

# CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



December 15, 2016

12-15-16A03:49 RCVD

Edward W. Harness, Esq., Executive Director  
Civilian Police Oversight Agency  
600 2<sup>nd</sup> NW  
Room 813  
Albuquerque, NM 87102  
505-924-3770

RE: CPC 131-16      Citizen: ██████ Mc█████  
Officer: ██████ W█████

Dear Mr. Harness:

CPC 131-16 was reviewed and the recommendations for the non-concurrence are detailed below.

400 Roma NW

**1-4-4 (D 20)**

- *Personnel will truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department*

Albuquerque

Upon review of the reports, CPOA investigation and statements it is clear that this SOP violation should be considered Not Sustained.

New Mexico 87102

I do not concur with the findings and recommendation of the CPOA investigator. The video evidence to support this violation was not included in this case. A formal request was made by Major Gonterman to Executive Director E. Harness to provide this evidence and to date, this has not occurred. I am told that the complainant showed the video to the investigator but has refused to provide a copy for inclusion in the case as she fears Officer W█████ would be terminated. This video evidence is vital to sustain the charge of untruthfulness.

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Upon review of the investigation, which included a review of the audio of Officer W█████'s investigative interview, I find that the alleged instances of untruthfulness identified in the investigatory report derive from the investigator viewing the video provided by Mrs. Mc█████. There is nothing other than this video to indicate that Officer W█████ was untruthful. The investigation itself fails to present sufficient information to contradict Officer W█████'s statements to show by a preponderance of the evidence that he was untruthful. Without direct information to show a lack of truthfulness, I do not find that a preponderance of the evidence supports a claim that he was untruthful.

If the video evidence becomes available in the future, this case will be reopened and the proposed discipline reconsidered.

SOP VIOLATION 1-04-4 B (7)(a) SUSTAINED

- *Personnel will conduct themselves both on and off duty in a manner that reflects favorably on the department. Conduct unbecoming an officer or employee of APD includes;*
- *A Conduct that could bring disrepute, shame, dishonor, disgrace or embarrassment to the Department.*

I concur with the findings and recommendations of the CPOA. Video evidence reportedly exists of officer W [REDACTED] engaging in unprofessional behavior while on duty at Walmart. The relationship with Ms. Q [REDACTED] also could bring the Albuquerque Police Department in to disrepute as well as create equity issues.

SOP VIOLATION 1-4-3 (E)(4) SUSTAINED

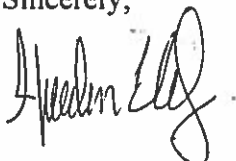
- *The Department training policy and other policies forbid improper fraternization between employee and Police Cadets. Fraternization relates to prohibited personal relationships between Department employees of different ranks and positions. Fraternization involves improper relationships, ranging from overly casual relationships to friendships to romantic relationships. When fraternization occurs between employees of different hierarchical pairings, it can potentially undermine the chain of command, order and discipline. Not all contact between employees and officers or subordinates is prohibited;*
- *4. Any relationship that in reality or appearance of improper influence between two or more Department employees.*

I concur with the findings and recommendations of the CPOA. Officer W [REDACTED]'s relationship with Ms. Q [REDACTED] could have indicated in reality or appearance, that improper influence existed.

RECOMMENDATION:

The enclosed SOP for fraternization indicates a class 7 violation not a class 6. The chart of sanctions indicates a verbal reprimand for fraternization and a minimum of a written reprimand up to a 32-hour suspension for the conduct violation. Without the video evidence relied upon to sustain the charge of untruthfulness, I recommend a suspension of 32 hours and not the suspension of 180 hours as recommended by CPOA investigator.

Sincerely,



Gorden E. Eden Jr.  
Chief of Police