

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair* *Chantal M. Galloway, Vice Chair*
Eric H. Cruz *Joanne Fine* *Dr. William J. Kass*
James A. Larson *Valerie St. John* *Chelsea Van Deventer*
Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA

Thursday, April 12, 2018 – 5:00 PM

Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Jim Larson***
- III. Mission Statement – *Leonard Waites***
 - “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. Discussion**
 - a. Subcommittee Organization**
 - b. Policy 3-52**
 - c. POB legal counsel contract**
 - d. Exit Surveys for APD**
- VIII. Consent Agenda Cases:**
 - a. Administratively Closed Cases**

028-16	072-16	116-16	143-16	084-17
088-17	089-17	092-17	170-17	179-17
222-17	234-17	236-17	255-17	001-18
007-18	017-18	018-18	023-18	025-18
026-18	028-18	029-18	030-18	034-18
037-18	042-18	043-18	044-18	046-18
048-18	049-18	055-18	056-18	059-18
062-18	073-18	074-18		
 - b. Cases Investigated**

245-15	162-17	175-17	182-17	187-17
225-17	232-17	261-17	264-17	021-18
027-18	038-18			

- IX. Non-Concurrence Cases: None**
- X. Serious Use of Force/Officer Involved Shooting Cases**
 - a. Officer Involved Shooting Cases**
I-171-15
 - b. CIRT cases: None**
- XI. POB's Review of Garrity Materials: None**
- XII. 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 – *Eric Cruz***
- XIII. Reports from City Staff**
 - a. APD**
 - b. City Council**
 - c. Mayor's Office**
 - d. City Attorney**
 - e. CPOA – *Edward Harness, Executive Director***
- XIV. 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)**
- XV. Other Business**
- XVI. Adjournment- *Next Regularly scheduled POB meeting will be on May 16, 2018 at 5 p.m. in the Vincent E. Griego Chambers.***

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April 30, 2018

Re: CPC #028-16

Dear

On February 2, 2016 you complained to Sergeant S. of the Albuquerque Police Department (APD) about the conduct of Officer B. and Officer M. You also complained about the conduct of Officer G.. Sergeant S. forwarded your complaint on to the CPOA.

I. THE COMPLAINT

A CPOA Investigator was assigned to the complaint. You complained to Sergeant S. that on 02/02/16 your car had been stolen. You called the police to report the theft and Officer B. and Officer M. responded to the call. You complained that after you reported the theft to them that they stayed out in front of your house too long and they should have been out looking for the car. You told Sergeant S. that the day after the car was reported stolen that your wife found the car parked on the freeway. She saw another car pull up behind your car and some people got out. Your wife believed the people who stopped behind your car to be the people who may have stolen your car. When your wife called the Police Department about the car, she was allegedly told that there was an undercover officer in the area and that the undercover officer would be headed out there to try to catch the offenders. Over an hour passed when a marked police car pulled up behind your stolen car. Officer G. was the officer who pulled up. Officer G. told your wife that there was no undercover officer in the area and that the car needed to be removed from where it was. Your wife did not have a key to the car and she did not want the car towed to your home, so the car was towed for safekeeping by ABQ towing. You and your wife told Sergeant S. that Officer G. could just keep all the property in the recovered car including the drugs that were found inside it.

II. THE INVESTIGATION

A review of the police reports on the incidents showed that on February 2, 2016, the morning your car was stolen, you had gone out and started the cars to let them warm up. You left them unattended. When your wife went outside she saw someone driving one of your cars away.

Officer B. reported the car stolen, wrote his report, and entered the car into NCIC. He also broadcast a Be On The Lookout (BOLO) for the car. On February 5, 2016 at about 1:24 PM, your wife found the stolen car near I-40 and Carlisle. She called the police and reported that a black Blazer occupied by two subjects pulled up behind the car. There is no indication in the reports that anyone told your wife that there was an undercover officer in the area. In fact, the notes indicated that there were no available units to respond to the call until Officer G. Was dispatched at 2:54 PM. Officer G. did note that your wife told him that an unmarked or undercover officers were surveilling the vehicle. A Field Investigator was called to the scene to process your stolen car for evidence. The CPOA Investigator also reviewed later reports that you made wherein your vehicles were broken into in the days following the theft of the car.

III. CONCLUSION

Your frustration with being victimized was documented by Sergeant S.. The events that happened to you and your family are unfortunate and your frustration is understood. However, your complaint about Officer B. and Officer M. staying outside your home too long when they should have been out looking for your car, is not something that is controlled by Standard Operating Procedure of the APD. There is supporting documentation indicating that Officer B. was writing his report, entering your stolen vehicle into NCIC and broadcasting a BOLO while he was parked outside your home. It is also possible that a dispatcher may have told your wife that they would try to see if there was an undercover officer available to respond to the location where she recovered the call, but there is no indication of that made in the notes for the call. Just the opposite is noted. It is noted that no one was available to respond to the call.

Your frustration again is noted, but there was no policy violation committed by any members of the APD. At this time, we are administratively closing your complaint and no further investigation will be conducted into the matter. 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

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April 30, 2018

Re: CPC #072-16

Dear

On March 19, 2016 you e-mailed a complaint to our office. You complained about an incident that occurred at your workplace where the police were called but no charges were filed on some individuals who were causing a disturbance there. You believed that an arrest should have been made. A CPOA Investigator was assigned to your complaint.

I. THE COMPLAINT

You wrote in your complaint that you work at an apartment complex. On March 19, 2016 you and your co-worker arrived to work and you noticed that there were some "vagrants" at the pool. The vagrants consisted of 3 men and two women and you and your co-worker did not recognize the people as residents of the complex. You saw liquor bottles, tobacco blunt wrappers, and paraphernalia by where the vagrants were. You and your co-worker approached the vagrants and told them to leave. They did not leave right away so you went back out and told them you were calling the police. You stated that you believed that all of the individuals were high and trespassing. The vagrants started yelling at you and cursed you. You went back to the office and locked the doors and then called the police. Three of the men and one woman started banging on the glass and they threatened you. You wrote that the police did not show up until 15-20 minutes later. In the meantime, the individuals started to leave and they got into a vehicle. You relayed that you thought one of the individuals may have been armed. Officer C. arrived but she waited until her back up officer got there before approaching the vagrants. You noticed that the vagrants were going to be released without consequences so you approached an officer and asked what was going to be done. That officer, Officer D. told you that they were just trying to get the people to leave and that he thought one of them was a resident there. You complained that the officers let the individuals drive off without checking whether or not they were intoxicated and that an arrest should have been made.

II. THE INVESTIGATION

The CPOA Investigator reviewed the Computer Assisted Dispatch (CAD) report, and the police report filed on the matter. The CAD report showed that you called the police at 10:04 AM on the date of the incident. You advised the dispatcher that the people were in the hot tub area and that they were not residents there. You stated that the people were threatening to assault you. You requested that officers respond to the area and remove the subjects. At 10:16 AM, you called back saying that there were males and females now banging on the windows to the office and they were throwing furniture around. You stated one male went to a vehicle to get something but you did not know what he retrieved. You were concerned that the subjects were going to break the windows. You described the offenders as two black males, one white male, and one Hispanic female. At 10:21 Officer C. arrived on scene, five minutes after you placed the second call. At 10:23 AM, her back up officer arrived. They contacted the people who had caused the disturbance and who were now readying to leave in a vehicle. The police report listed the names of the alleged offenders. The report documented that you had called the police to report there were several people in the hot tub who were not residents at the apartment complex. While Officer C. was responding to the call she received notice that the subjects were banging on the windows to the office and threatening to batter you. Officers arrived on scene as the subjects were attempting to leave. The officers did not have any criminal charges to arrest the suspects so they were identified, released, and told to leave the complex.

III. CONCLUSION

Finding the individuals there and then being confronted by them was clearly an upsetting experience for you. The individuals though, were alleged to have committed misdemeanor crimes; trespassing and assault. In New Mexico, in order for a police officer to make an arrest for those misdemeanor offenses, the officer must personally witness the infractions being committed. When the officers arrived, the individuals were in or near their vehicle in the parking lot of the complex. The only thing the officers could do, legally, was to document the incident and ask the people to leave the complex which they did. Your frustration with an arrest not being made is understood, but Officer C. did not commit any violation of any Standard Operating Procedure which would give our office reason to investigate your complaint further.

Because the investigation determined that there was no policy violation committed by any officers of the APD, we are administratively closing your complaint and no further investigation will be conducted into the matter. 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

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April 30, 2018

Re: CPC # 116-16

Dear

On May 26, 2016 you e-mailed a complaint to our office. You complained about an incident that occurred at a restaurant on May 25, 2016. You left the restaurant after a dispute over burned food, went outside and went to your car and you called the police so you could report what happened inside the restaurant. You stated that you made 6 calls over a three hour period and the police did not show up. You stated the first dispatcher told you to wait there and you did so. Eventually you were battered by a restaurant worker. You claimed the dispatcher who told you to wait endangered your life by telling you to wait at the scene. A CPOA Investigator was assigned to your complaint.

I. THE COMPLAINT

You wrote in your complaint that you went to a restaurant and received burnt chicken. When you complained a citizen told you there was nothing wrong with your food and for you to leave. You questioned who that person was who told you to leave and the person responded by telling you she was friends with the workers and for you to leave. She used foul language when telling you. You got your money back and you were leaving the restaurant when you were approached by a young man whom you believed to be a friend of the workers in the restaurant. That young man angrily confronted so you went to your car and called the police. The dispatcher allegedly told you to stay in your car sit tight. You alleged you made more calls over a three hour period. After the 5th call to the police the young man approached your car and you had rolled down the window just enough for the young man to be able to reach in and hit you in the head. His mother came and chased him away. You complained that the first dispatcher endangered you because they told you to stay there and the fact that no police officers were ever dispatched to your location is extremely negligent. You requested disciplinary action be taken on the first five dispatchers you talked to because no one was dispatched to your call for service and you also requested copies of the phone calls that you made to the police on that day.

II. THE INVESTIGATION

The CPOA Investigator reviewed the Computer Assisted Dispatch (CAD) report, and the police report filed on the matter. The CAD report showed that you called the police at 6:40 PM to report that you had a dispute with the manager inside the Church's Chicken on 4th Street. You told the dispatcher that a young man had threatened you. You called back at 6:56 PM asking where the police were and you told the dispatcher that the man who had assaulted you had left the area but you were afraid that he might return with a weapon or other people. The dispatcher told you that your call was being delayed but that if anything changed for you to call back right away. A Sergeant told the dispatcher to call you back and for you to go somewhere else that was safe rather than sit there in the parking lot. At 7:07 PM, the manager from the Church's Chicken called the police to report that you were sitting outside in your car and you were refusing to leave. She asked that you be cited for trespassing since you had already been refunded your money. There were no officers available to respond to your call at that time. At 7:23 PM, you called the police back to report that you had been punched in the face and the man who punched you left the area in his car. At 8:21 PM, you called the police again asking for an estimated time of arrival for the police. At 8:26 PM, you called back and told the dispatcher that you were going to leave and just call back from your home.

III. CONCLUSION

There was nothing in the CADS report that indicated that the dispatcher told you to sit tight in the parking lot and to wait for the police. You told dispatch that although the man had threatened you, he left the area in his car. The fact that you reported, initially, a verbal assault and stated that the man who had verbally assaulted you had left the area made your call a low priority call and there were no officers available at the time to respond. When no officers are available none can be dispatched. The record reflects that that a Sergeant had dispatch call you back so you could go wait in a safer place. The manager of the restaurant told you to leave their property but you did not do so. You were told that no officers were available your call was delayed for dispatch but you chose to remain on the property. Twenty minutes later the man who had verbally assaulted you came back and punched you through an open window as you attempted to take his picture on your cell phone. The man left the area. The record showed that your call was upgraded in priority at 7:25 PM, once you reported that you had been battered, but it was not dispatched to an officer until 8:35 PM since you stated the offender was gone and you did not need medical assistance. An officer did arrive at 8:42 PM, but you had left the area to go home.

Based on the available evidence reviewed by the CPOA Investigator, it appears that the first five dispatchers followed protocol in dispatching your call for service. It also appears that you were told to leave the property but you did not and then you were battered. Our agency cannot provide you with copies of the calls you made to the APD on that day. Those must be provided to you by the APD IPRA Unit. Their address is:

APD IPRA
400 Roma NW
Room #226
Albuquerque, New Mexico 87102

Because the preliminary investigation determined that there was no policy violation committed by any employee of the APD, we are administratively closing your complaint and no further investigation will be conducted into the matter. 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

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April 30, 2018

Re: CPC # 084-17

Dear

On March 9, 2018 we received your complaint.

I. THE COMPLAINT

You submitted a complaint in reference to family members, a neighbor and Federal Police.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator determined your complaint does not involve the Albuquerque Police Department or its employees.

III. CONCLUSION

Because of the lack of specific information in your complaint, and the CPOA's jurisdiction of only Albuquerque Police we are Administratively Closing your complaint and no further investigation will be conducted by the CPOA. 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

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Edward Harness, Executive Director

March 26, 2018

Re: CPC #088-17

Dear

In February of 2017 we received three emailed complaints from you concerning three separate incidents. Your complaints contained limited information. Each of the complaints alleged that you were a victim of racism. You asked for a review of your situation and justice under the law. You also requested assistance in filing a lawsuit against APD for refusing to protect and serve and for violating your constitutional rights. You also asked for an apology from APD. When the CPOA Investigator tried to contact you to get further information from you, you responded by e-mail saying that you were seeking political asylum in Washington, D.C., and you were no longer in New Mexico. You did call the CPOA office and you left a long ranting, non-sensical, message at some point.

I. THE COMPLAINT

You wrote in your complaint that on February 12, 2017 you walked into the lobby of your apartment building, public housing, and saw two residents who had previously battered you over 200 times each and who had assaulted you 2000 times each. You alleged that one of the people from this "Hispanic racist criminal bully gang" hit you over the head with a cane. You called the police. You stated in your complaint that an Officer Montoya responded to the call. You claimed that Officer Montoya showed no concern for the truth of what happened. He allegedly told you to shut up. You felt your rights were violated and that you were the victim of racism.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. Even with your lack of cooperation, the investigator did locate the incident you complained of. There was no "Officer Montoya" who responded to that call on that day. The police report showed that an officer whose last name starts with M. did respond to the call for service. The call

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #089-17

Dear

In February of 2017 we received three emailed complaints from you concerning three separate incidents. Your complaints contained limited information. Each of the complaints alleged that you were a victim of racism. You asked for a review of your situation and justice under the law. You also requested assistance in filing a lawsuit against APD for refusing to protect and serve and for violating your constitutional rights. You also asked for an apology from APD. When the CPOA Investigator tried to contact you to get further information from you, you responded by e-mail saying that you were seeking political asylum in Washington, D.C., and that you were no longer in New Mexico.

I. THE COMPLAINT

You wrote in this complaint that on February 14, 2017 you were chased by a resident of your apartment complex. You claimed the resident had a taser and the resident threatened to kill your dog. You alleged that Officer M., a different Officer M., from CPC 088-17, responded to your call for service and that Officer M. failed to protect and serve because he took no enforcement action. You complained that the person who chased you was part of the "Hispanic criminal bully gang" living in your complex. You wrote in your complaint that the officer did speak with the other party but he refused to investigate further.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator tried to find the event you complained of but was unable to locate any documentation. Since you were not available to assist any further in the investigation, the investigator exhausted all of the leads that he had.

III. CONCLUSION

The preliminary investigation, based off your written complaint, showed that the officer, Officer M., did conduct an investigation into the matter. If you have more information that could support your claim that Officer M. did not serve and protect as you alleged, then the CPOA office would welcome it, but based on the available evidence, there is nothing further to investiagte. Since there was a lack of cooperation from you and since it appears that any alleged policy violation by Officer M. was minor in nature, your complaint is being Administratively Closed and no further investigation will be conducted. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #092-17

Dear Ms. Rhoads:

In February of 2017 we received three emailed complaints from you concerning three separate incidents. Your complaints contained limited information. Each of the complaints alleged that you were a victim of racism. You asked for a review of your situation and justice under the law. You also requested assistance in filing a lawsuit against APD for refusing to protect and serve and for violating your constitutional rights. You also asked for an apology from APD. When the CPOA Investigator tried to contact you to get further information from you, you responded by e-mail saying that you were seeking political asylum in Washington, D.C., and you were no longer in New Mexico.

I. THE COMPLAINT

You wrote in this complaint that on February 22, 2017 you were victimized at your apartment complex by another resident there. You alleged that the resident was yet another member of the "Hispanic bully racist criminal gang" that exists at your complex. You alleged that the officer who responded Officer V., told you to leave the State of New Mexico and that if you went to Internal Affairs, you would be killed or sent to prison on fake charges. The officer accused you of being mentally ill. You felt your rights were violated and you wanted help to get re-located so you would be away from "criminal APD officers."

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator was able to locate the police report that documented the incident you complained of. The report indicated that Officer V. and Officer M. (yet a different Officer M. from CPC 088-17 and CPC 089-17) were dispatched to your apartment complex in reference to an assault and battery call. When officers arrived, you were detained because you were trying to flee the complex. Officer V. went into the lobby of the apartment complex and found a 71

year old man sitting up against a wall and he was bleeding from the face. He said that you attacked him and you hit him with a stick. Witnesses came forward and said they saw you attack the man. The officer interviewed you and you admitted that you had been in an altercation but you had been bullied by the residents there. You denied hitting the man with any objects. The officer then let you go.

III. CONCLUSION

The preliminary investigation showed that nothing that you alleged occurred. No information or documentation could be located that Officer V. told you to leave the State of New Mexico or you would be killed or imprisoned. You were not available to provide the CPOA Investigator with further details that might support your claim. If you do have further details or proof to support your claim the CPOA office would welcome it, but based on the available evidence, there appears to be no Standard Operating Procedure violation. Since there was a lack of cooperation from you and since it appears that there was no policy violation by Officer V., your complaint is being Administratively Closed and no further investigation will be conducted. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #170-17

Dear

On June 9, 2017 we received a complaint from you concerning Officer K. of the Albuquerque Police Department (APD). The incident you complained about occurred on June 4, 2017.

I. THE COMPLAINT

You wrote in your complaint that on June 4, 2017 at about 11:00 AM, your fifteen year old son was stopped by Officer K. for a traffic violation. Your son called you to tell you he had been stopped and you went to the location of the traffic stop. You alleged that when you arrived you spoke with a female officer and she told you what was going on. You asked the officer if you could go speak with your son or if you could go sit with your son in his car to make sure he was okay. The officer told you to wait in your own car. You started to walk away but turned to ask a question and that was when Officer K. started yelling at you to get in your car and leave. You told the officer that you would get in your car but you were not going to leave. Officer K. allegedly followed you onto the sidewalk and screamed in your face to leave the area. You told the officer you would go to your car but you were not leaving. The officer eventually issued you a citation and he told you that you were lucky that you were not in handcuffs. Officer K. then walked away. The remedy you asked for was for the citation to be dismissed.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator attempted to contact you through e-mail and by calling you. Two e-mails went unanswered and when the Investigator called your phone, he got a message that your voicemail box was full and no messages could be left. The CPOA Investigator obtained a copy of the police report and learned that Officer K. was on patrol when he ran the license

plate on the car that your son was driving. The license plate did not come back registered to anyone and the registration tag on the plate expired in 2014. Your son was pulled over and he was unable to tell the officer anything about where the plate came from, but he did say the car belonged to you. Your son did not have his license with him and the insurance card he gave the officer expired in 2013. A separate report indicated that you arrived on scene and you interfered with the officer as he was trying to write out his citations and do the paperwork to tow the car. The officer gave you chances to not interfere but you did not comply with what he had asked you to do. The officer cited you into court.

The CPOA Investigator checked court records and determined that you agreed to 8 hours of community service in exchange for the citation being dismissed. The record shows that you failed to complete the community service but that the citation was dismissed on November 1, 2017.

III. CONCLUSION

You did not return the e-mails sent to you by the CPOA Investigator and you did not answer your phone when the CPOA Investigator called you. Apparently, you did not want to cooperate in the investigation of your complaint. The records showed that the remedy you were seeking, to have the citation dismissed, occurred. Since there was a lack of cooperation from you and since it appears that the alleged policy violations by Officer K. were minor, your complaint is being Administratively Closed and no further investigation will be conducted. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #179-17

Dear

On November 2, 2017 you complained to Sergeant T. of the Albuquerque Police Department (APD) about the conduct of one of his officers, Officer C. Sergeant T. forwarded your complaint and his investigation into the complaint to our office. A CPOA Investigator was assigned to the complaint on December 6, 2017 to review it and to review the investigation conducted by the APD Sergeant.

I. THE COMPLAINT

You complained that Officer C. had attempted to intimidate you and he had telephoned you over and over. You did speak with Officer C. over the telephone. You told the Sergeant that when you spoke with the officer, the officer treated you in a hostile manner, that he “talked down” to you, and the officer spoke to you in a “nasty tone”. You alleged that the officer spoke to you in the manner that he did because you are a female and he is male.

II. THE INVESTIGATION

Sergeant C. spoke with Officer C. after you made your complaint. Officer C. had been investigating an incident and he was told by a third party that you had a phone number for someone with whom he needed to speak. Officer C. advised that he did call you in an attempt to get that phone number. You allegedly told the officer that the number that he needed was in your phone and for the officer to call you back in twenty minutes. Officer C. told you that he felt that twenty minutes was an unreasonable amount of time for you to look up the number that was on your phone. Officer C. said he told you that he would call you back in five minutes and it was his impression that you understood that. The officer denied that he used an unprofessional tone when he was speaking with you over the phone. The phone conversation you had with Officer C. was not recorded. Officer C. recorded the two follow up calls to you which went unanswered by you.

III. CONCLUSION

Your complaint was sufficiently investigated by Officer C.'s Sergeant. There is no evidence available to be reviewed that could prove whether or not Officer C. was "hostile" towards you when he spoke briefly with you over the phone. Similarly, there is no evidence to prove that he spoke to you in the manner that he allegedly did because you are female and he is male.

Since the alleged policy violation is minor, and since conducting another investigation into the matter would be duplicative, we are administratively closing your complaint and no further investigation will be conducted into the matter. 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

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Joanne Fine

James A. Larson

April 30, 2018

Via Certified Mail

Re: CPC #222-17

Dear

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on December 13, 2017, regarding an incident that occurred on or about July 18, 2017.

I. THE COMPLAINT

An anonymous complaint was filed via email reporting that Officer L did not take any action when the citizen reported a suspicious vehicle parked in the space adjacent to his. The vehicle had no license plates and it possibly was stolen. According to the citizen, Officer L passively thanked him for bringing the vehicle to his attention. When the citizen returned, he found his vehicle spat upon several times. The citizen informed Officer L about what happened and believed it could have been avoided if Officer L had taken appropriate action. Officer L was apathetic in his duties.

II. INVESTIGATION

Even though the complaint came in anonymously, there was a phone number. The CPOA Investigator reached the citizen. The citizen agreed to provide his first name, but still wished to remain anonymous. The complainant believed the vehicle without plates, which was parked crooked, looked suspicious and he believed it to be stolen. The citizen advised Officer L who was assigned on overtime to Walmart. The citizen stated Officer L said he would look into the vehicle. The citizen stated he saw individuals he assumed belonged to the truck, based on their attire; exit the store when he entered the store. The citizen stated he spent a few seconds in the store and when he returned, he found his truck was covered in spit. He complained to Officer L that if he had checked into the vehicle, his vehicle would not have been spat upon. The citizen stated Officer L told him not to talk to him like that. The citizen asked for his information and he claimed the officer gave him a false man number. The citizen's complaint was that Officer L lied to him and had apathy for conducting his job.

The citizen expressed a strong desire to remain anonymous. The citizen also stated he did not want the officer to get in trouble. He did not want a formal investigation and wanted the officer to be reminded of his job duties by his supervisor.

Letter to "Gil"

DATE

Page 2

The CPOA Investigator contacted Officer L's supervisor at the time. Sgt. P had a conversation with Officer L regarding the incident. Officer L advised he would be more cognizant in the future.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as complainant did not wish a formal investigation and wanted the supervisor to have a conversation with the officer. The complaint has been informally resolved.

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



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James A. Larson

Edward Harness, Executive Director

April 30, 2018
To File

Re: CPC #236-17

Dear

Our office received the complaint you filed on April 7, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the Albuquerque Police Department (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.

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, and the CPOA's investigation and findings.

I. THE COMPLAINT

An anonymous complainant essentially stated that on April 7, 2017, they were driving south on Jefferson Street when they observed two police cars stopped in the road and blocking the road. The two officers were chatting with each other and you tried to go between their two police cars but you realized that your truck was too big. You backed up and motioned to one officer that your truck was too wide to pass. After a few minutes, both officers decided to pull away. However, one of the officers pulled up beside you and yelled out his window and told you to "go around next time" and you yelled back "I tried to, I didn't fit."

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and was unable to identify the officer who allegedly spoke with you during the incident, and contacted Commander M. regarding the other officer's driving behavior. Commander M. discussed the issue with the second officer, who couldn't recall the incident due to the time delay between when the complaint was filed and when it was investigated.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to a lack of information, and because the allegations are of a minor policy violation.

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/iro/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

CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #255-17

Dear Mr. Fallon:

On December 19, 2017 we received your complaint via e-mail concerning an incident that occurred on December 18, 2017.

I. THE COMPLAINT

You wrote in your complaint that on December 18, 2017, you were at a Soccer Field where you had gone to walk your dogs and exercise. You wrote that in the parking lot there was only one other vehicle. Someone from that vehicle approached you and asked you if you smoked. When you finished walking your dogs and exercising, you walked back to your vehicle and you saw another vehicle pull in and park next to the only other vehicle that was there. Then a garbage truck pulled up behind you and prevented you from leaving. The truck did not pick up any trash. One of the vehicles then left the parking lot. You called APD dispatch and you told them that you believed that the people in the parking lot were undercover police officers and they had targeted you for a drug deal. You told the dispatcher at that time that you did not want to speak to a police officer, but you wanted the area checked out. Later, you changed your mind and you requested to speak with an officer. An APD officer arrived there and spoke with you. You told the officer that you believed that the person who approached you and asked you if you smoked, was an undercover police officer and that person had tried to engage/solicit you to buy drugs. You wrote in your complaint that you believed that you were the target of a plainclothes operation and that the dispatcher and the officer who responded to the park tried to de-escalate you from, filing a complaint and they were covering for the undercover officers. You believed that you were unlawfully targeted and unlawfully detained. You believe that this occurred because you had filed complaints in the past and that this was retaliation.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator checked APD databases for any record of any undercover narcotics unit activity in the area on the date and time that you reported and there was none. The person who approached you asked you if you smoked. They did not ask you if you smoked drugs. They did not ask you if you wanted to buy drugs. They did not ask you if you had drugs to sell. They did not approach you after you were allegedly detained by the garbage truck. You only described the persons who approached you as White and Hispanic. You offer no proof to support your belief that the person who approached you, or the person who was driving the garbage truck, were APD officers. Without more information it would be impossible to identify the people whom you believe are APD Officers. Lastly, you alleged that you were retaliated against because you had filed complaints against APD and BCSO personnel in the past. The Investigator found that you filed a complaint in 2014 wherein you believed and APD Officer who is your neighbor and an APD Sergeant, have been accessing and sharing your medical information. APD Internal Affairs conducted a preliminary investigation into the incident and contacted all of you your witnesses and they determined that your allegations were either false or not based on valid facts. That complaint was administratively closed and no one was disciplined as a result of your complaint. In 2016, you filed a complaint that stated that you had attended a Council Meeting. You alleged that Councilor Sanchez asked two Uniformed CIRT Officers to keep an eye on you because you were a potentially mentally unstable person prone to violence and outbursts. After the meeting the two officers followed you and watched you until you left the premises. You again alleged that APD had inappropriately and illegally shared your healthcare information with Councilor Sanchez for the purpose of libeling and slandering your character. That complaint was also administratively closed as duplicative. No one was investigated or disciplined because of that complaint. You offer no facts in your complaint to prove you have been subject to retaliation by the APD simply because you filed un-investigated and unsubstantiated complaints in the past.

III. CONCLUSION

The CPOA Investigator has exhausted all investigative leads that would help him and the POB to determine if APD was involved in some type of a drug sting operation wherein you were targeted. There is simply not enough information provided in your complaint to move forward with an investigation. Because of the lack of information in the complaint, we are administratively closing your complaint at this time. 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

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James A. Larson

Edward Harness, Esq., Executive Director

April 30, 2018

Re: CPC# 001-18

On January 18, 2018 we received a complaint you filed against the Albuquerque Police Department (APD). A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the Complaint. The Administrative Office of the CPOA investigated the complaint. The CPOA made a finding, based on the information provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Below is a summary of the complaint and findings.

I. THE COMPLAINT

complained that on December 12, 2017 Detective T. came to her son's high school and proceeded to take her son to the Albuquerque substation for questioning in regards to allegations made against him. stated the Detective told the principal s husband had given permission for the Detective to take their son downtown. stated the Detective was not truthful and that husband never gave permission for that to occur. stated the Detective was not truthful and took her sixteen year old son without any permission. stated that Detective T. also read her son his Miranda rights but was not charging her son with a crime, only needing to interview him.

II. INVESTIGATION

The Investigator received the complaint and conducted a preliminary investigation into the alleged incident. The investigator found no Detective T. located in the Albuquerque Police Department. The Investigator attempted to contact to obtain more information regarding the incident. On February 21, 2018, the Investigator spoke to husband via telephone. explained that they inadvertently had the wrong

department and gained knowledge that the Detective in question was with Bernalillo County Sheriff's Department. The Investigator explained to that the Civilian Police Oversight Agency had no jurisdiction over Bernalillo County Sheriff's Deputy's and informed he could file a complaint with them. agreed and stated he would inform

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to the CPOA having no jurisdiction over agencies outside of the Albuquerque Police Department.

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/iro/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
Executive Director CPOA

CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #007-18

Dear

On January 4, 2018 we received your complaint via e-mail concerning an incident that occurred on January 2, 2018.

I. THE COMPLAINT

You wrote in your complaint that you had attempted to drop your 13 year old daughter off at her mother's house for a custody transfer. There was a verbal altercation outside of the house and you were physically struck by your child's mother. You did not know if your being battered was caught on the surveillance video cameras that your child's mother has in her home. You complained that when APD Officer G. questioned your daughter, Officer G. victim shamed her. Officer G. allegedly told your daughter that her mother's frustration was warranted and leaving her with bruises and a black eye was just parenting. You alleged that the officer then attempted to force your daughter to go into her mother's home stating that if you took your daughter from the Albuquerque area that you would face a felony charge. You stated that the officer's behavior was uncalled for. You wrote in your complaint that you wanted basic re-training for the officer.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the Computer Assisted Dispatch (CAD) report, the APD police report, and 6 lapel video recordings made by the officer during his encounter with you and your family members. The CAD report showed that your daughter called the Albuquerque Police Department on January 2, 2018 at about 5:00 PM and she told the dispatcher that she wanted to speak with an officer because she was afraid to go home. She told the dispatcher that her mother had assaulted her in the past. She did not complain about any current assault. At 5:45 PM, the child's mother called the police to report that your daughter and her stepsister had

locked themselves in your car and she did not know what prompted your daughter to do that. Your daughter's mother stated that your daughter was upset and crying saying she was scared. At 6:06 PM, you called the APD and you reported that you showed up to drop off your daughter and your daughter's mother became disorderly and at some point she hit you. You stated at that time that your daughter was with you. The call for service was delayed as no officers were available to respond to the call. At 7:30 PM, you called the police to let them know that you were going to change location and go get something to eat and you would let the police know where you were so they could send out an officer to your location. At 8:23 PM, Officer G. was dispatched to your location and he arrived at 8:30 PM. At 8:56 PM, your wife, Jenna Marcellus, called the police department from Roswell, to complain that she was very upset with the way the officer responded to your daughter and she requested that a Sergeant be dispatched to meet with you at the restaurant that you were at.

The police report on the matter showed that the officer had read the notes on the call prior to his arrival and he was aware of your daughter calling the police, locking herself in the car, and the alleged battery you called to report. When the officer met with your daughter, she told him that about two to three weeks prior her mother had hit her on the face causing bruising. Your daughter reported that she was being emotionally abused as well because her mother had threatened to send her to a mental health facility. Your daughter stated that there was custody agreement between her parents.

Officer G. reported that he spoke with you as well. You told him that on that day you drove from Roswell to drop off your daughter per a court ordered custody agreement. When you got to the mother's house, your daughter refused to get out of the car and she locked herself in. You told the officer that the child's mother got frustrated and she hit you in the head. You also stated that your daughter's mother pushed your step daughter. You told the officer that there was also a court order in place barring your daughter's current boyfriend from being around your daughter. The officer provided you with a Domestic Violence packet because of the alleged battery that you reported.

Officer G. reported that he interviewed your daughter's mother. She showed him the custody order and your daughter was supposed to be dropped off at noon but you arrived 5 hours late in dropping her off. When you arrived you and your mother, the child's grandmother, reportedly went to the door and began to argue with the child's mother. You all went to the car and your daughter had locked herself in the car and she refused to get out. Your daughter's mother admitted she was very mad and she slapped you on the shoulder. She said she did that because you refused to help get your daughter out of the car. She called the police and a couple of hours later you left the area.

After that, Officer G. went to the car and told your daughter that she had to get out of the car and go with her mother per the court order. Your daughter refused, and said that if Officer G. made her get out of that car that she would run. Officer G. did tell you that if you took your daughter with you to Roswell that you would be in violation of the Court Order and could face felony charges. After consulting with an APD Lieutenant, the officer did not force your daughter to go with her mother as was required by the Court Order. You took your daughter back to Roswell in violation of the Court Ordered Custody Agreement.

Officer G. did file a Criminal Summons for your daughter's mother for committing battery against you and your step daughter. The report was sent to the District Attorney's Office for review for possible Criminal Charges of Custodial Interference. Officer G. saved all of his lapel camera videos to evidence.

The CPOA Investigator reviewed all of the videos. The lapel video showed Officer G. meet with your daughter and her stepsister inside the restaurant you were at. Your daughter told the officer that she didn't feel safe going home because her mother had given her a black eye in the past and her mother had been emotionally abusing her. The officer asked your daughter if she had reported the black eye to the police when it happened and your daughter said that she had not. The officer asked her if she had any proof that her mother caused the black eye and she said she had none. When the officer asked your daughter when the black eye incident occurred she said, "one month to a few weeks ago." The officer explained that a custody agreement is an order signed by a Judge and that no one, the police, you, or her could break the order and it had to be followed. The officer told your daughter that if she feels unsafe with her mother there are procedures that can be undertaken to change the order. The officer told your daughter that if the custody order said that she needs to be with her mother then that is where she needs to be. The officer went on to tell her that if there were current signs of physical abuse then that was something he step in and deal with. He explained that he couldn't act on a claim of emotional abuse. The officer told your daughter that she is 13 years old and at this point in her life she doesn't get to make decisions about where she wants to be. Your daughter obviously wasn't happy with what the officer told her, even though the information he supplied to her was correct. The officer went on to tell your daughter that if the mother said that it would be okay for her to stay with you then that was fine. Your daughter then told the officer that all she wanted was to go get her cat. The officer said that getting the cat would be a civil matter that he could not deal with. Your stepdaughter then shared a video with the officer of the mother telling your daughter that she did not want her in her home any longer. The officer went on to tell your daughter that her mother was probably frustrated with her behavior (locking herself in the car) and he could understand how her mother could be frustrated with her but that did not constitute emotional abuse. The officer said, "That's parenting. That's not abuse." He was talking about the alleged emotional abuse, not the alleged black eye.

The officer then interviewed you. You said you had been punched by your daughter's mother and you wanted to file charges. You also told the officer that you didn't have an issue with your daughter not wanting to return to her mother's house. You told the officer that your daughter had locked herself in the car when you went to drop her off and that you told the mother that you were not going to do anything about her locking herself in the car because you were worried for the safety of your child. The officer then explained to you that he could not break the terms of the custody order and neither should you. If mom said it was okay for her daughter to go with you then so be it. The officer told you he would go to the mother's house and get her side of the story and he would file a criminal summons for the mother punching you. The officer suggested to you that you go back to court to get the custody agreement modified. He said that until that time, the custody order should be followed.

A video captured the conversation that the officer had with _____ She told the officer to "do your job" with the black eye incident. The officer explained to her that the incident should have been reported when it happened and that she needed to understand how

suspect it was to bring the incident up only when a custody dispute arises. He told hat it would be very difficult to prosecute such a case but that he would document it, which he did. old the officer that when the incident took place, she encouraged your daughter to report it to authorities but your daughter didn't do it.

The videos showed that the officer did interview your daughter's mother and she told him what had occurred at the home earlier. She showed him the custody agreement and it showed that your daughter should have been dropped off at noon that day but you didn't arrive until 5 PM. The order showed that she was to have custody of your daughter at that time.

The video showed that the officer tried to get your daughter to go with her mother but she refused and told the officer that if he forced her to get out of the car, she would run. You just looked on from the passenger seat of the car in which you were all seated. The officer told you and your daughter at that time that if you took your child, in violation of the court order that you would be committing a felony. The officer told your daughter that she should go with her mother to avoid that.

Ultimately, a supervisor with the APD allowed you to take your daughter even though that was a violation of the custody agreement.

III. CONCLUSION

The officer in this case was put in a very difficult situation. The officer was correct in telling you and your daughter that a court order is a court order and it should be followed. Your year old daughter had just spent two weeks with you and your family in Roswell. Your daughter had alleged and disclosed to you, the physical abuse 1-2 weeks prior to her visit with you.

State of New Mexico law requires mandatory reporting of alleged child abuse. The child had disclosed to you, to her grandmother, and to her step mother, that she had allegedly been abused one week to two weeks prior to her visit with you and no adult reported the alleged abuse to authorities. In fact, the alleged abuse wasn't reported until your daughter decided she didn't want to go home the very day she was required to do so. Instead of following the law and the court order, you admitted that you encouraged your daughter's behavior. You had ample opportunity to consult with legal counsel, the police, CYFD, and the many authorities that could have help you with custody order modification, yet you waited until the very day that you were to return your daughter to her mother to get the police involved.

APD Standard Operating Procedures require that in a Domestic Violence situation such as the one that occurred here, officers **SHALL** enforce the provisions of custody as outlined in the court order and that includes physically removing a child from a non-custodial parent if necessary. The officer was also correct in telling you and your daughter that if you violated the court order you would be committing a felony. Custodial interference is a felony. Custodial interference consists in part of any person who fails to return a child without good cause with the intent to deprive for a protracted time another person also having a right to custody of that child of his/her right to custody.

The officer in this case did not "victim shame" your daughter even if that was your perception. The evidence in this case is clear and convincing that he did not. The officer provided you and your daughter with factual information. There was no violation of Standard Operating Procedure committed by the officer.

At this time we are administratively closing your complaint and no further investigation will be conducted into the matter. 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

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James A. Larson

Edward Harness, Executive Director

April 30, 2018

Re: CPC #017-18

Dear

On January 23, 2018 we received your complaint that you mailed to our office.

I. THE COMPLAINT

You wrote in your complaint that on or about August 17, 2017, you were stopped by APD Officer H.. Accompanying you in the car were two females, one who was 16 years of age, and one who was 12 years of age. Both girls had run away from the New Day Shelter and they had been reported as missing. The girls had run from the shelter on or about August 16, 2017. You alleged that Officer H. told the girls that they should not be in your company as you had been arrested and charged in the past with kidnapping and rape. You wrote that Officer H. should not have told the girls that because, even though it was a true statement, the DA had filed a Nolle Prosequi in the case.

You stated that the officer got the information from an old case that occurred in 2015. You alleged that the APD Detective that handled that case, Detective W., committed perjury by putting incorrect information in that complaint. You alleged that Detective W. lied in the affidavit for arrest warrant and that the documents in the case are tainted with false information. You alleged that Detective W.'s actions were illegal.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. Our office does not conduct investigations into allegations of criminal conduct by APD Officers. Furthermore, for APD to conduct an investigation into an allegation of perjury, the allegation must come from a Judge or judicial officer, not from a criminal defendant. Even so, a preliminary investigation and review was done by the CPOA Investigator to determine if your

complaint should be sent to an appropriate agency for criminal investigation. That investigative review determined that your complaint should not be referred for criminal investigation and that your complaint should be administratively closed.

According to the police reports, in October of 2015, an 18 year old woman who knew you from High School met you at a park. The woman went with you to an apartment and stayed with you during the night. Sometime in the early morning hours, the woman alleged that you sexually assaulted and raped her. The woman fled the apartment and reported the assault and rape immediately. The case was assigned to Detective W.. The reports indicate that Detective W. interviewed and recorded the woman who reported the rape. After that, the Detective made numerous attempts to contact you to no avail. In January of 2016, Detective W. filed a Criminal Complaint charging you with the crimes that the woman had accused you of. Detective W. also filled out an Affidavit for Arrest Warrant and sought an Arrest Warrant from the court which was granted. You turned yourself in at the court house on March 23, 2016. You alleged that Detective W. lied in her report because she said you were arrested when in fact you turned yourself in. Either way, you were taken into custody, which is an arrest. Your case was later dropped, (Nolle Prosequi) because the prosecutor could not find the victim to testify against you. Those charges could still be refiled and they are part of your public record.

The CPOA Investigator reviewed the reports in that case in detail. There is nothing to substantiate your allegation that Detective W. lied in the Affidavit for Arrest Warrant or the Criminal Complaint. The Detective wrote out the allegations in the affidavit and the Criminal Complaint just as the victim had reported. There was evidence in the case to support the victim's statements to the police. There is no factual basis to refer your complaint for criminal investigation. There were no policy violations by Detective W. that were discovered during the preliminary investigation.

According to police reports, on or about August 16, 2017, over Facebook, you befriended a 16 year old girl who was in a shelter home. You encouraged the girl and her 12 year old girlfriend to run away from the shelter. You arranged to have them picked up by an Uber driver at a predetermined location. The girls ran away from the shelter, the Uber driver picked them up, and the girls ended up in your company. The girls were reported as missing and when APD Officer H. stopped you for not having a license plate on your car, he found out that the girls were in fact, runaways. The girls were returned to the shelter and you were cited and released. It was during that time that Officer H. told the girls about your prior criminal charges. There was no procedural violation committed as the officer only disclosed what is public record.

The next day, the 16 year old girl and the 12 year old girl reported to the Bernalillo County Sheriff's Department that while they were at your residence that you provided them with alcohol. They also reported that while they were under the influence that you and another man forced yourselves on them and that you and the other man sexually assaulted them. You admitted that you sent an Uber driver to pick up the girls after they ran away and that the driver brought the girls to your home. You admitted to having sex with the older girl. You were arrested by the BCSO Detective and you were charged with numerous crimes for which you are currently incarcerated. You have been denied bond because of your criminal history, in particular the 2015 case in which you allege that Detective W. lied.

III. CONCLUSION

The preliminary investigation into your complaint conducted by CPOA Investigator determined that there is no evidence to prove your allegation that Detective W. lied on the affidavit or in the criminal complaint in the 2015/2016 case that was filed against you. Because of that, your complaint against Detective W. will receive no further investigation by our agency. With regards to your complaint that Officer H. should not have shared your criminal arrest history with the two girls; there is no violation of APD policy, procedures, or training because the officer disclosed that information to them.

Because there is no evidence to support your allegation that Detective W. lied, and because Officer H. did not violate policy, we are administratively closing the investigation at this time. No further investigation into the matter will be conducted by the CPOA. 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

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James A. Larson

April 30, 2018

Via Certified Mail

Re: CPC #018-18

Dear

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 15, 2018, regarding an incident that occurred on or about December 17, 2017.

I. THE COMPLAINT

submitted a handwritten complaint about three officers, which he claimed were undercover. did not explain what the officers allegedly did other than he witnessed acts of treason and wanted the officers charged with a crime.

II. INVESTIGATION

provided the date of December 17, 2017 at 1800. He provided the location as the McDonalds on Central, which was 2305 Central NW. The CPOA Investigator requested the CADs unit to locate any calls in the area for that date. CADs attempted to locate any incident at the McDonalds and checked for any calls at the surrounding area for that date. No calls or CADs could be located.

The CPOA Investigator spoke to about the two different complaints he submitted to try to gather more information. could not provide additional information to aid in the investigation of his complaint and eventually disconnected the call.

III. CONCLUSION

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

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
DATE
Page 2

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #2018-023

Dear

Our office received the complaints you filed on January 31 and February 3, 10 and 15, 2018 against unknown Albuquerque Police Department (APD) Officers, Bernalillo County employees, CNM employees, Presbyterian Hospital employees, U.S. Taxation and Revenue Service employees, the California and New Mexico Lottery systems, McDonald's Corporation, Optum Bank, Assurance Wireless, and Albuquerque homeless shelters, regarding multiple alleged incidents. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

complained of assorted issues with the aforementioned entities and their employees.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and, generally speaking these statements are disjointed and lack a logical flow. Additionally, there are no actionable complaints in any of these written statements.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the CPOA has no jurisdiction over the aforementioned entities except the APD, and any allegations against the APD are not able to be substantiated, nor does it appear that any APD SOPs were violated.

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
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Joanne Fine

James A. Larson

April 30, 2018

Via Certified Mail

Re: CPC #025-18

Dear

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 22, 2018, regarding an incident that occurred on or about January 12, 2018.

I. THE COMPLAINT

submitted an online complaint regarding his allegation that an officer used profanity and falsely charged him.

II. INVESTIGATION

The CPOA Investigator reviewed employee records and determined the named employee used to be a PSA with the Albuquerque Police Department, but resigned June 26, 2015. The CPOA Investigator determined the named employee is currently a BCSO deputy. The CPOA Investigator was unable to reach BCSO Internal Affairs in order to forward them the complaint.

The CPOA Investigator attempted to contact , but his phone number provided was unavailable. The CPOA has no jurisdiction to investigate the complaint. The complaint needs to be filed with BCSO Internal Affairs, which is located at 401 Roma NW Albuquerque, NM 87102. The phone number is 505-468-1394.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the CPOA has no jurisdiction to investigate the complaint.

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 .
DATE
Page 2

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #026-18

Dear

Our office received the complaint you filed on January 11, 2018 against Albuquerque Police Department (APD) Sergeant (Sgt.) S. regarding an incident which occurred on January 8, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

said she was driving behind an APD Sport Utility Vehicle (SUV) and without warning the SUV lurched across two lanes of traffic, without having engaged any emergency lights or sirens. She complained the SUV looked like it was going to crash into the median and hit a black man, and she was forced to change lanes and go around the SUV. She complained the black man was standing on the median with three bags and not panhandling and was merely looking across at the McDonald's, when the Sgt. became aggressive, frisked the man, and threw his wallet on the ground. She complained the Sgt. was not in control and escalated the situation. She is concerned the new panhandling ordinance is setting up poor people who are near a median or street corner.

Letter to _____

DATE _____

Page 2

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, Sgt. S's written report, and watched the Sgt. S's lapel camera video recordings. The evidence showed Sgt. S. was responding to a Priority 2 disturbance between a McDonald's supervisor and a male offender, whom is the person you saw Sgt. S. in contact with on the median. The evidence showed Sgt. S. was driving on the roadway when he observed the offender running away from McDonald's across the roadway, and stopped on the median. The lapel video showed Sgt. S. made contact with the male subject, who was Hispanic and not black as described in your complaint. The lapel video showed Sgt. S. contacted the male subject about the disturbance at McDonald's, and frisked him for weapons as a security precaution prior to speaking with him about what happened. The lapel video showed Sgt. S. tossed the man's wallet on the ground but not in an aggressive manner. The lapel video showed that this same man had a history of criminal trespass at the McDonald's and had previously assaulted the same supervisor who was chasing him. The lapel video showed the Sgt. issued the subject a summons for criminal trespass as a result of the incident that day and did not even speak to him about panhandling as alleged in the complaint. Additionally, the lapel video showed Sgt. S. maintained control of his emotions and was professional throughout his contact with the male subject.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed the allegations in your written complaint were inaccurate, and Sgt. S. did not violate any APD SOP violations.

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/iro/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

CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #046-18

Dear

On February 21, 2018 we received your complaint.

I. THE COMPLAINT

You wrote in your complaint that you have been having problems with your son for quite some time. You wrote that your son has broken into your home on at least 16 occasions and once into your car. You witnessed one of the incidents and it was on November 22, 2017. You wrote to our agency because you want your son arrested for his behavior. You stated that you had already tried for an Order of Protection but that was dismissed by the courts. You stated that you are being neglected and abused by your son, that he has damaged over \$10,000 in property, and yet your son still has not been arrested. You asked that the CPOA join you in getting your son the help he needs.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. It is true that you have reported numerous incidents to the police and although you listed man numbers in your complaint, you did not allege any wrongdoing on behalf of those officers who came out and took your reports. Our agency investigates alleged violations of misconduct by officers and employees of the Albuquerque Police Department. We have no way of making the APD file charges on or arrest anyone. Our Agency lacks the resources to assist your son in getting the help he apparently needs.

III. CONCLUSION

We know that your situation is challenging and frustrating. Perhaps you can get copies of all the reports and see if you can meet with someone from the District Attorney's Office so they can review them with you and possibly file charges. They will most likely also be able to refer

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator checked APD databases for any record of the stop. There was no reported record of any APD officer making a traffic stop in the area that you mentioned on the date and time you reported. That area is outside the Albuquerque City limits and although APD Officers can enforce the law in the county, they still report their whereabouts to APD Dispatch who then records the activity even if it is outside the City limits. There was no record of any APD police activity there on the date and time you reported that the incident occurred. The CPOA Investigator also checked your name through APD databases to see if any APD officers ran your identification on that date and that time and the inquiry ended with negative results. In an effort to determine if APD personnel were involved in the stop where you were detained, the CPOA Investigator e-mailed you for more information. The Investigator specifically requested the license plate information off the car that you were driving at the time. The Investigator asked you if there were other agencies involved in the stop besides APD. The investigator asked if you knew who the Cibola County Detective was. The Investigator asked what the name of the murder suspect was. Lastly, the Investigator asked you for any other information that would help him identify who was involved in this traffic stop.

You wrote back to the CPOA Investigator and you did not provide him with the license plate information that he had asked for. You responded that no names of any officers were provided and that they "only mentioned the Albuquerque Police Department when they gave me an explanation of what happened." You did not ask for names and all you remembered was that the Detective was driving a Blue Dodge Charger. You stated that you thought the murder suspect's name was _____ You added that you did not have any more information that you could provide.

III. CONCLUSION

The CPOA Investigator has exhausted all investigative leads that would help him and the CPOA to determine if APD was involved in your stop and detention. You stated in your complaint that you spoke directly with APD officers and then you stated that APD was only mentioned to you when someone explained to you what was going on. We certainly want to help you and if the APD was involved in such an incident and behaved as you alleged, we would want to review that incident. Unfortunately, you have not provided enough information to move forward with a meaningful investigation. Because of the lack of information in the complaint, we are administratively closing your complaint at this time. 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

indicated that you were in an altercation with some of the residents there. When the officers arrived they located and spoke with numerous subjects in the lobby. The officer then went and spoke with you in your apartment. You told the officer that you had been hit with a cane. The officer noted that you had a hard time telling your story. You denied you had swung a chair at anyone. Paramedics evaluated you. You did not go to the hospital. The officer interviewed the man who allegedly hit you with his cane. The 71 year old man said that you came at him in an aggressive manner and he thought you were going to hit him because just the day before you had hit the man with an iron. The man did say that he hit you with his cane. The man said that you then took a walker away from a 70 year old female. You then started swinging a chair in a threatening manner.

Another witness saw you fighting with the group in the lobby. That witness saw you shove the 70 year old woman and swing the chair in the air. Another witness, said that she saw you come out of your room and you started yelling at everyone in the lobby saying they couldn't sit down. That witness saw you push the 71 year old man and she saw you throw a chair at another resident. The witness saw you push the walker into the 70 year old woman who was seated and you called the woman a vulgar name.

As a result of the investigation you were summonsed to court to appear on assault and battery charges.

III. CONCLUSION

The preliminary investigation showed that the officer, Officer M., did a thorough and complete investigation into the matter and the evidence support the issuance of a summons. There is nothing in your complaint or the police report to indicate that the officer treated you differently because of your race. Perhaps, you have more information that could support your claim, but based on the available evidence, there is nothing to support it. Since there was a lack of cooperation from you and since it appears that any alleged policy violation by Officer M. was minor in nature, your complaint is being Administratively Closed and no further investigation will be conducted. 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

CITY OF ALBUQUERQUE



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Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #028-18

Dear

Our office received the complaints you filed on February 23 and 25, 2018 against Albuquerque Police Department (APD) Officer C. and an unknown female APD officer regarding incidents which occurred on an unknown date and time, and on February 25, 2018, respectively. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaints. The CPOA thoroughly and impartially investigated the complaints.

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.

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.

I. THE COMPLAINT

said she called APD to report abuse, malicious acts, MVD fraud, sexual harassment and lies that were said to mess up her life and reputation. She also said her neighbor has a hate issue and she faces a lot of hate in Albuquerque due to her immigration status and the fact she is Polish. She complained that Officer C. told her he doesn't like illegals, and told her to separate herself from people who give her a hard time. She complained the unknown female officer told her to look in the mirror if she faces hate because

maybe something is wrong with her. She complained these officers were unprofessional and rude. (See original written complaints for more details.)

II. THE INVESTIGATION

A CPOA Investigator spoke with you over the phone regarding your complaint against Officer C. and you agreed that the complaint could be handled, informally, by Officer C.'s supervisor, Sergeant (Sgt.) B., so your complaint was forwarded to Sgt. B.. Sgt. B. informed the Investigator that he met with you in person and learned that you thought APD was able to investigate MVD and other alleged incidents you told him about, which actually occurred in Florida. Sgt. B. said he provided you with suggestions and resources to help you with the issues about which you complained, and said you were happy with the information provided to you.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaints because one was handled informally by Sgt. B. to your satisfaction, and the other allegation lacked information and involved minor policy violations.

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/iro/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

CITY OF ALBUQUERQUE



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Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via email

Re: CPC #029-18

Dear :

Our office received the complaint you filed on December 19, 2017 against an Albuquerque Police Department (APD) officer you did not want to disclose regarding an accident in which you were involved on December 18, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

said he was involved in an auto accident due to another driver's failure to yield at an intersection and an APD officer responded. did not want to disclose the officer's name but said the officer was very professional and polite. said he is a retired law enforcement officer and understands it's an officer's discretion whether, or not, to issue citations for violations at accident scenes; however, he complained that the officer did not issue a citation to the other driver even though the driver was driving on a learner's permit. He complained the officer should have enforced the laws violated in front of him, and said the officer's failure to do so showed a complete lack of justice and respect for the law.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and tried to contact you to obtain more information regarding your complaint but was unsuccessful. Additionally, your complaint is contradictory in that you stated the officer was very professional and polite, and you understand he had the ability to use his discretion when he decided not to issue the other driver any citations, yet you complained that the officer failed to do his job.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to the limited information provided, and because the involved APD officer did not violate any APD SOPs.

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
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via email

C

Re: CPC #030-18

Dear

Our office received the complaint you filed on January 30, 2018 against Albuquerque Police Department (APD) Officer R. regarding an incident in which you were involved on January 29, 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

Albuquerque

NM 87103

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.

www.cabq.gov

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.

I. THE COMPLAINT

said he called 911 to report an auto theft and when Officer R. arrived he didn't offer any empathy or get out of his car to speak to r. He complained Officer R. did not explain the report writing process to him. He complained he has been getting the run around from APD employees and hasn't been given any updates on his case. He said he wanted a draft or a police report done ASAP to give to his insurance company because a case number is not enough and he's had to pay for a rental car out of his own pocket.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and tried to contact you to obtain more information regarding your complaint but was unsuccessful. The Investigator left you a phone message and saw that you called back but did not leave a message, nor were any other attempts made to speak to the Investigator. The Investigator was able to obtain a copy of the report, which showed the report was approved by Officer R.'s supervisor on January 30, 2018; the date of your complaint.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to the limited information provided, and because Officer R. did not violate any APD SOPs.

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
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #034-18

Dear

Our office received the complaint you filed on February 26, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the Albuquerque Police Department (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.

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, and the CPOA's investigation and findings.

I. THE COMPLAINT

complained of several incidents involving unprofessional, rude and harassing behavior on the part of APD Officer J. The original complaint for more details.)

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and learned that J. is not an APD officer.

III. CONCLUSION

Letter to
DATE
Page 2

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because it only has jurisdiction to investigate complaints about APD officers and employees.

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
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #037-18

Dear _____

Our office received the complaints you filed on February 22, 2018 against Albuquerque Police Department (APD) Detective (Det.) M. regarding an incident that occurred on February 1, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

_____ complained that Det. M. knew something months before an assault took place and complained Det. M. had a conversation with a Mr. M. about protecting Mr. E., the male subject who later committed the aforementioned assault. _____ complained Det. M. said it was his job to protect Mr. E.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and Det. M. is not an APD officer or employee, and it is not known where Det. M. may be employed.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because it did not involve an APD officer or employee.

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
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

April 30, 2018

Anonymous

Re: CPC #043-18

Dear Anonymous:

On February 24, 2018 we received your complaint concerning an incident that occurred on 02/21/2018.

I. THE COMPLAINT

You wrote in your complaint that police officers were dispatched to your home and they searched it unlawfully without permission or a search warrant. You wrote that you and your grandmother feel unsafe and violated. You wrote that you were filling out the complaint for your 81 year old grandmother. You wrote that you had a bad knee and were recovering from that injury at the time. You complained that the two officers who responded to your home, an African American officer, and an Hispanic officer, ordered you to find your driver's license and your medical Power of Attorney for your grandmother. You wrote that the Hispanic officer scoffed and said, "Let's see how fast she moves on that knee" and the African American officer seemed to be enjoying it. You wrote in your complaint that you no longer want the police to enter your home without proper ID and a search warrant. You wrote that you wanted a review of this case and said that if something is not done immediately you would seek out the Department of Justice.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator was able to determine that the incident you complained of occurred on 02/21/2018, not 02/22/2018. The officers who responded to your home were called there by the Albuquerque Fire Department. Your grandmother had called the Fire Department for help. She told the Paramedics that you were starving and neglecting her. APD Officer A. and his back up officer were dispatched to your home. Officer A. ran his lapel camera the entire time and those lapel camera recordings were reviewed by the CPOA Investigator. The CPOA Investigator also reviewed the report that Officer A. wrote on the incident.

The report documented that AFD responded to your home because your grandmother said that she was having chest pains. When they arrived, your grandmother disclosed that you were not taking care of her and that sometimes you push her down. Officer A. contacted you and you told him that you had medical power of attorney for your grandmother and that you are the one who takes care of her. Officer A. asked you about a padlocked door in the home and you told him that was your room and that you kept medication for your dogs in there. You said that you had to lock the room because your grandmother accesses the medication to get high. You also stated that your grandmother is very manipulative.

Officer A. spoke to your grandmother who told Officer A. that you have not been taking care of her. She did tell the officer that you had not physically assaulted her. You told Officer A. that you had just been to the store the day before and purchased close \$60.00 worth of groceries for your grandmother. When the officers checked the refrigerator, they found very little food in it and when they checked the cabinets, the canned goods in there had expired in 2013, 2014, and 2016. The officer noted in his report that the house smelled of animal feces and urine and that the carpets were very dirty. The water and electricity were working as they should have. Officer A. made a referral to Adult Protective Services for follow up.

The lapel videos showed that the officer asked you why the door was padlocked and you told him about the dog medication and that it needed to be locked up. The lapel video showed that neither officer "ordered" you to produce your ID. The Lapel video showed Officer A. ask, "Do you have your ID handy?" At first you stated "No" but then you said yes, got up off the couch and grabbed your ID from a bag at the end of the couch. You then went and laid down on the couch while the officers spoke with you. One of the officers asked you if you could show them the Power of Attorney and you refused saying you had shown it to every fire fighter and hospital in the City and that those agencies all had it. The officer informed you that they had not seen it and told you that you needed to provide it to them. You said that you wouldn't do that, that you were not getting up from the couch. The officers said, "Okay" and did not push the matter any further. The lapel video proved that no officer ever said, "Let's see how fast she moves on that knee." That simply didn't happen. The lapel video showed the rest of the officer's investigation. Officer A. told you that he wasn't placing blame and that no criminal charges were going to be filed. He told you that he was going to have to make a referral to Adult Protective Services. He explained that they were going to ask him about the condition of the home and he asked if you could show him that there was food in the fridge and that the toilets and water and electric were working properly. You did not want to get up but you specifically told your male friend who was there with you, to show the officer around. You consented to the search and your grandmother was right there with the officer as he looked in the refrigerator and the cabinets. The video showed there was little food in the refrigerator and expired canned goods in the cabinets. When the officer asked about the fresh food you allegedly bought the day before, you showed him a bag of chips. Your grandmother consented to the officer looking into her room. As the officer left the home, he provided your male friend with a piece of paper that had the case number written on it as well as his name.

III. CONCLUSION

The evidence reviewed by the CPOA Investigator showed that your allegations of an unlawful search, and being ordered about and scoffed at are simply untrue. You and your grandmother consented to the search. No officer ordered you around nor did they scoff at you. There was no violation of any APD Standard Operating procedure committed by Officer A. or his Hispanic partner. There is clear and convincing evidence in this case to prove that. Your complaint is being Administratively Closed and no further investigation will be conducted. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #044-18

Dear _____

On February 27, 2018 we received your complaint via e-mail concerning an incident that occurred on 02/26/2018.

I. THE COMPLAINT

You wrote in your complaint that on 02/26/18 after 5 PM, you went to a fast food place on Coors and Fortuna where you met with your boyfriend who was trying to sell a car to some people. The people decided not to buy the car. You and your boyfriend started to head home in separate vehicles. When you got to the area of Blake road and Coors Road, more than 10 police cars pulled you and your boyfriend over. You wrote that you were scared and the officers were pointing guns at you. You had to walk backwards with your hands up and you were handcuffed. No one provided their names to you and no one gave you a reason as to why this was happening. An officer searched you and you were put in a police car where you were left for 10-15 minutes. Another officer opened the door to the after that and told you to get out. You told him that you couldn't, that you were handcuffed, and he told you that you better find a way to get out and that if you didn't he would make it worse. You wrote that while you were still handcuffed an Albuquerque Police Department Officer came to you and explained that your vehicle had been reported to have a murder suspect in it. The officer told you that as soon as the "Cibola County Undercover Detective" finished with his investigation they would let you know if you were going to be arrested or not. The Detective then approached you and told you, "I'm sorry, it seems like this has all been a mistake. You can go now."

You complained that Civilians shouldn't be treated that way and you asked if that is what Law Enforcement officers do to catch real criminals. You stated that you did not deserve to be handcuffed. You wanted to know what happened to the murder suspect that the detective was looking for. You asked if they were behind bars or if they had been let go because they were white. You felt that your being followed and harassed was because you were Hispanic and that it was an abuse of power. You stated that your treatment was unfair and inhumane.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator checked APD databases for any record of the stop. There was no reported record of any APD officer making a traffic stop in the area that you mentioned on the date and time you reported. That area is outside the Albuquerque City limits and although APD Officers can enforce the law in the county, they still report their whereabouts to APD Dispatch who then records the activity even if it is outside the City limits. There was no record of any APD police activity there on the date and time you reported that the incident occurred. The CPOA Investigator also checked your name through APD databases to see if any APD officers ran your identification on that date and that time and the inquiry ended with negative results. In an effort to determine if APD personnel were involved in the stop where you were detained, the CPOA Investigator e-mailed you for more information. The Investigator specifically requested the license plate information off the car that you were driving at the time. The Investigator asked you if there were other agencies involved in the stop besides APD. The investigator asked if you knew who the Cibola County Detective was. The Investigator asked what the name of the murder suspect was. Lastly, the Investigator asked you for any other information that would help him identify who was involved in this traffic stop.

You wrote back to the CPOA Investigator and you did not provide him with the license plate information that he had asked for. You responded that no names of any officers were provided and that they "only mentioned the Albuquerque Police Department when they gave me an explanation of what happened." You did not ask for names and all you remembered was that the Detective was driving a Blue Dodge Charger. You stated that you thought the murder suspect's name was Rodriguez. You added that you did not have any more information that you could provide.

III. CONCLUSION

The CPOA Investigator has exhausted all investigative leads that would help him and the CPOA to determine if APD was involved in your stop and detention. You stated in your complaint that you spoke directly with APD officers and then you stated that APD was only mentioned to you when someone explained to you what was going on. We certainly want to help you and if the APD was involved in such an incident and behaved as you alleged, we would want to review that incident. Unfortunately, you have not provided enough information to move forward with a meaningful investigation. Because of the lack of information in the complaint, we are administratively closing your complaint at this time. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #046-18

Dear I

On February 28, 2018 we received your complaint.

I. THE COMPLAINT

You wrote in your complaint that you believe that the Albuquerque Police Department (APD) is using their Security Camera Analysis Network (SCAN) to follow you wherever you go. You wrote in your complaint that everywhere you go "they" call you derogatory names and that "they" go to a prospective employer and tell them not to hire you. You went on to allege that "they" went to the methadone clinic that you go to and "they" changed your Urinalysis from a clean one to a dirty one, which caused problems between you and your counselor. You stated that "they" are trying to take your home away from you and that "they" sent a young man into your church to spy on you. You also believe that your cell phone is being tapped or that it is "bugged."

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. Our office was unable to determine whether or not any of your allegations are true because you never identified who "they" are. There is no supporting evidence available to help the Investigator to determine the validity of your complaint.

III. CONCLUSION

Because of the lack of specific information in your complaint, we are Administratively Closing your complaint and no further investigation will be conducted by the CPOA. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC # 048-18

Dear

On February 15, 2018 we received your complaint.

I. THE COMPLAINT

You submitted a complaint stating on December 26, 2017 you were resting on steps at 3636 Menaul Blvd. when officers approached you, told you to kneel and place your hands behind your head. You stated, while being searched, the officer (s) kicked you in your broken leg and tazed you in the chest. You wrote you were paralyzed and unconscious while your property was being searched and numerous items were left at the scene.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the lapel video of both Officer H. and Officer M. The lapel video showed you ignoring the officers while walking away as they continued to ask you to stop and talk to them. Once you stopped you continually cursed at the officers and finally made you way to a truck and placed your hands on that truck. The lapel video showed the officers asking you to not touch the truck, at which point you went to your knees and placed your hands on your head, voluntarily, without any direction of doing so by the officers. The lapel video continued as the officers did a pat down search to ensure you had no weapons, at which point, Officer M. asked you to stand up and as you did, you spit in the officers face. You were then handcuffed and placed on the ground until the officer retrieved his vehicle and both officers escorted you to the back of the patrol car. Your items were searched and placed into evidence bags and transported along with you to booking, where you were charged with trespassing and battery on a peace officer.

III. CONCLUSION

Lapel video recorded the entire incident from both Officer M. and Officer H. At no time were you ever kicked or tazed. Your personal items were transported with you to jail and turned in. The allegations you wrote in your complaint never happened. Your complaint is being Administratively Closed due to your allegations being false, no further investigation will be conducted. 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

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James A. Larson

Edward Harness, Executive Director

April 30, 2018

Re: CPC # 049-18

Dear I

On February 26, 2018 we received your complaint.

I. THE COMPLAINT

You submitted a complaint with a link to a YouTube video. The link was reviewed and showed a videographer filming what appears to be a search warrant being executed. The video showed officers approaching the videographer and asking him to leave. The video then shows a continued interaction between police and the unknown videographer.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator contacted via telephone on March 5, 2018. During your conversation you stated you were not involved in the incident, did not know when or where the incident took place and did not know the identities of anyone, either civilian or police involved in the incident. You stated this was just a YouTube video you saw and thought a complaint should be filed.

III. CONCLUSION

Because of the lack of specific information in your complaint, we are Administratively Closing your complaint and no further investigation will be conducted by the CPOA. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC # 056-18

Dear

On March 5, 2018 we received your complaint.

I. THE COMPLAINT

You submitted a complaint in reference to citizens of Albuquerque in a trailer park. According to your complaint you were in a verbal disagreement with them and the resident(s) allegedly threatened you.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The CPOA Investigator determined your complaint does not involve the Albuquerque Police Department or its employees.

III. CONCLUSION

Because of the lack of specific information in your complaint and it not involving the Albuquerque Police Department we are Administratively Closing your complaint and no further investigation will be conducted by the CPOA. 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

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Edward Harness, Executive Director

April 30, 2018

Re: CPC #059-18

Dear _____

On February 22, 2018 we received your complaint concerning an incident that occurred on 02/21/2018. You submitted a total of three complaints, another being CPC# 043-18 which was investigated by a different investigator within our agency.

I. THE COMPLAINT

You wrote in your complaint that police officers were dispatched to your home and they searched it unlawfully without permission or a search warrant. You wrote that you and your grandmother feel unsafe and violated. You wrote that you were filling out the complaint for your 81 year old grandmother. You wrote that you had a bad knee and were recovering from that injury at the time. You complained that the two officers who responded to your home, an African American officer, and a Hispanic officer, ordered you to find your driver's license and your medical Power of Attorney for your grandmother. You wrote that the Hispanic officer scoffed and said, "Let's see how fast she moves on that knee" and the African American officer seemed to be enjoying it. You wrote in your complaint that you no longer want the police to enter your home without proper ID and a search warrant. You wrote that you wanted a review of this case and said that if something is not done immediately you would seek out the Department of Justice.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator was able to determine that the incident you complained of occurred on 02/21/2018, not 02/22/2018. The officers who responded to your home were called there by the Albuquerque Fire Department. Your grandmother had called the Fire Department for help. She told the Paramedics that you were starving and neglecting her. APD Officer A. and his back up officer were dispatched to your home. Officer A. ran his lapel camera the entire time

and those lapel camera recordings were reviewed by the CPOA Investigator. The CPOA Investigator also reviewed the report that Officer A. wrote on the incident.

The report documented that AFD responded to your home because your grandmother said that she was having chest pains. When they arrived, your grandmother disclosed that you were not taking care of her and that sometimes you push her down. Officer A. contacted you and you told him that you had medical power of attorney for your grandmother and that you are the one who takes care of her. Officer A. asked you about a padlocked door in the home and you told him that was your room and that you kept medication for your dogs in there. You said that you had to lock the room because your grandmother accesses the medication to get high. You also stated that your grandmother is very manipulative.

Officer A. spoke to your grandmother who told Officer A. that you have not been taking care of her. She did tell the officer that you had not physically assaulted her. You told Officer A. that you had just been to the store the day before and purchased close \$60.00 worth of groceries for your grandmother. When the officers checked the refrigerator, they found very little food in it and when they checked the cabinets, the canned goods in there had expired in 2013, 2014, and 2016. The officer noted in his report that the house smelled of animal feces and urine and that the carpets were very dirty. The water and electricity were working as they should have. Officer A. made a referral to Adult Protective Services for follow up.

The lapel videos showed that the officer asked you why the door was padlocked and you told him about the dog medication and that it needed to be locked up. The lapel video showed that neither officer "ordered" you to produce your ID. The Lapel video showed Officer A. asks, "Do you have your ID handy?" At first you stated "No" but then you said yes, got up off the couch and grabbed your ID from a bag at the end of the couch. You then went and lay down on the couch while the officers spoke with you. One of the officers asked you if you could show them the Power of Attorney and you refused saying you had shown it to every fire fighter and hospital in the City and that those agencies all had it. The officer informed you that they had not seen it and told you that you needed to provide it to them. You said that you wouldn't do that, that you were not getting up from the couch. The officers said, "Okay" and did not push the matter any further. The lapel video proved that no officer ever said, "Let's see how fast she moves on that knee." That simply didn't happen. The lapel video showed the rest of the officer's investigation. Officer A. told you that he wasn't placing blame and that no criminal charges were going to be filed. He told you that he was going to have to make a referral to Adult Protective Services. He explained that they were going to ask him about the condition of the home and he asked if you could show him that there was food in the fridge and that the toilets and water and electric were working properly. You did not want to get up but you specifically told your male friend who was there with you, to show the officer around. You consented to the search and your grandmother was right there with the officer as he looked in the refrigerator and the cabinets. The video showed there was little food in the refrigerator and expired canned goods in the cabinets. When the officer asked about the fresh food you allegedly bought the day before, you showed him a bag of chips. Your grandmother consented to the officer looking into her room. As the officer left the home, he provided your male friend with a piece of paper that had the case number written on it as well as his name.

III. CONCLUSION

Your complaint is being Administratively Closed due to it being duplicative in reference to CPC# 043-18. 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

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Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Anonymous

Re: CPC #062-18

Dear A

On March 10, 2018 we received your complaint concerning an incident that occurred on that same day.

I. THE COMPLAINT

You wrote in your complaint that you were walking from an ATM and you were approached in an alley by an unidentified officer. The officer asked you if you were mentally ill. The officer asked you if you were having problems. The officer told you that he had eyewitnesses that you had been thrown off the bus, that you were mentally ill, and you were harassing pedestrians. You told the officer to check his facts and you walked away. You wanted the officer to be sent back to the police academy so he won't harass and accuse anyone in the future.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. You did not list where the incident took place, any description of the officer, or any other important information that would help the CPOA Investigator determine the identity of the officer.

III. CONCLUSION

An investigation cannot be conducted into your complaint because of the lack of information in it. Your complaint is being Administratively Closed and no further investigation will be conducted. Administratively closed complaints may be re-opened if additional information becomes available.

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Chelsea Van Deventer

Edward Harness, Executive Director

April 30, 2018

1

Re: CPC #073-18

Dear Mr. Kirolos:

On March 23, 2018 we received a complaint from you concerning Officer R. of the Albuquerque Police Department (APD).

I. THE COMPLAINT

You wrote in your complaint that your neighbor kick boxed you in the chest twice about 1.5 months ago, but you did not report that to the police at the time. You wrote that your neighbor's girlfriend tried to get you evicted early by reporting to office management that you had fondled yourself in front of the dumpster. You wrote that APD Officer R., did not take a report and did not care. You wanted Officer R. to be fired.

II. THE INVESTIGATION

You have filed similar rootless complaints in the past with our agency. You did not provide your address, an e-mail address, your telephone number, the address or location of incident, the date or time of incident or any other information that would help the CPOA Investigator locate the incident you are complaining of. The CPOA Investigator has no way of contacting you to obtain further information from you.

III. CONCLUSION

An officer has discretion to take, or not take, some reports and perhaps that is what happened in this case. The lack of information in the complaint though makes it impossible to move forward with any meaningful investigation. Because the alleged policy violation by Officer R. is minor and because an investigation cannot be conducted because of the lack of information in the complaint, we are administratively closing your complaint and no further investigation will be conducted. 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

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Dr. William J. Kass

Chelsea Van Deventer

Edward Harness, Executive Director

April 30, 2018

Re: CPC #074-18

Dear

On March 25, 2018 we received a complaint from you concerning Sergeant B. of the Albuquerque Police Department (APD). The incident you complained of occurred on March 20, 2018 at about 10:15 AM and it occurred over the telephone.

I. THE COMPLAINT

You wrote in your complaint that you had filed a fraud and extortion criminal police report on some people with whom you are involved in civil litigation. Sergeant B. called you and told you that he was an investigator and he asked for you to provide proof that the people had committed fraud or extortion against you. You wrote that you submitted proof but after Sergeant B. reviewed the proof, he told you that this was a civil matter. You have filed suit in federal court against the people and you were told what the people did to you was criminal. You want Sergeant B. sanctioned for impersonating an investigator. You believed that Sergeant B. was going to sell the information you gave him or be compensated in some way for the information. You stated that you wanted a real and honest investigator for your case.

II. THE INVESTIGATION

You did not provide your address or an e-mail address in your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. The investigator found that in years past, you or your construction company had done some work for the people whom you are suing. They sued you for improper or shoddy work. A sizeable judgement was entered against you by the Judge presiding over your case. You paid a portion of the Judgement but you did not pay the rest because you believed that the Judge was involved in some manner with the people who sued you. You filed suit against the people and the Judge in Federal Court. You believe that the documents you have prove that the Judge and the people have some kind of special relationship and you believe that to be criminal activity. The records you provided to Sergeant B. consisted of documents already in court case files. You did not give him private financial information and what you did give to him, he returned

to you. There is no proof that Sergeant B. was going to sell the information or be compensated in some way by the parties involved in the litigation. Furthermore, Sergeant B. **is in fact**, a criminal investigator assigned to the Organized Crime Division of the APD. He was impersonating no one.

III. CONCLUSION

Because Sergeant B. is in fact a criminal investigator and was impersonation no one, we are administratively closing your complaint and no further investigation will be conducted. 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

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Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

N

Re: CPC #245-15

Dear ,

Our office received the complaint you filed against Officer P. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 26, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

wrote in her complaint that on 11/26/15 that on the eve of Thanksgiving there was a call placed to the police department because she and her roommate were having an argument. Her roommate was trying to get her to leave the house. APD Officer P. arrived and he told them that everything would be fine as long as there were no more disturbances. Later that night, Officer P. returned and called her from the bathroom and she was allegedly handcuffed roughly. While she was being taken to the car, l alleges that Officer P. pushed her to the ground and then lifted her up by her handcuffs. She claimed she was hurt. Officer P. did let her go and did not take her to jail. She claimed that she was unlawfully arrested, her rights were violated, and Officer P. used excessive force. She noted in her

written complaint that she had pictures of her face where she sustained injuries from hitting it on the pavement from when she was pushed to the ground.

II. 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 Standard Operating Procedures (SOPS), the Complaint, The Computer Assisted Dispatch (CAD) report, the police report, an interview with [REDACTED], an interview with [REDACTED], an interview with Officer P., and a review of two lapel camera video recordings.

A) The CPOA reviewed Standard Operating Procedure 3-13-3 B (3b) regarding APD Officer P.'s conduct, which states:

Officers shall...make only those arrests, searches, and seizures which they know or should know are lawful and do so in accordance with related departmental procedures.

[REDACTED] alleged that she had committed no crime and that the officer was not justified in handcuffing and detaining her.

The investigation showed that [REDACTED] was not credible. She was untruthful in her interview with the CPOA Investigator and the officer's lapel videos proved that.

Officer P. was called to the house three times that night. The first time was between one and two AM. [REDACTED], her boyfriend, and [REDACTED] were all screaming at each other "at the top of their lungs" according to [REDACTED] called the police. Officer P. told everyone to calm down and they agreed to do so. [REDACTED] had been drinking at that time. After the officer left, she drank four more shots of vodka.

At 3:40 AM, [REDACTED] called the police back because [REDACTED] had been threatening him by text. Officer P. arrived and spoke with [REDACTED] who showed him the texts but the threats were that she was going to sue him. Officer P. told [REDACTED] that there was nothing he could do about that. The video showed that Officer P. was asked by [REDACTED] to go in and check on [REDACTED] because she was very drunk. Officer P. did. The officer told [REDACTED], who was clearly highly intoxicated, to stop texting [REDACTED] and to go to bed. She agreed to do so.

At 5:29 AM, Officer P. was called back to the residence by [REDACTED] who reported that [REDACTED] was outside the home yelling and screaming at him. This was at 5:30 AM in a residential neighborhood. When Officer P. arrived he saw [REDACTED] outside yelling at [REDACTED]

Officer P. had probable cause to believe that [REDACTED] had committed the crime of Disorderly Conduct and the handcuffing and detention of [REDACTED] was lawful and in accordance with departmental procedures.

The CPOA finds Officer P.'s conduct to be **Exonerated** as the investigation determined by a preponderance of the evidence that that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating Procedure 2-52-4 H (1-3) regarding APD Officer P.'s conduct, which states:

- 1. Officers may use force consistent with this policy to accomplish lawful objectives.*
- 2. Any use of force, to include a show of force, shall be done only as objectively reasonable to accomplish a lawful police objective.*
- 3. The lawful objectives for which force may be appropriate include:*
 - a. To effect a lawful arrest or detention of a person;*
 - b. To gain control of a combative subject;*
 - c. To prevent and/or terminate the commission of a crime;*
 - d. To intervene in a suicide or self-inflicted injury;*
 - e. To defend an officer or person from the physical acts of another; or*
 - f. To conduct a lawful search.*

alleged that Officer P. used excessive force when he handcuffed her and later when he walked her out to the car. She claimed that Officer P. pushed her to the ground, then dragged her by her handcuffs for about five feet. She claimed that her face was scraped up and that she had scrapes to her knees. The lapel video proved that wasn't true.

As stated earlier, was untruthful when she provided her statement to the CPOA Investigator. The Officer's lapel video showed that Officer P. did not push to the ground but that she sat down on her own while being escorted to the police car because her pants were falling down. Officer P. did not drag her as she alleged. said that she had photos of the injury to her face but when asked to provide them she said that she had changed phones and that she lost the photos. She said that if you looked real close you could see the scars on her knees but that they were not really visible.

The investigation showed that was highly intoxicated and extremely uncooperative with Officer P. There was no excessive force involved in the arrest. Officer P.'s use of force, if any, was objectively reasonable.

The lapel video showed that was lawfully arrested. She was not pushed to the ground, nor was she dragged by her handcuffs. She could not produce the pictures of her damaged face. Her statement was inconsistent with the video. Her youngest son, gave a statement that was inconsistent with statement and appeared to be coached. There is no physical evidence to support her claim that she was pushed to the ground and that she sustained injuries.

The CPOA finds Officer P.'s conduct to be **Unfounded**, where the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

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

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 Policies 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 the 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 submitted within 30 days 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/iro/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

Ed Harness, Esq.
Executive Director

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Johnny J. Armijo

Chantal M. Galloway

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Eric H. Cruz

Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

April 30, 2018

Via Certified Mail

Re: CPC #175-17

Dear I

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 18, 2017, regarding an incident that occurred on June 15, 2017. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT AND INVESTIGATION

Detective B investigated a homicide and I was determined to be a material witness for the case. As a witness, I retained legal counsel, I. There were multiple court motions involving the case. Some of the motions involved who was to be I's attorney of record for the case. I stated I is her client and complained that Detective B contacted her client, asking questions about what advice she gave to I. I stated Detective B committed a constitutional violation in contacting her client whom he knew I represented. Detective B violated attorney-client privilege by asking what communication she had with I. I felt Detective B's actions were intimidating and I took them as a threat.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, court motions, I's interview,

is interview, Detective B's interview, and a recording of the phone conversation between Detective B and

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

A) The CPOA reviewed Standard Operating General Order 1-1-4B2 regarding Detective B's conduct, which states:

Personnel will obey all federal, state, and local laws, rules, and regulations, and enforce those lawful directives while protecting the rights of the individuals as established in the Constitution of the United States and the Constitution of the State of New Mexico....

received information from her client, N that Detective B contacted and questioned r even though he knew was under legal representation. stated informed her that Detective B asked specific questions as to what advice I gave to which violated attorney-client privilege. alleged Detective B unconstitutionally investigated what advice she gave to and violated the Sixth Amendment by questioning outside of her presence. did not know if the conversation between and Detective B was over the phone or in-person. I stated I told her that Detective B specifically accused I of helping evade police.

affirmed that Detective B specifically accused of helping her avoid police when in fact Ms. Yonker claimed it was her sole choice. stated Detective B knew I was her attorney and specifically asked what advice gave to her. stated Detective B threatened to charge along with other members of her family with helping her evade police. confirmed it was a phone conversation and that she ultimately hung up on Detective B when she no longer wished to answer his questions.

Detective B recorded his phone conversation with initiated the contact by asking Detective B to call her. When Detective B asked if he could ask questions, er agreed he could ask his questions. The contact was not an in-person, custodial situation; it was strictly over the phone. The only time Detective B even mentioned 's name was to clarify whom I meant when she said her attorney ' The recording showed Detective B did not ask specific questions about statements made between r and . Detective B broadly asked a single question if any attorney told her to lay low. The Sixth Amendment allows the accused to have assistance of counsel for his/her defense. In review of the complaint, it seems attempted to extend to law enforcement NM Rule of Professional Conduct 16-402, which has guidelines for attorneys when communicating with persons represented by counsel. This standard does not apply to law enforcement. Detective B was not prohibited from contacting in a non-custodial setting where initiated the contact and granted Detective B to ask questions. The recording showed mischaracterized the conversation to and embellished the nature of the questions and comments made by Detective B as he never threatened to charge asked questions about their conversations.

The CPOA finds Detective B's conduct to be **EXONERATED** where the investigation determined the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating General Order 1-1-4E10 regarding Detective B's conduct, which states:

Retaliation by any member of this Department is expressly prohibited. Retaliation includes intentional adverse conduct towards any individual or group, not otherwise authorized by law or policy, in response to the individual or group:

- Exercising their legal rights;
- Making or supporting a complaint;
- Making or supporting a claim;
- Making a charge, testifying, assisting or participating in any manner with an investigation, proceeding or hearing; or
- Exercising their lawful duties.

Retaliation includes, but is not limited to, threats, intimidation, coercion, or other adverse action against any person in the workplace or community.

_____ stated she took Detective B's action of interviewing her client as a threat because he was investigating advice that she gave. _____ believed Detective B was after her and she feared a false accusation would damage her professional reputation. She believed Detective B's actions were retaliatory because she is a successful defense attorney and police would like to see her out of business.

_____ claimed Detective B's actions were "way out of line"; however, she acknowledged Detective B did not directly contact her or accuse her.

_____ claimed Detective B threatened to charge _____ and other members of her family.

_____ stated the conversation made her uncomfortable because she made her own choices. The homicide case was settled so in her mind the questions were unnecessary when she had the conversation.

The conversation and the plea taken by the offender were very close in time. There were potential open aspects to the investigation unsettled at that time. There were no threats to charge _____ in the recording between _____ and Detective B. There are no documents produced to threaten, intimidate, or disparage _____ and Detective B agreed they have not met or had direct conversations. _____ provided _____ with an inaccurate depiction of the conversation between her and Detective B.

The CPOA finds Detective B's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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

Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Esq., Executive Director

April 30, 2018

Re: CPC 162-17

Dear

Our office received the complaint you filed on December 22, 2016 against Officer R, Lieutenant P. and Lieutenant F. regarding an incident that took place May 11, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

wrote the traffic accident report was completely incorrect regarding an accident she was in. writes instances of the diagram being 2 lanes and not three lanes, the lighting conditions not being dark and says Officer R. lied in his report about what her husband l stated. wants the report to reflect her opinions on the accident due to the insurance company utilizing the police report to determine that she was at fault.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER R.'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, photograph's and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 2-40-2 (G. 3.), which states:

G. Traffic Accident- Enforcement Action

3. Officers assigned to investigate traffic accidents will conduct thorough investigations and submit complete reports. If sufficient evidence exists to identify contributing causes of accidents, those facts and opinions must be properly reported.

Complained the report Officer R. wrote in reference to a traffic accident she was part of, was inaccurate and untrue. indicates the diagram only showed one turning lane when it should have showed two, the report states it was dark and states it was not dark. states her husband never stated he "struck" vehicle number one, but the report has that statement in it. states the insurance company based its findings on Officer R.'s report and due to the inaccuracies, the insurance company found in the other drivers favor.

Officer R. was dispatched to a traffic accident to which husband was the driver of their vehicle and the crash involved a separate vehicle. The investigation showed that upon arrival Officer R. spoke to all parties involved in the accident and an independent witness who was also present at the scene. Due to not having witnessed the accident and solely basing his report on what Officer R. was told by all parties involved and what he physically observed at the scene, Officer R. completed his narrative and Uniform Crash Report according to APD SOP.

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

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING LIEUTENANT 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, photographs and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 3-14-4 (A. 6.) which states:

A. All supervisors, regardless of the level of supervision will:

6. Evaluate subordinates for effectiveness, efficiency and adherence to directives, policies and procedures, the departments' mission statement, vision and core values, constitutional standards as well as federal, state and municipal law.

complained the report Officer R. wrote in reference to a traffic accident she was part of, was inaccurate and untrue. escalated her complaint to Lieutenant P., who at the time was Officer R.'s Sergeant. I indicates the diagram only showed one turning lane when it should have showed two, the report states it was dark and states it was not dark. states her husband never stated he "struck" vehicle number one, but the report has that statement in it. I states the insurance company based its findings on Officer R.'s report and due to the inaccuracies, the insurance company found in the other drivers favor.

Lt. P. reviewed the report, the video and all actions Officer R. did in regards to this traffic accident. Lt. P. found no issues of concern with regards to Officer R.'s report or investigation. informed Lt. P. that she wanted to add a statement to Officer R.'s report and Lt. P. in fact filed a supplemental report of 's own words for I

The CPOA finds Lieutenant P.'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.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING LIEUTENANT F.'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, photographs and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 3-14-4 (A. 6.) which states:

A. All supervisors, regardless of the level of supervision will:

6. Evaluate subordinates for effectiveness, efficiency and adherence to directives, policies and procedures, the departments' mission statement, vision and core values, constitutional standards as well as federal, state and municipal law.

complained the report Officer R. wrote in reference to a traffic accident she was part of, was inaccurate and untrue. escalated her complaint to Lieutenant P., who at the time was Officer R.'s Sergeant. then escalated her complaint to Lt. F.. indicates the diagram only showed one turning lane when it should have showed two, the report states it was dark and states it was not dark. states her husband never stated he "struck" vehicle number one, but the report has that statement in it. I states the insurance company based its findings on Officer

Letter
DATE
Page 4

R.'s report and due to the inaccuracies, the insurance company found in the other drivers favor.

Lt. F. reviewed the report, the video and all actions Officer R. did in regards to this traffic accident. Lt. F. also reviewed the steps Lt. P. took to assist [redacted] and found them to be complete. [redacted] informed Lt. F. she wanted to escalate her complaint further and Lt. F. took the appropriate steps for [redacted] to file a complaint with our department, the CPOA.

The CPOA finds Lieutenant F.'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.

Your complaint and these findings are made part of Officer R.'s, Lieutenant P.'s and Lieutenant F.'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

DRAFT

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #182-17

Dear :

PO Box 1293

Our office received the complaint you filed on July 31, 2017 against Albuquerque Police Department (APD) Officer T. regarding an incident which occurred on March 3, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

NM 87103

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.

www.cabq.gov

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.

I. THE COMPLAINT

I sent an email to the CPOA Executive Director Edward Harness essentially complaining about the APD Chain of Command not taking seriously the issue of officers failing to tag lapel video evidence on Evidence.com. Specifically, I complained Officer T. failed to tag lapel video evidence connected to a criminal DUI case (APD #16-0021821) into Evidence.com, which ultimately resulted in the case being dismissed because the lapel video was automatically deleted after 120 days.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'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, CPOA interviews, the CADS report, the written report, and information found on www.nmcourts.gov.

A) The CPOA reviewed APD SOP 1-39-1(A), which states:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

A. Personnel will use issued tape/digital recorders to document the incidents listed below.

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer(s) should become separated, it will be the responsibility of the secondary officer(s) to record all their contact and/or actions during that incident. In such incidents where the primary officer tags a recording and secondary officer(s) also have a recording: all recordings will be tagged into evidence. If the primary officer tags a complete recording or there is an outside source recording tagged into evidence and no secondary recording exists; this shall serve as meeting the requirements for this section.

The aforementioned evidence showed that while Officer T. was not the arresting officer in the DUI case in question, he initiated the traffic stop, which ultimately led to the arrest of a male subject by DUI enforcement Officer J.. As required by APD SOP, both officers recorded lapel video of the stop and arrest, respectively, and uploaded it to Evidence.com; however, only Officer J. tagged his lapel video, which was able to be preserved. Officer T. did not tag his lapel video and it was automatically deleted from Evidence.com before the case went to trial, and the case was ultimately "Dismissed by Prosecutor – Prosecution Unable to Proceed" because of Officer T.'s inaction to tag and preserve his lapel video.

The CPOA finds Officer T.'s conduct **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings are made part of Officer T.'s Internal Affairs record.

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via email

Re: CPC #187-17

Dear I

Our office received the complaints you filed on June 30, 2017 and July 1, 2017 against Officer C. and Sergeant (Sgt.) A. of the Albuquerque Police Department (APD) regarding an incident that took place on June 29, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

The two complaints filed by [redacted] are essentially the same; however, some of the details differ slightly. [redacted] complained she was breast-feeding her 9 month old son when Officer C. and Sgt. A. attempted to physically removed the nursing infant from her breast while accusing her of consuming alcohol before breast-feeding. [redacted] stated she was not intoxicated or unable to care for her children. She complained she was charged with child abuse and separated from her infant whose only source of nutrition is breast milk. She complained she was never given a Field Sobriety Test (FST), or given a Blood Alcohol

Concentration (BAC) test. She complained she was detained in handcuffs for over 6 hours at a substation while Officer C. and Sgt. A. tried to come up with charges and googled information with no reference to any law specific to the charge.

NOTE: A search of public court records found at www.nmcourts.gov, revealed that since 2001, _____ has been arrested for Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) of alcohol/drugs 7 times. Of those 7 arrests, 5 included additional charges of child abuse.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C.'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 Complaints, the CADS reports, the written police reports, a search of _____ court records via www.nmcourts.gov, and 6 lapel videos.

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

15. Personnel will treat the public with respect, courtesy and professionalism at all times.

_____ complained Officer C. attempted to physically remove her nursing infant from her breast after accusing Ms. Lewis of consuming alcohol before breast-feeding. She complained he didn't even give her a FST or a BAC test and said he detained her in handcuffs for over 6 hours while trying to come up with charges by searching the internet.

The aforementioned evidence showed Officer C. tried removing _____' cellphone from her hand while she held her baby because _____ tried to make phone calls while the officers were speaking to her. Officer C. made repeated requests for _____ to put her child in the carrier/stroller and held her left upper arm as Sgt. A. tried removing the cellphone from her hand and _____ pulled away. _____ repeatedly yelled that the officers were hurting her and not allowing her to nurse her child and began hitting and kicking the glass windows of the library as they asked her to put the child in the carrier/stroller. _____ finally relinquished the baby to his father and the officers continued to talk to _____ who admitted that she consumed alcohol to the point of intoxication. Officer C. asked if she would consent to a breathalyzer test on scene and told her she would not be arrested for drinking; however, she declined and said she wanted to speak to her lawyer first because she didn't trust the officers.

Lapel video showed Officer C. told _____ he would speak to a detective about whether, or not, it was okay for her to breast-feed her child while she was intoxicated.

The evidence showed Officer C. placed _____ s in handcuffs at approximately 1748 hours, when he arrested her for child endangerment. She was subsequently transported to the Northeast Substation before ultimately being taken to the PTC where she was turned over to PTC personnel at approximately 2211 hours. _____ was detained in handcuffs by APD personnel for approximately 4 hours and 23 minutes, and not over 6 hours as alleged in her complaint.

The CPOA finds Officer C.'s conduct **EXONERATED** regarding the allegations of violations of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT. A.'S CONDUCT

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-5 RULES OF CONDUCT

D. On-Duty Conduct

16. Personnel will treat the public with respect, courtesy and professionalism at all times.

_____ complained Sgt. A. attempted to physically remove her nursing infant from her breast after accusing _____ of consuming alcohol before breast-feeding. She complained Sgt. A. didn't even give her a FST or a BAC test, and said she detained her in handcuffs for over 6 hours while trying to come up with charges by searching the internet.

The aforementioned evidence showed Sgt. A. tried removing _____ s' cellphone from her hand while she held her baby because _____ s tried to make phone calls while the officers were speaking to her. Sgt. A. told _____ s she was intoxicated and needed two hands on her child as she made repeated requests for _____ to put her child in the carrier/stroller and remained close to _____ and her child during the interaction. _____ repeatedly yelled that the officers were hurting her and wouldn't allow her to nurse her child, and Sgt. A. asked her to stop because it was too loud for the child. _____ began hitting and kicking the glass windows of the library as Sgt. A. continued telling her to put the baby in the carrier/stroller. The evidence showed Sgt. A. remained close to _____ and the baby, in an attempt to protect the child from being thrown or dropped by _____, and out of concern the glass would break as _____ continued to hit and kick it.

Letter to : _____
DATE _____
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The lapel video showed I _____ was asked if she would consent to a breathalyzer test on scene and told she would not be under arrest for drinking; however, she declined the test, saying she didn't trust the officers and wanted to speak to her lawyer first.

The evidence showed I _____ was placed in handcuffs at approximately 1748 hours and arrested for child endangerment. She was subsequently transported to the Northeast Substation before ultimately being taken to the PTC where she was turned over to PTC personnel at approximately 2211 hours. N _____ s was detained in handcuffs by APD personnel for approximately 4 hours and 23 minutes, and not over 6 hours as alleged in her complaint.

The CPOA finds Sgt. A.'s conduct **EXONERATED** regarding the allegations of violations of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer C.'s and Sgt. A.'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.

Letter to
DATE
Page 5

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #225-17

Dear

Our office received the complaint you filed on August 4, 2017 against Albuquerque Police Department (APD) Officer R. regarding an incident which occurred on August 1, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

said he was placed in handcuffs and searched by Officer R. before Officer R. and other APD officers placed his medical marijuana and cell phone into the trunk of an APD patrol car. He complained that he never got the marijuana or cell phone back even though he was only transported for a psychological evaluation and not arrested.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER R.'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 written complaint, the CADS report, the police reports related to the three calls involving [REDACTED] between July 31 – August 1, 2017, APD evidence logs and history, and lapel videos related to these calls.

A) The CPOA reviewed APD SOP 2-73-2(B)(2), which states:

**2-73 SUBMISSION OF EVIDENCE, CONFISCATED PROPERTY, AND
FOUND ITEMS**

2-73-2 Rules

B. Items to be Tagged

2. All articles of evidence, safekeeping, and found items will be tagged/entered into evidence using OIM and submitted to the Evidence Unit and deposited in substation drop boxes by the end of the officer's tour of duty. Only a supervisor due to exigent or unusual circumstances can authorize exceptions to this; however, the evidence must be placed in a secure setting within a police building such as a safe or a locker or cabinet that can be secured under the direct control of the supervisor. Also, the tagging officer will seal all evidence tagged either in plastic or paper bags. The officer will ensure that sealed evidence bag has the officer's initials and date across the seal, using a permanent type marker, before placing the evidence in a locker. Failure to place initials and date across the seal will result in rejection of the evidence. Large items that cannot be placed in bags will have the evidence tag affixed to them.

The aforementioned evidence showed that at approximately 0300 hours on August 1, 2017, Officer R. responded to a call regarding a disturbance between [REDACTED] and his parents, wherein threats of violence and suicide were made by [REDACTED]. At the conclusion of the call and prior to transporting [REDACTED] Officer R. searched [REDACTED], pockets and found several packets of marijuana in different forms. [REDACTED] identified the substance as marijuana and said he didn't have a medical marijuana card and admitted to maintaining and consuming marijuana illegally. The evidence showed Officer R. seized the non-medical i.e. illegal marijuana and tagged it into evidence as miscellaneous narcotics, and tagged it for destruction. The evidence showed the miscellaneous narcotics were destroyed on September 1, 2017; therefore, they would not and could not have been returned to [REDACTED]. Officer R. also seized a .45 caliber handgun and its magazine and ammunition and a multi-tool/knife and tagged them into evidence. [REDACTED]'s other personal belongings were transported to the UNM psychological facility with him and there is no evidence showing Officer R. seized [REDACTED] cell phone.

The CPOA finds Officer R.'s conduct **EXONERATED** regarding the allegations of violations of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer R.'s Internal Affairs record.

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

CIVILIAN POLICE OVERSIGHT AGENCY

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April 30, 2018

Via Email

Re: CPC #232-17

Dear !

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on December 19, 2017, regarding an incident that occurred on October 6, 2017. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT AND INVESTIGATION

s stated he tried to move politely through a line at Balloon Fiesta. His camera strap was grabbed and a younger man waiting in the line slapped him on the side of his head. sought the assistance of an officer, but the officer he located did nothing even though he informed the officer he wished to press charges.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, interview, and Officer A's interview.

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

A) The CPOA reviewed Standard Operating Administrative Order 3-13-3B3a regarding Officer A's conduct, which states:

Officers shall abide by the following principles: a. Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.

§ reported to Officer A that as he was politely trying to get through a line when his camera strap was grabbed, he was spun around, and slapped on the side of his head. He saw the man that did it, but instead of getting into an altercation with someone much younger, he sought out a police officer. § told Officer A he wished to press charges multiple times when the officer asked. § identified the man and Officer A spoke with him for about ten seconds. Officer A returned and told him the man denied hitting him. § did not see Officer A ask anyone else about what happened. § did not understand how the man's denial carried any weight since rarely would anyone admit guilt. § thought Officer A at a minimum should have pulled the man out of line and they all talk about what happened, but Officer A said he would not do that. § asked Officer A what he would do. Officer A told him, "nothing." § expected Officer A to document the incident on a police report and collect all parties' information. Officer A did not take the situation seriously. § suffered from ringing in his ear, but agreed he did not request medical attention.

Officer A stated § approached him and reported that someone hit him over the head and attempted to steal his camera. Officer A asked § if he required medical attention, but § declined. Officer A accompanied § to locate the person. Officer A contacted the man § identified. Officer A informed the man of the allegations against him. The man denied the allegations and provided his version of events. The man stated § forced and elbowed his way through the line, hitting him, his wife, and other individuals. The adjacent others in line confirmed § aggressively pushed his way through. Officer A spoke to them for longer than Mr. § aimed, but brief, as he had no back up yet. Officer A cautioned the man and the other witnesses he might have to pull them from the line for further investigation. Officer A returned to § and told him what the others said. § repeatedly said he wanted the man arrested. Officer A explained based on what he had he could not arrest, but would get everyone's information, write a report, and if he had enough probable cause, he could issue a summons. Officer A told § repeatedly he could at least write a report, but § kept accusing him of doing nothing because he wanted the man arrested. Officer A explained to § the report process would take some time, but § did not want to invest the time. Officer A explained he would not have pulled the man out of line to have a conversation with § because they keep parties separated to avoid further escalation. § at least wanted the man moved to the back of the line as punishment, but that was not an appropriate resolution. § kept accusing Officer A of doing nothing even though Officer A informed him of the options. § took his business card that he offered and left.

The two versions of events between § and Officer A were very different. Officer A stated he investigated the situation and had witnesses that placed more of the fault on § made his allegations, which Officer A claimed he would document in a report and would collect all parties' information. § claimed Officer A did nothing and said he was going to do nothing. The identity of the man and the other witnesses were unknown so there were no independent witnesses to clarify the situation. Officer A attempted to record the situation, but his camera malfunctioned. He thought it was

Letter to , ---
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working, but he was issued at the time the camera model that frequently had problems. The situation did not fall under one of the mandatory recording incidents listed in the policy at the time to make it a separate issue of concern. This issue is **NOT SUSTAINED**.

The CPOA finds Officer A's conduct to be **NOT SUSTAINED** where the investigation was unable to determine whether the alleged misconduct occurred.

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

Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Valerie St. John, Vice Chair

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James A. Larson

Edward Harness, Esq., Executive Director

April 30, 2018

Re: CPC 261-17

Dear _____,

Our office received the complaint you filed on January 18, 2018 against Detective C. and Sergeant W. regarding an incident that took place on September 26, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

_____ complained that Detective C. and Sergeant W. conducted a search warrant on her home while no one was there, damaging her door and several items located in her home which she used for business. _____ also stated the officers caused physical damage to her dog's eye, left two dogs outside without food or water and let another dog out of the door to run loose. _____ complained the officers took items from her home that should not have been on the search warrant, utilized her bins and baskets to take items because the officers were unprepared, dumped items on the floor and intentionally stomped on them.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD
OPERATING PROCEDURES REGARDING Detective C.'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, photograph's and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 2-70-3 (a. vi.), which states:

3. After the warrant is served, the supervisor in charge will:

a. Ensure the following tasks are accomplished once entry has been made:

vi. Inventory all seized property

complained that Detective C. took items not listed on the search warrant and stole items from her home because the officers were unprepared to do their job.

Detective C. was the case agent for the investigation against Detective C. obtained the search warrant and upon entering the residence, was not prepared for the vast amount of items in her home in relation to the investigation of the search warrant. Detective C. did a full inventory of items taken from her home and once determined if any specific item was not part of the investigation, Detective C. provided her with items he wanted to return to her. Detective C. had not made contact with Detective C. to retrieve any of the items.

This investigation showed that Detective C. had written numerous fraudulent checks throughout the city to over 47 different businesses. Detective C. also owned her own sewing type business, therefore the items that were fraudulently purchased were numerous and not exact in nature. The officers involved in this case took only what appeared to be part of the victims list of fraudulently purchased items. If any items were not listed as purchased fraudulently, after the inventory, those items were attempted to be returned to Detective C. Detective C. never made contact with the officers to retrieve the items.

The CPOA finds Detective C.'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) 2-70-3 (a. v.), which states:

3. After the warrant is served, the supervisor in charge will:

a. Ensure the following tasks are accomplished once entry has been made:

v. Enter on the return and inventory the specific description of found evidence, the location where found, and the name of the officer who found the evidence. When multiple items are to be listed, a separate inventory sheet should be used if necessary.

.omplained that the inventory list Detective C. left at her home after the search warrant was executed was illegible. also stated that serial numbers of items were not listed on the inventory list and that items were taken that should not have been part of the search warrant.

The investigation showed the inventory list was somewhat legible, appearing to be a copy, however the officers did provide a more legible copy at a later time. The inventory list contained the serial number of a firearm that was removed from the home however serial numbers were not listed on other items and are not required to be under APD SOP. The investigation showed that . was charged with writing fraudulent checks in excess of twenty thousand dollars. Numerous checks were written to locations for sewing items to include fabrics and items of that nature. The investigation proved that upon doing the search warrant, the officers found so many items related to victims reports of theft it could not be completely distinguished, for example, which piece of fabric is different from another piece of fabric. Officers had to utilize trucks and spent more than five hours at the home to gather all the alleged items purchased fraudulently by Mrs. Detective C. did leave Mrs. with an inventory sheet and a copy of the search warrant as mandated in the SOP. Those copies were left at the residence due to Mrs. not being home at the time of the search warrant.

The CPOA finds Detective C.'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.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT W.'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, photographs and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 3-13-3 B (4. B.) which states:

3-13-3 B. Enforcing laws, ordinances and Police regulations

4. During the performance of their law enforcement duties officers shall also abide by the following guidelines:

b. In addition, and with recognition that each unique situation will require specific actions, the appropriate decision should be the least restrictive decision, which once made, will not compromise officer safety or result in unlawful action, and which will result in an outcome that remains in accordance with departmental policy and procedures.

Mrs. _____ complained that her dogs were harmed, left outside without food or water and that her home was left in disarray, particularly a bookcase thrown in her home from the execution of the search warrant.

The investigation showed Mrs. _____ dogs were never harmed by the officers. In fact, Sgt. W. ensured the dogs could be corralled outside during the search warrant and that he specifically tried to get them back into the house after the search warrant was completed. The investigation also showed the bookcase Mrs. _____ mentioned in her complaint was inadvertently toppled over when Sgt. W. attempted to use it as a barricade so that Mrs. _____ dogs would not escape the home and also not have to be harmed by the officers if the dog (s) had in fact become aggressive. The investigation showed Sgt. W. never purposefully caused damage to Mrs. _____ items as she alleged in her complaint.

The CPOA finds Sergeant W.'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.

The events of this investigation by Detective C. and Sergeant W. could not have prepared them for the amount of items and victims in the alleged fraud case. A search warrant was issued and executed within guidelines of APD SOP, and in circumstances such as this, there is an expectation that items in a home may be disheveled and left about the home. There is no evidence suggesting the officers intentionally ruined or stomped on as Mrs. _____ alleged.

Your complaint and these findings are made part of Sergeant W.'s and Detective C.'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

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Joanne Fine

James A. Larson

Edward Harness, Esq., Executive Director

April 30, 2018

Re: CPC 264-17

Dear Ms.

Our office received the complaint you filed on January 18, 2018 against Detective N. and Sergeant S. regarding an incident that took place through July 15, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

Ms. ... complained that on July 15, 2017 property was stolen from her apartment after a search warrant was served due to officers not properly locking her residence. Ms. ... stated she was arrested and taken for processing but during that time the officers failed to lock the door after she had informed them her purse was inside the apartment. Ms. ... wrote, the neighbors told her the woman who was taken to the hospital was allowed to enter the apartment when Ms. ... was in jail. Ms. ... wrote she wanted to be reimbursed for her items that were missing.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT S.'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 and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 2-70-3 (a., viii.), which states:

3. After the warrant is served, the supervisor in charge will:

a. Ensure the following tasks are accomplished once entry has been made:

viii. Before leaving the premises after completing the warrant service and search, make every reasonable attempt to secure the premise.

Ms. _____ complained that after she was arrested and a warrant was served on her home, the officers did not properly secure her residence. Ms. _____ stated she was missing several items from her apartment due to it not being locked.

The investigation showed Sergeant S. was the supervisor for the area command on July 15, 2017. Officers from that area command were called to an aggravated battery with a deadly weapon. This incident resulted in the arrest of Ms. _____. Sergeant S. made contact with Detective N. to obtain a search warrant to retrieve the weapon used from Ms. _____ residence. Sgt. S. and Detective N. retrieved the weapon from the residence and Sgt. S. recalled the door being secured.

The CPOA finds Sergeant S.'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.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE N.'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 and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure (SOP) 2-70-3 (a., viii.) which states:

3. After the warrant is served, the supervisor in charge will:

a. Ensure the following tasks are accomplished once entry has been made:

viii. Before leaving the premises after completing the warrant service and search, make every reasonable attempt to secure the premise.

Ms. C complained that after she was arrested and a warrant was served on her home, the officers did not properly secure her residence. Ms. stated she was missing several items from her apartment due to it not being locked.

The investigation showed Detective N. was the on-call Detective on July 15, 2017. Detective N. was called out to the scene to obtain a search warrant for the weapon used in an aggravated battery with a deadly weapon. Detective N. obtained that search warrant and Sergeant S. and Detective N. executed the search warrant and found the weapon used. Upon exiting the residence the investigation showed Detective N. utilized a cord to secure the doors to the residence due to the apartment door and security door having no locks on them. Detective N. followed Standard Operating Procedure and made a reasonable attempt to secure the premises.

The CPOA finds Detective N.'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.

Your complaint and these findings are made part of Sergeant S.'s and Detective N.'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>.

Letter
DATE
Page 4

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

CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Esq., Executive Director

April 30, 2018

Re: CPC 021-18

Dear Mr.

Our office received the complaint you filed on February 20, 2018 against Officer T. and Officer H. regarding an incident that took place January 20, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

Mr. [redacted] wrote on January 20, 2018 he was pulled over for speeding by Officer T. Mr. [redacted] stated during the interaction with the Officer, Officer T. told him he smelled alcohol on his breath. Mr. [redacted] stated the officer had him step out of the vehicle and field sobriety tests were conducted. Mr. [redacted] states he passed those tests, however the officer felt he was more intoxicated than he was. Mr. [redacted] wrote the officer had him blow in to a Portable Breathalyzer in which he blew .077, under the legal limit. Mr. [redacted] stated Officer T. handcuffed him because the officer felt his PBT was incorrect. Mr. [redacted] states Officer T. took him downtown and had him blow into a more calibrated breathalyzer. Mr. [redacted] stated he blew .07 twice. Mr. [redacted] complained that by law he should only be required to blow once but Officer T. threatened he would go to jail if he did not blow twice. Mr. [redacted] states

after he blew .07 the officer decided to take him back to the original scene, however his car had already been towed. Mr. _____ stated his friend, _____ was in the car and was capable of driving the vehicle but the other officer at the scene told _____ to get out and start walking. Mr. _____ also writes that when Officer T. was escorting him back to the scene he stopped and talked to fellow police officers. Mr. _____ writes he overheard Officer T. telling the other officers he was going home while still on duty. Mr. _____ stated he asked Officer T. how long he had left on his shift and that Officer T. stated 10 hours. Mr. _____ feels his car was wrongfully towed due to his friend being able to drive it. Mr. _____ feels the officer took incorrect actions and that his Friend, _____ was treated rudely by Officer H. by being told to walk home as the temperature was decreasing and the sun was setting.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'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) 2-42-2 (A. 1.), which states:

2-42-2 Rules and Procedures

A. Initial Contact with DWI Suspects

- 1. Officers who contact the driver of a motor vehicle and develop reasonable suspicion to believe that driver may be impaired by alcohol and/or drugs shall ensure that a DWI investigation is conducted.***

Mr. _____ stated Officer T. told him he smelled alcohol on his breath. Mr. _____ stated the officer had him step out of the vehicle and field sobriety tests were conducted. Mr. _____ stated he passed those tests, however the officer felt he was more intoxicated than he was. Mr. _____ wrote the officer had him blow in to a Portable Breathalyzer in which he blew .077, under the legal limit. Mr. _____ stated Officer T. handcuffed him because the officer felt his PBT was incorrect. Mr. _____ stated Officer T. took him downtown and had him blow into a more calibrated breathalyzer. Mr. _____ stated he blew .07 twice. Mr. _____ complained that by law he should only be required to blow once but Officer T. threatened he would go to jail if he did not blow twice.

The investigation showed that Mr. _____ was pulled over for speeding. Once Officer T. approached Mr. _____, he detected the odor of alcohol. The investigation showed that Mr. _____ did admit to drinking that day. Officer T. asked Mr. _____ to step out of the vehicle and if he would consent to field sobriety tests, which Mr. _____ agreed. Mr. _____ indicates in his complaint that he passed those tests. Field Sobriety tests are not a pass or fail; they are utilized to perform an evaluation to determine whether there is some impairment on the part of the person being tested. The investigation showed clear documentation in the

report of Officer T.'s observations. Officer T. did ask Mr. [redacted] to blow into the Portable Breathalyzer Test, which he complied and blew .077. The Portable Breathalyzer Test (PBT) cannot be used as evidentiary purposes in court and is not as calibrated of a machine as the Intoxilyzer. Based on Officer T.'s observations he placed Mr. [redacted] under arrest and transported him to conduct the Intoxilyzer test. Mr. [redacted] was explained the New Mexico Implied Consent by Officer T., which is required for all officers to inform subjects under arrest for driving while intoxicated. Mr. [redacted] states he was threatened with jail by Officer T., however the investigation showed there was no threat made, Officer T. only read him the information as required by law. Mr. [redacted] was released and escorted by Officer T. after he blew .077 on the Intoxilyzer.

The CPOA finds Officer T.'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.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER H.'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) 2-48-2 (B. 1.) which states:

2-48-2 Rules

B. Vehicles will be towed when

- 1. The driver has been incapacitated, hospitalized, arrested or when the vehicle cannot be released to a responsible party. Officers will not tow if the vehicle is parked at the driver's place of residence or his/her registered address.***

Mr. [redacted] wrote after he blew .07 the officer decided to take him back to the original scene, however his car had already been towed. Mr. [redacted] stated his friend, [redacted] dez was in the car and was capable of driving the vehicle but the other officer at the scene told Mr. [redacted] to get out and start walking. Mr. [redacted] feels his car was wrongfully towed due to his friend being able to drive it.

The investigation showed after Mr. [redacted] was released by Officer T. he asked if he could be returned to his car. The officer informed Mr. [redacted] that the car had been towed. Also observed during the investigation, while Mr. [redacted] is performing the PBT he asks Officer T. if his friend can just drive the car. The video shows Officer H. approaching the vehicle after Mr. [redacted] has been arrested and informing Mr. [redacted] that he can make a phone call to have someone pick him up or he can walk. Mr. [redacted] then asks Officer H. if he can drive the vehicle but he is told no. The SOP does state "or when the vehicle cannot be released to a

responsible party" it will be towed. There is not sufficient evidence to prove whether Mr. [redacted] was a responsible party because the investigation showed there may have been some conversation about Mr. [redacted] sobriety.

The CPOA finds Officer H.'s conduct NOT SUSTAINED, where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed APD Standard Operating Procedure (SOP) 1-1-4 (B. 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.

Mr. [redacted] feels the officer took incorrect actions and that his Friend, Mr. [redacted] was treated rudely by the other officer by being told to walk home as the temperature was decreasing and the sun was setting.

The investigation showed Officer H. informed Mr. [redacted] that he could either call for a ride or walk and that it was purely up to him. Officer H. informed Mr. [redacted] why he needed to exit the vehicle, for inventory purposes, and that the vehicle was being towed. Officer H. did not state, "get out and walk" as Mr. [redacted] alleged.

The CPOA finds Officer H.'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 T.'s and Officer H.'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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #027-18

Dear :

Our office received the complaint you filed on January 23, 2018 against Albuquerque Police Department (APD) Officer T. regarding a traffic accident involving your 17-year-old son, which occurred on January 8, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

complained that on January 8, 2018, Officer T. arrived on the scene of an accident involving her 17-year-old son, and was immediately rude with her and her son who was on the ground underneath a car. She complained that while she was at the hospital with her son, Officer T. was at her home and was rude to her mother and other children. She complained Officer T. said he was filing charges on her son for driving a stolen motorcycle and threatened to go to the hospital and arrest him while he was lying in the hospital going into seizures and having emergency surgery. s complained Officer T. denied a

witness statement and told the witness they had to stop talking to [REDACTED] and leave the accident scene.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'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 written complaint, the CADS report, the police reports, and lapel videos.

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

15. Personnel will treat the public with respect, courtesy and professionalism at all times.

[REDACTED] complained Officer T. arrived on scene of an accident involving her 17-year-old son and was immediately rude with her and her son. She complained that while she was at the hospital with her son, Officer T. was at her home and was rude to her mother and other children. She complained Officer T. said he was filing charges on her son for driving a stolen motorcycle and threatened to go to the hospital and arrest him while he was lying in the hospital going into seizures and having emergency surgery.

The aforementioned evidence was reviewed and showed Officer T. arrived at the scene of the accident after Police Service Aide (PSA) C., who was primary officer on the call. The videos showed Officer T. was not rude to [REDACTED], or her son, who was being tended to by medical personnel prior to being transported to the hospital.

The videos showed that Officer T., PSA C. and Sergeant (Sgt.) C. arrived at Ms. [REDACTED] home and contacted Ms. [REDACTED] mother, small children and another female adult. The female adult took the children inside the home while Ms. [REDACTED] mother led the officers to the backyard where they recovered the motorcycle involved in the crash. Officer T. and Sgt. C. told Ms. [REDACTED] mother the motorcycle was listed as stolen so they would have to seize it. Sgt. C. told Ms. [REDACTED] mother that charges would be filed on Ms. [REDACTED] son for receiving stolen property but they would not be arresting him because he was in the hospital and his healing was more important at this time but someone from juvenile crimes would follow-up at a later date. Sgt. C. repeated this to Ms. [REDACTED] mother at least twice while they were at the home. Sgt. C. also told Ms. [REDACTED] the same thing when he spoke to her over the phone in front of her mother.

Lapel video showed that Ms. [REDACTED] mother apologized to Officer T. for Ms. [REDACTED] behavior at the accident scene. It showed that Officer T. was polite, respectful and

professional towards Ms. [REDACTED]'s mother, the other female adult and the children. It showed that at no time did Officer T. threaten to go to the hospital to arrest Ms. [REDACTED] son. Lapel video showed that not only was Ms. [REDACTED] not present for the interactions between the officers and her family at her home but her allegations were untruthful.

The CPOA finds Officer T.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed APD SOP 2-40-2(G)(3), which states:

**2-40-2 MISDEMEANOR TRAFFIC AND CITY ORDINANCE
ENFORCEMENT - RULES**

G. Traffic Accident – Enforcement Action

- 3. Officers assigned to investigate traffic accidents will conduct thorough investigations and submit complete reports. If sufficient evidence exists to identify contributing causes of accidents, those facts and opinions must be properly recorded.***

Ms. [REDACTED] complained Officer T. denied a witness statement and told the witness they had to stop talking to Ms. [REDACTED] and leave the accident scene.

The aforementioned evidence showed that Officer T. was not the primary officer on this call; therefore it was not his accident to investigate. Regardless, he stood by while medical staff tended to Ms. [REDACTED] son and while PSA C. investigated the accident. The lapel videos showed Ms. [REDACTED] was talking to witnesses and the other driver involved in the accident about who caused the accident and asking why the other driver didn't stop at the stop sign, before she yelled and cursed at the driver and angrily walked off. Officer T. walked over to the group, and told all of them to stop talking. The driver tried to explain himself to Officer T. and Officer T. told him to just stop talking to Ms. [REDACTED], and told the others standing around that if they witnessed the accident to not talk to anyone except the police officers. The video showed that Officer T. did not deny witness statements, nor did he violate this SOP, as alleged.

The CPOA finds Officer T.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, 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 T.'s Internal Affairs record.

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

April 30, 2018

Via Certified Mail

Re: CPC #038-18

Dear :

Our office received the complaint you filed on February 9, 2018 against Albuquerque Police Department (APD) Sergeant (Sgt.) A. regarding an incident on February 3, 2018, involving whom you've described as two Native American males. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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.

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.

I. THE COMPLAINT

Ms. said that on February 3, 2018, Sgt. A. and a female ride-a-long, contacted two Native American males laying in the rocks next to a tree on the west side of the Indoor Flea Market located on Cagua NE, just north of Central Avenue. Ms. said Sgt. A. told the males they needed to go somewhere else and the males told him, "No", before Sgt. A. kicked one of them. Ms. complained Sgt. A. took the identification from the subject he kicked, went to his vehicle to check the male's identity and warrants, and upon his return commenced to verbally abuse the male to the point Sgt. A.'s face "turned blood red". Ms. complained rescue personnel showed up and were attempting to transport the two males

subjects who declined medical attention and were yelling, "No!" Ms. _____ complained Sgt. A. and rescue personnel forced the males against their will. She alleged Sgt. A. committed the following towards the two males during this incident: excessive force; antagonize; frustrate; provoke to anger/provocation, in won't and need of a response/reaction; torture; torment; reckless endangerment; anguish; suffering; and disturbing their peace. (NOTE: See Ms. _____ complaint for more detail.)

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT. A.'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 written complaint, the CADS report, and lapel videos.

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

15. Personnel will treat the public with respect, courtesy and professionalism at all times.

Ms. _____ complained Sgt. A. was unprofessional in his conduct towards two Native American males. Specifically, she complained Sgt. A. kicked at one of the males before the male gave Sgt. A. his identification; Sgt. A. yelled at the male until his face was "blood red"; and Sgt. A. assisted medical personnel when they forced the males, against their will, onto gurneys to be transported.

The aforementioned evidence was reviewed and showed Sgt. A. and a female ride-a-long, Ms. A., who is a member of the APD Mobile Crisis Intervention Team, responded to a suspicious persons call at San Pedro Dr. NE and Central Ave. NE, where they contacted two Native American males, who were highly intoxicated and lying in the rocks next to a wall. The lapel video showed the two males were extremely difficult to understand, and unable to stand up on their own due to their high level of intoxication. Lapel video showed Sgt. A. spoke to the males trying to ascertain their situation and obtain identification from them. One of the males, Mr. C. was familiar to Sgt. A. as a result of previous contacts with him. Sgt. A. repeatedly told the males that if they could walk on their own, they could leave but if they couldn't then he would have to call rescue personnel, which is ultimately what happened. Rescue personnel arrived on scene and the males were placed on gurneys, which they resisted greatly, and then transported to the hospital due to their intoxication. Lapel video showed Sgt. A. did not kick or yell at either of the males; however, he assisted rescue personnel with placing the males on the gurneys. Lapel video showed Sgt. A. did not violate any APD SOPS as alleged in the complaint and Ms. _____ allegations were found to be untruthful.

The CPOA finds Sgt. A.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, 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 Sgt. A.'s Internal Affairs record.

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