

*INCLUDED IN THIS REPORT:*

**POLICE OVERSIGHT COMMISSION OVERVIEW**

Update on appointed and newly elected commissioners, their duties, and subcommittees created

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

**COMPLAINT PROCEDURE** Process the IRO uses to address citizen concerns and inquiries on APD officers

**DATA/STATISTICAL HIGHLIGHTS** Available information extracted from MRIAD database for cases received by the IRO

**EXECUTIVE SUMMARY** IRO Robin S. Hammer addresses the upcoming plans, policy changes, and recommendations made

# 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 First Quarter Report (January - March)*

### **Mission Statement**

*The mission of 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.*

David Cameron  
**Chair**

Jonathan Siegel  
**Vice Chair**

Robin S. Hammer  
**Independent Review Officer**

## POLICE OVERSIGHT COMMISSION MEMBERS

### **DISTRICT ONE:**

RICHARD SHINE

Appointed: 08/20/12

Term Ends: 02/01/15

### **DISTRICT TWO:**

JONATHAN SIEGEL

Appointed: 05/21/12

Term Ends: 02/01/15

### **DISTRICT THREE:**

JENNIFER BARELA

Appointed: 03/18/13

Term Ends: 02/01/16

### **DISTRICT FOUR:**

JEFFREY PETERSON

Appointed: 01/23/13

Term Ends: 02/01/16

### **DISTRICT FIVE:**

VACANT

### **DISTRICT SIX:**

DAVID M. CAMERON

Appointed: 04/16/12

Term Ends: 02/01/14

### **DISTRICT SEVEN:**

RICHARD G. SOBIEN

Appointed: 04/04/11

Term Ends: 02/01/14

### **DISTRICT EIGHT:**

DR. CARL FOSTER

Appointed: 01/23/13

Term Ends: 02/01/15

### **DISTRICT NINE:**

WILLIAM BARKER

Appointed: 01/23/13

Term Ends: 02/01/16

## INDEPENDENT REVIEW OFFICE STAFF

ROBIN S. HAMMER

(Assumed office: September 5, 2012)

**Independent Review Officer**

Diane L. McDermott

**Independent Review Office Investigator**

Paul A. Skotchdopole

**Independent Review Office Investigator**

Chris Davidson

**Independent Review Office Investigator**

Francisca M. Garcia

**Independent Review Office**

**Executive Administrative Assistant**

## POLICE OVERSIGHT COMMISSION & INDEPENDENT REVIEW OFFICE

**The Police Oversight Commission** is tasked with the following functions:

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

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

1. The IRO receives all citizen complaints directed against APD and any of its officers. The IRO reviews the citizen complaints and assigns them to be investigated by the IRO independent investigators or APD Internal Affairs.
2. The IRO oversees, monitors, and reviews all of those investigations and makes findings for each case.
3. The IRO makes recommendations and gives advice regarding APD policies and procedures to the POC, City Council, APD, and the Mayor.
4. The IRO uses an impartial system of mediation for certain complaints.
5. The IRO monitors all claims of excessive force and police shootings and is an ex-officio member of the City of Albuquerque Claims Review Board.
6. The IRO ensures that all investigations are thorough, objective, fair, impartial, and free from political influence.
7. The IRO maintains and compiles information sufficient to satisfy the POC's reporting requirements.

## 2013 LONG-TERM PLANNING COMMITTEE (LTPC)

### MEMBERS

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

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The LTPC reviewed trends and analysis to make policy recommendations to the full POC. The LTPC also reviewed and made recommendations on the IRO/POC regarding budget.

### LTPC MEETINGS ARE HELD MONTHLY AND ARE OPEN TO THE PUBLIC

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During the monthly Police Oversight Commission on March 14, 2013, the LTPC Committee was assigned. Chair Cameron appointed Commissioners Barker, Peterson, Shine, and Siegel to the LTPC, designating Commissioner Shine as Chair of the Committee.

The LTPC held one meeting during the First Quarter 2013 on March 28, 2013.

## 2013 PUBLIC OUTREACH COMMITTEE

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

### MEMBERS

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JONATHAN SIEGEL (CHAIR)  
DAVID CAMERON  
CARL FOSTER

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On March 14, 2013, POC Commissioner Chair David Cameron appointed Commissioners Siegel, Foster, and himself, to the Public Outreach Committee, designating Commissioner Siegel as Chair of the Committee.

The Public Outreach Committee will have its first meeting during the Second Quarter 2013.

## EXECUTIVE SUMMARY

During the First Quarter of 2013, the Independent Review Office (IRO) of the Police Oversight Commission continued to make substantial progress in improving the civilian oversight process. Some of the improvements accomplished during January, February, and March 2013 included making substantial improvement to the Independent Review Office website ([www.cabq.gov/iro](http://www.cabq.gov/iro)), hiring a highly experienced IRO Investigator, and creating a new staff position of IRO Analyst.

A major improvement to the Citizen Complaint procedure was accomplished through the implementation of Electronic Signature capability for the filing of on-line Citizen Complaints on the IRO website. Under law, in order to be valid and fully investigated, a Citizen must sign their Complaint 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. 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.

Albuquerque Police Department (APD) employees are required to follow APD's Standard Operating Procedures, which are the rules which 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 these to the APD's Standard Operating Procedures (SOPs) to make a finding. Previously, there was not an easily accessible means for members of the public to review APD's SOPs. I worked with APD Chief Ray Schultz 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.

The creation of a Job-Well-Done form on the IRO website was another improvement made in January 2013. The Job-Well-Done form provides a web-based form for members of the public to provide information about a good job performed by an APD employee. I forward all Job-Well-Done submissions to APD Administration to pass along to the employee's supervisors, including the Chief of Police. In the first quarter, members of the public submitted 33 Job-Well-Done forms for good work performed by APD employees.

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. Prior to working at the IRO, Mr. Davidson worked as investigator for a major retailer in Albuquerque and in the fraud division of a national bank. While working for the major retailer, Mr. Davidson was a leader in the Albuquerque Retail Asset Protection Association (ARAPA), which is a partnership between several area retailers and local law enforcement agencies to combat organized crime in Albuquerque stores.

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. The majority of POC Commissioners attended and became more familiar with the laws and practice of the POC.

The Long-Term Planning Committee (LTPC) was created by the POC and is currently comprised of four members of the Police Oversight Commission. The LTPC studies issues and trends pertaining to oversight of APD and reports their results to the POC. The LTPC holds monthly meetings. I worked with City Planning staff to use their recording equipment to make verbatim audio recordings of the LTPC meetings. In March 2013, the IRO staff made its first recording of the LTPC meeting. Prior to March, the only record of the LTPC meetings was meeting minutes, which provided only a summary of the meeting. Now the public may request and review copies of LTPC meetings, complete with verbatim recordings.

The final major improvement implemented during the first quarter was the City's Chief Administrative Officer Robert Perry's approval of the creation and funding of 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. Although required to do so, prior to this year, the IRO staff had little or no time to devote to this task of trend analysis. The IRO Investigators and the IRO herself spend the vast majority of their working hours investigating and making findings in Citizen Police Complaint cases. The IRO Analyst position provides a full-time employee who can enter data from Citizen Police Complaint cases into a unique database to track information about Citizen Police Complaints. The IRO Analyst can also review and collate data to create charts of trends in other police matters, including data relating to officer-involved shootings. The IRO Analyst uses the data collected to prepare the IRO Annual and Quarterly Reports.

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

## COMPLAINT PROCESS

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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 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

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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.

# CITIZEN POLICE COMPLAINTS (CPCs) FIRST QUARTER 2013

FIRST QUARTER (JANUARY-MARCH 2013)

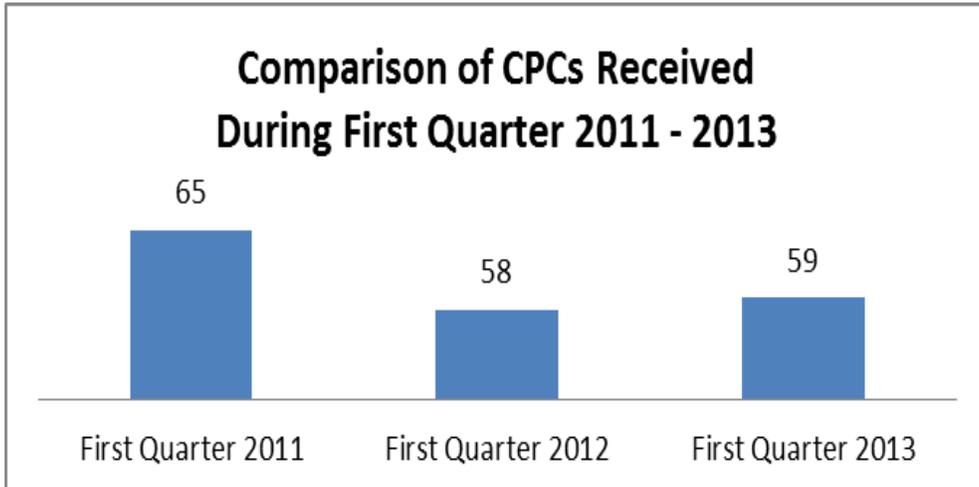


Figure 1: The IRO receives an average of 61 complaints during the First Quarter. During 2013, 59 Citizen Police Complaints were received by the office. This reflects a 1% increase in complaints on APD and its officers compared to 2012, but a 9% decrease in complaints compared to 2011.

Complaints Received this Quarter: 59  
 Complaints Inactivated this Quarter: 29  
 Complaints Closed this Quarter: 11

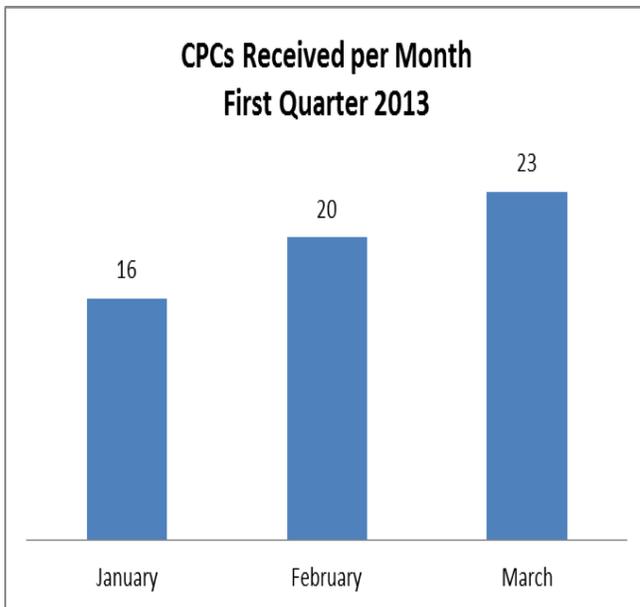


Figure 2: The IRO received the highest number of complaints in March during the First Quarter 2013.

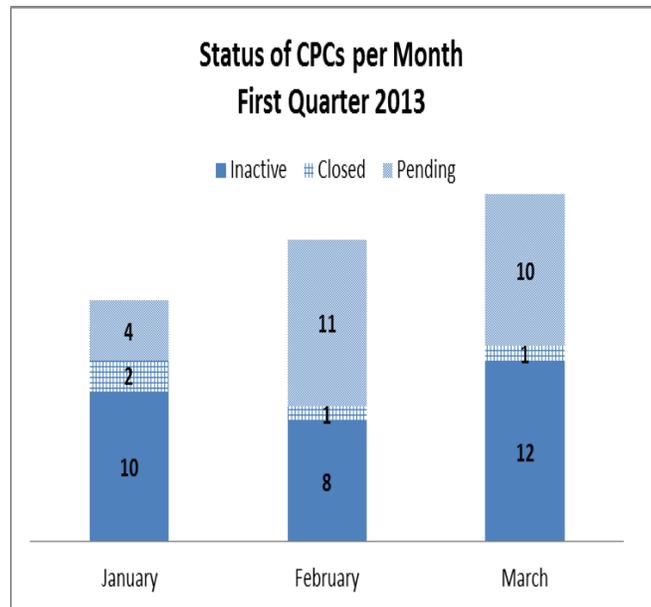


Figure 3: During the First Quarter 2013, 34 CPCs were acted upon by the POC. The IRO inactivated 30 CPCs and closed 4 CPCs. There are 25 CPCs currently pending.

Status of cases in 2013 does not include cases actively investigated and pending Citizen Police Complaints (CPCs) received by the IRO in 2012(70) and 2011(2).

## ALLEGED MISCONDUCT IN COMPLAINTS FIRST QUARTER 2013

Most complaints contain allegations of misconduct occurring prior to the date of complaint.

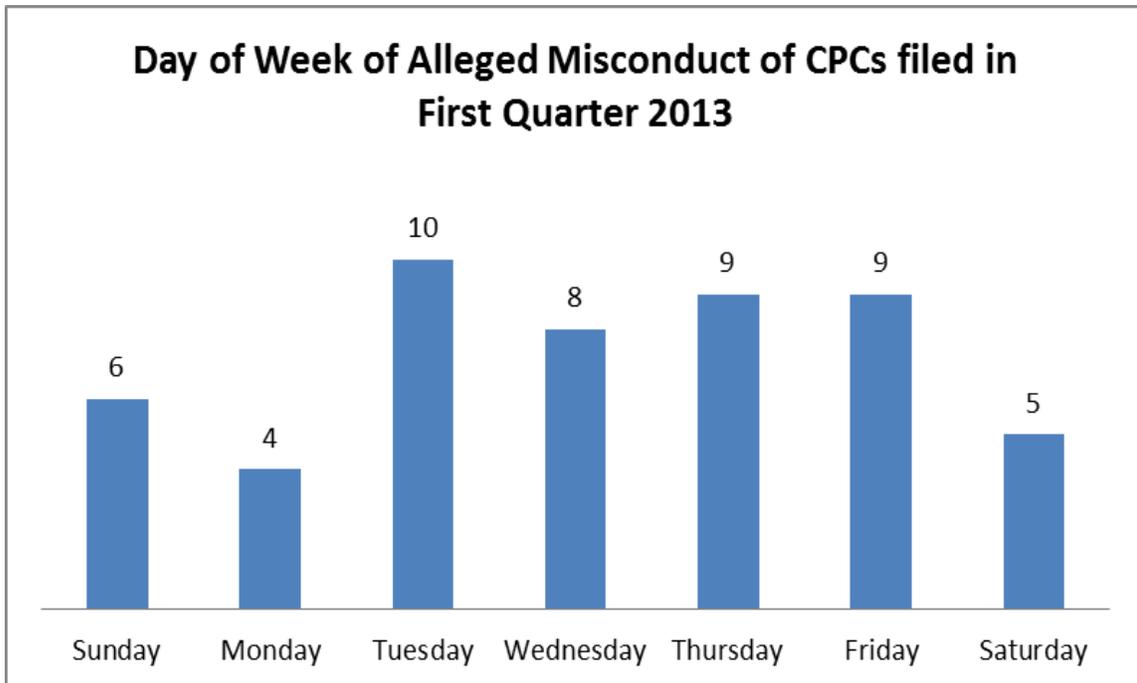


Figure 4: Weekends show slightly lower rates of alleged misconduct compared to midweek infractions.

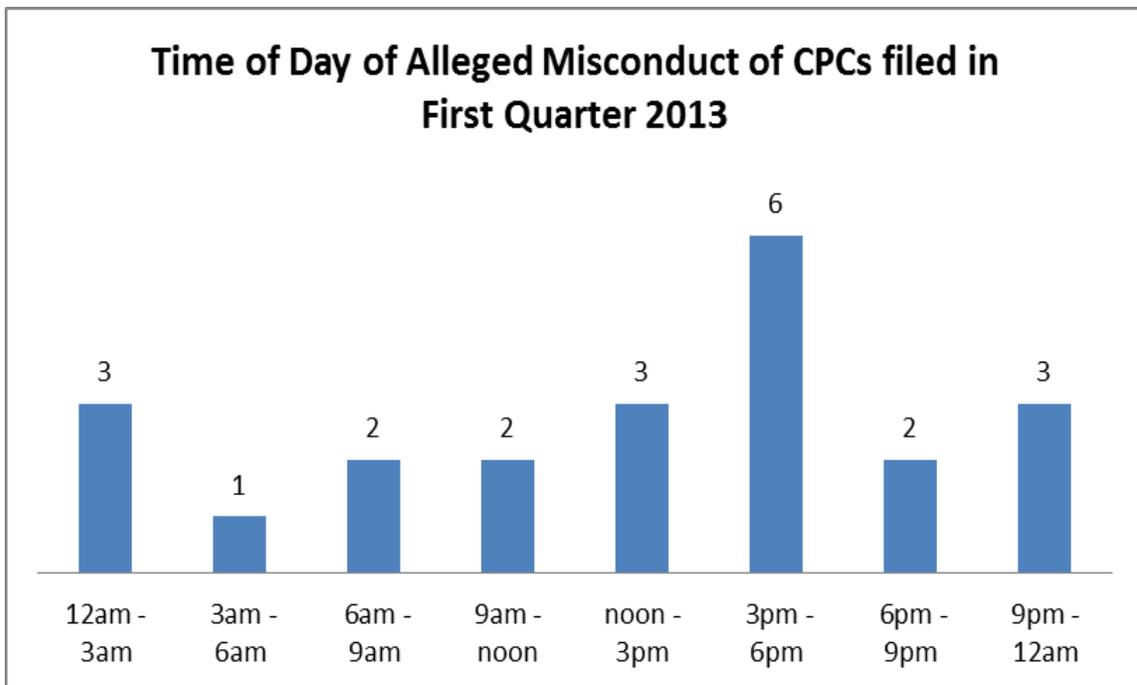


Figure 5: The highest number of complaints reported during the First Quarter 2013 was alleged misconduct between the hours of 3:00 pm to 6:00 pm. There were 17 incidents that did not provide the time of occurrence.

## GEOGRAPHIC DISTRIBUTION OF COMPLAINTS

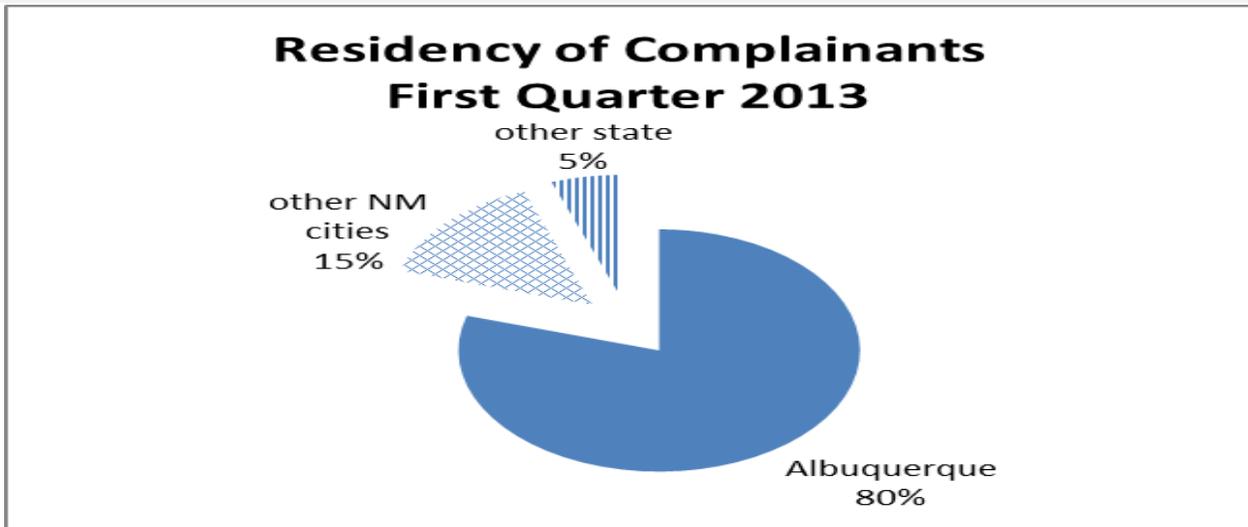


Figure 6: The IRO office received 54 complaints with addresses in First Quarter 2013: 43 complainants were from Albuquerque residents; 8 complainants were residents of cities outside Albuquerque (Belen-1; Cochiti Pueblo-1; Las Cruces-1; Los Ranchos-1; Tohajilee-1; and Rio Rancho-3); 3 complainants reside out of state (Arizona, Nevada & South Carolina).

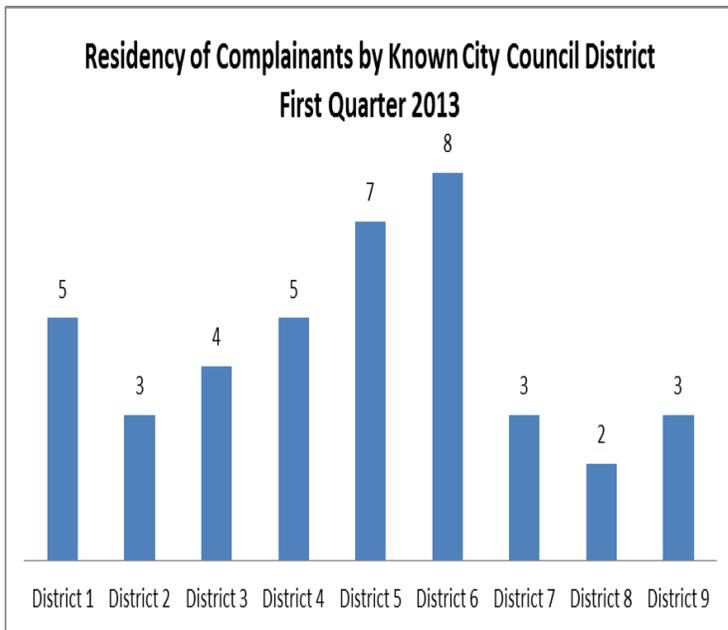


Figure 7: The IRO office received 43 complaints with addresses received from Albuquerque residents, only 40 known City Council Districts. 3 complainants gave PO Boxes for addresses.

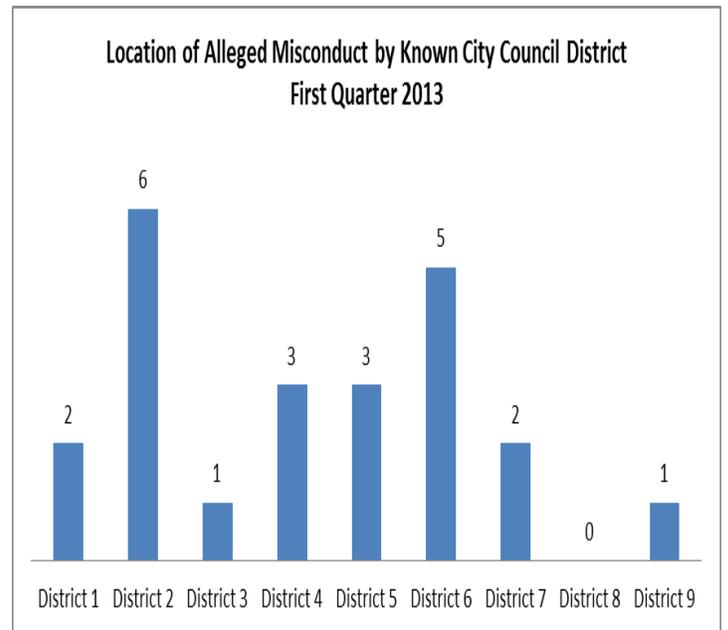


Figure 8: There were 23 known complaints with location of alleged misconduct. There were 21 unknown districts during the First Quarter 2013.

The IRO collects data for all City Council Districts of every incident reported. There were 21 complaints received by the IRO with unidentified districts or did not report their incident location. *Not all complaints and incidents reported have information of the City Council District and Neighborhood Association.*

## COMPLAINANT DEMOGRAPHICS

During the First Quarter 2013, 59 Citizen Police Complaints (CPCs) were filed. Of the 59 CPCs received, 57 complainants declared some or all of their demographic information. The following graphs contain information on complainants retrieved from IRO MRIAD database.

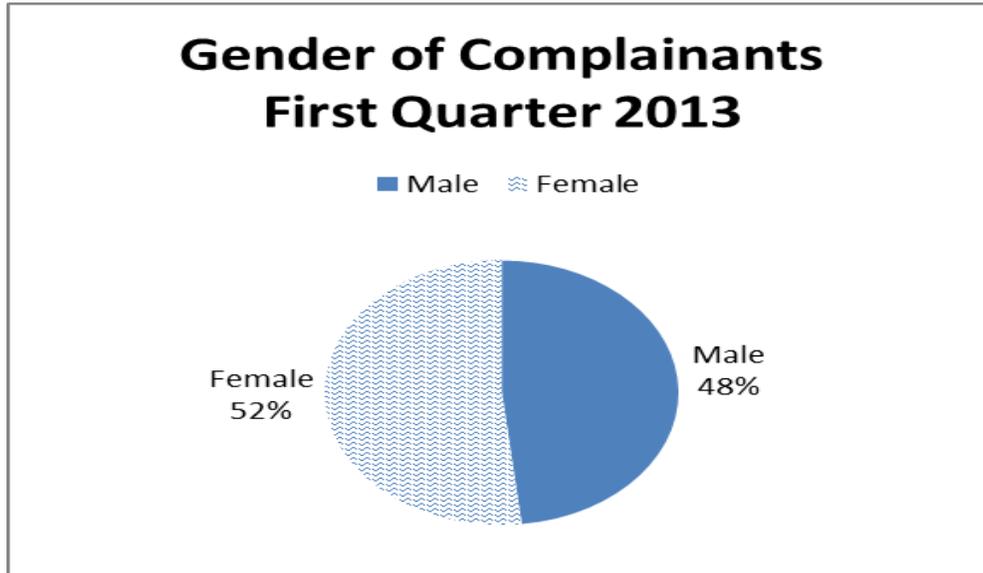


Figure 9: The IRO received complaints from 27 Males and 29 Females.

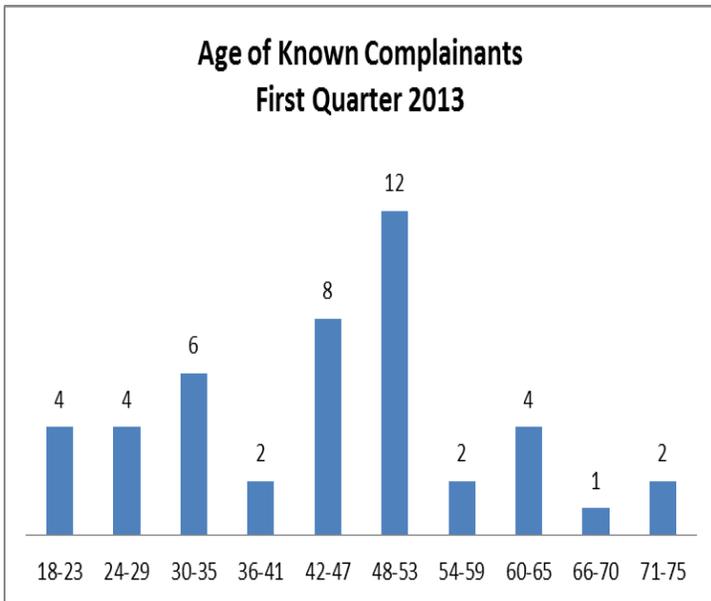


Figure 10: The IRO received 45 complainants who provided their date of birth and age. During the First Quarter 2013, almost half of the complainants were between the ages of 48–53.

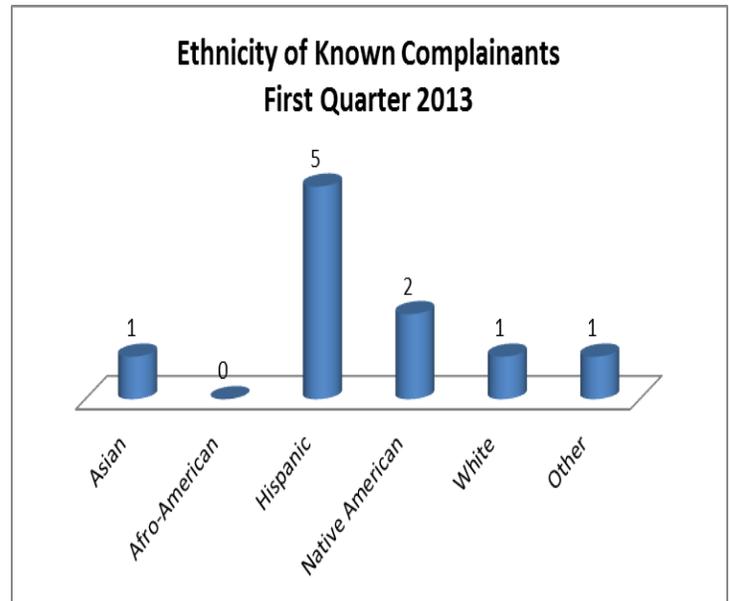
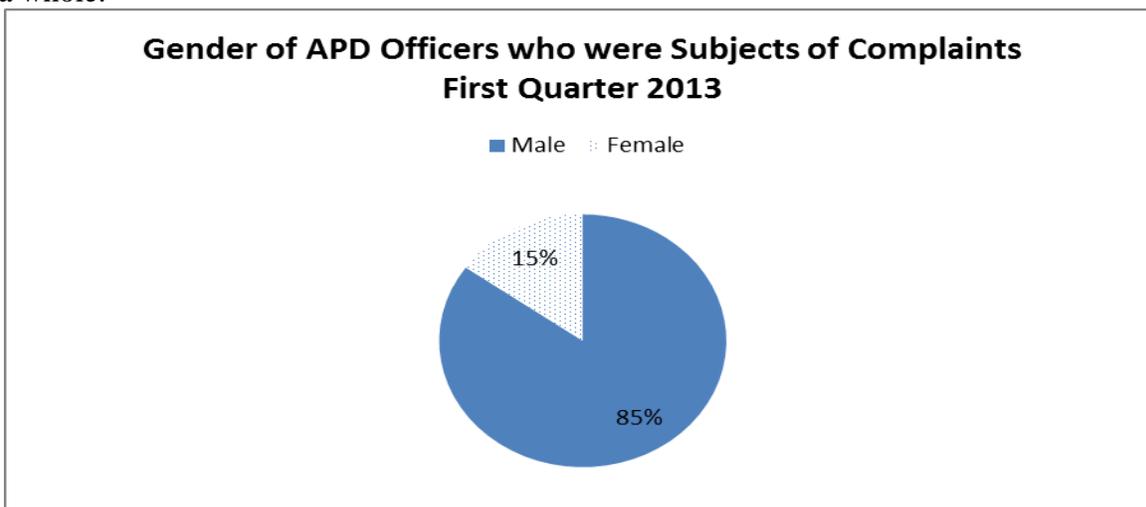


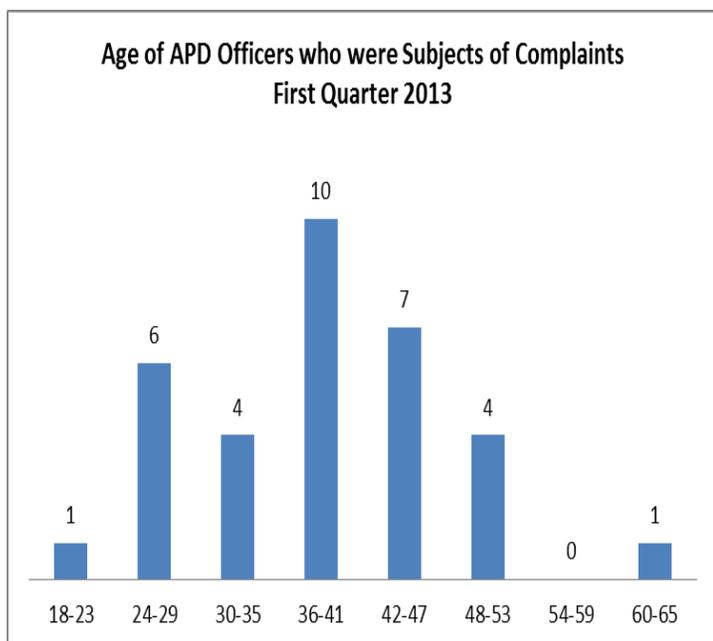
Figure 11: The IRO received 10 complainants who provided ethnicity information. A majority of the complainants (50) did not provide their ethnicity.

## APD OFFICER DEMOGRAPHICS

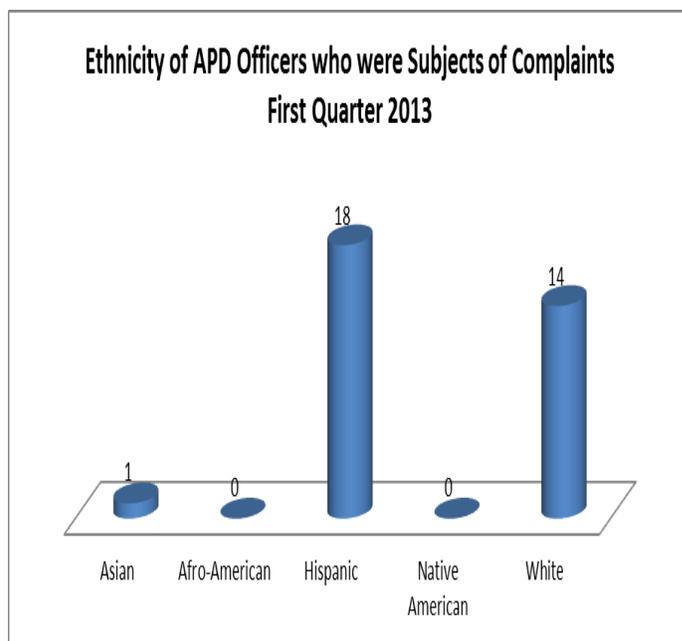
During the First Quarter 2013, 33 APD Officers and personnel were identified in closed cases. There were 29 inactivated cases, where officer information is not entered in the database. There can be more than one officer in a case. The graphs do not represent APD demographics as a whole.



*Figure 12: During the months of January-March, complainants were much more likely to make a complaint against male officers. The IRO received complaints on 28 male APD officers, and 5 female APD officers.*

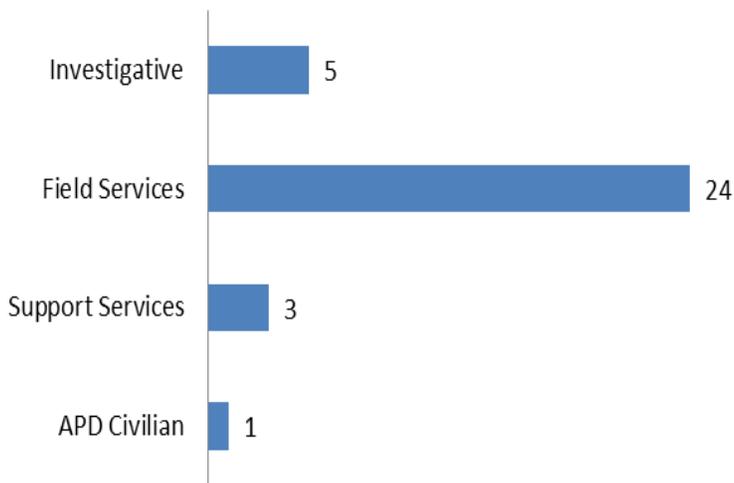


*Figure 13: During the First Quarter 2013, the most number of complaints were against officers who were between 36 and 41 years old.*



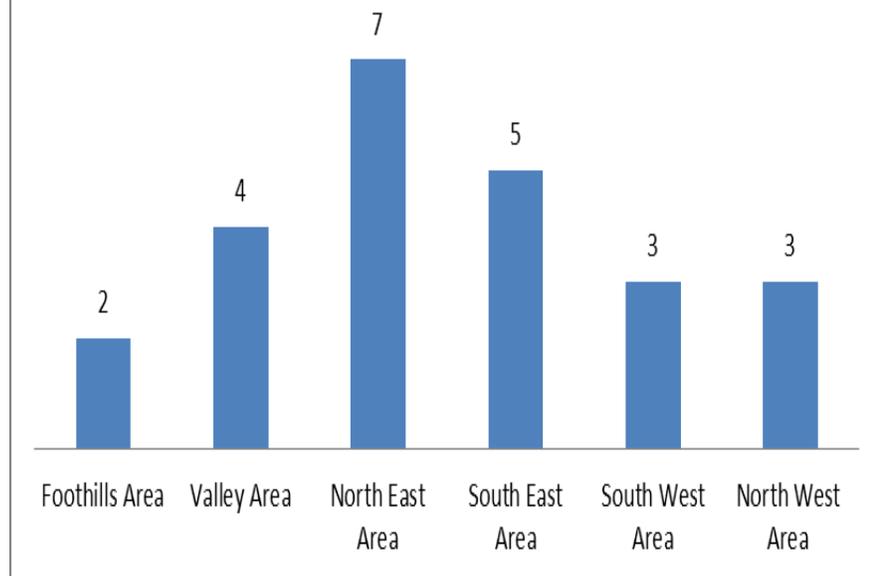
*Figure 14: Of the 33 officers involved in complaints, the most number of complaints were against officers who are Hispanic and White.*

### APD Assignment of Officers who were Subjects of Complaints First Quarter 2013



*Figure 15: There were 33 APD personnel with complaints received by the IRO in First Quarter 2013. There were 5 complaints involving officers in Investigative Services (Crime Lab - 2; Criminal Investigations - 3); 24 complaints involving officers in Field Services (Patrol); 3 complaints involving officers in Support Services (Homeland Security – 2; DWI unit – 1); and 1 APD Civilian (Administrative Services).*

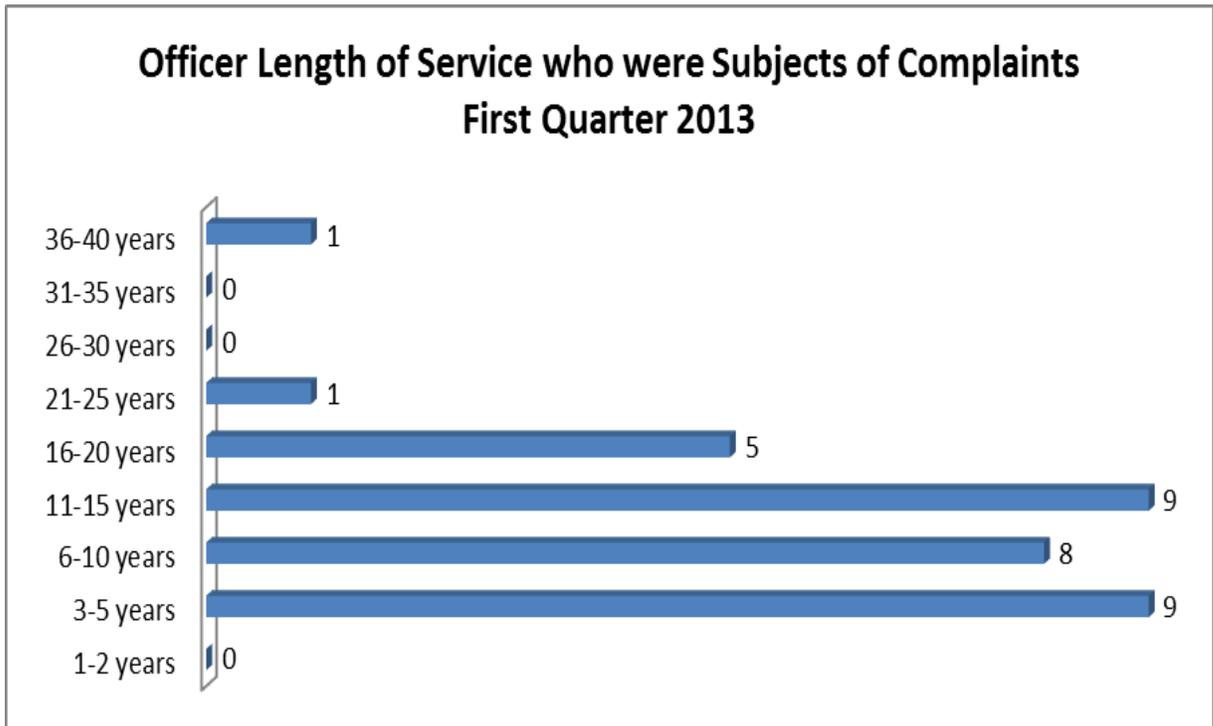
### APD Area Command of Officers who were Subjects of Complaints First Quarter 2013



*Figure 16: There were 24 complaints received against officers in Field Services. Complaints were most likely against officers in the Northeast area command, and least likely to be against officers in the Foothills Area command.*



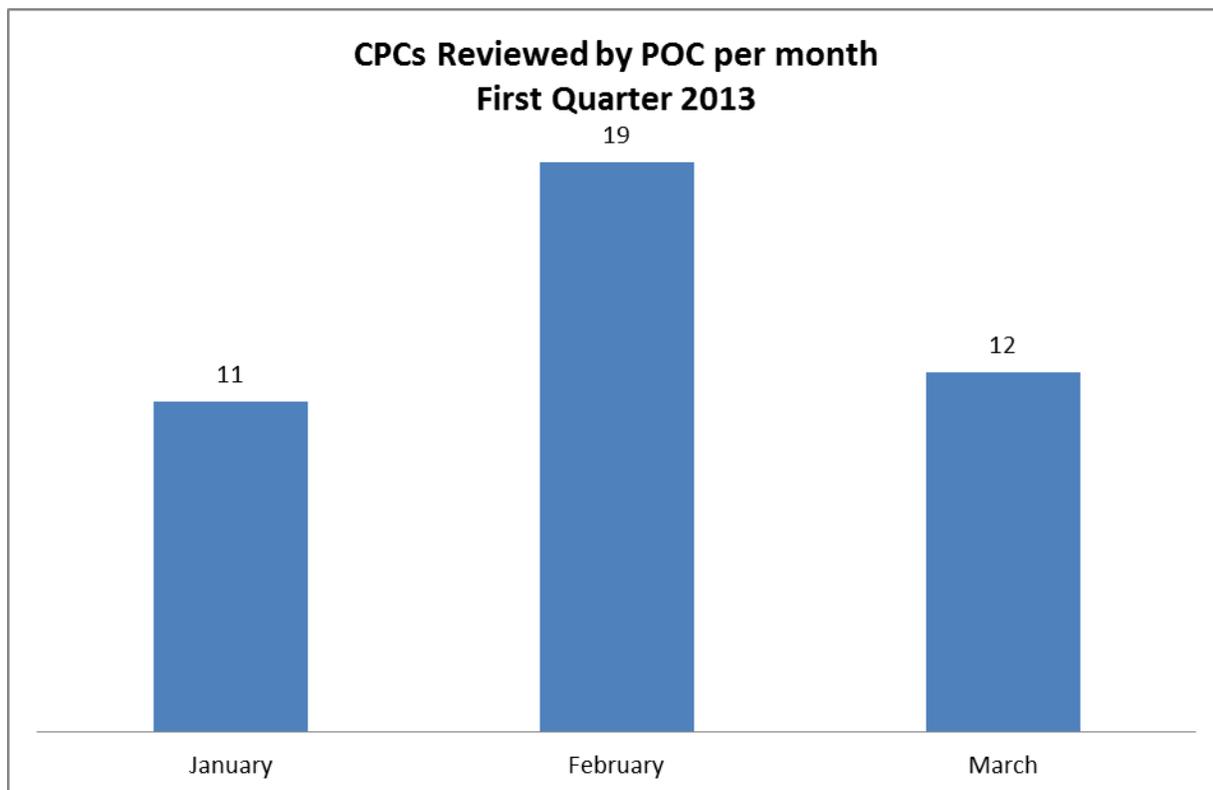
*Figure 17: During the months of January - March, complainants were much more likely to file a complaint against a Patrolman First Class*



*Figure 18: Range in years was based on the year hired by the Albuquerque Police Department and current year.*

## FINDINGS AND DISPOSITIONS

The IRO office received 59 Citizen Police Complaints (CPCs) during the First Quarter 2013. Each IRO Investigator received an average of 16 CPCs per month beginning January 2013. APD Internal Affairs was assigned a total of 11 CPCs for investigations averaging approximately 4 CPCs per month.



*Figure 19: During the First Quarter, the highest number of CPCs heard by the Police Oversight Commission was in February.*

During the First Quarter 2013, the Police Oversight Commission (POC) at its monthly meeting heard and reviewed a total of 42 CPCs, which included complaints filed in 2012. The IRO submitted an average of 14 CPCs per month to the POC.

In addition, one (1) Appealed Case was heard and two (2) Officer-Involved Shootings were reviewed by the POC during the First Quarter 2013 (see Figure 20).

The Police Oversight Commission approved and reviewed 11 CPCs and approved inactivation of 27 CPCs. Four (4) CPCs were remanded to IRO for further investigation and review.

Of the 42 CPCs heard and reviewed during the First Quarter 2013, there were 31 complaints filed in 2012, and 10 complaints filed in 2013.

The Police Oversight Commission heard and reviewed a total of 42 CPCs during the First Quarter 2013. In addition, one (1) Appealed Case was heard and two (2) Officer-Involved Shootings were reviewed by the POC.

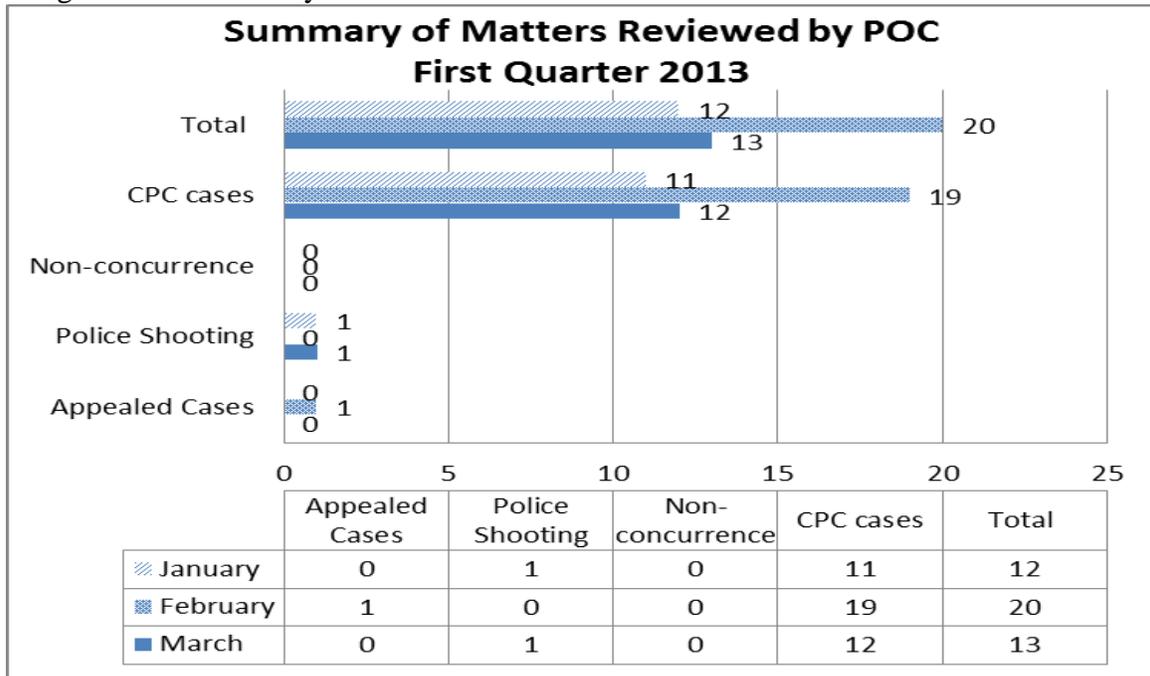


Figure 20: Police Oversight Commission heard a total number of 12 cases in January, 20 cases in February, and 13 cases in March.

Of the 42 CPCs heard and reviewed during the First Quarter 2013, 11 CPCs were closed with findings. Of the 11 CPCs closed, there were 36 allegations of Standard Operating Procedures (SOPs) reviewed by the POC.

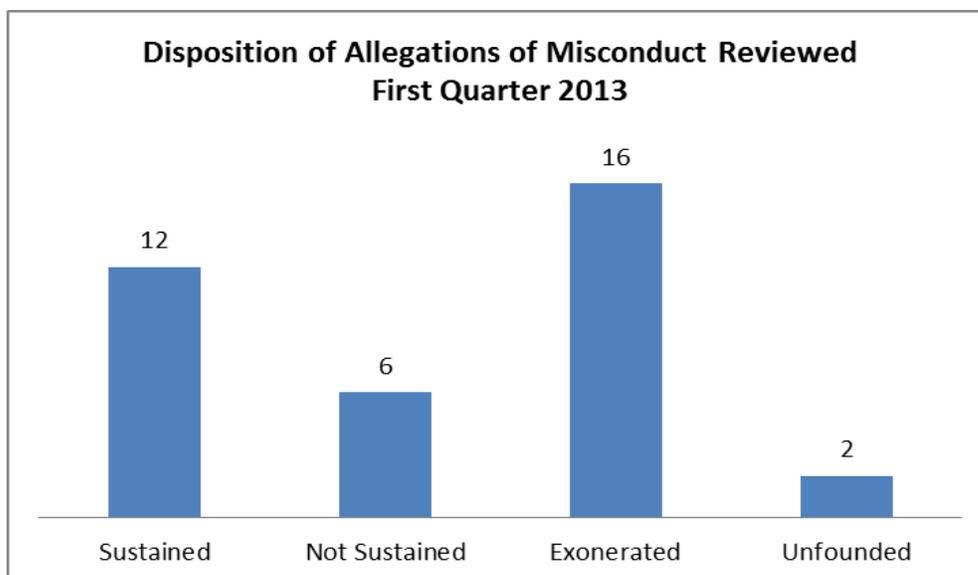


Figure 21: From January-March, there were a total of 36 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the POC.

There are various reasons for inactivation. Reasons include:

- Mediation (supervisor solution), where the complaint against the officer had been satisfactorily resolved in an informal manner with the help of the officer's supervisor
- Complaints filed over 90 days, where the IRO did not have legal authority to investigate into 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 the investigation
- No SOP Allegation, where the complaint did not allege any unprofessional behavior on the part of the officer(s)
- Complaints withdrawal, where the citizen did not wish to proceed with any further investigations
- Preliminary Investigation did not find any SOP violation, where after IRO reviews the officers' actions and evidence indicated that the officers followed APD Standard Operating Procedures
- Complaints of unidentified officer, because 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, because the IRO does not have legal authority to investigate into the complaint
- Complaint referring to another agency, where the IRO determined Albuquerque Police Department did not employ an officer with the name provided in the complaint
- Frivolous complaint, where 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, where the IRO received generalized complaints about police, did not have a specific complaint of an officer(s), and what specific allegation complained about
- Criminal referral to Internal Affairs of APD, where 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

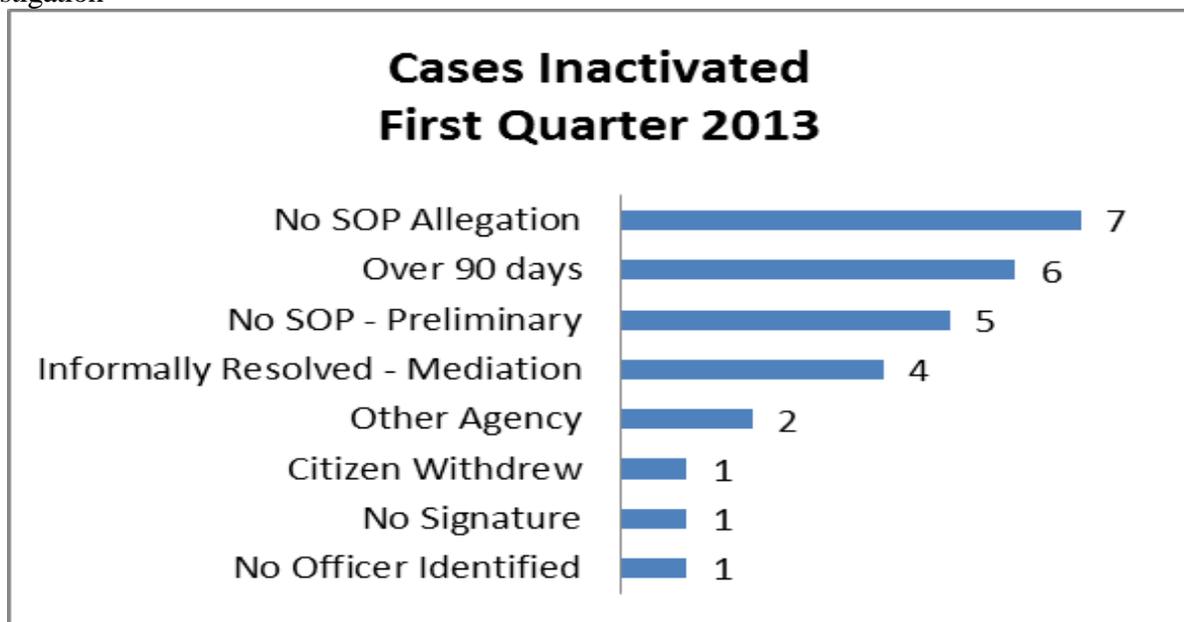


Figure 22: There were 27 complaints which were inactivated between January-March 2013.



Figure 23: There were 36 Standard Operating Procedures reviewed by the POC during the First Quarter 2013.

There are multiple Standard Operating Procedures reviewed and applied in Citizen Police Complaints during the First Quarter 2013.

1-04-4N	Acting Officially	Personnel Code of Conduct	Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.
1-02-2B2	Arrests	Officer's Duties	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.
3-12	Domestic Violence	Domestic Violence	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.
3-11	DWI Investigations	DWI Investigations and Revoked/ Suspended License	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.

2-08-1; 2-08-12	Evidence Safekeeping	Submission of Evidence, Confiscated Property, and Found Items	<p>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. Officers will tag all found, safekeeping and evidence items using the Officer Input Module (OIM) evidence accounting tracking system. A supervisor's signature is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM system outages.</p> <p>12: It is the responsibility of the officer who collects the evidence to tag, package, and send such items to other agencies for examination, if required. The Criminalistics Section will assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.</p>
1-04-1F 1-04-4A	General Conduct	Personnel Code of Conduct	<p>1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.</p> <p>4(A): Personnel shall constantly direct their best efforts to accomplish the functions of the department intelligently and efficiently.</p>
2-24-3F1,2 2-24-3F5	Investigations/ Documentation	Preliminary and Follow up Criminal Investigations	<p>Department policy is to investigate misdemeanor and felonious criminal activity. 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. Department personnel will assure compliance with any and all constitutional requirements during criminal investigations which include guarding against coercion or involuntary confessions and admission, failure to inform defendants of their rights, deprivation of counsel, pretrial publicity, etc.</p>
1-02-3A	Providing Name	Officer's Duties	<p>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.</p>
1-02-2B	Searches/ Seizures	Officer's Duties	<p>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.</p>
1-39-1A, 1-39-2A	Use of Belt Recorders	Use of Tape/ Digital Recorders	<p>1(A) Personnel will use issued tape/digital recorders to document the incidents.</p> <p>2(A) All recordings listed, and/or contacts where an arrest was made will be tagged into Evidence, and will be listed on the report as being tagged.</p>

2-52-7E2	Use of Force	Use of Force (Deadly and Non Deadly Force)	Will ensure that copies of all documents concerning <u>ALL USE OF FORCE INCIDENTS</u> are submitted to the Department's Legal Advisor as outlined.
2-17-12A, 03-21	Other	Search and Seizure without a Warrant  Correspondence	2-17-12A: Terry Stop consists of a brief investigative detention, field interview, and, if warranted, a pat-down of a person's outer garments, if based on the officers' training and experience, the person detained poses an immediate danger to the safety of officers or others.  3-21: Department policy is to ensure that all Department correspondence is prepared in an approved format and that it is distributed in a timely manner.

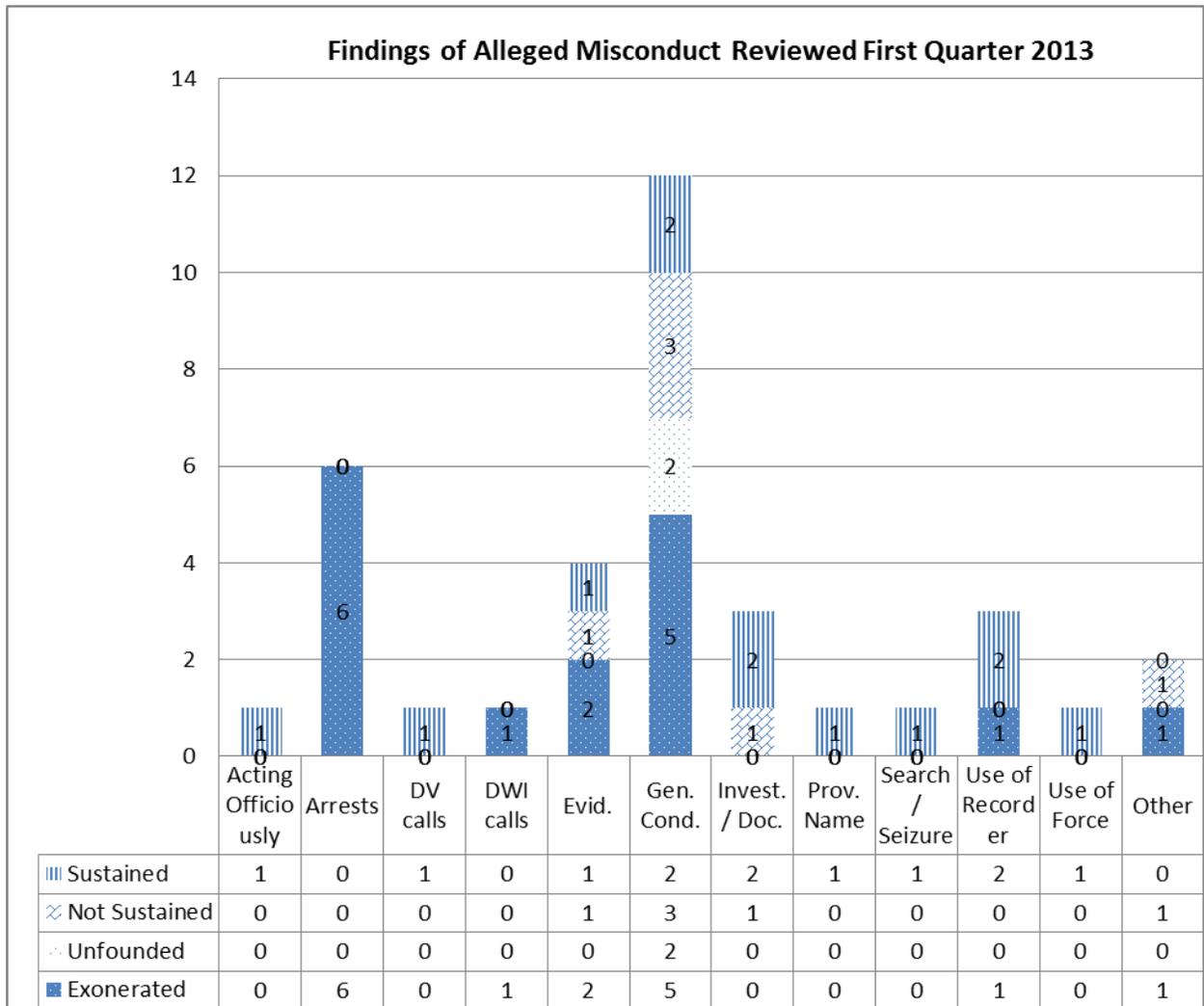
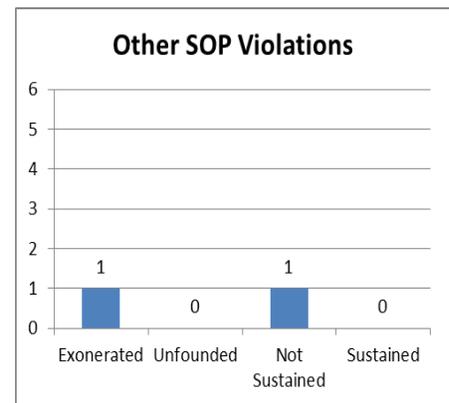
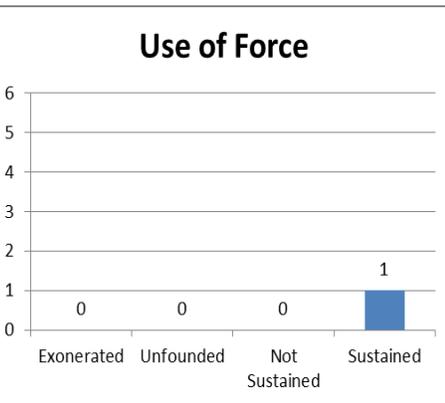
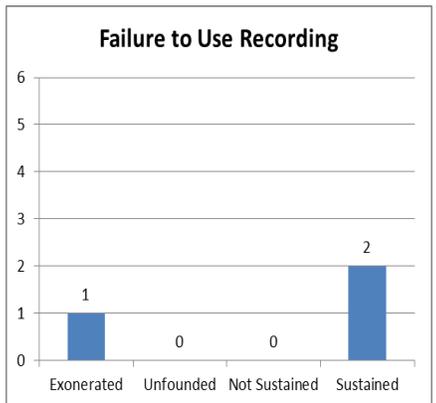
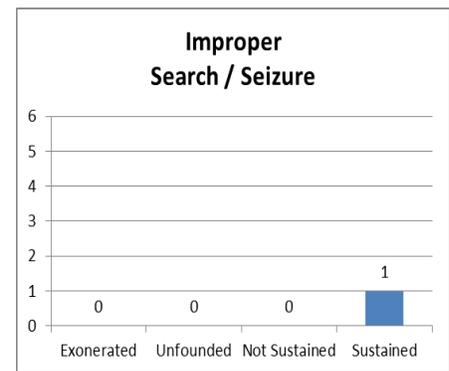
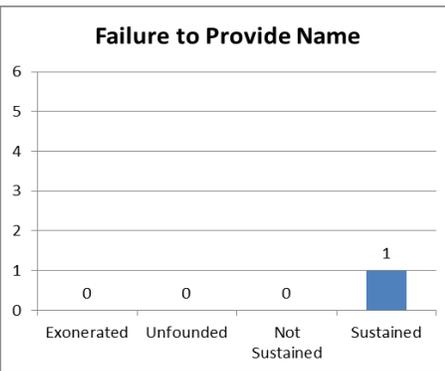
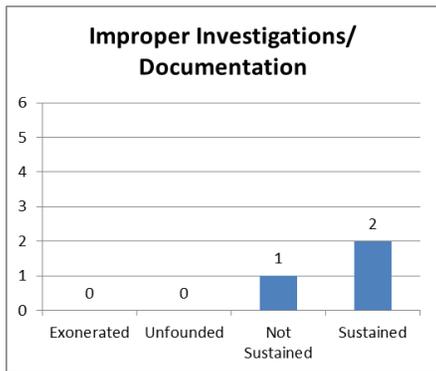
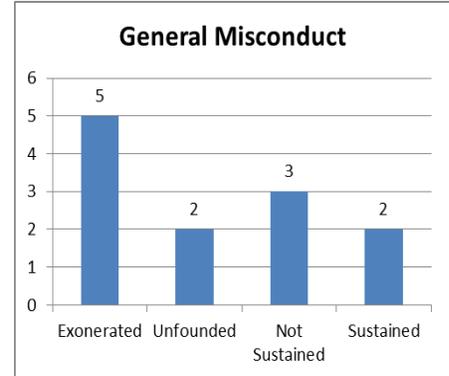
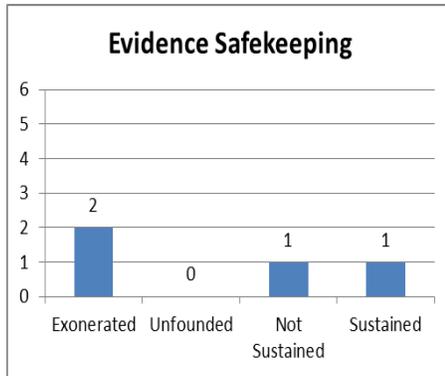
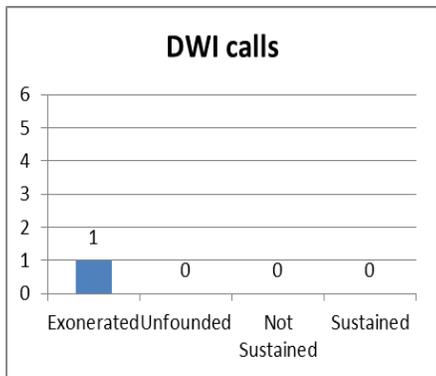
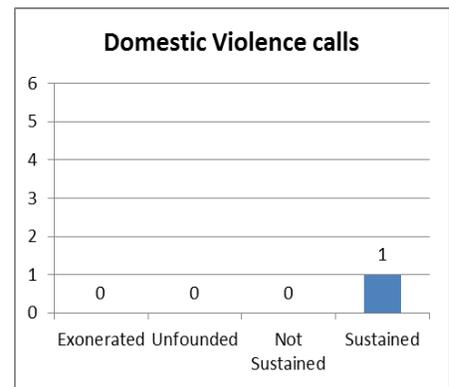
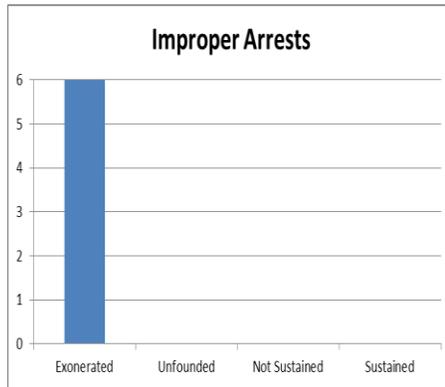
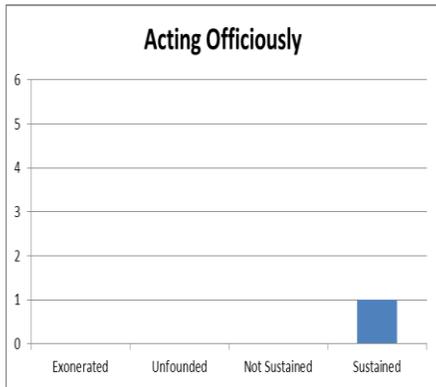


Figure 24: During the First Quarter, there were 12 Sustained, 6 Not Sustained, 16 Exonerated, and 2 Unfounded.



## 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 January 23, 2013, the Independent Review Office launched a form on the website to allow citizens to submit commendation and praises to APD Officers. The Job-Well-Done form provides a web-based form for members of the public to provide information about a good job performed by an APD employee. This also tracks the positive feedback on APD officers and personnel.

Since inception, the Independent Review Officer received a significant response and had received 37 Job-Well-Done responses during the First Quarter 2013. 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 is sent to the officer.

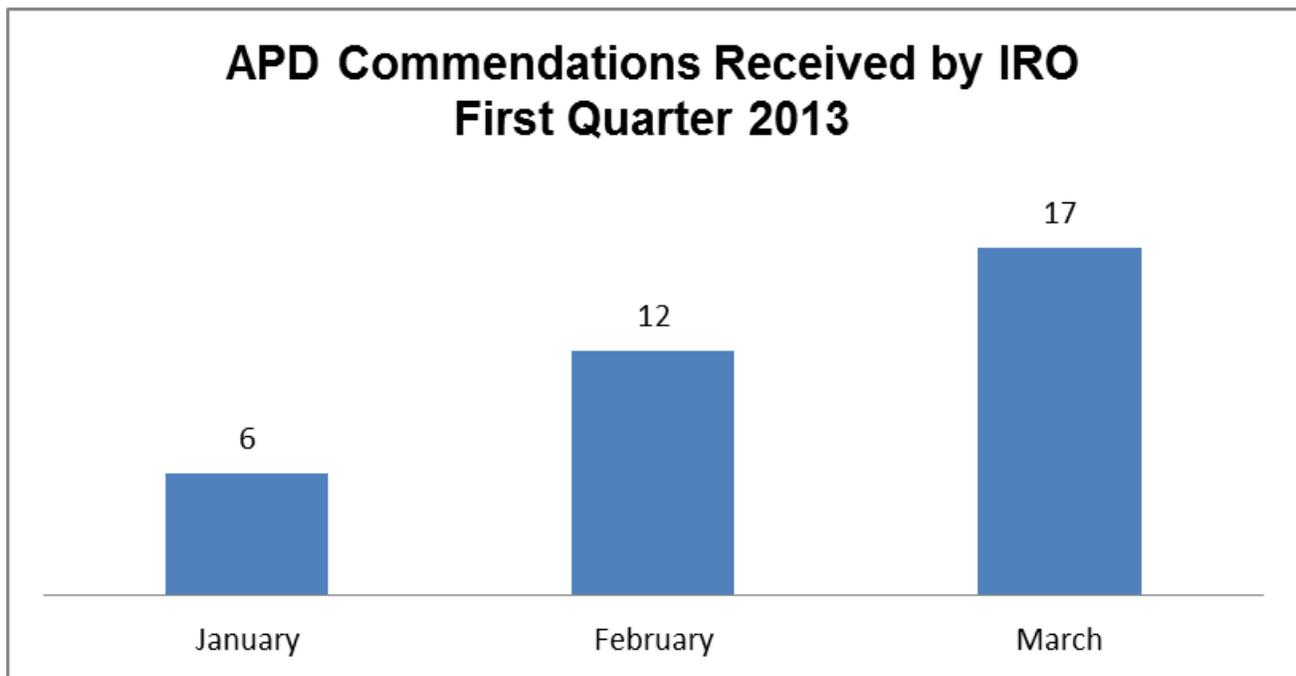


Figure 25: There were 35 praises and acknowledgements received from citizens during the First Quarter 2013.

## APD DISCIPLINARY ACTIONS

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.

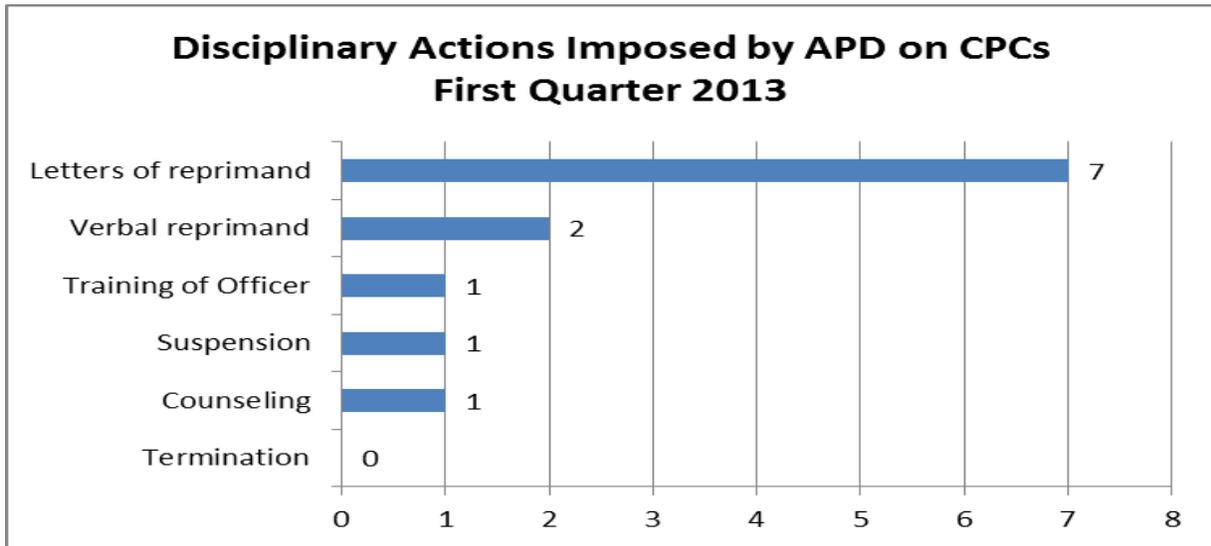


Figure 25: For the 12 SOP violations found to be sustained CPCs in the First Quarter 2013, the APD Chief of Police imposed the disciplinary actions per officer and per SOP violation.

In addition, the Internal Affairs Division of the Albuquerque Police Department investigated 87 cases within the department. Internal Affairs of Albuquerque Police Department attends Police Oversight Commission meetings and reported as follows:

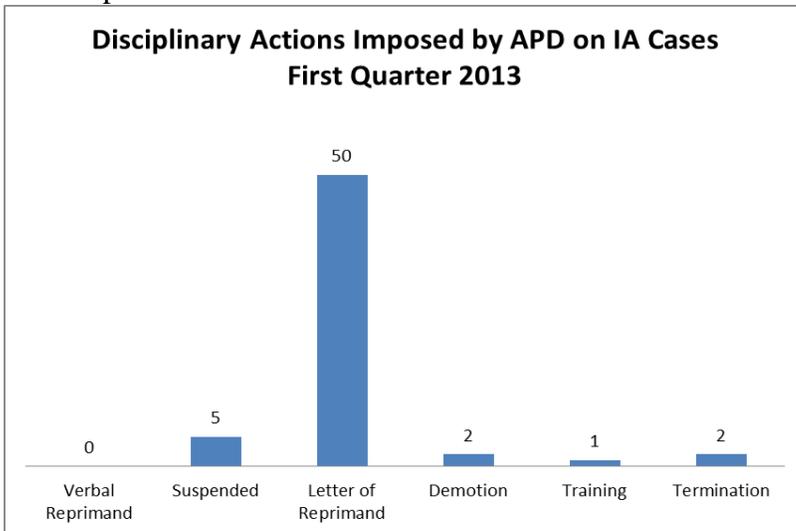


Figure 26: Internal Affairs reported a total of 40 Sustained cases.

January 2013 -- IA received (39); Completed (14); Sustained (14); Suspension (0); Letters of Reprimand (LOR) (14); Verbal Reprimand (0); Officer referred for Training (0); Termination (0); 25 cases pending.

February 2013 -- IA received (24); Completed (13); Sustained (13); Inactivated (1); Officer referred for Training (1); Letters of Reprimand (LOR) (12); Suspension (4) – Total 198 suspended hours; Demotion (1); Termination (1); 16 cases pending.

March 2013 – IA received (24); Completed (13); Sustained (13); Inactivated (1); Letters of reprimand (24); Exonerated (1); Suspension (1) – 8 hour suspended hours; Verbal Reprimand (0); Termination (1); 11 cases pending.

## **Citizen Police Complaints Reviewed First Quarter 2013**

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

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

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

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

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

**CPC-2012-058** District: 9 NHA: Unknown Investigator: IRO  
Officers were dispatched in reference to a 911 call from a female. As the female was questioned by the dispatcher about what was occurring, she would not respond other than pushing a button to answer yes-or-no questions. Officers arrived on scene and took the complainant into custody. It was soon discovered that the complainant was alone and was not involved in the 911 call. Complainant filed a complaint alleging he was taken into the front yard in his underwear during the investigation.

**Case Status:** Closed

**Officer: A** **APD Area: SW**

**SOP:** 1-04-4A (General Conduct)

**IRO/Chief's Decision:** Agreed

**Finding:** Unfounded

**Disposition:** None

**Officer: B** **APD Area: SW**

**SOP:** 1-04-4A (General Conduct)

**IRO/Chief's Decision:** Agreed

**Finding:** Unfounded

**Disposition:** None

**CPC-2012-066** District: 1 NHA: S.R. Marmon Investigator: IRO  
Complainant stated that she and her boyfriend were involved in a physical altercation at her home. She complains that although her boyfriend had left the home before the police arrived, the officer was told that she knew the whereabouts of her boyfriend. She alleges that the officer ignored the information she gave and made no effort to locate and arrest the boyfriend.  
**Case Status:** Closed

**Officer: A APD Area: NW**

**SOP:** 3-12-6R3&4 (Domestic Violence Issues)

**IRO/Chief's Decision:** Agreed

**Finding:** Sustained

**Disposition:** Verbal Reprimand

**CPC-2012-067** District: 6 NHA: Nob Hill Investigator: IRO  
Complainant claimed that he was beaten up and had money stolen from him at a local bar. Complainant alleges the responding officers failed to investigate the situation, have his injuries assessed, or write a report.

**Case Status:** Closed

**Officer: A APD Area: SW**

**SOP:** 2-24-3F1, 2, 4 (Investigations/Documentation)

**IRO/Chief's Decision:** Agreed

**SOP:** 2-52-7E2 (Use of Force)

**IRO/Chief's Decision:** Agreed

**Finding:** Sustained

**Disposition:** Training

**Finding:** Sustained

**Disposition:** Suspension

**Officer: B APD Area: SE**

**SOP:** 2-24-3F1, 2 (Investigations/Documentation)

**IRO/Chief's Decision:** Agreed

**Finding:** Not Sustained

**Disposition:** None

**CPC-2012-070** District: 2 NHA: Silver Hill Investigator: IRO  
Complainant alleged that officers entered her home without permission or warrant. She was dressed inappropriately when the officer entered. Complainant stated one officer in particular was rude and she felt degraded and disrespected. Officers took prescription medication without authority.

**Case Status:** Closed

**Officer: A APD Area: SE**

**SOP:** 1-02-2B2 (Searches/Seizures)

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**SOP:** 1-04-1F (General Conduct)

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**SOP:** 1-39-1A5 (Use of Belt Recorders)

**IRO/Chief's Decision:** Agreed

**Finding:** Sustained

**Disposition:** Verbal Reprimand

**Officer: B**    **APD Area: SE**

**SOP:** 1-02-2B2 (Searches/Seizures)

**IRO/Chief's Decision:** Unknown

**Finding:** Exonerated

**Disposition:** None

**CPC-2012-073**    District: 7    NHA: Unknown

Investigator: IRO

Complainant was dissatisfied with officers about how his property was treated and did not receive some of it back. Complainant was upset about how the officers treated him and that his detainment was improper.

**Case Status:** Closed

**Officer: A**    **APD Area: NE**

**SOP:** 2-08-12D6 (Evidence Safekeeping)

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**SOP:** 3-21 (Other)

**IRO/Chief's Decision:** Agreed

**Finding:** Not Sustained

**Disposition:** None

**SOP:** 2-17-12A (Other)

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**SOP:** 1-04-1F (General Conduct)

**IRO/Chief's Decision:** Agreed

**Finding:** Not Sustained

**Disposition:** None

**SOP:** 2-24-3F5 (Investigations/Documentation)

**IRO/Chief's Decision:** Agreed

**Finding:** Sustained

**Disposition:** Letter of Reprimand

**SOP:** 1-39-2A (Use of Belt Recorders)

**IRO/Chief's Decision:** Agreed

**Finding:** Sustained

**Disposition:** Letter of Reprimand

**Officer: B**    **APD Area: NE**

**SOP:** 2-08-12D6 (Evidence Safekeeping)

**IRO/Chief's Decision:** Unknown

**Finding:** Sustained

**Disposition:** Unknown

**CPC-2012-083**    District: U    NHA: Unknown

Investigator: IRO

Complainant alleged that an officer pulled her over, put her in a police car, and called to tow her truck before ever speaking with her. Complainant stated that she passed all of her field sobriety tests and she was not given any tickets or taken to jail. She alleged that the officer would not give his name and alleged that money was missing from her wallet. In addition, she indicated that she had to call dispatch to get the officer's name. Complainant stated that she was released in a scary part of town.

**Case Status:** Closed

**Officer: A**    **APD Area: unknown**

**SOP:** 1-02-2B2 (Arrests)  
**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated  
**Disposition:** None

**SOP:** 3-11-22A2 (DWI Investigations)  
**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated  
**Disposition:** None

**SOP:** 1-04-1F (General Conduct)  
**IRO/Chief's Decision:** Agreed

**Finding:** Not Sustained  
**Disposition:** None

**SOP:** 2-08-1 (Evidence Safekeeping)  
**IRO/Chief's Decision:** Agreed

**Finding:** Not Sustained  
**Disposition:** None

**Officer: B**    **APD Area: SE**

**SOP:** 2-08-1 (Evidence Safekeeping)  
**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated  
**Disposition:** None

**CPC-2012-085**    District: 2    NHA: Unknown    Investigator: IRO

A physician complains that on April 13, 2012, he was at UNMH Emergency Room treating a patient when he saw an APD Officer bullying a witness. A boy was being treated for facial injuries and had been involved in an altercation involving a baseball bat. A girl was a witness to the altercation and the officer was questioning her about the incident. Complainant alleges that the officer was in the girl's face yelling at the girl about lying to him, and threatening to send the girl to jail. This was in a hallway in a public location. He found the officer's behavior offensive.  
**Case Status:** Closed

**Officer: A**    **APD Area: VA**

**SOP:** 1-04-1F (General Conduct)  
**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated  
**Disposition:** None

**CPC-2012-095**    District: 7    NHA: Uptown    Investigator: IRO

Complainant stated that she was detained, harassed and humiliated by five APD officers. She alleged that the officers were rude, harassed and accused her of stealing merchandise from the mall. She claimed that the officers' tone of voice was "angry and demanding." She claimed her merchandise bag and her purse were searched by the officers and that the officers demanded to search her car. Complainant alleged her car was searched and the officers flirted with her daughter. She claims she showed the officers the receipts for the items she had purchased, yet the officers continued to harass her and her daughter. She alleges the harassment continued when the officers ran a warrants check on her. She claimed that she was wrongfully detained and accused. In her complaint, she demanded \$25,000 in compensation.  
**Case Status:** Closed

**Officer: A**    **APD Area: unknown**  
**SOP: 1-02-2B2 (Searches/Seizures)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Exonerated  
**Disposition:** None

**SOP: 1-04-1F (General Conduct)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Exonerated  
**Disposition:** None

**Officer: B**    **APD Area: unknown**  
**SOP: 1-02-2B2 (Searches/Seizures)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Exonerated  
**Disposition:** None

**SOP: 1-04-1F (General Conduct)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Exonerated  
**Disposition:** None

**Officer: C**    **APD Area: SW**  
**SOP: 1-02-2B2 (Searches/Seizures)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Exonerated  
**Disposition:** None

**SOP: 1-04-1F (General Conduct)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Not Sustained  
**Disposition:** None

**CPC-2012-096**    District: 6    NHA: Unknown    Investigator: IA  
Complainant stated that an officer stopped him because he had a cracked windshield. He stated that the officer did not have probable cause to stop him. He complained that the officer took and improperly kept his expired driver's license, refused to give him his name and badge number, and improperly asked for his car keys during the investigation. Complainant alleges the officer was very rude and unprofessional.  
**Case Status:** Closed

**Officer: A**    **APD Area: SE**  
**SOP: 1-02-3A (Providing Name)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Sustained  
**Disposition:** Letter of Reprimand

**SOP: 1-02-2B (Searches/Seizures)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Sustained  
**Disposition:** Letter of Reprimand

**SOP: 1-04-4N (Acting Officially)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Sustained  
**Disposition:** Letter of Reprimand

**SOP: 1-04-1F (General Conduct)**  
**IRO/Chief's Decision: Agreed**

**Finding:** Sustained  
**Disposition:** Letter of Reprimand

**CPC-2012-102** District: 2 NHA: Downtown Investigator: IRO  
Complainant had requested a subpoena for an officer to arrive for pre-trial interview. Complainant stated the officer was rude and aggressive during the hearing and caused her to fear for her safety.

**Case Status:** Closed

**Officer: A** **APD Area: FH**

**SOP:** 1-04-1F (General Conduct)

**Finding:** Exonerated

**IRO/Chief's Decision:** Agreed

**Disposition:** None

**CPC-2012-108** District: 6 NHA: La Mesa Investigator: IRO  
Complainant was involved in a traffic accident. She alleges the officer was rude and unprofessional during the incident.

**Case Status:** Closed

**Officer: A** **APD Area: SE**

**SOP:** 1-04-1F (General Conduct)

**Finding:** Sustained

**IRO/Chief's Decision:** Agreed

**Disposition:** Counseling

**SOP:** 1-39-2A (Use of Belt Recorders)

**Finding:** Exonerated

**IRO/Chief's Decision:** Agreed

**Disposition:** None

**CPC-2012-133** District: 2 NHA: Santa Barbara/Martineztown Investigator: IRO  
Complainant filed an e-mailed complaint on July 18, 2012, that she did not sign until August 10, 2012, after being contacted. She sent a follow-up e-mail on July 24, 2012, that was never signed, but stated very similar information to the first, regarding an officer's conduct during a domestic incident. After she signed her complaint, complainant did not respond to numerous phone messages and an e-mail left for her requesting her cooperation in the investigation. Attempts to reach another citizen involved in the domestic situation were also unsuccessful. An investigation was conducted based on her written information, interviewing the two police officers, reviewing the lapel videos of the officers, reviewing the CAD and reviewing the police report. Given the lack of specifics provided in the complaint, the lack of cooperation from the complainant and the evidence reviewed, the case is inactivated after preliminary investigation.

**Case Status:** Inactivated

**Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2012-179** District: U NHA: unknown Investigator: IRO  
Complainant was driving and had difficulty making a left turn at the intersection of 7 Bar Loop and Ellison. An officer ordered him to complete a turn that complainant deemed unsafe. Complainant characterized the officer's behavior as aggressive and intimidating. On October 31, 2012, Complainant decided the supervisor could resolve the situation. IRO office contacted the officer's Sergeant and stated he would review the complaint and discuss the situation with the officer. Complainant was very appreciative and agreed no further investigation was required. This case was resolved informally through mediation and was inactivated.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2012-192** District: 3 NHA: Anderson Hills HOA Investigator: IA  
Complainant reported that a domestic dispute between her and her husband occurred on August 21, 2012. She claimed that APD officers did not believe that the red mark on her neck was not from the husband but from the baby. Complainant alleged that officers acted improperly when they arrested her husband and wanted the charges of *Battery against a Household Member* be dropped. The officer's Sergeant contacted complainant to explain the reasoning and explanation of investigative steps done by the APD officers regarding the charges. Complainant had better understanding with the information she received. IRO did not find any violation of SOP.  
**Case Status:** Inactivated **Inactivation Reason:** No Allegation of SOP

**CPC-2012-195** District: 6 NHA: South San Pedro Investigator: IRO  
Complainant claimed that officers stole money from both his wallet and his vehicle after it was searched during a drug investigation. Complainant stated that when he was arrested he was only given his license back, and alleged that his wallet had missing items: had approximately \$250 cash, a Wells Fargo debit card, an EBT card, and a \$100 gift card to Pappadeaux's. He also wrote that he also had approximately \$400 cash in a black pouch in his vehicle. He also complained that a bottle of Windex, a bottle of Snuggle fabric softener, and a bottle of bleach cleaner were also missing. Complainant made a secondary complaint that the search of his vehicle was illegal. The IRO Investigator contacted complainant to explain the results of inquiry of allegations into his Complaint. Complainant was satisfied with the information he received and agreed there was no further investigation required.  
**Case Status:** Inactivated **Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2012-211** District: 4 NHA: Academy Acres North Investigator: IRO  
Complainant claimed when the APD officer arrived at her son's school regarding a dispute in custody exchange, the officer told her that her order was "nothing," and that her ex-husband could take her children. Complainant wrote that she told the officer that her ex-husband assaulted her by saying he was going to kill her. She asked the officer what he was going to do and the officer told her there was nothing that could be done. Complainant stated that the officer never introduced himself, never took her information, and requested the officer's name and man number, but that the officer did not provide it. An investigation was conducted based on her written information, interviewing the officers, the school counselor, APS officer, and reviewing the lapel video of the officer. Given the lack of specifics provided in the complaint, the lack of cooperation from the complainant and the evidence reviewed, the case is inactivated after preliminary investigation.  
**Case Status:** Inactivated **Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2012-218** District: U NHA: Unknown Investigator: IA  
Complainant claimed that the officer who stopped him during a traffic stop took his driver's license and did not return it to him. IRO office contacted the officer's Sergeant and stated he would review the complaint and discuss the situation with the officer. Officer inadvertently kept complainant's driver's license. Sergeant discussed with the officer the importance of ensuring the return of all documents and identification to citizens.  
**Case Status:** Inactivated **Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2012-221** District: U NHA: Unknown

Investigator: IA

Complainant alleged that he was passed by two patrol cars driving 10 to 15 miles over the posted speed limit without their emergency equipment engaged. Complainant did not provide any identifying information and wrote “did not wish any particular response to this incident, simply wish to document it.” Given the lack of specifics provided in the complaint, and the absence of cooperation from the complainant, the case is inactivated.

**Case Status:** Inactivated

**Inactivation Reason:** Complainant Withdrew Complaint

**CPC-2012-223** District: U NHA: Unknown

Investigator: IRO

Complainant wrote that he had seen a KRQE television news report about an APD internal memorandum written by an APD Sergeant and addressed to an APD Lieutenant. Complainant included in his e-mailed complaint a link to a YouTube site which contained the television news story regarding an internal investigation to review two APD officers for possible violation of Standard Operating Procedures regarding the use of force. Complainant alleged that the Lieutenant failed to properly perform his duties. He also demanded that the Police Oversight Commission suspend the Lieutenant from his duties. Complainant also requested that the Police Oversight Commission immediately make a press release regarding the Police Oversight Commission's suspension of the Lieutenant and "naming of his replacement." The IRO found that the Lieutenant acted upon the memorandum once he received it in mid-August 2012. The complaint against the Lieutenant did not allege any Standard Operating Procedure violations. Therefore, the complaint is inactivated without further investigation.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2012-231** District: U NHA: Unknown

Investigator: IA

Complainant wrote about the actions of an Albuquerque Public School crossing guard. Complainant wrote that the crossing guard motioned for her car to proceed, yet began yelling at her when she did. When she stopped the car, the crossing guard continued to be rude. IRO office contacted the crossing guard's Sergeant and stated he would review the complaint and discuss the situation with the crossing guard. Sergeant discussed with the crossing guard the importance of being professional at all times. Complainant was satisfied and agreed no further investigation was required. This case was resolved informally and was inactivated through mediation.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2012-232** District: U NHA: Unknown

Investigator: IRO

A former APD officer claims that he went to pick up evidence from the evidence unit after he had been cleared of criminal charges in a homicide. He writes that he received a shell casing that held the bullet that killed his father. He alleged that the Deputy Chief intentionally had his personnel release that item to him to inflict emotional distress upon him. Complainant wrote on his complaint that the incident occurred on September 1, 2012. That would place his complaint outside the 90-day time frame to file complaints. In addition, a preliminary investigation revealed that complainant picked up and signed for the shell casing from evidence on April 17, 2012.

**Case Status:** Inactivated

**Inactivation Reason:** Over 90 Days

**CPC-2012-235** District: U NHA: Unknown Investigator: IA

Complainant wrote that she was not able to obtain a letter opener from the Evidence Unit. Complainant was arrested for Driving While Intoxicated on November 23, 2012. At that time, the arresting officer booked her into jail and the jail refused to take the letter opener as property since it was considered a deadly weapon. The complainant stated that she had not been able to retrieve her letter opener. The IA Lieutenant conducted a preliminary investigation into the complaint and determined that the officer had made a typographical error on his evidence. The IA Lieutenant spoke with the officer, who agreed to correct the typographical mistake on the paperwork. The IA Lieutenant informed the complainant that the officer had corrected the mistake and that the letter opener was available to be picked up at the Evidence Unit. Complainant had retrieved her personal property and this case was resolved informally.

**Case Status:** Inactivated **Inactivation Reason:** No Allegation of SOP

**CPC-2012-238** District: U NHA: Unknown Investigator: IA

Complainant alleged that mistreatment and harassment by officers at the Metropolitan Detention Center was committed. The assigned APD Internal Affairs Sergeant reviewed the complaint, the police report, court record, and jail records associated with the case. It was unclear which officers were involved in the alleged mistreatment. It was determined that the officers are Metropolitan Detention Center correctional officers employed by Bernalillo County, not the Albuquerque Police Department. The Sergeant referred the complainant to contact the Metropolitan Detention Center to file a complaint with that agency. IRO did not have jurisdiction to investigate and review this complaint and inactivated the complaint without further investigation.

**Case Status:** Inactivated **Inactivation Reason:** No Jurisdiction

**CPC-2012-242** District: U NHA: Unknown Investigator: IRO

Complainant wrote that in January or February 2012, an unidentified APD officer improperly contacted her boss and others in an attempt to get her fired. She wrote that in “January-February 2012, APD way crossed the line by going outside of their department with my recorded phone conversations and sharing them with BX Security, Management, and even my own boss...in an attempt to humiliate me all over again and possibly get me fired.” The preliminary investigation in this case indicates that the actions complained of could not be confirmed. Complainant did not file her complaint until December 3, 2012, beyond the 90-day time limit of when she claimed the allegations occurred in January or February 2012.

**Case Status:** Inactivated **Inactivation Reason:** Over 90 Days

**CPC-2012-246** District: U NHA: Unknown Investigator: IRO

Complainant wrote about the conduct of two officers who investigated a traffic collision in which the complainant’s two teenaged sons were the driver and a passenger in one of the vehicles involved. The officers’ Sergeant discussed the matter with Complainant, and the Sergeant took care of the matter. The complaint has been satisfactorily resolved in an informal manner and inactivated without further investigation.

**Case Status:** Inactivated **Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2012-253** District: U NHA: Unknown Investigator: IA  
Complainant e-mailed a link to a YouTube video of an APD officer changing from his uniform into jogging clothes out of his patrol car. The complaint was referred to Internal Affairs. It was determined that because the officer has already been disciplined in this case, the Independent Review Office no longer had jurisdiction to investigate this matter further. Complaint was inactivated without further investigation.

**Case Status:** Inactivated **Inactivation Reason:** No Jurisdiction

**CPC-2012-254** District: 6 NHA: South San Pedro Investigator: IRO  
Complainant wrote in her complaint that she had called the police on November 28, 2012, to report that her boyfriend had attacked her. According to complainant, she lied to the police when she reported the attack. She later contacted the officer who took the report, saying she wanted to drop the charges against her ex-boyfriend. Complainant alleged that the officer who took the report did not get the District Attorney's Office to dismiss charges against her boyfriend. Subsequently, her boyfriend was arrested on December 17, 2012, and complainant believes that the officer who took the report on November 28 is at fault for this improper arrest. The proper authority to contact to try to get the felony case dismissed against her boyfriend is the District Attorney prosecuting the case and not the initial responding officer to the Domestic Violence incident. The initial responding officer has no authority to dismiss the case. Since there was no Standard Operating Procedure violation in this case, the case was inactivated.

**Case Status:** Inactivated **Inactivation Reason:** No Allegation of SOP

**CPC-2012-255** District: 2 NHA: IMP Community of Martineztown Investigator: IRO  
Complainant alleged that the APD officers behaved in an inappropriate manner while at a McDonald's, adjoined to a Circle K store. He alleged that the officers harassed and threatened to arrest the complainant for trespass. After preliminary investigation of the complaint, it was determined that the officers did not violate any Albuquerque Police Department Standard Operating Procedures (SOP). The officers' lapel camera video proved that the officers complied with APD SOP, and the case was inactivated.

**Case Status:** Inactivated **Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2012-257** District: U NHA: Unknown Investigator: IRO  
The complainant alleged that the APD officers did not have legal grounds to arrest in her home. After preliminary investigation into the complaint, it was determined that the APD officers' actions occurred in March and April 2011, and the IRO has no jurisdiction to fully investigate the complaint.

**Case Status:** Inactivated **Inactivation Reason:** Over 90 Days

**CPC-2013-003** District: 4 NHA: Academy Acres North Investigator: IRO  
Complainant alleged a failure to file a police report by APD officers in a matter which occurred at a work place. This incident occurred on May 27, 2012, and complainant alleged that the officers refused to file a police report because they believed the case was a civil matter, not a criminal act.

**Case Status:** Inactivated **Inactivation Reason:** Over 90 Days

**CPC-2013-004** District: U NHA: Unknown Investigator: IRO  
Complainant alleged that on April 6, 2011, that she started being harassed by unnamed law enforcement officers in Carnuel, New Mexico. She claims that the police have been using satellite surveillance on her and that they have been poisoning her with gas and toxic chemicals that are being pumped into her home. She believes this is happening to her because she saw the officers get out of what looked like a spaceship and then they went into a tunnel near the home she used to live in. On another occasion, a red laser light was pointed inside her home and when she looked out she saw a male and a female outside the home wearing DEA jackets. When she tried to confront the pair, they fled. She claims she is being watched 24/7 and they watch her shower and use the restroom. She goes on to complain that she has been getting very sick from the chemicals that are being used on her and she submitted a sample of phlegm that she had coughed up on a napkin. She also submitted a few photographs with her complaint. There is no indication anywhere in the complaint that the officers who are allegedly doing this to her are Albuquerque Police Department Officers. Furthermore, I checked home addresses for all APD personnel on a roster that I have and was unable to find any APD officer that lives in Carnuel, New Mexico.

**Case Status:** Inactivated

**Inactivation Reason:** No Officer Identified

**CPC-2013-005** District: 1 NHA: Bernalillo County Metropolitan Court Investigator: IA  
Complainant expressed frustration that officers did not show up for a court hearing regarding a domestic violence incident that occurred in 2012. Officers did not show up and complainant stated that case was dismissed. After preliminary investigation, the complaint was determined to not have any SOP violation and the case was inactivated.

**Case Status:** Inactivation

**Inactivation Reason:** No Officer Identified

**CPC-2013-006** District: 4 NHA: Unknown Investigator: IRO  
Complainant wrote that employees at Tema furniture told him an officer was circling his car in the parking lot. He complained that the officer asked him for his identification and the officer asked to search his car in order to check his dog. Complainant alleges that his refusal must have angered the officer because he made a hand gesture “implying he and other cops would attack.” Complainant claims the officer then blew a kiss towards him, waved and left the parking lot. He stated that the officer did not spell out his name and man number. After a preliminary investigation, it was determined that the officer did not violate any Standard Operating Procedures of the Albuquerque Police Department and the complaint was inactivated without further investigation.

**Case Status:** Inactivated

**Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2013-011** District: 5 NHA: Unknown Investigator: IRO  
Complainant wrote that on January 23, 2013, she called the police to report an intoxicated man who was across the street from their business. A police officer responded to the location and contacted the man, but the officer took no action. A couple of hours later, the same man showed up with vomit on his face and confronted the complainant and her customers. She wrote that she believed that public intoxication was illegal and that this was just another example of oversights that they have experienced with APD over the last five years that they have owned their business. She also complained that she felt that no one would read her complaint. She added

other incidents involving the Albuquerque Police Department which occurred over the past five years. After numerous attempts, complainant has failed to contact the office to sign the complaint and we could not proceed to investigate her complaint.

**Case Status:** Inactivated **Inactivation Reason:** No Signature Provided

**CPC-2013-012** District: U NHA: Unknown Investigator: IRO

Complainant was upset that there had been little progress made in a case in which he was the victim of a home invasion in June 2011. Complainant alleged that the detective who investigated the case used poor judgment and mishandled the case. He also alleged the detective's action created many legal issues which stalled the prosecution of the case and requested that steps be taken to prevent the same thing from happening to another person who may be the victim in a similar crime. The last contact with APD officers occurred on June 21, 2012, or September 21, 2012. The police reports indicate the last interaction with APD officers occurred on June 20, 2012. Because the allegations involve the detective's actions which occurred in June 2012, the Independent Review Office does not have jurisdiction to further investigate the case. The period of time between June 2012 and January 2013 is beyond the 90-day time frame to investigate the complaint.

**Case Status:** Inactivated **Inactivation Reason:** Over 90 Days

**CPC-2013-014** District: 2 NHA: Downtown Investigator: IRO

Complainant wrote about an officer mistreating him at a local courthouse on January 29, 2013. The IRO Investigator spoke with the complainant and determined that the officer was a Bernalillo County Sheriff's Deputy. The complainant was informed of the limits of the IRO jurisdiction and was referred to contact the Bernalillo County Sheriff's Department. The complaint was inactivated.

**Case Status:** Inactivated **Inactivation Reason:** Other Agency

**CPC-2013-015** District: 5 NHA: Paradise Hills Civic Investigator: IRO

Complainant alleged that a female officer was running her lapel camera the entire time during an incident on June 13, 2012. Complainant indicated she vomited on her clothing and needed to change clothes. Complainant stated that the officer continued to run her lapel video camera while Complainant changed clothes. The incident date is beyond the 90-day time frame to investigate the complaint, and the IRO does not have jurisdiction to further investigate the case.

**Case Status:** Inactivated **Inactivation Reason:** Over 90 Days

**CPC-2013-021** District: U NHA: Unknown Investigator: IRO

IRO received a complaint that the Complainant was at a local bar and grill and noticed an APD police car parked across the street from the bar. Complainant alleged that the officer was parked there waiting for customers to come out of the bar just so he could stop them for no reason to see if they were drunk. She complained that an officer sitting outside a bar waiting for patrons to leave so they can be stopped is entrapment and should not be permitted. The IRO officer determined that there are no Standard Operating Procedures that prohibit officers from parking near bars or other businesses that sell alcohol.

**Case Status:** Inactivated **Inactivation Reason:** No Allegation of SOP

**CPC-2013-028** District: U NHA: Unknown

Investigator: IRO

Complainant expresses his general disappointment with the Albuquerque Police Department. He did not complain about any incident in particular nor complained about any specific Albuquerque Police Department officer. He alleged that 50% or more of APD officers have forgotten or do not care what the values of their office are. He wrote that officers demonstrate this by their hard demeanor, their use of force, and lack of humanity to others. He complained that based on what he has read in the papers, APD is facing numerous issues. He alleged that police officers are rude and for the most part sarcastic, harsh, and unkind. Complainant offered some solutions to APD to improve their image, such as police officers waving at children who wave at them. He suggested that officers should set the standard for politeness and treat everyone with respect. He wrote that APD officers chose to be law enforcement officers and that they should act courteously and professionally. IRO office has forwarded the Complaint to the Albuquerque Police Department to notify the Department of his concerns.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-047** District: 5 NHA: Piedras Marcadas

Investigator: IRO

Complainant wrote about a Lieutenant's actions during the law enforcement investigation of a traffic collision in which his granddaughter was killed on February 10, 2013. Complainant alleged that the Lieutenant indicated to the press that it was more important to open traffic at the intersection than assist the New Mexico State Police in a thorough investigation at the scene. After a preliminary investigation into the allegation, it revealed that the Lieutenant is employed by the Bernalillo County Sheriff's Office. The complainant was informed of the limits of the IRO jurisdiction and was referred to contact the Bernalillo County Sheriff's Department. The complaint was inactivated.

**Case Status:** Inactivated

**Inactivation Reason:** Preliminary Investigation--No SOP

## OVERVIEW

The Independent Review Office received 59 complaints for the First Quarter from January-March 2013. The IRO received an average of 20 complaints per month during the First Quarter 2013. Each investigator is assigned at least 16 new Citizen Police Complaints per month. March had the highest number of complaints received in the First Quarter. The office diligently investigates pending cases received in 2012 and 2013.

The IRO received the highest number of complaints of alleged misconduct in March for the First Quarter 2013. Based on data collected, complainants most likely reported alleged misconduct of APD officers as occurring on Tuesdays and from 3:00 p.m. to 6:00 p.m. located in City Council District 2. The office is currently making changes on database entry of incident information on all complaints.

The highest number of complaints was received from female Hispanic citizens with the age range of 48-53 years old. Most complaints were received by e-mail and the high number of unknown demographic information of complainants is attributed to the missing form on the website.

Complainants were most likely to file a report on male Hispanic Albuquerque Police Department officers with the age range of 36-41 years old. Most alleged misconduct involved officers in Field Services and Patrolman First Class rank. Years of service in Albuquerque Police Department does not depict any significant disparity. During the First Quarter 2013, complaints were more likely filed on officers assigned in North East Area command.

Complaints received in the First Quarter include 43 complaints from Albuquerque residents, eight complaints from complainants who live outside Albuquerque, and three complainants residing in another state. The most number of complaints were received from City Council District 6.

The IRO presented 42 Citizen Police Complaints to the Police Oversight Commission during the First Quarter 2013. This resulted in 30 inactivated cases and 11 closed cases with findings.

Of the 30 inactivated cases that were closed during the First Quarter, there were seven mediated cases for supervisor resolution; one case closed for citizen withdrawal of complaint; two cases closed for officer unidentified; one case closed with complaint without signature; four cases closed on complaints on another agency; five cases closed for filing over 90 days of incident; three cases inactivated during preliminary investigation without an SOP violation; and seven cases closed for no allegation of SOP.

Of the 11 closed cases during the First Quarter, there are 35 Standard Operating Procedures reviewed by the POC. The majority of the complaints reported involve APD officer's General Conduct (SOP 1-04-1(F)) (5 *Exonerated*; 2 *Unfounded*; 2 *Sustained*; 3 *Not Sustained*).

The Police Oversight Commission reviewed CPCs from 2012 (32) and 2013 (10), police shooting (2), and appealed (1) cases during the First Quarter 2013.

There is one appealed case reviewed during the First Quarter 2013 by the Police Oversight Commission.

CPC 075-12. Case involved APD officers' removal of a trailer and motorcycle from the owner's property without identifying themselves. One officer was cited for two SOP violations: Providing Name, and Officer Conduct (both SOPs were *Unfounded*) and one was cited for one SOP violation: Officer Conduct (*Exonerated*). APD and IRO concur with findings. POC denied the appeal and affirmed the findings of the IRO, with 6 for, 1 against.

Two officer-involved shootings were reviewed during the First Quarter by the Police Oversight Commission. Both police shootings occurred in 2011 (February 2011 and November 2011).

Case I-127-11, Incident on February 9, 2011, involved a citizen pointing a gun at an officer during a traffic stop. The shooting was fatal. POC approved the IRO findings, with motion to accept: 7 for, 1 recusal.

Case I-170-11, Incident on November 10, 2011, involved a citizen intending to commit suicide. Armed with a knife, citizen lunged at officers. The shooting was nonfatal. POC approved the IRO findings, with motion to accept: 6 for, 1 against, 1 recusal.

The IRO has forwarded 11 cases to Internal Affairs for investigation during the First Quarter 2013. APD IA reported to have received 87 total cases during the First Quarter: Completed (40); Inactivated (2); Mediated (0); Pending (52).

## **SUMMARY OF FIRST QUARTER 2013**

The Independent Review Office is currently making progress in database management and collection of data. Data gathered in closed cases are limited as the office strives to work on pending cases in 2012 and 2013. Types of complaints and Standard Operating Procedures can only be gathered in closed cases.

Data was collected from attempts to identify the demographic information of complainants during the initial complaint intake, as well as through voluntary surveys, through written complaint and online. We obtained information on ethnicity, gender, and age for 59 complainants during the First Quarter of 2013. We were not able to capture all demographic information of all complainants because some declined to disclose their information and the limitation of current e-mail submission of complaints. Not all complainants disclosed incident information, including City Council District or Neighborhood Association.

We collected 33 officers' information on ethnicity, gender, and age for complaints received during the First Quarter of 2013. Officers' information was not fully captured in inactivated cases. IRO does not maintain the officer information in the database and deletes any officer information in inactivated cases. Currently, pending cases do not have officer information in the system due to direct link to APD's Early Intervention System, which can have direct impact on officers even before findings are made. Any inactivation cases and pending cases are manually retrieved from the files until further changes are made in the database.