

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**     *Beth Mohr, Chair*

*Johnny J. Armijo*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Edward Harness, Executive Director

*Susanne Brown*

*Carlotta Garcia*

*Leonard Waites, Vice Chair*

*Eric H. Cruz*

*Dr. Lisa M. Orick-Martinez*

## POLICE OVERSIGHT BOARD AGENDA

Thursday, January 12, 2017 – 5:00 PM

Vincent E. Griego Chambers

**I. Welcome and call to order.**

**II. Pledge of Allegiance – *Johnny J. Armijo***

**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. Chief’s responses**

**b. EIS system**

**VIII. Consent Agenda Cases:**

**a. Administratively Closed Cases**

134-16	148-16	150-16	154-16	155-16
156-16	163-16	170-16	173-16	175-16
176-16	177-16	181-16	191-16	192-16

**b. Cases investigated**

084-15	208-15	096-16	105-16	120-16
126-16	132-16	138-16	139-16	141-16
146-16				

**c. CIRT Cases – None**

**IX. POB’s Review of Garrity Materials**

**X. Reports from Subcommittees**

**a. Community Outreach Subcommittee – *Dr. Ring***

**1. 2017 Outreach Meeting Schedule**

**2. Community Outreach Subcommittee next meeting will be held  
on January 30, 2017.**

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

**b. Policy and Procedure Review Subcommittee – *Susanne Brown***  
**1. Review of draft letter to City Council and Mayor Berry re:  
Qualifications of Chief of Police**

**c. Case review Subcommittee – *Leonard Waites***  
**1. Appeals**  
**099-15                      204-15**

**XI. Reports from City Staff**

- a. APD**
- b. City Council**
- c. Mayor’s Office**
- d. City Attorney**
- e. Community Policing Councils**
- f. CPOA – *Edward Harness, Executive Director***

**XII. 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)**

**XIII. Other Business**

- a. Board Elections**

**XIV. Adjournment- *Next Regularly scheduled POB meeting will be on February  
9, 2017 at 5 p.m. in the Vincent E. Griego Chambers.***

*(POB will be taking a dinner break prior to Committee Reports, if possible.)*

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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

Albuquerque, NM 87121

**Re: CPC #084-15**

Dear Mrs.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer S. via e-mail on May 29, 2015, regarding an incident that occurred on March 2, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on June 2, 2015. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved 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.

PO Box 1293

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

At about 5:46 PM on March 2, 2015, Mrs. [redacted] called the Albuquerque Police Department and she told the dispatcher that her husband, [redacted] had just hung himself and appeared to be deceased. Four Albuquerque Police Officers, Sergeant D [redacted] B [redacted], Officer D S [redacted], Officer J D [redacted], and Officer E L [redacted] responded to the scene.

Mrs. [redacted] complained that there was no investigation into the incident, that there were no photos taken, there were no real interviews, and the reporting officer stated things in the report that were not true.

Mrs. [redacted] stated in her complaint that her husband did not commit suicide. He did not hang himself and he did not hang himself in his back yard. She claimed that she never stated

what was attributed to her saying in the police report. Mrs. \_\_\_\_\_ claimed that she never said that she cut her husband down with a kitchen knife. Mrs. \_\_\_\_\_ also complained about the medical staff that arrived on scene to assist her husband. Mrs. \_\_\_\_\_ said that Mr. \_\_\_\_\_ was never hanging from anything but rather the rope around him was loose and tangled. That's why the rope was cut, not to get him down.

Mrs. \_\_\_\_\_ stated that her husband had a bad interaction between a pill he had taken the night before and he had consumed alcohol. She stated that when she called 911 it appeared to her as if her husband was attempting suicide because of the way she saw him from her kitchen window. Her husband was sitting in a GMC Jimmy with a rope tangled around his body, the GMC's mirror, and a basketball pole. Ms. \_\_\_\_\_ said that she cut the rope and performed CPR until the officers and paramedics arrived. When the officers got there, they took over resuscitation efforts. Mrs. \_\_\_\_\_ stated that the officers only asked her minimal questions.

Mrs. \_\_\_\_\_ complained that none of the officers left business cards. The only question they asked one of her daughters was if she lived there and if she was there when the incident took place. The female police officer told Ms. \_\_\_\_\_'s other daughter that she would be in contact but the female police officer never called them back or stopped by. Another male officer asked her daughter 4 questions about a pit bull that was on scene. Mrs. \_\_\_\_\_ said that the police report had no substance and the report was a "fabricated story." She complained that whoever released the report to her failed to block out the Social Security Number and Date of Birth. Mrs. \_\_\_\_\_ reiterated that her husband did not commit suicide. Mrs. \_\_\_\_\_ wrote in her complaint that she wanted the police report to be changed so that it would reflect true and accurate information and not false or wrong assumptions.

In closing, Mrs. \_\_\_\_\_ did not want any disciplinary action taken against the officers.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER S.'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 original 911 call placed to APD, the police report, recorded interviews with Mrs. \_\_\_\_\_ APD Officer S. APD Sergeant B., APD Officer L. and APD Officer D.. There was no lapel camera video available because the video was not required to be tagged as evidence in this case and it had been automatically deleted by the time the complaint was actively under investigation.

A) The CPOA reviewed Standard Operating Procedure 2-60-4 A (5) a, b, and f regarding APD Officer S.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations may include but are not limited to:*

- a. Observe all conditions, events, and remarks.*
- b. Locate, identify, and interview witnesses, victims, and suspects*
- c. Report the incident fully and accurately*

When Mrs. [REDACTED] called the Albuquerque Police Department on the date of the incident she told the dispatcher that her husband, [REDACTED] had just hung himself and appeared to be deceased. Four Albuquerque Police Officers, Sergeant B., Officer S., Officer D., and Officer L., responded to the scene.

Mrs. [REDACTED] complained that there was no investigation into the incident, that there were no photos taken, there were no real interviews, and the reporting officer stated things in the report that were not true. Mrs. [REDACTED] complained that none of the officers left business cards. The only question they asked one of her daughters was if she lived there and if she was there when the incident took place. The female police officer, Officer L. told Ms. [REDACTED]'s other daughter that Officer L. would be in contact but Officer L. never called the family back or stopped by. Officer D. asked her daughter 4 questions about a pit bull that was on scene. Mrs. [REDACTED] said that the police report had no substance and the report was a "fabricated story." She complained that whoever released the report to her failed to block out the Social Security Number and Date of Birth. Mrs. [REDACTED] reiterated that her husband did not commit suicide. Mrs. [REDACTED] wrote in her complaint that she wanted the police report to be changed so that it would reflect true and accurate information and not false or wrong assumptions.

Mrs. [REDACTED] did not want any disciplinary action taken against the officers. In her interview with the CPOA Investigator, she wanted the police report to be corrected or deleted. She said that the title of the police report says suicide and this was not a suicide. She said that this public record reflects unfavorably on her husband and who he was. She complained that on the report that she was given you could make out the social and date of birth. She said that releasing the document like that was a violation. Mrs. [REDACTED] said that she didn't want any more copies of the report going out until the report was changed, corrected or deleted from the system, or until her request is denied.

This was indeed a tragic and unfortunate incident. However, the investigation revealed that at the scene, there was nothing to indicate that this was anything other than a suicide attempt. No family member at the scene ever indicated that the incident was an accident. All four police officers were interviewed and all four said that there were no signs of foul play. All four said that the evidence they observed and the information provided to them by family members all indicated that Mr. [REDACTED] attempted to take his own life by hanging himself. The evidence reviewed by the CPOA Investigator supports that as well.

Attempting to commit suicide in the State of New Mexico is not a crime. Even if this was an accident, it would not be something the APD would investigate. Mr. [REDACTED], through the lifesaving efforts of Sergeant B. [REDACTED] and the Albuquerque Fire Department was alive when he was transported from the scene. Had he been successful in his attempt at the house and had he died on scene, then an unattended death investigation would have been conducted by the APD. That investigation would have included photographs, evidence collection, and formal interviews. However, Mr. [REDACTED] did not pass away at the scene. There is no Standard Operating Procedure that requires the APD to do anymore investigation than what they did at the scene.

As far as Ms. 's allegation that there were no business cards left behind by the officers, Ms. admitted that neither she nor any of her family members ever asked for business cards. The officers also said that they were never asked for business cards. Had the family asked the officers would have gladly provided them.

With regards to the allegation that Officer D. was more interested in asking questions about the pit bull rather than asking questions about Mr. ; Officer D. was not the investigating officer. Officer D. understood that this was a traumatic event for the family and often, making small talk is a way to calm down a grieving person. There was no SOP violation committed by Officer D..

With regards to the allegation that Officer L. said that she was going to follow up and contact the family. Officer L. denied that she said that. She said that she told the family that if they needed anything they could call the APD and that they would come back. Even if she did tell the family that she would personally come back and she did not, that would not be a violation of any Standard Operating Procedure of the APD.

With regards to the allegation that the police report lacked substance and was a fabricated story, the investigation showed that the police report was thorough enough to document the incident and it accurately reflected what Officer S. did at the scene. Field Services officers conduct preliminary investigations on all incidents of a suspicious nature. They determine if a specialized unit is needed. Officer S. spoke with Mrs. and he reported what she told him. He reported what he observed.

Ms. wanted the police report to be corrected or deleted. Once a police report has been filed, by law, it cannot be changed. Supplemental reports can be made but it cannot be changed. Furthermore our agency has no power to authorize a deletion of a report that has been filed and we do not have the ability to control what APD releases to the public and what they do not. Ms. complained that on the report that she was given you could make out the social and date of birth. Ms. admitted in the interview that she knew Mr. 's social security number and date of birth before she received the report and she offered no evidence that any other poorly redacted copies of the report had been released to anyone else. There was no SOP violation there.

The CPOA finds Officer S.'s conduct to be **Exonerated**, where the investigation determined that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer S.'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/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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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #208-15**

Dear Mr.

Our office received the complaint you filed on October 28, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on June 7, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 30, 2015. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT AND INVESTIGATION**

Mr.       's neighbors called police to report Mr.        had stolen a "For Rent" sign out of one of the yards. The neighbors also reported Mr.        made numerous threats against them, photographed them, and yelled at them. Two officers responded to the neighborhood and spoke to several neighbors. As the officers were outside talking to the neighbors, Mr.        came walking down the street. The officers approached and detained Mr.        to investigate the allegations against him. Mr.        alleged the officers aggressively grabbed him, that he did not understand the allegations, and the police report listed false information.



The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report, the Computer Aided Dispatch (CAD), Mr. [REDACTED]'s interview, Officer L's interview, Officer S' interview, and lapel videos from Officer L and Officer S.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER L'S CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-02-2B2 regarding Officer L's conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officers shall: Make only those arrests, searches, and seizures, which they know or should know, are legal and in accordance with departmental procedures.*

Mr. [REDACTED] stated he did not want to talk to officers when approached so he kept walking. Mr. [REDACTED] complained both officers forcefully grabbed him and had him sit on the curb, which frightened him. Mr. [REDACTED] did not understand the charges the officers talked about until he received the criminal complaint.

The neighbors all claimed Mr. [REDACTED] made threats against them and that he had taken the sign. The information on the CAD, from both callers and the Real Time Crime Center (RTCC), and Officer L's personal knowledge about past violent behaviors justified using caution. The officers' physical hold to prevent Mr. [REDACTED] from entering his garage was within policy, as Mr. [REDACTED] did not want to listen to the officers' instructions. An investigative detention and summons was appropriate given the situation. The lapel videos showed the officers explained to Mr. [REDACTED] the summons process and the reasons for receiving the summons. The lapel videos also showed the officers expressed concern for Mr. [REDACTED]'s mental state and offered assistance.

The CPOA finds Officer L's conduct to be Exonerated where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating General Order 1-04-4U regarding Officer L's conduct, which states:

*Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document, which has been filled out in the course of their employment.*

Mr. [REDACTED] denied he made threatening statements to the neighbors. Mr. [REDACTED] claimed he never used profanity. Mr. [REDACTED] wrote in his complaint he is not aggressive in any way and

does not use profanity. Mr. alleged Officer L wrote false statements in the police report when Mr. read the statements that claimed he made threats, used profanity, and admitted to the crimes. Mr. admitted his assessment of false statements was based on the written statements from the neighbors because he did not hear what the neighbors had to say.

Mr. agreed he told the officers he stole the sign. Mr. admitted in his interview he did make threats to neighbors, but they were conditional upon the neighbors coming on his property. Mr. felt Officer L should have included that condition. However, the lapel videos never showed Mr. making that clarification. The lapel videos showed Mr. fluctuated between denials of making any threats to apologies for his actions. The apologies and excuses from Mr. that he suffered from mental illness Officer L took as indirect admittance to the allegations. The lapel video showed Mr. admitted to making threats on a different incident when it came up on the conversation. The neighbors' statements focused on the threats more than the use of profanity, but all the neighbors said Mr. was yelling and intimidating. The police report summarized the neighbors' statements by saying Mr. may have used profanity, but it was difficult for them to know what Mr. said because of his accent. Officer L did not remember which neighbor provided the quote. One of the neighbors was interviewed over the phone. In reviewing the report, it is essentially an accurate representation of what occurred. Mr.'s absolute denials were inaccurate to the available facts.

The CPOA finds Officer L's conduct to be **Exonerated** where the investigation determined 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 OFFICER S' CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-02-2B2 regarding Officer S' conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officers shall: Make only those arrests, searches, and seizures, which they know or should know, are legal and in accordance with departmental procedures.*

Mr. stated he did not want to talk to Officer S when approached so he kept walking. Mr. complained both officers forcefully grabbed him and had him sit on the curb, which frightened him. Mr. did not understand the charges the officers talked about until he received the criminal complaint.

The neighbors all claimed Mr. made threats against them and that he had taken the sign. The information on the CAD, from both callers and the RTCC, and Officer S's personal knowledge about past violent behaviors justified using caution. The officers'

physical hold to prevent Mr. from entering his garage was within policy, as Mr. did not want to listen to the officers' instructions. An investigative detention and summons was appropriate given the situation. The lapel videos showed the officers explained to Mr. the summons process and the reasons for receiving the summons. The lapel videos also showed the officers expressed concern for Mr. 's mental state and offered assistance.

The CPOA finds Officer S' conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

**Additional Investigative Issues:**

Mr. also complained about the police department and these officers being biased against the mentally ill. Mr. based this fact on his claim that a different officer is married to Mrs. ' daughter. Mr. claimed that officer spread information about him, which was then repeated in a neighborhood newsletter. This issue was researched. Mr. stated that the officer told his in-laws the "loopholes" to get an innocent person in trouble. Mr. admitted those were assumptions on his part. Mr. stated he never dealt with that officer he just saw that officer go to the house. When Mr. complained other officers knew about his condition he is correct; however, the information came from the RTCC system, not that specific officer. Mr. has had more than one encounter with police due to the statements and threats he has made in the past and in this incident. The lapel videos showed Mr. readily disclosed his diagnoses, often as a justification for his actions, so it would be unsurprising if he personally revealed the information to others. The newsletter Mr. provided did not identify him specifically and the article's focus was on the displeasure neighbors had over the 911 response of this call. The article did provide general warnings about dealing with individuals with mental illness, but the police officers are not responsible for what is published in a neighborhood association newsletter or what neighbors say about each other.

Mr. also complained that he had submitted the complaint about this incident earlier to Detective B from CIT. Detective B had retired the same day this complaint had been assigned. However, Mr. B called and explained that Mr. was assigned as one of his cases. Mr. B explained he discussed Mr. 's complaint with Mr. about having to go through a court process and the officers' actions. Mr. B tried to assist Mr. to cope with the situation, but did forward Mr. 's complaint via interoffice mail to the CPOA. He did not know why it was not received. As Mr. B was no longer employed with the department at the time of this complaint, no further action could be taken.

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

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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #096-16**

Dear Mr. \_\_\_\_\_

Our office received the complaint you filed on June 2, 2016 against Officer R. and Officer P. of the Albuquerque Police Department (APD) regarding an incident that occurred on March 22, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Mr. \_\_\_\_\_ said that on March 22, 2016 he called APD to report a residential burglary at his apartment and APD Officers R. and P. responded. He complained he felt uncomfortable with the officers immediately after they entered his home because they spoke in Spanish to each other while looking around his apartment and making comments about his belongings, which was unprofessional. He complained Officer R. spoke down to him. He complained Officer R. wouldn't call a Crime Scene Specialist to process his home for evidence because Mr. \_\_\_\_\_ did see anyone take anything from his home. He complained Officer R. did not interview his son, or his neighbor. He complained that besides his personal information,

Officer R.'s police report was nearly completely inaccurate. He complained Officers R. and P. "treated him like he was scum trying to get over on them personally."

## **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, and interviews with Officers R. and P., as well as the CADs report, the written report by Officer R., and lapel video.

A) The CPOA reviewed APD SOP 1-04-1(F), which states:

### ***1-04-1 PERSONNEL CODE OF CONDUCT***

***F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Mr. complained Officer R. made him feel uncomfortable upon entering Mr. 's home. He complained Officers R. and P. spoke Spanish in front of him, while looking around at his trophies, books and pictures. He complained Officer R. "treated him like scum trying to get over on them personally."

Mr. was not interviewed as he did not/would not contact the CPOA Investigator; therefore the investigation was completed based solely upon his written complaint.

The interviews with Officers R. and P. were reviewed, as were the police reports, the CADS report and lapel video. The evidence showed Officer R. responded to Mr. 's residence on a residential burglary report as the primary officer. The video showed Mr. appeared relaxed during his contact with Officer R.. The video showed Officer R. did not speak Spanish during the incident, nor did he speak down to Mr. , or treat him like scum, as alleged in the written complaint. The video showed Officer R. was professional and courteous throughout his contact with Mr. and did not violate any APD SOPs.

The CPOA finds Officer R.'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 2-24-3(A)(5)(d,f), which state:

### ***2-24 PRELIMINARY AND FOLLOW-UP CRIMINAL INVESTIGATIONS***

#### ***2-24-3 RULES***

##### ***A. Preliminary Investigations***

5. *Steps to be followed in conducting preliminary investigations that may include but are not limited to:*
  - d. *Ensure that necessary evidence is collected.*
  - f. *Report the incident fully and accurately.*

Mr. \_\_\_\_\_ complained Officer R. wouldn't call a Crime Scene Specialist to process his home for evidence on an alleged residential burglary because Mr. \_\_\_\_\_ did see anyone take anything from his home. He complained Officer R. did not interview his son, or his neighbor. He complained that besides his personal information, the police report, which was written by Officer R., was nearly completely inaccurate.

The interviews with Officers R. and P. were reviewed, as were the police reports, the CADS report and lapel video. The evidence showed Officer R. responded to Mr. \_\_\_\_\_'s residence on a residential burglary report as the primary officer. The evidence revealed no forced entry to Mr. \_\_\_\_\_'s residence and that prior to the officer's arrival Mr. \_\_\_\_\_ looked through his home to see what was missing. Based on all the information Mr. \_\_\_\_\_ provided, Officer R. did not call a Crime Scene Specialist for processing because the scene had already been compromised by Mr. \_\_\_\_\_.

The evidence revealed Officer R. didn't speak to Mr. \_\_\_\_\_'s son because he was not present at the time, nor did he speak to the neighbor because Mr. \_\_\_\_\_ didn't tell him the neighbor saw anyone leaving his apartment with any items. Accordingly, the neighbor wouldn't have provided any more information than Officer R. already had from Mr. \_\_\_\_\_. The evidence also revealed that, for this type of call, officers don't contact witnesses late at night and typically a residential burglary report is forwarded to a Detective for follow-up investigation wherein contact with any pertinent witnesses is made.

The evidence revealed that Officer R.'s report reflected the information Mr. \_\_\_\_\_ had given him at the time of the incident. Additionally, Officer R. wrote his report in his vehicle, immediately following his contact with Mr. \_\_\_\_\_. The evidence revealed there may have been confusion about whether the named suspect was Mr. \_\_\_\_\_'s uncle or cousin but said suspect's name was entered into the report; therefore regardless of the suspect's familial relationship to Mr. \_\_\_\_\_; the pertinent information was in the report. The video showed Officer R. took the necessary steps to investigate and report this incident, and did not violate any APD SOPs.

The CPOA finds Officer R.'s conduct **EXONERATED** regarding the allegation of a violation 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 OFFICER P.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, and interviews

with Officers R. and P., as well as the CADs report, the written report by Officer R., and lapel video.

A) The CPOA reviewed APD SOP 1-04-1(F), which states:

***1-04-1 PERSONNEL CODE OF CONDUCT***

***F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Mr. [REDACTED] complained Officer P. made him feel uncomfortable upon entering Mr. [REDACTED]'s home. He complained Officers P. and R. spoke Spanish in front of him, while looking around at his trophies, books and pictures. He complained Officer P. "treated him like scum trying to get over on them personally."

Mr. [REDACTED] was not interviewed as he did not/would not contact the CPOA Investigator; therefore the investigation was completed based solely upon his written complaint.

The interviews with Officers P. and R. were reviewed, as were the police reports, the CADS report and lapel video. The evidence showed Officer P. responded to Mr. [REDACTED]'s residence as a backup officer on a residential burglary report. The video showed Mr. [REDACTED] appeared relaxed during his contact with Officer P.. The video showed Officer P. did not speak Spanish during the incident, nor did he speak down to Mr. [REDACTED]. The video showed Officer P. was professional and courteous throughout his contact with Mr. [REDACTED] and did not violate any APD SOPs.

The CPOA finds Officer P.'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.

***It should be noted that the evidence, which included lapel video of the officer's contact with Mr. Murphy, showed that Mr. Murphy's complaint contradicted what actually took place and was nearly completely untruthful.***

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

You have the right to appeal this decision.

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

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



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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #105-16**

Dear Ms.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer R. on June 24, 2016, regarding an incident that occurred on June 11, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on July 11, 2016. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved 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.

PO Box 1293

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

On June 11, 2016 at about 5:20 PM, Ms. \_\_\_\_\_ was making a right hand turn onto Central Avenue from Zuni Street. There was a car next to her and when the light turned green both cars made the turn to the East to head East on Central. Ms. \_\_\_\_\_ wrote in her complaint that the car next to her turned too wide and it struck the right rear fender of her car. The two cars pulled over and a female got out of the driver's side of the vehicle that struck her car and the female yelled at her. Ms. \_\_\_\_\_ provided her insurance information to the female and asked for the female's information but the female refused to give any information to Ms. \_\_\_\_\_

Ms. \_\_\_\_\_ wrote in her complaint that the police officer did not honor her request to see the other female driver's license and only told her that the information would be on the report. The other vehicle was allowed to leave the scene and the officer told Ms. \_\_\_\_\_ that neither

person in the vehicle that struck Ms. \_\_\_\_\_'s vehicle had a driver's license. Ms. \_\_\_\_\_ complained that the police report had an inaccurate diagram attached to it.

## **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 Standard Operating Procedures (SOPS), the Complaint, the Computer Assisted Dispatch (CAD) report, the police report, and recorded interviews with Ms. \_\_\_\_\_ and APD Officer D.. The lapel camera videos of Officer R. and Officer L. were also reviewed. Officer R.'s training officer, Officer B. was also questioned by the CPOA Investigator.

A) The CPOA reviewed Standard Operating Procedure 2-60-4 A (5) a, b, and f regarding APD Officer S.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations may include but are not limited to:*

- a. Observe all conditions, events, and remarks.*
- b. Locate, identify, and interview witnesses, victims, and suspects*
- c. Report the incident fully and accurately*

Ms. \_\_\_\_\_ complained that Officer R. did not honor her request to see the other female driver's license and only told her that the information would be on the report. The other vehicle was allowed to leave the scene and Officer R. told Ms. \_\_\_\_\_ that neither person in the vehicle that struck Ms. \_\_\_\_\_'s vehicle had a driver's license. Ms. \_\_\_\_\_ complained that the police report had an inaccurate diagram attached to it. Ms. \_\_\_\_\_ said that the outcome she was seeking to her complaint was that the officers get better training and that they be more thorough in their investigations.

It is true that none of the officers on scene allowed Ms. \_\_\_\_\_ to view the other person's driver's license. It is not police practice to show a driver of one car involved in a crash, the driver's license of the other driver involved in the crash. That information is normally recorded on a police report and the information becomes available to the other driver when the police report is finalized and approved. The investigation in this case showed that while Ms. \_\_\_\_\_ said that the driver of the other car was female, the male in the car said that he was driving. The female had a suspended license and the male had an expired license. The license had been expired for just over one month. The lapel videos recorded by the officers at the scene showed that Ms. \_\_\_\_\_ was provided with the necessary information to obtain a copy of the report.

The investigation showed that Officer R. did not see who was driving the other vehicle. Officer R. utilized his discretion not issuing a citation to the man who claimed he was driving the other car even though the license was expired. Officers are allowed such discretion, and the expired driver's license ticket is usually dismissed when the driver brings an updated valid

license and presents it to the court. A verbal warning issued to the man to obtain a valid license was sufficient and was within APD policy.

The investigation showed that the other car was not driven from the scene but was moved to a nearby parking lot until a licensed driver could come pick it up.

Lastly, the lapel videos showed that Officer R. reported what was told to him by both drivers. He did not assign fault to either driver and the report accurately reflects his investigation into the crash. The diagram is a simulated diagram and contains observations of the officer based on what he was told. The diagram may not be one hundred percent accurate but it goes show generally how the vehicles made contact.

Officer R. was in training at the time of this incident. He had a supervising officer on scene who was interviewed by the CPOA Investigator. That supervising officer told the CPOA Investigator that Officer R. handled the accident properly and he reported it properly. The supervising officer reviewed the report and found it to be accurate. In addition, the supervising officer's supervisor also reviewed the report and found the same.

The CPOA finds Officer R.'s conduct to be **Exonerated**, where the investigation determined that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer S.'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.

Letter to Ms. , CPC 105-16  
January 13, 2017  
Page 4

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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*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #120-16**

Dear Mr.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer R. on June 10, 2016, regarding an incident that occurred on June 3, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on July 5, 2016. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved 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.

PO Box 1293

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr. \_\_\_\_\_ and his landlord \_\_\_\_\_ had been involved in a landlord tenant dispute. Mr. \_\_\_\_\_ wrote in his complaint that on June 3, 2016, he and his son were having lunch inside their home when he heard a voice from the front room say "APD!" When Mr. \_\_\_\_\_ went to the front room he found an Albuquerque Police Department Officer, later identified as Officer R., standing in his front room with his landlord Mr. \_\_\_\_\_. Mr. \_\_\_\_\_ handed Mr. \_\_\_\_\_ a three day eviction notice. The men then left the home.

Mr. \_\_\_\_\_ later learned that Officer R. was off duty, not assigned to that area, and was personal friends with Mr. \_\_\_\_\_. Mr. \_\_\_\_\_ alleged that the entry to his home was illegal and that the police officer was used to scare and intimidate them.

**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 Standard Operating Procedures (SOPS), the Complaint, the Computer Assisted Dispatch (CAD) report, the police report, and recorded with Ms. [REDACTED]. Summaries of the interviews from Mr. [REDACTED] and APD Officer R. were also reviewed. In addition, Officer R.'s lapel camera video of his interaction with Mr. [REDACTED] was reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-1-4 B (14) regarding APD Officer R.'s conduct, which states:

***Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.***

Mr. [REDACTED] complained that Officer R. was off duty, not assigned to the area that he lived in and was personal friends with Mr. [REDACTED]. Mr. [REDACTED] alleged that the entry to his home was illegal and that the police officer was used to scare and intimidate them.

When interviewed by the CPOA Investigator, Mr. [REDACTED] said that he did not expect to see his landlord or the officer on that day and he was never served with a 24 hour notice to enter the residence. He added in his interview that the following Saturday, he and his son were at Starbucks and they saw Officer R.. He said that he noticed Officer R. looking at them. A few minutes later every police officer who was with Officer R. was looking at them as well.

The investigation revealed that Officer R. was off duty at the time of this incident. Mr. [REDACTED] is Mr. [REDACTED]'s landlord, and Officer R.'s wife work together in the real estate business. Both Mr. [REDACTED] and Officer R. were consistent in their answers that the two of them know each other from attending a few social events but neither one of them considered themselves personal friends. Officer R. lives close to the area where Mr. [REDACTED] was living at the time. Mr. [REDACTED] contacted Officer R. while he was on his way home from work and asked Officer R. if he could stand by at the [REDACTED] residence while he served some papers on Mr. [REDACTED]. Officer R. did meet with Mr. [REDACTED]. The investigation showed that Officer R. told Mr. [REDACTED] that he could go with him to the residence, but only to keep the peace. It was clear from Officer R.'s statement as well as Mr. [REDACTED]'s statement that Officer R. confirmed before even going to the [REDACTED] house that Mr. [REDACTED] had received written 24-hour notice to enter the residence from Mr. [REDACTED]. Mr. [REDACTED] provided the CPOA Investigator with text messages that were sent between Mr. [REDACTED] and Mr. [REDACTED] before this incident took place.

Many of Mr. [REDACTED]'s responses to Mr. [REDACTED] were profanity laced and threatening and they are not included here. There is one important text message that showed that in fact Mr. [REDACTED] gave Mr. [REDACTED] 24-hours' notice to enter the residence.

G= Mr. [REDACTED] V= Mr. [REDACTED]

G: I will be over tomorrow morning to enter the premises. I'm giving you 24-hours' notice as required by law. The rent check should be 550 since you should be gone on the 15<sup>th</sup>. As owner of the home I have a legal right to enter the home with 24-hours' notice...you got this morning.

V: Not when I'm at work and there's a child in the house. You'll be in deep trouble. Don't touch my doorknob.

G: you have your 24-hour notice so please make arrangements, but don't worry we will call a policeman to meet us there for your child's protection if he's there.

V: Do not contact me. Do not harass me no more.

The text messages prove that Mr. had 24-hour written notice from Mr. to enter the home, but more importantly, the messages show that Mr. was aware that Mr. and the police were coming over the following day. Mr. was untruthful when he told the CPOA Investigator during his interview that he did not have 24-hour notice and that he was unaware that his landlord and the police were coming over to the house.

Since the notice was provided and since Mr. did not answer the door, Mr. had a lawful right to enter the premises. Officer R.'s entry to the home was within policy. Because of the threatening and profanity laced messages sent to Mr., Mr. was well within his rights to request and officer to stand by to prevent any possible breach of the peace. There is no evidence to prove that the officer was brought along to scare and intimidate Mr.

The lapel video proved that Officer R. was professional in his conduct and that he was very clear that he was only there to keep the peace.

Whether it was Officer R. or another APD Officer, some APD Officer would have had to handle the call for service from Mr. Officer R. was in uniform and driving a marked patrol car. Officer R. ran lapel video on the incident. Officer R. logged out at the address and wrote a report on the incident. Officer R.'s actions support the fact that Officer R. was working within the scope of his duties and that he was not doing some sort of a personal favor for a friend. Officer R. did exactly what any other officer responding to the call for service would have done. There is no evidence to support that Officer R.'s allowed his minimal relationship to Mr. to influence his decisions in this case.

Lastly, Officer R. had no idea if he was in Starbucks the Saturday after the incident took place. There is no way to prove whether he was or wasn't.

The CPOA finds Officer R.'s conduct to be **Exonerated**, where the investigation determined that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer R.'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/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #126-16**

Dear Mr.

Our office received the complaint you filed on June 8, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on April 23, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on July 7, 2016. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### **I. THE COMPLAINT AND INVESTIGATION**

Mr.                    has a child with Ms.                    . They have court approved custody order. Their custody order includes a clause of one parent having the right of first refusal to watch the child if an absence would be greater than two hours. Mr.                    had his daughter on Friday night. She fell and received an injury on her buttocks, about which he advised Ms.                    . When Ms.                    came to drop off their daughter for him to watch while she was at work, Ms.                    argued and got into a verbal altercation with Mr.                    . Ms.                    stormed off with their daughter. Mr.                    called police to have officers check on the safety of his daughter and to document what he assumed was a custody order violation. Mr.

Ms. \_\_\_\_\_'s side as she had made the same accusation earlier. Mr. \_\_\_\_\_ also objected to Officer E writing in her report that she saw finger marks on her daughter's buttocks because she was not a qualified forensic investigator, the statement overstepped her authority, and Officer E had no business examining her daughter so closely. She wrote her report in a biased manner even though he called police.

Officer E took both Mr. \_\_\_\_\_'s statements and Ms. \_\_\_\_\_'s statements into account when she wrote her report. Ms. \_\_\_\_\_ provided details that were relevant to what happened that morning as opposed to Mr. \_\_\_\_\_'s simply stating the argued about "stuff" with no further clarification. His statements were vague and Ms. \_\_\_\_\_'s were specific. This was why she wrote his version was inconsistent. Officer E took his statement about going over to Ms. \_\_\_\_\_'s as threatening. Officer E stated she, given the lack of information, was why she documented the belief he might be using police to harass Ms. \_\_\_\_\_ Officer E noticed during her conversation with Mr. \_\_\_\_\_ that he seemed intoxicated due to his slurred speech and the difficulty she had in understanding him. Ms. \_\_\_\_\_'s statements only confirmed her suspicion. She agreed she assumed he provided the incorrect address as the operators collect what is given them. Officer E only looked at photos of the child's injuries; she did not examine the child herself. Officer E documented what she saw from the photos.

A police report is a statement of facts from the officer's perception. The recordings showed Mr. \_\_\_\_\_ provided far less information to Officer E than he thought he did. The report was written with the available information at the time from both parties. In support of Officer E's assessment of intoxication, Operator L also felt Mr. \_\_\_\_\_ was showing some impairment. The recordings showed Mr. \_\_\_\_\_ selected improper words and his behavior was erratic and angry. Officer E's documentation of possible intoxication was her perception. The recording showed Mr. \_\_\_\_\_ did give the correct address and it was a typo. The assumption made by Officer E that it was his error is a minor one in the context of the report. There were not intentional false statements or unfounded characterizations in the report.

The CPOA finds Officer E's conduct to be **Unfounded** where the investigation determined that the alleged misconduct did not occur.

**Additional Investigative Note:**

As a result, of the calls to police and the observed injury on the child, a child abuse investigation was opened against Mr. \_\_\_\_\_. Mr. \_\_\_\_\_ was upset with the fact that the Crimes Against Children (CACU) detectives told him he was the only suspect. He did not understand this because he did not know what happened to his daughter after she left his care. He admitted his daughter had no bruises before and did have an injury after he said she fell. Mr. \_\_\_\_\_ complained about the interview methods of the CACU detectives, but acknowledged it was their job to interrogate him. He understood their methods were probably accepted; he did not wish to pursue a complaint against the detectives.

Mr. \_\_\_\_\_ was also upset that he could not obtain information about the case from Detective W. Mr. \_\_\_\_\_ was a suspect in the case and therefore certain information cannot be shared with him; he is not entitled to equal information.

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



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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

.....

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**Re: CPC #132-16**

Dear Ms.

Our office received the complaint you filed on April 11, 2016 against Detective (Det.) S. of the Albuquerque Police Department (APD) regarding an incident that occurred on or around March 2, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### **I. THE COMPLAINT**

Ms. [redacted] complained Det. S. failed to tell her to call police to report an incident involving her ex-boyfriend, Mr. [redacted], against whom she had a restraining order; lied to her about what was contained in previous police reports related to her case; told her she would have to prove she was afraid of Mr. [redacted] in order for him to do anything; and was inappropriate when he asked her to look up the meaning of a racist sign her Mr. [redacted] allegedly left on her door. Ms. [redacted] also complained that Det. S. wanted to help Mr. [redacted] but did not mention that he wanted to help her.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD  
OPERATING PROCEDURES REGARDING DETECTIVE 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 interviews with Ms. , Det. S., and his supervisor, Sgt. B., as well as the reports and documents provided by Ms. , and the taped telephone conversation between Ms. and Det. B..

A) The CPOA reviewed APD SOP 1-04-1(F), which states:

***1-04-1 PERSONNEL CODE OF CONDUCT***

***F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Ms. complained Det. S. failed to tell her to call police to report an incident involving her ex-boyfriend, Mr. , against whom she had a restraining order; lied to her about what was contained in previous police reports related to her case; told her she would have to prove she was afraid of Mr. in order for him to do anything; and was inappropriate when he asked her to look up the meaning of a racist sign her Mr. allegedly left on her door. Ms. also complained that Det. S. wanted to help Mr. but did not mention that he wanted to help her.

The interviews with Ms. , Det. S. and Sgt. B., were reviewed, as were the police reports and court documents provided by Ms. and the recorded conversation between Ms. and Det. S.. The evidence showed that Det. S. called Ms. in response to a voicemail message she left on the Stalking Unit's line. Det. S. spoke with Ms. about the history between her and Mr. , and about incidents involving Mr. that Ms. didn't report, and why she hadn't reported them. Det. S. asked Ms. about Mr. 's mental health diagnosis and said he could call Mr. , or refer Mr. to CIT to see if there was something they could help him with, or do something to stop his behavior.

The evidence showed that while Det. S. did not specifically 'tell' Ms. to call police, he addressed the incident involving Mr. when he asked her if she reported it. The evidence showed Det. S. did not lie to Ms. about what was contained in a previous police report but actually read the information to Ms. directly from said police report. The evidence showed Det. S. asked Ms. about her fear of Mr. in order to determine if all the elements of Aggravated Stalking, or a Hate Crime, which she alleged took place, had been met. The evidence showed Det. S. asked Ms. if she "Googled" a note left by Mr. , which stated "No Blacks. No Irish. No Pigs." to ascertain if she knew the meaning of the statement because he did not know the meaning. The evidence showed Det. S. mentioned CIT providing 'help' to Mr. as they deal with mental health issues, and not because Det. S. wanted to help Mr. specifically.

Overall, the evidence showed Det. S. addressed Ms. 's call and questions about incidents involving her and Mr. by asking her questions and discussing the situation with her during their telephone conversation, which last approximately 33 minutes. Det. S. was direct and professional in his communication with Ms. , and while there was a slight change in Det. S.'s tone of voice near the end of their conversation, it did not rise to the level of a violation of any APD Standard Operating Procedures (SOPs).

(NOTE: The telephone conversation between Ms. and Det. S. only captured Det. S.'s side of the conversation due to an error in setting up the device; however it was not detrimental to this investigation. Additionally, it was noted that during their conversation, it appeared as if Ms. fell asleep on the phone a couple of times due to being under the influence of medication, and/or another substance.)

The CPOA finds Det. S.'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 Det. S.'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 Ms. . . . , CPC 132-16**  
**January 13, 2017**  
**Page 4**

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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Email

**Re: CPC #134-16**

Dear Ms.

Our office received the complaint you filed on July 12, 2016 against Albuquerque Police Department (APD) Officer I., for an incident which occurred on June 16, 2016. 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  
New Mexico 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.

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

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Ms.                    said she received a blocked call from Officer I. on behalf of Ms.                    and                    regarding a personal letter Ms.                    sent to both parties. Ms.                    identified Mr.                    as her ex-husband and Ms.                    as Mr.                    's current girlfriend. Ms.                    said the matter between her and the other two parties is of a personal nature and one which did not require police involvement. Ms.                    complained Officer I. used his position as a police officer to call Ms.                    as a favor to Ms.                    and possibly to intimidate Ms.                   

### II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident of which you complained. The CPOA

Investigator spoke with you over the phone to get your version of the events and obtain more information regarding the events of which you spoke in your written complaint.

Your written complaint indicated that you wanted the matter addressed and after the CPOA Investigator discussed the different options of addressing this complaint, you agreed to the informal dispute resolution process wherein Officer I.'s supervisor will address Officer I.'s conduct and handle the matter as appropriate. You and the CPOA Investigator then agreed to administratively close your complaint.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, as agreed upon during your telephone interview.

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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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #138-16**

Dear Ms.

Our office received the complaint you filed on July 1, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on June 29, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on August 9, 2016. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT AND INVESTIGATION**

Ms.        got into an altercation with her friend to where she pulled a Taser and a knife on him. Ms.        's friend called police who responded. Ms.        claimed Sgt. Y was rough with her when he handcuffed her. Ms.        claimed she was subjected to a body search. Ms.        claimed she was denied relief from the heat, "cussed out," and inappropriate comments were made.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report, the Computer Aided Dispatch (CAD), Sgt. Y's lapel video, and Officer H's lapel video. Ms.        did not participate in the investigative process. Based on resource

allocation and the video evidence the CPOA Director permitted the officers to allow the video to stand as their statement.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT Y'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-52-3A4 regarding Sgt. Y's conduct, which states:

*When force is necessary and objectively reasonable, officers must strive to use the minimum amount of force necessary in the available range of objectively reasonable force options.*

Ms. [REDACTED] claimed Sgt. Y grabbed her, threw her to the ground, and handcuffed her. Ms. [REDACTED] wrote Sgt. Y pulled her hair, was rough with her, and handcuffed her too tightly.

Ms. [REDACTED] did not participate in the investigative process. The lapel video showed Sgt. Y performed a pat search knowing from the call that she allegedly had weapons. The lapel video showed Ms. [REDACTED] was slightly noncompliant about putting her hands on her head. Ms. [REDACTED] complained for Sgt. Y to "take it easy" when he had her wrists, but the video showed Sgt. Y did nothing excessive or forceful. He told her to stop pulling away. Sgt. Y placed her in handcuffs in a normal manner. He apologized for when he brought her arms back behind her, but he was not rough with her. The lapel video showed Sgt. Y double locked the handcuffs and were applied properly. The lapel video showed Ms. [REDACTED] sat on the curb. The lapel video showed all of Ms. [REDACTED]'s allegations about force used against her were untrue.

The CPOA finds Sgt. Y's conduct to be **Unfounded** where the investigation determined that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating Procedural Order 2-71-3B2 regarding Sgt. Y's conduct, which states:

*A pat down is to be conducted in accordance with the officer's training and experience and is no more extensive than what is necessary to remove the immediate danger to the officer(s) and others.*

Ms. [REDACTED] claimed Sgt. Y performed a "body search" without a female officer present.

The lapel video showed Sgt. Y performed a quick and basic pat search to confirm Ms. [REDACTED] did not have weapons on her person. The call information was that Ms. [REDACTED] was armed. Ms. [REDACTED] confirmed she had weapons in her purse. The lapel video showed Sgt. Y completed the basic search consistent with training.

The CPOA finds Sgt. Y's conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

C) The CPOA reviewed Standard Operating General Order 1-1-4D16 regarding Sgt. Y's conduct, which states:

*Police Officers and Department employees are expected to conduct themselves in a professional manner at all times. Personnel are discouraged from using any language that could be considered profane, derogatory, or disrespectful toward any person. In certain situations, profanity may be acceptable, subject to review on a case-by-case basis.*

Ms. Ortiz claimed Sgt. Y "cussed" at her and said, "I'm not your dog."

The lapel video showed Ms. addressed Sgt. Y as "dawg." The lapel video showed Sgt. Y questioned her choice of addressing him that way, but not in the manner, she claimed. She apologized by saying she was in a bad mood. The lapel video showed Sgt. Y did not "cuss" Ms. out.

The CPOA finds Sgt. Y's conduct to be **Unfounded** where the investigation determined that the alleged misconduct did not occur.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER F'S CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding Officer F's conduct, which states:

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

Ms. claimed she was hot and wanted the windows down on the car, but Officer F refused. Ms. claimed Officer F went through her pictures and said she was a "sexy little thing" and asked what she was called on the street.

Ms. made several false statements in her complaint. Ms. made denials about the confrontation with her friend involving drugs, but her friend freely told the officers Ms. and he smoked meth. The lapel video showed the police car was parked in the shade and the window was down. There was some joking between Ms. and Officer F, but the lapel video showed Officer F did not make the statement Ms. claimed or looked through anything. Ms. joked with the officers, complimented the officer in a slang manner, and was happy to be released without charges.

The CPOA finds Officer F's conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

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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*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #139-16**

Dear Ms.

Our office received the complaint you filed on July 13, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on June 28, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on August 9, 2016. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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.

www.cabq.gov

### I. THE COMPLAINT AND INVESTIGATION

Ms. [redacted] was not present for the actual incident and heard about it from her employees, [redacted] and [redacted]. She was told the outreach syringe exchange van had just been raided by the Albuquerque Police Department. Ms. [redacted] expressed concerns about the show of force used, the tactics used, the risks to her employees and the clientele, and the reputation damage the law enforcement interference caused to their outreach. Ms. [redacted] questioned the officers' entry into the syringe exchange van. Mr. [redacted] echoed many of Ms. [redacted]'s concerns as well as some of the conduct he observed. Ms. [redacted] initially stated she would comply with the investigative process, but ultimately never did.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police reports, the Computer Aided Dispatches (CAD), several lapel videos, state statutes, department of health reference materials, Ms. 's interview, Mr. 's interview, Sgt. L's interview, Detective M's interview, Detective I's interviewed, and Detective V's interview.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT. L'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-54-3B2b regarding Sgt. L's conduct, which states:

### ***A show of force shall also be investigated by the supervisor, using a Show of Force Report Form***

Ms. was concerned about the show of force used. Ms. was very concerned with how the officers "swooped" in with weapons out and required individuals to lie on the ground in the heat. It was her understanding that the officers had weapons drawn, the officers yelled at individuals, and her staff had to exit with their hands up. Ms. knew Ms. had been pulled off the van at gunpoint. Mr. stated the officers had weapons pointed directly at the individuals. He did not think anyone pointed their gun specifically at him, but knew Ms. had a gun pointed directly at her head. He did not understand why officers pointed a gun at Ms. as she looked nothing like the client the officers were after. Mr. feared someone would be shot. Ms. did not cooperate with the investigative process.

Sgt. L explained the reason the detectives approached with guns drawn in the low ready position was due to the information that at least one of the subjects was armed and had a propensity for violence. Generally, drugs and weapons are commonly tied together. Sgt. L disagreed that any show of force occurred that required documentation. Sgt. L stated from a video that it might appear detectives had acquired a target, but in fact, the detectives had not. To be sure, he asked the detectives if anyone had raised their firearm or acquired a sight on someone to where a show of force would need to be documented. Everyone said he or she kept his or her weapons at low ready, therefore, a show of force report or investigation did not need to be completed. Sgt. L reviewed the videos after the fact and confirmed everyone kept their weapons at low ready, even when individuals were on the ground. Sgt. L stated his understanding of the policy was if someone was put in sights then that would be a reportable show of force, which did not happen that day.

The Settlement Agreement defines "Use of force" as "physical effort to compel compliance by an unwilling subject above unresisted handcuffing, including pointing a firearm at a person." It further defines "the pointing of a firearm at a person shall be reported in the same manner as a use of force and shall be done only as objectively reasonable to accomplish a lawful police objective." APD policy is more specific and defines "a show of force is the pointing of a firearm or ECW (sparking or painting with the laser) at a person and acquiring a



target.” APD policy defines this is reportable as a show of force that is investigated by the officer’s chain of command. According to APD policy 2-52-3E2f, drawing a firearm or ECW to the low ready position is considered a low-level control tactic and does not require a Use of Force Report. After careful review of the videos, the detectives did not commit a reportable use of force as defined by APD policy. The videos showed weapons were not pointed at the heads of anyone. When Ms. was taken off the van, the officer that assisted her had his rifle lowered. However, citizens understandably felt a show of force occurred in this incident and easily mistook the low ready position for being “pointed at them.” The police report does not impress upon the reader the intensity of the situation. The difference between low ready and on target is very small and likely imperceptible to the average citizen. A reference photo will be included in the letter.

A recommendation is included with the report to determine if APD policy restricts the definition of a show of force beyond what the Settlement Agreement intended and if the Settlement Agreement in fact intended a situation like this to be documented and investigated as a reportable show of force. However, as it stands in APD policy, a reportable show of force did not occur and a show of force report was not required in this incident.

The CPOA finds Sgt. L’s conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating Investigative Bureau Orders 5-1-10D regarding Sgt. L’s conduct, which states:

*SID Detective consults the Matrix for guidance when conducting operations other than search warrants. Unit supervisors are responsible for assessing each incident to determine if it requires a tactical response. Unit supervisors are responsible for communication with tactical supervisors before conducting operations as well as when operations are in progress.*

Ms. did not understand the tactic of waiting until these individuals were at the van before stopping them. It was her understanding the police had been surveilling the subjects for a while. Ms. felt the detectives put people in danger by waiting until the individuals were in a contained space. Mr. thought it was unnecessary to stop these individuals at the exchange and felt it placed others at risk. Mr. did not think it was necessary for everyone to get on the ground. Mr. learned later that the detectives knew where the individuals lived and were following the individuals so he did not understand why the detectives did not stop the individuals on the street or at their house. Both expressed concern that the clients were ordered to the ground. Mr. stated it took time for the clients to comply because the pavement was hot and there were ants.

Sgt. L stated one of his detectives received information about two individuals, both of which had felony warrants. The detective learned one subject often had a firearm in his possession. The detective received information about the whereabouts of these individuals for that specific day. Sgt. L expressed concern the opportunity may not be there if they delayed or if

there were plans to commit additional crimes. Sgt. L stated he utilized the search/arrest Risk Assessment Matrix, but Sgt. L stated the Matrix is generally inadequate for arrest warrant operations and more applicable for search warrant operations. He and Detective M discussed how to handle the operation. Sgt. L stated he made sure he had background checks on the two individuals and checked the CIT database for mental health concerns. He reviewed Detective M's operation to make sure it was within policy and tactically sound, but the situations evolve rapidly so fluidity in decision-making was necessary. He briefed the other participants. Sgt. L agreed the detectives followed the two subjects to several locations until they felt the situation was the safest and most optimal to take the individuals into custody. He did not want to rush the take down and these were calculated decisions on his part. Sgt. L explained the detectives could not take the subjects into custody at either of the two residences they stopped because the detectives could not get into positions before the subjects left and went mobile. The subjects stopped in a parking lot, but the detectives could not take them into custody there because of the positioning and the briefness of their stop. Sgt. L explained having a field unit conduct a traffic stop would be inappropriate and unsafe due to the likely presence of a gun and a possible pursuit risk. Detectives planned to use a vehicle-blocking maneuver, but both traffic and the subjects' direction thwarted that plan. At the parking lot at 60th and Central the subjects remained there for longer than they had been at any other location so the detectives were able to get into position. In his position, he did not see additional individuals. Sgt. L explained when both subjects exited the car that was the optimal time to take the subjects into custody. Since the detectives were in a tactically safe position even with other individuals present, his team could handle the situation. Sgt. L and the other detectives explained individuals were ordered to the ground for officer safety, which superseded the individuals' brief discomfort.

The CPOA does not specifically analyze tactics or determine if the best tactical call was made to apprehend the subjects. The CPOA instead looks at whether officers complied with policy in their development and execution of a plan. Based on the Risk Assessment Matrix the score these subjects would have received by policy required the specialized unit to contact the tactical Lt. for assistance in the execution of the warrant. Sgt. L should have assessed the incident for a possible tactical response. After his interview, Sgt. L provided the Risk Assessment Matrix he filled out for this operation, but it was lacking in detail. Whether the consultation with the tactical unit would have changed the tactics used or the operation is speculative, but the Assessment was not used correctly.

The CPOA finds Sgt. L's conduct to be **Sustained** where the investigation determined that the alleged misconduct did occur.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE M'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-71-3F1a&f regarding Detective M's conduct, which states:

*A warrantless search can be conducted pursuant to a lawful arrest. Such a search must be conducted during or very near the time and place of the arrest and must be limited in scope*

*to: a. Searching the arrested person and any containers discovered on his/her person, or within the arrested person's control if the officer has reason to believe the containers belong to or were used by the arrested person. f. An officer may request a voluntary statement (verbal or written) giving the officer permission to search the person and the vehicle in accordance with the Department SOP.*

Ms. understood the van had been entered and inspected. Ms. stated the van was a health service facility and there were issues of confidentiality. Mr. also did not feel it was appropriate for Detective M to enter the van when all individuals had already been removed. Mr. stated he did not grant permission to detectives to enter, but after watching the video realized Ms. had.

Detective M asked if he could enter the van and check for things possibly hidden by one of the subjects. Ms. granted him permission. Detective M stated he did not extensively search the van, just a cursory look in the area that one of the subjects had been. He looked in the one subject's property, but saw it was new needles and syringes so he did not have need to look further. Since Ms. had granted permission for him to enter, he did not consider it an issue.

The lapel videos showed Detective M asked for permission to check the van where one subject had been. Ms. granted permission. The lapel video showed Detective M briefly looked at the one subject's property, but saw they were new, sealed syringe boxes so he did not need to examine them further. He looked under the table because the subject had been seated there. In the circumstances, this was permitted and did not require a warrant.

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

B) The CPOA reviewed Standard Operating Investigative Bureau Orders 5-1-10D regarding Detective M's conduct, which states:

*SID Detective consults the Matrix for guidance when conducting operations other than search warrants. Unit supervisors are responsible for assessing each incident to determine if it requires a tactical response. Unit supervisors are responsible for communication with tactical supervisors before conducting operations as well as when operations are in progress.*

Ms. did not understand the tactic of waiting until these individuals were at the van before stopping them. It was her understanding the police had been surveilling the subjects for a while. Ms. felt the detectives put people in danger by waiting until the individuals were in a contained space. Mr. thought it was unnecessary to stop these individuals at the exchange and felt placed others at risk. Mr. did not think it was necessary for everyone to get on the ground. Mr. learned later that the detectives knew where the individuals lived and were following the individuals so he did not understand why the detectives did not stop the individuals on the street or at their house. Both expressed

concern that the clients were ordered to the ground. Mr. ) stated it took time for the clients to comply because the pavement was hot and there were ants.

Detective M explained he received information that two individuals had outstanding felony warrants for their arrest. He was advised these individuals sold narcotics and had a handgun in their possession. He utilized his resources, identified the true names of the individuals, and confirmed the individuals had felony warrants. According to Detective M, a Risk Assessment Matrix was only completed for search warrants and so he did not think one was completed for this incident, since this was an arrest warrant operation. Detective M agreed the detectives followed the two subjects to several locations until they felt the situation was the safest and most optimal to take the individuals into custody. Detective M explained their preferred time to take the subjects into custody was when both subjects were away from their car, which was the likely location of the gun. Detective M explained the detectives could not take the subjects into custody at either of the two residences they stopped because the detectives could not get into positions before the subjects left and went mobile. The subjects stopped in a parking lot, but the detectives could not take them into custody there because of the positioning and the briefness of their stop. Detective M explained having a field unit conduct a traffic stop would be inappropriate and unsafe due to the likely presence of a gun and a possible pursuit risk. Detectives planned to use a vehicle-blocking maneuver, but both traffic and the subjects' direction thwarted that plan. At the parking lot at 60th and Central the subjects remained there for longer than they had been at any other location so the detectives were able to get into position. Detective M stated both individuals then exited the car so that was the optimal time to take the subjects into custody. Since the detectives were in a tactically safe position even with other individuals present, the team could handle the situation. Detective M and the other detectives explained individuals were ordered to the ground for officer safety, which superseded the individuals' brief discomfort.

The CPOA does not specifically analyze tactics or determine if the best tactical call was made to apprehend the subjects. The CPOA instead looks at whether officers complied with policy in their development and execution of a plan. Based on the Risk Assessment Matrix the score these subjects would have received by policy required the specialized unit to contact the tactical Lt. for assistance in the execution of the warrant. Detective M should have consulted the Matrix, as it is not just for search warrants. Whether the consultation with the tactical unit would have changed the tactics used or the operation is speculative, but the Assessment was not used correctly.

The CPOA finds Detective M's conduct to be **Sustained** where the investigation determined that the alleged misconduct did occur.

#### **IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE I'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-71-3F1d&e regarding Detective I's conduct, which states:

*A warrantless search can be conducted pursuant to a lawful arrest. Such a search must be conducted during or very near the time and place of the arrest and must be limited in scope to: d. Conducting a protective sweep of the area adjoining the arrest. e. Conducting a sweep of any other area within the premises which officers reasonably suspect might harbor a person who could endanger them.*

Ms. understood the van had been entered and inspected. Ms. stated the van was a health service facility and there were issues of confidentiality. Mr. also did not feel it was appropriate for Detective I to enter the van when all individuals had already been removed.

Detective I explained he entered and cleared the van of individuals to make sure there were no other individuals to pose a threat. The fact that it was a medical facility did not change any decision to perform a protective sweep. Sgt. L supported Detective I's decision to ensure no one posed a threat to the officers.

The lapel videos showed Detective I entered and looked briefly for additional people. He then exited as soon as he saw there were no others present. In the circumstances, this was permitted and did not require a warrant.

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

B) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding Detective I's conduct, which states:

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

Mr. reviewed the videos provided to him by the ACLU of the incident. After he watched the videos, Mr. complained that some officers were rude to the clients and seemed unconcerned for their trauma. One of the clients revealed he had been shot by police before and was very upset by the events. Mr. felt Detective I made unnecessary jokes later, such as joking with one of the clients about being arrested to boost his arrest stats.

In the initial approach to apprehend the subjects, one of the uninvolved individuals constantly ranted that police had shot him before. Detective I agreed he told him they did not want to shoot him again and to "zip his pie hole." He agreed he told the man essentially to shut up so that things would go quicker. Detective I wanted to reassure the man that they did not want to shoot him so that was why he said what he said; it was not intended as any sort of threat. Once the situation was calm and under control, Detective I agreed he joked and bantered with some individuals present. Their operation was stressful, but once it was controlled, he did not need to maintain that commanding presence. He intended to alleviate stress from the individuals and that was why he joked around. He felt his joking with individuals improved their outlook on police, not harm it so he felt it was appropriate. The people he joked with joked back and they had a rapport.

On the initial apprehension, when one of the subjects repeatedly complained about having been shot before by police, Detective I responded, "We don't want to shoot you again so zip your pie hole and listen." The tone did not come across as reassurance and given the man's prior experience with police, was unnecessary and insensitive. The lapel videos showed after things were calm the subjects in custody and Detective I engaged in mutual friendly banter. Detective I provided water to the subjects as it was a hot day. An uninvolved client came by and Detective I asked jokingly if she had warrants. She happened to mention there had been a recurring problem with an old warrant and Detective I joked with her to allow him to improve his stats by arresting her. The woman seemed unoffended and understood Detective I to be joking. However, the conduct, particularly earlier, was disrespectful.

The CPOA finds Detective I's conduct to be **Sustained** where the investigation determined that the alleged misconduct did occur.

**Additional Concern Reviewed:**

Ms. \_\_\_\_\_ did not know if the detectives knew they were interfering with a needle exchange, but, given their organization's community outreach and length of time at that location, she could not see how the detectives did not know about their presence. Ms. \_\_\_\_\_ believed the APD Area Commands of all their outreach locations were aware. Ms. \_\_\_\_\_ stated the detectives' actions created fear and confusion among the staff and the clients. Media articles quoted Ms. \_\_\_\_\_ as saying; the arrest of two people seeking services was "shocking." Ms. \_\_\_\_\_ expressed if the detectives knew the purpose of the van and acted anyway, that was of concern. Ms. \_\_\_\_\_ did not understand why the fact that the arrest took place at the syringe exchange was not mentioned in the reports she later read. Mr. \_\_\_\_\_ assumed the reason Detective M said he was not targeting the homeless was because Detective M realized "he messed up." Mr. \_\_\_\_\_ felt the officers knew the purpose of the van before they made contact because their outreach had been around so long. Mr. \_\_\_\_\_ believed arrested individuals would talk about it since they probably had many of the same clients. Mr. \_\_\_\_\_ believed at least one detective knew it was a needle exchange, but the others may not have. He based this belief on the videos he saw after the fact, but he did not recall what specifically gave him that impression. Mr. \_\_\_\_\_ stated if officers were staking out the area and saw people coming and going, their purpose was obvious. Both felt the officers should not have approached the exchange and should have known it was an exchange. Ms. \_\_\_\_\_ stated their organization works with the Valley Area Command since their physical facility was located in that area, but meetings occur with other law enforcement entities as needed. Ms. \_\_\_\_\_ did not think a formal schedule of their mobile exchanges had been provided to law enforcement. Mr. \_\_\_\_\_ agreed their schedule was circulated primarily through word of mouth. Ms. \_\_\_\_\_ stated their vans were not marked in order to avoid stigmatization for their clientele. There has not been outreach to the Narcotics Unit in APD over concerns about stigma and compromising clients' anonymity.

All of the detectives interviewed as well as the sergeant stated when they saw the van they had no idea it was a syringe exchange outreach; all they saw was an unmarked white van. Only one detective thought it provided some sort of service, but he thought it was a meals on

wheels. All the detectives and sergeant have several years of experience in the Narcotics unit and all of them stated their only knowledge about harm reduction was that the service existed, but they did not know the details. They all believed needle exchanges took place at physical buildings, not at mobile sites. All expressed consultation with APD Area Commands occurred with certain operations, but in this case, their final destination was unknown so they could not have consulted with Area Commands prior to the operation. Most of the detectives stated they either did not see the additional individuals because of their position or saw the people, but did not realize the individuals were there for a specific purpose. Most of the detectives did not mention the fact that the arrest took place at a needle exchange site in their reports because it was an immaterial detail. Detective M stated he did not mention it because he assumed the needle exchange wished to remain anonymous since the van was unmarked and therefore as a courtesy did not expose it in his report. Detective M informed the employees he was not targeting the homeless because of what he considered previously skewed media stories about law enforcement operations and certain populations. Sgt. L stated if he had known that was an outreach and that clients were present he would have waited for a different opportunity to apprehend the subjects. Sgt. L stated they were in the dark about how that organization operated and had not intended on interfering.

The lapel videos showed the radio chatter between all the detectives talked about the van in passing, but there was never anything mentioned about services or a syringe exchange occurring. The lapel videos showed the detectives did not know there were employees present until after they started the apprehension operation and the employees showed their badges. The lapel videos showed one of the employees immediately identified the purpose of their presence and the van to Detective M, hence a lack of surprise. APD policy does not prohibit taking action at a needle exchange site. The idea that syringe exchanges are "sacred spaces" is not expressed in APD policy or NMSA 1978 24-C Harm Reduction Act. The New Mexico Department of Health Harm Reduction Protocols state, "Program staff and volunteers must not interfere or obstruct law enforcement personnel who may be involved in a situation with a program participant while performing their duties." Based on the statements from both Albuquerque Healthcare for the Homeless staff and APD personnel, a lack of communication, understanding of purposes, and elements of mistrust from each of the parties contributed to the situation occurring. A recommendation is included in this report to modify APD policy and suggest appropriate liaisons be established to aid in education and communication.

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.

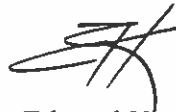
2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the city's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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,

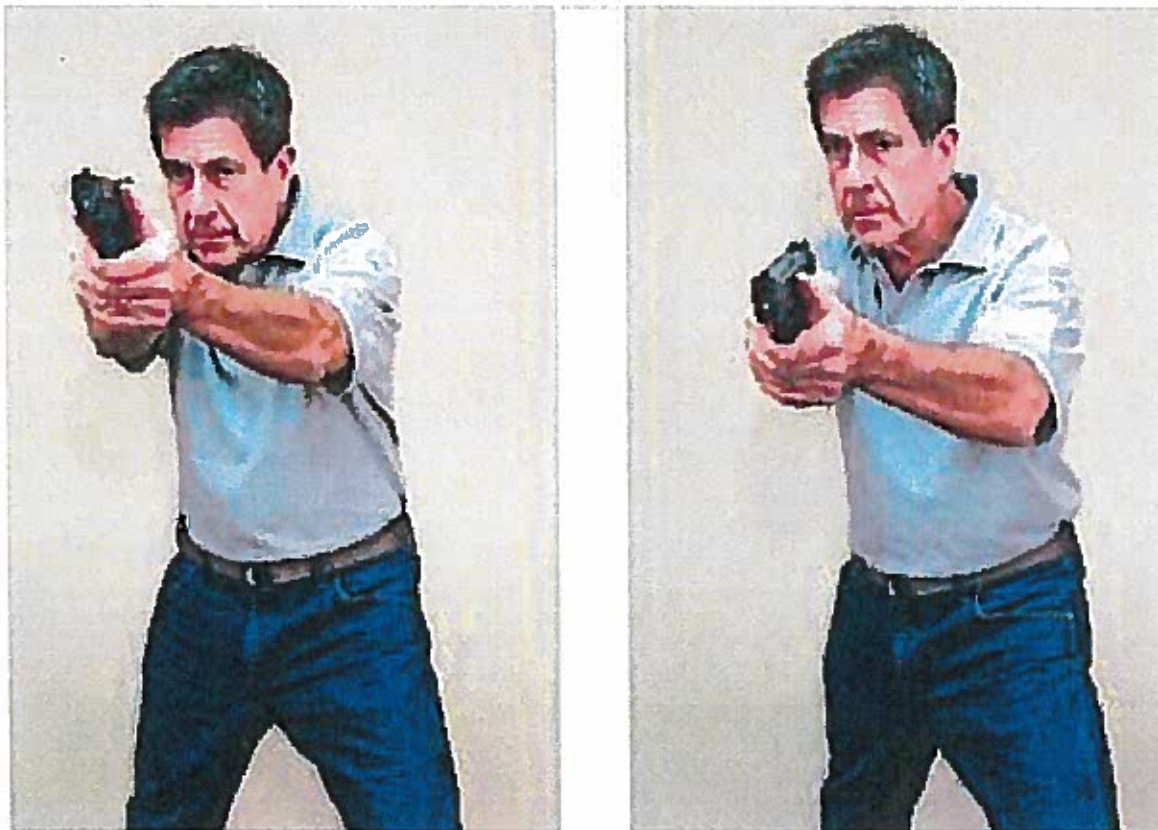
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police





Left: Gun on-target at suspect / Right: Low ready

Mroz, R. (2014, January). Ready Positions: What We Have Here Is A Failure To Differentiate. Retrieved from <http://americancopmagazine.com/ready-positions/>

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Eric H. Cruz*

*Dr. Lisa M. Orick-Martinez*

January 13, 2017

Via Certified Mail

**Re: CPC #141-16**

Dear Mrs.

Our office received the complaint you filed on July 26, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on July 18, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on August 10, 2016. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### **I. THE COMPLAINT AND INVESTIGATION**

Mrs. \_\_\_\_\_ went to a residence with her friend, Mr. \_\_\_\_\_, to retrieve a vehicle from her deceased husband's girlfriend, Ms. \_\_\_\_\_. Mrs. \_\_\_\_\_ said she prearranged the meeting to get the key to the car. Mrs. \_\_\_\_\_ stated when she went to the residence Ms. \_\_\_\_\_ attacked her without provocation and hit her in the face twice. She called police.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report, the Computer Aided Dispatches (CAD), Mrs. \_\_\_\_\_'s interview, Mr. \_\_\_\_\_'s interview, Officer M's interview, Officer A's interview and Officer A's lapel video.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER M'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-60-4A5a, b, e, and f regarding Officer M's conduct, which states:

*Steps to be followed in conducting preliminary investigations that may include but are not limited to: a. Observe all conditions, events, and remarks b. Locate, identify, and interview witnesses, victims, and suspect(s) e. Effect the arrest of the suspect and f. Report the incident fully and accurately*

Mrs. [REDACTED] stated she went to the house based on a prearranged agreement to pick up the key to her car. Mrs. [REDACTED] claimed while she was in the yard, Ms. [REDACTED] ran up to her and struck her in the face twice without reason. Mrs. [REDACTED] stated Officer M spoke to Ms. [REDACTED] about the incident, but did not get her side of what happened. Instead of asking her side, Officer M told Mrs. [REDACTED] the texts she sent led up to what happened that day. Mrs. [REDACTED] originally said Officer M said it was both of their faults and therefore Officer M was not going to charge anyone. Mrs. [REDACTED] later said Officer M said everything was her fault. Mrs. [REDACTED] claimed she did nothing, did not deserve to be hit, and Ms. [REDACTED] should have been charged. Mrs. [REDACTED] stated the police report had inaccurate information because she had not approached Ms. [REDACTED] aggressively or used any insulting terms to Ms. [REDACTED]'s face. Mr. [REDACTED], Mrs. [REDACTED]'s friend, agreed that Officer M did not consider Mrs. [REDACTED]'s side or ask questions from Mrs. [REDACTED].

The lapel video showed Officer M spoke with Mr. [REDACTED] first and then Mrs. [REDACTED]. The lapel video showed Mrs. [REDACTED] said she was there to get her car back and that Ms. [REDACTED] used to work for her deceased husband. Mrs. [REDACTED] said Ms. [REDACTED] hit her in the face and that she did not deserve to be attacked. The lapel video showed Mrs. [REDACTED] was highly emotional and difficult to get statements from since she was hysterically crying. The lapel video showed Officer M asked Mrs. [REDACTED] some additional questions while Officer A started asking Ms. [REDACTED] questions. The lapel video showed then Officer M spoke to Ms. [REDACTED] and reviewed the text messages. The lapel video showed Officer M observed Mrs. [REDACTED] had sent several racially derogatory texts to Ms. [REDACTED] including calling her the "n" word multiple times. The lapel video showed Officer M reviewed a title Mrs. [REDACTED] provided. The lapel video showed Mrs. [REDACTED] and the other household members exchanged words, but when Officer A told her to stop, Mrs. [REDACTED] claimed she said nothing. The lapel video showed Officer M admonished Mrs. [REDACTED] for using racially derogatory terms towards Ms. [REDACTED] in the texts. Mrs. [REDACTED] denied saying anything like that until Officer M told her she saw the texts. Then Mrs. [REDACTED] said she did not say that to Ms. [REDACTED] in person. The lapel video showed Officer M told Mrs. [REDACTED] that it was not ok for Ms. [REDACTED] to have hit her, but it was not ok for Mrs. [REDACTED] to use the "n" word repeatedly. Officer M explained to Mrs. [REDACTED] they were both offenders and victims and that she was going to write a report, but it was a wash in terms of charges. Officer M used discretion and did not file charges on either party. The report essentially reflected what the different parties told Officer M. The facts that Mrs. [REDACTED] claimed should have been included did not differ

greatly from what Officer M documented. Mrs. [redacted] disputed Ms. [redacted]'s version of events as fact, but Officer M documented what Ms. [redacted] told her. Mrs. [redacted] accepted no personal responsibility for the situation despite the fact she could have called for an escort to avoid a confrontation. Mrs. [redacted]'s description of her relationship with Ms. [redacted] was contradictory saying they had a contentious relationship, but then also said their relationship was not that bad. The lapel video showed Mrs. [redacted] did not admit her actions until confronted with facts, which would support Ms. [redacted]'s account that Mrs. [redacted] was confrontational with her that day. The fact that Mrs. [redacted] did not agree with the outcome is outside of the issue of Officer M's compliance with the SOP.

The CPOA finds Officer M's conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating General Order 1-4-4D15 regarding Officer M's conduct, which states:

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

Mrs. [redacted] claimed Officer M blamed her for everything and showed no compassion in her tone over the fact she was struck by Ms. [redacted]. Mrs. [redacted] stated Officer M said they were both grieving and dismissed her status as a victim. Mr. [redacted] stated Officer M did not seem to consider Mrs. [redacted].

The lapel video showed Mrs. [redacted] was extremely upset and not the most communicative. The lapel video showed Officer M admonished Mrs. [redacted] for her use of inflammatory racial language, but she was professional. The lapel video showed Officer M at times expressed empathy that both parties were grieving. Officer M suggested how Mrs. [redacted] should avoid future confrontations by calling police for assistance if she had to deal with Ms. [redacted] again. The conduct did not occur as described or was not a violation.

The CPOA finds Officer M's conduct to be **Unfounded** where the investigation determined that the alleged misconduct did not occur.

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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*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #146-16**

Dear Ms.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer A. via mail on August 1, 2016, regarding an incident that occurred on January 28, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on August 15, 2016. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved 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.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

Please be aware, the contract between the Albuquerque Police Officer's 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. [redacted] and her ex-husband [redacted] are both former APD officers. They went through a bitter divorce and custody situation. At the time of this incident, the two had been sharing custody of the children. On January 27, 2016 after their 8 year old son came back from a visit with his father, the boy complained to his mother that he had been abused by his father. Ms. [redacted] saw physical signs of abuse on the child and took him to the emergency room for an evaluation. Officer A. was called to the emergency room to investigate the incident. Officer A. interviewed Ms. [redacted] and the boy. Officer A. saw physical injuries on the boy including grab marks to one of the boy's arms. Officer A. called Ms. [redacted]'s ex-husband who also used to work around Officer A. Officer A. titled his report as a "Welfare Check", when in fact it should have been titled Child Abuse. Officer A. contacted the Crimes Against Children Unit (CACU) and they advised him that the incident as described would constitute misdemeanor child abuse. As a direct result of what Officer A.'s actions,

: filed a Restraining Order against Ms. when Ms. alleged it was her ex-husband who should have been charged with misdemeanor child abuse. In court, Officer A. admitted that he violated various Standard Operating Procedures (SOP) regarding this matter. Ms. alleged that Officer A. failed to comply with APD policies regarding being objective and unbiased, and Officer A. failed in his duties to her son. Ms. alleged that Officer A. provided preferential treatment to her ex-husband because of their prior working relationship. Officer A. also allegedly failed to comply with relevant SOP's regarding child abuse investigations. Ms. alleged that Officer A. fabricated information that Ms. was supposedly under the influence of illegal drugs and Officer A. was unprofessional in his conduct with her ex-husband. Ms. : wanted Officer A. disciplined.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER A.'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, and recorded interviews with Ms. and APD Officer A. Officer A.'s lapel camera recordings were reviewed. The court testimony was also reviewed.

A) The CPOA reviewed Standard Operating Procedure 2-92-3 B 3 a i which states:

Officers will conduct a complete and thorough preliminary investigation and will write reports (using the State of New Mexico Uniform Incident Report) on all cases (confirmed or suspected) of child abuse, neglect, abandonment, or cruelty to children. Per state statute 32A-4-3 officers will immediately notify CYFD when they have reasonable suspicion that a child is abused or neglected.

a. Officers will not use the word(s) "suspected" or "information" in the offense portion of the report. **Reports should be titled as child abuse:**

i. For non-confirmed cases of child abuse.

Officer A. conducted a complete and thorough investigation into Ms. 's allegations of child abuse and Officer A. determined that probable cause did not exist to charge Mr. with child abuse. The investigation conducted by Officer A. resulted in his concluding that this was a non-confirmed case of child abuse and as such he should have titled his report as "Child Abuse." Instead, Officer A. titled his report as "Welfare Check."

Because Officer A. incorrectly titled the report "Welfare Check" the CPOA finds Officer A.'s conduct to be **Sustained**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur.

B) The CPOA reviewed Standard Operating Procedure 1-1-4 B 7 which states:

Personnel will conduct themselves both on duty and off duty in a manner that reflects favorably on the Department.

Ms. [REDACTED] was upset at the fact that Officer A. spoke with her ex-husband about her possible drug use. Because Officer A. reported to CYFD that Ms. [REDACTED] may have been using or abusing drugs, Ms. [REDACTED] was subjected to an investigation by CYFD and she had to prove to them that she was in fact not using drugs. Ms. [REDACTED] felt that Officer A. displayed unprofessional conduct when he spoke with her ex-husband about her possible drug use and he should not have reported to CYFD that she may have been using drugs.

The investigation revealed that Mr. [REDACTED] was the one who made the initial allegation about Ms. [REDACTED]'s possible drug use. Officer A. had noticed a significant change in Ms. [REDACTED]'s physical appearance since Officer A. last saw Ms. [REDACTED] when she was working with the Albuquerque Police Department. Her physical appearance, while not proof of drug use, was an observation made by Officer A..

Officer A. had a duty to report everything that he learned in this investigation to CYFD so that CYFD would have a full picture of all of the allegations that either parent was making against the other. Reporting possible drug use of a parent to an agency that investigates child abuse is not a violation of this SOP nor is conduct that reflects unfavorably on the department.

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

C) The CPOA reviewed Standard Operating Procedure 1-1-4 D 14 which states:

Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.

Ms. [REDACTED] alleged that Officer A. failed her son because Officer A. did not file charges against Mr. [REDACTED], her son's father. She alleged in her written complaint that she felt that Officer A. failed to comply with APD policies regarding being objective and unbiased, and Officer A. provided preferential treatment to her ex-husband because of their prior working relationship.

The lapel videos proved that there was no preferential treatment given to Mr. [REDACTED]. Officer A. conducted a full, fair, and unbiased investigation into the matter and he determined, based on that investigation that probable cause did not exist to file charges against Mr. [REDACTED].

There was absolutely no proof offered, nor was any found during the investigation, that Officer A. had any type of a relationship with [REDACTED]. The two knew each other from being on calls together and that was it. Officer A. did not provide any special treatment to anyone in this case. He conducted a proper and thorough investigation and he reached the proper conclusion.



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

Your complaint and these findings are made part of Officer A.'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/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    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

Re: CPC #148-16

Dear Mr.

Our office received the complaint you filed on August 17, 2016 against the Albuquerque Police Department regarding an incident that occurred on August 1, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on October 28, 2016.

PO Box 1293

### I. THE COMPLAINT

submitted a written complaint regarding an accident that he was involved in on August 1, 2016. His complaint was assigned for investigation October 28, 2016. Mr. ; wrote in his complaint that another vehicle had cut him off and when he swerved to avoid the vehicle, he lost control of his vehicle. Mr. : wrote Officer T asked him questions about what happened, but Officer T acted as if he were lying. Mr. said he was respectful to Officer T, but Officer T disrespectfully called him "bud" or "kid." Mr. ; also said Officer T was disrespectful to his girlfriend by calling her "hunny." Mr. wrote Officer T implied he was drinking, but stopped questioning him about that when Mr. offered to take a breathalyzer test. Mr. wrote Officer T falsified information on the police report by writing that he admitted to drag racing his car. Mr. ; wrote Officer T had written his information incorrectly on the report and Officer T left rude voicemails on Mr. z's phone. Mr. ; wrote he believed Officer T targeted him because of his ethnicity or skin color. Mr. wrote the witnesses did not see the whole thing and made their assumptions because his car was a sports car. Mr. wrote he was fearful because Officer T had his information.

Albuquerque

New Mexico 87103

www.cabq.gov

### II. INVESTIGATION

Mr. provided an invalid phone number for his girlfriend and himself on the complaint. After having sent a certified letter to ask for his cooperation, Mr. responded. Mr. set an interview appointment for December 7, 2016, but he did not call to cancel and did not show up. The CPOA Investigator contacted Mr. to reset

his appointment, which he picked December 19, 2016. Again, Mr. did not show up and did not call. Mr. never provided the alleged rude voicemails.

The CPOA Investigator reviewed the CAD, police report, and lapel video. Witnesses to the accident called police so Officer T did not initiate the contact or “target” him. The lapel video showed other emergency responders suspected Mr. of intoxication, hence the questions to Mr. about drinking, but Officer T established Mr. was not intoxicated. The lapel video showed Officer T interviewed a witness who laid out what he saw. The witness claimed Mr. was drag racing based on behaviors the witness described not the mere fact Mr. drove a sports car. The lapel video showed Officer T interviewed Mr. who clearly on the recording, admitted to drag racing after Officer T pointed out the flaws on his initial account. The lapel video showed Officer T called Mr. “dude” once, but Officer T’s conduct did not rise to a violation.

### **III. CONCLUSION**

Since the initiation of the complaint/investigation, Officer T retired on December 9, 2016 so the CPOA no longer has jurisdiction, but the preliminary investigation shows the evidence contradicts Mr. ’s version of events. The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** 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.

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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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #150-16**

Dear Ms

Our office received the complaint you filed on September 12, 2016 against an Albuquerque Police Department Records Technician regarding unspecified dates where information had been allegedly accessed improperly. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on November 1, 2016.

PO Box 1293

### I. THE COMPLAINT

filed a complaint regarding Records Technician M.F.. Ms. alleged Records Technician M.F. abused her position by accessing private records of individuals and sharing that information with others. Ms. also claimed that Records Technician M.F. accessed her information through NCIC.

Albuquerque

### II. INVESTIGATION

The response when calling the number she provided was that the call cannot be completed at this time and no voicemail could be left. Ms. did not provide an email. A certified letter was sent to Ms. 's address, which was signed for, but no response was received to the letter.

New Mexico 87103  
www.cabq.gov

Records Technician M.F. contacted the CPOA after receiving her target letter. Records Technician M.F. stated Ms. periodically files complaints to get her in trouble because she is the parental grandmother of Ms. 's children. Records Technician M.F. has guardianship over Ms. 's children that Ms. had with Records Technician M.F.'s son. They are involved in a contentious custody battle. Records Technician M.F. stated Ms. does not have a stable residence and she has had no contact with Ms. : for several months.

Ms. 's complaint offered no specific dates or details of when the alleged violations occurred. She did not provide any names or additional information that has allegedly been accessed. In terms of her own information, she did not provide a date of birth or a date she

# CITY OF ALBUQUERQUE



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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

Re: **CPC #154-16**

Dear Ms.

Our office received the complaint you filed on September 30, 2016 against Albuquerque Police Department (APD) Officer M. regarding incidents which occurred between May 2016 and August 9, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### I. THE COMPLAINT

Ms. [redacted] said she has been in a custody battle with the father of her four-year-old child since April 2016. During that time, Ms. [redacted] has contacted APD repeatedly in an attempt to have an officer take a report of custodial interference but none of the APD officers who have responded to her home would write a report. Ms. [redacted] said Officer M. charged her with false reporting. Ms. [redacted] requested the misdemeanor charges against her be dismissed/dropped.

## II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident you complained of. The CPOA Investigator contacted you for more information regarding your complaint and you essentially repeated what was in your written complaint. The CPOA Investigator reviewed 7 APD police reports written by APD officers who have responded to your home between May 9, 2016 and August 24, 2016, to include one written by Officer M. on August 24, 2016. The report written on August 24, 2016 by Officer M., APD [REDACTED] was to issue you a summons for False Alarms and False Reporting. The CPOA Investigator reviewed a list of phone calls you made to APD requesting officer assistance and learned that between May 9, 2016 and August 24, 2016 you made 60 phone calls for assistance.

A CPOA Investigator contacted Officer M. on December 12, 2016, and learned that the case against you is still pending in Metropolitan Court and has yet to be adjudicated. It is the decision of the courts to determine if you were properly charged by Officer M., or not; therefore the CPOA has no jurisdiction in this matter.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because we do not have jurisdiction in this matter.

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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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #155-16**

Dear Mr.

Our office received the complaint you filed on July 15, 2016 against an unknown officer of the Albuquerque Police Department (APD) regarding an incident that occurred on July 15, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Mr.            complained that on July 15, 2016 at approximately 2:00 PM he was traveling eastbound on I-40 at approximately 65 mph, just east of Tramway, when he observed APD marked unit L-60 speed past him without the emergency equipment engaged. Mr.            said he sped up to 85 mph in an attempt to catch up to the officer to see why the officer was speeding and where he was going in such a hurry, and caught up to the officer just east of the Tierjas off-ramp. Mr.            said the officer exited the freeway at Zuzax at approximately 2:14 PM.

Mr. \_\_\_\_\_ complained this was vehicle abuse and suggested the officer receive verbal counseling regarding his conduct being a poor reflection on APD.

## **II. THE INVESTIGATION**

A CPOA Investigator reviewed your complaint and researched the matter so we could obtain more information about the incident of which you complained. The CPOA Investigator attempted to contact you to discuss your complaint, and to explain the informal dispute resolution process you requested, but was unable to contact you. The informal dispute resolution process entails an APD officer's supervisor addressing an officer's conduct and handling the matter as appropriate.

The CPOA Investigator learned that on July 15, 2016, Officer I. was assigned marked unit L-60 and was on duty between 6:00 AM – 2:15 PM that day. The CPOA Investigator contacted Officer I.'s current supervisor, Sergeant (Sgt.) R., and informed Sgt. R. of the complaint and your desire to have the complaint handled informally.

On December 29, 2016, the CPOA Investigator received a memorandum from Sgt. R. confirming the complaint had been discussed with Officer I., and documented accordingly.

## **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint through the informal dispute resolution process as requested in your complaint and as explained above.

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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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017

Via Email

**Re: CPC #156-16**

Dear Mr.

Our office received the complaint you filed on August 25, 2016 against an unknown officer of the Albuquerque Police Department (APD) regarding an incident that occurred on August 25, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr. [redacted] complained that on August 25, 2016 at approximately 8:00 AM he was driving on Frost Road in Sandia Park when he observed an APD marked unit speeding and passing on a double line with the emergency lights engaged in order to pass cars. Mr. [redacted] identified the marked unit as T-59 and said it was a newer black and white Dodge Charger. Shortly thereafter, he saw the same vehicle at [redacted] High School, which is where Mr. [redacted]' son attends school. Mr. [redacted] complained the officer's conduct was an abuse of power and sent the wrong message to the children in the area. He stated APD officers should be held to a higher standard.

## II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident of which you complained. On August 25, 2016, Officer V. was assigned marked unit T-59; however, according to APD Records, Officer V. was not logged on that day. The Investigator spoke with Officer V. and learned the following: Officer V. was not on duty on August 25, 2016; he does not live in the area of Frost Road in Sandia; he works on the West side (i.e. NW); and does not have any children.

The Investigator spoke with you over the phone to get your version of the events and obtain more information regarding the events of which you spoke in your written complaint. You told the Investigator you were unable to identify whether the officer in the vehicle was male, or female, or had a passenger as it drove past you due to the tint on the windows. You said you saw the same vehicle (T-79) leaving the parking lot of \_\_\_\_\_ High School but were still unable to see the driver and/or the passenger/child who was dropped off at the high school. The Investigator informed you that Officer V. was not working that day and does not have any children and learned that the vehicle number wasn't actually T-59, as originally reported but T-79. Additionally, you told the Investigator that if and when the officer was identified, you wanted to handle this complaint informally by allowing the officer's Supervisor to provide verbal counseling.

The Investigator learned that on August 25, 2016, Officer R. was assigned to marked unit T-79 and spoke with Officer R.'s Supervisor, Sergeant (Sgt.) H. about the matter. Sgt. H. told the Investigator that after speaking with Officer R. about the alleged incident the following was learned: Officer R. has never been on Frost Road in Sandia; she lives in Rio Rancho; and does not have any children who attend \_\_\_\_\_ High School.

Without more definitive information about the officer or vehicle, this case cannot be further investigated.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, as agreed upon during your telephone interview.

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.

Letter to Mr. , CPC 156-16  
January 13, 2017  
Page 3

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

Sincerely,  
The Civilian Police Oversight Agency by



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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC# 163-16**

On August 16, 2016 you filed a complaint 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.

PO Box 1293

Albuquerque

Below is a summary of the complaint, the CPOA's investigation and findings.

New Mexico 87103 **I. THE COMPLAINT**

www.cabq.gov

Mr. \_\_\_\_\_ wrote that while driving to pick up his wife and friend, he noticed a police car ahead of him. Mr. \_\_\_\_\_ stated the vehicle strangely pulled off to the right and stopped. Mr. \_\_\_\_\_ stated he pulled into the restaurant and after approximately 10 minutes he noticed the police vehicle behind him in the parking lot with his emergency lights on. Mr. \_\_\_\_\_ stated the officer approached his vehicle and informed him that the temporary tag on his new vehicle was expired. Mr. \_\_\_\_\_ stated at this time his wife had noticed the officer by her husband's vehicle. Mr. \_\_\_\_\_ stated the officer started barking at his wife and her friend, telling them to stop moving around or get in the vehicle. Mr. ' \_\_\_\_\_ also stated that with the vehicle being new, he could not find the right registration and insurance. Mr. \_\_\_\_\_ explained this to the officer. Mr. \_\_\_\_\_ stated that after 30 minutes one officer came back to his vehicle and told him to place his hands on the steering wheel and to leave them there. Mr. \_\_\_\_\_ stated his wife was trying to explain to the officer that it was her fault the temp tag was expired. Mr. \_\_\_\_\_ stated another officer pulled up and stated he was there because he saw Mr. \_\_\_\_\_ wife yelling at the first officer. Mr. \_\_\_\_\_ wrote that his wife was not yelling at the officer. Mr. \_\_\_\_\_ concluded with, he was issued

tickets and treated like a hardened criminal for making an honest mistake. Mr. was also upset that he was not originally pulled over; it was 10 minutes later in a public parking lot. Mr. stated he felt it was a waste of tax payer time for an officer to spend 45-50 minutes on a law abiding citizen who made a one-time honest mistake.

## II. INVESTIGATION

The Investigator researched the citations written to Mr. and concluded the citations were issued in Bernalillo County by a Bernalillo County Sheriff's Deputy. The Investigator contacted Mr. via telephone and explained the findings of his research. Mr. did agree it was a Sheriff's Deputy and not an Albuquerque Police Officer. The Investigator provided Mr. with the number to the Bernalillo County Sheriff's Department of Internal Affairs to file a complaint with that Department. Mr. stated he understood our Agency only had investigatory jurisdiction over the APD.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to it concerning another police agency other than APD.

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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*Dr. Carlotta A. G*    *Dr. Lisa M. Orick-Martinez*    *Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017

Anonymous  
To the file

**Re: CPC #170-16**

Anonymous:

Our office received the complaint you filed on August 17, 2016 against Personnel of the Albuquerque Police Department. You provided no specific dates of incidents. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on October 28, 2016.

### I. THE COMPLAINT

An anonymous complaint came in alleging Operator G accessed and shared confidential police information with her mother. Operator G's mother allegedly talked about the information she learned. The anonymous individual alleged Operator G said she had "cop friends" that would look up things on individuals for her.

PO Box 1293

### II. INVESTIGATION

The anonymous individual provided no specifics such as dates, pieces of information accessed, or names of officers that would access information on her behalf. The Communications Manager, Erika Wilson, was unaware of any violations or problems.

Albuquerque

New Mexico 87103

Ms. Wilson discussed the situation with Operator G to remind her of the policies and importance of confidential information protection. Operator G denied revealing or accessing confidential information to anyone.

www.cabq.gov

### III. CONCLUSION

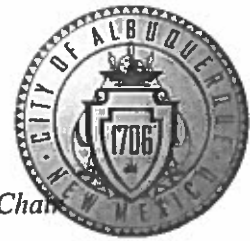
The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as there is not enough information to proceed with an investigation at this time. The complaint may be reopened if further information becomes available.

Sincerely,  
The Civilian Police Oversight Agency by

Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Email

Re: CPC #173-16

Dear Ms. \_\_\_\_\_

Our office received the complaint you filed on August 17, 2016 against the Albuquerque Police Department regarding an incident that occurred on August 16, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on November 1, 2016.

### I. THE COMPLAINT

PO Box 1293

\_\_\_\_\_ initially contacted the POB email on August 17, 2016 reporting what she believed was animal abuse committed by an APD officer. Ms. \_\_\_\_\_ observed a man kicking his dog in the rib area while running alongside a fence with other dogs. Ms. \_\_\_\_\_ wrote that when she confronted the man, he was dismissive of her concern. Ms. \_\_\_\_\_ wrote she identified the person as an APD officer "through the power of social media", but she did not clarify further how she came to the determination as the person she took the picture of was in athletic clothing with no law enforcement markings. Ms. \_\_\_\_\_ provided the date and

Albuquerque

New Mexico 87103 approximate time of this incident.

### II. INVESTIGATION

www.cabq.gov

Director Harness did some initial research and contacted the Commander of the officer Ms. White identified. The Commander believed it was unlikely Detective B as Detective B did not own a pit bull and was coaching at the time.

The CPOA Investigator contacted the \_\_\_\_\_ football league to confirm Detective B's alibi. The CPOA Investigator emailed both the football league director and was then referred to the specific coach over Detective B. The coach confirmed Detective B was at practice on the date in question from 1715 to 1945. Ms. White did not identify the location of where she observed this situation, but Detective B was at \_\_\_\_\_ School at the time. The coach also confirmed that Detective B does not own a pit bull or similar breed as pictured in Ms. \_\_\_\_\_'s picture, but a small dog and a husky. A department photo was obtained of Detective B. The photo also seems an unlikely match to the individual Ms. \_\_\_\_\_ photographed, but the photo she provided was of such a poor quality and the individual had sunglasses and it was difficult to say conclusively.

The CPOA Investigator attempted to contact Ms. to determine where the incident occurred and how she concluded through her social media search that it was Detective B. Ms. did not respond to phone messages or email.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as the investigation determined it did not involve the subject officer and there was no information to indicate the incident involved a different APD officer.

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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*Dr. Carlotta A. G*    *Dr. Lisa M. Orick-Martinez*    *Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Email

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**Re: CPC #175-16**

Ms. -----

Our office received the complaint you filed on September 10, 2016 against Personnel of the Albuquerque Police Department. Your complaint stems from an incident on September 1, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on October 28, 2016.

### I. THE COMPLAINT

In your complaint you state you called and spoke with a 911 operator to report your husband's car being stolen, and no one from APD responded to your call for service.

PO Box 1293

### II. INVESTIGATION

A copy of your complaint was provided to Erika Wilson, Director of Communications. Ms. Wilson states she made several attempts to contact you. In addition, she ran a check through the Department's Computer Aided Dispatch system. Ms. Wilson has been unable to find any information that matches your call for service.

Albuquerque

New Mexico 87103

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as there is not enough information to proceed with an investigation at this time. The complaint may be reopened if further information becomes available.

www.cabq.gov

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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. G*    *Dr. Lisa M. Orick-Martinez*    *Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Email

**Re: CPC #176-16**

Mr.

Our office received the complaint you filed on September 13, 2016 against Personnel of the Albuquerque Police Department. Your complaint stems from an incident on September 11, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on October 5, 2016.

### I. THE COMPLAINT

In your complaint you state a person you believed to be high on drugs had barricaded himself in your store and he began to cause damage to the store and eventually to customer's property as well. Your complaint was why was the response time from APD so long?

PO Box 1293

### II. INVESTIGATION

A copy of your complaint was provided to Erika Wilson, Director of Communications. Ms. Wilson states that she spoke with you and reviewed the call for service. During this conversation you both discussed how the call could have been handled better by both APD and your staff. According to Ms. Wilson after this conversation you were satisfied with APD's follow-up to this complaint.

Albuquerque

New Mexico 87103

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as there is not enough information to proceed with an investigation at this time. The complaint may be reopened if further information becomes available.

www.cabq.gov

Sincerely,  
The Civilian Police Oversight Agency by

Edward Harness, Esq.  
Executive Director  
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*Dr. Carlotta A. G*    *Dr. Lisa M. Orick-Martinez*    *Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #177-16**

Ms.

Our office received the complaint you filed on September 26, 2016 against Personnel of the Albuquerque Police Department. Your complaint stems from an incident on September 23, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on October 4, 2016.

PO Box 1293

### **I. THE COMPLAINT**

In your complaint you state your 10 year old son was having a medical issue and you called 911. You waited 30 minutes for a response from APD and when they didn't respond you took your son to an emergency room in your private vehicle.

Albuquerque

### **II. INVESTIGATION**

A copy of your complaint was provided to Erika Wilson, Director of Communications. Ms. Wilson states that she spoke with you and reviewed the call for service. During this conversation you both discussed how the call could have been handled better by APD. In addition Ms. Wilson alerted the two employee's supervisors and the Area Commander. According to Ms. Wilson after this conversation you were satisfied with APD's follow-up to this complaint.

New Mexico 87103

www.cabq.gov

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as there is not enough information to proceed with an investigation at this time. The complaint may be reopened if further information becomes available.

Letter to Ms. \_\_\_\_\_, CPC 177-16  
January 13, 2017  
Page 2

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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*Dr. Carlotta A. Garcia*

*Leonard Waites, Vice Chair*

*Eric H. Cruz*

*Dr. Lisa M. Orick-Martinez*

January 13, 2017

Via Certified Mail

**Re: CPC# 181-16**

On November 14, 2016 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.

PO Box 1293

Albuquerque

Below is a summary of the complaint and findings.

### I. THE COMPLAINT

New Mexico 87103

www.cabq.gov

Ms. [redacted] wrote on August 12, 2016, that her sister [redacted] was at the Albuquerque Airport. While Ms. [redacted] was going through the checkpoints, she became very ill and delirious. Ms. [redacted] wrote Ms. [redacted] had no recollection of events until she woke up in the hospital. Ms. [redacted] wrote Ms. [redacted] recalls leaving her items at the checkpoint. Ms. [redacted] complained that the staff was not aware of her leaving her belongings behind and should have noticed her being delirious in the airport. Ms. [redacted] stated she received a call from a TSA agent asking if she could pick up Ms. [redacted]'s belongings but was not given information as to where Ms. [redacted] was located. Ms. [redacted] stated she left a dinner after receiving a phone call from Ms. [redacted] however the call dropped. When Ms. [redacted] attempted to call back, it went right to voicemail. Ms. [redacted] stated she arrived at the airport, went to the 2<sup>nd</sup> level and observed Ms. [redacted] lying on the floor. Ms. [redacted] stated as she approached an Aviation Officer, he yelled at her to stay back. Ms. [redacted] stated she told the Officer that her sister was sick and needed medical attention. Ms. [redacted] stated the Officer told her "No, she is drunk." Ms. [redacted] stated she pleaded with the officer to get medical attention but was told the only place she was going was to jail. Ms. [redacted] stated that as the situation progressed, Ms. [redacted] began shaking and another Officer called for

medical assistance. Ms. \_\_\_\_\_; stated an ambulance arrived and took Ms. \_\_\_\_\_ to Presbyterian hospital. Ms. \_\_\_\_\_ stated the next morning Ms. \_\_\_\_\_ had her blood drawn and there was no alcohol in her system. Ms. \_\_\_\_\_ wrote she believes Officers should be trained in knowing the difference between someone being drunk and needing medical assistance or those officers should not be wearing a badge.

## II. INVESTIGATION

The Investigator received the complaint and attached to the complaint was an email from Ms. \_\_\_\_\_, dated November 11, 2016 informing the office that she and Ms. \_\_\_\_\_ would like to withdraw the complaint entirely. The Investigator attempted to contact Ms. \_\_\_\_\_. As of the writing of this letter, the investigator has not had any communication with Ms. \_\_\_\_\_; or Ms. \_\_\_\_\_.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint as requested in writing by the complainant, Ms. \_\_\_\_\_.

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.

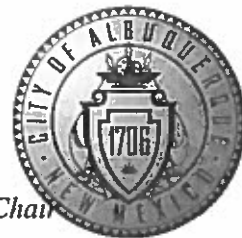
Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: Citizen Police Complaint 191-16**

Dear Mr

On October 10, 2016 you submitted a complaint to our office. Your complaint was assigned to a Civilian Police Oversight Investigator for review.

### I. THE COMPLAINT

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

You wrote in your complaint that on March 3, 2016 that a man named \_\_\_\_\_ gave your daughter \$500.00 in earnest money towards the purchase of a house that you were selling. Mr. \_\_\_\_\_ purported that he had already been approved for a loan and Mr. \_\_\_\_\_ moved into the home. The loan was never obtained and you gave Mr. \_\_\_\_\_ two eviction notices. On each notice Mr. \_\_\_\_\_ wrote you checks for rent and asked for more time. One check was for \$6,500 and the other was for \$7,500. Neither check cleared the bank and when Mr. \_\_\_\_\_ moved out of the home you alleged that he took over \$10,000 worth of furniture and fixtures from the home. You reported the above to the police and to Mr. \_\_\_\_\_'s probation officer. At the time of your complaint, Mr. \_\_\_\_\_ was no longer on probation. You stated that the only recourse you had was to file a civil complaint. You wrote that you did contact APD Detective B., who told you that in order for the case to be investigated further, the case had to be assigned to a Detective but as of the date of your complaint it had not been assigned. You requested our assistance in getting Mr. \_\_\_\_\_ prosecuted.

### II. THE INVESTIGATION

Unfortunately, our agency is not a law enforcement agency and our jurisdiction is limited to investigating violations of Standard Operating Procedures committed by members of the Albuquerque Police Department. However in an effort to assist you, the CPOA Investigator contacted APD Detective B. Detective B. stated that your case had not yet been assigned for investigation and that there are only a few Detectives available to work a high number of cases, many of them just like yours. The CPOA Investigator in turn spoke with the Albuquerque Police Department Foothills Commander, Commander Rogers. After being provided with the details of your case, Commander Rogers assured the CPOA Investigator

Letter to Mr. \_\_\_\_\_, CPC 191-16  
January 13, 2017  
Page 2

that he would have one of the Detectives call you and follow up with you regarding the status of your case.

### **III. CONCLUSION**

It is unfortunate that Mr. \_\_\_\_\_ took advantage of you and your daughter and it is our hope that if Mr. \_\_\_\_\_ committed the crimes that you allege that he did, that he is prosecuted to the fullest extent allowed by law. Your complaint does not allege any violation of Standard Operating Procedure by any member of the Albuquerque Police Department and we have no jurisdiction to investigate the crimes committed against you. We hope that our efforts in contacting the Detective and the Commander on your behalf will prove fruitful in moving your case forward for investigation. Since we lack jurisdiction to investigate your complaint and since your complaint does not allege any violation of Standard Operating Procedure by any member of the Albuquerque Police Department, we are administratively closing your complaint.

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

Please contact me if you have any questions or concerns.

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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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via certified mail

**Re:    Citizen Police Complaint 192-16**

Dear Mr. \_\_\_\_\_

On October 12, 2016 you submitted a complaint to our office. Your complaint was assigned to a Civilian Police Oversight Investigator for review.

### **I. THE COMPLAINT**

PO Box 1293

You wrote in your complaint that on October 3, October 4, and October 5, 2016 at about 3:10 p.m. each day, an Albuquerque Police Department Officer driving APD car T-73 would park in a right hand turn lane, in the street, while the officer picked up a child from school. The school is located at \_\_\_\_\_ NW. You wrote that you wanted the officer to stop the behavior and set a better example instead of breaking traffic laws.

Albuquerque

New Mexico 87103

### **II. THE INVESTIGATION**

The CPOA Investigator was able to determine from a preliminary investigation that APD car T-73 is assigned to and operated by APD Officer M. The CPOA Investigator contacted Officer M.'s supervisor, Lieutenant E. from the NW Area Command. Lieutenant E. was told of the alleged behavior by Officer M.. Lieutenant E. spoke with Officer M. and reminded Officer M. that he is subject to the same traffic laws as anyone else in situations such as these and that if Officer M. was parking illegally to pick up his child as you stated in your complaint that Officer M. was to stop that behavior immediately. Lieutenant E. contacted the CPOA Investigator and advised the investigator that he had spoken with the officer about your complaint and the Lieutenant did not anticipate any further problems. The CPOA Investigator contacted you on December 12, 2016 and advised you of the outcome of your complaint. You stated that you were satisfied with how your complaint was handled.

www.cabq.gov

### **III. CONCLUSION**

The alleged policy violation by Officer M. was minor in nature. Complaints like these are often referred to the officer's supervisor so that the supervisor can address and monitor the

Letter to Mr. ---  
January 13, 2016  
Page 2

officer's performance. We want to thank you for bringing this matter to the attention of the CPOA and the APD so that the violation could be addressed appropriately. It is our hope that the complaint was handled to your satisfaction. As this complaint was handled through an informal dispute resolution process, we are administratively closing your complaint and no further investigation will take place.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police