

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, March 10, 2016 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Beth Mohr, Chair
Leonard Waites, Vice Chair
Dr. Susanne Brown
Eric H. Cruz
Joanne Fine
Jeffrey Scott Wilson
Dr. David Z. Ring III
Dr. Lisa M. Orick-Martinez
Carlotta A. Garcia

Others Present:

Edward Harness, Executive
Director
Michelle Contreras
Mark Baker
Diane McDermott
Lt. Garcia, APD
Marlo Kiefer
Paul Skotchdopole
Amanda Bustos
Julian Moya
Erin O'Neil

Minutes

- I. **Welcome and call to order:** Chair Mohr called the meeting to order at 5:06 p.m.
- II. **Pledge of Allegiance** – Board Member Wilson led the Board in the Pledge of Allegiance.
- III. **Approval of the Agenda:** Copies of the agenda were distributed.
 - A. Agenda item XIV will be moved to come after item VI. Member Wilson moved to approve the agenda with changes. Member Brown seconded the motion. **Approved.**
For: Waites, Mohr, Brown, Cruz, Wilson, Ring, and Fine.
 - B. Chair Mohr thanked former POB Members Dr. Jeannette Baca and Dr. Moira Amado-McCoy for their service to the community and the POB. Dr. Baca and Dr. Amado-McCoy chose not to continue past their one year terms, which ended this month.
 - C. Chair Mohr introduced new Board Members, Carlotta A. Garcia and Dr. Lisa M. Orick-Martinez. Chair Mohr read a summary of the resumes for Member Garcia and Member Orick-Martinez.
- IV. **Public Comments:** None at this time.
- V. **Monitoring Team Remarks:** Dan Giaquinto, from the Department of Justice Monitoring Team, introduced himself to the Board. Mr. Giaquinto is an Associate

Monitor and is responsible for assessing compliance with the Settlement Agreement and reporting to the Federal Monitor. Mr. Giaquinto is an attorney in private practice in New Jersey. He is also retired from the Attorney General's office in New Jersey and was Director of State Police Affairs where he helped them follow a consent decree. Mr. Giaquinto is pleased to be part of Dr. Ginger's team and to be part of such a worthwhile cause. He looks forward to working with the Board and is thankful for their efforts.

VI. Discussion of Work Flow Chart, Joanne Fine: Member Fine and the Case Review Subcommittee developed a chart to illustrate the process of police oversight in order to give the public, as well as POB Members, a clearer picture of the process. **See "Attachment A" for a copy of the flow chart.**

A. Member Fine gave the following overview of the process:

- i.** The CPOA investigators have 90 days to investigate complaints. In special circumstances an extension of 30 days may be requested, but must be approved of by APD Union and APD.
- ii.** After the investigation is complete, the Executive Director determines the findings of the case and, if necessary, gives recommendations for discipline. The case is then reviewed by the Case Review Subcommittee. All members of the POB may concurrently review all of the cases. If members agree with the findings of the Executive Director, the cases are presented to the full Board as a consent agenda.
- iii.** After a case has been presented to or heard by the POB, a letter is sent to the complainant notifying them of the findings.
- iv.** Cases that involve criminal allegations, serious use of force, or officer involved shootings are investigated by APD Internal Affairs. Upon completion of the investigation, the case is sent to the CPOA for review by the Executive Director.
- v.** Per the APD Union contract, there is a 30 day time-frame to determine and enforce discipline after findings in a case have been made. For cases that come from Internal Affairs the POB has 5-7 days to review the case.
- vi.** If the Chief does not agree with the findings or recommendations of the POB, he sends a letter to the POB detailing why he does not agree with the findings.

A. Lt. Garcia has reviewed the chart and agreed that it is accurate concerning APDs portion of the process.

B. Member Ring moved to approve the chart as the official oversight process. Member Brown seconded the motion. **Approved.**

For: Waites, Ring, Brown, Mohr, Wilson, Fine, and Cruz.

VII. Public Comments: Members of the community were given the opportunity to give comments to the Police Oversight Board at this time.

- A. Don Schrader spoke to the POB about how a particular tribe handles members of the group who have done something wrong. The other tribe members surround the person who has committed an offense and one by one, each person speaks of all the good things that person has done over their lifetime. There are no exaggerations, just the truth is spoken about the good deeds the person has done. This process can last several days and at the end of it they have a celebration in which the person is welcomed back into the group. Mr. Schrader stated that we are all much greater than the worst thing we've ever done, or almost did. This process is light years away from how current Western society handles people who have committed offenses.
- B. Dinah Vargas spoke to the POB about the shooting of Mary Hawkes. The Albuquerque Journal recently came out with a story of how Officer Dear could not have shot her in the way he described. Ms. Vargas stated that it brings up more questions about how she was shot, why her body was moved, and why there was no DNA evidence on the gun. The media repeatedly ran the story about methamphetamines in her system. Taser International built their fortune on the back of Albuquerque. We've had no justice. Ms. Vargas stated that government can no longer say that they did not know what was going on.

VIII. Approval of Minutes: Copies of the minutes from the February 11, 2016 POB meeting were distributed and reviewed. Member Waites moved to approve the minutes as written. Member Wilson seconded the motion. **Approved.**
For: Brown, Mohr, Ring, Waites, Wilson, Fine, and Cruz.

IX. Officer Involved Shooting Case I-48-15: The CPOA's review of this case is Administrative, and is not a criminal investigation. Executive Director, Edward Harness, reviewed Case I-48-15, and made the following findings:

- A. Concerning the allegation of a violation of APD's undercover investigations policy the CPOA finds Lt. B's conduct SUSTAINED.
- B. Concerning the allegation of a violation of Use of Force policy the CPOA finds Lt. B's conduct SUSTAINED.
- C. Concerning the allegation of a violation of enforcement of laws, ordinances, and police regulations policy the CPOA finds Lt. B's conduct SUSTAINED.
- D. The CPOA recommends termination of Lt. B's employment with APD.
- E. The CPOA gives the following policy recommendations: only allow buy/bust operations after the scenario has been briefed in person by all participants; end the practice of radio briefings; do not allow anyone who has not been briefed to participate unless the officer requests back-up; immediately perform drug tests for officers who discharge their firearm in the line of duty; personnel involved in undercover operations must review all applicable standard operating procedures and attend DEA Training;

personnel should be counseled to pay close attention to details, i.e. don't leave police equipment in an undercover car.

- F. Chair Mohr recommends that APD use only legal tinting on vehicle windows, and that equipment, such as wires worn by personnel in undercover operations needs to be working and reliable.
- G. Member Ring moved to approve the findings of the CPOA for case I-48-15. Member Fine seconded the motion. **Approved.**
For: Mohr, Ring, Waites, Wilson, Fine, and Cruz.
Opposed: Brown

X. Consent Agenda Cases: See "Attachment B" for Summaries of the CPCs.

A.	119-13	129-13	132-13	035-14	058-14
	060-14	061-14	063-14	069-14	103-14
	129-14	043-15	044-15	045-15	046-15
	047-15	051-15	053-15	056-15	058-15
	060-15	063-15	065-15	067-15	068-15
	071-15	072-15	073-15	074-15	076-15
	079-15	080-15	081-15	085-15	090-15
	092-15	095-15	097-15	098-15	100-15
	105-15	112-15	113-15	114-15	116-15
	117-15	118-15	124-15	125-15	129-15
	138-15	140-15	141-15	185-15	186-15
	191-15	196-15	201-15	203-15	205-15
	222-15				

- B. Member Fine moved to approve the findings for the Consent Agenda cases. Member Ring seconded the motion. **Approved.**
For: Ring, Fine, Cruz, Mohr, Wilson, Brown, and Waites.

XI. Case to be heard by the POB, 217-15: - Director Harness read a summary of CPC 217-15. The CPOA found Sustained Not Based on Original Complaint for the APD Operator who gave incorrect information to the officer who was dispatched, which resulted in the complaint against APD. The CPOA recommends a written reprimand as discipline.

- A. Member Waites moved to approve the findings of the CPOA for CPC 217-15. Member Brown seconded the motion. **Approved.**
For: Brown, Waites, Cruz, Mohr, Wilson, Fine, and Ring.

XII. Publication of redacted findings letters on the CPOA Website:

- A. Members discussed the issue of posting a copy of the findings letters to the citizens on the CPOA website with identifying information redacted.
- B. Member Fine moved to have CPOA staff remove any identifying information from the letters and post the letters to the CPOA website. Member Cruz seconded the motion. **Approved.**

XIII. Meeting with Counsel re: Closed session to discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the CPOA is or may become a participant-Board Attorney Mark Baker.

- A. Attorney Mark Baker did not have any new matters to discuss with the Board at this time. The Board will not meet in closed session during this meeting.
- B. Member Fine moved for the Board to break for dinner at 6:25 p.m. Member Ring seconded the motion. **Approved.**
For: Waites, Ring, Mohr, Brown, Cruz, Wilson, and Fine.
- C. The Board meeting reconvened after a dinner break at 7:12 p.m.

XIV. Reports from Subcommittees:

A. Outreach Subcommittee – Leonard Waites, Chair

- i. Leonard Waites was appointed the new Chair of the Outreach Subcommittee at the last meeting on February 9, 2016.
- ii. The Subcommittee is working on a Strategic Plan and a Mission Statement. Member Waites would like Board members to email him their suggestions for a mission statement by March 28, 2016.
- iii. The Outreach Subcommittee is hosting a summit for the Citizen Policing Councils on March 22, 2016 from 6:00-8:00 p.m.
- iv. Brochures and Complaint forms are in the process of being reformatted.
- v. Discussed conference calls with NACOLE Planning Committee.

B. Policy and Procedures Review Subcommittee – Dr. Susanne Brown, Chair

- i. Investigator Paul Skotchdopole is attending Standard Operating Procedure Review Committee meetings.
- ii. Board members can initiate comments and suggestions on policies, and the next meeting will include discussion of what the Subcommittee wants to work on next.

C. Case Review Subcommittee – Jeffrey Scott Wilson, Chair

- i. Discussed findings letters and non-concurrence letters so that citizens can see the result of the investigations.
- ii. The flow chart has been completed.
- iii. Discussed the issues of what is required by the Ordinance regarding complaints involving very old incidents and how to deal with repeat complainants.
- iv. The next meeting will cover older Office Involved Shooting cases.

XV. Reports from City Staff:

A. Lt. Garcia, Internal Affairs – Lt. Garcia read APD Internal Affairs report for the Month of February, 2016. See “Attachment C” for APD’s Internal Affairs Report.

- i. Lt. Garcia gave statistics on APD vehicle accidents. Since August, 2015, 9% of APD employees had accidents, and of those, 3% were preventable.
- ii. Chair Mohr would like to know at the next meeting how many accidents involving APD vehicles took place during times when APD officers were not on duty.

B. Julian Moya, City Council: Mr. Moya welcomed the new Board Members to the POB. Toward the end of the summer, Council will open up the application process for new POB members in preparation for next year.

C. Mayor’s Office – no one present to give report.

D. City Attorney – no one present to give report.

E. CPOA Executive Director Edward Harness:

- i. Data Analyst, Miriam Verploegh has been hired. Director Harness read a summary of her qualifications and background.
- ii. Director Harness spoke to the current APD cadet class. The CPOA will be on the curriculum for all cadet classes from this point forward.
- iii. The Monitoring team is open to considering a statute of limitations for complaints.
- iv. It is time to add appeals to the Board’s agenda. The Board will have the opportunity to review the request for appeal and decide if it will be heard or not. Attorney Mark Baker suggests that the Board have a flexible standard for reviewing appeals.
 - a. The Monitor wants to know when the Board recommends a policy and the Chief disagrees with the recommendation. The Policy and Procedures Subcommittee needs to address the issue of formally recommending policies at the next Policy meeting.

XVI. Other Business:

- A. Board members need to schedule their APD Ride-alongs. Two ride-alongs every six months is required by each member. New members will have their first ride-along scheduled for them.
- B. New phone lists for CPOA and POB need to be distributed.
- C. Chair Mohr suggests that the CPOA purchase SSPS Software.

XVII. Adjournment: Member Waits moved to adjourn the meeting. Member Wilson seconded the motion. **Approved.** Meeting adjourned at 8:05 p.m.

- Next regularly scheduled POB meeting will be on Thursday, April 14, 2016 at 5 p.m. in the Vincent E. Griego Chambers.

APPROVED:

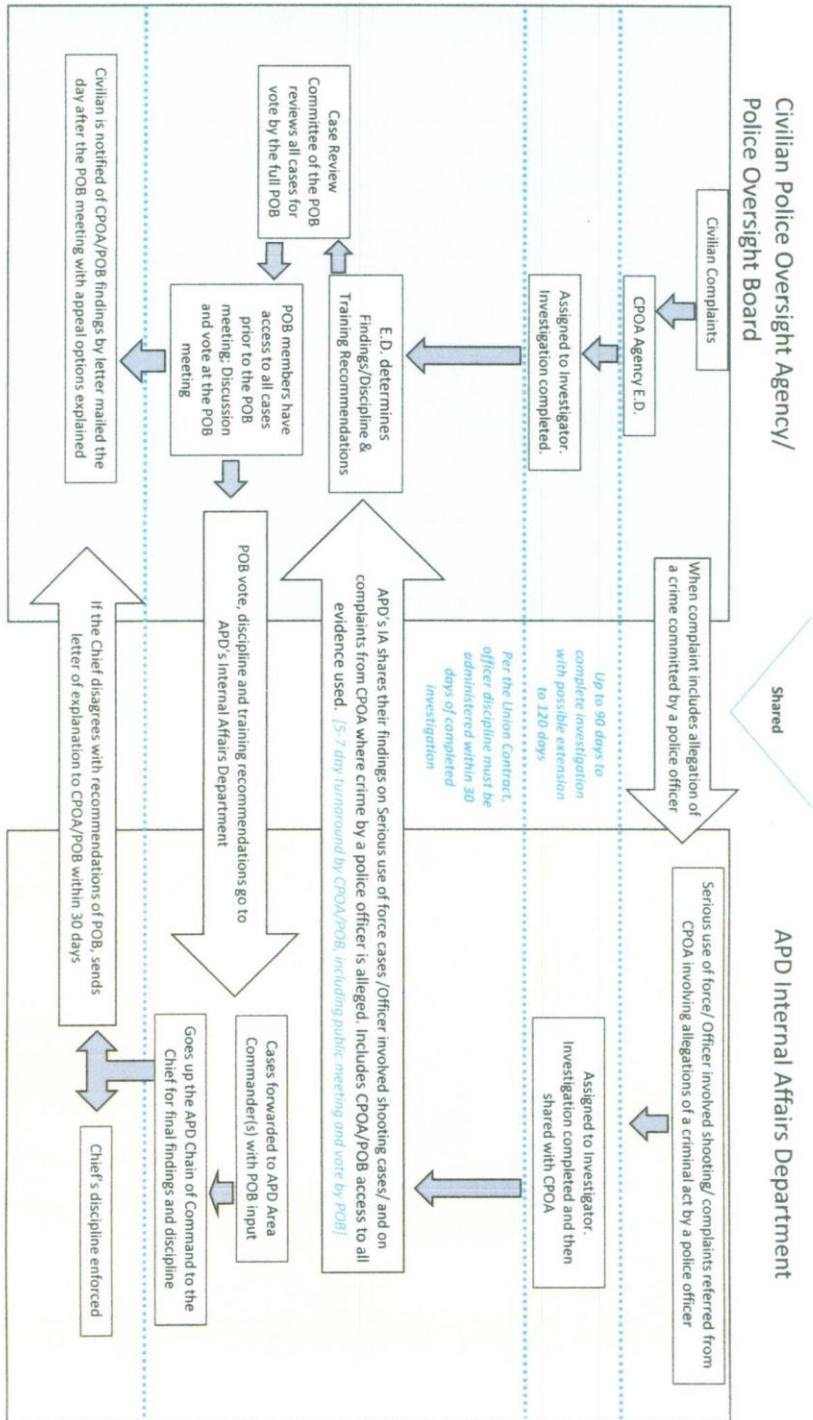
Beth Mohr, Chair
Civilian Police Oversight Agency

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Dan Lewis, City Council President

“Attachment A”

The Oversight Process in Albuquerque



March 10, 2016

“Attachment B”

CASE SUMMARIES MARCH 2016

CPC 035-14 – A complaint was filed by a citizen who alleged that while he was in the public records area of the Albuquerque Police Department, Employee C. picked up a bench and dropped it loudly, allegedly to intimidate the citizen. Employee C. does not recall having any interaction with the citizen and denied dropping a bench. Due to a lack of evidence that the misconduct occurred, the allegation was NOT SUSTAINED.

CPC 043-15 – A complainant alleged that Detective T. tried to get him to commit Social Security fraud and that Detective T. refused to enforce the law when he tried to report his father for violating the law. The CPOA investigation revealed that Detective T. works for CIT and was familiar with the complainant. Detective T. has worked tirelessly to help the complainant with various issues. The CPOA found the allegations to be EXONERATED.

CPC 044-15 – A citizen alleged that Detective P. treated him poorly, did not follow protocol, and his report was inaccurate in a child custody case. The CPOA investigation, including review of lapel video showed no evidence that Det. P. treated the citizen poorly, so the finding was NOT SUSTAINED. The allegation of an inaccurate report could not be substantiated, and was EXONERATED. The allegation that Det. P didn't follow protocol was EXONERATED. A finding of SUSTAINED NOT BASED ON ORIGINAL COMPLAINT was issued because Det. P. did not record all of his interactions with the citizen in entirety.

CPC 045-15 – A citizen alleged that when officers responded to a dispute with her neighbor, they yelled at her, were disrespectful, and intimidating. The CPOA Investigator conducted an investigation, including review of the lapel video. The CPOA concluded that Officer D. had been stern and scolding with the citizen. The allegation of misconduct (1-04-1F) was SUSTAINED.

CPC 046-15 – A complaint was filed against Officer A. by a citizen who alleged that the officer was unprofessional and disrespectful while responding to a problem with her neighbor and that the officer spoke loudly enough for the neighbor to hear what they were talking about. The CPOA investigation found that, although the officer normally speaks loudly, it was not at the level the citizen claimed. No SOP violations were found; therefore Officer A.'s conduct was EXONERATED.

CPC 047-15 – A citizen filed a complaint regarding her son, who was shot and killed. The citizen alleged that Detective M. lied to her about specifics of the case, and failed to contact the family members for their statements. The investigation showed that Det. M. had given the citizen updated, accurate information as it became available. Det. M. had also contacted family members in the initial stages of the investigation. The allegations against Det. M. were EXONERATED and UNFOUNDED.

CPC 051-15 – A citizen witnessed an APD officer driving erratically and speeding without lights or sirens on. The citizen was speeding in order to catch up to the officer, who then pulled him over and cited him. The citizen claimed that the officer was out of his jurisdiction. The investigation revealed that Officer L. was pacing the citizen's car to determine how fast he was

going before pulling him over. The stop was made within the officer's jurisdiction. The allegations against Officer L. were UNFOUNDED.

CPC 053-15 – A complaint was filed by a citizen who alleged that Officer W. slammed her against her car, choked her, showed no compassion, and used profanity. The incident occurred during a house fire, in which the citizen was attempting to get a pet from the backyard. Lapel video showed that Officer K. was trying to keep the citizen out of harm's way. There was no evidence that she used excessive force. The allegations of force were EXONERATED. The allegation concerning conduct was SUSTAINED. The allegation concerning profanity was SUSTAINED. A finding of SUSTAINED NOT BASED ON ORIGINAL COMPLAINT was issued because Officer K. failed to record the interaction in its entirety.

CPC 056-15 – A citizen alleged that Officer E. did not file a complete report and left out important details when she reported child abuse. Officer E. agreed that he could have included more in the report, but that it wouldn't have changed the outcome of the situation. The CPOA found the officer's conduct EXONERATED.

CPC 058-14 – A citizen complained that Officer S. did not charge a Circle K store with holding him against his will after the citizen was detained by the store manager for violating a trespass order. The CPOA investigation revealed that Officer S. used his discretion in choosing not to charge the store manager for detaining the citizen since it was only a few minutes that he was inside the store. The allegation of misconduct was EXONERATED.

CPC 058-15 – A citizen complained that he was pulled over and wrongly accused of speeding and arrested for DWI by Officer B. The citizen alleged that Officer B. lied about the incident, and that Officer B. was following him with his lights off. He also alleged that Sergeant C. threatened him with bodily harm. Lapel video showed that both officers behaved professionally. The allegations of wrongful stop and arrest by Officer B. were EXONERATED. The allegation of Officer B. lying was UNFOUNDED. The allegation that Sergeant C. threatened bodily harm was UNFOUNDED.

CPC 060-14 – A citizen complained that when police did not have a search warrant for her home, that Detective S. seized cash from the home and she couldn't buy food for her dogs, made an inappropriate comment to her, that Det. S. contacted the media about the case, and that Det. S. had some kind of relationship with the citizen who reported her. The CPOA investigation found Detective S.'s conduct EXONERATED and UNFOUNDED.

CPC 060-15 - A citizen complained that while sitting in his car in a church parking lot, Officer C. blocked his way and told him to not come back or he'd be arrested. The citizen further alleged that Officer C. refused to give him his full name when asked. The CPOA investigation finding was NOT SUSTAINED for all allegations, which means the investigation was unable to determine whether the alleged misconduct occurred. . As Officer C. is assigned to a special detail, he is not required to have a lapel camera.

CPC 061-14 – A citizen complained that Detective S. did not have cause to search his home. He further alleged that the actions of APD were personal because a city employee was the one who reported the citizen. The citizen alleged that his good name was ruined because of the actions of the police. The investigation revealed that the search was legal and proper. There was no evidence linking APD or the detective to the person who reported the citizen. The allegations against Detective S. were EXONERATED and UNFOUNDED.

CPC 063-14 – A loss prevention manager at Kmart complained that Officer D. failed to file a criminal summons on a shoplifter. The CPOA Investigator made numerous attempts to contact the loss prevention manager, but was unsuccessful. Officer D. stated that he had filed the paperwork, but that it may have been lost. He noted that in the past, criminal summons he has filed were lost and he had to re-file them. The CPOA finds the allegation NOT SUSTAINED.

CPC 063-15 – A citizen complained that when she was arrested by APD her backpack was collected as evidence, but never returned to her. She alleged that her backpack was stolen while in APD evidence. The investigation revealed that Officer C. was in his second week of training at the time of this incident. His Field Training Officer, who was responsible for tagging evidence, is no longer employed by APD. The CPOA finds Officer C.'s conduct to be NOT SUSTAINED regarding this allegation. Officer C.'s lapel camera fell off him while apprehending the citizen. The camera was then accidentally run over by his partner who was trying to assist him. The allegation of misconduct was found to be EXONERATED.

CPC 065-15 – A citizen who was involved in an altercation complained that Officer M. was impatient and irritated with her and racist. The citizen also alleged that Officer M.'s report was inaccurate. The CPOA investigation showed that Officer M. was respectful and professional, did not show bias, and the report was accurate. The allegations were EXONERATED and UNFOUNDED.

CPC 067-15 – A citizen complained that when he tried to flag down an officer to report a concern about another citizen, the officer yelled at him, was rude, and he felt threatened. The CPOA was unable to identify the officer due to lack of information, but the complaint was forwarded to the Commander in the area where this incident took place. This complaint was ADMINISTRATIVELY CLOSED.

CPC 068-15 – A citizen who observed a subject who was being treated by firefighters, alleged that Officer L. laughed at and provoked the subject. The citizen alleged that Officer L.'s response to her was inappropriate and that the first responders needed more training. The CPOA investigated the complaint, including review of lapel video, and found that Officer L. did not laugh at or provoke the subject. The CPOA found that Officer L. did not respond inappropriately to the complainant. The allegation of misconduct was EXONERATED.

CPC 069-14 – A citizen complained that his sister suffered burning eyes, throat and skin after APD used tear gas to deal with protesters nearby where she was living in the dorms. The investigation showed that tear gas was used to clear a major street near where the dorms are located. Windy conditions caused the tear gas to enter nearby housing units. The CPOA found the actions of APD EXONERATED, because the conduct did not violate any SOP.

CPC 071-15 – A citizen complained that Officer D. pulled him over because he thought the citizen was flipping him off. The citizen alleged that Officer D. was a bully who was abusing his power by pulling him over and that even if the "finger" was intended for the officer he was simply exercising his right to free speech. The allegation of misconduct concerning the officer acting like a bully was NOT SUSTAINED. The CPOA found SUSTAINED for failure to record the interaction. Sergeant M.'s conduct was found SUSTAINED for failure to take action when the citizen complained about the Officer's behavior. The CPOA found SUSTAINED NOT BASED ON ORIGINAL COMPLAINT because Sergeant M. failed to file the complaint with Internal Affairs.

CPC 072-15 – A citizen filed a complaint against Officer C. and Officer M. alleging that they put handcuffs on her so tightly that they broke her wrist and she now has only partial use of her wrist and is disabled for the rest of her life. Lapel videos were reviewed which showed that the citizen was tased by officers for swinging a baseball bat at them before being placed in custody. The video showed the officers had checked and adjusted her handcuffs to ensure they were not too tight. She did not complain of her wrist being broken to rescue personnel before being booked and she also passed medical clearance. Based on the evidence, the allegations of misconduct by Officer C. were UNFOUNDED. Based on the evidence, the allegations of misconduct by Officer M. were UNFOUNDED.

CPC 073-15 – A complaint was filed against Officer S. by a citizen who alleged that during an interview following a sexual assault, Officer S. did not allow her to tell her whole story, and never asked her to provide details about the assault. The citizen alleged that Officer S. seemed uncomfortable and improperly trained and that there were inaccuracies in the police report. Review of the officer's lapel video showed that Officer S. had allowed the citizen to say what she wanted and that it was explained to her that she would need to give details of the assault to the Detective. It was found that the officer's actions were not in violation of any SOP. The allegation of misconduct was EXONERATED.

CPC 074-15 – A citizen complained that APD officers used excessive force and intimidation, that she was unlawfully detained, denied her civil rights, and racially profiled. The CPOA investigation revealed that officers detained the citizen and her son because they were attempting to arrest her other son for a felony warrant. Officers initially thought the son who was with her was the one they were looking for. The two sons are similar in physicality. The allegation of racial profiling was UNFOUNDED. The allegation of unlawful detainment was UNFOUNDED. Because the officers were with ATF, they were not required to record the interaction, so the allegation regarding recording was EXONERATED. Due to the nature of the felony warrant officers had reason to have their guns drawn when they made the stop. The allegation of excessive force was EXONERATED.

CPC 076-15 – A citizen filed a complaint against Officer M. and Officer W. for failing to properly investigate a property theft from her home. The citizen also complained that Officer T. was rude to her. She stated that the officers used her mental health issues as a reason to not properly investigate. The investigation revealed that the citizen refused access into her home to the Field Investigator, so a thorough investigation could not be completed. Every effort was made to conduct a full investigation. The allegations of misconduct were UNFOUNDED.

CPC 079-15 – A citizen complained that it took officers half an hour to arrive after he'd called them to report a store theft. The citizen also alleged that Officer E. told them to not push the panic button in the store unless they feel threatened. The investigation revealed that the delay in arriving was due partly because the alarm company took time to notify police, and partly because there were a high number of APD calls in the area at that time. Officer E. attempted to explain to the store employees that unless they feel they are in danger, they should not press the panic button because it alerts APD that it's a high priority call, and in this case the suspect had left immediately without causing harm to anyone. Officer E. tried to make it clear that if they ever feel they are in danger, they should push the panic button. The CPOA found Officer E.'s conduct EXONERATED.

CPC 080-15 – A citizen complained that Officer E. was biased towards her, made her feel attacked, did not provide her name when asked, and was rude to her. The investigation revealed that Officer E. was cordial. Although the conversation became somewhat tense toward the end of the interaction, Officer E. did not violate policy. Officer E. willingly provided her name when the citizen asked for her name. The investigation revealed no evidence of bias toward the citizen. The allegations against Officer E. were EXONERATED and UNFOUNDED.

CPC 081-15 – A citizen complained that Officer B. tailgated vehicles and cut a vehicle off, while speeding. The citizen stated that Officer B. was exhibiting road rage. There was no evidence to review in this case, and the citizen was not available for an interview. Officer B. did not recall driving in the manner described. The CPOA found the allegations NOT SUSTAINED.

CPC 085-15 – A citizen complained that the officers who responded to a burglary at her business were unprofessional and did not conduct a thorough investigation. The CPOA investigation revealed that there was no usable evidence to obtain, that store employees had declined to give information to the officers, and that they had no valuable leads. There was no evidence that the officers had been unprofessional or failed to perform their duties. The alleged misconduct was UNFOUNDED and EXONERATED. However, a finding of SUSTAINED NOT BASED ON ORIGINAL COMPLAINT was issued concerning failure to record the interaction.

CPC 090-15 – A citizen complained that Officer E, who responded to a call concerning missing rent checks at her place of business, was rude, opinionated, biased, and reluctant to provide her name. The CPOA investigation, which included review of lapel video, showed that Officer E. was professional, provided her information when asked, and there was no evidence of bias or attitude. The alleged conduct was UNFOUNDED and EXONERATED.

CPC 092-15 – A citizen complained that Officer T. and Officer M. were rude, unprofessional, and had arrested her for defamation of character, sexual harassment and false imprisonment, for which she spent several days in jail. The CPOA investigation, including review of lapel video, showed that the citizen was arrested for battery against another individual. There were no charges that she indicated in her complaint. The allegation concerning arrest was UNFOUNDED. The allegation that the officers were rude and unprofessional was UNFOUNDED.

CPC 095-15 – A citizen alleged that Officer H. was ill mannered, told her to shut up, threatened her with arrest, degraded her in front of her employees, and responded every time her husband called police to report her being outside of their business. The CPOA investigation revealed that Officer H. had acted in a professional manner to a dispute between husband and wife. The allegations were EXONERATED and UNFOUNDED. Because Officer H.'s lapel camera failed to record the entire interaction due to a malfunction, the CPOA found SUSTAINED NOT BASED ON ORIGINAL COMPLAINT.

CPC 097-15 – A citizen complained that when police responded to a disturbance involving two neighbors who were fighting they did not take appropriate action regarding the neighbor who was the aggressor, and that they were biased against the other neighbor who is African-American. The investigation, which included review of lapel video showed that the Officer W. and Officer T. had not shown any bias, and that they followed standard operating procedure in handling the neighbors. The finding for both officers was UNFOUNDED and EXONERATED. However, Officer T. had failed to record the incident in its entirety, and the CPOA found SUSTAINED NOT BASED ON ORIGINAL COMPLAINT.

CPC 098-15 – A citizen complained that repeated requests for an investigation and intervention into his neighbor’s suspected drug trafficking have been ignored by APD. The citizen complained that APD has not taken appropriate action and have shown a lack of concern regarding the allegations of illegal drug activity. He further alleged that a female officer had inappropriate interactions with the neighbor. The records show that APD has been responsive to the citizen’s requests. The CPOA’s investigation revealed that there were no violations of any SOPs. The allegation of misconduct was UNFOUNDED.

CPC 100-15 – A citizen complained that Sergeant B. and Detective S. were overly aggressive when they showed up to his father’s house. The citizen stated the officers made up stories about him and informed the “general public” about things he’d been accused of. The investigation, which included review of lapel video, showed that the officers had an arrest warrant for the citizen. Neither officer was aggressive, nor was there evidence they informed the public about the citizen. The CPOA found Detective S.’s conduct to be EXONERATED and UNFOUNDED. The CPOA found Sergeant B.’s conduct to be UNFOUNDED.

CPC 103-14 – A citizen filed an online complaint concerning the attitude of an unknown APD officer. The citizen was at Kaseman emergency room and had engaged in conversation with two APD Officers, and alleged that they made inappropriate comments regarding their job. The CPOA investigator identified Officer M., a field training officer and Officer H., a recruit officer. The officers were interviewed by the CPOA and did not recall making the statements the citizen alleged. Due to lack of any evidence, the finding was NOT SUSTAINED.

CPC 105-15 – A citizen alleged that APD Officer W. was rude, insulted him, and said derogatory things about him to rescue personnel during an incident involving a traffic accident. The CPOA Investigator reviewed video tape of the incident and conducted interviews and found that the allegation of violation of SOP 1-04-4P was SUSTAINED.

CPC 112-15 – A citizen filed a third party complaint and alleged that officers used excessive force by having their guns drawn during a traffic stop, illegally searched the vehicle, and engaged in biased based policing. She further alleged that officers caused a disturbance to her business because of how long the officers were in the parking lot of her business. The investigation revealed that officers were responding to a call from a driver who said that occupants in another vehicle pulled a gun on him. When officers located the suspect’s vehicle, they used standard operating procedure for handling a stop involving someone who is suspected to have a gun. Officers seized the vehicle in order to search it for the weapon. The occupants of the vehicle admitted to having a gun in the vehicle. The officer’s conduct was found EXONERATED. Because one of the officers failed to attach a case number to his lapel videos and they were deleted after 120 days, the CPOA made a finding of SUSTAINED NOT BASED ON ORIGINAL COMPLAINT.

CPC 113-15 - A citizen stated that Officer M., Sergeant W. and Office of the Medical Investigator (OMI) Investigator M. responded to the unattended death of her son. The citizen complained that no one from APD, or the OMI attempted to contact her regarding her son’s death. She complained her son was treated like a “nobody” and that she was told that it was not necessary to go to OMI to identify her son, because her son’s body was positively identified using fingerprints. The investigation revealed that Officer M. had attempted to contact the citizen but was unsuccessful. The OMI investigator took over the responsibility for contacting the citizen. The CPOA found the officer’s conduct to be EXONERATED.

CPC 114-15 – A citizen complained that an unknown officer initiated a traffic stop and that “without hesitation” the officer started shooting at him, trying to kill him. The citizen said he drove away and two more police cars showed up and started shooting at him as he drove. He flipped his car on Muriel just west of Juan Tabo. The investigation revealed that the citizen had stolen a car, taken hostages, used a gun to steal a second car, and attempted to elude police. The citizen was arrested and sentenced to time in a penitentiary. Based on the available evidence, the officers did not violate standard operating procedure. The CPOA finding was UNFOUNDED for the officers involved in this case.

CPC 116-15 – A citizen complained that Officer K. did not have probable cause to stop her and her daughter as they left a Target parking lot. Officer K. believed that the citizen had intentionally pushed a shopping cart toward his car as they walked to their car. The citizen said the wind pushed the cart in the direction of the officer’s car and that she had nothing to do with where the cart ended up. The CPOA investigation revealed that Officer K. did not have cause to pull the citizen over and found SUSTAINED concerning SOP which states that officers shall familiarize themselves with and have full 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. Officer K. was also found SUSTAINED for general misconduct, SUSTAINED for failing to report the stop to Communications, and SUSTAINED for failing to record the stop on his lapel camera.

CPC 117-15 – A citizen complained that Officer O. pulled her over because he was angry that she had flipped him off while driving. Officer O. claimed that he had pulled her over for unsafe driving and taking her hands off of the steering wheel. Due to a lack of evidence to prove whether the misconduct did or did not occur, the CPOA found NOT SUSTAINED.

CPC 118-15 – A citizen complained that when she called police to report her keys being stolen three days in a row and to report that she is being followed by various crime groups, Officer T. did not listen to her and asked if she was taking any medications. The citizen also alleged that Officer T. has been influenced by the crime groups and that’s why he would not take a report. The CPOA investigation revealed that Officer T. asked about medications due to the fact that the citizen’s conversation indicated there might be mental health issues. The citizen asked Officer T. to leave after he asked about medications and so he did not have enough information to file a report at that point. The CPOA found officer T.’s conduct EXONERATED.

CPC 119-13 – A citizen complained that Officer E. filed a false police report and that there was no evidence to support the assertion that she was making harassing phone calls. The CPOA investigation showed that Officer E. had based his decision to issue a criminal summons for the citizen because there was evidence that she had sent harassing texts to someone she was having a dispute with. The CPOA found the allegations of misconduct UNFOUNDED.

CPC 124-15 – Two citizens complained that Officer S. coerced their mother into giving Officer S. power of attorney and that Officer S. used the power of attorney to steal money from their mother. Officer S. is personally involved with the family. The investigation, which included interviews with the mother, revealed that Officer S. never coerced or intimidated the mother. Officer S. had no access to the mother’s accounts, nor had he removed any funds. The CPOA found the allegations of misconduct UNFOUNDED.

CPC 125-15 - A citizen complained that her vehicle was hit in a hit and run accident and she alleged that Officer S. did not do his duty because he did not get the insurance information on the vehicle that struck her vehicle, nor did he arrest the driver of the hit and run vehicle. She alleged

that Officer S. failed to write a proper, precise, and detailed report on the incident. The investigation showed that Officer S. clearly performed his duty in a satisfactory manner and the report was well written and complete. The CPOA found Officer S.'s conduct to be **UNFOUNDED**.

CPC 129-13 – A citizen complained that while he was sitting in his car on private property Officer T. approached him and told him to leave the property and was verbally abusive. Officer T. denied being verbally abusive to the citizen. Due to a lack of evidence to show whether or not the alleged misconduct occurred, the CPOA found **NOT SUSTAINED**.

CPC 129-14 – A citizen stated that he was involved in divorce proceedings with his ex-wife and there was a dispute about property and personal belongings. The citizen alleged that property was moved and abandoned and he called APD to take a report. The citizen alleged that Detective J. was hateful, vengeful, and had great animosity towards him. He also alleged that Detective J. advised him that he would need to pursue any further action in a civil court. He alleged that Detective J. facilitated the alleged larceny and embezzlement of his property by personally authorizing the ex-wife and her attorney to keep and dispose of his property. The investigation revealed that the citizen called Detective J. and attempted to ascertain the current address of his ex-wife. Detective J. would not provide that information for good reason. The citizen provided no evidence in his statement or in his complaint to substantiate the claim that Det. J. was hateful, vengeful or had great animosity towards him. Detective J. stated that he was polite, professional and courteous toward Mr. Derringer. The CPOA found Detective J.'s conduct to be **UNFOUNDED**.

CPC 129-15 – A citizen complained that the officers who arrested him violated his civil rights and that they brought false allegations and a restraining order against him that resulted in his incarceration. He alleged that the arrest caused him to lose his family, home, vehicle, retirement accounts, and financial resources. The CPOA investigation, including review of lapel videos, showed that there was probable cause for the arrest. The court records showed that there was proof beyond a reasonable doubt that the citizen assaulted his ex-wife. There were no false allegations brought against the citizen by the officers and there was no civil rights violation. The CPOA found the allegations against the officers **UNFOUNDED**.

CPC 132-13 – A citizen complained that he was across the street from the Clinic for the Homeless when he was approached by Officer R. He stated that Officer R. told him he could not be on the street or looking in the direction of the clinic. The citizen stated that he feared Officer R. and did not understand why he could not be on a public street. He stated that Officer R. threatened to give him a criminal trespass and arrest him. He felt that Officer R. abused his authority. Officer R. indicated that he did not recall the incident. Officer R. was a bike officer and would handle numerous calls on a daily basis at Healthcare for the Homeless. Officer R. stated calls come in daily asking officers to have either people removed from the premises or police presence at Healthcare for the Homeless. Because this case was a very long time ago, and due to the numerous times a day he was called to the location, he could not recall this incident. The CPOA found the allegation against Officer R. was **NOT SUSTAINED**.

CPC 138-15 – A citizen alleged that after she was involved in a traffic accident with a young female driver, Officer R. arrived on scene and spoke to the younger driver, the driver's mother and the driver of a third vehicle before speaking to the complainant. The citizen complained that Officer R. told her she wasn't allowed to speak to the witness and that Officer R. repeatedly cut her off when she was speaking to him and that he was rude and very unprofessional. The

interviews and Officer R.'s lapel videos and report were reviewed and revealed Officer R. asked the citizen her side of the story regarding the accident. Officer R. did not tell her she could not speak to the witness. The videos revealed Officer R. was not argumentative, or rude or unprofessional towards the citizen during their interaction. The CPOA found Officer R.'s conduct UNFOUNDED.

CPC 140-15 – A citizen stated that he was panhandling in his wheelchair at the intersection of Rio Grande and I-40 when he was approached by Officer L. He said that Officer L. told him that he had ten seconds to leave the area and started counting down from ten. Mr. Donaldson said that Officer L. threatened to arrest him if he did not leave and the officer allegedly told Mr. Donaldson that if he did arrest him, he would leave his wheelchair behind. The citizen believed that panhandling was legal and he had allegedly been told by an unnamed APD Sergeant that what he was doing was okay. The CPOA investigation, including review of lapel video, revealed that the citizen admitted to Officer L. that he was panhandling, which is in violation of city ordinance. Officer L. counted down in order to attempt to increase his command presence. The CPOA found the officer's conduct EXONERATED.

CPC 141-15 – A citizen stated that she and her husband were at home when Officer B. and another APD officer arrived and questioned them about a possible domestic violence incident. The citizen complained that during his investigation, Officer B. was rude to her, smart-mouthed and belittled her. The interviews and lapel videos revealed Officer B. contacted the citizen inside her home and asked her some questions about possible domestic violence, which she willingly answered. The video showed Officer B. remained professional towards her. Officer B. was not rude to her and did not call her a liar. He did not smart-mouth or belittle her, or threaten to arrest anyone for domestic violence, as alleged in the complaint. The CPOA found the allegations of misconduct UNFOUNDED.

CPC 185-15 – A citizen alleged that after he was in a traffic accident, that APD Officer G. arrived on scene and immediately accused him of speeding and being on drugs instead of inquiring about his health. The citizen alleged that Officer G. was biased toward him because of his skin color. He further alleged that Officer G. started searching his vehicle without permission. He alleged that Officer G. was rude and did not allow him to receive medical treatment. The CPOA investigation revealed that Officer G. never accused the citizen of selling drugs. The lapel video showed that upon his arrival, Officer G. checked on the citizen first before he checked on the other driver. Officer G. did not treat the citizen poorly. The lapel video showed the citizen was uncooperative, belligerent and continually yelled and cursed at Officer G. throughout his contact with him. Officer G. never made any statements about the citizen's race; however, the citizen made racial statements towards Officer G., and called Officer G. a racist. The CPOA found Officer G.'s conduct UNFOUNDED.

CPC 186-15 - A citizen complained that while her husband was sitting in his car in a parking lot waiting for her to arrive, Officer M. and Officer S. made him get out of his car, show his identification and searched the car, which she claimed was a violation of his rights. The investigation revealed that the officers were responding to a call from a concerned witness who saw the citizen's husband sitting in his car looking disoriented and confused. The man couldn't give any emergency contact information, so with his permission they looked in his car for an emergency contact. The officers eventually found the man's wife in a nearby office and left her husband with her. The CPOA found the officer's conduct UNFOUNDED and EXONERATED.

CPC 191-15 – A citizen alleged that officers who arrested him on domestic violence charges should have known that his wife’s allegations of abuse were false. The investigation revealed that officers had probable cause to arrest the citizen because his wife had shown them video of her husband in a rage, engaging in intimidating and violent behavior. The CPOA found the officer’s conduct EXONERATED.

CPC 196-15 – A citizen complained that officers had failed to arrest a man who pointed a gun at her home. The investigation showed that officers were unable to arrest the man suspected of pointing the gun because the gun had been pointed at an empty house, and not at the citizen. The CPOA found the officer’s conduct EXONERATED.

CPC 201-15 – A citizen alleged that Officer B. arrested her because she refused to cooperate with him or receive medical care after a dispute with her boyfriend. She further alleged that Officer B. refused to allow her to arrange for her children to be placed with a family member and instead insisted that the biological father be contacted regarding the kids. The investigation, including review of lapel video, showed that the citizen was arrested because it was deemed that she was the primary aggressor. The officer’s attempted to comply with her wishes regarding the children but they weren’t able to get ahold of anyone, which left the biological father as the only option. The CPOA found Officer B.’s conduct UNFOUNDED and EXONERATED.

CPC 203-15 – A citizen alleged that after his son was hospitalized for alcohol poisoning that Detective C. lied and said the son had told him his father had pulled a gun on him at one point and that he was afraid of his father. The citizen alleged that Det. C. had harassed and intimidated him. The investigation, including review of lapel video and audio recording, showed that Detective C. had been professional and handled the situation appropriately. The interview with the son was recorded, in which he did accuse his father of pulling a gun on him. The CPOA found the Detective’s behavior EXONERATED.

CPC 205-15 - A citizen complained that as she was parking her car, an APD officer, later identified as Commander M., drove up alongside her and told her she was in a No-Parking zone. She alleged that she made several attempts to ask the Commander where it was posted that she was in a No-Parking zone, but that he ignored her. The investigation revealed that Commander M. was patrolling a school that had been having trouble with people parking in No-Parking zones. He didn’t recall the citizen ever attempting to ask him questions about where she was parked, but did recall her speaking to the crossing guard. The CPOA found the Commander’s conduct EXONERATED.

CPC 217-15 – A citizen stated that he called police to have them check on his home, which his ex-wife was occupying. He alleged that Officer L. was unprofessional and biased against him because he was unshaven and wearing a Harley Davidson t-shirt. The CPOA investigation revealed that Officer L. did come on a little strong at the beginning of the interaction, but did not violate policy. Officer L. had been wrongly informed by the APD telecommunications operator that he was assisting as a domestic violence escort. There was no evidence that he was biased toward the citizen, and owns a Harley himself. The allegations of misconduct were EXONERATED. The CPOA found Operator M.’s conduct SUSTAINED NOT BASED ON ORIGINAL COMPLAINT for failure to give Officer L. the proper information for the call, which resulted in Officer L. handling the call differently.

CPC 222-15 – A citizen complained that Officer H. entered his backyard and without cause, shot and killed his dog. The CPOA investigation revealed that Officer H. was responding to a call

about a stolen vehicle that was parked in front of the citizen's address. As Officer H. was clearing the area as a safety precaution, he entered an unfenced area in the back of the citizen's home. At that point, the citizen's dog charged at Officer H., and fearing for his safety, he shot the dog. It was shown that the chain the dog was on was long enough to allow the dog to reach the officer. The CPOA found Officer H.'s conduct EXONERATED.

“Attachment C”

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2016

APD 911 Communications Center
Dispatched calls for Service for FEBRUARY 2016: 38,597

INTERNAL CASES FOR THE MONTH OF FEBRUARY 2016

I's

Internal Cases Received: 34

Comprised of:

- 1-Internal Affairs Investigated case
- 4-Area Command Investigated cases
- 29-Preventable Accidents

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of FEBRUARY: 8

Comprised of:

- 2-Internal Affairs cases
- 1-Area Command cases
- 5-Preventable Vehicle Accident

Discipline imposed for Internal Cases/ FEBRUARY 2016:

1: Verbal Counseling
6: Letter of Reprimand
1:16 hour Suspension
1: Termination

Standard Operating Procedures (recommended)

Admin Orders:

3-66-3C2a

Conduct:

1-04-1F 1-04-1G3 1-04-4D
1-04-4J1 1-04-4O 1-04-4Q

General Orders:

1-39-1A

Procedural Orders:

2-55-3A11 2-55-3C1-4
2-55-3C2a-g 2-55-3Ea

Pending Cases for the Month of FEBRUARY 2016: 29