

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair* *Chantal M. Galloway, Vice Chair*

Joanne Fine *Dr. William J. Kass* *Valerie St. John*

Chelsea Van Deventer

Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA

Thursday, September 13, 2018 – 5:00 PM

Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Chantal Galloway, Vice-Chair***
- III. Mission Statement – *Leonard Waites, Chair***

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Review and Approval of Minutes**
- VII. Reports from City Staff**
 - a. APD**
 - 1. Internal Affairs – Statistical Data Report**
 - 2. Quarterly Report on Police Involved Accidents**
 - 3. Departments Exit Interview Process**
 - b. City Council**
 - c. Mayor’s Office**
 - d. City Attorney**
 - e. CPC**
 - f. CPOA – *Edward Harness, Executive Director***
- VIII. Reports from Subcommittees**
 - a. Community Outreach Subcommittee – *Chantal Galloway***
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
 - c. Case Review Subcommittee – *Valerie St. John***
 - d. Personnel Subcommittee**
- IX. Discussion**
 - a. Police Oversight Boards Policy and Procedure**
 - b. Stipends for Police Oversight Board**
 - c. Public Involvement (Prospective Board Members)**

d. Update on Use of Force 2-52

X. Consent Agenda Cases:

a. Administratively Closed Cases

013-18	100-18	102-18	108-18	113-18
134-18	139-18	153-18	154-18	160-18
164-18	174-18	179-18	180-18	181-18
186-18	196-18			

c. Unfounded

193-18

XI. Non-Consent Agenda:

XII. Non-Concurrence Cases:

XIII. Review of Appeals

XIV. Serious Use of Force/Officer Involved Shooting Cases:

XV. POB's Review of Garrity Materials:

XVI. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and

b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

1. Inspector of Public Records Act

2. Open Meetings Act

3. Letter for Director to continue past contract expiration date

4. Re-confirmation of Director

XVII. Other Business

XVIII. Adjournment- *Next Regularly scheduled POB meeting will be on October 11, 2018 at 5 p.m. in the Vincent E. Griego Chambers.*

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

Via Email

Re: CPC #013-18

Dear Ms. _____ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Employees of the Albuquerque Police Department (APD) on February 12, 2018, regarding an incident that occurred on or about January 4, 2018.

I. THE COMPLAINT

J _____ S _____ submitted an online complaint regarding her allegation that the Operator who answered her call seemed very annoyed at her questions. Ms. S _____ was trying to get information, but the Operator scolded her and disregarded her.

II. INVESTIGATION

It was difficult to find the call, but eventually CADs research located it. The complaint was sent to the Communications Manager for review and informal resolution as Ms. S _____ felt that was the most appropriate handling when the CPOA Investigator spoke to her.

The Communications Manager listened to the call. The Manager's assessment was that the Operator made the call overly complicated when Ms. S _____ had a simple request, which resulted in Ms. S _____ feeling the Operator was being dismissive. The basic response of how to request a copy of the CAD would have sufficed. The Communications Manager discussed the call with the Operator. The Communications Manager did not hear back from Ms. S _____ to discuss her findings.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint was resolved with the supervisor.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Letter to Ms. S
September 14, 2018
Page 2

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'E. Harness', written over a horizontal line.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

To the file

None provided

Re: CPC #100-18

Dear Mr. [REDACTED] :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on April 24, 2018, regarding an incident that occurred on April 13, 2018

I. THE COMPLAINT

S [REDACTED] R [REDACTED] submitted an online complaint regarding his allegation that Officer B has pulled him over numerous times and felt that Officer B has sought him out and is harassing him. Mr. R [REDACTED] claimed Officer B has written multiple tickets with no merit.

II. INVESTIGATION

The CPOA Investigator reviewed the NM court case detail on the website. Mr. R [REDACTED] has thirteen records in four different jurisdictions for driving type of issues such as speeding. Four of the cases are from Albuquerque. Officer B was the citing officer on November 29, 2017 where the prosecutor per a plea agreement dismissed three of the four citations and the fourth Mr. R [REDACTED] pled guilty. The incident Mr. Rodriguez filed the complaint about occurred on April 13, 2018. Officer B issued five citations where the prosecutor per a plea agreement dismissed four and the fifth Mr. R [REDACTED] pled guilty.

The CPOA Investigator reviewed the lapel videos for the stop. Neither Mr. R [REDACTED] nor Officer B indicated they were familiar with each other or had some type of history. Mr. R [REDACTED] asked the reason for being pulled over and Officer B listed the infractions. The interaction was short and businesslike. Officer B's second contact was after he issued the citations where he explained what each citation was for and to obtain Mr. R [REDACTED] signature. Officer B's parting comment was, "slow down, get your car fixed, and have a good night."

Mr. R [REDACTED] did not provide any information about the "numerous times" or why he felt Officer B specifically targeted or harassed him. Mr. R [REDACTED] provided no information about how the tickets were without merit. The court information showed Mr. R [REDACTED] has either pled guilty or made plea agreements on the various infractions. The lapel video from the April incident showed Mr. R [REDACTED] exhaust was louder than the normal car, his window tint appeared darker than the average car, and his rear license plate was difficult to read. Messages

were left on the phone number Mr. R. _____ provided without response. He did not provide an email or an address to attempt another method of contacting him.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to pursue an investigation. Based on court records alone Mr. R. _____ has had two encounters with Officer B approximately five months apart. The lapel video did not indicate bias or recognition on either party.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 7965

Re: CPC #102-18

Dear Mr. _____ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on April 25, 2018, regarding an incident that occurred on March 23, 2018.

I. THE COMPLAINT

Mr. J _____ submitted an email complaint regarding the frustration he has experienced about his stolen truck and property, to include stolen checks. He received a suspicious phone call from an individual in possession of his stolen checks because the person inquired about availability of funds in the account and referenced a check in the stolen series. The information he hoped would provide a lead to his other stolen property or to the individual that stole his truck, which had been recovered. APD told him that Rio Rancho, where his truck and property were taken, retained investigative responsibility. Rio Rancho told him APD would take responsibility for the check issue. On the advice of an administrative individual at the substation, he called for an officer. An APD officer responded, but after hearing his information, the officer told him there was no crime committed, which he could not believe.

II. INVESTIGATION

The CPOA Investigator initially talked to Mr. J _____ to get more information. Mr. J _____ provided information and a synopsis of the situation. Mr. J _____ confirmed there was no attempt at cashing one of the stolen checks, just the suspicious phone call that indicated the person calling had one of his stolen checks, and felt the information could be useful for the investigation.

The CPOA Investigator located the CAD and videos for the contact Mr. J _____ had with the APD officer. Mr. J _____ provided the information he gained from the phone call to the officer. Officer R listened to Mr. J _____ and asked clarifying questions. Officer R established there was no forgery or fraud that had occurred because there had been no attempt to cash the checks. Mr. J _____ asked about receiving stolen property and Officer R explained that would be covered under the Rio Rancho investigation and the checks themselves had nominal value. Officer R explained if something changed such as there was an attempt at cashing his check in Albuquerque that he should contact APD. Mr. J _____ seemed to understand the explanation at the time.

The CPOA Investigator also researched what potential charges might be at issue and how stolen checks were typically handled. The research indicated that stolen checks needed to be reported to the jurisdiction in which they were stolen, which in this case was Rio Rancho. There had been no attempt to cash the check so Officer R was correct in that there was no fraud or forgery charge. The suspicious phone call could lead to the possible perpetrators that stole the truck, but that would also be under the jurisdiction of Rio Rancho.

The CPOA Investigator contacted Mr. J. again to confirm the understanding was correct that there had been no attempts at cashing his checks, which he confirmed. The research conducted was explained and Mr. J was informed that Officer R's assessment of the situation as it was at the time was correct and within policy. It was at that time that Mr. J stated that Rio Rancho had told him APD should have investigative responsibility for the stolen checks because the checks had an Albuquerque address. The address on the check should have no bearing on the investigative responsibility, as that would be where the crime was committed. The CPOA Investigator and Mr. J discussed possible resolutions to take with Rio Rancho.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Mr. J understood the issues and concerns he had were actually with Rio Rancho and not within APD's jurisdiction.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

To the file

Albuquerque, NM

Re: CPC #108-18

Dear Mr. E :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 7, 2018, regarding an incident that occurred on August 30, 2017.

I. THE COMPLAINT

Mr. E submitted an online complaint regarding his allegation that Officer B never took his statement about the accident. Mr. E wrote he was in the back of the ambulance due to injuries from the accident and when he inquired about when he could give a statement, Officer B told him after he was released from the hospital. He never heard from Officer B after that. Mr. E wrote Officer B was short with him while he talked to him in the back of the ambulance. Mr. E wrote the report was "fairly accurate," but was missing important details. Mr. E was upset that the other driver did not receive a citation. Mr. E wanted a revised report, a reprimand for the officer for not taking his statement and an explanation for the special treatment he perceived the other driver received.

II. INVESTIGATION

The CPOA Investigator reviewed the police report. Officer B attributed the fault of the accident to the other driver on the report, but did not cite the other driver. The CPOA Investigator reviewed the various lapel videos. Officer B contacted Mr. E in the back of the ambulance. Mr. E appeared to communicate lucidly with Officer B. The lapel video showed Officer B was not short or disinterested with Mr. E. The lapel video showed there was no discussion about Officer B taking a statement from Mr. E after he got out of the hospital. Officer B asked twice if Mr. E had questions and Mr. E never asked to provide a statement. Officer B also spoke to Mr. E wife. Her only question was about the other driver's insurance information, which Officer B explained would be on the report. Mr. E father was also at the scene and he did not express a question or concern about his son's ability to provide a statement.

The CPOA Investigator spoke to Mr. E on the phone regarding his complaint. The CPOA Investigator explained to Mr. E the conversation he recalled having did not occur according to the video. The video showed Mr. E and the officer spoke while he was in the back of the ambulance, but there was no question from Mr. E about taking a statement or

Officer B saying he would after Mr. E! was out of the hospital. Officer B offered opportunities for Mr. E to ask questions, but he did not take advantage of the opportunity. It was explained to Mr. E that officers have discretion when deciding to take enforcement action. Not part of the written complaint, but Mr. E mentioned some concern the other driver possibly was related to a police officer based on the car he was driving, but research into that issue did not reveal any law enforcement connection. The lapel video did not indicate any familiarity or favoritism.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence did not substantiate the claims, officers have discretion for charges and therefore no policy, or minor policy concerns existed.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Police Oversight Board

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Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

August 14, 2018

Via Certified Mail

7017 2680 0000 5951 7972

Re: CPC #113-18

Dear Mr. _____:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 10, 2018, regarding an incident that occurred on April 13, 2018.

I. THE COMPLAINT

Mr. A. _____ submitted an online complaint regarding the presence of officers in his neighborhood and the contact he had with them. Mr. A. _____ complained that officers detained his friend and her young son for about two hours in the cold. When he went to move his car, he saw two officers at the end of his street, so they were in the area for up to three hours. He was about to leave to go to the store when a supervisor and six other APD units blocked his street without emergency lights, which he felt was unsafe. Mr. A. _____ described that they approached with hands on their weapons and one possibly had his weapon drawn. Officer N asked about his vehicle and asked to run his VIN. Officer N also told him it was illegal to park in his front yard even though neighbors had multiple cars parked in their yards. Mr. A. _____ wrote this indicated he was being racially profiled, harassed, or intimidated by six officers and a supervisor. He complained they were on scene for four hours. He alluded to this not being the first incident.

II. INVESTIGATION

The CPOA Investigator reviewed the CAD and the lapel videos for the situation. The CAD was listed as a suspicious person/vehicle. The videos showed Officers N and C made contact with a woman because Officer N saw a young child running around in the alley. The woman loaded property into her car, but claimed she was watching the child too. Officer N talked to the woman for about seventeen minutes, not two hours as Mr. A. _____ claimed. As officers finished with the woman, they observed individuals fleeing out the front of a house. The description of one of the individuals matched an offender with felony warrants. Officers N and C went to the front of the house identified, which was Mr. A. _____ house. Another officer and a supervisor arrived, which totaled four officers present. All the officers were parked on the side of the road with the exception of the supervisor for a time. Mr. A. _____ stood in his driveway with two cars parked in the driveway, the woman officers had contact with earlier was now parked in front

of the house, another vehicle parked in front of Mr. A's house had occupants, and a fourth vehicle parked on the landscape rocks in front of Mr. A's house had occupants. The vehicle on the rocks was identified as having been involved in shoplifting incidents and was familiar to the officers. Officers did not have weapons drawn although at least one had a hand near his weapon for a brief time. Officer N was the primary and the other officers stood by while she asked questions about the vehicle parked on the rocks and the individuals that fled. Officer N did ask about the VIN on Mr. A's vehicle, which he granted permission for her to obtain. Officer N advised a recent law prohibited vehicles from being parked on the landscaping and officers would be citing in the future. The video showed there was one neighbor across the street that had one vehicle parked on the rocks, not multiple as Mr. A claimed in his complaint. Mr. A and some of the others acknowledged they knew the suspect that officers were looking for, but denied he was currently present and denied he recently left the residence. The contact with Mr. A and the others was about twenty minutes. The total time in the area was about two hours and twenty minutes.

The CPOA Investigator attempted to reach Mr. A, but the number he provided was his parents' phone number. His mother said she did not have frequent contact with Mr. A and did not want to be involved. She provided a cell phone number, but when that number was called, the answering individual said it was a wrong number. Mr. A portrayed the incident as a random encounter, motivated by some racial bias, but what prompted officers to contact him was the fleeing persons, one of which looked like an offender officers had been seeking. Contact continued when a vehicle that had been involved in multiple crimes was identified as also being at the residence. The individuals present knew of the offender the officers sought, but claimed he was not there. As to the parking issue, Mr. A was told officers would be citing in the future, but no action was taken at that time. The video showed the parking infractions from his neighbors were not as pervasive that day as Mr. A portrayed. His assertion he was singled out for no other reason to harass and intimidate him is not supported by the lapel videos. Mr. A did not provide enough information in his complaint to investigate his allegations of bias further.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint. The lapel video evidence contradicted parts of Mr. A's complaint so his allegations could not be minimally substantiated; parts of his complaint were not violations of SOP such as the length of time officers were in the area; and there was not enough information provided with no participation by Mr. A to investigate other parts of his complaint.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Letter to Mr. A
September 14, 2018
Page 3

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to be 'EH', written in a cursive style.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

August 14, 2018

Via Certified Mail

7017 2680 0000 5951 7989

Re: CPC #134-18

Dear Mr. C :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 13, 2018, regarding an incident that occurred on or about October 3, 2017. Mr. C offered no contact information so the last known address on the police report was used to send the findings letter.

I. THE COMPLAINT

Mr. C submitted a written complaint to a POB board member in a public meeting. The complaint stated that he was not guilty of the charged offenses and he claimed to have proof of that fact. He alleged he was the victim of injustice since October 4, 2017.

II. INVESTIGATION

The CPOA Investigator reviewed the CAD, police report, and numerous lapel videos from an incident that started on October 3, 2017. Mr. C neighbors, due to a disturbance they claimed Mr. C caused, called police. When police arrived, one of the neighbors had Mr. C by the arm to prevent him from leaving. The videos showed and officers documented that Mr. C was highly intoxicated. Mr. C was verbally combative and threatening, but Mr. C complied and the officers were able to handcuff Mr. C without force. After investigation, the officers determined they could charge Mr. C with simple battery, but the victim did not wish to press charges. Mr. C had calmed down for the most part and responded positively to the officers. The officers instructed Mr. C to remain in his home for the rest of the night and avoid any contact with neighbors. While still on scene Mr. C did not follow the orders, but had not committed additional violations and quickly retreated to his home when officers contacted him.

Officers informed the neighbors they would leave, but be down the block working on the report. If Mr. C exited his home and caused problems, the neighbors were instructed to call and they would respond quickly. A call came in from the neighbors after the officers left reporting

that Mr. C had a firearm in his possession, pointed it at all of the members of their group, and threatened to shoot them. The videos showed when officers responded Mr. C was outside near the street. Officers handcuffed Mr. C without incident and conducted a second investigation. Sgt. S arrived during this second investigation. Officers received multiple statements from the neighbors and they described the firearm Mr. C used to threaten them. Officers located the same firearm, which turned out to be a very realistic looking airsoft gun, about three feet from where they took Mr. C into custody. The fact that it was an airsoft gun did not change the charges. Mr. C was verbally aggressive and threatening while in the back of the police car. Based on the officers' investigation Officer J advised Mr. C the reason for his arrest. Mr. C denied the allegations, but also said it was only a BB gun and offered to show the officers.

During the transport, the video showed Mr. C kicked at the car windows multiple times. Officer J pulled into a gas station and reported his stop on the radio. Officer R and Sgt. S had been following. Officers were able to apply the Passive Restraint System (P.R.S.) while Mr. C remained standing. Mr. C continued to be verbally aggressive and spit at two officers so a spit sock was placed over his head. Lt. Y arrived on scene. Officer J had an officer accompany him on all transports while Mr. C was in the PRS.

The videos showed at MDC Mr. C refused to walk so Officer J put his arms under Mr. C's arms in an escort position and assisted him in walking, but no force was used. The videos showed Mr. C relentlessly screamed, insulted, and threatened the officers. The videos showed the officers were very patient, professional, and respectful, which likely contributed to their ability to maintain physical compliance from Mr. C despite his verbal aggressiveness.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint. Mr. C's complaint focused on issues that would be for court. The preliminary investigation into the issue revealed no standard operating procedures issues or violations. The preliminary investigation could not minimally substantiate Mr. C's claim.

Letter to Mr.
September 14, 2018
Page 3

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Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'Edward Harness', with a stylized flourish at the end.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

August 14, 2018

Via Certified Mail

7017 2680 0000 5951 7996

Re: CPC #139-18

Dear Mr. [REDACTED]:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 20, 2018, regarding incidents that occurred on or about May 25, May 29, and June 6, 2018.

I. THE COMPLAINT

Mr. [REDACTED] submitted a written complaint regarding his allegation that Officer A was harassing him by calling and coming to his home. He suspected the officer was in collusion with his ex-wife.

II. INVESTIGATION

The CPOA Investigator reviewed the NM court case detail and the police reports. There is one case from 2018 and one from 2017 in the court records. Officer A is not listed on either of those as the charging officer. There were seven reports or calls in 2018 located involving Mr. [REDACTED]. Officer A was identified as being present for at least two of those calls. Most of the calls involved problems between Mr. [REDACTED] and his ex-wife over the custody of their daughter.

The CPOA Investigator made an appointment with Mr. [REDACTED] for an interview, but he failed to show up or call to advise he needed to reschedule. The CPOA Investigator called Mr. [REDACTED] who did respond to the message and he rescheduled his appointment. However, Mr. [REDACTED] failed to show for his rescheduled appointment and did not contact the CPOA to reschedule. Mr. [REDACTED] written complaint did not offer any specifics as to how he was being bullied other than being contacted by Officer A. The dates Mr. [REDACTED] provided either were the same day or very close in days to when he did have documented police calls. Mr. [REDACTED] failed to provide any evidence or specifics about the alleged harassment and refused to cooperate with the investigative process to gain more information.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to proceed with the investigation.

Letter to Mr.
September 14, 2018
Page 2

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Executive Director

cc: Albuquerque Police Department Chief of Police

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Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8009

Re: CPC #153-18

Dear Mr. [REDACTED]:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 27, 2018, regarding an incident that occurred on June 13, 2018.

I. THE COMPLAINT

Mr. N. [REDACTED] submitted a written complaint regarding a June 13, 2018 traffic stop. Mr. N. [REDACTED] wrote he was pulled over for "suspicion of not working." Mr. N. [REDACTED] wrote the officers yelled, screamed, and Officer C pointed his gun at him. He complained he was threatened with jail because he signed his citations with, "I do not waive my constitutional rights." He was upset that an officer pulled his weapon on him and that officers searched his car without his consent. When the sergeant arrived, the sergeant accused him of being drunk, which he denied.

II. INVESTIGATION

The CPOA Investigator reviewed the lapel videos from all three officers present. Officer T pulled Mr. N. [REDACTED] over for suspended registration, a tail light out, and expired insurance. Mr. N. [REDACTED] immediately exited his vehicle and quickly approached the officers' vehicles. Officer T approached with his hand on his holstered weapon and instructed Mr. N. [REDACTED] to take a seat on the curb. Officer C approached with his firearm drawn from the holster, but it was pointed fully at the ground. He holstered and briefly withdrew again when Mr. N. [REDACTED] had his hands in his back pocket. He again holstered quickly. The video showed Officer C's weapon was clearly never pointed at Mr. N. [REDACTED] or even in a low ready position. Mr. N. [REDACTED] was confrontational with the officers so Officer T often told him to sit on the curb or be handcuffed, but Officer T never attempted to force compliance. Officer T explained why he pulled Mr. N. [REDACTED] over. Mr. N. [REDACTED] used profanity with the officers, yelled at officers, and angrily paced around on the sidewalk and street. Both officers looked in Mr. N. [REDACTED] car windows at different times, but did not open the door, put their heads in the open window, or conduct a search. The videos showed Officer T explained to Mr. N. [REDACTED] if he refused to sign the citations he would go to jail. Mr. N. [REDACTED] did not sign his name on the first citation, but wrote a sentence on the signature line instead. He did not write anything on the other two citations. Mr. N. [REDACTED] demanded a supervisor so a sergeant was called out rather than place him under arrest for not signing all the citations. The sergeant arrived, explained things to Mr. N. [REDACTED] as Officer T had, and did not accuse

Letter to Mr. .
September 14, 2018
Page 2

him of being intoxicated. Mr. N signed the other two citations to the sergeant's satisfaction. Mr. N was offered information and assistance on filing a complaint, which he did not do at that time. Mr. N left.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint as alleged could not be minimally substantiated based on a review of the lapel videos. The weapon was never pointed at Mr. N. A visual scan is not a search of the car. If an individual does not sign citations, the person is subject to arrest. There was no discussion of DWI by the sergeant. There was no violation of SOP based on the review of the videos.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

Via Email

RE: CPC 154-18

Dear Mr. :

On June 25, 2018 we received your written complaint concerning Albuquerque Police Department Officer L.. On June 30, 2018, you filed a duplicate complaint online. Both complaints were about the same incident.

I. THE COMPLAINT

You wrote in your complaint that you were riding your bicycle in a crosswalk when you were struck by a car. After you were hit, you went to a curb and sat down. Officer L. arrived and told you to stand up. You told him that you were dizzy and would have trouble standing. Officer L. told you to steady yourself by leaning on a nearby fire hydrant. The officer then informed you that he was going to search you. You stated in your complaint that your injuries would not have been as severe if the officer had not ordered you to stand. In your second complaint, you added that the officer made you put your hands behind your back, and that the officer searched you without probable cause. You wrote that the driver of the car wasn't searched so that proves that the officer committed misconduct and his actions towards you constituted intimidation, racial profiling, and unwarranted searches.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator reviewed the accident report and Officer L.'s lapel camera video. The report indicated that you were headed Eastbound on Central Avenue, riding your bicycle on the sidewalk. A car pulled into the intersection as you were attempting to cross the street and that caused you to hit the car. The driver of the car said that she didn't see you on the sidewalk before she pulled forward. The lapel camera video showed the officer's arrival and as you stated you were sitting on the curb. You had one hand concealed inside your jacket as the

officer approached you. The officer asked you to take your hand out of your jacket and he asked you if you were carrying any weapons. You stated that you were not carrying any weapons. He asked you if he could search you and you told him that he could. He asked you to stand up as he could not search you thoroughly while you were sitting down. You did have difficulty standing so the officer told you to steady yourself on the fire hydrant. No weapons were found during the search and you were turned over to Albuquerque Fire Rescue personnel for evaluation. You asked that the officer be held accountable and you be financially compensated.

III. CONCLUSION

The lapel video showed that the officer had articulable safety concerns when he approached you. You had one hand concealed in your jacket as the officer approached you. The officer asked you if he could search you and you consented to the search. The lapel camera video showed the search was within department policy. Based on the available evidence, we are unable to minimally substantiate your allegations of intimidation or racial profiling. Because you consented to the search and because we are unable to minimally substantiate your other allegations, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harnoss
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8016

Re: CPC #160-18

Dear Ms. _____ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on July 10, 2018, regarding an incident that occurred on or about June 20, 2018.

I. THE COMPLAINT

_____ P1 _____ submitted an emailed complaint regarding actions by an officer who entered and searched her vehicle without her permission while it was parked on the road. The officer treated her as a hostile suspect.

II. INVESTIGATION

The CPOA Investigator attempted to locate a CAD, but APD CADs was unable to find one. While entering information into the database the address she provided was in the unincorporated area of Albuquerque, which generally would be the jurisdiction of BCSO. When Ms. P arrived for her interview, the CPOA Investigator asked if she was certain it was APD and she said that it was. An interview was conducted. She stated she recorded the interaction and provided a copy of the video. In reviewing the video, it was clear the officer in question was BCSO and not APD. The CPOA Investigator explained this to her and she was unaware there was a difference. The CPOA Investigator provided Ms. P _____ with the information about how to file a complaint with BCSO and that the complaint here would be closed as, the CPOA did not have jurisdiction. She understood.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed the complaint did not involve APD personnel

Letter to Ms. P.
September 14, 2018
Page 2

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8023

RE: CPC 164-18

Dear Ms. _____ :

On July 3, 2018 we received your written complaint concerning the Albuquerque Police Department.

I. THE COMPLAINT

You wrote in your complaint that on 06/30/18, a man fired gunshots at you from his car as your daughter left with the man and some other occupants. You stated that it had been 4 days since the incident and you had not heard back from anyone on the case. You stated in your complaint that you wanted charges pressed against the man who fired at you.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator reviewed the police reports on the matter. The officer who responded to the incident documented what you told him had occurred and he searched for evidence of the shots being fired and he did find three bullet casings which were photographed and collected as evidence. The officer reported the problems you have been having with your 17 year old daughter leaving for days at a time. The license plate you provided to the officer that was on the suspect vehicle was not a valid license plate number so there was no way to determine who the car belonged to. The officer described the suspect vehicle in his report and he went to look for your daughter at the locations you had provided the officer with of where your daughter might be. He was unable to locate the suspect vehicle. The officer filed his report and a copy of the report was sent to the Northeast Area Command Investigations Unit for follow up. At the time of your complaint, your case was being assigned to a Detective for follow up investigation.

III. CONCLUSION

Our office has no ability to investigate the incident you complained of. You stated that you wanted the offender(s) identified and charged with the crime. The APD Northeast Area Command Investigations Unit is the appropriate place to call to find out more information as to what is being done to investigate your case. The Northeast Area Investigations Unit can be reached at 823-4455 and they are located at 8201 Osuna NE, Albuquerque. We wish that we could be of further assistance and it is our hope that the offender is apprehended and prosecuted to the fullest extent. Because we lack jurisdiction to investigate your complaint, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Harness', with a stylized flourish at the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

Via email

Re: CPC #174-18

Dear Ms. _____ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 1, 2018, regarding an incident that occurred on or about June 1, 2018.

I. THE COMPLAINT

Ms. _____ submitted an online complaint regarding her allegation that unidentified officers were being inappropriate in Dions. She described their conversation as loud and vulgar. One officer mentioned he lived in an area near where she lived so she paid attention more. The officer said, "up by the hooker orchard." Ms. M _____ took him to mean the mass burial ground between 98th and 118th. Ms. M _____ was disgusted by his comment as it demonstrated to her the officers had no respect for human life. The other officers that laughed in response to the comment were no better.

II. INVESTIGATION

The CPOA Investigator submitted the information to CADs in order to try to identify any of the officers. CADs checked the history for the officers that logged out on lunch around that date and time, but could not locate any officers logged at Dions. Ms. M _____ wrote in her complaint she did not have the officers' information. The complaint was forwarded to the Southwest Area Commander as general information and awareness of the complaint.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the officers; however, the supervisor has been made aware of the conduct.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

Letter to Ms.
September 14, 2018
Page 2

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8030

RE: CPC 179-18

Dear Ms. :

On July 17, 2018 we received your written complaint concerning the Albuquerque Police Department.

I. THE COMPLAINT

You wrote in your complaint that on April 18, 2018, your rights and the rights of your children were violated. You wrote that your children were removed with no call from intake and that your children were separated and your daughter was placed in a crisis center despite never being a delinquent. Arrangements were made for the grandmother to pick up the children but then the children were not released to them. You claimed the officers showed up to your home on moving day and that they investigated and questioned the children without probable cause. You alleged that perjury was committed by telling you that they were at the home for a domestic abuse summons from the day before. The officers allegedly told your children they were there for a welfare check. You stated that you have all the supporting documents and facts to prove the truth. You believed that the officer's actions constituted kidnapping and illegal search and seizure. You asked that the charges against you be dropped and for your name to be cleared.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator reviewed the police report for the incident you complained of as well as numerous other police reports on file for you that had to do with the Domestic Violence incident you referenced in your complaint and two other reports.

The officers were sent to your home on that day because CYFD Statewide Central Intake (SCI) had received a call that you had been evicted from your home and that your children, ages 13, 12, and 6, had been left without any parental supervision. When the officers arrived

at the home, you were not there. The children initially refused to come to the door but they eventually did. Your oldest child was hesitant to tell the police where you were or how long you had been gone. When asked if there was food in the house your oldest daughter answered that you had just gone out shopping. The officer noted that the answers that all of the children were giving seemed to be coached and practiced. When the officer told the children that he was going to check to see if there was food in the house, all of the children admitted there was no food in the refrigerator because the power had been turned off. The officer reminded your daughter that he was the same officer who had been to the house just the previous day for the Domestic Violence incident.

When the officer entered the home he found it in disarray. It was difficult to walk through, there was debris such as glass and screws on the floor, and the officer noticed knives in almost every corner of the home. The children told the officers you had provided the knives for them for protection because someone had attempted to burglarize your house the night before. When asked if the attempted break in was reported your daughter said that it was not because your phone doesn't work. The children admitted that they had not been going to school. The officer checked the house and found that there was no electricity, but there was running water. The officer waited at the house for over an hour which was documented for you to return but you did not return to the home. At 7:00 PM, the officers took the children to the Mall Substation where they contacted a CYFD worker. The officers did not contact the grandparents but instead according to the records in the case, the grandparents called to inform the police that they were on their way from Santa Fe to pick the children up. It was CYFD who had contacted the grandparents. Then children were not allowed to go with their grandfather because he had active felony warrants out for his arrest from California. CYFD was responsible for placing the children, not APD. Instead of arresting you, the officer chose to have you summonsed to court on misdemeanor child abuse and neglect charges.

III. CONCLUSION

Our agency has no ability to have any charges against you dropped. You have to deal with the charges in court. Officers may question children they believe are being neglected or harmed and they may do so in the absence of the parent. Furthermore, officers may enter a residence without a warrant when they have articulable safety concerns for the children as the officers had in this case. Based on the available information, it appears that the officers handled the situation in accordance with APD policy and the law. We are unable to minimally substantiate your allegations as written in your complaint and because of that we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8047

RE: CPC 180-18

Dear _____ :

On July 27, 2018 we received your written complaint concerning the Albuquerque Police Department.

I. THE COMPLAINT

You wrote in your complaint that on June 24, 2018, you ran out of gas in front of the train station in downtown Albuquerque. You were driving a truck and towing a camper trailer. You had come from California. You were out of money. You claimed that the officers who arrived there would not let you call State Farm or AAA for towing or some gas. Allegedly, you were not allowed to call a tow truck because you did not have money to pay for a tow truck and the police instead chose to have your truck and trailer towed to impound. You claimed you were left alone downtown and you were robbed but uninjured. You asked our agency to consider a change in the towing policy so that people who are towing trailers that serve as their homes not be towed. Furthermore you asked for our assistance in getting your truck and trailer out of impound because the fees are now well over two thousand dollars.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator reviewed the police report and the officer's lapel camera video recordings on the incident. When the officers encountered your vehicle, it was stopped in the traffic lane blocking traffic. City Ordinance 8-5-2-4 (A) 2 reads:

Any municipal police officer, or any municipal employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may order the impoundment of any vehicle within the municipal corporate limits, without prior notice to the owner or operator thereof...*When any vehicle is parked or left standing upon a street, alley, or public way in*

such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic.

Your vehicles were subject to impoundment under the law and APD rules and regulations. The lapel videos showed that prior to the officers ordering the tow, that they tried working with you. What the videos showed is that your phone was dead and you asked the officers if they could call AAA for you. Their response was that of course they could do that for you. When they asked you for your AAA information so they could pass that on to the dispatcher, you were unable to provide them with a AAA card or membership information. When the officer ran the license plate on the truck you were driving, the truck was not registered to you. You said that you had bought the truck but had not transferred the title yet. The trailer was also not registered to you. The truck you were driving had plates on it that expired in 2017. When the officer asked you for a driver's license, you had none in your possession. You delayed in providing the officer with your information but you finally did provide it to him. After some delay, a Supervisor ordered the towing of the vehicle and trailer attached to it. The CPOA Investigator was unable to locate any official record that you were subsequently robbed.

III. CONCLUSION

Our agency has no influence over the towing business that holds your vehicles. Since neither the truck or the trailer are registered to you, the process in retrieving your vehicles and belongings becomes more complicated but that is something you need to work that you need to work out with the towing company. The Towing Policy is reviewed annually and the Police Oversight Board and the CPOA have input on any changes that are made or need to be made to that policy. When the policy comes up for review, we will certainly look at the issue of towing trailers that serve as someone's home. The investigation conducted by our agency shows that in this case, the policy and the law were followed by the officers. Because we were unable to minimally substantiate your other allegations we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8054

RE: CPC 181-18

Dear :

On July 31, 2018 we received your written complaint concerning the Albuquerque Police Department.

I. THE COMPLAINT

You wrote in your complaint that you are Lyft driver. On July 18, 2018 at about 1:30 A.M., you were providing a ride for three intoxicated people and you passed through a roadblock on Montano. You had passed through roadblocks before while providing your driving services and never had a problem. That night however, an officer made you get out of your car and perform field sobriety tests even though you told him that you have a disability that would prohibit your being able to perform the tests. When you asked just to take a breath test right away, the officer refused. Eventually, you were given a breath test which proved you had no alcohol in your system and you were allowed to continue on your way. You wrote in your complaint that you wanted nothing done other than the officers to be made aware that people with disabilities should not be forced to perform field sobriety tests when their disabilities prevent them from being able to perform the tests.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. Even though you wrote in your complaint that you wanted nothing done, the CPOA Investigator reviewed your complaint and sent it to the Albuquerque Police Department Acting Traffic Division Commander. The CPOA Investigator asked the Commander to review your complaint and after reviewing it, to share your concerns with the officers who work the DWI roadblocks.

III. CONCLUSION

Your complaint stressed the fact that you simply wanted to make the officers aware that people with all kinds of disabilities may go through the checkpoints. You asked that the information be shared with the officers that people with disabilities should not be forced to perform field sobriety tests when their disabilities prevent them from being able to perform those tests. Our office has forwarded your complaint to the Acting Traffic Division Commander so he can address the issue with his officers.

At this time we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Harness', with a stylized flourish at the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

Via Email

Re: CPC # 186-18

Dear Mr. :

I. THE COMPLAINT

You submitted a complaint to our office in which you state your sister and brother-in-law were found in their home incapacitated by the home healthcare nurse that cares for them. The nurse contacted the Albuquerque Police Department to conduct a welfare check on your relatives. Officer M. and Officer S. arrived and made entry into the home. The Albuquerque Fire and Rescue were called and transported your relatives to the hospital. During the incident you state your sisters' wallet and keys went missing. You stated you contacted numerous agencies to gather information into the whereabouts of those items. At one point you state you were informed Officer M. took the keys from the ambulance to lock up the residence and possibly never returned them.

You also wrote that the officers did not complete a police report in regards to the incident and found it odd that a police report was not completed.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator contacted you and you spoke via telephone and email with the Investigator. You informed the Investigator of everyone you had reached out to in an attempt to find the items. You informed the investigator that security personnel at the hospital found the mention of the keys on a hospital report. You also informed the investigator that witnesses stated the officer did place the keys in the ambulance after locking the door. The investigator stayed in contact with you to ensure the issue was resolved. The Investigator addressed your concern about a police report and explained Albuquerque Police Department Standard Operating Procedure 2-34 which described in detail what types of incidents Albuquerque Police Officers are required to file a report. The Investigator also explained how to obtain a report if you wished to do so.

III. CONCLUSION

In an email to the Investigator you informed him three witnesses, including the Nurse Homecare supervisor and a next door neighbor, were present when the Officer gave the keys to the Ambulance driver. You also indicated Security personnel at the hospital informed you that your sister was admitted with a set of keys. You informed the Investigator you would be contacting the ambulance company to follow up on the incident because you believed the ambulance employees were attempting to place blame on the Officer, when in fact they had originally lost or misplaced the items.

At this time your complaint is being administratively closed due to no violations of APD SOP's. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harnoss
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

September 14, 2018

Via Certified Mail

7017 2680 0000 5951 8061

Re: CPC #196-18

Dear Mr. _____:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 16, 2018, regarding an incident that occurred on or about July 1, 2017.

I. THE COMPLAINT

Mr. _____ submitted a written complaint stating that he is being harassed, slandered, followed, and watched by a group of people “no col” led by a leader named “J_____.” Mr. _____ claimed someone wants him in prison or dead. “They” follow him everywhere. Mr. _____ claimed “they” tell lies about him and badmouth him to all the stores in town. “They” call him names and know where he is planning to move with a team in Farmington waiting “just for him.”

II. INVESTIGATION

The CPOA Investigator reviewed the previous complaint, CPC 046-18, which contained similar allegations. Neither complaint provided any information involving the Albuquerque Police Department or contact with APD personnel. The CPOA only investigates allegations of misconduct or violations of policy by APD personnel and has no authority to investigate other alleged crimes. Mr. _____ presented no information as to who “they” were or if “they” had anything to do with APD.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify any APD personnel involvement and the complaint is duplicative to a previously filed complaint.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details concerning specific allegations against APD and wish to have the complaint re-opened.

Letter to Mr. R . . . -L

September 14, 2018

Page 2

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galbraith, Vice Chair

Valerie St. John

Edward Harness, Executive Director

September 14, 2018

To File

No current address/no email given

Re: CPC # 193-18

Dear Ms. _____:

Our office received the complaint you filed on July 28, 2018 against Officer B. and Officer P. regarding an incident that took place July 27, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Albuquerque

NM 87103

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

www.cabq.gov

I. THE COMPLAINT

Ms. T_____ wrote that on July 25, 2018 (actual incident date is July 27, 2018) that she called police to make a report about two of her friends trying to jump her. Ms. T_____ stated she was inside an apartment having a severe anxiety attack while the officers were outside talking to the perpetrators. Ms. T_____ then states the officers burst through the door with their guns pointed at her like she was a psycho. Ms. T_____ goes on to state the officers were trying to ask her questions about the incident instead of allowing the paramedics to just get her back to a normal state. Ms. T_____ states one of the officers asked her if she had hiccups and that all of the officers were laughing at and taunting her.

Ms. T_____ also wrote that the officers should be fired because they refused her right to give her purse to her and that she was badgered about being a suspect when she was the victim.

Ms. T added that the officers allowed the perpetrators to stand next to the ambulance while she was being taken away and feels that is a violation.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER B.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel video's and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 2-52-4 (H. 3.f.), which states:

H. Lawful Objectives

3. The lawful objectives for which force may be appropriate include:

f. To conduct a lawful search

Ms. T complained that Officers burst through the door with their guns pointed at her like "she was a psycho". The investigation showed that the officers had to forcefully enter the apartment due to Ms. T being in distress. Officer B. did remove her firearm from the holster as she entered the home to conduct a lawful search. At no time did Officer B. or any other officer point their weapon at Ms. T. Officer B.'s weapon is observed in a low ready position as she conducts a search of rooms in the apartment.

The CPOA finds Officer B.'s conduct EXONERATED, where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

B.) The CPOA reviewed APD Standard Operating Procedure (SOP) 1-1-4 (7. a.), which states:

7. Both on and off duty, personnel will conduct themselves in a manner that reflects favorably on the Department. Conduct unbecoming an officer or employee of APD includes the following:

a. Conduct that could bring disrepute, shame, dishonor, disgrace or embarrassment to the department.

Ms. T. complained that officers laughed at her, taunted her and allowed the alleged perpetrators to go near the ambulance so they could berate her. The investigation did not show Officer B., nor any other officer laughed at or taunted Ms. T in any way. Officer B. conducted herself in a professional manner during the entire contact.

Ms. T also complained that the officers refused to give her the purse she had. The investigation showed that Ms. T never asked for any personal belongings or purse during the incident. Officer B. is observed noticing Ms. T's phone and places that on the gurney with Ms. T, however Ms. T is never refused any personal items.

The CPOA finds Officer B.'s conduct **UNFOUNDED**, where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER P.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 1-1-4 (7. a.), which states:

7. Both on and off duty, personnel will conduct themselves in a manner that reflects favorably on the Department. Conduct unbecoming an officer or employee of APD includes the following:

a. Conduct that could bring disrepute, shame, dishonor, disgrace or embarrassment to the department.

Ms. T complained that officers laughed at her, taunted her and allowed the alleged perpetrators to go near the ambulance so they could berate her. The investigation did not show Officer P., nor any other officer laughed at or taunted Ms. T in any way. Officer P. is observed asking what Ms. T's condition is based on information from paramedics that it was not a seizure and asking in reference to the sounds and breathing of Ms. T about hiccups, but never taunted or laughed at Ms. T

Ms. T also complained that the officers refused to give her the purse she had. The investigation showed that Ms. T never asked for any personal belongings or purse during the incident. Officer P. never refuses any items to Ms. T because he is never asked for any personal items.

Ms. T states officers allowed the perpetrators to taunt and berate her at the ambulance. The individuals Ms. T speaks of where approximately 50 feet or more away from where the ambulance was parked. Officer P. did not allow the individuals to approach the ambulance in any way.

The CPOA finds Officer P.'s conduct **UNFOUNDED**, where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer B.'s and Officer P.'s Internal Affairs records.

You have the right to appeal this decision.

1. If you are not satisfied with the findings of the CPOA, please request an appeal in a signed writing to the undersigned within 30 days of receipt of this letter. Include your CPC number.

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the city's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police