chair

Robin S. Hammer
Independent Review Officer

POLICE OVERSIGHT COMMISSION MEMBERS

DISTRICT ONE:
RICHARD SHINE
Appointed: 08/20/12
Term Ends: 02/01/15

DISTRICT TWO:
JONATHAN SIEGEL
Appointed: 05/21/12
Term Ends: 02/01/15

DISTRICT THREE:
VALERIE S. ST. JOHN
Appointed: 01/18/12
Term Ends: 02/01/13

DISTRICT FOUR:
BAMBI FOLK
Appointed: 05/03/10
Term Ends: 02/01/13

DISTRICT FIVE:
DAVID E. ADKINS
Appointed: 08/02/10
Term Ends: 02/01/13

DISTRICT SIX:
DAVID M. CAMERON
Appointed: 04/16/12
Term Ends: 02/01/14

DISTRICT SEVEN:
RICHARD G. SOBIEN
Appointed: 04/04/11
Term Ends: 02/01/14

DISTRICT EIGHT:
BOB FRANCIS
Appointed: 05/18/09
Term Ends: 02/01/15

DISTRICT NINE:
LINDA MARTINEZ
Appointed: 04/04/07
Term Ends: 02/01/13

INDEPENDENT REVIEW OFFICE STAFF

ROBIN S. HAMMER
(Appointed: August 6, 2012)
Independent Review Officer

Diane L. McDermott
Independent Review Office Investigator

Paul A. Skotchdopole
Independent Review Office Investigator

Francisca Garcia
Independent Review Office
Executive Administrative Assistant

POLICE OVERSIGHT COMMISSION & INDEPENDENT REVIEW OFFICE

The Police Oversight Commission is tasked with the following functions:

1. Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
2. Oversee the full investigation and/or mediation of all citizen complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
3. Continue the cooperation of APD and solicit public input by holding regularly scheduled public meetings;
4. Review all work of the Independent Review Office with respect to quality, thoroughness, and impartiality of investigations;
5. Submit periodic reports to the Mayor and City Council;
6. Submit all findings to the Chief of Police;
7. Engage in a long-term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.

The Independent Review Officer manages the staff of the Independent Review Office. The Independent Review Officer (IRO) is given autonomy and performs the following duties under the supervision of the POC:

1. The IRO receives all citizen complaints directed against APD and any of its officers. The IRO reviews the citizen complaints and assigns them to be investigated by the IRO independent investigators or APD Internal Affairs.

2. The IRO oversees, monitors, and reviews all of those investigations and makes findings for each case.

3. The IRO makes recommendations and gives advice regarding APD policies and procedures to the POC, City Council, APD, and the Mayor.

4. The IRO uses an impartial system of mediation for certain complaints.

5. The IRO monitors all claims of excessive force and police shootings and is an ex-officio member of the City of Albuquerque Claims Review Board.

6. The IRO ensures that all investigations are thorough, objective, fair, impartial, and free from political influence.

7. The IRO maintains and compiles information sufficient to satisfy the POC's reporting requirements.

2012 LONG TERM PLANNING COMMITTEE (LTPC)

CONSISTED OF 3 COMMISSIONERS

VALERIE ST. JOHN (CHAIR)
RICHARD SOBIEN
BAMBI FOLK

The LTPC reviewed matters and made recommendations to the full POC.

LTPC Meetings are held monthly and are open to the public

The LTPC held meetings during the 4th Quarter 2012 on

September 27, 2012
October 25, 2012
November 29, 2012

CITIZEN POLICE COMPLAINTS

Any person may file a written complaint against APD officers or any of its employees. All complaints must be signed. The IRO website contains an electronic complaint form. Written forms may be obtained at the IRO Office and all APD substation or facilities.

Written Complaints may be sent to:

- IRO's website: www.cabq.gov/iro
- IRO office at Room 813, Plaza del Sol, 600 2nd Street NW (8th Floor)
- Mail completed complaint forms to: PO Box 1293 Albuquerque, NM 87103; or
- Any APD substation or facility.

COMPLAINT PROCESS

1. When the Independent Review Officer (IRO) receives a written complaint, the complaint is entered into the IRO's case management database and assigned a Citizen Police Complaint (CPC) number.

2. The IRO reviews the complaint for jurisdiction and then assigns the case to an IRO investigator or APD Internal Affairs Division to investigate.

3. Upon completion of the investigation, the Independent Review Officer reviews the investigation for thoroughness, impartiality, and fairness.

4. The Independent Review Officer makes findings and conclusions based on the evidence developed in the investigation as to whether the alleged misconduct violates the rules governing APD employees' conduct called Standard Operating Procedures (SOPs). The Independent Review Officer writes a draft letter to the person who filed the complaint, outlining her findings and conclusions.

5. The Albuquerque Police Department's administration, including the officer's supervisors and the Chief of Police, review the IRO's letter containing the findings and conclusions.

6. The Police Oversight Commission then reviews the IRO's letter containing the findings and conclusions.

- If Chief of Police and the IRO agree on the findings and the POC concurs, the letter is sent to the person who filed the complaint by certified mail;
- If Chief of Police disagrees, the POC decides the matter after hearing both sides.

7. If the person who filed the complaint is dissatisfied with the findings, he may appeal the decision to the Police Oversight Commission. Appeals are to be heard during POC's monthly meetings, which are open to the public.

8. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO.

COMPLAINT DISPOSITION STANDARDS

The IRO makes findings regarding alleged misconduct based upon APD's Standard Operation Procedures (SOPs). The Independent Review Officer bases her findings on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained. The IRO makes the following types of findings:

Sustained – It was determined that an APD employee committed the alleged violation.
Not Sustained – It cannot be determined if an APD employee committed the alleged violation.
Exonerated – The APD employee was justified in taking the course of action alleged and/or was operating within the guidelines of the law or SOPs.
Unfounded – The APD employee did not commit the alleged violation.
Inactivated – The complaint was closed for lack of jurisdiction or a satisfactory informal resolution.

CITIZEN POLICE COMPLAINTS IN FOURTH QUARTER 2012
4TH QUARTER (SEPTEMBER-DECEMBER 2012)

Complaints Received This Quarter:	77
Complaints Received Year to Date:	260
Complaints Inactivated This Quarter:	29
Pending Complaints This Quarter:	48

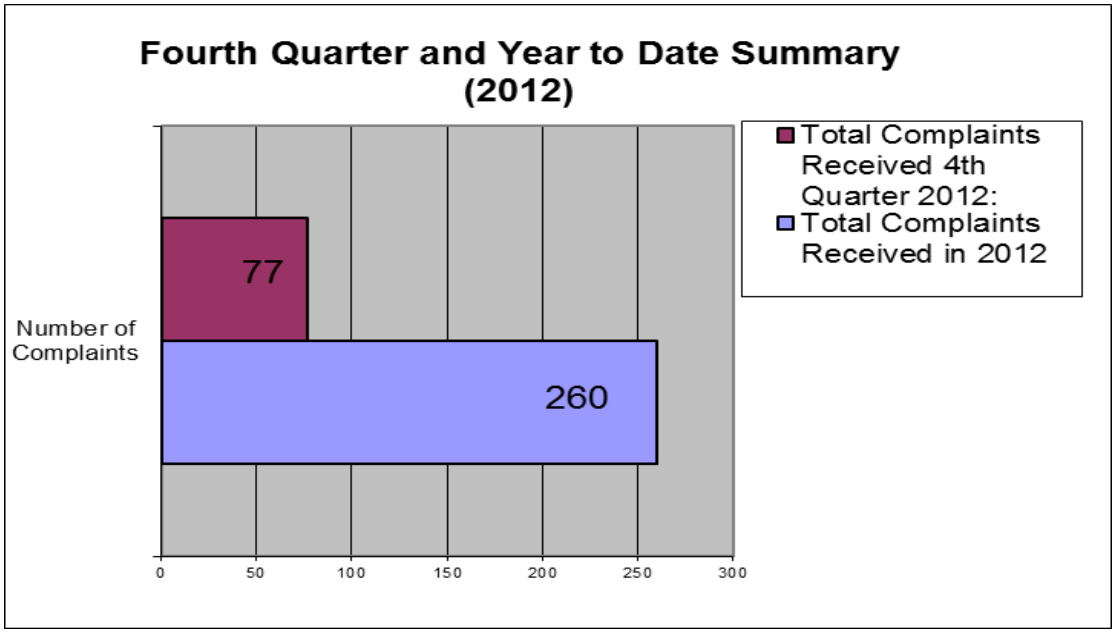


Figure 1: Comparative Annual Status of complaints as of year to date.

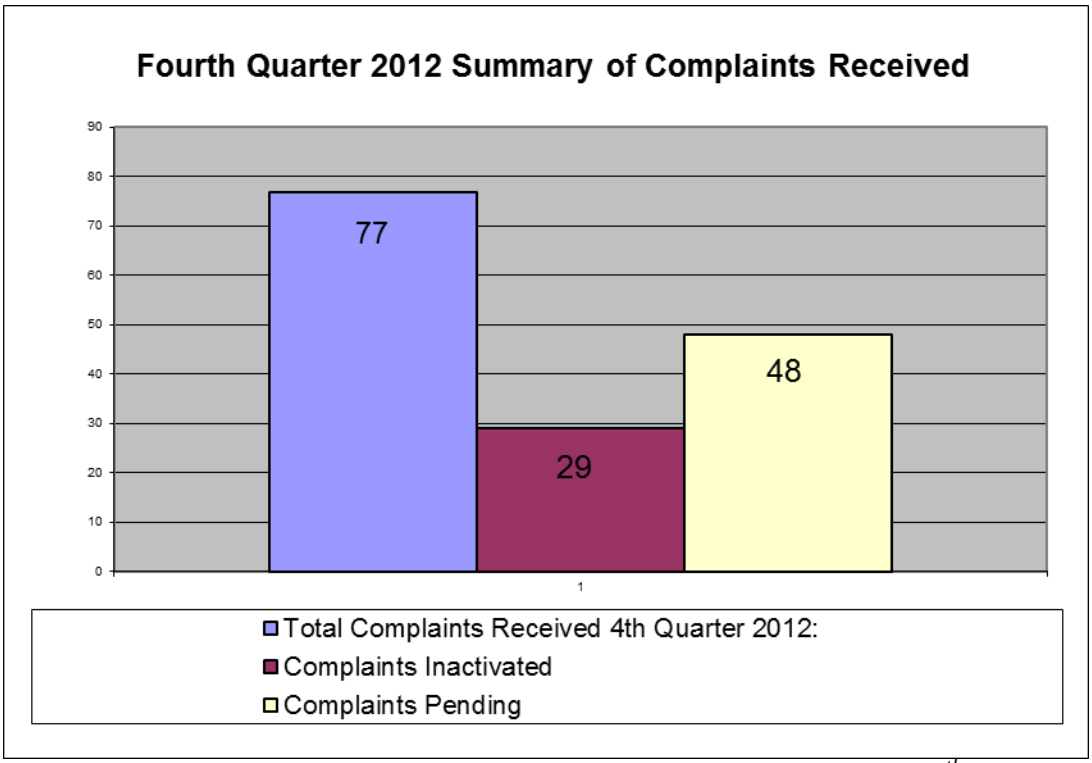


Figure 2: Case status and number of complaints received during the 4th Quarter.

Reasons for Inactivation may include, but not limited to:

- Failure to allege a violation of SOPs;
- Submitting a complaint over 90 days after the incident;
- Complaint is not against an APD member(s);
- APD member cannot be identified;
- Case successfully mediated, through a formal or informal mediation.

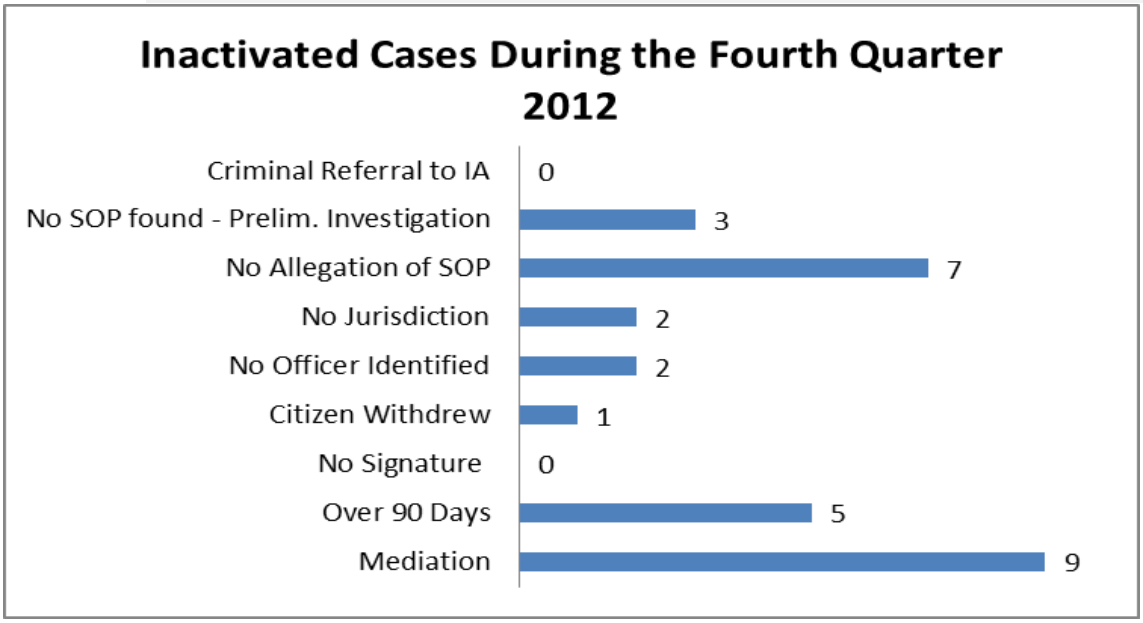
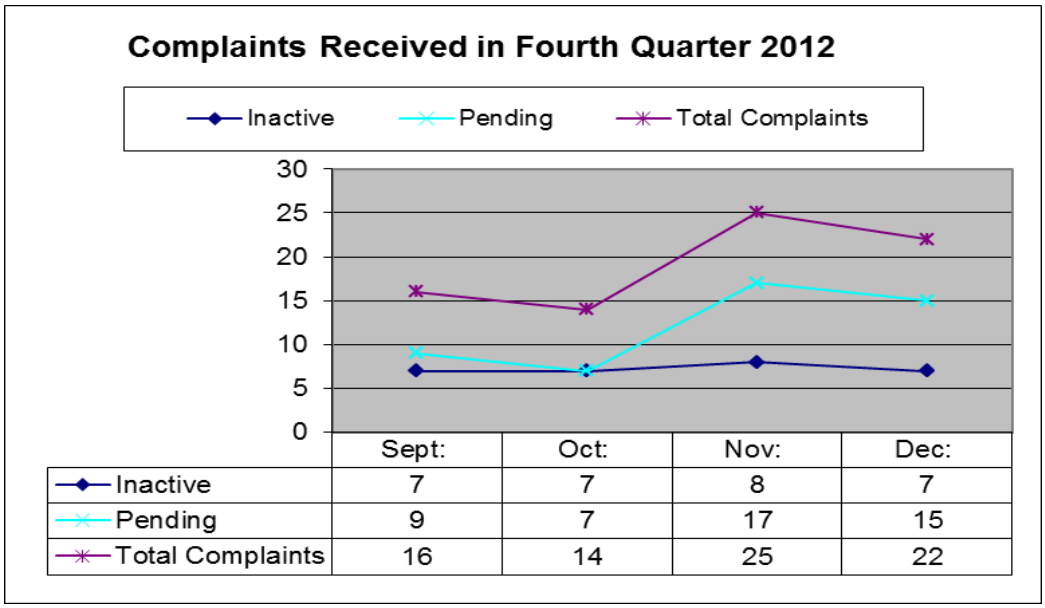


Figure 3: There were 29 Inactivated Complaints from September to December 2012.

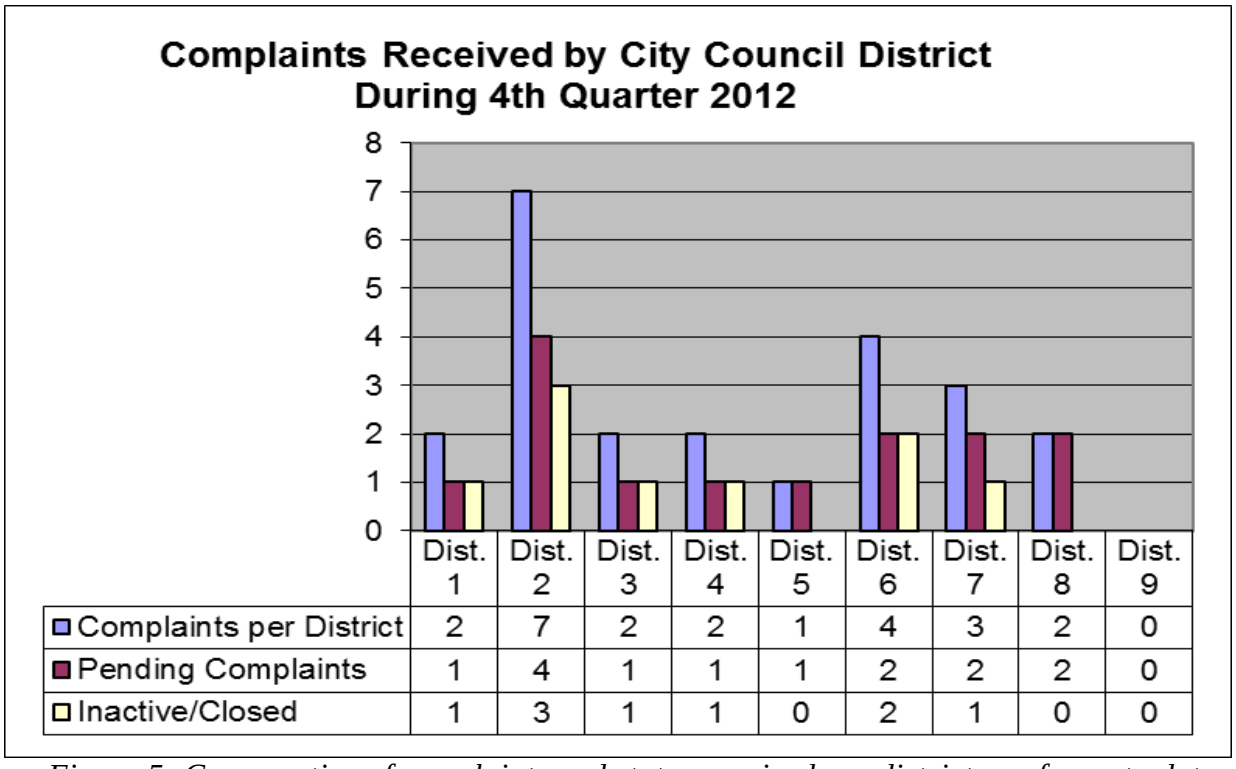


	Sept:	Oct:	Nov:	Dec:
Inactive	7	7	8	7
Pending	9	7	17	15
Total Complaints	16	14	25	22

Figure 4: There were 77 cases received by the IRO in the Fourth Quarter (September to December) 2012; an average of 19 cases per month, with November containing the highest number of complaints received.

City Council District of Alleged Misconduct in Complaints Received in Fourth Quarter 2012

City Council District 1: Total: 2
City Council District 2: Total: 7
Area: Sawmill Area (1); Santa Barbara Martinez-town (1), Barelas Neighborhood Association (1), Unknown (4)
City Council District 3: Total: 2
Area: Unknown (2)
City Council District 4: Total: 2
Area: Cherry Hills Civic (1); Unknown (1)
City Council District 5: Total: 1
Area: Unknown (1)
City Council District 6: Total: 4
Area: Unknown (4)
City Council District 7: Total: 3
Area: McKinley (1), Uptown (1), Unknown (1)
City Council District 8: Total: 2
Area: Unknown (2)
City Council District 9: None



	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7	Dist. 8	Dist. 9
Complaints per District	2	7	2	2	1	4	3	2	0
Pending Complaints	1	4	1	1	1	2	2	2	0
Inactive/Closed	1	3	1	1	0	2	1	0	0

Figure 5: Comparative of complaints and status received per district as of year to date.

The IRO collects data for all city council districts for every incident reported. There were 54 total number of complaints with unknown districts or did not report their respective City Council District.

Alleged Misconduct in Complaints Received in Fourth Quarter 2012

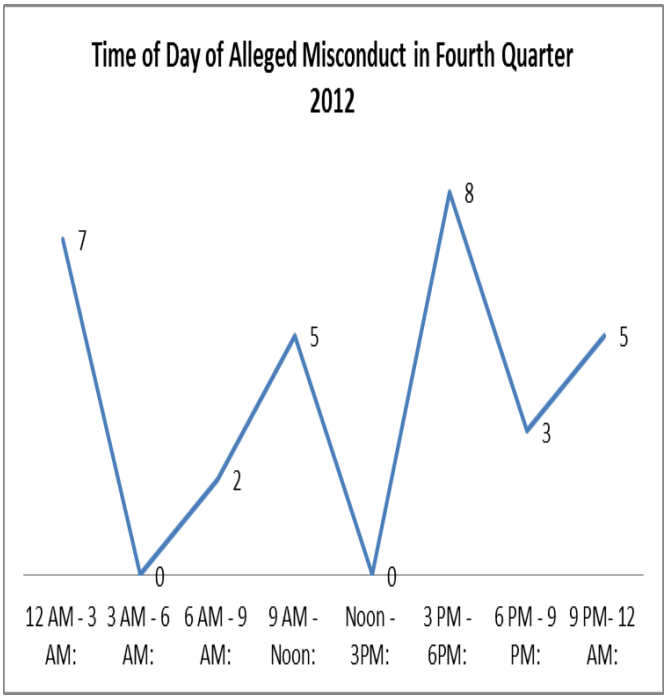


Figure 6: Number of Incidents filed with complaints. During the 4th Quarter, incidents that occurred around 3:00 pm to 6:00 pm have the highest number of complaints received.

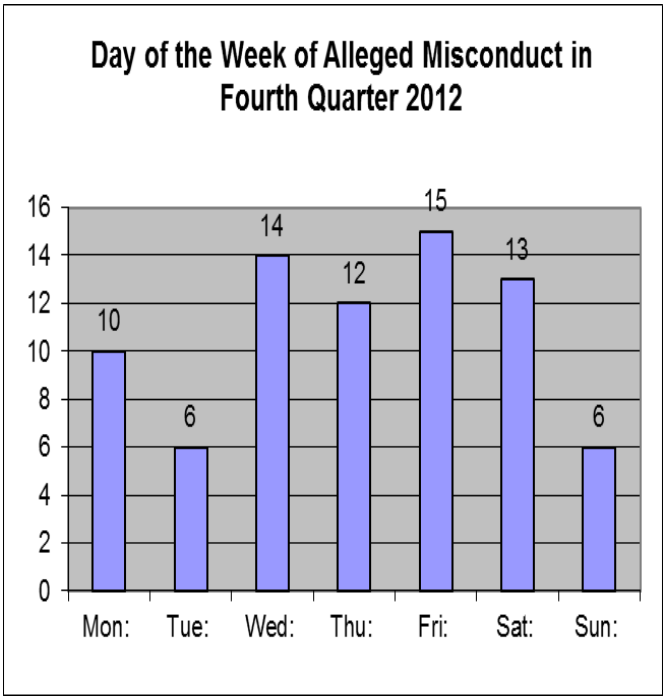


Figure 7: Fridays have the highest number of complaints received by the IRO during the 4th Quarter.

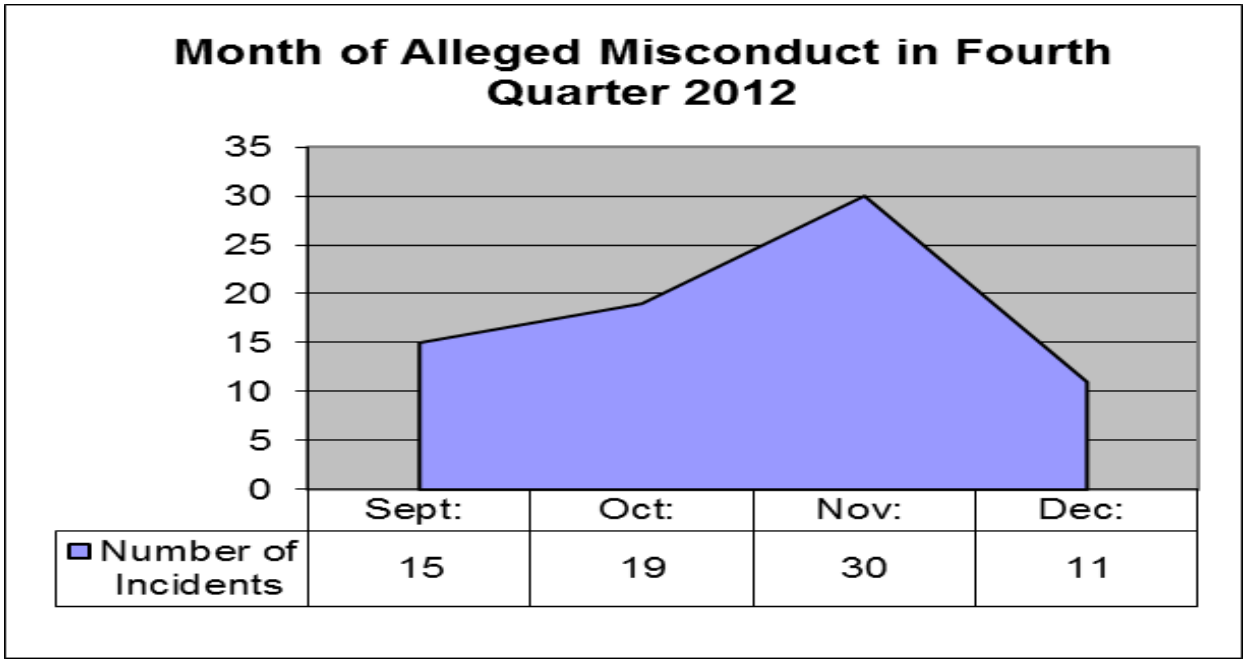


Figure 8: The highest reported incidents occurred during the month of November during the 4th Quarter of 2012.

COMPLAINANT DEMOGRAPHICS

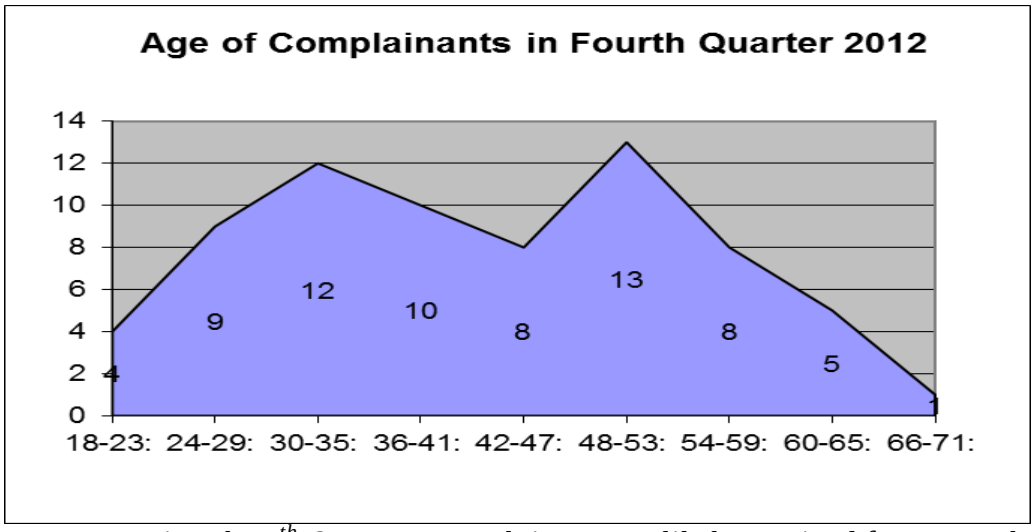
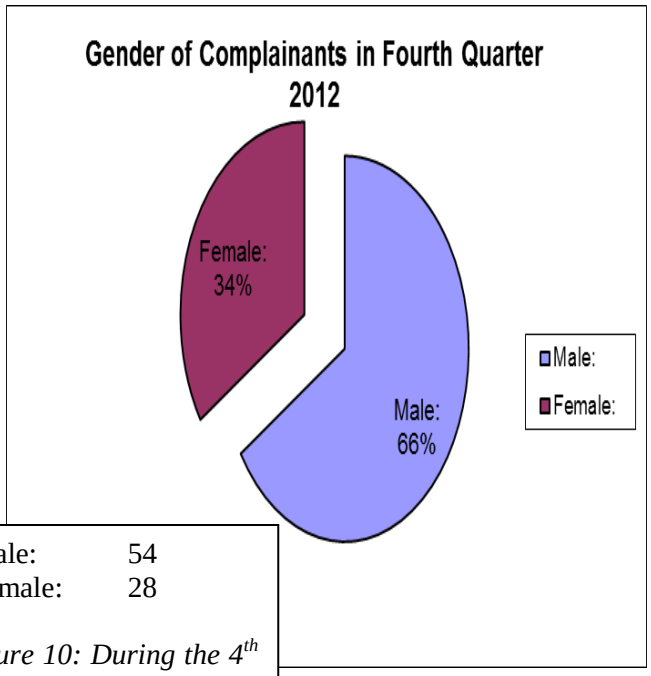
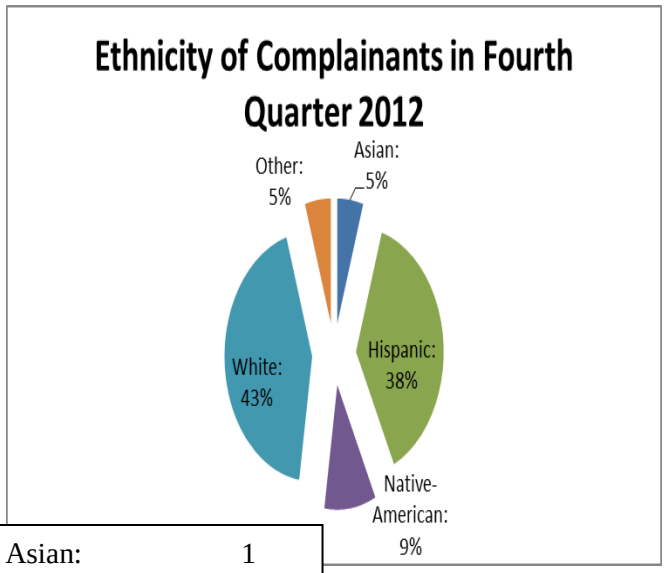


Figure 9: During the 4th Quarter, complaints were likely received from complainants between 48-53 years old.



Male:	54
Female:	28

Figure 10: During the 4th quarter, total of 82 complainants gathered. Please note there can be multiple complainants in a case.



Asian:	1
African-American:	0
Hispanic:	8
Native-American:	2
White:	9
Other:	1

Figure 11: During the 4th quarter, there were 60 unknown or did not declare their ethnicity in the complaints.

ALBUQUERQUE POLICE DEPARTMENT DEMOGRAPHICS

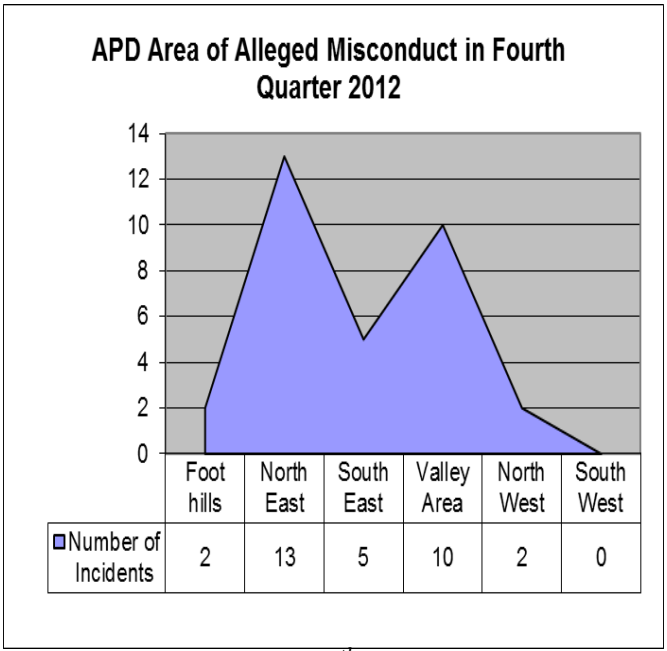


Figure 12: During the 4th Quarter, complaints were more likely to be received from the Northeast Area command.

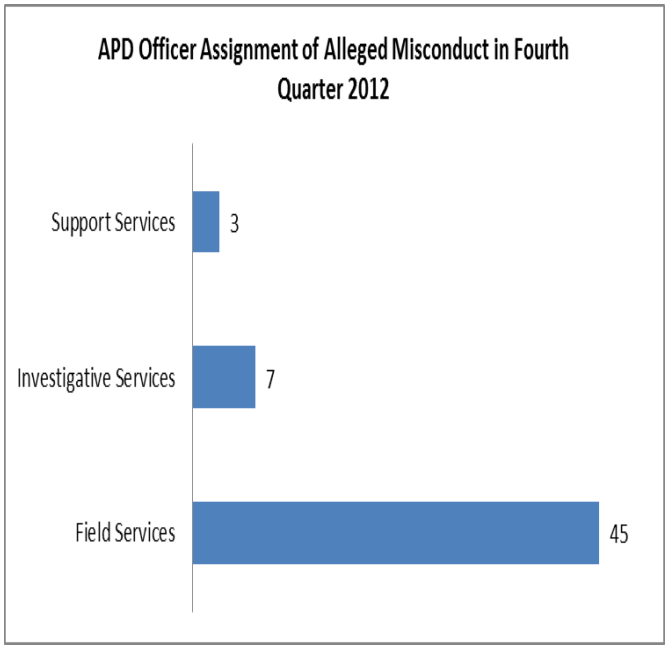


Figure 13: Complaints received were more likely to be about Officers assigned in Field Services.

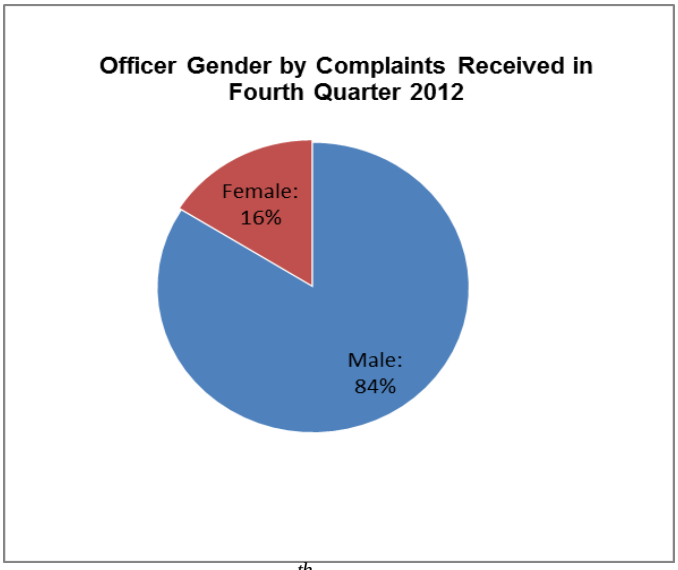


Figure 14: During the 4th Quarter, complainants were more likely to file a complaint about male officer. The IRO received complaints about 47 male APD officers, and 9 female APD officers.

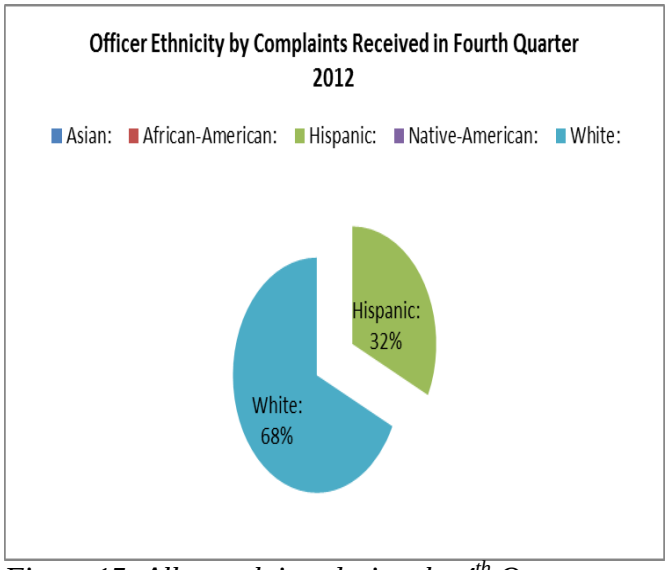


Figure 15: All complaints during the 4th Quarter only involved officers from Hispanic or White ethnicity. The IRO received complaints about 18 Hispanic officers, 38 White officers, and 0 complaints on Asian, African-American, and Native American officers.

PUBLIC OUTREACH

The Ordinance requires the IRO and the staff to play an active public role in the community and provide appropriate outreach to the community publicizing the citizen complaint process and the locations within the community that are suitable for citizens to file complaints in a non-police environment.

On September 4, 2012, a presentation was made for the Criminal Justice class from Brookline College. The students came to the IRO office for a presentation and learned valuable information about the office.

On October 26, 2012, Independent Review Officer Robin Hammer gave a presentation to the Albuquerque Police Department Quarterly Managers' Meeting. IRO Hammer made a PowerPoint presentation and lecture on the Police Oversight Process and suggested for methods officers could use to practice better policing and prevent complaints against APD.

On December 7, 2012, IRO Investigator Paul Skotchdopole was invited to be a guest speaker for a day seminar held at the Holiday Inn discussing "Police Liability in New Mexico." The presentation provided an insight on the rules of conduct, the civilian oversight process, the complaint process, rights of an officer, and how will findings in an investigation affect civil liability

INDEPENDENT REVIEW OFFICER'S SUMMARY OF FOURTH QUARTER 2012

After the city council confirmation from the City Council, I began working as Independent Review Officer in early September 2012. As Independent Review Officer, I began to review the office's procedures for receiving, processing and investigating Citizen Police Complaints. I worked with the Police Oversight Commission in setting revised standards for Independent Review Office investigations and my Findings letters sent to Citizen Complainants. I also worked with the Chief of Police to discuss suggestions for changes to policy for APD, based on my review of current issues regarding Citizen Police Complaints.

In October 2012, I, along with IRO Staff and several Commissioners, attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference in San Diego, CA. This conference provided many hours of instruction and ideas regarding citizen oversight of police functions in other parts of the country.

I also became an active member of the NACOLE Professional Standards Committee, which seeks to develop the code of ethics, professional standards and training guidelines for those involved in oversight. After the conference, the NACOLE Professional Standards Committee tackled the task of collecting data about several different oversight agencies across the country to be placed on the NACOLE web site for interested persons to review the enabling legislation and functions of law enforcement oversight across the country.

In the Fourth Quarter, I began working with APD staff members to begin to make changes to the computer database in which the IRO collects data regarding Citizen Police Complaints and alleged misconduct. The IRO previously did share its database information with APD Internal Affairs Division, but in 2013 there will be a system in place to permit APD to have the ability to use the IRO's data directly.

In November and December 2012, I made several modifications to the IRO's website. I made a major change to enable Citizen to electronically sign their Citizen Police Complaints submitted through the IRO website. The POC Ordinance requires all Citizen Police Complaints to be signed in order to be valid. Previously, if a Citizen filed a Complaint through the web, Citizens were required to either travel to the office, or fax or mail in a signed version of their Complaint prior to it being considered valid. The changes I made to the web-based Complaint form permitted Citizens to complete the entire Complaint process while sitting at their computer.

In December 2012, I resumed presentation of Officer-Involved Shooting cases to the Police Oversight Commission. The previous Independent Review Officer chose not to present any Officer Involved Shooting cases to the Police Oversight Commission until the District Attorney had completed her criminal review. In 2012, the District Attorney halted her presentation of Officer Involved Shooting cases to the Grand Jury for criminal review. After reviewing the law, SOP and practices, I made the determination to present Officer-Involved Shooting cases to the Police Oversight Commission without waiting for the District Attorney and the District Court to resolve their impasse regarding Officer-Involved Shooting cases. At the December 2012 POC meeting, I presented case I-23-11, which involved an officer who shot a driver of a car about to run over the officer at a Wal-Mart parking lot. I began preparing to present all Officer Involved Shooting cases to the POC for future meetings.

DATA OVERVIEW

The Independent Review Office attempts to identify the demographic information of complainants during the initial complaint intake, as well as through voluntary surveys. We obtained information on ethnicity, gender, and age for 77 individual complainants during the 4th quarter of 2012. We were not able to capture all demographic information of all complainants because some declined to disclose this information.

SUMMARY OF FOURTH QUARTER 2012

The Independent Review Office received 77 cases for the 4th Quarter from September to December 2012.

The IRO received the highest number of cases in November for the 4th quarter; and the least number of cases in September.

The highest number of reported alleged misconduct occurred on Fridays and between the hours of 6pm to 9pm.

Of the 29 closed during the Fourth Quarter 2012, there were 9 mediated cases for supervisor resolution; 1 case closed because citizen withdraw the complaint; 2 cases closed because officer was not identified; 2 cases closed because the IRO had no jurisdiction; 3 cases were inactivated during preliminary investigation because no SOP violations were found; 5 cases closed because the complaint was filed over 90 days after the incident; 7 cases closed because no allegation of SOPs were found; and 48 cases are pending under investigation.

The IRO has forwarded cases to Internal Affairs for investigations due to the resignation of an IRO Investigator during the 4th Quarter 2012.

There are no appealed cases to report for the 4th Quarter 2012.

Fourth Quarter 2012 Statistics

Quarterly and Year to Date Summary of Citizen Complaints

Cases Received During 4th Quarter:	77
Cases Received Year to Date:	260
Mediated Cases This Quarter:	12
Mediated Cases Year to Date:	29
Total Pending Cases:	94

Month Complaints Were Received in Fourth Quarter 2012

Jan:	16
Feb:	20
Mar:	22
Apr:	22
May:	18
June:	17
July:	38
Aug:	30
Sept:	**16**
Oct:	**14**
Nov:	**25**
Dec:	**22**
YTD:	260

Month of Occurrence of Alleged Misconduct in Fourth Quarter 2012

Jan:	17
Feb:	22
Mar:	23
Apr:	21
May:	25
June:	18
July:	34
Aug:	21
Sept:	**15**
Oct:	**19**
Nov:	**30**
Dec:	**11**
YTD:	260

Day of the Week on Which Alleged Misconduct Occurred in Fourth Quarter 2012

Mon: 10
Tue: 6
Wed: 14
Thu: 12
Fri: 15
Sat: 13
Sun: 6

Location of Alleged Misconduct by APD Area Command in Fourth Quarter 2012

Foot Hills : 2
North East: 13
South East: 5
Valley: 10
West Side: 0
North West: 2
South West: 0
Unknown location: 45 (not provided)

Time of Day of Alleged Misconduct in Fourth Quarter 2012

12 AM - 3 AM: 7
3 AM - 6 AM: 0
6 AM - 9 AM: 2
9 AM - Noon: 5
Noon - 3PM: 0
3 PM - 6PM: 8
6 PM - 9 PM: 3
9 PM- 12 AM: 5
Unknown: 47 (not provided)

Gender of Complainants Who Filed Complaints in Fourth Quarter 2012

Male: 54
Female: 28

Ethnicity of Complainants Who Filed Complaints in Fourth Quarter 2012

Asian:	1
Afro-American:	0
Hispanic:	8
Native-American:	2
White:	9
Other:	1
Not provided:	60

Age of Complainants Who Filed Complaints in Fourth Quarter 2012

18-23:	2
24-29:	3
30-35:	6
36-41:	4
42-47:	2
48-53:	6
54-59:	2
60-65:	2
66-71:	1
72-77:	0
78-83:	0
84-89:	0
90-95:	0
96-100:	0
Unknown:	4

Officer Gender in Fully Investigated and Completed Cases in Fourth Quarter 2012

Male:	47
Female:	9

Ethnicity of Officers of Fully Investigated and Completed Cases in Fourth Quarter 2012

Asian:	0
Afro-American:	0
Hispanic:	18
Native-American:	0
White:	38
Other:	0

Complaint Cases Received and Reviewed 4th Quarter 2012

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention and maintenance of order in the community.

In order to carry out their duties and responsibilities, the police are empowered with legal authority. To achieve success, the Department must win and retain the confidence and respect of the citizens it serves. Police officers do not act for themselves, but for the public. To that end, it is necessary to create and maintain a system through which the Department can be effectively directed and controlled. Written directives have been incorporated into Standard Operating Procedures (SOPs) to guide and direct department personnel in the performance of their duties. Violations of these provisions may result in disciplinary charges against personnel.

Standard Operating Procedures are defined as written orders by the Chief of Police or a bureau, division, or section commander to define policy and direct procedures for specific situations of events.

The following section lists each of the Citizen Police Complaints (CPC) received for this specific quarter, or in the case of an annual report, all of the CPCs received year-to-date.

Each CPC entry is formatted with the CPC Number, the complainants City Council District, the complainants' Neighborhood Association (NHA), the investigating bureau (IRO or IA), a brief synopsis of the complaint, the current case status, followed by each of the officers involved in the complaint including their assigned APD area. The officers actual names have been omitted, and for any given complaint, are referred to using alphabetic letters (A-Z). Within each officer listing is the SOP number involved, the SOP's general category, the case finding, the Chief/IRO Decision and the case disposition. For any SOP non-concurrence between the Chief and IRO, additional levels of commentary relative to the POC, Chief and CAO are listed.

CPC-2012-001 District: U NHA: Unknown Investigator: IA
Citizen is the legal guardian of her 29-year-old daughter. An Albuquerque Police Traffic Division officer issued warning notices to citizen's daughter for not wearing a seat belt, not having her vehicle registered and not having proof of insurance. Citizen complained that the officer who stopped and issued the warning tickets did not give her daughter enough opportunity to provide documentation of her vehicle's insurance and registration. Although her daughter did not receive citations, Citizen wanted to bring the matter to the attention of the Albuquerque Police Department, in case the officer was not issuing citations properly. Case was forwarded to IA Lieutenant and discussed the traffic officer's procedures for allowing drivers the opportunity to produce documentation and how citations are issued. The Lieutenant emphasized the importance of giving drivers the time to produce documents. The IA Lieutenant also spoke with the officer's sergeant. Citizen was satisfied and wished complaint to be closed.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-020 District: 5 NHA: Volcano Cliffs Investigator: IRO
A citizen stated while driving his vehicle, he was pulled over by an APD officer. He stated that the officer was unprofessional during the encounter and that the officer pulled his *taser* on him for no reason. The tow truck driver was subpoenaed by the Commission and appeared telephonically. Tow truck driver's testimony was taken by the Commission.
Case Status: Closed - Appealed

Officer: A APD Area: NW
SOP: 1-04-1F (General Conduct) **Finding:** Not Sustained
IRO/Chief's Decision: Agreed **Disposition:** None

SOP: 1-39-1A5 (Use of Belt Recorders) **Finding:** Sustained
IRO/Chief's Decision: Agreed **Disposition:** Letter of Reprimand

CPC-2012-022 District: 4 NHA: Cherry Hills Civic Investigator: IRO
An officer approached the citizen after he pulled out of the line of traffic due to a traffic accident. They exchanged words and the officer ordered the citizen to pull to the side of the road after the citizen called the officer an insulting name. The officer should have provided an explanation before expecting compliance and citizen claimed the citation he received was in reprisal of his insult.
Case Status: Closed

Officer: A APD Area: NE
SOP: 1-04-4N (Acting Officiously) **Finding:** Not Sustained
IRO/Chief's Decision: Agreed **Disposition:** None

SOP: 1-04-1F (General Conduct) **Finding:** Sustained
IRO/Chief's Decision: Agreed **Disposition:** Letter of Reprimand

SOP: 1-02-3A (Providing Name) **Finding:** Sustained
IRO/Chief's Decision: Agreed **Disposition:** Letter of Reprimand

CPC-2012-053 District: 7 NHA: McKinley Investigator: IRO
Citizen alleged officers knocked on his door and when he answered, they had their weapons drawn. Citizen alleged officers entered his residence illegally and treated him unprofessionally during the incident.
Case Status: Closed
Officer: A APD Area: NE
SOP: 1-02-2B2 (Searches/Seizures) **Finding:** Exonerated
IRO/Chief's Decision: Agreed **Disposition:** None

SOP: 1-04-1F (General Conduct) **Finding:** Exonerated
IRO/Chief's Decision: Agreed **Disposition:** None

Officer: B APD Area: NE
SOP: 1-04-1F (General Conduct) **Finding:** Exonerated
IRO/Chief's Decision: Agreed **Disposition:** None

CPC-2012-075 District: 4 NHA: Unknown Investigator: IRO
The citizen alleges he walked up on the scene and the sergeant immediately threatened to arrest him. The citizen just wanted to purchase the motorcycles from the woman. A female officer then threatened to arrest the citizen as well. The citizen alleges the sergeant failed to identify himself when asked.
Case Status: Closed - Appealed in 2013

CPC-2012-076 District: 2 NHA: Sawmill Area Investigator: IRO
Citizen alleges that he was subjected to excessive force during his arrest on 01/28/12. Citizen claimed that while sitting on a curb and the APD officers approached, citizen stood up to greet them. He claimed that the officers rushed him, for no apparent reason, and then slammed into the pavement head first. He claims did not resist arrest and one of the officers hit him on his left shoulder and he was punched on the side of the face. He alleged that the officers were laughing at him while being assaulted. He alleges his civil rights were violated.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP

CPC-2012-116 District: U NHA: Unknown Investigator: IRO
Citizen was pulled over for running a red light. The citizen alleges the officer is not in a marked car and is very rude and sarcastic while dealing with her.
Case Status: Closed

Officer: A APD Area: NW
SOP: 1-04-1F (General Conduct) **Finding:** Exonerated
IRO/Chiefs Decision: Agreed **Disposition:** None

CPC-2012-121 District: U NHA: Unknown Investigator: IA
Citizen filed a complaint that Albuquerque Police Department (APD) needed to be aware about a police dispatcher. She alleges that in the dispatch of officers to the scene, the dispatcher stated and described her as, "sounded like you were on something." Citizen learned that the dispatcher was relaying information received from the "help truck driver" that stopped to assist, when the dispatcher made the statement. Citizen did not want the investigation to go further and expressed satisfaction in having been contacted by the sergeant to address the APD Communications center about the incident.
Case Status: Inactivated **Inactivation Reason:** Citizen Withdrew Complaint

CPC-2012-123 District: U NHA: Unknown Investigator: IA
Citizen alleges that an officer was driving erratically during his morning commute. Citizen claims that the same APD unit drives in the left or fast lane at high speed on numerous occasions.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-127 District: 9 NHA: Juan Tabo Hills Investigator: IRO
Citizen alleges that an APD sergeant came to his home and accused the citizen of his motorcycle being loud. He stated that during this encounter, the sergeant was not professional during the encounter. Citizen agreed that the complaint would be better dealt with by the sergeant's Commander and case was resolved informally in successful mediation.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-128 District: U NHA: Unknown Investigator: IRO
Citizen alleges that during his arrest two officers battered him for slipping cuffs to the front. He claims that he was not combative but officers used excessive force which caused a bruise on his right temple. He believes a photo in a Metropolitan Detention Center mug shot and his *IPhone* proves that the officer entered his holding cell to re-cuff him from behind and injuries incurred from being grabbed and slammed into the cell wall and floor. The complaint was received by e-mail and did not bear a signature. All complaints must be signed in order to be considered "valid." Numerous attempts to contact the citizen were unsuccessful.
Case Status: Inactivated **Inactivation Reason:** No Signature Provided

CPC-2012-134 District: U NHA: Unknown Investigator: IA
Citizen claims that he witnessed an officer cause a traffic accident by swerving back and forth two lanes on the intersection. The citizen alleges that officer driving the vehicle was driving recklessly and thought the officer was under the influence of alcohol and drugs.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-141 District: 7 NHA: Uptown Investigator: IRO
Citizen complains that an employee of a local bank ran a credit report on a patient without consent. Citizen contacted the police and felt that the officer was of little help in getting the credit report back or shredded. She claims the officer told her that it was not against the law to lie and the citizen was asked to leave the premises.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-143 District: U NHA: Unknown Investigator: IRO
Citizen wrote that he was walking from the car to the front door of his home, when unidentified officers walked up and stopped the citizen. The officers told him that he matched the description of a suspect for whom they were looking. Citizen was informed that the officers were looking for a suspect that had been breaking into homes. He wrote that the officers questioned, detained him for about a half hour, took information off of his driver's license and then released him. He wrote that the officers were rude and did not apologize for their behavior.
Case Status: Inactivated **Inactivation Reason:** No Signature Provided

CPC-2012-148 District: U NHA: Unknown Investigator: IA
Citizen wrote that he was illegally detained at a Driving While Intoxicated (DWI) checkpoint. He alleges that he did not like the officer's statements during the encounter. In the complaint, citizen did not provide a signature nor did he know the officer's name. IRO attempted to contact citizen and letter was returned to the office without a forwarding address.
Case Status: Inactivated **Inactivation Reason:** No Signature Provided

CPC-2012-155 District: U NHA: Unknown Investigator: IRO
Citizen noticed a motorcycle officer running radar while legally parked about a quarter mile. Citizen states that he was warning motorists to slow down before they got to where the officer was. He alleges the officer confronted the citizen and was rude and unprofessional. He states that he was exercising the first amendment right to free speech and that the officer had no reason to approach and ask for identification or to tell him to leave.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-158 District: 7 NHA: Unknown Investigator: IRO
Citizen stated in his complaint that on June 13, 2012, he left Walmart in his car. After leaving the Walmart parking lot, an APD officer pulled him over. The officer told him that had received a report he had exposed his genitals to someone, "flashed someone" at Walmart, immediately prior to being stopped by the police. He provided his license to the officers and stated he had been at Walmart but the incident did not happen. The officers told him he was free to leave and no further action was taken. Citizen alleges that the officers had "attitude," but did not provide specific details of the officers' improper demeanor.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP

CPC-2012-161 District: U NHA: Unknown Investigator: IRO
Citizen alleges that after he left a local brewery he noticed that a police car was one car length back. He assumed that he was being tailed to check and have a warrant to be pulled over. The officer did not pull him over nor did he have any contact with any police officer. He alleges that officers were targeting people coming out of the brewery.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP

CPC-2012-164 District: U NHA: Unknown Investigator: IRO
Citizen complained that she was evicted from her motel room without notice and that the owner of the motel violated an agreement with the citizen. She alleges that sometime in the past she was falsely charged by two officers from the APD and had a court date scheduled in August 2012 on those charges.
Case Status: Inactivated **Inactivation Reason:** Over 90 days

CPC-2012-169 District: 7 NHA: Unknown Investigator: IRO
Citizen stated in her complaint that there was a disturbance that took place at her home at around 9:00 PM on August 18, 2012. According to citizen, her mother had arrived at her home with her boyfriend who was allegedly belligerent and intoxicated. Citizen's husband and the mother's boyfriend ended up in a physical altercation. Albuquerque Police Officers eventually arrested citizen's husband. Citizen complained that the police officers who arrested her husband falsely imprisoned her husband. She alleged that the police officers made false statements in the affidavit for a search warrant for her home. She claimed that her mother's boyfriend started the whole situation and that her husband was only trying to protect her family. She believed that because of her husband's past criminal record, APD made up accusations that her husband used a bat on her mother's boyfriend. Citizen alleged that although APD took two bats from the home they did not find any blood or fingerprints on them.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP

CPC-2012-170 District: U NHA: Unknown Investigator: IRO
Citizen alleges that the arresting officer took $200 cash that he had in his possession at the time of his arrest. Complaint has been forwarded to the Albuquerque Police Department's Internal Affairs Unit for further investigation and possible referral to the Criminal Investigations Division for criminal investigation.
Case Status: Inactivated **Inactivation Reason:** Criminal--Sent to IA

CPC-2012-174 District: U NHA: Unknown Investigator: IRO
Citizen complained that during a commute to pick up her daughter an APD officer pulled her over for a traffic violation. She claims the officer accused her of lying and letting the registration expire. Citizen was cited for not having registration, expired license plate, and careless driving. Citizen alleges that the officer rushed the citizen to sign the citation and hit her hand while writing a statement in the citation. She stated the officer was unprofessional and was impatient during the encounter. She also claims officer made unnecessary statements and taunted her by saying, "Smile, you're being recorded."
Case Status: Inactivated **Inactivation Reason:** Over 90 Days

CPC-2012-178 District: U NHA: Unknown Investigator: IRO
Citizen alleges that officers and a SWAT team broke into his home with tear gas and flash bang grenades. Citizen claims to also have a health condition limiting his cooperation with the officers upon arrival. He added that the officers did not help respond to his health condition well and was tased on each of his feet. Citizen also claims he was missing items in his RV and items were broken when the officers came in. He claims that his home was searched without a warrant and would like his items replaced.
Case Status: Inactivated **Inactivation Reason:** Over 90 Days

CPC-2012-188 District: U NHA: Unknown Investigator: IRO
Citizen alleged that a detective improperly phoned her landlord to inform him about being involved in drug activity. She denied that she was involved in drug activity and wrote that the detectives should know this as she is a drug court participant for Driving While Intoxicated (DWI) and is tested for controlled substances several times per week. She wrote that another person, an alleged murderer, was at her house after he committed two murders, and the police arrested him from her house. She stated that when the homicide detectives were at her house she did not have the greatest rapport with the detectives. She wrote that she did not understand why they are trying to malign her character and she wants it stopped. She believed that the detective who called her landlord was a homicide detective who had worked the case.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP

CPC-2012-191 District: 2 NHA: Santa Barbara Martinez-town Investigator: IRO
Citizen reported that he went to a local car repair shop to pick up a vehicle that he had in there for repairs. He claims that he made an agreement with the car repair shop owner about test driving the car and if there were no problems he would return and pay the $2000 repair bill. He wrote that he believed the shop did not fix the car, but able to drive the car home to Placitas. He alleges that he returned to the repair shop and the owner of the shop called the police. Four officers responded to the shop and citizen's wife paid the repair bill. He complains that the officers threatened to arrest if he did not pay the bill. He also added that one of the officers intimidated him by putting on his gloves and that the same officer searched and put pressure on the citizen's replaced knee. He alleged that this was a civil matter and the police had no business intervening. He claims that the way the officers handled the case was a reflection of poor judgment and training by the four officers who responded.
Case Status: Inactivated **Inactivation Reason:** Over 90 Days

CPC-2012-193 District: U NHA: Unknown Investigator: IRO
Citizen alleged that an officer took his driver's license during a traffic accident investigation in which he was charged for leaving the scene of an accident. He was arrested in his residence and transported to jail. He claims that an officer told him his driver's license was invalid and he was released several days later.
Case Status: Inactivated **Inactivation Reason:** Over 90 Days

CPC-2012-194 District: U NHA: Unknown Investigator: IA
On August 11, 2012, citizen was involved in a car collision with another car owned by the City of Albuquerque, which was driven by a City employee. Citizen complained that the officer who investigated and wrote the police report regarding this collision made factual errors and/or mistakes in the police report. The IA Sergeant found that the officer had made mistakes in the police report. The officer referred to the vehicles and drivers incorrectly by mislabeling the vehicles and drivers in the report. By this mislabeling, the reporting officer did not adequately report the facts of the investigation, creating an inaccurate report. The IA Sergeant informed the officer of the discrepancies in his report. The officer agreed to complete a Supplemental Report to correct his mistakes. Citizen stated that in writing his compliant, he had desired only that the officer be alerted to the problems with his report and did not need further investigation in the case.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-197 District: 1 NHA: Unknown Investigator: IRO
Citizen complained that police officers have parked in a parking lot across the street from his bar and grill. According to the citizen, the officers were there "to pull over patrons of the establishment." Citizen believes that officers should not be allowed to do this and also that officers should not be allowed to pull over "anyone over within a mile radius of leaving the bar." Citizen alleges the officers were harassing his patrons and affecting his business.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP

CPC-2012-199 District: U NHA: Unknown Investigator: IRO
Citizen filed a complaint for fraud while employed as a security guard at American Facility Support Services. He believes the company he was employed at was owned by current or former APD employees. He reports that he was paid less wages than what he was promised to be paid an hour and could not reach anyone for compensation. The checks he received had bounced and could not find recourse for the actions made by the owners of the company.
Case Status: Inactivated **Inactivation Reason:** No Officer Identified

CPC-2012-200 District: 7 NHA: Unknown Investigator: IA
Complainant alleged that officers were called to his grandson's home in reference to a "BB" gun being fired at his grandson. He alleged that responding officers did not speak with the kids who shot the BB gun. Complainant wrote that, "All I want is for someone to go to the parents and warn them about their kids shooting at others." The Sergeant agreed to go to the grandson's home, who is in a housing complex, and speak to the other resident children and their parents. The Sergeant spent over an hour at the location, speaking to numerous kids and parents. The Sergeant learned that many kids own a type of *AirSoft* guns which shoot small projectiles. The Sergeant reinforced to the kids and parents that any type of weapon is dangerous. Many of the neighbors gave the Sergeant positive feedback, and that they appreciated the discussion with their children.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-205 District: U NHA: Unknown Investigator: IA
Citizen complained that her car was broken down in traffic and could not be pushed out of the roadway. An officer called an on-call towing company to tow the citizen's car. Citizen alleged that the officer told her that she would only have to pay the towing company for towing her car if her car was towed to somewhere other than the tow company tow yard. When citizen went to the tow yard to pick up her car a few days later, she was charged $238 for the towing and storage fees. She wished to be reimbursed for her towing costs. Citizen had been speaking with an adjuster in the City of Albuquerque's Risk Management Division about the incident. The adjustor determined that there was a simple misunderstanding between officer and citizen. The officer told the citizen that she would not have to pay the towing fee immediately if the tow company took the car to the tow yard, but that she would need to pay at the conclusion of the tow, if the tow company took the car to another location. Citizen erroneously believed that she would not have to pay the towing bill at all. The adjustor informed the IA Sergeant that because there was a misunderstanding, the adjustor authorized the payment of the towing fee by the City.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-206 District: U NHA: Unknown Investigator: IA
Citizen complained that he drove next to an officer who was using his cell phone to text while driving. Citizen expressed that he wished the matter to be handled informally by speaking with the officer's supervisor. The sergeant agreed to speak with the officer about using his cell phone to text while he was driving. Citizen then was satisfied that his concerns were addressed.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-212 District: U NHA: Unknown Investigator: IA
Citizen complained that an officer was using his cell phone to text while driving. Citizen expressed that she wished the matter to be handled informally by speaking with the officer's supervisor. The sergeant agreed to speak with the officer about using his cell phone while he was driving. The sergeant also gave citizen's phone number to the officer's sergeant to speak directly with the citizen. Citizen stated that she was satisfied that her concerns were addressed.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-213 District: U NHA: Unknown Investigator: IA
Citizen complained that an officer was driving 10 miles per hour over the posted speed limit on Unser Boulevard. Citizen expressed that she wished the matter to be handled informally by speaking with the officer's supervisor. The sergeant agreed to speak with the officer about his driving behavior. Citizen stated that she was satisfied that her concerns were addressed.
Case Status: Inactivated **Inactivation Reason:** Mediation (Supervisor Resolution)

CPC-2012-260 District: 2 NHA: Unknown Investigator: IRO
Citizen complained that he observed APD patrol cars and officers on a scene of an automobile accident and failed their responsibility to care for a citizen's property. He alleges that the officers allowed the clean-up crew to dump oil-laden debris into the interior of the damaged car causing more damage to the car.
Case Status: Inactivated **Inactivation Reason:** No Allegation of SOP violation