

INCLUDED IN THIS REPORT:

INDEPENDENT REVIEW OFFICE About the IRO and the duties of the IRO

EXECUTIVE SUMMARY IRO Robin S. Hammer addresses training, policy changes, her investigative findings, and recommendations made to the POC

POLICE OVERSIGHT COMMISSION OVERVIEW Information concerning commissioners, their duties, and subcommittees created

OFFICER-INVOLVED SHOOTINGS Summaries of Officer-Involved Shootings cases which the IRO presented to the POC, as well as police shootings which occurred in 2013

DATA/STATISTICAL HIGHLIGHTS Available information extracted from CIRUS database for cases received and investigated by the IRO

Independent Review Office

600 2nd NW Room 813 Albuquerque NM 87102

P.O. Box 1293 Albuquerque NM 87103

Phone: (505) 924-3770 Fax: (505) 924-3775

www.cabq.gov/iro

CITY OF ALBUQUERQUE

Richard J. Berry
Mayor

Robert J. Perry
Chief Administrative Officer



Independent Review Office of the Police Oversight Commission 2013 Annual Report

Mission Statement

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

Robin S. Hammer
Independent Review Officer

David M. Cameron
POC Chair

Jonathan Siegel
POC Vice Chair

TABLE OF CONTENTS

I. Independent Review Office (IRO)	3
A. Staff	3
B. IRO Duties and Responsibilities.....	3
C. IRO Biography.....	4
D. IRO Community Outreach	4
E. IRO Robin S. Hammer's Executive Summary	5
II. Police Oversight Commission (POC)	9
A. Members.....	9
B. POC Trainings.....	12
C. POC Meetings.....	13
D. POC Long-Term Planning Committee.....	13
E. POC Outreach Committee.....	14
F. POC Chairman David Cameron's Perspective	15
III. Officer-Involved Shootings (OIS)	17
A. OIS which the IRO Reviewed and Made Findings in 2013.....	17
B. OIS which Occurred in 2013.....	23
IV. Citizen Police Complaints (CPC)	24
A. CPC Investigation and Review Procedure.....	24
B. CPC 2013 Data and Statistics.....	26
C. IRO Findings and Dispositions Made in CPCs.....	42
D. CPC Appeals.....	56
V. Albuquerque Police Department	57
A. Discipline Imposed.....	57
B. Reports of APD Jobs Well Done.....	58
VI. Overview of Data	59

I. INDEPENDENT REVIEW OFFICE

IRO STAFF

ROBIN S. HAMMER, Esq.
Independent Review Officer

Paul A. Skotchdopole
Independent Review Office Assistant Lead
Investigator

Chris Davidson
Independent Review Office Investigator

Diane L. McDermott
Independent Review Office Investigator

Chearie J. Alipat
Independent Review Office Analyst

Francisca M. Garcia
Independent Review Office
Executive Administrative Assistant

INDEPENDENT REVIEW OFFICE DUTIES AND RESPONSIBILITIES

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.

INDEPENDENT REVIEW OFFICER

ROBIN S. HAMMER, ESQ. was selected as the top candidate by the POC for the Independent Review Officer (IRO) position, appointed by the Mayor, and confirmed by the City Council by a unanimous vote as IRO in the late summer of 2012. Ms. Hammer assumed the position as IRO in September 2012. After becoming IRO, Ms. Hammer joined the National Association of Civilian Oversight of Law Enforcement (NACOLE), which is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. In 2013, Ms. Hammer was an active member of NACOLE's Professional Standards Committee. In the Professional Standards Committee, Ms. Hammer worked with other Police Oversight professionals across the country to enhance the practice of civilian oversight by providing resources to NACOLE members and the public to better understand existing and emerging models of oversight, to provide training opportunities for oversight practitioners, and to identify good practices employed by oversight agencies across the country. Ms. Hammer also successfully completed Los Angeles Police Department's week-long *Police Performance Audit* course. There Ms. Hammer learned how to conduct performance audits of police practices in order to make suggestions for improvements to systemic police policies and procedures.

Prior to her assuming the position as IRO, she served as a Senior Investigative Trial Counsel for the New Mexico Judicial Standards Commission for approximately two-and-a-half years. At the Judicial Standards Commission, Ms. Hammer investigated and prosecuted complaints of ethical misconduct against New Mexico judges statewide. In 2011, Ms. Hammer was responsible for the prosecution of judicial misconduct cases which resulted in the removal or resignation of eleven New Mexico judges. This number was approximately one-third of all judge resignations/removals nationwide for 2011.

Ms. Hammer also has more than 17 years of criminal prosecutorial experience. She has previously worked as Deputy and Assistant District Attorneys in the Farmington, Santa Fe, and Bernalillo County District Attorney's Offices. Ms. Hammer has prosecuted all types of cases, including violent, gang, property, and white collar crimes. At the Bernalillo County District Attorney's Office, she was in charge of the Organized Crime and Public Corruption Division. There she worked with the United States Secret Service and members of the Federal Financial Crimes Task Force to convict several groups of organized criminals. In 1995, the New Mexico Prosecutor's Section awarded her with the Legal Impact Prosecutor award for her work on a complex DNA serial rape case and a death penalty murder case. She served on the New Mexico Supreme Court's Criminal Procedure Rules Committee and the Court's Joint Committee Regarding Sealing of Court Records. Ms. Hammer earned a Bachelor of Arts degree in theater at Indiana University in Bloomington, Indiana. She also graduated *cum laude* from Indiana University School of Law in Bloomington. Ms. Hammer worked at the Santa Fe Opera prior to her career in the law.

2013 IRO COMMUNITY OUTREACH

The Independent Review Officer sought to expand the Office's outreach efforts to the Community with the assistance of the newly-formed POC's Outreach Committee. The IRO and the POC Outreach

Committee created and reviewed Outreach materials for use at public presentations to explain the Police Oversight system. This included revisions of a brochure, creation of a PowerPoint presentation of process, and the writing of FAQs. The IRO placed the FAQs on the IRO website for easy public access, which may be found at: <http://www.cabq.gov/iro/frequently-asked-questions>.

Once the POC Outreach Committee concluded its work to modify outreach materials, the IRO and POC began a series of public engagements to explain the function of the IRO and POC to various civic groups. In October 2013, the IRO met with City-Wide gathering of Neighborhood Watch Captains to explain the process for Police Oversight. The attendees then took that information back to their respective Neighborhood Watch meetings.

EXECUTIVE SUMMARY FROM THE IRO

I, as Independent Review Officer (IRO), and my staff, made great strides in 2013 to improve the efficiency and transparency of the Independent Review Office. These efforts have improved the IRO's practices and procedures to provide thorough and independent investigations into Citizens' complaints filed against the Albuquerque Police Department (APD). I also worked with APD's staff to better define and advance the IRO's role in reviewing and presenting Officer-Involved Shooting cases to the Police Oversight Commission. Through numerous conversations and collaborations with the community, Albuquerque Police Department, Police Oversight Commission, Mayor's Office and City Council, I have established priorities and plans of action to enable us to meet our goals establishing more transparent police oversight of APD, holding APD more accountable, as well as building more trust between the public and APD. Below is an outline of some of the IRO's improvements and accomplishments for 2013.

OFFICER-INVOLVED SHOOTING REVIEW

As IRO, I recognized that Officer-Involved Shootings (OIS) were of great concern to all citizens of Albuquerque. Previously, all OIS reviews were presented to a POC subcommittee in a non-recorded hearing. In contrast, I sought to make my review and findings of Officer-Involved Shootings transparent and easily accessible to the public. In contrast to my predecessor, I presented all my OIS Findings at the POC's monthly open meeting which was televised live and available for viewing on the City's website. Also, I initiated providing the POC Commissioners prior to the POC meeting copies of police reports and other documents for each OIS incident I reviewed. I sought to provide the POC Commissioners with sufficient information to make a complete review of my Findings and Conclusions in OIS cases. I began a practice of showing photographs and diagrams from the OIS incident scenes to the POC Commissioners and public during my OIS presentations to better illustrate and support my Findings. I also began the practice of requesting members of APD's Homicide and Criminalistics Divisions who were familiar with the OIS investigations to be present during my OIS presentations to answer any questions from POC Commissioners regarding the OIS investigations.

In June 2013, I held meetings with APD officials concerning the role of the IRO at Officer-Involved Shooting scenes. I provided insight and suggestions to improve APD's Standard Operating Procedure (SOP) for the investigation of Officer-Involved Shootings and delineated the IRO's responsibilities.

This SOP revision has been drafted and is pending review and approval by APD's Chief of Police. In 2013, I met with prosecutors to discuss common concerns and issues between the IRO and the District Attorney's Office in Officer-Involved Shooting matters. In addition, I have made substantial changes to the manner in which OIS cases are reported in the IRO's Quarterly and Annual Reports. These changes included providing more complete information about OIS cases which I reviewed throughout the year, as well as providing information about OIS incidents which occurred in 2013. In 2014, I will expand the analysis of OIS cases and report our findings in 2014.

PROCESS IMPROVEMENTS

I enhanced the appearance and efficiency of the IRO website and the complaint investigation and review process. A major improvement to the Citizen Complaint procedure was accomplished when I implemented on-line signatures for Citizen Complaints on the IRO website. Under law, in order to be valid and fully investigated, a Citizen must sign their Complaint they file against an APD officer. Prior to January 2013, Citizens could file a Citizen Police Complaint on line through the IRO website, but could not electronically sign the Complaint (<http://www.cabq.gov/iro/police-complaint-form>). Prior to January, the IRO office staff sent all electronically-filed Complaints back to the Citizen to be signed and mailed in. If Citizens failed to return their signed Complaints, we could not investigate the case because it would violate the terms of the Police Union Contract. Working with City website staff, I created the ability for Citizens to electronically sign their Complaints, eliminating the previous burdensome task of mailing Complaints back to Citizens for their signatures.

I also changed the IRO's website tabs and links, providing additional information to the public, including the addition of a link to access APD's Standard Operating Procedures. Albuquerque Police Department (APD) employees are required to follow APD's SOPs, which are the rules that govern all APD employees, including officers. When a Citizen files a Complaint, I, as Independent Review Officer, review the Complaint, review the evidence and apply the facts to the APD's Standard Operating Procedures (SOPs) in order to make a determination whether an APD officer failed to follow the relevant SOPs. Previously, there was not an easily accessible means for members of the public to review APD's SOPs. I worked with APD's Chief of Police and his staff to implement the placement of the current versions of SOPs on the City website. In January 2013, APD posted the SOPs on their website and I placed a link to these on the IRO website (<http://www.cabq.gov/police/our-department/standard-operating-procedures>). Now the public can easily find and read the rules which govern APD employees.

In January 2013, I created the "*Job Well Done*" form on the IRO website for the public to provide positive feedback to APD about good work that APD officers and employees have done, and to recognize APD officers and employees who went above and beyond the call of duty. I developed a process in which I forward all Job Well Done submissions to APD Administration to pass along the complements to the employee's Chain of Command, including the Chief of Police. In 2013, members of the public submitted 166 Job Well Done forms for good work performed by APD employees.

Additionally, I have worked with City staff to implement a process to audio record the POC's Long-Term Planning Committee meetings to establish a record of that Committee's work. In 2014, I hope to make these recordings available online for citizen review. I am also working with City staff to place POC recordings and records on the City's *Legistar* system, so that the public will have better access to POC and IRO documents and recordings of meetings.

I, along with my staff, worked to substantially revise the IRO's Quarterly and Annual Reports. The project began by working with City-contracted software developer Ed Longhi to implement the expansion of IRO's database system used to collect data from Citizen Police Complaint investigations. Mr. Longhi transformed the IRO's previous database system into a comprehensive and user-friendly system named CIRIS (Complaint Investigation Resolution Information System). Without good data being collected, the Quarterly and Annual Reports could not have meaningful data to report. After months of long hours, Mr. Longhi created a new database system which tracks information about complaints filed by members of the public, Citizen Police Complaints (CPCs), as well as the IRO's review of Officer-Involved Shootings. This information in this Annual Report is based upon Mr. Longhi's database.

I also directed the look and overall content of the Annual and Quarterly Reports in an effort to make the data and information provided be more useful to the public and provide greater transparency for the system as a whole. I will continue to improve the public's ability to participate in the oversight process and increase the amount of information made available to the public.

WORKING WITH THE COMMUNITY AND APD

In 2013 the City saw major changes in leadership at the Albuquerque Police Department. Chief Raymond Schultz retired on August 2, 2013, and was replaced by Interim Chief Allen Banks, who remained Chief at the end of 2013. I sought to continue to strive for effective communication with APD management to facilitate and foster cooperative change. One of the areas in which I worked closely with APD involved suggestions for changes to APD Standard Operating Procedures (SOPs). I worked with APD Command Staff to identify critical SOPs which needed revision during the course of 2013. Through this work, the SOP concerning Resisting Arrest, commonly known as "Contempt of Cop," was republished to all officers via APD's SOP computer display system in April 2013. I also worked with APD to assist in changes to APD's Witness Detention Policy in order to comply with established Tenth Circuit law. As discussed above, I worked to make substantive changes to the Officer-Involved-Shooting SOP. In another area, I facilitated communication between APD Violent Crimes Division and non-APD City employees to provide short-term assistance to witnesses in major crime cases, including motel housing and food allowances on a short-term basis.

STAFF

In February 2013, I hired a new IRO Investigator, Christopher Davidson. Mr. Davidson brought more than 10 years of investigative experience to the Independent Review Office. Additionally, at my request, Chief Administrative Officer Robert Perry approved the creation and funding of an IRO Analyst position. Subsequent to Mr. Perry's approval, City Council also passed legislation to support an IRO Analyst position. The Independent Review Officer and the Police Oversight Commission are required by Ordinance to track trends of relevant police conduct in order to make recommendations for improvement to the APD Chief of Police. The IRO Analyst tracked data from Citizen Police Complaint cases into the IRO's database to better report information about Citizen Police Complaints. The IRO Analyst also began to collate data to create reports of trends in other police matters, including data relating to officer-involved shootings.

In September 2013, my staff and I attended the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference in Salt Lake City. There we attended numerous lectures on the current practices of Civilian Oversight from practitioners across the nation. Beginning in 2013, I became a member of NACOLE's Professional Standards Committee, assisting in developing standards and gathering information to benefit Civilian Police Oversight practitioners worldwide. To learn more about police performance audits, which are used to review systemic police practices, I attended and graduated the Los Angeles Police Department Performance Audit Course in October 2013.

LOOKING FORWARD

On May 20, 2013, the City Council passed an ordinance creating the Police Oversight Commission Task Force (POTF). The POTF held its first meeting on August 20, 2013. The POTF met several times each month and also held a series of town hall meetings. I attended the POTF meetings and town hall meetings throughout the fall and winter of 2013. During these meetings, members of the POTF questioned me about the current practice of civilian oversight in Albuquerque. I also assisted the POTF by providing documents which explained the IRO and POC's processes and procedures. The POTF's recommendations have been included in proposed legislation to overhaul the Commission, which City Council is scheduled to vote upon in 2014. We await the agreement between the City and the Department of Justice concerning the DOJ's recent findings. The DOJ Agreement and the changes to the POC Ordinance will have a large impact on the scope and nature of the work performed by the IRO and POC.

CONCLUSION

The Independent Review Office continues to develop strong relationships with City government, the Albuquerque Police Department, and local citizens. I intend to increase our community outreach efforts so that we can gauge and improve the community's trust in the POC and IRO. The citizen feedback I have gained from my attendance and participation at neighborhood association groups in 2013 has led to improved community relationships.

I intend to play a positive role in shaping the long-term future of civilian oversight. These improvements to the format and content of this Annual Report are part of an example of the IRO's commitment to engage with the community of Albuquerque, to monitor the progress of the Albuquerque Police Department, and to bring about positive change. I aspire to communicate openly about the IRO's responsibilities, the IRO's actions, and our perspectives on arising police issues. In the end, I hope to make the Complaint process and procedure more transparent and effective through establishing better avenues of communication with the citizens of the City of Albuquerque and ensuring an impartial, collaborative process in which all persons are treated with dignity and respect.

II. POLICE OVERSIGHT COMMISSION

POLICE OVERSIGHT COMMISSIONERS

DISTRICT ONE:

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

Mr. Richard S. Shine received his BA and MA Degrees in International Politics from Columbia University. Mr. Shine went on to receive JD and LLM Degrees from the Georgetown Law Center. He has been an Assistant US Attorney in both Washington DC and Albuquerque. Mr. Shine has had an impressive career with the US Department of Justice as the Chief of the Multinational Fraud Branch, Trial Attorney for the Environmental Enforcement Section, Senior Legal Advisor for the General Litigation and Legal Advice Section and other posts. Mr. Shine was employed for six years as a Subject Matter Expert for the Science Applications International Corporation, helping to train more than 4,000 senior and middle management police officials from throughout the United States on the prevention and mitigation of suicide bombing attacks.

DISTRICT TWO:

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

Mr. Jonathan Siegel is a Principal Architect at Siegel Design Architects, LLC. Mr. Siegel has a Bachelor of Arts from the University of California at Santa Cruz, and a Professional Degree from SCI-Arc in Santa Monica, California. Mr. Siegel has been featured in the New York Times and in other publications. He is the recipient of awards at the national, state and local levels, and has lectured locally and abroad. He has been involved in neighborhood planning and community issues on an ongoing basis for over 25 years. He is currently a Mediator for Metro Court.

DISTRICT THREE:

JENNIFER BARELA
Appointed: 03/18/13
Term Ends: 02/01/16

Ms. Jennifer L. Barela received her Juris Doctor from the University of New Mexico School of Law. During her time in the UNM School of Law, she served as Vice President of the Mexican American Law Student Association and as a board member for the University of New Mexico School of Law Innocence & Justice Project. She started as a Law Clerk for the Federal Public Defenders, after which she moved to being an Assistant Public Defender in the state's Public Defender Department. She moved to the Juvenile Division in the same department after a year, and then moved again to the Felony Division. Currently, she is an Associate at the Law Office of Marcus Garcia, a position in which she represents clients charged with felonies ranging from fourth degree to first degree.

DISTRICT FOUR:

JEFFREY PETERSON
Appointed: 01/23/13
Term Ends: 02/01/16

Mr. Jeffrey A. Peterson has over 17 years of civil engineering experience, most recently as the Senior Civil Engineer for Chugach Management Services, JV. He is responsible for the design, review, management and construction of small to large projects for the US Air Force at Kirtland Air Force Base (KAFB). Projects under his direction include roadway construction, airfield construction, utility construction and repair, anti-terrorism/force protection construction, creation and maintenance of the KAFB base-wide 5-year Master Paving Plan, as well as civil support for new building design, construction and renovation projects throughout the base. He is familiar with the Department of Defense design requirements. In addition to his professional experience, he has served on a Crash Survey Team, and on a Vulnerability Assessment Team Anti-Terrorism Working Group. He has his Bachelor of Science degree in Civil Engineering from the University of New Mexico, and has special security clearance.

DISTRICT FIVE:

VACANT

DISTRICT SIX:

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

Mr. David M. Cameron is a Pastor at the Immanuel Presbyterian Church. Mr. Cameron received his Bachelor of Arts in Zoology from the University of North Carolina (Chapel Hill), his Master of Divinity (Graduated with Distinction) from the Columbia Theological Seminary and his Master of Education in Counseling from East Tennessee State University. Mr. Cameron has also served as a Marriage and Family Therapist and has extensive knowledge on how to approach difficult issues with impartiality and sensitivity to emotional content. Currently, Mr. Cameron serves on the Metropolitan Homeless Project as one of the Board of Directors.

DISTRICT SEVEN:

RICHARD SOBIEN
Appointed: 04/04/11
Term Ends: 02/01/14

Mr. Richard Sobien works in the Pharmaceutical Industry as a Quality Assurance Analyst. In his position, Mr. Sobien is required to make sure that the manufacturing process is in compliance with the FDA, EMEA regulations and he participates in investigations when deviations occur. Mr. Sobien obtained a BS in Biology, with a Bio-Medical emphasis from New Mexico Institute of Mining and Technology. Mr. Sobien served on active duty in the US Army from 1993 to 1997.

VACANT as of August 2013

DISTRICT EIGHT:

DR. CARL FOSTER
Appointed: 01/23/13
Term Ends: 02/01/15

Dr. Carl G. Foster received his Bachelor of Science degree in Elementary Education from Concordia University, his Master's degree in Physical Education from the University of Northern Colorado, a second Master's degree in Special Education, and his Doctorate of Education from the University of Arizona. He began his professional career as an educator for Farmington Municipal School.

He was a Deputy Chancellor for the Department of Energy at New Mexico Tech in Socorro. After his time with New Mexico Tech, he went on to work as the Manager of Curriculum Development and Evaluation at the Department of Energy Emergency Operations Training Academy at Kirtland Air Force Base. Currently, he is an Adjunct faculty member at the New Mexico Highlands University. He is a Commissioner on the New Mexico Public School Capital Outlay Advisory Board, a Board Member for Selective Service, and has served as a Commissioner for the New Mexico Commission on Higher Education. He served as a Reserve Deputy Sheriff for the San Juan County Sheriff's Department.

DISTRICT NINE:

WILLIAM BARKER
Appointed: 01/23/13
Term Ends: 02/01/16

Major William Barker enlisted in the Marines in Bellingham, Washington in 1965. He served with the Marine Corps until 1990, at which time he retired from the service to work in education. He has a Bachelor of Arts degree in Psychology and a Master's degree in Counseling. He began as a JROTC Instructor at Eldorado High School upon his retirement from the Marines in 1990, and worked with the school for six years. He then moved to La Cueva High School to serve as the JROTC Instructor in 1996 primarily instructing high school students in leadership curriculum – a program which he developed. In 2010, he became the District Military Instructor for Albuquerque Public Schools, a position in which he oversees 27 instructors at 14 high schools in the JROTC program. He creates job descriptions, assists with curriculum development, and manages a \$2.8 million budget.

POLICE OVERSIGHT COMMISSION DUTIES

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 cooperation with 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.

POLICE OVERSIGHT COMMISSION TRAININGS

The members of the Police Oversight Commission are encouraged to attend yearly training sessions offered to assist them in understanding the work of the APD and to better serve the community:

Civil Rights attorney Kari Morrissey made a training presentation to the POC at its regularly scheduled February 2013 POC Meeting. Commissioners Shine, Siegel, Foster, Barker, Barela, Cameron, and Peterson attended. Ms. Morrissey's training included approximately one hour of live lecture and one hour of self-taught materials concerning federal case law related to the issues addressed.

On March 8, 2013, the IRO staff and Assistant City Attorney John Dubois conducted training for members of the Police Oversight Commission. Topics included Ordinance and Rules and Regulations, the Complaint Process, Important Police SOPs, and Robert's Rules of Order. Commissioners Shine, Siegel, Foster, Barker, and Cameron attended and became more familiar with the laws and practice of the POC.

On September 22-26, 2013, Police Oversight Commissioners Dr. Carl Foster and Major William Barker, along with the Independent Review Officer, Robin Hammer, and IRO Staff Investigators Paul Skotchdopole, Diane McDermott, and Chris Davidson attended the five-day National Association of Civilian Oversight (NACOLE) Conference in Salt Lake City, Utah.

On October 24, 2013, a yearly Firearms Training Simulator (FATS) training session was hosted at the Albuquerque Police Academy. The following commissioners attended the training: Jennifer Barela; David Cameron; Jeffrey Peterson; Richard Shine; and Jonathan Siegel.

On November 22, 2013, a Civil Rights Training session was held at the Family Advocacy Center. Attorney Luis Robles presented information regarding the Use-of-Force law, and Attorney Chris Schultz presented Fourth Amendment Law. The live presentations lasted approximately two hours. Both Mr. Robles and Mr. Schultz provided another two hours of self-study materials to the Commissioners. The following commissioners attended the training: David Cameron; Dr. Carl Foster; Jeffrey Peterson; and Jonathan Siegel. On December 19, 2013, Richard Shine viewed the recorded presentation online. On December 28, 2013, Jennifer Barela also viewed the recorded presentation online.

Police Oversight Commissioners completed Ride-alongs with uniformed Albuquerque Police Department Officers during 2013: Jennifer Barela (12/17/13); David Cameron (01/29/13); Richard Shine (03/09/13-03/10/13; 12/14/13-12/15/13); Carl Foster (03/09/13, 03/15/13, 03/23/13); and Jonathan Siegel (02/01/13; 04/19/13; 07/31/13; 08/02/13; 11/08/13-11/09/13).

POLICE OVERSIGHT COMMISSION MEETINGS

The regular meetings of the Police Oversight Commission (POC) for the City of Albuquerque are held in accordance with the New Mexico Open Meetings Act (NMSA 1978), Section 10-5-1 through 10-15-4. All POC members must abide by the POC Rules and Regulations.

Meetings are open to the public and are typically held in the City Council/Commission Chambers, Albuquerque/Bernalillo County Government Center. The POC may close such meetings and not allow recording upon proper notice to the public or as otherwise allowed by law.

During 2013, the POC held meetings on:

January 10, 2013	August 8, 2013
February 21, 2013	September 12, 2013
March 14, 2013	October 10, 2013
April 11, 2013	November 14, 2013
May 9, 2013	December 12, 2013
June 13, 2013	
July 11, 2013	

POLICE OVERSIGHT COMMISSION LONG-TERM PLANNING COMMITTEE (LTPC)

MEMBERS

RICHARD SHINE (CHAIR)
JEFFREY PETERSON (VICE CHAIR)
WILLIAM BARKER
JONATHAN SIEGEL

The Long-Term Planning Committee held meetings on:

March 28, 2013	July 25, 2013
April 25, 2013	August 22, 2013
May 23, 2013	September 18, 2013
June 27, 2013	December 18, 2013

The POC's Long-Term Planning Committee held public meetings, typically on the fourth Thursday of the month, in the basement hearing room (Room 160) in the Plaza del Sol Building, 600 Second Street, Northwest. The LTPC reviewed matters to make policy recommendations to the full POC. The LTPC also reviewed and made recommendations on the IRO/POC regarding the annual operating budget for the IRO and the POC.

In 2013, the LTPC discussed the rules for inactivation of CPCs and discussed the budget. The LTPC recommended to the POC that the POC recommend to the Mayor and the City Council that the IRO travel budget be increased to pay the expenses of at least five Commissioners to attend the NACOLE Conference in 2014. Additionally, the LTPC recommended to the POC that the POC recommend to the Mayor and the City Council the following additional staff for the Independent Review Office: two investigators, two performance auditors, one Senior Analyst, one Analyst, one Attorney, and one Outreach Director.

2013 PUBLIC OUTREACH COMMITTEE

On March 14, 2013, the Police Oversight Commission created a new committee to assist the IRO to improve Community Outreach. The Committee on Outreach Programs reviewed brochures, pamphlets, and PowerPoint presentations to make recommendations to the full POC.

MEMBERS

JONATHAN SIEGEL (CHAIR)
DAVID CAMERON
CARL FOSTER
RICHARD SHINE

The Committee on Outreach Programs held meetings on:

April 11, 2013
May 9, 2013
June 13, 2013

July 11, 2013
August 8, 2013
September 12, 2013

The Committee created a brochure for public dissemination. An existing brochure was used as a basic structure and was built upon, revised and re-issued. The brochure is expected to be made available at all police substations and the IRO's office and will be available for distribution. The Committee also made suggestions concerning the Frequently Asked Questions ("FAQs") section of the website. Additionally, the Committee assisted in revising a PowerPoint presentation which was created by the IRO. The presentation was made to be suitable for public meetings, presentations to the general public, and for neighborhood associations.

LETTER FROM THE POC CHAIR

The balance among law enforcement stakeholders in Albuquerque is a delicate one. The city administration, the police administration, the police rank-and-file as represented by the union, and the public each have an interest to protect, and the system works well only when these interests are kept in balance. The Police Oversight Commission (POC) was created twenty years ago in an effort to help maintain this balance.

In the ensuing years fissures have appeared in the ordinance governing the POC. Flaws in the design have come to light revealing it as inadequate to keep the necessary balance in the system when one or more of the stakeholders fail to honor the delicate relationship among them and lean too heavily in one direction.

I was elected temporary chairperson of the Police Oversight Commission in February 2013 and the regular chairperson the next month for a term of one year. That year was completed on March 13, 2014, three days prior to the shooting of Mr. James Boyd, which galvanized public opinion and which has precipitated many proposed changes to the culture and practice of law enforcement in Albuquerque. My two-year term as a Commissioner representing District 6 also expired at the March meeting.

Over the past year, we on the POC did our best as citizen volunteers to accomplish the tasks appointed to us under the ordinance. Among our accomplishments were as follows:

- Advocated for and saw the hiring of a part-time analyst for the Independent Review Officer's staff to begin looking at long-term trends in policing.
- Instituted an Outreach Committee that developed materials for the public to help broaden the public's understanding of the police oversight process. These included a printed pamphlet, a "Frequently Asked Questions" document, and a slide presentation suitable for civic clubs, school groups and other such public venues.
- Underwent civil rights training regarding the Fourth Amendment of the Constitution particularly focusing on the use of force.
- Heard presentations from representatives of the Albuquerque Police Department (APD) on Critical Incident Training and Lapel Video Camera Technology.
- Heard citizen complaints, citizen appeals, and reports of use-of-force incidents.
- Accompanied APD officers on ride-alongs.
- Received training on the APD Firearms Training Simulator.

During the past year the Department of Justice (DOJ) came to investigate possible civil rights violations by the APD and each of the commissioners was interviewed by DOJ as they gathered information. The City Council also appointed a Police Oversight Task Force (POTF) to consider the POC Ordinance and

propose changes. POC commissioners were invited to weigh in on this process giving the POTF the benefit of our experience.

The POTF and the DOJ have issued their reports and the City Council and City Administration as well as the APD administration are currently sifting through the reports and making changes necessary to improve the performance and standing of both the POC and the APD in the community.

I am grateful to Councilor Rey Garduño and to Mayor Berry for appointing me as a Commissioner and allowing me to serve the City of Albuquerque and to my fellow Commissioners for their collegiality while doing a difficult job. I am grateful to Mr. John DuBois of the City Attorney's staff for his assistance in the finer points of Robert's Rules of Order and for a steady presence through an occasionally convoluted process. I especially am grateful for the professional and unbiased way the Independent Review Officer, Ms. Robin Hammer, and her competent staff do their work making sure that each citizen complaint against APD is thoroughly investigated and properly addressed.

Respectfully submitted,

David M. Cameron
Chair, Police Oversight Commission

III. OFFICER-INVOLVED SHOOTINGS

In 2013, there were eight closed officer-involved shooting cases in which the Independent Review Officer presented her Findings to the Police Oversight Commission for review. The IRO office reviewed and reported on one officer-involved shooting which occurred in 2010, two officer-involved shootings which occurred in 2011, and five officer-involved shootings which occurred in 2012.

Officer-Involved Shootings Which the IRO Presented her Findings to the POC for Review in 2013

POLICE SHOOTING CASE I-127-11 (Presented to the POC on January 10, 2013)

IRO Hammer presented a summary and her Findings in the case in which Officer E., on February 9, 2011, shot Mr. M., who died of his wounds. This case was received in the IRO office on August 9, 2011. The Albuquerque Police Department completed their investigation on August 8, 2011. The Albuquerque Police Department Internal Affairs Division completed their review on August 9, 2011. Below is a summary of the case:

On February 9, 2011, at approximately 8:00 p.m., Officer E. was driving a marked police car, patrolling in the southeast area of Albuquerque. Officer E. was traveling east on Kathryn Street, SE. Officer E. saw an older model Toyota Camry with a license plate issued from the State of Washington. He learned that the license plate on the car was expired. During the traffic stop, Officer E. ran a check of Mr. M.'s driver's license through the police computer system. He learned that Mr. M.'s license was revoked under NMSA 1978 Section 66-8-122(G) for a prior Driving While Intoxicated arrest or conviction. Mr. M. then got out of the car and immediately ran. Officer E. ran in foot pursuit of Mr. M. Officer E. gave commands to Mr. M. to stop running and to get to the ground. As Mr. M. fell to the ground, Officer E. immediately heard and saw a handgun fall from Mr. M.'s person to the ground. Officer E. took a few steps back to gain distance and attempted to prevent Mr. M., who was in arm's reach of his handgun, from physically fighting with Officer E. Officer E. drew his handgun and held it in a low-ready position. Officer E. commanded Mr. M. to stay on the ground and not to touch the gun. Mr. M. stood up and Officer E. commanded Mr. M. to get back on his stomach and to not touch the gun. Mr. M. leaned over and picked up the handgun at his feet. Mr. M. stood up and raised his arms with both hands on the gun and turned in a counter-clockwise direction toward Officer E. Officer E. stated that he was not near any cover in the parking lot. Fearing for his life, Officer E. took a few steps to his left and fired five rounds at Mr. M. Three rounds hit Mr. M. Mr. M. then dropped his handgun, stood for a few seconds, and then fell to both knees. He then fell onto his left side. Officer E. switched his radio to the general police channel, notified dispatch that he had fired shots, and requested emergency rescue personnel be dispatched to the scene. Mr. M. was taken to the University of New Mexico Hospital where he subsequently died.

Mr. M.'s handgun was a Glock 40 caliber, model 23C, serial #DTB205, purchased from Jerry Burns for \$550.00 on January 28, 2011. There was no magazine in the weapon and there was no round in the chamber. Mr. M. had two loaded Glock pistol magazines on his person. Officer E.'s handgun was a Kimber brand, model Custom TLE/RLII, serial #K276455, .45 Automatic caliber, with a tactical light attached to the front rail. It was loaded with Hornady .45 auto +P HP cartridges. Officer E. stated that he had qualified with the weapon in SWAT day testing, but he had not done the transitional portion of firearm training with this firearm. He had not submitted an authorization form to his deputy chief allowing him to use the non-issued sidearm, nor had he supplied the required 50 rounds of ammunition for the weapon being substituted for the issued weapon.

The IRO reviewed APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order Section 2-22-2, Use of Firearm. The IRO found Officer E.'s actions on the Use of Deadly Force to be **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper, while Officer E.'s actions on the Use of Firearm be **SUSTAINED**, meaning that sufficient evidence supports a violation of this SOP. Commissioner Shine moved to approve the Findings of the IRO. Passed. For: 7 – Cameron, Folk, Francis, Martinez, Shine, Sobien and St. John. Recused: 1 – Siegel.

POLICE SHOOTING CASE I-170-11 (Presented to the POC on March 14, 2013)

IRO Hammer presented a summary and her Findings in the case in which Officer P., on November 11, 2010, shot Mr. T., wounding Mr. T. Mr. T. survived the gunshot wound. This case was received in the IRO office on December 12, 2011. The investigation by APD was completed on October 26, 2011. Internal Affairs completed their review on December 7, 2011. Below is a summary of the case:

On November 11, 2010, at approximately 8:00 p.m., Officers P., M., L. and H. responded to a call at 1417 Alamo, SE. The dispatcher informed the officers that there was an intoxicated man who was threatening to harm himself. The officers were given a physical description of the suicidal man. The officers were informed that the man was reportedly holding a knife to his throat. The dispatcher also stated that the 911 caller said that the man had been violent in the past, and that other persons were inside the house with the man armed with a knife.

As they entered the cramped living room of the small house, Mrs. T. and Mr. T. came out of the kitchen. Mr. T. was carrying a knife in his right hand and advanced toward the officers. Mr. T. continued to advance toward Officers P. and M. and still holding the knife. Mr. T. refused to obey the officers' commands to "Drop the knife." After Mrs. T. finally cleared the area, Officer M. was able to fire his Taser. Only one of the Taser probes hit Mr. T., the other probe landed on the floor. Therefore, the Taser had no possibility of completing the electrical circuit and incapacitating Mr. T. Mr. T. came close to about an arm's length away from Officer P. Officer P. was in total fear for his life. Officer P. believed that Mr. T. might stab one of the officers or Mrs. T. In protection of himself and others, Officer P. fired his pistol. Mr. T. fell to the floor with a wound to lower left side of his abdomen. An officer handcuffed Mr. T., who was still struggling. Mr. T. recovered from his injuries. The State of New Mexico charged Mr. T. with the felony of Assault on a Peace Officer. Officers P. and M. were qualified with their respective weapons.

The IRO reviewed APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force. The IRO found Officer P.'s actions to be **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper, and the shooting found justified. Chair Cameron moved to approve the findings of the IRO. Passed. For: 6 - Cameron, Barker, Peterson, Shine, Sobien, St. John. Against: 1- Siegel. Recused: 1- Foster.

POLICE SHOOTING CASE – I-228-11 (Presented to the POC on April 15, 2013)

IRO Hammer presented a summary and her Findings in the case in which Officer P., on August 30, 2011, discharged his weapon, shooting Mr. M. This case was received in the IRO office on February 15, 2012. The shooting occurred on August 30, 2011. The Multi-Jurisdictional Officer-Involved Police Shooting Team completed their investigation on January 19, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their review on February 6, 2012. The District Attorney's Office completed their criminal review on March 25, 2013. Below is a summary of the case:

On August 30, 2011, Detective J. of the Criminal Investigation Bureau received approval to implement a tactical operational plan to set up surveillance to attempt to apprehend a robbery suspect, Mr. M. Mr. M. had an outstanding arrest warrant for three separate armed robberies. On the day of the surveillance, detectives observed Mr. M. exit the house and retrieve a gym bag or duffle bag from an outside storage room, then head west away from the house into the open field. Detectives M. and L. identified themselves and directed Mr. M. to put down the bag. When Mr. M. realized that he was being confronted by police, he raised the duffle bag and held it and the contents inside of it like one would hold a rifle. He refused to get on the ground and drop the bag containing the weapon. Detective M. asked Mr. M. to lower his weapon, but Mr. M. did not comply.

Mr. M.'s girlfriend told the police that Mr. M. had purchased an AK-47 assault rifle the previous evening. Mr. M. raised the loaded AK-47 rifle towards Detectives M. and L. As Mr. M. raised the rifle, Officer P. believed that Detectives M., L., the girlfriend, and nearby residents were in immediate danger of death or great bodily harm. Officer P. fired his rifle at Mr. M. Mr. M. did not fall down immediately, and appeared to turn. Officer P. fired a second round, and Mr. M. fell to the ground. Mr. M. died at the scene from his gunshot wounds. After the shooting, officers obtained a search warrant and found luggage which contained men's clothing, toiletries, and ammunition identical to the type loaded in the AK-47. Officers seized Mr. M.'s AK-47 from the field and found a round in the chamber and a magazine loaded with 30 additional rounds.

The IRO reviewed Officer P.'s actions and APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force. The IRO found Officer P.'s actions to be **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper, and the shooting found justified. Commissioner Foster moved to accept the findings of the IRO. Passed. For: 7 – Siegel, Barela, Barker, Foster, Peterson, Shine, Sobien.

POLICE SHOOTING CASE I-29-12 (Presented to the POC on May 9, 2013)

IRO Hammer presented a summary and her Findings in the case in which Officer W., on February 14, 2012, discharged her weapon, shooting a dog. This case was received in our office on May 15, 2012. The APD Internal Affairs Division completed their review on May 15, 2012. Officer P. shot at the dog, but missed the dog. Below is a summary of the case:

On February 14, 2012, at approximately 7:20 p.m., Officers O., W. and Sergeant P. responded to a domestic violence call at 1015 Walter, SE. The person who called 911 Dispatch reported that they could hear a woman screaming and a man's fist hitting the woman. Officers could hear a woman inside the residence yelling. The area was dark and the only source of light was from within the home. While Officer O. was speaking to the man on the front porch, Sergeant P. and Officer W. entered the residence to check on the safety of the woman that the 911 caller described.

As Officer W. and Sergeant P. entered the kitchen, Officer O. informed them that the man said the woman had run out the back door of the house because the woman had active warrants for her arrest. Officer W. and Sergeant P. continued through the kitchen toward the backyard to check on the safety of the woman. The officers could hear a dog barking in the dark backyard. Officer W. walked in front of Sergeant P. As Officer W. walked down the steps out the back door, Sergeant P. saw a medium-sized barking dog charging at Officer W.

Sergeant P. believed that the dog was going to bite Officer W. Sergeant P. fired her duty weapon at the dog. The dog retreated into its dog house a few feet away. Sergeant P. requested that an Albuquerque Animal Control employee be called out to check on the dog's well-being and for a Field Investigator to come photograph the scene. An Albuquerque Animal Control employee examined the dog. The dog did not sustain any injuries.

The IRO reviewed Sergeant P.'s actions and APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force. The IRO found Sergeant P.'s actions to be **EXONERATED**, meaning that her actions as applied to this SOP were lawful and proper. Commissioner Shine moved to approve the findings of the IRO. Passed. For: 8 – Cameron, Siegel, Barela, Barker, Foster, Peterson, Shine, Sobien.

POLICE SHOOTING CASE I-79-12 (Presented to the POC on August 8, 2013)

IRO Hammer presented a summary and her Findings in the case in which three individuals planned to drive from Ruidoso to Albuquerque to rob the Catholic Center, which resulted in one of the robbers being shot and killed as he fled the Catholic Center after the kidnapping and robbery. This case was received in the Independent Review Office on February 15, 2012. The shooting occurred on January 4, 2012. The Multi-Jurisdictional Officer-Involved Police Shooting Team completed their investigation on April 27, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their review on July 16, 2012. The District Attorney's Office completed their criminal review on March 18, 2013. Below is a summary of the case:

On January 1, 2012, Mr. B., Ms. B., and Mr. K. were in Ruidoso, New Mexico, and discussed traveling to Albuquerque to rob the Catholic Center at 4000 St. Joseph's Place, Northwest, near St. Pius High School. According to Ms. B., Mr. B. got out of the car with a backpack which contained duct tape, zip-ties, a ski mask, gloves, a pillow case and his gun, a .357 Taurus. Mr. B. kidnapped a security guard at the Catholic Center, held him hostage, and stole a safe from the Center. The security guard managed to contact his supervisor, who later contacted the police. As Mr. B. was leaving the Catholic Center, Officer P. saw Mr. B. and chased him across the Center's grounds. Mr. B. pulled his revolver and pointed it at Officer P., putting Officer P. in fear for his life. Officer P.

discharged his weapon at Mr. B. Mr. B. also fired his weapon at Officer P. Officer P. subsequently struck and killed Mr. B.

The IRO reviewed Officer P.'s actions and APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force, and APD Administrative Order 3-74-4(A), Use of Bullet-Proof Vest. The IRO found Officer P.'s actions on the Use of Deadly Force to be **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper. The IRO found Officer's P.'s actions on the Use of Bullet-Proof Vest to be **SUSTAINED**, meaning that sufficient evidence supports a violation of this SOP. Commissioner Shine moved to approve the findings of the IRO. Passed. For: 6 – Cameron, Siegel, Barela, Foster, Peterson, Shine.

POLICE SHOOTING CASE I-62-13 (Presented to the POC on September 12, 2013)

IRO Hammer presented a summary and her Findings in the case in which, on August 6, 2012, there was an undercover operation in which a person selling drugs to an undercover APD officer threatened the officer with a gun. This case was received in the Independent Review Office on May 15, 2013. The shooting occurred on August 6, 2012. The Multi-Jurisdictional Officer-Involved Police Shooting Team completed their investigation on February 8, 2013. The Albuquerque Police Department (APD) Internal Affairs Unit completed their review on May 15, 2013. The District Attorney's Office completed their criminal review on May 2, 2013. Below is a summary of the case:

On August 6, 2012, Albuquerque Police Department (APD) Westside Narcotic Detective S. texted his Confidential Informant, to request the Confidential Informant assist in locating a drug dealer to sell heroin to Detective S. The Confidential Informant told Detective S. that Legit and Loca would be able to sell him heroin. Detective S. was in charge and gave instructions. A person associated with Legit, Mr. C., told Detective S. that he was Legit's "connect" or supplier of narcotics, and "Legit" worked for Mr. C. Mr. C. told Detective S. that the heroin would cost \$240. Mr. C. asked for the cash and said that he would leave his cell phone as collateral while he left the car to go get the heroin.

During the encounter, Legit got out of the green car and got into Detective S.' car and sat in the front passenger seat. Immediately after getting in Detective S.' car, Legit took a small semi-automatic out of his pocket and put it under his right leg. Detective S. asked Legit why he brought a gun, to warn the other officers through Detective S.' microphone. After the transaction Detective S. gave the signal to the arrest team. Legit saw Sergeant P. through his side view mirror. Sergeant P. was wearing an APD labeled vest. Legit did not comply with commands given by APD to drop the gun. Detective S. grabbed Legit's wrist and a struggle ensued. Sergeant P. discharged his APD issued weapon, striking Legit, who survived the gunshot wound.

The IRO reviewed Sergeant P.'s and Detective S.' actions and APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force. The IRO found Sergeant P.'s and Detective S.' actions on the Use of Deadly Force to be **EXONERATED**, meaning that their actions as applied to this SOP were lawful and proper. Chair Cameron moved to approve the findings of the IRO. Passed. For: 6 – Cameron, Siegel, Barela, Barker, Foster, Shine.

POLICE SHOOTING CASE I-168-12 (Presented to the POC on October 10, 2013)

IRO Hammer presented a summary and her Findings in the case in which Detective W., on September 6, 2012, discharged his weapon, shooting a dog. This case was received in the IRO office on September 26, 2012. The shooting of a dog occurred on September 6, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their investigation and review on September 25, 2012. Below is a summary of the case:

On the evening of September 6, 2012, Detective W. was on duty. At approximately 9:00 p.m. Detective W. heard a call over the police radio of a shooting at Eubank and Bell Avenue, Southeast. Detective W. heard several other police officers respond to the location of the caller to determine where the shots were fired. Detective W. was in the area of San Mateo and Central. Detective W. notified dispatch that he would assist with this call and drove to the area of the investigation. Detective W. drove with the spotlight on in search of the shooter. Detective W. saw a garage door open with lights on. Detective W. observed a man in the garage and asked to talk to him. The man said “let me get my dog.” The dog ran towards the detective with his tail straight and sprinted towards Detective W. Detective W. stepped back, un-holstered his weapon. The Pit Bull growled and Detective W. feared the dog was going to attack. Detective W. fired one shot and then fired two more times, striking and killing the dog.

The IRO reviewed Detective W.’s actions and APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order Section 1-39-2(B), Recording Incidents. The IRO found Detective W.’s actions on the Use of Deadly Force to be **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper. The IRO found the allegation of failing to record the incident to be **SUSTAINED**, meaning that his actions as applied to this SOP were improper. Commissioner Peterson moved to approve the findings of the IRO. Passed. For: 7 – Cameron, Siegel, Barela, Barker, Foster, Peterson, Shine.

POLICE SHOOTING CASE I-154-12 (Presented the POC on November 14, 2013)

IRO Hammer gave a summary and her Findings of the case in which Detective H., on April 18, 2012, shot Mr. A. after Mr. A. pointed an assault rifle at Detective H. Mr. A. survived his gunshot wounds. This case was received in our office on November 15, 2012. The Multi-Jurisdictional Officer-Involved Police Shooting Team completed their investigation on or about July 20, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their review on November 15, 2012. The District Attorney's Office completed their criminal review on July 3, 2013.

On April 18, 2012, Mr. A. arrived at Brentwood West Apartments. Mr. A. was in a dispute with Mr. W. Mr. A. returned on April 19, 2012, with a rifle, discharging his rifle. Mr. A. did not strike anyone when discharging his rifle. Mr. A. returned a third time with his rifle. Neighbors called the police. Residents described Mr. A.’s long gun as a shotgun, an assault rifle or an Uzi, but all agreed it was a long gun.

Detective H. was nearby and came upon the three individuals. Detective H. shouted commands to Mr. A. to get on the ground. Mr. A. pointed his rifle at Detective H. Detective H. fired two shots which did not affect Mr. A. Detective H. fired two more shots, striking Mr. A. The Detectives took the rifle away from under Mr. A. and found the magazine in his pocket. Officers

determined that Mr. A.’s rifle was a semi-automatic .22 caliber rifle with a magazine loaded with bullets. There was one live round of ammunition in Mr. A.’s rifle at the time he pointed it at Detective H. Mr. A. survived his gunshot wounds.

The IRO reviewed Detective H.’s actions and APD Procedural Order Section 2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order Section 1-39-2(B), Recording Incidents. The IRO found Detective H.’s actions on the Use of Deadly Force and Recording Incidents to be **EXONERATED**, meaning that his actions as applied to these SOPs were lawful and proper. Chair Cameron moved to approve the findings of the IRO. Passed. For: 6 – Cameron, Siegel, Barela, Barker, Foster, Peterson.

Officer-Involved Shootings Which Occurred in 2013

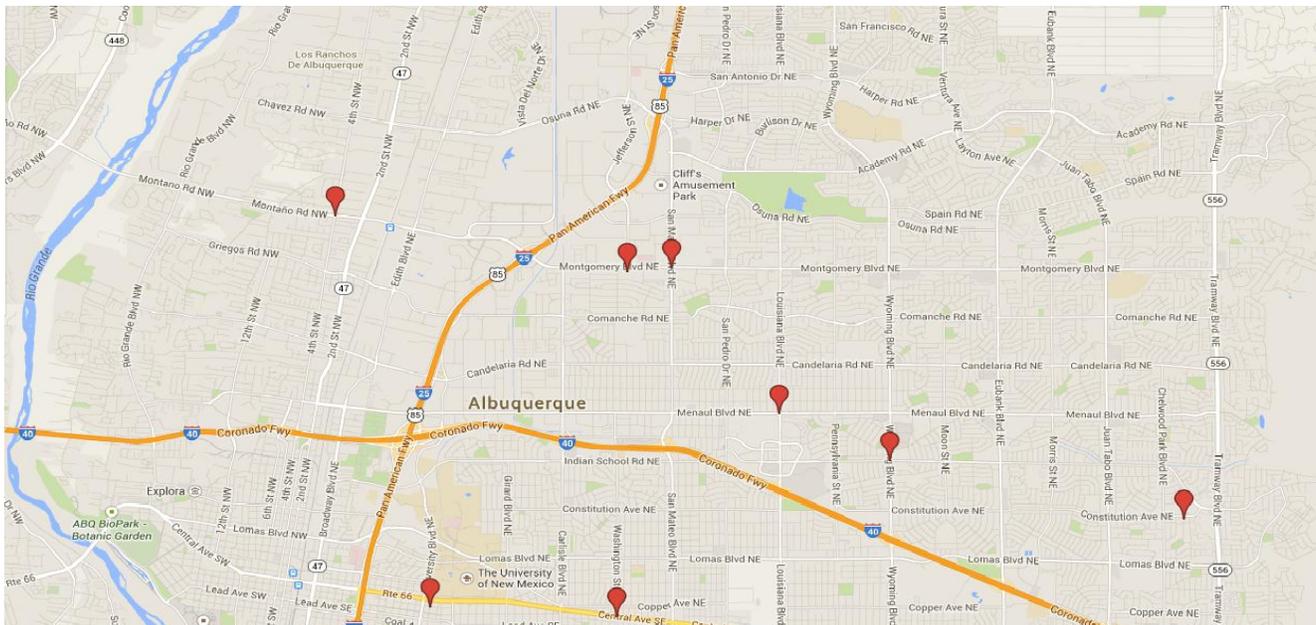


Figure 1: Locations of officer-involved shootings which occurred in 2013.

There were eight officer-involved shootings in 2013. In addition to reviewing and reporting on officer-involved Shootings to the Police Oversight Commission, the Independent Review Officer or her IRO designee responded to the scene of every OIS incident within a short time after the shooting took place to observe the actions of APD and the Multi-Jurisdictional Officer-Involved Shooting Task Force Members.

Incident date	Subject	Officer(s)	Fatal/Non-Fatal	Location
03/05/2013	Mr. C. P.	Officer S, P, & A	Non-Fatal	Louisiana and Menaul
03/19/2013	Mr. K. C.	Officer H and NMSP officer	Non-Fatal-APD (Fatal shot by NMSP)	13000 Constitution NE
07/05/2013	Mr. V. W.	Officer B, Officer W	Fatal	San Mateo and Montgomery

10/26/2013	Mr. C. C.	Multiple officers involving (6) APD and BCSO deputies	Fatal	Fourth and Montano
10/28/2013	Mr. J. O.	Officer P	Non-Fatal	Central and Washington
11/15/2013	Mr. B. G.	Officer R	Non-Fatal	4400 Montgomery NE
12/01/2013	Mr. S. S.	Officers M, M, & E	Non-Fatal	Wyoming and Northeastern
12/08/2013	Mr. A. S.	Officer M	Fatal	Mesa and Gold

IV. CITIZEN POLICE COMPLAINTS (CPCs)

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 substations 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

CPC INVESTIGATION AND REVIEW PROCEDURE

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 by certified mail to the person who filed the complaint;
 - 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, they may appeal the decision to the Police Oversight Commission. Appeals are to be heard during POC's monthly meetings, which are televised and 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 Operating 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.

INACTIVATION AND DISMISSAL OF CITIZEN POLICE COMPLAINTS

- A. The IRO, with the approval of the POC, may inactivate or dismiss CPCs.
- B. Complaints may be inactivated for any one of the following reasons:
 1. The complaint was not filed within 90 calendar days of the incident. In counting the number of days, the day of the incident is not counted, regardless of the time of day. The day after the incident is the first day.
 2. The officers complained about are not APD officers.
 3. The officer is deployed for military duty for an extended period of time.
 4. If, after thorough investigation, the officer involved in the alleged conduct cannot be identified.
 5. The complaint was successfully mediated, either formally or informally.
 6. The citizen withdrew the complaint. If the IRO determines the complaint is too serious to ignore, the complaint may be investigated even if the citizen attempts to withdraw it.
 7. The complaint contains no allegations of facts that would constitute a violation of Standard Operating Procedures.

8. In a minor case, after a preliminary investigation, there are no violations of Standard Operating Procedures found.
9. Allegations concerning the perjury of officers during testimony in court. These are determinations to be made by the court or District Attorney.
10. Complaints of criminal action by the officers. Criminal cases may be investigated first as a criminal matter and after the criminal investigation is completed, the CPC may be reopened.
11. The IRO/POC determines the complaint is frivolous on its face or is being brought for the purpose of harassment.
12. The IRO/POC determines that the complainant has mental health issues and is unable to comprehend the situation. In this case, CIT may be asked to evaluate the complainant prior to the complaint being fully investigated.
13. The IRO/POC may require the full investigation of a complaint before inactivating it. The complaint may also be referred to the Internal Affairs for them to conduct an internal investigation. (Added and amended 9/14/06)

CITIZEN POLICE COMPLAINTS (CPCs) DATA & STATISTICS

YEARLY STATISTICS	2010	2011	2012	2013
Total Complaints Received	273	254	261	259
Inactivated Complaints	124	163	124	131
Resolved Complaints after Full Investigations And Findings	127	117	71	84
Appealed Cases	13	8	6	6

Table 1: Case Summary and Status of All Complaints Received and Complaints Investigated in 2013.

The number of complaints received by the Independent Review Office in 2013 reflected a 0.8% decrease in complaints compared to 2012.

In 2013, the IRO received an average of 22 CPCs per month. The three IRO Investigators were each assigned an average of 67 Citizen Police Complaints (CPCs). At the end of 2013, the IRO had 173 pending complaints. Pending cases include cases that have been fully investigated and are awaiting review of the IRO, APD Chain of Command, or Police Oversight Commission.

IMPORTANT INFORMATION CONCERNING THE STATISTICS BELOW

The statistics below are separated into two separate categories for purposes of clarity. The first section presents data regarding Complaints **RECEIVED** during the calendar year of 2013. The IRO completed investigation and findings in 2013 for cases which were filed in 2013, as well as Complaints filed in 2012. This leads to the second category of information: Complaints which were **REVIEWED** in 2013. The REVIEWED category is further broken down into: 1) closed cases which have been fully investigated and 2) inactivated cases which were not fully investigated for the reasons discussed below, which included informal resolution of the complaint, or the lack of jurisdiction to investigate the complaint.

COMPLAINTS RECEIVED IN 2013

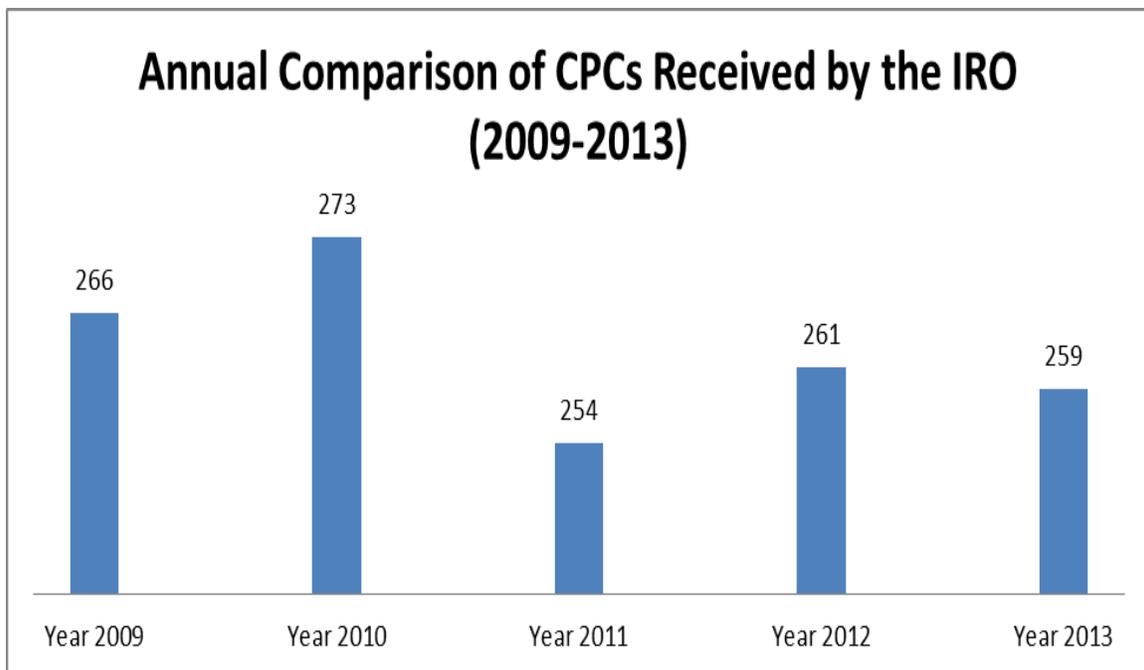


Figure 2: The number of complaints received by the Independent Review Office for the years from 2009 to 2013. During the past five years, the IRO has received an average of 263 Citizen Police Complaints (CPCs) per year.

COMPLAINTS RECEIVED IN 2013

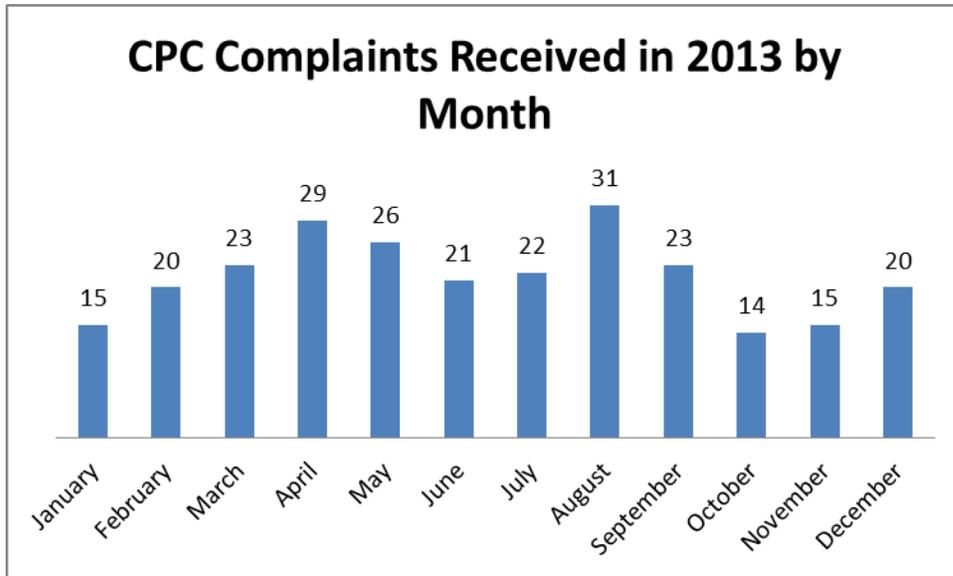


Figure 3: August shows the highest number of alleged misconduct reported in 2013.

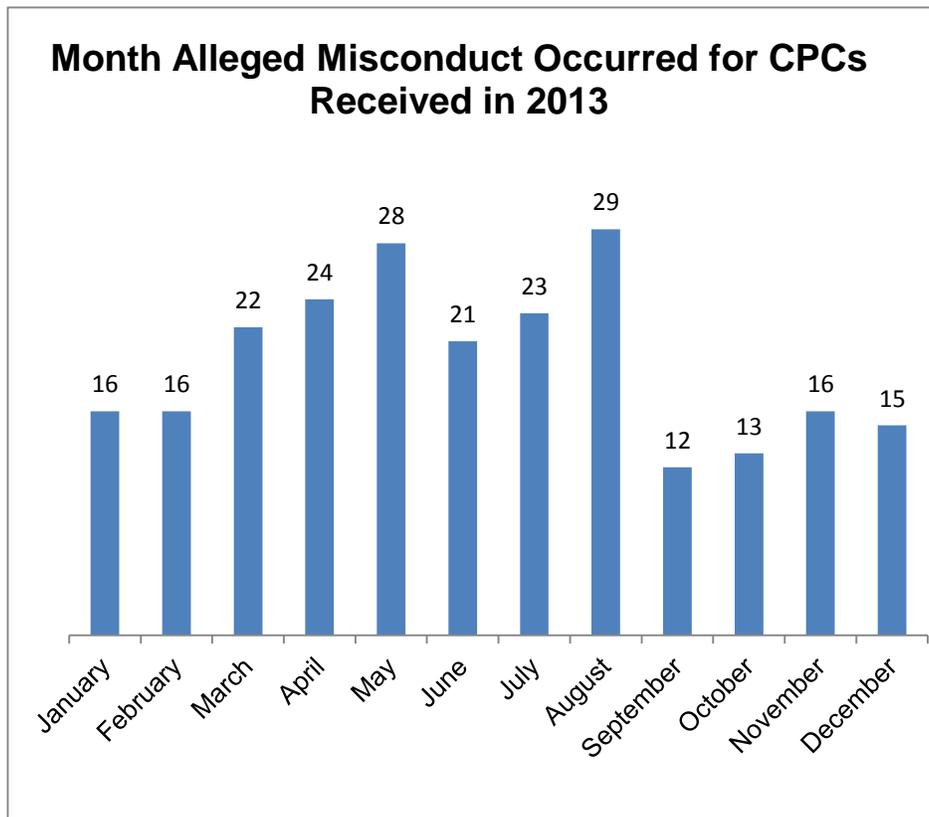


Figure 4: August was the month in which the most CPCs were received.

COMPLAINTS RECEIVED IN 2013

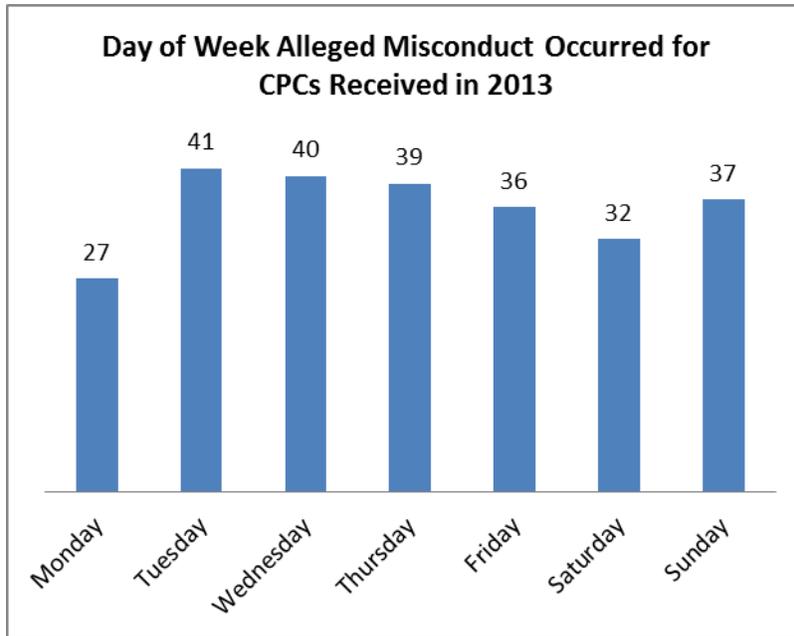


Figure 5: Tuesdays and Wednesdays show slightly higher rates of alleged misconduct compared to infractions throughout the week.

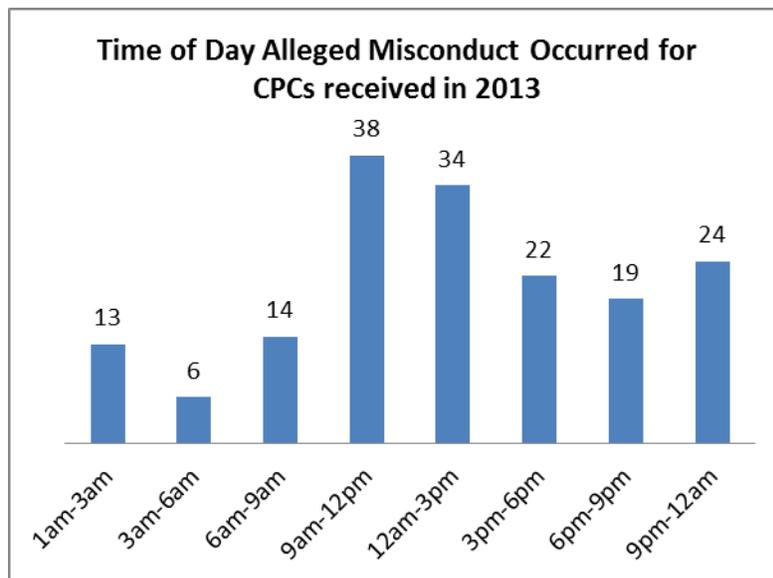


Figure 6: The highest number of complaints reported in 2013 was alleged misconduct between the hours of 9am and 3pm.

ALBUQUERQUE POLICE AREA COMMANDS

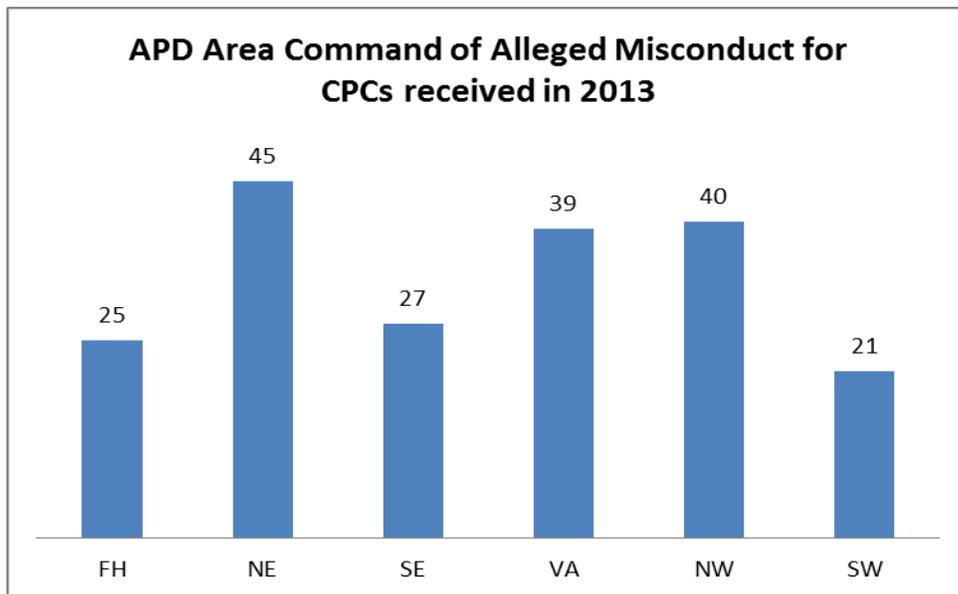
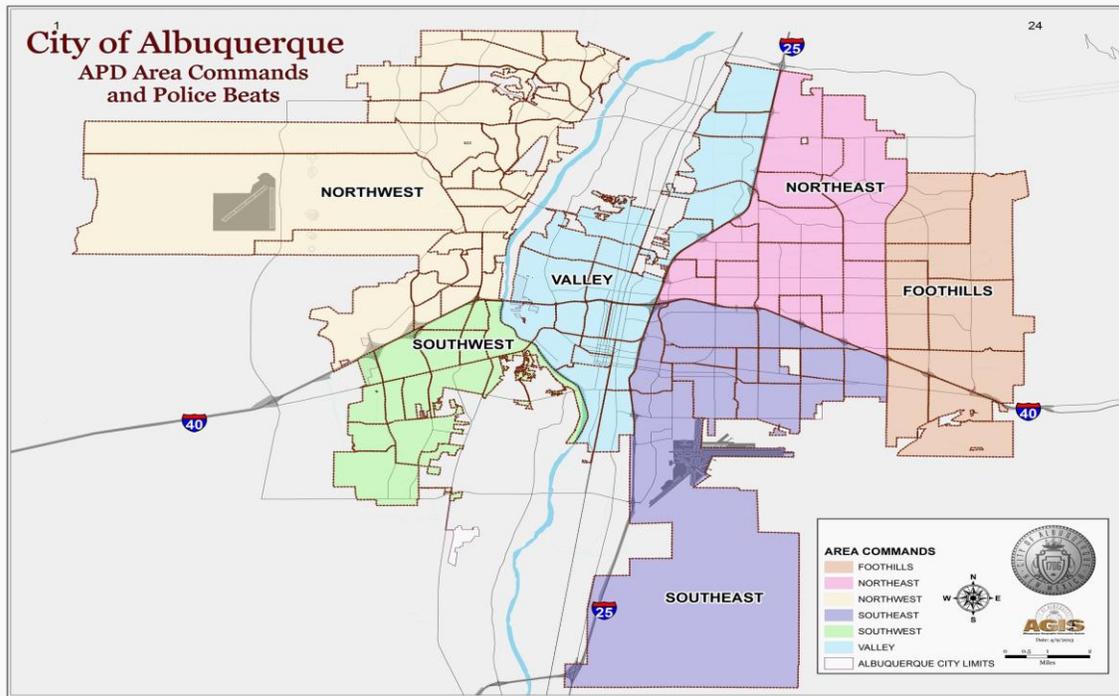


Figure 7: The IRO office received 197 complaints with an identified APD Area command in 2013. There were 62 complaints with unidentified incident location (includes CPCs with alleged misconduct of officers in multiple locations, telephone conversations, undetermined location, general complaints on APD). The highest number of alleged misconduct in known areas occurred in the area of the North East area command.

ALBUQUERQUE CITY COUNCIL DISTRICTS

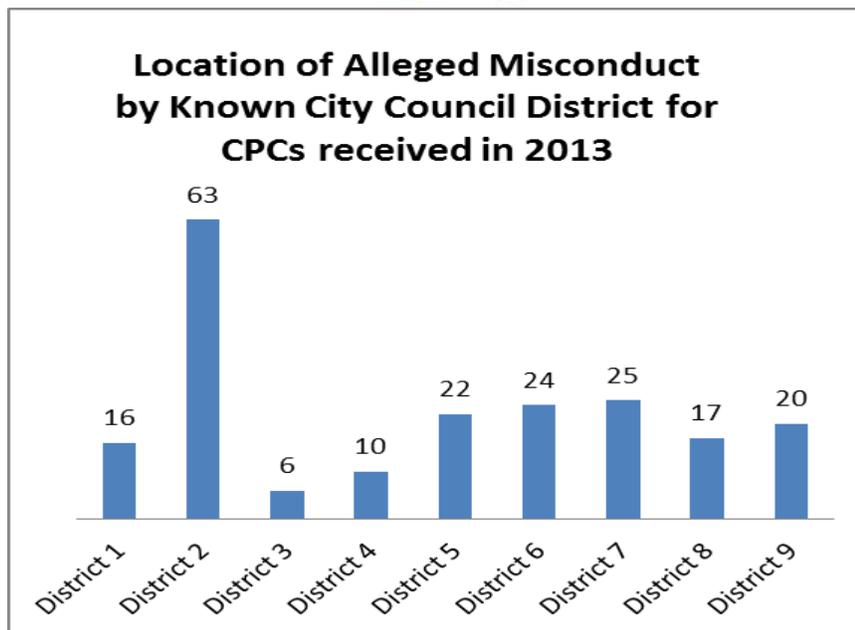
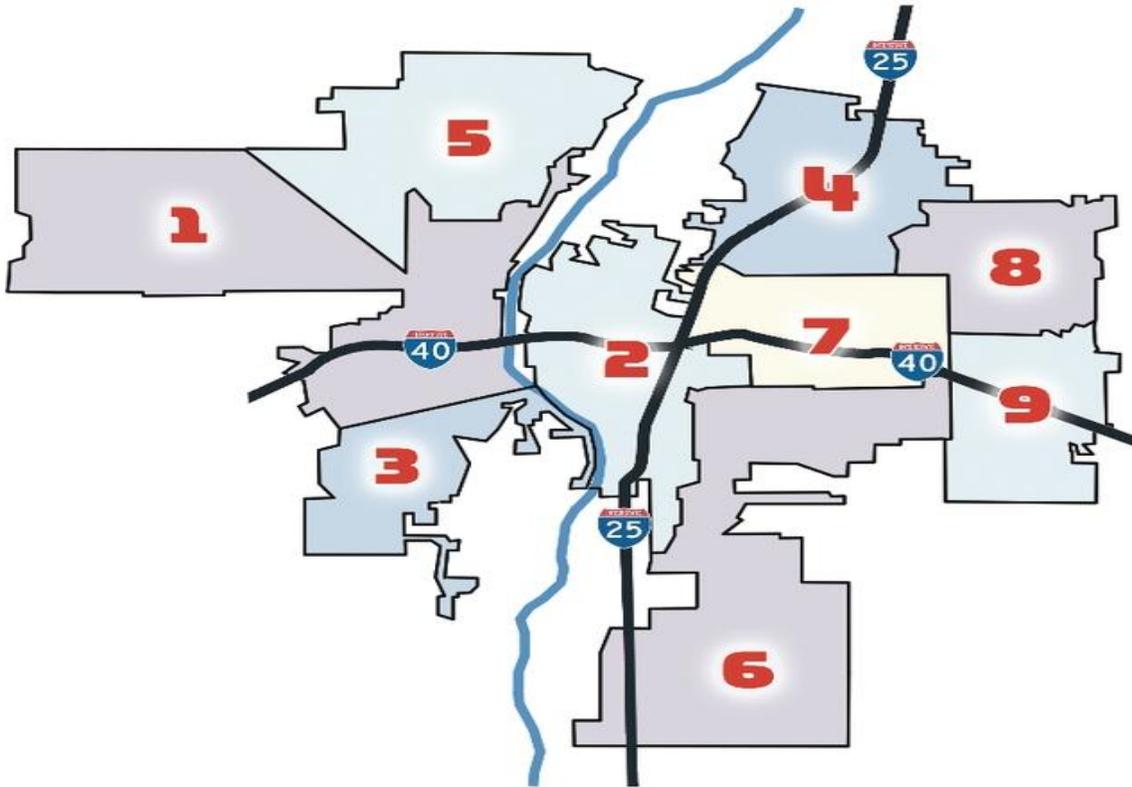


Figure 8: There were 259 complaints received by the IRO in 2013, 56 complaints did not have known location of alleged misconduct. Unknown districts include complaints referring to phone encounters, unspecified incidents, addresses without district, or complaints without incident information.

NEIGHBORHOOD ASSOCIATIONS and LOCATIONS

In 2013, CPCs were received from persons living in the below listed neighborhood associations and locations. The neighborhood associations are categorized by City Council District.

<i>City Council District 1:</i>	<p>Neighborhood Association: S.R. Marmon; West Bluff; Vista Magnifica; Taylor Ranch; Vista Grande; Los Volcanes; Ladera Heights; Sanchez R&J; Santa Fe Village; Tres Volcanes</p> <p>Location: Detention Center; Bernalillo County Metropolitan Court; Cottonwood Mall area; North Valley area</p>
<i>City Council District 2:</i>	<p>Neighborhood Association: Silver Hill; South Broadway; West Park; Santa Barbara-Martineztown; Summit Park; Los Griegos; Sycamore/University Neighborhood; Wells Park; Citizens IMP Community of Martineztown; Sycamore; Sawmill; Greater Gardner; University Neighborhood; Wilson No. 2; Spruce Park; Raynolds Addition; Westside/Atrisco Grant; Barelas</p> <p>Location: Downtown Albuquerque; Prisoner Transport Center; UNM Hospital; UNM Campus; West side Addition; Huning Castle; Nob Hill</p>
<i>City Council District 3:</i>	<p>Neighborhood Association: Anderson Hills; Anderson Heights; Copperwynd; Westgate Heights</p> <p>Location: Westside</p>
<i>City Council District 4:</i>	<p>Neighborhood Association: Del Norte; Nor Este; Vineyard Estates; Academy Acres North; Sandia</p> <p>Location: Del Norte; Nor Este</p>
<i>City Council District 5:</i>	<p>Neighborhood Association: Tuscany; Paradise Hills Civic Association; Piedras Marcadas; Ventana Ranch; Volcano Cliffs; Santa Barbara-Martineztown</p> <p>Location: Cottonwood Mall; Cibola High School</p>
<i>City Council District 6:</i>	<p>Neighborhood Association: La Mesa; South San Pedro; Southeast Heights; Silver Hill; University Heights; Highland Business; Granada Heights</p> <p>Location: Nob Hill; Larry Miller Auto Dealership; University area; Cesar Community Center; Sunport Municipal Addition; South San Pedro</p>
<i>City Council District 7:</i>	<p>Neighborhood Association: Alta Monte; Altura Addition; Bel-Air NHA; Highland; North Eastern Association</p> <p>Location: Uptown; Stardust Skies Park; Netherwood Park</p>

<i>City Council District 8:</i>	Neighborhood Association: Glenwood Hills South Casa Grande Location: San Gabriel; Osuna; Enchanted Park; Snow Heights
<i>City Council District 9:</i>	Neighborhood Association: Sandia Vista; Los Campos; Uptown Progress Team; Canyon Acres Location: Princess Jean Park; Monterey Manor; East Central Businesses; Gallagher Addition; Royal Heights; Towne Park Plaza; Singing Arrow

GEOGRAPHIC DISTRIBUTION OF COMPLAINTS RECEIVED IN 2013

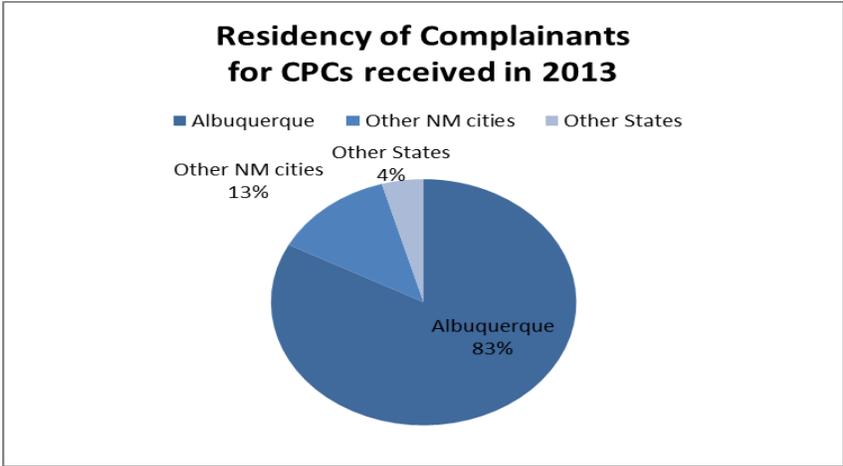


Figure 9: The IRO office received 259 complaints with addresses in 2013: 216 complainants were from Albuquerque residents; 32 complainants were residents of cities outside Albuquerque; 11 complainants were from out of state.

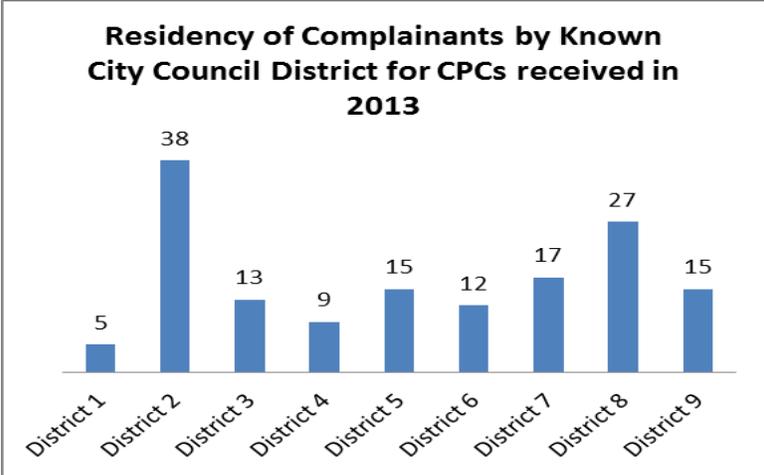


Figure 10: The IRO office received 151 complaints with addresses from Albuquerque residents with known city council districts.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

Of the 259 Citizen Police Complaints (CPCs) filed, a majority of complainants declared some or all of their demographic information in 2013.

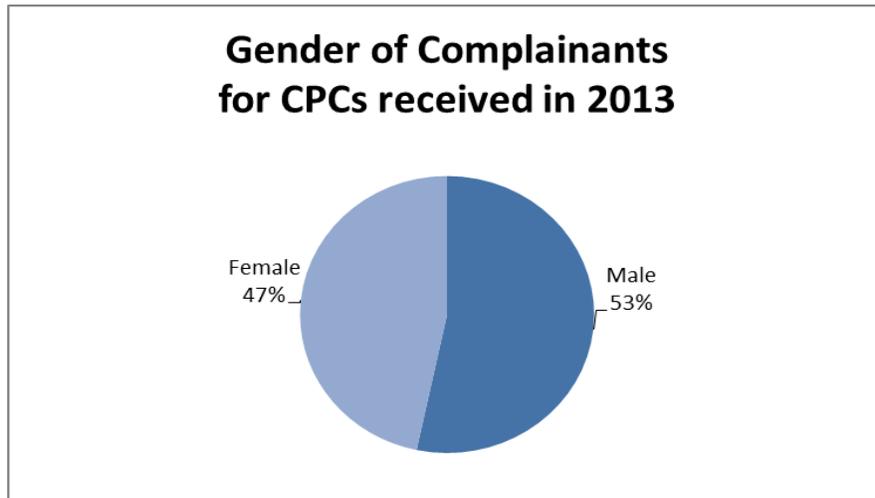


Figure 11: The IRO received complaints from 136 Males and 119 Females. There were 4 CPCs with anonymous complainants.

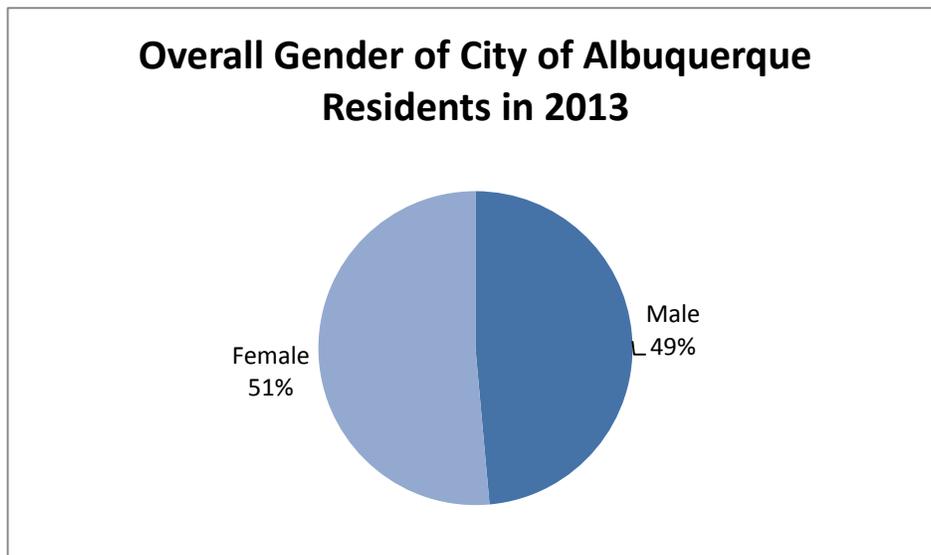


Figure 12: Based from total population, (545,852), Census from the U.S. Census Bureau, and NM Bureau of Business and Economic Research; DP-1-Geography-Albuquerque city, New Mexico

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

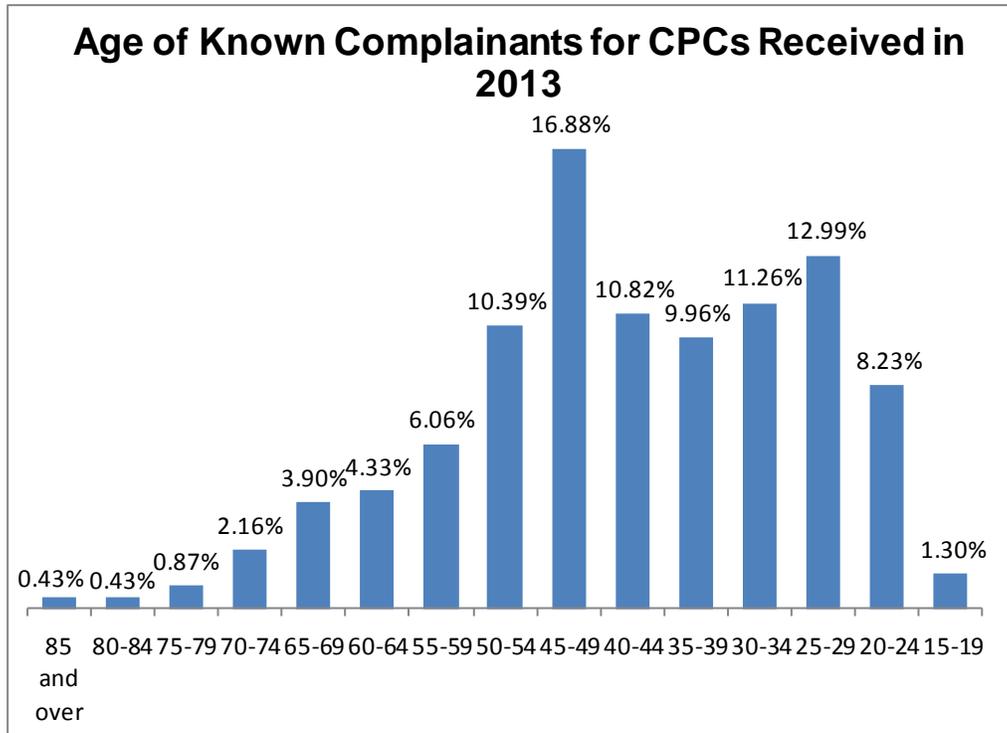


Figure 13: There were 231 complainants who provided their date of birth and age. In 2013, the highest number of complaints received were made by complainants between the ages of 45-49. There were 28 complainants who did not provide their date of birth.

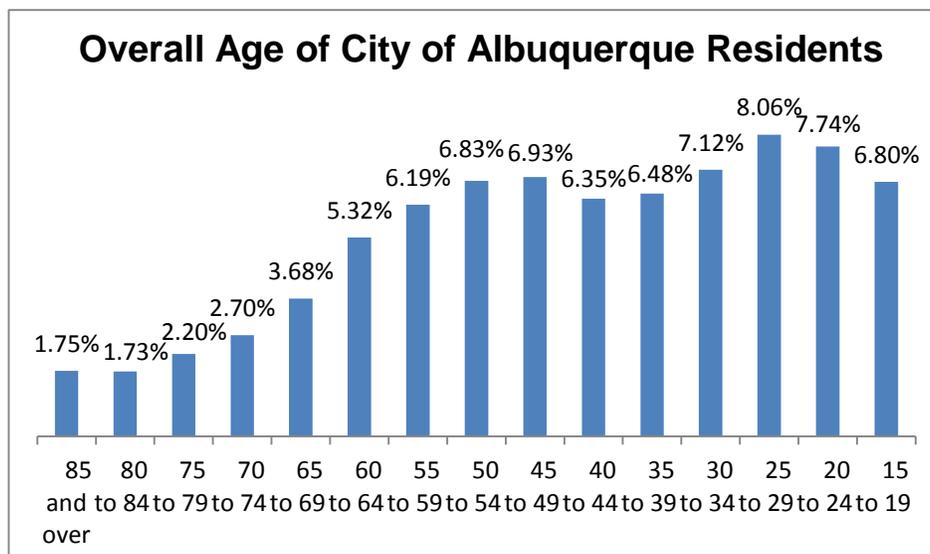


Figure 14: Numbers are based from City of Albuquerque total population (545,852), in 2010, data from the U.S. Census Bureau, and NM Bureau of Business and Economic Research.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

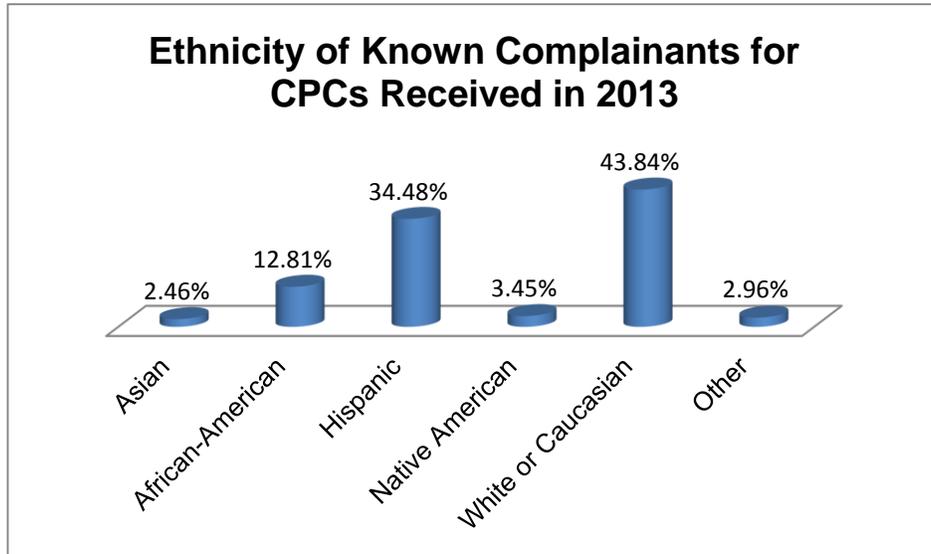


Figure 15: There were 203 complainants who provided ethnicity information. Other ethnicity includes Middle Eastern heritage. 56 complainants did not declare their ethnicity in the form. There were 5 Asian complainants; 26 African-American complainants; 70 Hispanic complainants; 7 Native-American complainants; 89 White complainants; and 6 complainants with another ethnicity.

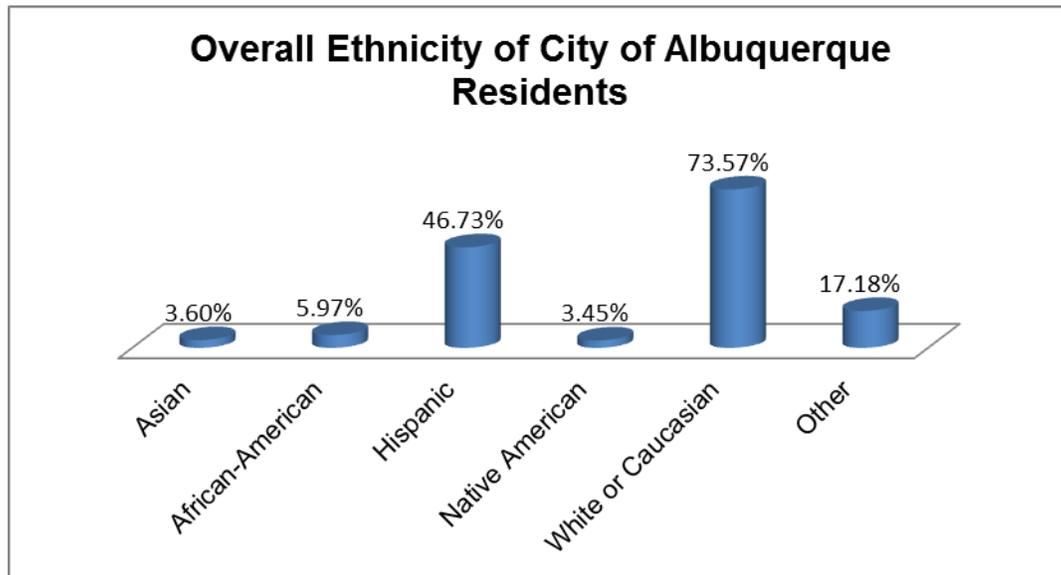


Figure 16: Numbers were based from City of Albuquerque total population (545,852), in 2010, Data from the U.S. Census Bureau, and NM Bureau of Business and Economic Research.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

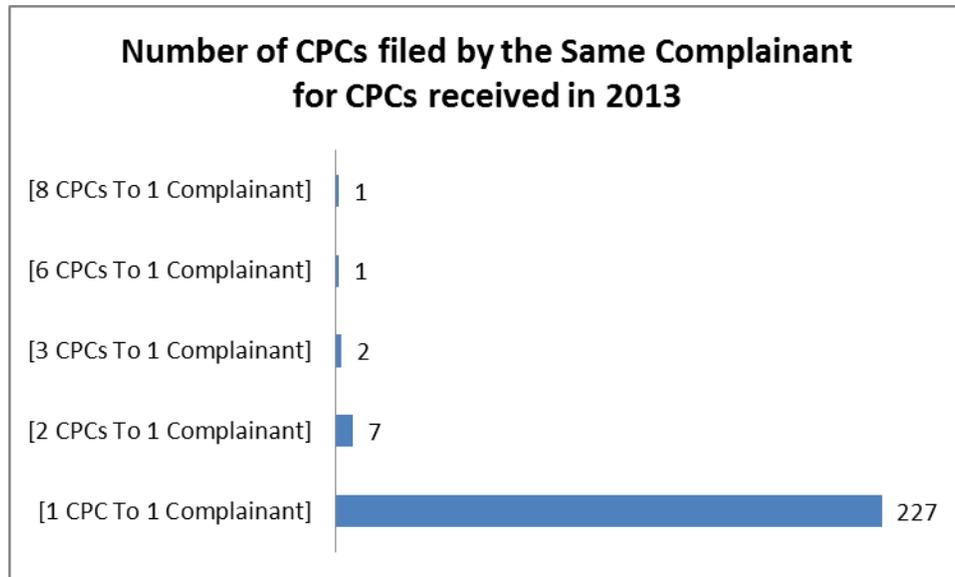


Figure 17: In 2013, one citizen filed 8 Citizen Police Complaints. A complainant may file more than one complaint and get assigned a CPC for every incident.

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

In 2013, 184 individual APD officers and employees were identified in CPCs. The following graphs represent the individual officers named in each CPC. Multiple officers were involved in some CPCs. The graphs do not represent APD demographics as a whole.

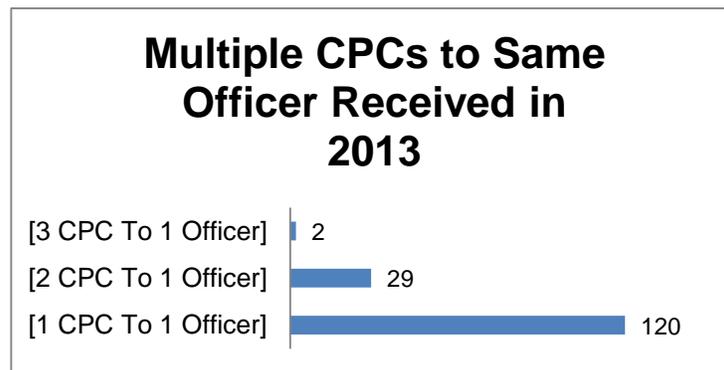


Figure 18: Out of the 259 CPCs received by the IRO, 3 CPCs was the highest number of Citizen Police Complaints made regarding the same APD officer in 2013.

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

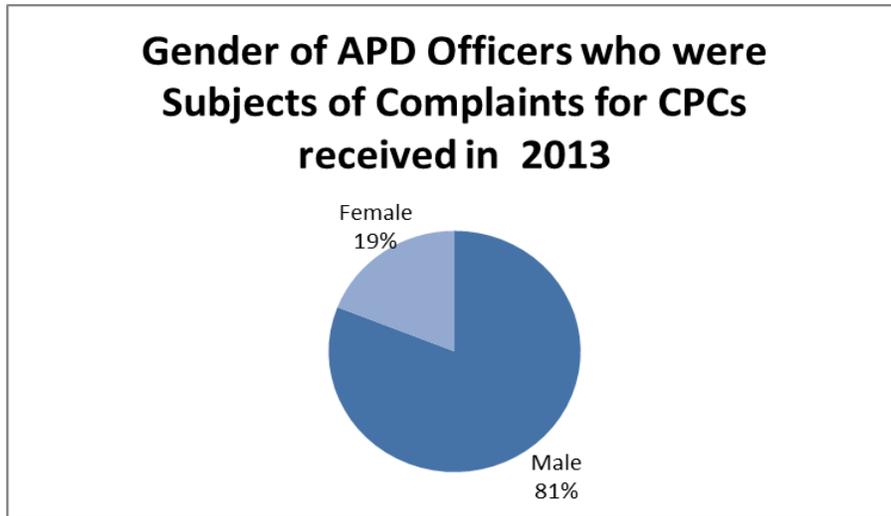


Figure 19: In 2013, complainants were much more likely to make a complaint against male officers. The IRO received complaints on 149 male APD officers and 35 female APD officers.

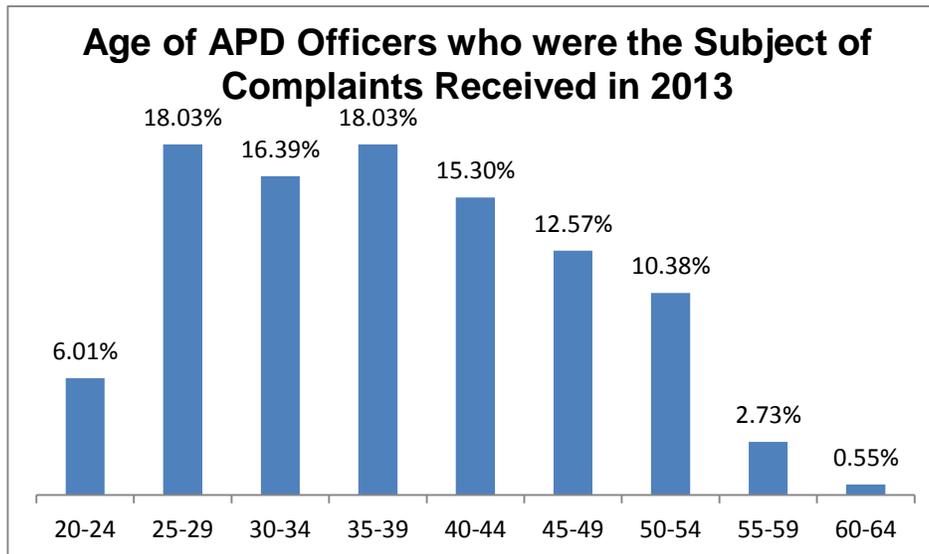


Figure 20: In 2013, the most number of complaints were against officers who were between 25 and 29 years old. There were 11 CPCs involving officers 20-24 years old; 33 CPCs involving officers 25-29 years old; 30 CPCs involving officers 30-34 years old; 33 CPCs involving officers 35-39 years old; 28 CPCs involving officers 40-44 years old; 23 CPCs involving officers 45-49 years old; 19 CPCs involving officers 50-54 years old, and 5 CPCs involving officers 55-59 years old; and 1 CPC involving an officer aged 60-64.

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

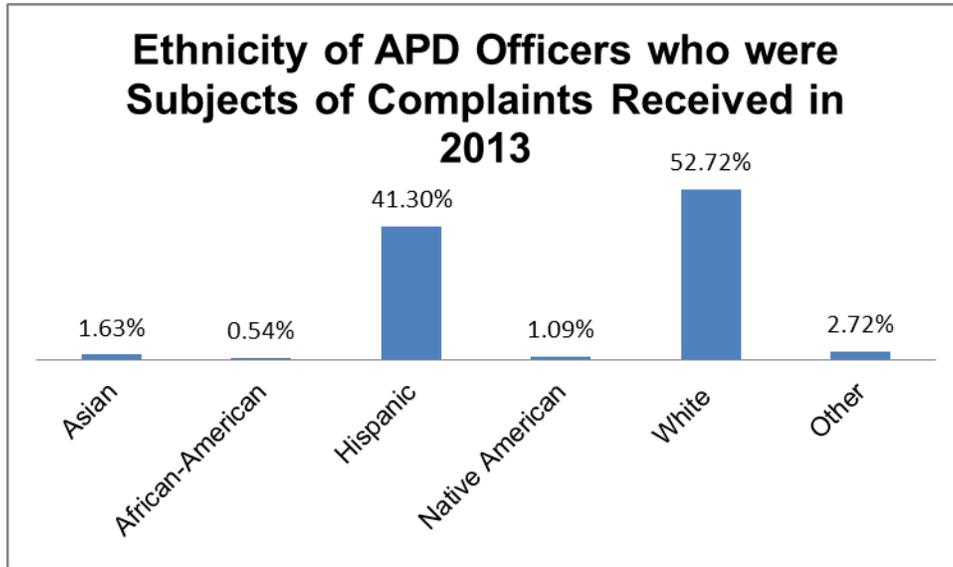


Figure 21: For complaints received in 2013, the majority were made against officers who are White or Caucasian. There were 3 Asian officers; 1 African-American officer; 76 Hispanic officers; 2 Native-American officers; 97 White officers; and 5 officers with another ethnicity.

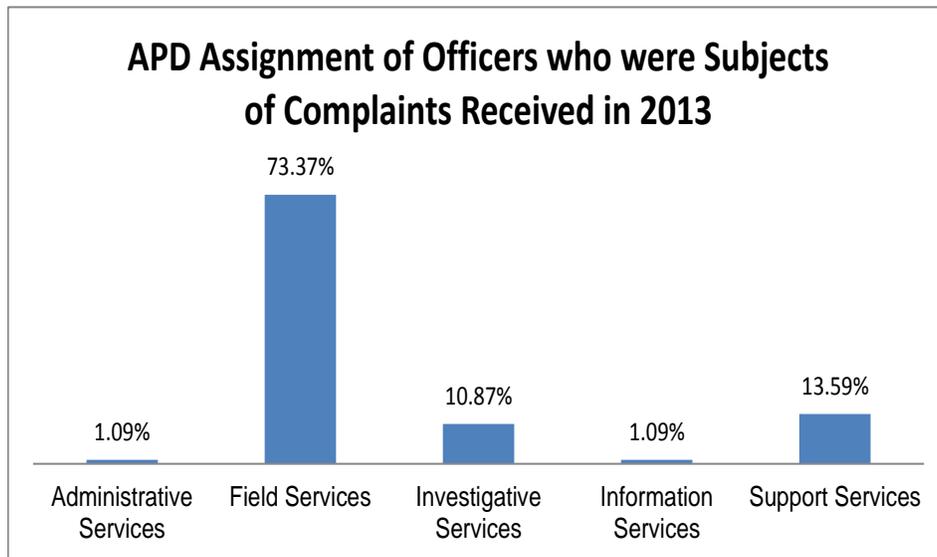


Figure 22: In 2013, Complaints were made against 184 APD personnel. There were 25 CPCs involving officers in Support Services (Transport – 5; Crime Lab – 1; DWI-5; SWAT Tactical unit – 1; Metro Court - 13); 2 Information Services (Crisis Intervention Team-2); 20 CPCs involving officers in Investigative Services (Crime Lab - 2; Cold Case – 1; Crisis Intervention Team-2; COAST -3; Juvenile-4; White Collar – 1; Burglary -1; Gangs – 1; Homicide -1; Robbery-1; Violent Crimes - 3); 135 CPCs involving officers in Field Services (Patrol); 2 CPCs involving officers in Administrative Services.

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

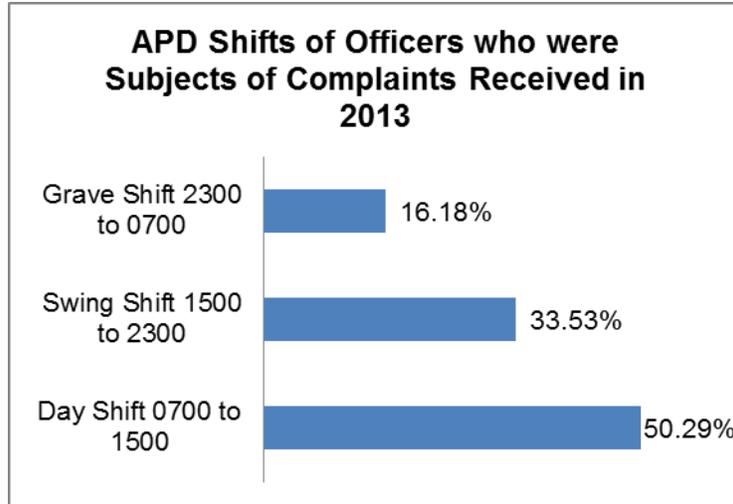


Figure 23: In 2013, most complaints were against APD officers working during the Day shift, from 7:00am to 3:00pm. There were 28 grave shift officers, 58 swing shift officers, and 87 day shift officers.

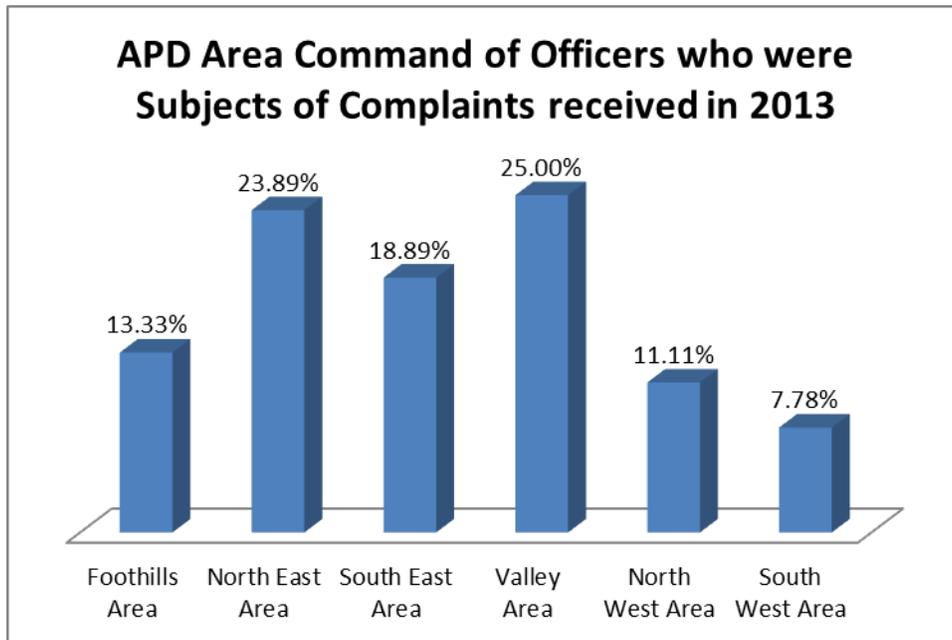


Figure 24: In 2013, complaints were most likely against officers in the Valley area command, and least likely to be against officers in the South West Area command. There were 4 unknown area commands. There were 24 Foothill officers; 43 North East officers; 34 South East officers; 45 Valley officers; 20 North West officers; and 14 South West officers.

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN 2013

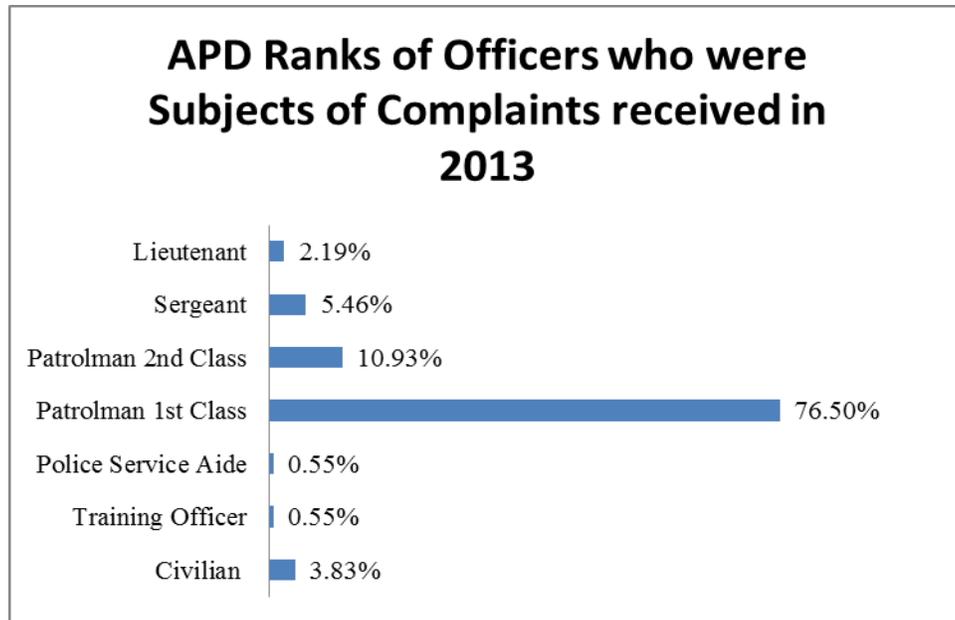


Figure 25: In 2013, Complainants were more likely to file a complaint against a Patrolman First Class than any other rank. **140** of the Complaints received in 2013 were against officers with the rank of Patrolman First Class.

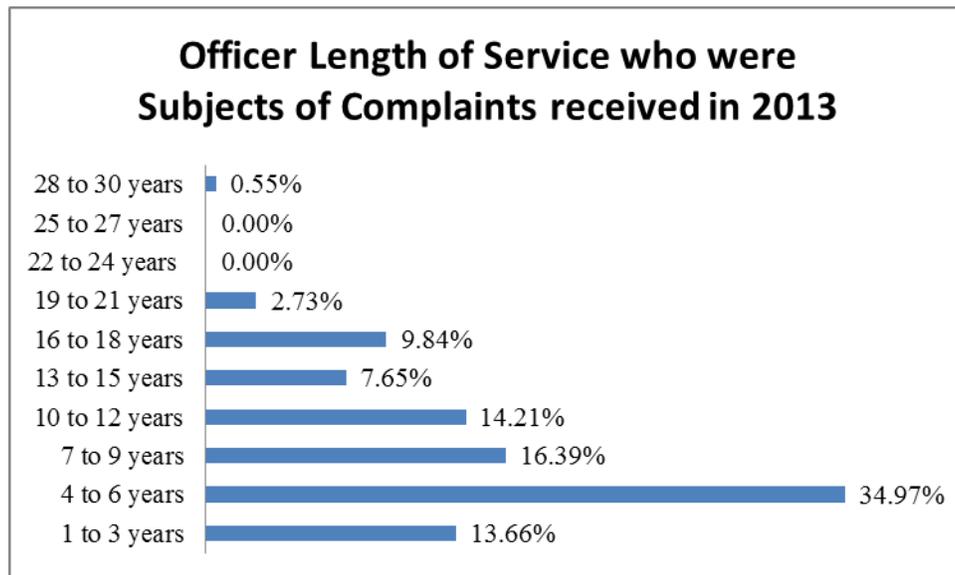


Figure 26: In 2013, complaints were most likely against officers with 4-6 years of service in APD.

FINDINGS AND DISPOSITIONS OF COMPLAINTS REVIEWED IN 2013

The IRO presented her findings in 215 Citizen Police Complaints (Complaints or CPCs) to the Police Oversight Commission (POC) at its monthly meetings, which included complaints filed in 2012. The Police Oversight Commission approved and reviewed 84 CPCs with findings and complete investigations. The POC approved 131 CPCs for inactivation or closure without a full investigation. The IRO submitted an average of 18 CPCs per month for review to the POC.

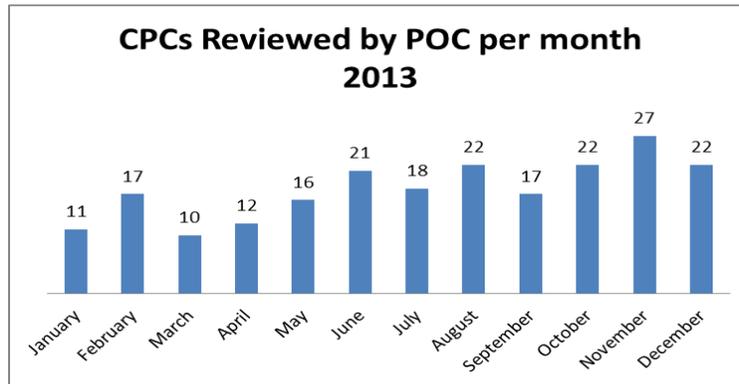


Figure 27: In 2013, the highest number of CPCs heard by the Police Oversight Commission was in November.

In 2013, the Police Oversight Commission also reviewed: eight Officer-Involved Shootings; two Non-concurrence CPCs; and six Appealed CPCs. Of the 131 CPCs inactivated, 23 complaints were filed in 2012 and 108 complaints were filed in 2013. Of the 84 CPCs closed with findings, 63 complaints were filed in 2012 and 21 complaints were filed in 2013.

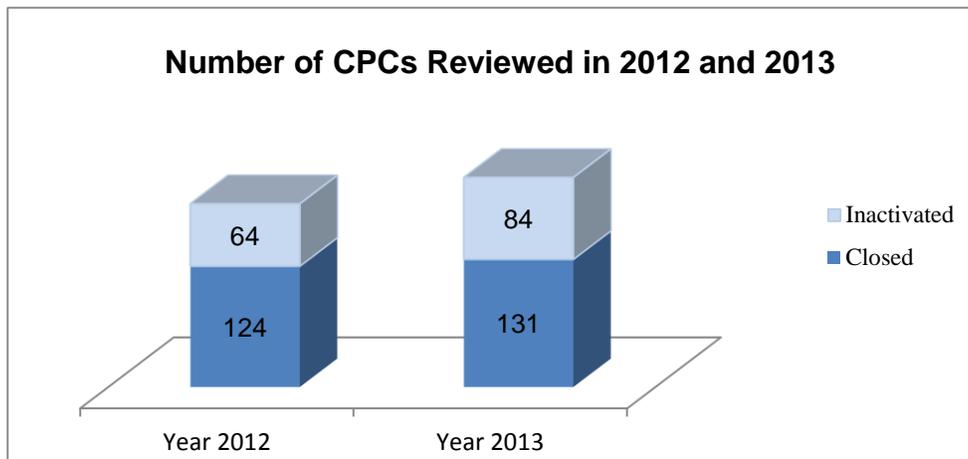


Figure 28: The IRO reviewed 188 CPCs in 2012: 64 were closed with findings, and 124 were inactivated. The IRO reviewed 215 CPCs in 2013: 84 were closed with findings, and 131 were inactivated.

REASONS FOR INACTIVATION OF A COMPLAINT

Mediation (Supervisor Solution)

The complaint against the officer has been satisfactorily resolved in an informal manner with the help of the officer's supervisor.

Complaints filed over 90 days

The IRO does not have legal authority to investigate a complaint filed more than 90 days after the date of the incident.

Complaints without signature

Any complaints received must be signed in order to be considered "valid." Without the signature, the IRO office cannot proceed with an investigation.

No SOP allegation

The complaint did not allege any unprofessional behavior on the part of the officer(s).

Complaint withdrawal

The citizen did not wish to proceed with any further investigations.

Preliminary investigation did not find any SOP violation

The IRO reviews the officer's actions and the evidence indicated that the officers followed APD Standard Operating Procedures.

Complaints of unidentified officer

The IRO cannot determine if the complaint mentioned any officers or identifiers to further investigate the case or cannot determine if the officers complained about are employed by the Albuquerque Police Department.

Complaints filed without IRO jurisdiction to investigate

The IRO does not have legal authority to investigate into the complaint.

Complaint referring to another agency

The IRO determined Albuquerque Police Department did not employ an officer with the name provided in the complaint.

Frivolous Complaints

The allegations were neither a violation of SOP nor a criminal act, but a complaint was frivolous or filed for purposes of harassment

Incomprehensible Complaints

The IRO received a generalized complaint about police, did not have a specific complaint of an officer(s) or any specific allegation.

REASONS FOR INACTIVATION OF A COMPLAINT

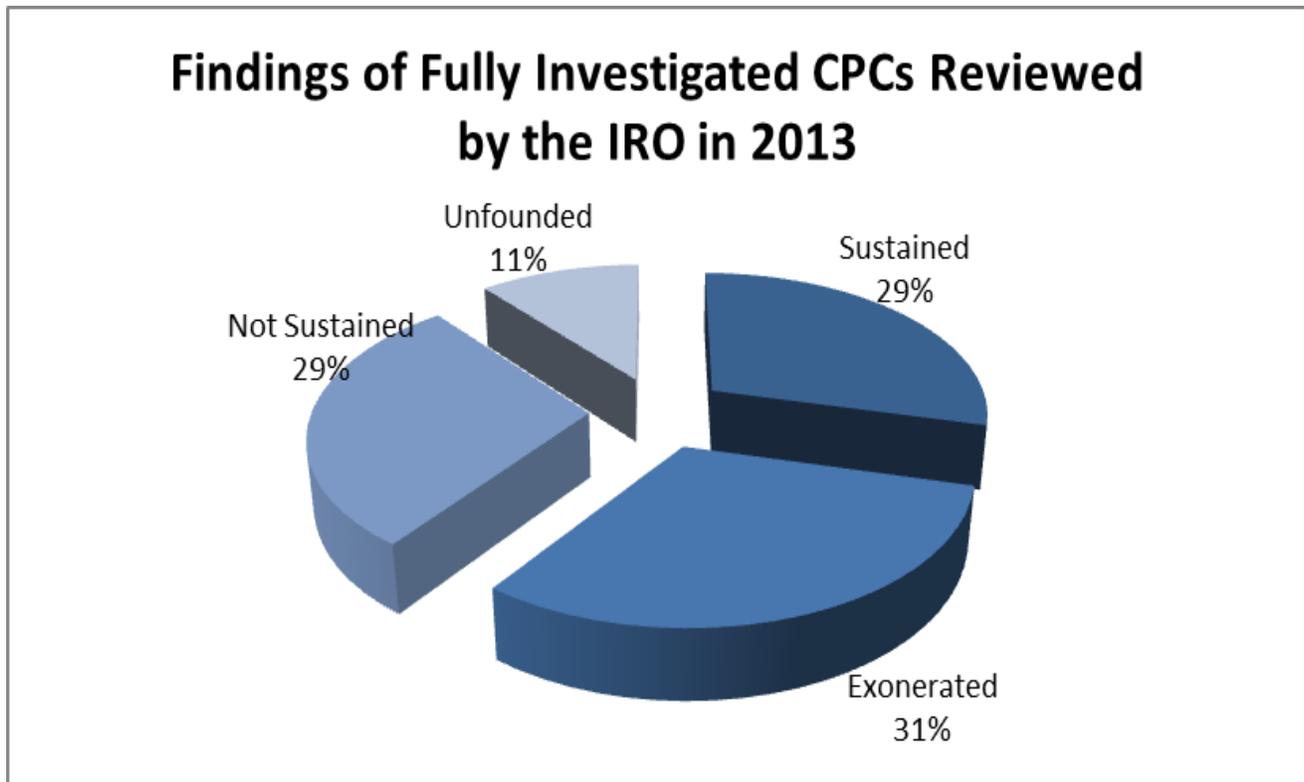
Criminal referral to Internal Affairs of APD

The IRO received a complaint to conduct investigations into complaints of criminal actions by officers. These complaints were forwarded to the Albuquerque Police Department's Internal Affairs Unit for further investigation and possible referral to the Criminal Investigations Division for criminal investigation



Figure 29: There were 131 complaints which were inactivated in 2013.

CITIZEN POLICE COMPLAINTS (CPCs) REVIEWED IN 2013 WITH FULL INVESTIGATIONS AND FINDINGS



*Figure 30: In 2013, there were a total of 84 closed cases with findings. There were a total of 215 CPCs heard and reviewed by the POC. 42 CPC decisions included **SUSTAINED** findings.*

CPCs REVIEWED IN 2013 WITH FULL INVESTIGATIONS AND FINDINGS

Allegations of Violations of SOPs Reviewed in 2013

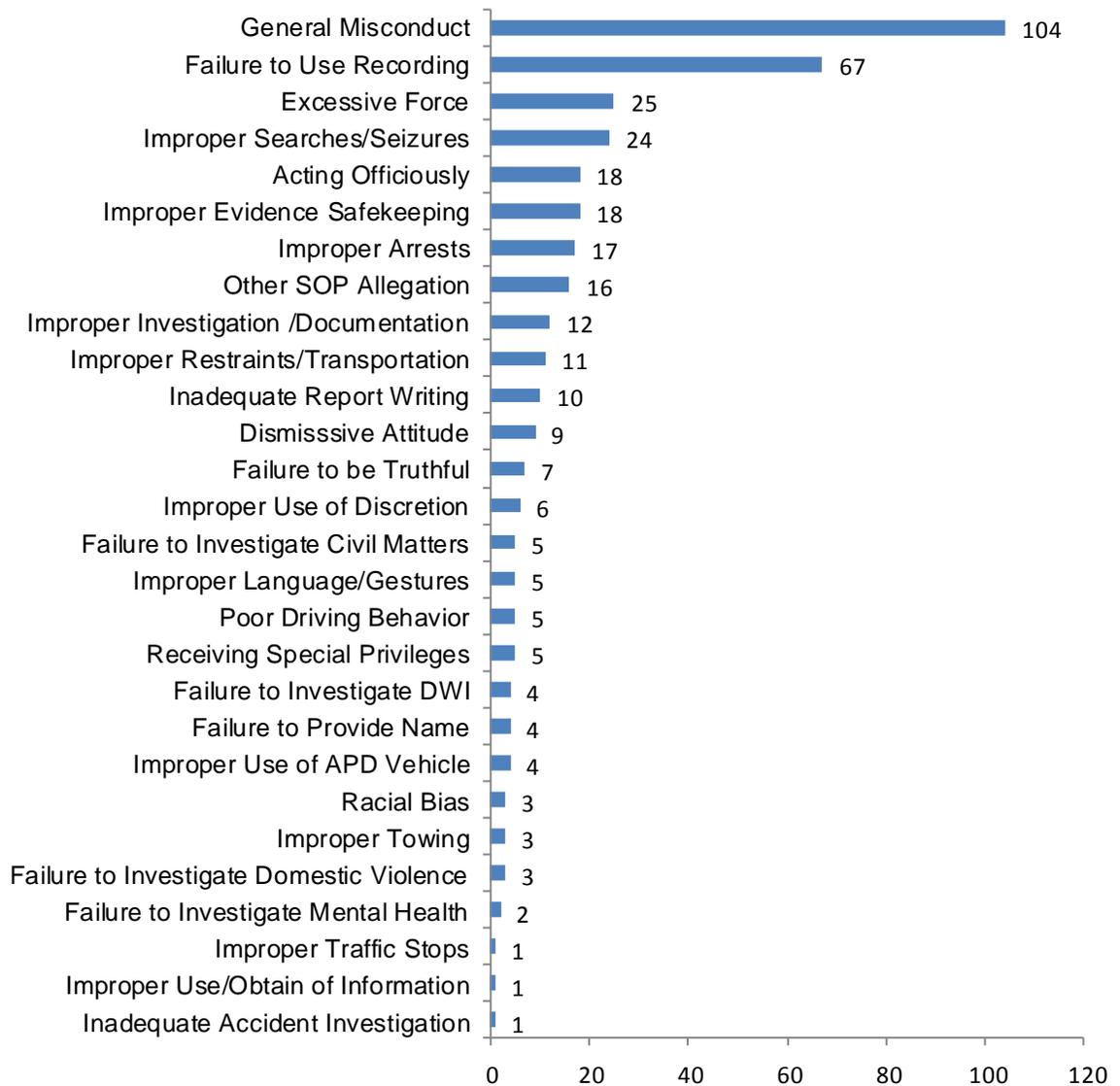
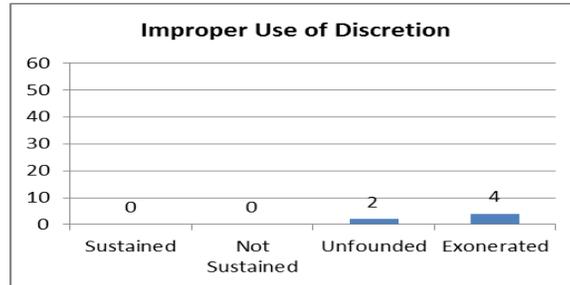


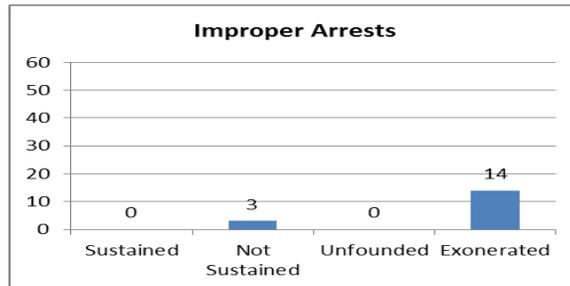
Figure 31: Overview of the type of complaints received and allegations investigated and reviewed by the Independent Review Office. Of the 390 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the IRO and presented to the POC, the highest number of complaints received involved allegations of General Misconduct and Failure to Use Recording Devices.

DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013

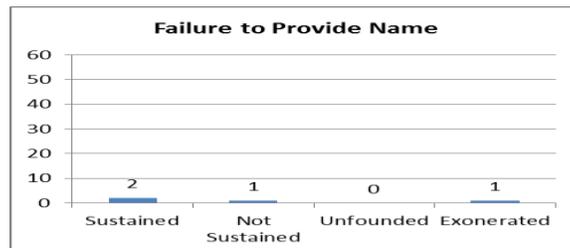
The 84 fully investigated cases presented to the POC for review with findings from the IRO contained allegations of approximately 27 different SOP violations. Below are statistics concerning the specific types of allegations reviewed by the IRO and presented to the POC in 2013, along descriptions of the relevant APD Standard Operating Procedures (SOPs). Unabridged versions of APD's SOPs are available at <http://www.cabq.gov/police/our-department/standard-operating-procedures>.



Improper Use of Discretion: Standard Operating Procedure Section 1-02(D): Officers shall use discretion during the performance of their law enforcement duties.

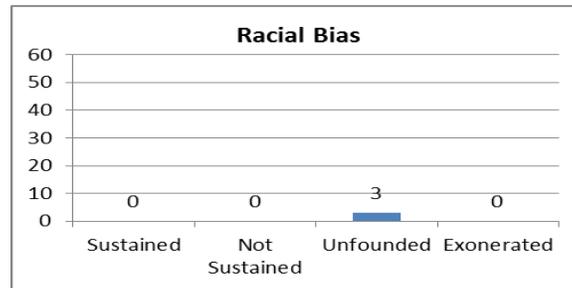


Improper Arrests: Standard Operating Procedure Section 1-02-2(B)(2): Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers will make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.

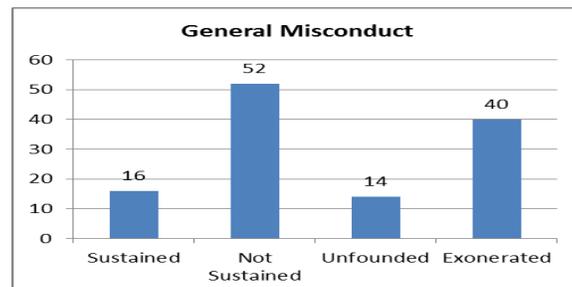


Failure to Provide Name: Standard Operating Procedure Section 1-02-3(A): Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity.

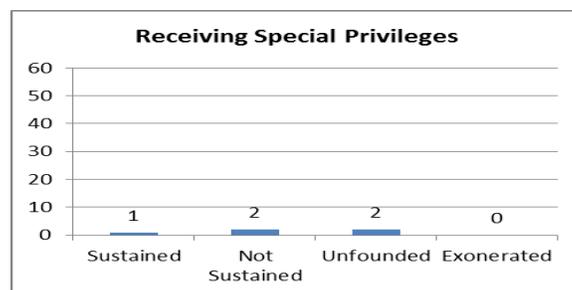
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Racial Bias: Standard Operating Procedure Section 1-03-2(A): Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

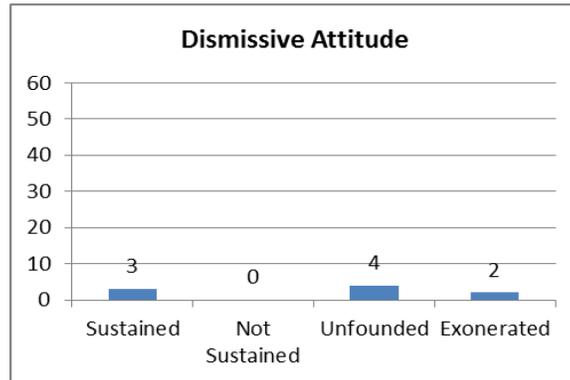


General Misconduct: Standard Operating Procedure Section 1-04-1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department. Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the department; Standard Operating Procedure Section 1-04-4(N): Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.

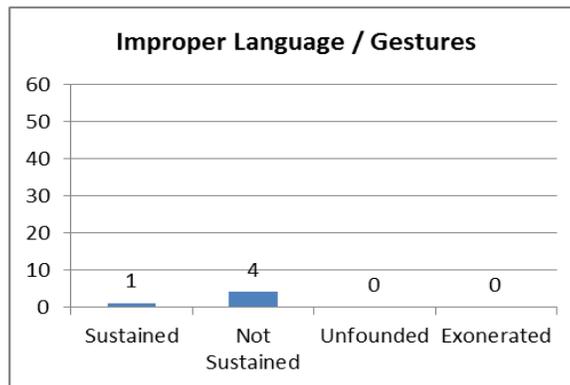


Receiving Special Privileges Standard Operating Procedure Section 1-04-2(A): Albuquerque Police Department personnel will not give special consideration, privilege, or professional courtesy to other APD personnel or to personnel from other law enforcement agencies when such personnel are alleged to be involved in a violation of any law.

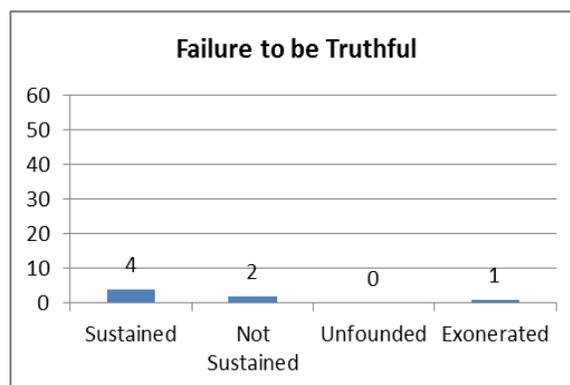
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Dismissive Attitude: Standard Operating Procedure Section 1-04-4(O): Personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.

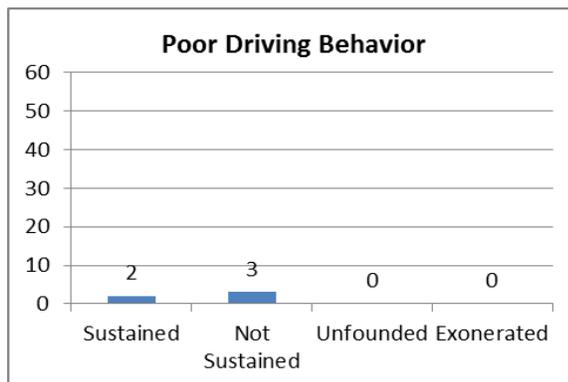


Improper Language: Standard Operating Procedure Section 1-04-4(P): Personnel shall not use coarse, violent, profane, or insolent language or gestures.

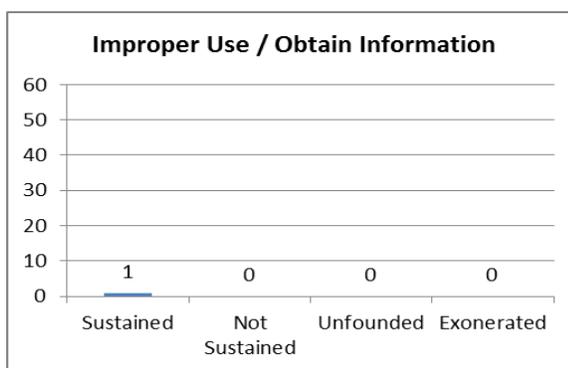


Failure to Be Truthful: Standard Operating Procedure Section 1-04-4(W): Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.

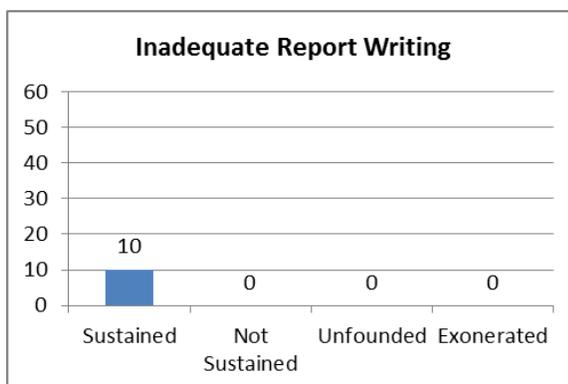
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Poor Driving Behavior: Standard Operating Procedure Section 1-04-6(N): Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.

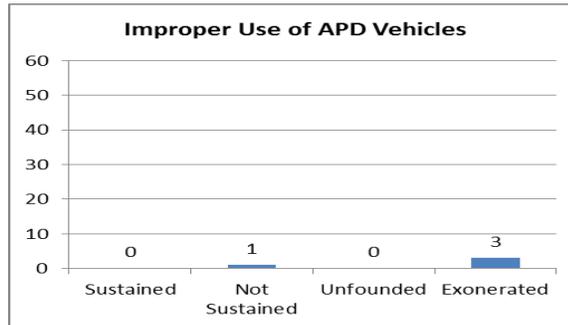


Improper Use of Information: Standard Operating Procedure Section 1-04-9(F): Personnel shall not use their official position or official identification card or badge to solicit or to obtain privileges not otherwise available to them except in the performance of duty.

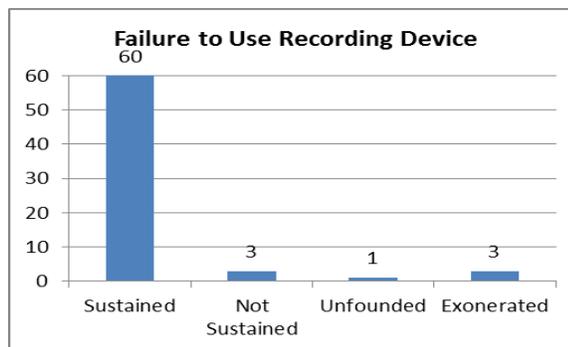


Inadequate Report Writing: Standard Operating Procedure Section 1-05-6(D): A report will be written for any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report.

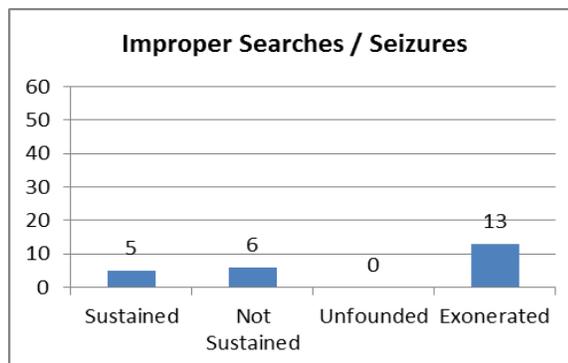
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Improper Use of APD Vehicles: Standard Operating Procedure Section 1-19-9(B): Department policy is to provide for the maintenance, inspection and issuance of all Department vehicles, and to control the parking of vehicles at the Law Enforcement Center. Standard Operating Procedure Section 1-19-10: Department employees shall drive Department vehicles for official purposes only, providing they hold a city drivers license for that class of vehicle.

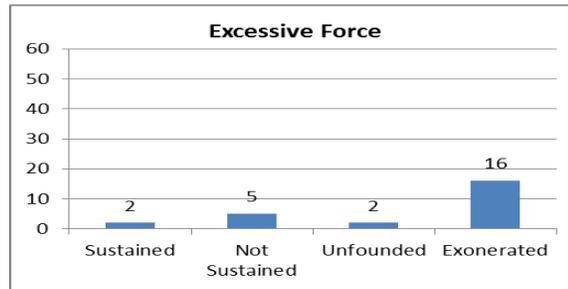


Failure to Use Recording: Standard Operating Procedure Section 1-39-2(B): All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop.

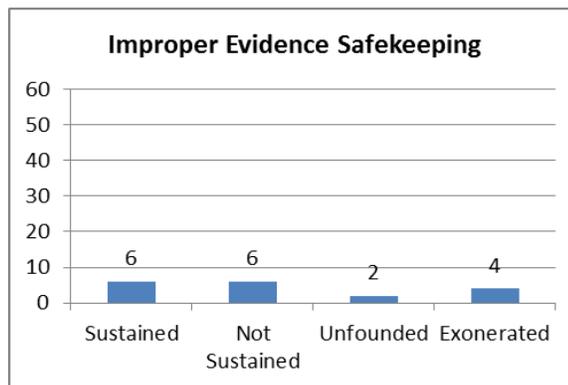


Improper Searches/Seizures: Standard Operating Procedure Section 2-17: Department policy is to provide officers with guidelines to conduct searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.

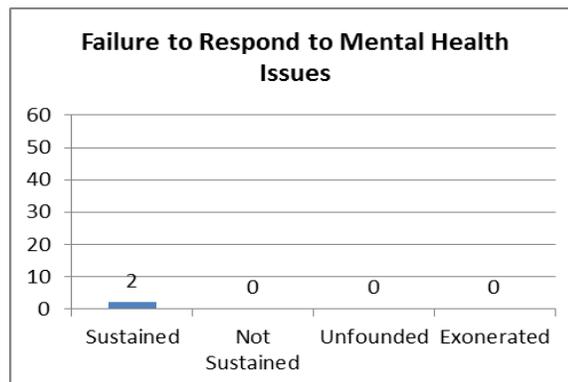
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Excessive Force: Standard Operating Procedure Section 2-05-2(A): Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.

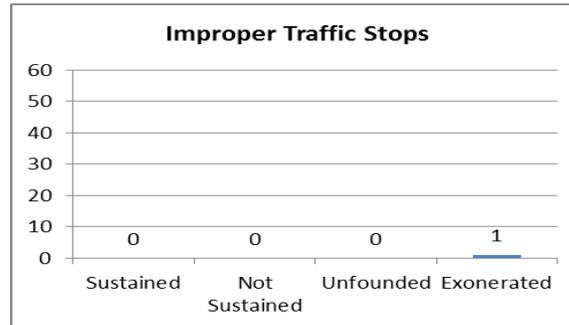


Improper Evidence Safekeeping: Standard Operating Procedure Section 2-08-1: Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers.

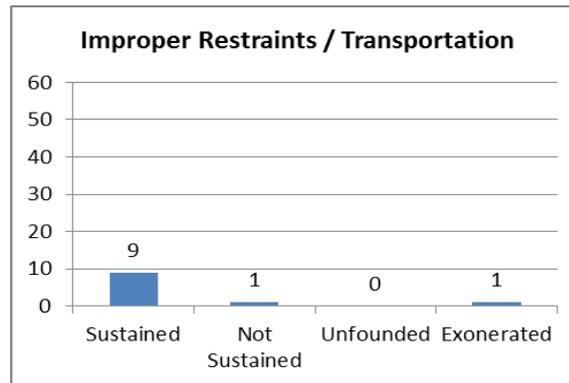


Failure to Respond to Mental Health Issues: Standard Operating Procedure Section 2-13: Department policy is to provide an effective response to situations involving subjects who are suspected and/or verifiably mentally ill, and/or people in crisis in order to avoid unnecessary violence and potential civil litigation, and to ensure that proper medical attention is provided.

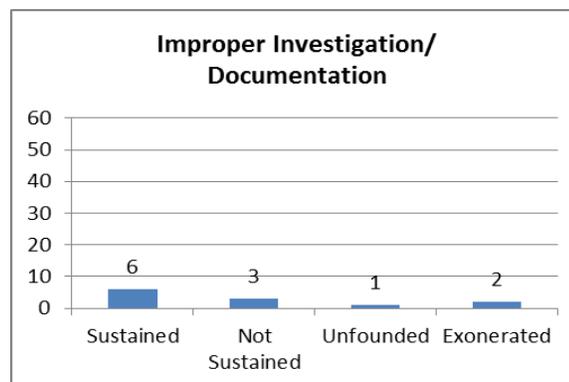
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Improper Traffic Stops: Standard Operating Procedure Section 2-18-8: Department policy is to enforce the misdemeanor laws of the State of New Mexico and City of Albuquerque using traffic, misdemeanor, and parking citations whenever possible and appropriate.

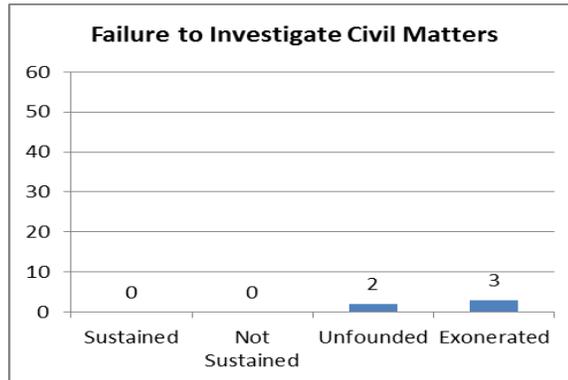


Improper Restraints/Transportation: Standard Operating Procedure Section 2-19-3(A): All felony and misdemeanor prisoners and all persons in protective custody will be handcuffed behind their backs and remain so restrained while being transported to a detention or medical facility.

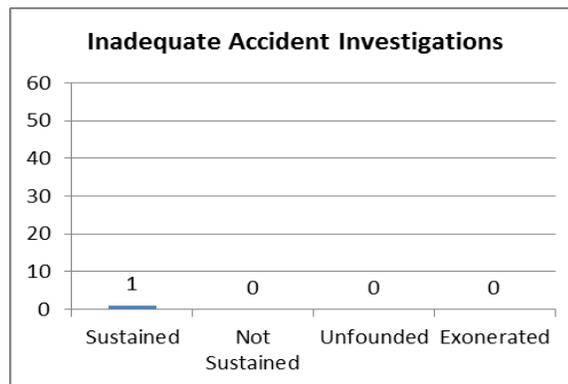


Improper Investigation/Documentation: Standard Operating Procedure Section 2-24-3: It is the responsibility of both uniformed officers, and officers assigned to specialized units to carry out investigations in a thorough, efficient, and timely manner.

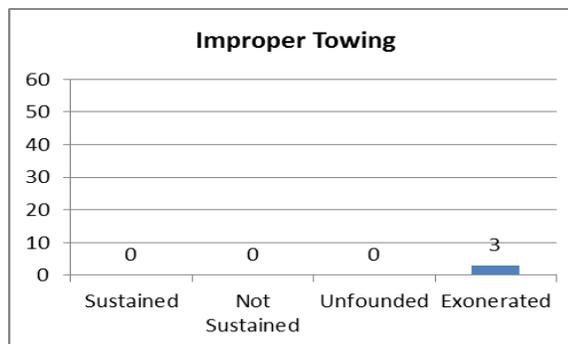
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Failure to Investigate Civil Matters: Standard Operating Procedure Section 3-14: It is the policy of the Albuquerque Police Department to respond to calls involving civil disputes primarily for the purpose of restoring order.

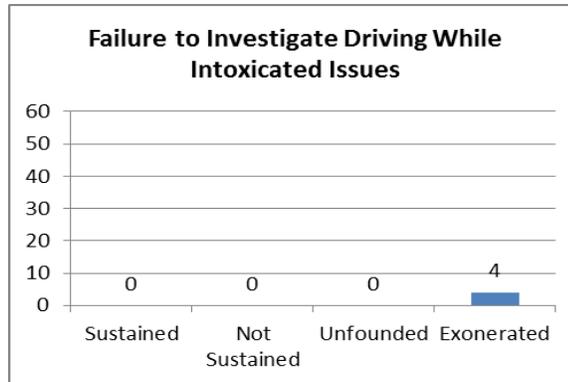


Inadequate Accident Investigation Standard Operating Procedure Section 2-50: It is the policy of the Albuquerque Police Department to respond to and investigate traffic accidents, while limiting the impact on the motoring public.

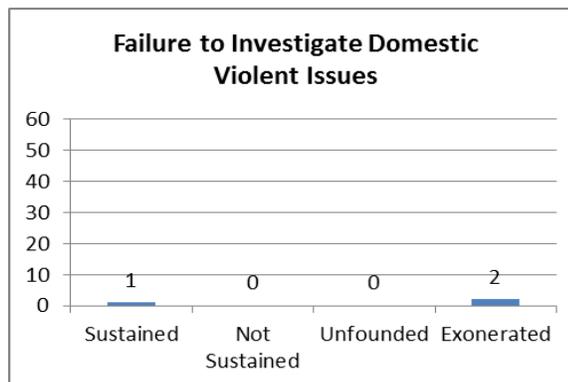


Improper Towing: Standard Operating Procedure Section 2-48-2(A): Department policy is to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property.

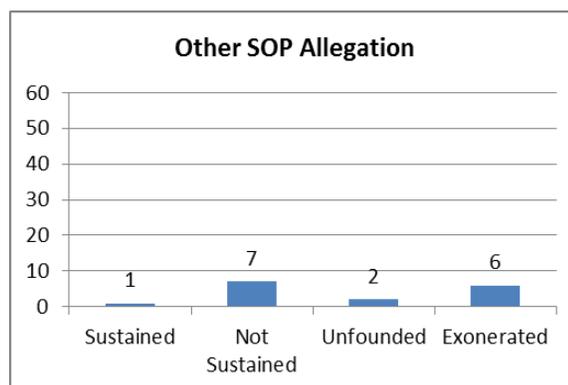
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN 2013



Failure to Investigate DWI Issues: Standard Operating Procedure Section 3-11-1: It is the policy of the Albuquerque Police Department to apprehend, arrest, and assist in the efficient prosecution of persons who are found to be operating motor vehicle under the influence of intoxicating liquor, drugs, or driving a vehicle while their license is revoked or suspended for a previous DWI violation.



Failure to Investigate Domestic Violence Issues: Standard Operating Procedure Section 3-12-6: It is the policy of the Albuquerque Police Department to enforce laws dealing with domestic abuse and take appropriate action in cases involving domestic abuse.



CITIZEN COMPLAINT APPEALS

Pursuant to the Oversight Ordinance, if a citizen disagrees with the findings of the IRO, the citizen may appeal and will be given a full hearing before the Police Oversight Commission.

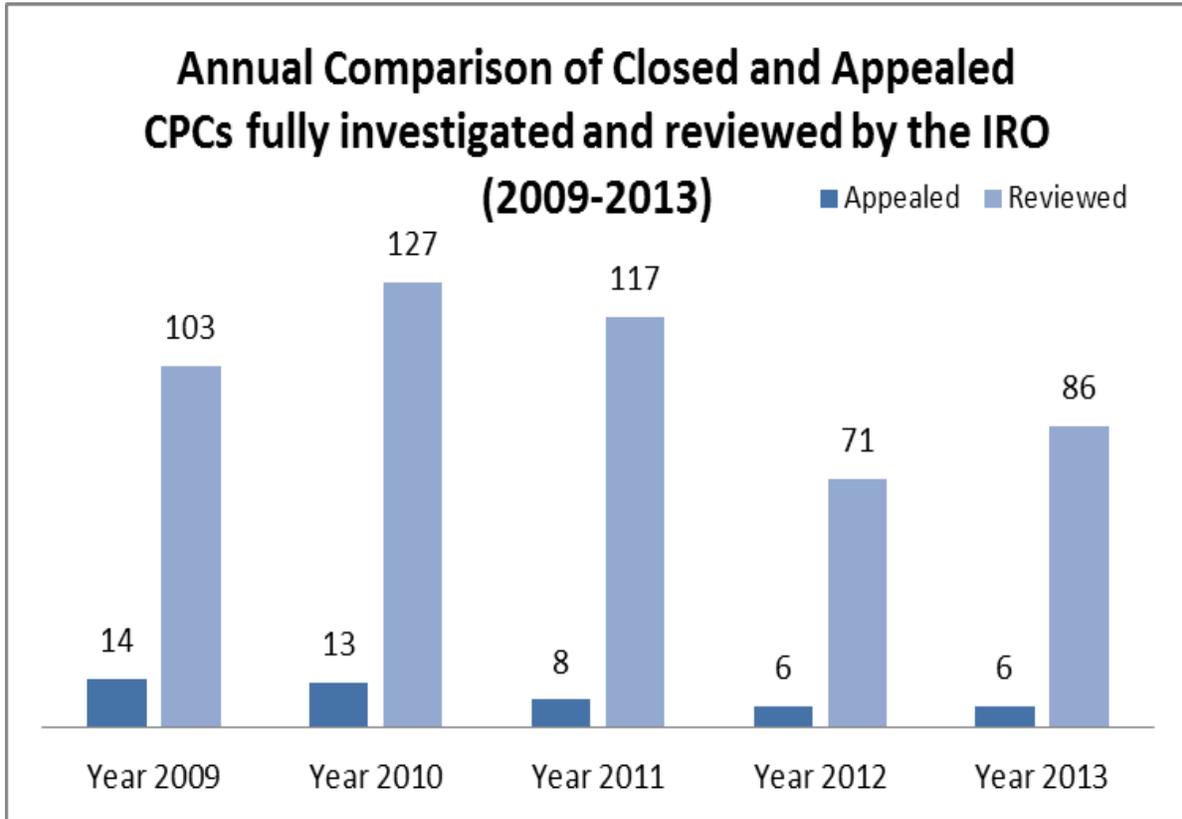


Figure 32: The total number of complaints fully investigated and reviewed by the Independent Review Office and number of appealed complaints for the years from 2009 to 2013.

V. ALBUQUERQUE POLICE DEPARTMENT

A. Albuquerque Police Department Officers with Sustained findings of Standard Operating Procedures Violations are referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO and the POC.

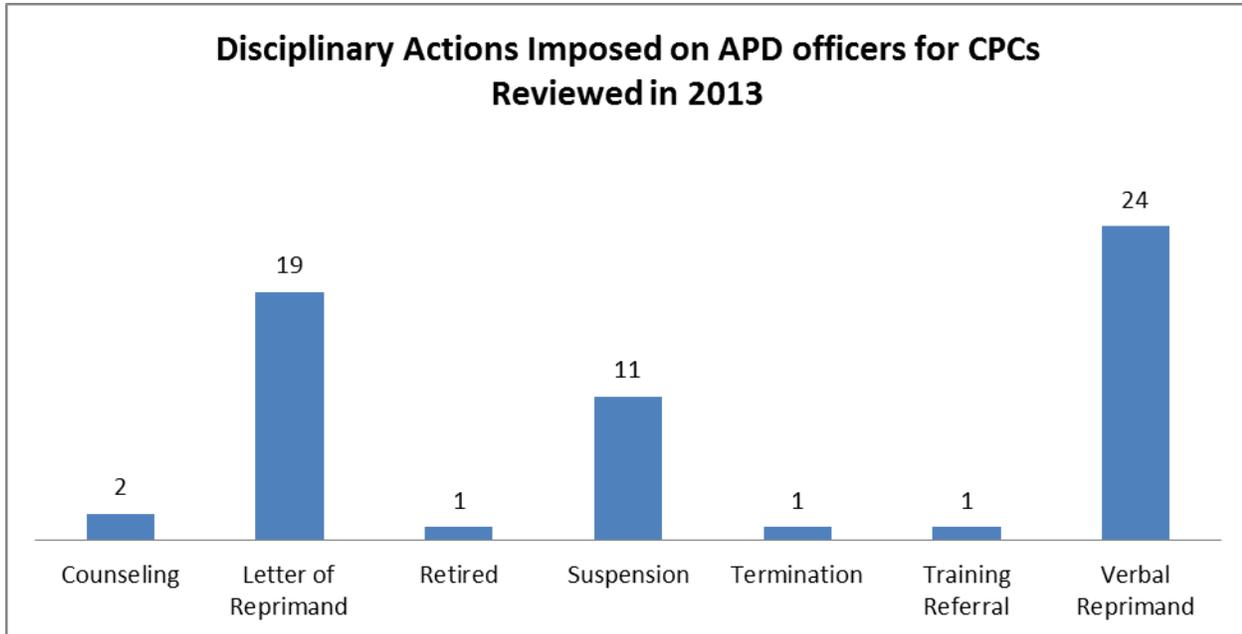


Figure 33: For the 42 CPCs with sustained findings in 2013, the APD Chief of Police imposed disciplinary action. Some of the CPCs included sustained findings against more than one officer. The highest discipline imposed per officer is represented in the above graph.

APD PRAISES AND ACKNOWLEDGEMENTS

City of Albuquerque residents also contact the Independent Review Office to express gratitude or commend APD employees for acts of service or response to a particular incident. These commendations were received in the form of phone calls, letters, e-mail messages and numerous face-to-face comments of appreciation. Beginning in January 2013, the IRO initiated a form via the website for citizens to express praises and acknowledgements to APD officers, employees, and the department as a whole. The Independent Review Officer received 166 Job Well Done responses. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police, for acknowledgement, and a letter of commendation was sent to the officer.

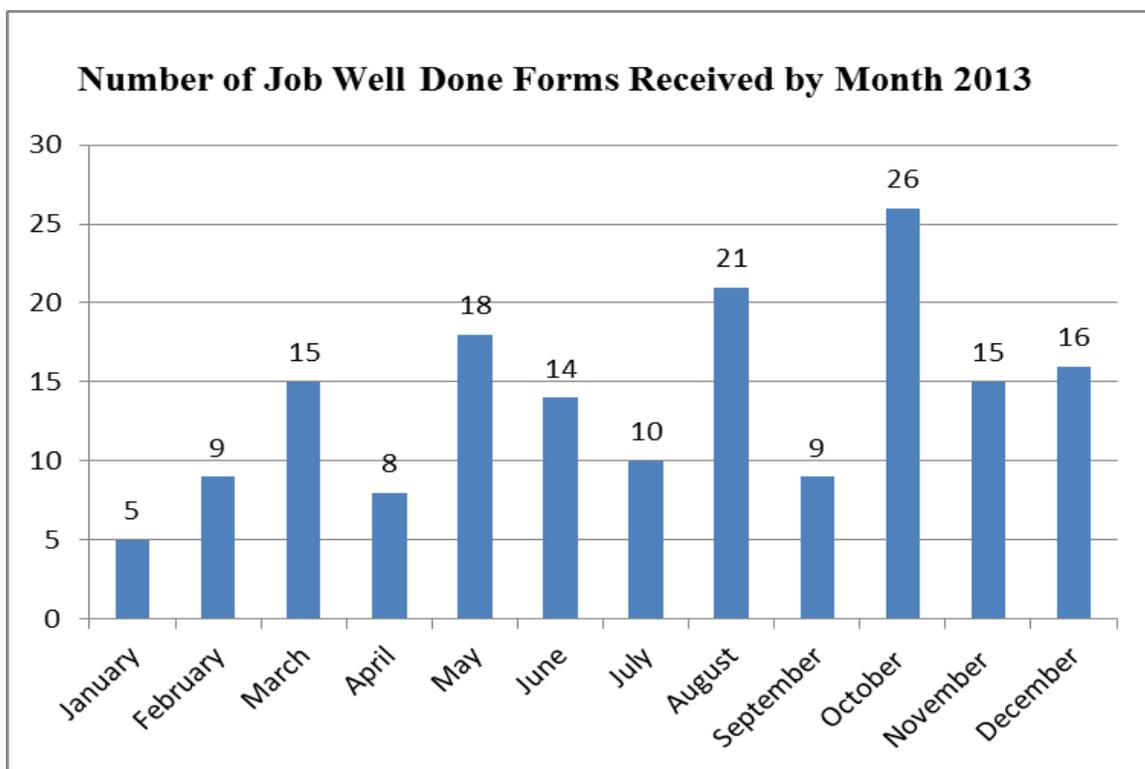


Figure 34: October had the most number of praises and acknowledgements received from citizens in 2013.

VI. OVERVIEW OF DATA

Since 2009, the IRO received an average of 263 Citizen Police Complaints (CPCs) every year. The Independent Review Office received 259 CPCs in 2013. This is a 0.8% decrease in complaints compared to 2012.

The IRO received an average of 22 complaints per month in 2013. Each investigator was assigned an average of 67 CPCs in this year. The IRO forwarded 15 CPCs to Internal Affairs for investigation in 2013. August had the highest number of CPCs received. The IRO resolved 215 CPCs in 2013, which included inactivated and fully investigated cases.

In 2013, the highest number of alleged misconduct occurred most frequently from the months of March through August. Complainants most likely reported alleged misconduct of APD officers as occurring midweek and from 9:00 a.m. to 12:00 noon. Complainants reported higher alleged misconduct located in City Council District 2 (Downtown Albuquerque, University area, Nob Hill). A majority of the unknown districts include complaints referring to phone encounters, unspecified incident location, addresses without district, or complaints without known incident information.

In 2013, the highest number of complaints were received from male White citizens with the age range of 45-49 years old. The highest number of complaints received was from residents of City Council District 2. Complaints received include 216 complaints from Albuquerque residents, 32 complaints from complainants who live outside Albuquerque, and 11 complaints from complainants residing from another state. These numbers, however, do not include the ten citizens who did not provide residency information. Most complaints were received through the website.

Complainants were most likely to make allegations against white male police officers between the ages of 25 and 29 years old. Most alleged misconduct involved APD officers in Field Services during the day shift (7:00 a.m. to 3:00 p.m.). Most complaints involved officers with a rank of Patrolman First Class and 6-10 years of service.

The IRO presented 215 CPCs to the Police Oversight Commission in 2013. This resulted in 131 inactivated cases and 84 closed cases with findings, which included complaints filed in 2012. The IRO submitted an average of 18 CPCs per month to the POC. In 2013, there were two non-concurrence of findings between the POC and APD Chief and the IRO. In addition, eight (8) Officer-Involved Shootings were reviewed by the POC in 2013.

Of the 131 CPCs, the highest number of inactivations were due to the complaint not alleging any Standard Operating Procedure (SOP) violation on the part of the officers. Of the 84 CPCs closed, there were 390 allegations of Standard Operating Procedures (SOPs) reviewed by the POC. In 2013, the IRO and IA Investigators are most likely to investigate alleged APD SOP violations on Officer Conduct (1-04) and Use of Recording (1-39).

APD officers with Sustained findings of Standard Operating Procedure violations are referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for

findings of misconduct, including findings of misconduct made by the IRO and the POC. The findings resulted in disciplinary actions and are made part of the officer's permanent record.

APD officers with commendations from the public were also referred to Chief of Police for acknowledgement. Since inception, the Independent Review Officer received 166 Job Well Done responses. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police, for acknowledgement, and a letter of recommendation is sent to the officer.

Our goal is to facilitate meaningful law enforcement oversight in order to benefit all those affected by police conduct. The IRO office will continue to work with stakeholders to address issues concerning police accountability and transparency at the Albuquerque Police Department. We hope that our endeavors strengthen community trust by giving citizens a voice during this time of change. We strive to assess and improve not only the oversight process, but the relationship between the public and the police force as a whole.