

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair*
Beth Mohr, Co-Vice Chair *Jeffery Scott Wilson, Co-Vice Chair*
Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

Amended

POLICE OVERSIGHT BOARD AGENDA

Thursday, January 14, 2016 – 5:00 PM
Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance- *Rev. Dr. David Z. Ring III***
- III. Approval of the Agenda**
- IV. Approval of minutes**
- V. Public Comments**
- VI. Comments concerning (DMS) - APD planning**
- VII. Sub-committee Reports**
 - a. Outreach Sub-committee – Dr. Jeannette Baca**
 - b. Policy and Procedure Review Sub-committee – Susanne Brown**
 - c. Case review Sub-committee – Leonard Waites**
 - d. Local Conference Sub-committee (NACOLE)**
- VIII. Reports from City Staff**
 - a. APD**
 - b. City Council**
 - c. Mayor’s Office**
 - d. City Attorney**
 - e. CPOA – Edward Harness, Executive Director**
- IX. Meeting with Counsel re: Closed session to discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the CPOA is or may become a participant- Board Attorney Mark Baker.**

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).
- X. Discussion and possible action on Open Meeting Act complaint from Carl Foster**
- XI. POB Legal Representation Contract**

XII. Findings by POB:

167-12	112-14	162-14	013-15	049-15
057-15	070-15	087-15	104-15	126-15
133-15	137-15	139-15	146-15	148-15
149-15 *	151-15	152-15	153-15	154-15
156-15	157-15	158-15	159-15	160-15 *
161-15	164-15	166-15	183-15	187-15
188-15	190-15	192-15	194-15	199-15
202-15	207-15	218-15	221-15	225-15
226-15	229-15	241-15		

XIII. Other Business

XIV. Adjournment- Next Regularly scheduled POB meeting will be on February 11, 2016 at 5 p.m. in the Vincent E. Griego Chambers.

(Dinner break will be taken by POB at ~6:00 pm, during a natural break in the agenda)

** Scanned Separately. Non-currences*

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

January 15, 2016

Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 167-12

Dear Ms. [REDACTED]:

I would like to apologize to you for our agency taking so long to respond to your complaint. Your signed complaint was received by our office on August 29, 2012 for an incident which occurred on August 2, 2012. Your complaint was originally assigned to a CPOA Investigator who resigned from the Agency while the investigation into your complaint was ongoing. That Investigator had interviewed you and your sons prior to his resignation. Our office has only 90 days to investigate a complaint of misconduct. If misconduct is found, discipline can only be imposed if that investigative time limit is complied with. Your complaint was re-assigned to another Investigator in the office, but it was re-assigned after the 90 day time limit for investigation had expired. If misconduct would have been found in the investigation, no discipline would have been able to be imposed on the officers who had committed the misconduct. Even so, a preliminary investigation was conducted into your complaint by the second investigator. Part of the delay occurred because the investigator was trying to identify who was responsible for detaining your sons. One of the officers identified who took one of your sons into custody has since resigned from the Albuquerque Police Department. That officer was Officer P. The other officer who was identified by the Investigator as having taken your other son into custody was Detective S. Detective S. still works for the APD. Detective S. was interviewed but remembered little about the incident. After reviewing the reports, your interviews, and a sole lapel camera video that was available, no misconduct or violations of Standard Operating Procedure was found to have occurred.

I. THE COMPLAINT

You wrote in your complaint that on August 2, 2012, your two sons, aged [REDACTED] and [REDACTED] at the time, were asleep in their father's home when it was raided by the APD. You alleged that the officers used excessive force on your sons and that the officers knew your sons were minors. You alleged that your sons were thrown to the ground, guns pointed at them, and that their heads and backs were stepped on. You wrote that you were upset that no one from APD called you and that your sons were detained for an hour and a half in front of the residence.

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Albuquerque

New Mexico 87103

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You were not contacted by the police and had no idea what had happened until your oldest son called you. You felt that the police used an aggressive approach on your minor sons. You wrote in your complaint that your son's father had been arrested at least an hour before the raid on his home. You wrote that you had consulted a lawyer and that your sons had been attending counselling due to the trauma they endured.

II. THE INVESTIGATION

The second CPOA Investigator assigned to your complaint conducted a preliminary investigation into your complaint. As part of that investigation the Investigator reviewed the police reports, the Computer Assisted Dispatch (CAD) reports, your interview and your son's interviews with the first investigator, a lapel camera video of the entry into your son's father's home, and an interview with Detective S. The second CPOA Investigator assigned to your complaint also spoke with the lead APD Detective in this case, Detective L., but Detective L. was not present when the Search Warrant was executed at your son's father's home. The second CPOA investigator later spoke with you over the phone letting you know what the preliminary investigation had revealed.

In speaking with the lead detective, Detective L., the CPOA Investigator learned your son's father was suspected of selling controlled substances. About two weeks prior to the execution of the Search Warrant, Detective L. learned that the boy's father was selling drugs during work hours at his City of Albuquerque job. Detective L. began an investigation. Surveillance was conducted and two people who had dealt with the boy's father were stopped by police and drugs were found in the vehicle. One of the occupants of that vehicle told the police that they got the drugs from the boy's father and that the boy's father had been selling steroids, oxycodone, and heroin. One of the occupants of the vehicle cooperated with the police and that occupant made a call to the boy's father. The boy's father, who was at his home at the time, agreed to sell the caller steroids and oxycodone pills and also asked the caller if they needed any cocaine or heroin. Based on that information and surveillance conducted at the father's home, Detective L. obtained Search Warrants for the boy's father's home, and his vehicle. Prior to executing the warrants, a co-worker of the boy's father told the police that the boy's father had threatened to kill her if she ever provided the police with information about her activities. The Search Warrant was executed at the boy's father's home at about the same time that the boy's father was arrested at his workplace by the police. There was no way for the Detectives to know that only the night before, your sons had gone to their father's home to spend the night.

When police officers execute a Search Warrant, the first step taken is to gain control of the premises. This is considered standard practice because, as the U.S. Supreme Court observed, "The risk of harm to both the police and the occupants is minimized if the officers routinely exercise unquestioned command of the situation." It also minimizes the risk that the evidence will be destroyed. In most cases, and what happened in this case, officers take control by quickly spreading out throughout the premises in order to locate and identify everyone there. They do that because there is a risk posed by residents or people familiar to the household who may be involved in the criminal activities alleged. Police Officers have a legitimate

interest in determining the identity and connection of a person present at the scene of a Search Warrant. Officers are allowed to detain the occupants until the completion of the search and until they can determine the person's connection to the residence. What occurred in this case was just that. Once the police determined that your sons were not involved in the criminal activity, they were un-handcuffed and released. The evidence in this case showed that your sons were detained less than 90 minutes which the NM Supreme Court has ruled is not an excessive time to be detained at the scene of a Search Warrant.

The second CPOA Investigator assigned to your case also reviewed the lapel video which showed, albeit, briefly, your son's getting taken into custody as the warrant was executed. In the video, the police officers can be heard ordering your sons to get on the ground and for them to let the officers see their hands. The officers tell your sons to keep their hands where they can be seen. The video showed both of your sons after they were taken into custody. It is apparent from the video that even then, at age [REDACTED] and age [REDACTED], neither boy appeared to be a minor. In fact, one of your sons says, "I'm a big guy." There is no excessive force or tactics used against your sons at any time on the video.

After reviewing all of the information the CPOA Investigator contacted you and discussed the preliminary investigation with you.

III. CONCLUSION

A preliminary investigation into the Use of Force that you complained of was conducted by the CPOA. The review of the evidence and the preliminary investigation showed that there was no use of excessive force in this incident and that the APD officers executing the warrant did not violate any Standard Operating Procedures of the Albuquerque Police Department. It is unfortunate that your sons were innocently caught up in the alleged illegal actions of their father. They were simply at the wrong place at the wrong time. Once the police conducted their investigation and were able to determine that your sons had no involvement in the illegal activity, they were released. When the CPOA Investigator contacted you and explained the investigation to you, you stated that you understood what occurred at the home when the warrant was executed. Because the 90 day investigative time limit was not originally complied with by the first CPOA investigator who was assigned your complaint, and because a preliminary review and investigation into the complaint showed that there were no Standard Operating Procedure violations that occurred, I am 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/iro/survey>.

Letter to Ms. [REDACTED]
January 15, 2016
Page 4

Please contact me if you have any questions or concerns.

Sincerely,
Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

Date: January 15, 2016

MEMORANDUM TO FILE –RE: CPC 112-14 –
FROM: Robin Hammer, Acting Executive Director

On July 1, 2014, Detective Z. from APD Internal Affairs sent a memo to Acting Executive Robin Hammer regarding an anonymous citizen complaint. On June 5, 2014, an unidentified citizen filed an unofficial anonymous complaint with the Independent Review Office. The complaint advised that on May 28, 2014, at approximately 0700 hours, they were traveling on I-40 westbound at Eubank when the complainant observed three to four people standing in the middle of an overhead walkway pointing what appeared to be a gun at the complainant and/or at the complainant's vehicle. The complainant believed they were going to get shot. The complainant stated they had nowhere to go but forward. The complainant stated they did not know that the people standing on the overhead walkway were police officers using radar.

PO Box 1293

The anonymous citizen believes that the officers doing this could have caused major accidents and believes that this was very inconsiderate and a dangerous tactic for a few speeding tickets. The complainant believed this tactic may cause fear in the community, as a few days later a woman was shot in the face as she traveled on a busy road and a person from a walkway shot her.

Albuquerque

According to news reports, on May 30, 2014, at approximately 1615 hours, a man standing on a bridge over Paseo del Norte fired off a shot to traffic below, hitting a woman in her face as she was driving.

New Mexico 87103

The anonymous complaint's concern occurred two days prior to the reports of an unknown male firing a shot from a bridge at a vehicle and striking a woman. The woman being shot from the bridge appears to be an isolated event and such an event has not occurred again.

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Detective Z. from Internal Affairs stated that the anonymous complaint is unsigned and has no contact information for the complaint. Per 20.1.2.2 of the city contract, this type of complaint is defined as an unofficial complaint, and the department will not conduct administrative investigations into unofficial complaints of a non-criminal nature. The officers did not violate any state or city laws by utilizing a radar unit over an interstate.

Detective Z. advised that if another similar shooting occurs again, he would recommend that APD revisit its current policy and procedures governing the radar usage and usage of such devices over major corridors. Detective Z. was unable to identify any department violations regarding this incident.

Detective Z. requested that the complaint be inactivated and closed. The Executive Director will administratively close this case.

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Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #162-14

Dear Ms. [REDACTED]

Our office received the complaint you filed on August 25, 2014 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 1, 2013. 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.

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I. THE COMPLAINT

[REDACTED] wrote in her complaint that her daughter, [REDACTED] was involved in an accident on September 1, 2013. [REDACTED], who was driving a Harley Davidson motorcycle, ran into the side of [REDACTED]'s vehicle. According to the complaint, Mr. [REDACTED] was travelling at over 100 miles per hour when the collision occurred. Mr. [REDACTED] was intoxicated at the time of the accident and was charged with DWI. Assistant District Attorney [REDACTED] was the state representative for the case. Mr. [REDACTED] claimed that on four occasions he requested interviews from the Albuquerque Police Officers on this case. According to the complaint, not one of the officers ever showed up for the interview.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and the independent contract investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the court case docket sheet, the Computer Aided Dispatch (CAD) report, and interviews with Officer M., Assistant District Attorneys [REDACTED] and [REDACTED].

A) The CPOA reviewed Standard Operating Procedure 2-01-3 regarding the officer's conduct, which states:

All personnel directed to appear in court, pretrials, or M.V.D. hearings must appear and be prepared to testify. A special court notice, posted court/M.V.D. hearing notices, or subpoenas are considered an order to appear. For civil case subpoena and conflict of interest case directions, see subsections 2-01-6 and 2-01-8.

The Bernalillo County Metropolitan Court docket showed the mandatory scheduled hearings. Assistant District Attorney [REDACTED] who handled the case said the court case was dismissed due to the time limit rule in Metro court requiring a defendant to be tried within six (6) months of that defendant being charged. All the officers showed up for every scheduled court appearance and all officers complied with every request for pretrial interviews by the defense until the final setting. The final court setting was scheduled for a day when Officer M. was off work on approved leave. Unfortunately, this case was called and delayed on at least two occasions causing the rule to run before Mr. [REDACTED] could be prosecuted.

The CPOA find the officers conduct to be UNFOUNDED regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

Your complaint and these findings are made part of Officer M.'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 notice. Include your CPC number.
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 Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

Letter to Ms. [REDACTED]
January 15, 2016
Page 3

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 013-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on January 30, 2015 against Officer R., Officer S. and Senior (Sr.) Office Assistant M. of the Albuquerque Police Department (APD) regarding an incident that occurred on January 22, 2015.

I. THE COMPLAINT

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Mr. [REDACTED] complained that on January 22, 2015 at about 5:15 pm, he was involved in an automobile accident on I-40 East. Mr. [REDACTED] said it took Albuquerque Police Department (APD) Officers over an hour to respond to the accident and while he was waiting five APD Patrol vehicles drove past without stopping. Mr. [REDACTED] said that eventually two APD Officers arrived and one of those Officers, Officer R., gave Mr. [REDACTED] a business card that contained outdated contact information for Officer R. Mr. [REDACTED] said that on January 27, 2015 it took him three phone calls to find out that Officer R. was assigned to the Southeast substation. Once in contact with the Southeast substation, Mr. [REDACTED] learned that the accident report had not been completed and the information for the report, such as Mr. [REDACTED] name and insurance company, was incorrect. Additionally, Mr. [REDACTED] was told that Officer R. "messed up the whole report" and that Officer R. would call Mr. [REDACTED] that day (January 27, 2015) but Officer R. did not contact Mr. [REDACTED]. On January 30, 2015, Mr. [REDACTED] called the Southeast substation, again, to see if the report had been completed and he spoke with Sr. Office Assistant M., who he described as being "very rude and unhelpful." Mr. [REDACTED] said that Sr. Office Assistant M. told him that "police officers do not redo reports to get the correct information" and his accident report was still not done but that someone would call him back.

As of January 30, 2015, the date of the complaint, no one had returned Mr. [REDACTED]' call and the accident report had yet to be completed. Mr. [REDACTED] said he understood why people in Albuquerque do not appreciate their police force because they are "rude, unhelpful and unprofessional officers." Lastly, Mr. [REDACTED] requested assistance in obtaining the accident report so that he could file it with his insurance company.

II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Mr. [REDACTED]' complaint and researched the matter so that we could obtain more information about the incident. The Investigator determined the identity of the Officer in question and learned it was Officer S., who wrote the report and not Officer R. as Mr. [REDACTED] had originally reported.

On February 17, 2015, the CPOA Investigator spoke with Mr. [REDACTED] on the phone. Mr. [REDACTED] explained that he still had not received a copy of the report for his insurance company. Mr. [REDACTED] essentially stated that when he wrote the complaint he was angry at the time because there was a lot of misinformation given, it took a long time for officers to respond to his accident and some of the people he spoke with were rude but he was concerned about his complaint not being as important as other complaints coming into the CPOA office. His main concern was that investigating his complaint would detract the time and resources available to investigate other more important, concerning issues that people have with the Albuquerque Police Department. The CPOA Investigator explained the difference between a formal and an informal complaint to Mr. [REDACTED] and Mr. [REDACTED] agreed that he would be satisfied to have this complaint handled informally by Officer S. and Officer R.'s Supervisor, and Sr. Office Assistant M.'s Supervisor. The CPOA Investigator said that she would have Officer S. and Officer R.'s Supervisor and Sr. Office Assistant M.'s Supervisor call him so that Mr. [REDACTED] could discuss his concerns directly with the respective Supervisors. The CPOA Investigator faxed a copy of the police/accident report to Mr. [REDACTED], as requested.

On February 21, 2015, the CPOA Investigator received notification from Officer S. and R.'s Commander, Lieutenant S, stating that he had discussed the details of the incident with Officer S. and Officer R.'s Supervisor, Sergeant Y., who addressed the issue with these Officers. Sergeant Y. also contacted Mr. [REDACTED] and discussed the complaint with Mr. [REDACTED], who said he was satisfied with the way that the complaint was addressed. Lieutenant S. also stated that he would speak with Sr. Office Assistant M., himself, regarding the complaint.

On February 21, 2015, the CPOA Investigator contacted Mr. [REDACTED] and Mr. [REDACTED] indicated that he was satisfied with the outcome of his complaint.

III. FINDINGS AND CONCLUSIONS

This complaint was resolved in an informal manner. It was sent to Officer R. and Officer S.'s Supervisor and to Sr. Office Assistant M.'s Supervisor for review and action. The Supervisors did discuss Mr. [REDACTED]' concerns with their respective employees. Mr. [REDACTED]' complaint was informally resolved. Therefore, the Agency will administratively close this complaint and no further investigation by our office will occur.

Letter to Mr. [REDACTED]
January 15, 2016
Page 3

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

Please contact me if you have any questions or concerns.

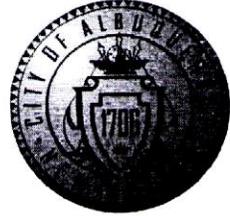
Sincerely,
The Civilian Police Oversight Agency by



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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #049-15

Dear Mrs. [REDACTED]

Our office received the complaint you filed on April 2, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on March 18, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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Albuquerque

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

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

I. THE COMPLAINT

[REDACTED] wrote that her son entered the [REDACTED] Gas Station on March 18, 2015. Mrs. [REDACTED] wrote that once her son entered, a cashier said hello to him and in a low voice he stated "hello". Mrs. [REDACTED] wrote that two police officers, one white and one Hispanic, were at the [REDACTED] restaurant inside the [REDACTED]. Mrs. [REDACTED] wrote that the white officer got in her son's face and yelled at him, telling her son to respond to the cashier with a courteous hello. Mrs. [REDACTED] wrote her son and the officer got into an argument and the officer stated that her son could go to jail for obstruction of justice. Mrs. [REDACTED] wrote that the Hispanic officer then told the white officer to sit down. Mrs. [REDACTED] wrote that her son or any member of the public should not have to put up with the attitude displayed by this police officer. Ms. [REDACTED]

wrote that her son has had problems with the police before and did not want to file a complaint; therefore, Mrs. [REDACTED] filed the complaint on behalf of her son.

II. INVESTIGATION

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) and the Citizen Police Complaint.

The CPOA Investigator reviewed the complaint Mrs. [REDACTED] submitted. The Investigator contacted the Manager at the [REDACTED] location Mrs. [REDACTED] referred to and scheduled a time to view video recordings from the date in question. The Investigator and the manager observed the video. The Investigator observed two unidentified police officers enter the [REDACTED] Gas station. The Investigator watched the entire video and the two unidentified police officers only have contact with each other and the cashier at the [REDACTED] restaurant. The Investigator observed a male who worked for [REDACTED] as Mrs. [REDACTED] states her son does. The male [REDACTED] worker walked in to the [REDACTED] Gas Station, selected a couple of drinks from a cooler, and paid. The video showed that the only person the male spoke to was the security guard located in the [REDACTED] Gas Station.

The Investigator requested an Albuquerque Police Unit History from the date and time Mrs. [REDACTED] specified in her complaint. No Albuquerque Police officers were logged out at the location on that date and time.

The Investigator spoke with Mrs. [REDACTED] on April 28, 2015. The Investigator informed Mrs. [REDACTED] of the findings in his preliminary investigation. The Investigator asked Mrs. [REDACTED] if she would give him her son's information to further investigate and identify the officers; however, Mrs. [REDACTED] stated that her son would not speak with the Investigator.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to being unable to identify any Albuquerque Police Officer related to this incident and not having enough information to further the investigation.

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

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

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

Letter to Mrs. [REDACTED]
January 15, 2016
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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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Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 057-15

Dear Mr. [REDACTED]

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on April 22, 2015 for an incident which occurred in 2008. Your complaint was assigned to Civilian Police Oversight Agency (CPOA) Investigator for review.

I. THE COMPLAINT

PO Box 1293

Albuquerque

New Mexico 87103

You complained that an Albuquerque Police Department Officer in 2008 refused to read you Miranda Rights, violently took you by force, and conducted an illegal search. You stated the Officer took your license and searched your body. You stated when you asked the Officer to read you Miranda Rights, the Officer violently forced you into his car. You stated the Officer continued to let you know that he was on break and if you wanted it done the hard way, he could take you downtown.

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You stated in your complaint that the Officer took you to UNM Hospital and that you were released because you had your own residency at the time. You stated you left Albuquerque out of fright for your own body and rights being taken advantage of in a sadistic way. You stated you fear the police and believe the police would like to take advantage of you. You wrote that you fear physical and psychological aggression against you, if you returned to Albuquerque to visit your parents. You wrote that you wanted all information on this Officer and wanted to know the integrity of his actions.

You wrote this Officer tossed you out of the car on the side of the road after you protested that you wanted your cell phone back. You stated that the Officer was rude and offensive and found no report that this Officer took you for a ride.

II. INVESTIGATION BY CPOA INVESTIGATOR

A CPOA Investigator reviewed your complaint. The CPOA Investigator contacted the Albuquerque Police Department Records Division and had every police report with your name and address pulled to determine the officer involved in this incident. The CPOA Investigator found no police reports were made about you in 2008 as you alleged.

The CPOA Investigator contacted you via telephone and scheduled an interview with you. On May 1, 2015, the CPOA Investigator interviewed you in person at the office of the CPOA Investigator. You reiterated what was in your complaint and stated you thought the alleged misconduct occurred in 2008. The CPOA Investigator reviewed each police report involving you, including APD #s [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. The CPOA Investigator confirmed that none of the police reports issued involving you were related to the allegations in your complaint. The CPOA Investigator asked you if UNM Hospital may have some record as well and you stated UNM Hospital lost your records, too. The CPOA Investigator asked you if your mother, who you listed as a witness, may be able to provide any further information and you stated she would not because she does not recollect the events indicating a specific officer.

III. FINDINGS AND CONCLUSIONS

You made allegations for events which occurred in 2008. A review of all the available evidence showed that no Albuquerque Police Officer could be identified in reference to your complaint. The CPOA Investigator explained to you during the interview the steps taken to attempt to investigate your complaint; you agreed your complaint should be administratively closed due to the lack of evidence to determine which, if any, Albuquerque Police Officer was involved in an incident with you during 2008. Therefore, the CPOA finds that your case should be administratively closed, as no APD Officer can be identified.

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 *Leonard Waites, Chair*
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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #070-15

Dear Mrs. [REDACTED]

Our office received the complaint you filed on May 20, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred between September 2014 and March 2015. 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

Mrs. [REDACTED] filed a written complaint which speaks extensively about the disputes she has with her neighbors. Mrs. [REDACTED] complained that Officer I. gave her his card during an incident and that Officer I. informed her in September of 2014, that if she had any more problems to give him a call. Mrs. [REDACTED] complained that she has called the substation approximately 12 times and Officer I. has not called her back.

Letter to Mrs. [REDACTED]
January 15, 2016
Page 2

II. INVESTIGATION

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and conducted an interview with Officer I. The investigation showed that Officer I. had not received messages from Mrs. [REDACTED].

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to no SOP violations occurring by any member of the Albuquerque Police Department and a lack of any further information from Mrs. [REDACTED].

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #151-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on August 21, 2015 against Officers of the Albuquerque Police Department (APD) regarding an alleged incident that occurred on April 18, 2008. 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

Mr. [REDACTED] complained that Officer K, Officer G, and Officer P. determined he was incapable and suicidal in 2008. Mr. [REDACTED] stated that the officers harassed, bullied and intimidated him. Mr. [REDACTED] stated that the officers lied and were disrespectful.

II. INVESTIGATION

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and previous police reports. The Investigation showed that in 2008 Mr. [REDACTED] was involved in an incident. The Investigator investigated the same

Letter to Mr. [REDACTED]
January 15, 2016
Page 2

concerns and issues Mr. [REDACTED] had previously filed in April 2015. Mr. [REDACTED] filed CPC 057-15 and was interviewed by the Investigator. During that interview the Investigator explained to Mr. [REDACTED] that there were no records of any misconduct or records of the specific incident Mr. [REDACTED] complained about. This citizen complaint concerns the same issues the Investigator spoke to Mr. [REDACTED] about previously and concurrently with this citizen complaint. Mr. [REDACTED] did provide officer names during this complaint however the investigation showed Officer K., Officer G. and Officer P. were all retired from the Albuquerque Police Department.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the allegations being duplicative, no SOP violations occurring by any member of the Albuquerque Police Department and a lack of any further information from Mr. Garner.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 152-15

Dear Ms. [REDACTED]:

Your complaint you filed against an unidentified member of the Albuquerque Police Department Telephone Reporting Unit (TRU) was received by our office on August 18, 2015 for an incident which occurred on March 7th or March 8th, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review and investigation.

PO Box 1293

I. THE COMPLAINT

Albuquerque

New Mexico 87103

www.cabq.gov

You wrote that on March 7 or March 8, 2015, at about 8:30 AM, you called 242-COPS to report your car stolen. You were referred to the Telephone Reporting Unit to file the report as you had no information as to who stole the car or when it was stolen. You complained that when you called the TRU, the person who took your call refused to take your report because you told the person that you did not have insurance on your car. You alleged that the TRU person with whom you spoke, told you that you cannot report a car as stolen if you do not have insurance on the car. You alleged that the TRU person refused to take a report or give you a report number. You stated that you took no further action in reporting your stolen car until August of 2015.

You wrote that in August of 2015, a friend told you that he thought he had seen your car being towed somewhere. At that time you called the Albuquerque Police Department to inquire as to whether or not your car had been towed. You also wanted to report your car stolen at that time. On August 17, 2015, you reported your car stolen. Within 45 minutes of reporting it stolen, you were informed that the car had been towed by an APD officer on July 3, 2015 and the man who had been driving your car was not arrested but only cited and released. You complained that had you been able to report your car stolen in March of 2015, the man driving your car in July of 2015 would have been arrested and charged with stealing your car.

II. THE INVESTIGATION

The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA Investigator spoke with you over the phone. You repeated what you had written in your complaint. The CPOA Investigator told you that he would try to determine who the person was with whom you spoke at the TRU. If that person could be identified a full investigation into the matter would be conducted. You said that you understood that it would be hard to identify the person who refused to take your report over the phone since the call was placed over five months ago. The Investigator told you that if he could not identify the TRU person with whom you spoke, that he would address the matter with the TRU Supervisor to make sure that the TRU employees were aware that you do not need to have insurance on a car to report it stolen. You also agreed that the officer who towed your car on July 3, 2015 did not commit any misconduct because there was no way for that officer to know at the time that your car was stolen.

The CPOA Investigator contacted the APD Research and Recording Unit and the Investigator tried to locate the date and time you called APD originally from the phone numbers that you provided to the Investigator. The only call coming from your cell phone was the one in August of 2015 you wanted to see if your car had been towed. There were no other calls found from your cell phone and records were checked back to December 1, 2014. When the Investigator had APD check an alternate phone number that you provided that you may have called from for the same time period, there was only a record of a call from APD going out to that number and there was no answer. The CPOA Investigator was unable to determine from the information provided, when you originally called the APD to report your car stolen. The CPOA Investigator further attempted to identify who it was from the TRU who told you that you could not file a report. The CPOA Investigator learned that the telephone lines in the TRU are not recorded. Even if the person who allegedly told you that you could not file a report was identified, since the telephone conversation was not recorded, there would be no way to prove or disprove the allegation that the person told you that you couldn't file a report because your car was not insured.

III. CONCLUSION

Your complaint was investigated to the extent that we could investigate it. The person who answered the phone in the TRU could not be identified in spite of our best efforts to do so. Since the lines in the TRU are not recorded, there would be no way to independently prove or disprove your allegation. The CPOA Investigator did e-mail the TRU Supervisor and the Investigator made the Supervisor aware of your allegation. The TRU Supervisor told the Investigator that they would let the TRU staff know that insurance is not required on a vehicle before it can be reported stolen. Even though we could not conduct a formal investigation into your complaint, we hope that the complaint was addressed to your satisfaction. Because the alleged policy violation was minor and because the investigation could not be conducted for lack of evidence, the CPOA will be administratively closing your complaint without further investigation. If additional information or evidence becomes available, your complaint may be re-opened.

Letter to Ms. [REDACTED]
January 15, 2016
Page 3

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

Please contact me if you have any questions or concerns.

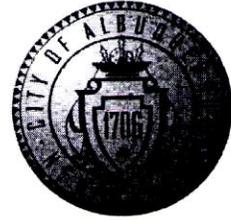
Sincerely,
Civilian Police Oversight Agency by



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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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 153-15

Dear Mr. [REDACTED]

The complaint you filed against Officer G. of the Albuquerque Police Department (APD) was received in our office on August 24, 2015, regarding an incident that occurred on July 31, 2015.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Mr. [REDACTED] complained that on July 31, 2015 you called APD to request a welfare check on your [REDACTED]-year-old non-biological son, who was allegedly home alone. You complained that when you called APD Dispatch you requested to remain anonymous but Officer G. identified you to your ex-wife.

New Mexico 87103

II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR

www.cabq.gov

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and the Dispatch tape and CADS report and learned that you called APD to report your son being left home alone. The dispatch tape revealed you told the dispatcher you were a concerned neighbor watching the house from across the street and you wanted to remain anonymous. The CADS report listed the telephone number you called from to report the incident. The CPOA Investigator interviewed Officer G. and reviewed Officer G.'s lapel video and written report, and learned that during the investigation, your ex-wife told Officer G. you had been sending text messages despite a restraining order she had against you. While looking at the text messages you sent your ex-wife, Officer G. noted the number from the text messages matched the number of the anonymous caller requesting the welfare check. The CPOA Investigator learned that the CADS report listed the caller as an anonymous male but did not specifically state the caller requested to remain anonymous so Officer G. was not required to keep the caller anonymous. Additionally, the CPOA Investigator learned that you told the dispatcher you were across the street from your ex-wife's home and asked APD officers to act as a third party contact for you, which are both violations of the restraining order against you;

Letter to Mr. [REDACTED]
January 15, 2016
Page 2

therefore Officer G. was required to take action, which included informing your ex-wife that you called APD. Officer G. subsequently requested a criminal summons on you for violating the restraining order.

III. FINDINGS AND CONCLUSIONS

The investigation conducted determined that Officer G. responded and took the appropriate action necessary for this type of call and did not violate any APD Standard Operating Procedures in regards to this incident. Therefore, the Civilian Police Oversight Agency will administratively close your complaint and no further investigation will occur. It is our hope that your complaint was resolved to your satisfaction by our office and by the Albuquerque Police Department.

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

Please contact me if you have any questions or concerns.

Sincerely,
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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Eric H. Cruz Joanne Fine Rev. Dr. David Z. Ring III
Edward Harness, Executive Director

January 15, 2016

[REDACTED]

Re: CPC # 154-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on August 20, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on August 20, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

PO Box 1293

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.

I. THE COMPLAINT

www.cabq.gov

Ms. [REDACTED] wrote that she observed PSA S. texting while driving his police vehicle.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] reiterated that she observed PSA S. texting while driving his police vehicle. Ms. [REDACTED] stated this went on for about five minutes before he noticed her and tossed his phone aside. She had no other complaints about his driving.

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

The investigation included review of the Complaint, SOPs, and interviews of [REDACTED] and PSA S.

(A) The CPOA reviewed Standard Operating General Order 1-04-4Z2a regarding PSA S.' conduct, which states:

Except for emergency communication, the use of hand-held cellular telephones or electronic devices is prohibited while operating a city vehicle.

Ms. [REDACTED] observed a PSA texting while driving. The two of them were traveling in the same direction on Candelaria. She saw the PSA was on a smart phone glancing to the side of his lap. She would not have filed the complaint if he had been on his computer. She estimated it was about five minutes before he noticed her and tossed his phone to the side.

Ms. [REDACTED] had nothing additional to add other than she observed the texting while driving. PSA S. denied the allegation. There was no additional evidence to review. Ms. [REDACTED] did not want a findings letter and refused to provide an address.

The CPOA finds PSA S.' conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine whether the alleged misconduct occurred.

Your complaint and these findings will be placed in PSA S.' Internal Affairs personnel 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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey>.

Letter to Ms. [REDACTED]
January 15, 2016
Page 3

Thank you for participating in the process of civilian oversight of the police, ensuring officers 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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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #156-15

Dear Mr. [REDACTED]

PO Box 1293

Our office received the complaint you filed on August 21, 2015 against an unnamed and unknown SWAT Officer of the Albuquerque Police Department (APD) regarding an incident that occurred on July 29, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

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.

New Mexico 87103

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

I. THE COMPLAINT

Mr. [REDACTED] complained in his written complaint that when he was arrested on July 29, 2015, an unknown SWAT officer grabbed his handcuffed right hand middle finger and cut it. Mr. [REDACTED] alleged that the officer extracted his DNA from the cut. Mr. [REDACTED] named a witness officer, Officer C., and he wrote in his complaint that the officer's lapel video would prove what happened. Mr. [REDACTED] alleged that the above action was a violation of his constitutional and civil rights because neither he nor a Judge gave the officer permission to extract his DNA.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, interviews with Officer C. and Officer H. The court record was reviewed. The police report was reviewed. The CADS report was reviewed. Officer H.'s lapel video was reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding the Unknown SWAT 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:

2. Make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.

The police and CADS reports were reviewed. In summary, on July 28, 2015, Mr. [REDACTED] allegedly carjacked a woman at gunpoint and stole her car and her purse. On July 29, 2015, a local hotel guest reported that someone had stolen the license plate off her car. The license plate was a [REDACTED] license plate. The offender put a New Mexico plate on the victim's car. The New Mexico plate that was on the victim's car was checked through NCIC and it turned out the plate was the license plate that was on the carjacked car in the incident that occurred the day before. The officer entered the stolen [REDACTED] plate into NCIC and he put out a citywide Be on the Lookout (BOLO) for the stolen license plate. The officers who responded to the stolen plate call searched the area looking for the stolen plate and the car that was carjacked, or stolen, the day before. Not long after, the police officers saw the carjacked vehicle displaying the stolen [REDACTED] plate headed West on Central Avenue. The officers notified dispatch. They notified the helicopter, and other officers. The officers tried to pull the vehicle over but it fled at a high rate of speed and it almost struck several vehicles. The occupants started throwing things out the windows of the stolen car. The officers backed off and let the helicopter call out the location of the stolen car. Mr. [REDACTED], who was driving the stolen car, continued to drive recklessly throughout multiple parts of the city. Mr. [REDACTED] and a female in the car eventually bailed out of the stolen car at Zuni and Indiana, where they ran into a tire shop and barricaded themselves in. A perimeter was established around the building and all of the tire shop employees were safely evacuated. A SWAT team was called in and took over the situation.

The CADS report showed that APD Officer G. called out over the radio at 6:10 PM, the same time that Mr. [REDACTED] was being taken into custody, that the "media helicopter was flying overhead."

At 6:13 PM, a police unit was requested to transport Mr. [REDACTED] from the scene. Officer H. responded to that request. A request was also made for Rescue to respond to the Command Post. At 6:30 PM, Mr. [REDACTED] was transported to the main police station.

Officer C. was interviewed. She had no idea what Mr. [REDACTED] was talking about. She said that she never spoke to Mr. [REDACTED] but was only standing near him after his arrest. She noted that there were no injuries to Mr. [REDACTED]'s hands and even though the Rescue Unit was there, Mr. [REDACTED] was not treated for any injuries. Mr. [REDACTED] never complained of any injuries to Officer C. Officer C. suspected that Mr. [REDACTED] got her name because it was displayed on her uniform.

Officer H., the officer who transported Mr. [REDACTED] after his arrest, was interviewed. That officer switched out the SWAT officer's handcuffs for his own handcuffs prior to transporting Mr. [REDACTED] to the Main Police Station. Officer H. said that Mr. [REDACTED] had no injury to either of his hands. Officer H. said that Mr. [REDACTED] never complained of any injury while he was in contact with Mr. [REDACTED]. At the Main Police Station, Mr. [REDACTED] was handcuffed to a pole in a holding area by Officer H. Officer H. noted that there were no injuries to Mr. [REDACTED]'s hands at that time.

Officer H.'s lapel video was reviewed. The lapel video showed Mr. [REDACTED]'s hands in several places. Mr. [REDACTED] was very specific in his complaint that it was his right hand middle finger that was cut by the unknown SWAT Officer. Mr. [REDACTED] alleged that his hand was cut just after his arrest. 42 seconds into the video, Mr. [REDACTED] is given tissue to blow his nose. He uses his right hand to grab the tissue. No injury to the hand is present and it certainly isn't bleeding as the tissue would have shown the blood. Mr. [REDACTED] never complained of any injury during the transport. At the main station, Mr. [REDACTED] is taken out of the car. At 18:39 into the video, Mr. [REDACTED]'s right hand is clearly shown. There is no injury whatsoever to his right hand. At 23:52 into the video, Mr. [REDACTED] is handcuffed to the pole. His right hand is again clearly shown. There is no injury to the hand.

The video proved that Mr. [REDACTED]'s hand suffered no injury at the hands of any APD officer.

The CPOA found the unnamed, unknown SWAT Officer's conduct to be **UNFOUNDED**, as the investigation determined, by clear and convincing evidence 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 notice. Include your CPC number.
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 Albuquerque's Chief

CITY OF ALBUQUERQUE



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Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #087-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on June 10, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on June 2, 2015. 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

Mr. [REDACTED] complained that on June 2, 2015 his wife was involved in a car accident. Mr. [REDACTED] stated his wife called 911 to inform them of the incident and was told police would be responding. Mr. [REDACTED] stated that after 10 minutes one of the vehicles involved in the accident left the scene. Mr. [REDACTED] stated he then called the non-emergency number to inquire about the status of an officer arriving. Mr. [REDACTED] stated the dispatcher informed him that they were very busy and that one would be made available soon. Mr. [REDACTED] wrote that he called several times asking about the arrival of an officer. Mr. [REDACTED] stated it was not until he told a dispatch supervisor that it was over an hour and a half and it was unacceptable that the supervisor informed him an officer had become available.

II. INVESTIGATION

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and the Computer Aided Dispatch report (CAD) of the incident. The investigation showed that call was a priority 2 call, an accident with no injuries. The CAD showed the call was dispatched at 1810 hours and also showed there were no officers available to take the call at that time due to other higher priority calls. The CAD also showed that the area of the accident in which Mr. [REDACTED]'s wife was involved, was at below minimum reserves for availability of officers.

The Investigator contacted Mr. [REDACTED] and explained the concerns Mr. [REDACTED] complaint addressed. The Investigator conferred with you regarding the staffing issues of the Albuquerque Police Department and reviewed priority calls. You and the Investigator agreed to administratively close your complaint due to no specific Albuquerque Police officer at fault, however the Investigator assured your complaint would be addressed by the Police Oversight Board in regards to concerns of staffing.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any specific Albuquerque Police Officer related to this incident and the preliminary investigation showed that the slow response was due to call volume and officers available. Please note your concerns will be addressed by the Police Oversight Board and will be forwarded to the Albuquerque Police Department's Chain of Command to review the issues discovered by your complaint.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Beth Mohr, Co-Vice Chair

Dr. Moira Amado-McCoy

Eric H. Cruz

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Leonard Waites, Chair

Jeffery Scott Wilson, Co-Vice Chair

Dr. Jeannette Baca Dr. Susanne Brown

Joanne Fine

Rev. Dr. David Z. Ring III

January 15, 2016

[REDACTED]

Re: CPC # 104-15

Dear Mr. [REDACTED]:

The complaint you filed via telephone against Officer M. of the Albuquerque Police Department (APD) was received in our office on June 19, 2015, regarding an incident that occurred on June 15, 2015.

I. THE COMPLAINT

You complained that on the morning of June 15, 2015 you observed an APD squad car traveling at 78 mph in 55 mph construction zone. Your complaint further states you sped up your vehicle to obtain the identity of the driver and video tape the incident.

PO Box 1293

II. INVESTIGATION

On or about June 17, 2015 you spoke with Lt. [REDACTED] via telephone regarding the alleged incident. During that telephone conversation you refused to answer questions regarding the incident and advised the Lt. you erased the video. In addition you would not provide the Lt. with even your address.

Albuquerque

New Mexico 87103

On or about June 19, 2015, the Civilian Police Oversight Agency (CPOA) referred this case to Internal Affairs (IA) for a review of possible criminal activity. IA determined there was no criminal activity or sufficient information on which to base a criminal investigation. So, the case returned to CPOA for investigation and disposition.

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On or about June 29, 2015 the case was returned to CPOA.

III. FINDINGS AND CONCLUSIONS

I reviewed this case and determined it shall be treated as an anonymous complaint. The information you provided did lead to identifying the officer in your complaint. However your complaint lacked any information which, by a preponderance of evidence, we could find a violation. Therefore, I am administratively closing your complaint and no further investigation by our office will occur.

Letter to Mr. [REDACTED]
January 15, 2016
Page 2

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

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 126-15

Dear Mr. [REDACTED]

The complaint you filed against Officer O. and Officer R. of the Albuquerque Police Department (APD) was received in our office on July 22, 2015, regarding an incident that occurred on July 1, 2015.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Mr. [REDACTED] complained that he was falsely arrested on July 1, 2015 and that APD officers placed an illegal wire-tap device in his vehicle. In his interview, Mr. [REDACTED] said he was also arrested on July 27, 2015 and his vehicle was impounded. Mr. [REDACTED] complained that during this arrest, APD officers stole his watch and damaged his cell phone, which he alleged were inside his impounded vehicle.

New Mexico 87103

II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR

www.cabq.gov

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint, interviewed you, and contacted APD Records department and was unable to verify the story regarding your arrest on July 1, 2015. The CPOA Investigator reviewed CADS reports and written reports regarding your arrest on July 27, 2015 and determined that Officers O. and R. did not arrest you; however the arresting officers had probable cause to arrest you.

Due to the criminal allegations against APD officers regarding your watch and cell phone, the CPOA Investigator forwarded your complaint to APD Internal Affairs (IA) for investigation. IA conducted a thorough investigation into the allegations and found no criminal conduct on the part of APD officers. The CPOA Investigator did not re-investigate this portion of the allegations.

III. FINDINGS AND CONCLUSIONS

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the Complaint, CADS reports, written reports, and the IA investigation into the criminal allegations and determined Officers O. and R. were misidentified by the complainant and did not violate any APD Standard Operating Procedures in regards to this incident. Additionally, there is no information available to verify the complaint of a false arrest on July 1, 2015.

Therefore, I will administratively close your complaint and no further investigation will occur. It is my hope that your complaint was resolved to your satisfaction by our office and by the Albuquerque Police Department.

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

Please contact me if you have any questions or concerns.

Sincerely,
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 *Leonard Waites, Chair*
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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Citizen Police Complaint 133-15

Dear Ms. [REDACTED]

Your complaint against the Albuquerque Police Department (APD) SWAT was received by our office on July 27, 2015 for an incident which occurred on July 25, 2015 at about 9:30 AM. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

New Mexico 87103

www.cabq.gov

You complained that on July 25, 2015 at about 9:30 AM, there was a SWAT situation that occurred near your home. The police had blocked off most of the streets in the area. You alleged that you were not informed by the police as to what was taking place. You heard loud bangs going off and a neighbor informed you that the police told them that the loud bangs were the police just trying to get the person to come out of the house. At about 9:30 AM, you and some family members went outside your home to check the tire pressures on one of your cars. Some police officers close to your house got in their cars. Moments later, you smelled a pungent odor in the air immediately followed by a burning sensation of your eyes and face. The substance in the air caused your eyes to tear up and your nose to run. At that point, you and your family members got in your car and left the area. You wrote in your complaint that you were complaining because you felt that the police should have informed you and neighbors close by about the use of the substance before using it so you could have gone indoors and avoided it.

II. THE INVESTIGATION

A CPOA Investigator conducted a preliminary investigation into your complaint. The Investigator was able to determine that on the date and time of the incident in your complaint, a wanted man had barricaded himself inside a home at [REDACTED] Avenue NW and was refusing to come out. Those actions precipitated the use of APD SWAT. Your house is about 600 feet away, and just around the corner from the [REDACTED] address. APD records show that at 8:30 AM the police activated their sirens and gave announcements over their public

address systems for the public that there was a police situation occurring and for people to stay in their homes until the situation was resolved. Records show those warnings were given at 8:25 AM and 8:46 AM. The warnings given include the warning, "This is a police emergency and all residents should stay inside their homes." Records show at 9:20 AM, the SWAT Team used chemical munitions to get the man to come out of the house. Ten minutes later, about the time you stated you were outside of your home, the man came out of his house and was taken into custody without incident. It appears from your complaint that some of that wafting chemical substance drifted toward your house while you were outside. You possibly experienced a secondary or passive exposure to the dissipating chemical.

In an effort to obtain more information about your complaint, an APD SWAT Supervisor who was present at the scene tried contacting you. The phone number you provided was answered by a male who told the SWAT Supervisor that you no longer lived at that address. The man provided an alternate phone number where you could be reached but the number provided appeared to be a non-working number. The SWAT Supervisor sent you an e-mail asking when it would be convenient to contact you and you did not respond to that e-mail.

III. CONCLUSION

APD policy states, "Chemical agents are authorized and recommended for deployment when a barricaded subject refuses to surrender." The chemical munition deployment was authorized so there was no Standard Operating Procedure violation. Records show that warnings were given to residents in the area to stay in their homes. The announcements given are usually loud enough to be heard one to two blocks away. The police do not announce to the general public, or to the offender for that matter, that they are going to be deploying chemical munitions. To do so would allow the offender to prepare for the chemical deployment and possibly try to defeat the effects. That could prolong the incident and expose the officers and the public to greater danger. After the incident is over, the police give additional PA announcements that include that any residents needing assistance should call 911. You may have already left when that announcement was given.

The use of the chemical munition was authorized by APD policy and procedure. APD records reflect that warnings were given to residents in the area to stay inside their homes until the incident was safely concluded. Your secondary exposure to the chemical being carried by the wind was certainly unintentional, but there was no violation of APD Standard Operating Procedure. Because there was no violation of Standard Operating Procedure in this case, I am administratively closing your complaint without further investigation.

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

Letter to Ms. [REDACTED]
January 15, 2016
Page 3

Please contact me if you have any questions or concerns.

Sincerely,
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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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #137-15

Dear Ms. [REDACTED]:

Your complaint against two unnamed officers from the Albuquerque Police Department (APD) was received by our office on July 28, 2015 for an incident which occurred sometime in 2014. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

New Mexico 87103

You wrote in your complaint that you had an ongoing problem with a neighbor concerning tree branches that had fallen off your tree into the neighbor's yard. The neighbor was picking up the branches and putting them in your yard. You called the police and the officers who responded allegedly told your neighbors that it was okay to do that. In your complaint, you correctly pointed out that the law requires the neighbor to dispose of the branches and not to deposit them back in your yard. You requested that someone from APD come out and give your neighbor the correct information so the neighbor would stop doing what they were doing.

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II. THE INVESTIGATION

The CPOA Assistant Lead Investigator conducted a preliminary investigation into your complaint. The Investigator was unable to determine who the officers were who responded to your home in 2014. There were no available records to show which officers provided your neighbor with the erroneous information. In an effort to follow up on your complaint so that positive resolution could occur, the Investigator called you. You called the Investigator back and told him that after you made your complaint, Chief Eden had sent officers to your home and those officers provided the neighbor with the correct information and that the problem had been resolved to your satisfaction. You indicated that no further action by our office was required.

Letter to Ms. [REDACTED]
January 15, 2016
Page 2

III. CONCLUSION

Since you alleged a minor policy violation by the unnamed officers who provided incorrect information to your neighbor in 2014, and since you have indicated that the APD has resolved the complaint to your satisfaction, I am administratively closing your complaint without further investigation.

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

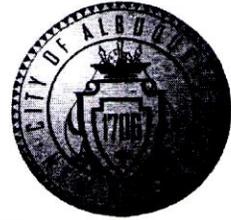
Please contact me if you have any questions or concerns.

Sincerely,
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. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016

[REDACTED]
[REDACTED]

Re: CPC# 139-15

Our office received the complaint you filed on July 29, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on July 29, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

PO Box 1293

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.

Albuquerque

New Mexico 87103

I. THE COMPLAINT

[REDACTED] complained that while she was driving toward an intersection, she observed traffic merging into one lane. Mrs. [REDACTED] observed a vehicle accident and an officer in the lane of traffic. Mrs. [REDACTED] stated that as she approached the area and tried to avoid the police unit, the officer and traffic, the officer yelled at her. Mrs. [REDACTED] felt the officer was overly aggressive, should not have randomly yelled at her and could have caused another accident.

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II. INVESTIGATION

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and the Computer Aided Dispatch report (CAD) of the incident. The investigation determined the officer in question was no longer employed as an Albuquerque Police Officer.

Letter to Ms. [REDACTED]
January 15, 2016
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to having no jurisdiction over officers no longer employed by the Albuquerque Police Department.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 146-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on August 10, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on June 29, 2015. 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] wrote that she denied the driving behaviors Officer H. described in his report. Ms. [REDACTED] wrote that Officer H. ordered her out of her vehicle and berated her. Ms. [REDACTED] wrote that Officer H. wrote a manipulative and misleading report. Ms. [REDACTED] wrote she was cooperative in contrast to what Officer H. wrote. Ms. [REDACTED] wrote Officer H. had a bias against her. Ms. [REDACTED] wrote Officer H. had no reason to question her mental health or ask her mother questions about her mental health. Ms. [REDACTED] wrote Officer H. inaccurately described her grandmother's condition in his report. Ms. [REDACTED] wrote Officer H. threatened her by saying she did not know what was coming down the line and with being taken in for a

mental health evaluation. Ms. [REDACTED] also wrote Officer H. threatened to arrest her if she did not sign a citation right then.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] restated much of the same in her interview. Ms. [REDACTED] denied the poor driving as Officer H documented. Ms. [REDACTED] restated the comments Officer H made that she considered threatening. Ms. [REDACTED] took offense that her mental health was both inaccurately portrayed and documented in a public record. Ms. [REDACTED] stated several statements in Officer H.'s report were inaccurate.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer H's conduct, which states:

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

Ms. [REDACTED] stated Officer H. abused his authority. She stated the examples were Officer H. threatened she did not know what was coming down the line and threatened taking her in for mental health evaluation. Ms. [REDACTED] stated if Officer H. truly believed she met the criteria for an evaluation then he should have taken action based on facts rather than threatening her. Officer H. threatened to arrest her if she did not sign the citation right then as opposed to affording her the opportunity to read it since she was unfamiliar with the document.

The lapel video for Officer H. was unavailable due to technical malfunctions while trying to upload the video. However, portions were captured on Officer S.' lapel video and Officer N. recalled some of the video he saw while he was acting sergeant. The lapel video showed Officer H. accused Ms. [REDACTED] of having an attitude and she did not show any respect. Officer H. said her lack of cooperation would mean she would have to deal with other agencies down the line. Officer H. said if she treated her family like she had been treating him and his partner, he would call Adult Protective Services (APS) the first chance he got. The lapel video showed Officer H. said he would talk to some of her doctors and get an order to pick her up for an evaluation. He told her to keep up her attitude and it was coming. Ms. [REDACTED] took Officer H.'s statements as threats. Officer H. stating her attitude would result in APS contacting her and a mental health evaluation were inappropriate.

The CPOA finds Officer H.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did occur.

(B) The CPOA reviewed Standard Operating Procedural Order 2-24 regarding Officer H's conduct, which states:

Steps to be followed in conducting preliminary investigations. 5. Report the incident fully and accurately.

Ms. ██████ claimed there were numerous things in the report that were inaccurate. Ms. ██████ denied squealing her tires or swerving. Ms. ██████ denied she was uncooperative. Ms. ██████ thought it was inappropriate for Officer H. to write that she had mental health disorders in the report. Ms. ██████ learned from her mother, statements attributed to her mother were never said. Ms. ██████ denied she was the first to get out of the car and confront Officer H., but rather that he ordered her. Ms. ██████ wrote Officer H.'s description of her grandmother was false and insulting.

There is no video of Ms. ██████'s driving to confirm the accuracy of what was documented. Ms. ██████ admitted she accelerated, but was in control. Officer S. recalled the original reason he had contact with Ms. ██████ was also due to poor driving. The lapel video showed Ms. ██████ refused to answer questions and was very hostile towards the officers. Ms. ██████'s mother mentioned her daughter had been diagnosed with bi-polar disorder, but did not think she mentioned schizophrenia. Officer H. agreed the mention of paranoia was based on his observation. In reference to Ms. ██████'s grandmother, Officer S. saw Ms. ██████'s grandmother talking to herself, but did not notice the other conditions Officer H. documented. Officer N. could not see the occupants in the video, but Officer H. commented as he spoke to Ms. ██████'s mother about what he observed.

The CPOA finds Officer H.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine whether the alleged misconduct occurred.

(C) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Officer H.'s conduct, which states:

Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.

Ms. ██████ felt Officer H. was being prejudicial against her because of information he received from dispatch or other sources. Ms. ██████ mentioned at the scene that she theorized Officer H. treated her differently because of his ethnic background.

Officer H. had not dealt with Ms. ██████ before. Officer H. did do some research into previous calls. The lapel video showed that Officer H. lectured Ms. ██████ about what he claimed was poor driving and issued her a citation. Officer H. articulated that he based his decisions to call CIT and APS based on his observations. Officer H. made no indications he harbored some dislike of her due to his ethnicity.

The CPOA finds Officer H.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

(D) The CPOA reviewed Standard Operating General Order 1-39-1A5 regarding Officer H's conduct, which states:

Personnel will use issued tape/digital recorders to document the incidents listed below...5. Those contacts where there is reason to believe a complaint could result.

There is no lapel recording from Officer H., however, Officer N. can attest that Officer H. ran his lapel. Officer H. did not know there was a problem until he attempted to upload his video from the camera. Officer H. sent an email the next day to try to recover the video. A report from the manufacturer confirmed it was a hardware problem and outside of the officer's control.

The CPOA finds Officer H.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in the officer's Internal Affairs personnel 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 notice. Include your CPC number.
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 Albuquerque's Chief Administrative Officer. Your request must be in writing 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/iro/survey> .

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

Sincerely,

The Civilian Police Oversight Agency by

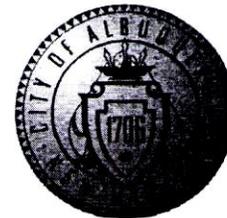


Edward Harness, Esq.

Executive Director (505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair*
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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: Citizen Police Complaint 148-15

Dear Ms. [REDACTED]

Your complaint against Albuquerque Police Department (APD) Sergeant I. was received by our office on August 12, 2015 for an incident which occurred on that same day. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

New Mexico 87103

www.cabq.gov

You wrote in your complaint that on August 12, 2015, you heard something down the street and you turned to see a police officer chasing a man down the street. As the man turned the corner from Maple Street to Copper Street, the police officer yelled something at the man and then the police officer tased the man. At that point, another police officer came up and the two officers handcuffed the man. You wrote in your complaint that you got in your car and drove around the block and you could see the man on the ground, apparently unconscious. You got out of the car and filmed the rest of the incident. The man was treated by paramedics at the scene and he was then transported by an ambulance away from the scene. You stated in your complaint that you did not know the nature of the incident or why the man was arrested, only that it seemed to you that excessive force by the officers was used.

II. THE INVESTIGATION

The CPOA Assistant Lead Investigator conducted a preliminary investigation into your complaint. As part of that investigation the Investigator reviewed the police reports, a use of force investigation conducted concerning the use of the taser to apprehend the man, the Computer Assisted Dispatch (CADs) report, as well as various news stories that were printed regarding the incident.

In summary, the police reports indicated that at about 9:00 PM, APD officers responded to a 911 call that came from an address less than a block from your home. A young woman had called and was screaming that someone was breaking into her apartment. A second 911 caller

called in and said that the confrontation sounded violent and in the background the original caller could be heard screaming, "What do you want?" The original call disconnected just after that. Within a few minutes, APD officers arrived on scene and could hear the struggle from outside the apartment. A female could be heard screaming for help. APD officers announced their presence and the female screamed out for help again. As the officers positioned themselves to enter the apartment where the attack was taking place, a large male sprinted from the apartment past one of the officers. The male then aggressively charged at the other officer, Sergeant I. and forcibly collided with the officer. The man, whose hands were bloodied, struck the Sergeant with a closed fist on the side of the officer's face. The man fled on foot after assaulting the Sergeant but the Sergeant and the other officer pursued the fleeing man. As the man fled, yet another officer tried to stop him but the man assaulted that officer as well and powered through him. Sergeant I., knowing that the man had committed a violent home invasion, knowing that the man had assaulted officers, and knowing that the man was aggressively avoiding apprehension, chose to use the least amount of force necessary to take the man into custody. Sergeant I. then deployed his Taser. When the man was hit with the taser, he fell to the ground and struck his chin. The man was placed in handcuffs and Rescue was immediately called to the scene. Sergeant I. used the least amount of force necessary to gain control and compliance of the man. The reports showed the man was Tased only once.

The victim in the apartment was a female who had been watched and stalked by the man. She did not know the man. He struck her in the head with a hammer and she was bleeding profusely. She was able to tell the officers that during the assault she was able to arm herself with the hammer but the man had taken it away from her and struck her with it. She was transported to the hospital for treatment. A report from an investigator indicated that she had numerous lacerations to her forehead, to her shoulder blade, bruising around her eye and abrasions to her nose. The man had wounds from the Taser probes, a small cut to his forearm, and a cut to his chin. All of the injuries on both people were photographed. Officers also had their lapel cameras running and operational at the time and videos from those cameras were tagged into evidence.

A separate Use of Force investigation into the incident was conducted by a Supervisor from the APD. That Use of Force investigation was reviewed by the CPOA Investigator. All of the officers involved were interviewed. All of the videos were reviewed by the Supervisor and all of the videos were consistent with the officer's statements. The Supervisor as well as the Sergeant's Chain of Command up to and including the Chief of Police found that the Sergeant's Use of Force in deploying the Taser on the man was reasonable and was within policy. The review conducted by the CPOA Investigator found the Use of Force by Sergeant I. was reasonable and within policy.

After conducting the preliminary investigation referenced above, The CPOA Investigator contacted you by phone to see if you could come into the CPOA office for an in person interview. You told the CPOA Investigator that you found out what happened that night from news reports and that you only saw a portion of what had occurred. When you learned of all the circumstances surround the case, you felt that what you saw was not an excessive use of

force by the officers. The CPOA Investigator discussed with you at length what had occurred and the results of the Use of Force Investigation conducted by the APD. You told the investigator that any further formal investigation into your complaint would not be necessary and that you were satisfied with what investigation had taken place.

III. CONCLUSION

A preliminary investigation as well as a formal investigation into the Use of Force that you witnessed was conducted by the CPOA and the APD respectively. That review and the investigation showed that the use of the Taser by Sergeant I. to apprehend the fleeing man was the minimal amount of force necessary to apprehend the man. You agreed that the Use of Force was not excessive and you requested that no further formal investigation be conducted into the matter by our office. Since you were satisfied with the review and the investigation and since you have requested no further investigation be conducted, I am 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/iro/survey>.

Please contact me if you have any questions or concerns.

Sincerely,
Civilian Police Oversight Agency by



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

CC: Albuquerque Police Department, Chief of Police

Letter to Mr. [REDACTED]
January 15, 2016
Page 4

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/iro/survey>.

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

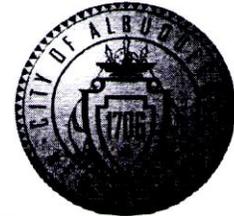
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 157-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on August 24, 2015 against Officer T. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 5, 2015. 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

Mr. [REDACTED] complained that on August 5, 2015 you witnessed APD Officer T. contact a homeless man, then hand-cuff him and search his pockets. You complained Officer T. did this because the man was homeless and when you asked Officer T. questions about why he detained the man, Officer T. told you it was not your business.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer T.'s report, the CADs report, and interviews with the Complainant and Officer T.

A) Did Officer T. comply with Albuquerque Police Department (APD) General Order 1-02-2 (B) 2? General Order 1-02-2 (B) 2 states:

B. 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:

2. Make only those arrests, searches, and seizures which they know of should know are legal and in accordance with departmental procedures.

Mr. [REDACTED] complained that APD Officer T. stopped a homeless man and put his hands inside the homeless man's pockets illegally.

A review of the interviews with Officer T. and Mr. [REDACTED], the CADS report and Officer T.'s report and lapel video revealed that Officer T. was dispatched to the Good Shepherd shelter in reference to a male subject who had a warrant for homicide out of Utah. The investigation revealed Officer T. contacted the male subject, who was sitting on the curb not far from the shelter, detained the male subject and conducted a pat down search of the male subject, to include placing his hands inside the subject's pockets. The investigation determined Officer T. did not illegally stop and search the male subject. Rather, Officer T. had probable cause to contact the male subject and conduct a search of his pockets due to the homicide warrant out of Utah.

The CPOA finds Officer T.'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 misconduct did occur but did not violate APD policies, procedures, or training.

B) Did Officer T. comply with APD General Order 1-31-1 (A)(1)(b)? General Order 1-31-1 (A)(1)(b) states:

A. Witnessing Stops, Detentions, Arrests

1. Persons that are not involved in an incident may be allowed to remain in the immediate vicinity to witness stops, detentions and arrests of suspects occurring in public areas, except under the following circumstances:

a. When persons interfere or violate law.

Mr. [REDACTED] complained that APD Officer T. said the incident was none of his business when Mr. [REDACTED] question Officer T. about his stop and detention of a male subject.

A review of the interviews with Officer T. and Mr. [REDACTED], the CADS report and Officer T.'s report and lapel video revealed that Officer T. was conducting his investigation into reports that a male subject with a homicide warrant out of Utah was at The Good Shepherd shelter when Mr. [REDACTED] stood on the sidewalk near Officer T.'s vehicle and started yelling at Officer T. The video showed Officer T. told Mr. [REDACTED] he wasn't dealing with him and to let him do his investigation and to leave the area. The video showed that after

Letter to Mr. [REDACTED]
January 15, 2016
Page 3

Officer T. told Mr. [REDACTED] to leave the area, Mr. [REDACTED] moved towards Officer T.'s vehicle and Officer T. told him to move back. The video showed Officer T. told Mr. [REDACTED] that his interaction with the other male subject was none of Mr. [REDACTED]'s business.

The CPOA finds Officer T.'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 misconduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer T.'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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey>.

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

Sincerely,
The Civilian Police Oversight Agency by


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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #158-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on August 25, 2014 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on an unspecified date in September of 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigates complaints.

PO Box 1293

Upon completion, the CPOA determines whether, by on a preponderance of the evidence, 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

Mr. [REDACTED] complained about Detective P., who was the last assigned to his case about his embezzled car/motorcycle. This occurred in September of 2014. Mr. [REDACTED] complained Detective P. asked him if he owed anyone money for drugs. Mr. [REDACTED] wrote that when he asked Detective P. who her supervisor was, Detective P. refused to answer.

II. INVESTIGATION

The CPOA Investigator reviewed the complaint Mr. [REDACTED] submitted, which had minimal information. The CPOA Investigator reviewed the police report, which listed how the vehicle

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Letter to Mr. [REDACTED]
January 15, 2016
Page 2

was embezzled and the recovery of the vehicle. Detective P. was not a part of this report or mentioned in the documented investigation.

Mr. [REDACTED] did not provide a phone number in his complaint. The CPOA Investigator sent Mr. [REDACTED] an email on September 15, 2015 advising Mr. [REDACTED] of the need for more information and an interview request. Mr. [REDACTED] responded on September 22, 2015 via email. Mr. [REDACTED] responded that he worked out of town and did not have a working phone number. The CPOA Investigator did not hear from Mr. [REDACTED] so the CPOA Investigator sent him a follow-up email on October 14, 2015. Mr. [REDACTED] never responded.

The CPOA Investigator contacted Detective P. who vaguely remembered having a brief conversation with Mr. [REDACTED], but was never assigned to his case. Detective P. was assigned to property crimes, but given the nature of his case she referred him to the auto theft unit. Detective P. explained she would not be assigned to this type of case. She did not remember anything as Mr. [REDACTED] described.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not having enough information to further the investigation.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016

Anonymous

Re: CPC# 159-15

Our office received the complaint you filed on September 1, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on August 27, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained. Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

PO Box 1293

Albuquerque

I. THE COMPLAINT

New Mexico 87103

An anonymous complaint stated that an individual received 6 citations and had their scooter towed while getting on to the frontage road of the interstate. The complaint stated Officer M. and Officer H. pulled the individual over and ignored the individuals' responses. The complainant wrote that the stop was a waste of their time and a waste of a significant amount of their money. The anonymous complaint went on to say that they feel the officers did nothing illegal but felt the officers could have handled the situation differently.

www.cabq.gov

II. INVESTIGATION

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS), the Computer Aided Dispatch report (CAD) of the incident, interviewed Officer M. and Officer H. and reviewed lapel video of Officer M.

Lapel video showed an individual being pulled over by Officer M. Officer M. conducted a routine traffic stop due the individual driving on the shoulder of the interstate on a scooter. Officer M. asked for documentation from the individual and the individual stated he did not have a motorcycle endorsement and that the scooter was over 100 cc's. By New Mexico State

Letter to Anonymous

December 9, 2015

Page 2

Law, any motorcycle, moped or scooter over 100 cc's requires a motorcycle endorsement obtained through the Department of Motor Vehicles. Without that endorsement and driving a motorcycle, moped or scooter over 100 cc's is equivalent to driving without a license and the vehicle can be towed. Officer M. wrote the appropriate tickets and had the vehicle towed from the scene. Officer M. and Officer H. were not rude or disrespectful during any portion of the contact.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this anonymous complaint, due to no SOP violations.

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

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

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

Sincerely,

The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 161-15

Dear Mr. [REDACTED]:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received in our office on August 28, 2015, regarding an incident that occurred on August 25, 2015.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Mr. [REDACTED] complained that on August 25, 2015 at approximately 8:30 am he called APD to report an assault against him. Mr. [REDACTED] said he reported the assault to two APD officers but has not heard anything from either officer, nor has anyone told him what is happening.

New Mexico 87103

II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR

www.cabq.gov

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and attempted to contact you by phone four times, by email once and by certified mail once and has not received any responses from you. The CPOA Investigator interviewed Officer L. and reviewed Officer L.'s report and Officer L.'s lapel video and learned that Officer L. responded to your residence in reference to a physical altercation between you and your neighbor. Officer L. interviewed a witness to the altercation who stated you and your neighbor battered each other. Officer L. subsequently cited you and your neighbor for battery and forwarded a copy of his written report to the District Attorney's office. In issuing you a citation, Officer L. "told you what was happening."

III. FINDINGS AND CONCLUSIONS

The investigation conducted determined that Officer L. responded and took the appropriate action necessary for this type of call, told you what was happening with this incident, and did not violate any APD Standard Operating Procedures in regard to this incident. Therefore, the

Letter to Mr. [REDACTED]
January 15, 2016
Page 2

Civilian Police Oversight Agency will be inactivating your complaint and no further investigation will occur. It is our hope that your complaint was resolved to your satisfaction by our office and by the Albuquerque Police Department.

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

Please contact me if you have any questions or concerns.

Sincerely,
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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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #164-15

Dear Ms. [REDACTED]

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on September 8, 2015 regarding an alleged incident on an unknown date. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint.

PO Box 1293

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

I. THE COMPLAINT

Albuquerque

Ms. [REDACTED] wrote she called police to report her bankcard was stolen on a previous occasion. Ms. [REDACTED] wrote that the officer told her if she kept calling police, she could lose her housing voucher. Ms. [REDACTED] wrote she did not understand the officer's comment when she called, because she needed help.

New Mexico 87103

II. INVESTIGATION

www.cabq.gov

The CPOA Investigator reviewed the complaint Ms. [REDACTED] submitted. Ms. [REDACTED] did not provide a date of incident. Ms. [REDACTED] said the incident occurred at Motel 76, but there are two locations in town. Ms. [REDACTED] provided one phone number on her complaint, but it was not her phone number. A friend provided other potential numbers for her.

The CPOA Investigator contacted Ms. [REDACTED] on October 20, 2015 on one the numbers she provided. The CPOA Investigator mentioned her complaint could not be investigated without some basic information. Ms. [REDACTED] said she was not sure she wanted to pursue the complaint and would call back by the end of the week. At the end of the week, the CPOA Investigator called Ms. [REDACTED] on October 23, 2015 to see what she wanted to do with her complaint. Ms. [REDACTED] wanted to withdraw her complaint. The CPOA Investigator asked Ms. [REDACTED] if she received any coercion or intimidation to withdraw her complaint. Ms. [REDACTED] said no and simply did not want to pursue it.

Letter to Ms. [REDACTED]
January 15, 2016
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not having enough information to further the investigation and your desire to withdraw the complaint.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via certified mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 166-15

Dear Mr. [REDACTED]

Our office received your complaint filed on September 8, 2015 against Officer L. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 1, 2015. The complaint was filed by Officer's L.'s supervisor, Sergeant C., on your behalf. 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

You were stopped for an alleged speeding violation at Eagle Ranch and Coors Road. You requested that a Sergeant respond to the scene because your car was being towed. You told the Sergeant that you were not speeding and that Officer L. pulled you over because you are African American. You told Sergeant C. that at one point during Officer L.'s contact with you, that Officer L. walked away from you and called you the "N" word. You were told by Sergeant C. that he would forward your complaint to Internal Affairs which is what he did. The complaint was then forwarded to the CPOA for Investigation.

1 10 6
2 1 5

II. THE INVESTIGATION

The CPOA investigator reviewed the police report filed in the case and learned from the report that Officer L. used a Laser Radar to track the vehicle you were driving at 49 MPH in a 35 MPH zone. The officer was on foot and signaled to you to pull over. You complied and the officer contacted you and asked for your Driver's License, Registration, and Insurance. You told the officer that you had a gun in the car and you gave the officer permission to secure the gun while he dealt with you on the speed violation. The report indicated that you did not have a Driver's License, but only a New Mexico Identification Card. Officer L. checked the status of your [REDACTED] Driver's License and the computer inquiry on that license showed that your [REDACTED] License was Suspended. Your [REDACTED] vehicle registration had also expired in July of 2015. You were issued four citations and Officer L. told you that he was going to tow/impound your car pursuant to a City Ordinance that requires APD officers to summarily impound vehicles that are being driven by a person with a suspended license. The report indicated that you became angry and that you requested a Supervisor to come to the scene of your stop. The Supervisor responded and you spoke to the Supervisor. Your gun was returned to you as you left the scene of the traffic stop with a friend who arrived to pick you up.

The CPOA Investigator reviewed Officer L.'s lapel video of his contact with you. The camera captured the locked speed of 49 MPH on the officer's handheld radar unit. The officer's lapel video captured the entire traffic stop from the time he locked in the speed on the radar unit until you left the scene with your friend. The officer was polite and explained everything to you. You were noticeably upset after the officer told you that he had to tow your car. The officer never called you the "N" word as you had alleged to Sergeant C.

The CPOA Investigator called you on December 4, 2015 to see if you could come in for an interview so that more details could be obtained from you regarding your complaint. You asked the Investigator if you could just drop your complaint. You stated that you were angry over the incident when it occurred and that you filed the complaint while you were angry. You told the CPOA Investigator that you no longer wished to pursue the complaint and you asked if you could withdraw it. The CPOA Investigator told you that you could withdraw the complaint but only if you were doing so of your own free will and that no one was influencing you to withdraw the complaint. The CPOA Investigator explained that our office was prepared to conduct a full and thorough investigation into your allegations of misconduct and that in fact, the investigation had already begun. You told the CPOA Investigator that no one was influencing you to do anything, that your complaint was made because you were angry, and that you wished to withdraw your complaint.

III. CONCLUSION

Since you have requested to withdraw your complaint, I am administratively closing your complaint without further investigation.

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

Letter to Mr. [REDACTED]
January 15, 2016
Page 3

Please contact me if you have any questions or concerns.

Sincerely,
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 *Leonard Waites, Chair*
Beth Mohr, Co-Vice Chair *Jeffery Scott Wilson, Co-Vice Chair*
Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 183-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on September 18, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 18, 2015. 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

[REDACTED] wrote on September 18, 2015 that he was pulled over by Officer H. Mr. [REDACTED] complained that Officer H. cited and towed his vehicle for having the windows tinted too darkly and for tint on the front windshield. Mr. [REDACTED] also complained that Officer H. was rude and his conduct was unacceptable when Officer H. told Mr. [REDACTED]'s sister to "shut up" and that Officer H. made Mr. [REDACTED]'s children cry.

On October 20, 2015 the Investigator interviewed Mr. [REDACTED]. Mr. [REDACTED] reiterated what was in his complaint and had nothing else to add. The Investigator informed Mr. [REDACTED] that he could contact Risk Management to file a claim in regard to the loss of monies he incurred due to the towing of his vehicle.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer H.'s lapel video, interviews of Officer H. and Mr. [REDACTED] and review of applicable New Mexico State laws.

(A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer H.'s conduct, which states:

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

Mr. [REDACTED] complained that Officer H. told his sister to "shut up" and that Officer H. made Mr. [REDACTED]'s children cry. Mr. [REDACTED] stated Officer H. was rude and disrespectful.

Lapel video showed Officer H. never told Mr. [REDACTED]'s sister to "shut up". Lapel video showed Officer H. explaining to Mr. [REDACTED]'s sister that he was explaining the tow and paperwork to Mr. [REDACTED] because he was the driver and the vehicle was Mr. [REDACTED]'s. Lapel video also showed Officer H. never doing or saying anything to the children of Mr. [REDACTED] causing them to cry.

The CPOA finds Officer H.'s conduct to be **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 Standard Operating General Order 2-48-2 (4) (A) regarding Officer H., which states:

Any police officer may order the impoundment of any vehicle within the municipal corporate limits, without prior notice to the owner or operator of the vehicle, when a vehicle is being driven unsafely under state law due to one of the following:

- i. Failure to have insurance on the vehicle as required and as documented....*
- ii. Failure to have a driver's license as shown by the NM Department of Motor Vehicles*
- iii. Driving while the license has been suspended or revoked...*

Mr. [REDACTED] complained that Officer H. towed his vehicle for tinted windows. Mr. [REDACTED] knew the windows were tinted too dark, however his vehicle should not have been towed causing a loss of money.

The investigation showed that although Mr. [REDACTED]'s windows, including the front windshield, were tinted beyond the allowance of New Mexico state law, Mr. [REDACTED]'s truck

should not have been towed. New Mexico State laws have two statutes separating sun screen of windows and unsafe motor vehicles. New Mexico state law 66-3-846.1 states:

A. A person shall not operate on any street or highway a motor vehicle that is registered or required to be registered in this state if that motor vehicle has a sun screening material on the windshield or any window that does not comply with the requirements of this section.

B. Except as otherwise provided in this section, a sun screening material:

(1) when used in conjunction with the windshield, shall be nonreflective, shall not be red, yellow or amber in color and shall be used only along the top of the windshield, not extending downward beyond the ASI line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield; and

(2) when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rearmost window shall be nonreflective, shall have a light transmission of not less than twenty percent and shall be used only on the windows of a motor vehicle equipped with one right and one left outside rearview mirror.

C. Each manufacturer shall:

(1) certify to the division that a sun screening material used by that manufacturer is in compliance with the nonreflectivity and light transmission requirements of this section;

(2) provide a label not to exceed one and one-half square inches in size that:

(a) is installed permanently and legibly between the sun screening material and each glazing surface to which it is applied;

(b) contains the manufacturer's name, the date that the sun screening material was manufactured and the percentage of light transmission; and

(c) is placed in the left lower corner of each glazing surface when facing the motor vehicle from the outside; and

(3) include instructions with the sun screening material for proper installation, including the affixing of the label specified in this subsection.

D. No person shall:

(1) offer for sale or for use any sun screening material for motor vehicle use not in compliance with this section; or

(2) install any sun screening material on motor vehicles intended for operation on any street or highway without permanently affixing the label specified in Subsection C of this section.

E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.

F. The light transmission requirement of this section does not apply to windows behind the driver on truck tractors, buses, recreational vehicles multipurpose passenger vehicles and motor homes. The provisions of this section shall not apply to motor vehicle glazing which complies with federal motor vehicle standards.

G. The provisions of this section do not apply to motor vehicles that have sun screening material on the windshield or any window prior to the effective date of this section.

H. As used in this section:

(1) "light transmission" means the ratio of the amount of total light that passes through a product or material, expressed in percentages, to the amount of the total light falling on the product or material;

(2) "manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

(3) "nonreflective" means designed to absorb light rather than [than] to reflect it; and

(4) "sun screening material" means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

I. Any person who violates any provision of this section is guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00).

The New Mexico State law Officer H. used to tow Mr. [REDACTED]'s vehicle was 66-3-901, which states:

6-3-901. Vehicles without required equipment or in unsafe condition.

Letter to Mr. [REDACTED]
January 15, 2016
Page 5

*No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer or any combination thereof unless the equipment upon every vehicle is in good working order and adjustment as required in the Motor Vehicle Code [66-1-1 NMSA 1978], and the vehicle is in such safe **mechanical** condition as not to endanger the driver or other occupant or any person upon the highway.*

Mr. [REDACTED]'s vehicle, mechanically, was within the law and Mr. [REDACTED] removed the front window tint while Officer H. was there. Officer H. should not have towed Mr. [REDACTED]'s vehicle.

The CPOA finds Officer H.'s conduct **SUSTAINED**, which means the investigation determined by preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings will be placed in Officer H.'s Internal Affairs personnel 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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers 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 *Leonard Waites, Chair*
Beth Mohr, Co-Vice Chair *Jeffery Scott Wilson, Co-Vice Chair*
Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Citizen Police Complaint 187-15

Dear Ms. [REDACTED]:

Your complaint against Albuquerque Police Department (APD) Officer P. was received by our office on September 27, 2015 for an incident which occurred on that same day at about 1:00 AM. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

You wrote in your complaint that you witnessed an APD squad car run a red light going Northbound on San Mateo at the intersection of Osuna. The squad car did not have its lights or siren activated at the time.

New Mexico 87103

II. THE INVESTIGATION

www.cabq.gov

A CPOA Investigator conducted a preliminary investigation into your complaint. The Investigator was able to determine from the car number that you provided that the car is assigned to Officer P. Officer P. spoke with the CPOA Investigator and Officer P. did not remember running the red light. The CPOA Investigator reviewed Officer P.'s call history for the day in question and it showed that at 1:00 AM, Officer P. was at the scene of a business checking out an alarm that had been activated at that business. After Officer P. cleared that call he was sent to a fight in progress and that is possibly when you saw his car allegedly run the light. The CPOA Investigator contacted you and he shared with you the above information. The Investigator also explained to you that it would be difficult to prove that the officer ran the red light. You stated that you understood that and you would be satisfied if the officer's supervisor would simply bring this matter to the officer's attention and discuss with the officer the importance of operating a police vehicle safely. You indicated that if that was done, no further investigation by our office was required. The CPOA Investigator forwarded your complaint to the Officer's supervisor, Sergeant P. On December 1, 2015, Sergeant P. met with Officer P. and Sergeant P. reminded the officer of APD standard operating procedure and how important it is to stop at all red lights even when running with emergency

Letter to Ms. [REDACTED]
January 15, 2016
Page 2

equipment on. The Sergeant also stressed to Officer P. the importance of using emergency equipment, lights and siren, before proceeding through a red light.

III. CONCLUSION

You alleged a minor policy violation by Officer P. You asked to have your complaint resolved informally by having the officer's supervisor handle the matter and that would resolve the complaint to your satisfaction. Officer P.'s Sergeant did handle the matter as you requested. Since that was done, I am administratively closing your complaint without further investigation.

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

Please contact me if you have any questions or concerns.

Sincerely,
Civilian Police Oversight Agency by



Edward Harness
Executive Director
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #188-15

Dear Ms. [REDACTED]:

Our office received the complaint you filed against Sergeant Y. of the Albuquerque Police Department (APD) on September 28, 2015, regarding an incident that occurred on September 2, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on September 30, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers 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

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.

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

I. THE COMPLAINT

Ms. [REDACTED], who runs a day care from her home, complained that on September 2, 2015 at about 1:30 PM, her grandchild's father was late in picking up the grandchild from school for his scheduled custody. Ms. [REDACTED] wrote that her daughter went ahead and picked up the child and then went to run some errands. The grandchild's father called the police when he arrived at the school and found out the child had been picked up by the mother. Sergeant Y. responded to the call and eventually ended up at Ms. [REDACTED]'s home. Ms. [REDACTED] wrote that she had just put her daycare children down for a nap when Sergeant

Y. banged loudly on the windows and doors of the home. When she answered the door she told Sergeant Y. that her daughter and her grandchild were not at the home. Sergeant Y. allegedly told Ms. [REDACTED] that he was not leaving until her daughter came out of the home. She alleged that the banging on the doors and windows was unnecessary and that Sergeant Y. displayed arrogant behavior. Ms. [REDACTED] wrote that Sergeant Y. made her very uncomfortable.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT Y.'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 Citizen Police Complaint, the Computer Assisted Dispatch (CAD) report, CPOA Investigator interview with Sergeant Y., and Sergeant Y.'s lapel camera video. Ms. [REDACTED] was not interviewed because she did not return the Investigator's call to schedule an interview. The investigation was conducted based off what Ms. [REDACTED] wrote in her complaint.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Sergeant Y.'s conduct, which states:

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

Ms. [REDACTED] complained that Sergeant Y.'s banging on the doors and windows of her home was unnecessary and that Sergeant Y. displayed arrogant behavior. Ms. [REDACTED] wrote that Sergeant Y. made her very uncomfortable.

The lapel video evidence in this case showed that Sergeant Y. had reason to believe that Ms. [REDACTED]'s daughter and grandchild were in Ms. [REDACTED]'s home at the time that he attempted to make contact with her daughter and the child. Ms. [REDACTED]'s daughter's car was parked in the driveway.

The lapel video showed that there was a note affixed to the front door that said, "Do not ring bell." The only way to get someone to respond to the front door without ringing the bell was to knock. The lapel video showed that Sergeant Y. did knock on the door and a window but that it was not aggressive or any louder than a normal knock. The lapel video showed that Sergeant Y. was told by the child's father that Ms. [REDACTED] ran a day care and that the children for the day care were cared for in the back of the house. It was logical for Sergeant Y., after receiving no response at the front door to go around the back of the house and knock on the sliding glass doors in back of the house. The lapel video showed that he did that but he did not knock loudly or excessively. It was after that knocking that the complainant came out of the front door of the house where Sergeant Y. spoke to her.

The lapel video showed that Sergeant Y. told Ms. [REDACTED] that he was there to speak with her daughter and Ms. [REDACTED] said that her daughter was not there. At that time, Sergeant Y. had to call another officer who was requesting assistance over the phone on an unrelated call. After that phone call, he tried calling the mother of the child. Sergeant Y. asked Ms. [REDACTED] when her daughter would be back. He told Ms. [REDACTED] that he was there for the exchange of the child and just because the father was late in picking up the child, the mother should not have picked the child up from school. Sergeant Y. said, "I'm not here to argue with you ma'am. I'm just doing my job. He's here to pick up his child. How are we going to get that accomplished?"

The lapel video showed that Sergeant Y. was calm, quiet, and polite while he was conversing with Ms. [REDACTED].

The lapel video showed that Ms. [REDACTED] said that she had no idea how the exchange was going to be accomplished. She told Sergeant Y. that she had nothing to do with it and Sergeant Y. said, "You kind of do ma'am. You're the grandmother." He explained that the court order could not be violated. Sergeant Y. asked her if there was a way she could get in touch with her daughter to find out where she was. The complainant then argued with Sergeant Y. about what the court order said. Sergeant Y., who had the court order in hand, checked the court order and told Ms. [REDACTED] that it didn't say anything about what she was alleging it said. Sergeant Y. then again explained his role in the situation. He did tell the complainant that he was aware that she was running a day care. Sergeant Y. then told Ms. [REDACTED] that he was pretty sure that she could get in touch with her daughter and he asked her if she could do that. He said, "At the end of the day, the Judge has signed off on something and I have to abide by that."

The lapel video showed that the complainant acted as if she did not know how to get in touch with her daughter. Sergeant Y. asked her if she could try to do so. The complainant tried to allege something about the father at that point. Sergeant Y. replied, "Ma'am, I don't know what type of man he is or what type of woman your daughter is either. Are you able to call her?" The complainant answered, "I can try." Sergeant Y. said, "Okay, I'll be waiting."

While Sergeant Y. waited, he tried calling the mother again. The lapel video showed that from that point on, Sergeant Y. never had any further contact with the complainant.

The mother of the child did contact Sergeant Y. over the phone. She said that she had waited at the school for 15 minutes and that the father never showed so she took the child and went to the store. Sergeant Y. told the mother that he would wait there until she came back so he could facilitate the exchange. Sergeant Y. apologized for making the mother come back but he explained that it was necessary for her to do so. The mother agreed to come back and told Sergeant Y. that it would take her about 20 minutes to get there.

It appeared from the lapel video that the mother and child were in Ms. [REDACTED]'s home the entire time because she just walked up with the child only minutes after she said it was going

to take her 20 minutes to get there. No car drove up, no one dropped her off. The mother said that she had been dropped off and walked to the house.

Sergeant Y. spoke with both parents and explained that they had to abide by the court order, but his goal was to make sure that the child was safe. He said that he understood the mother's frustrations with dad being late but that they needed to abide by the court order. Sergeant Y. again pointed out that the child's well-being was the most important part of all of this. The video showed that one person did arrive to pick up a child from day care while he was there. The person did not appear alarmed at Sergeant Y.'s presence.

Sergeant Y. then went and spoke independently with the child to explain that everything was okay. He gave the child a stick-on APD badge to wear. The exchange was completed and Sergeant Y. left the residence.

The lapel video evidence showed that Sergeant Y. was polite and calm and conducted himself professionally.

The CPOA finds Sergeant Y.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Sergeant Y.'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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey> .

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

Letter to Ms. [REDACTED]
January 15, 2016
Page 5

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair*
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Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #190-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on September 29, 2015 against Officer H. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 10, 2015. 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] was involved in a hit and run crash on August 10, 2015 at 4:15 AM. Officer H. apprehended, arrested, and charged the hit and run driver in the crash. After the crash, Ms. [REDACTED] tried to contact Officer H. to provide him with more information about the crash. Officer H. allegedly never contacted Ms. [REDACTED]. Officer H. failed to appear for the defendant's trial on September 28, 2015. The trial was continued to November 24, 2015. Officer H. also failed to appear for trial on that date. Other officers involved in the case did appear on November 24, 2015 and the defendant accepted a plea deal. Ms. [REDACTED] complained that Officer H. was negligent in his duties by not responding to her requests for contact and for not appearing in Court.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, an interview with Ms. [REDACTED] and an interview with Officer H. The Computer Assisted Dispatch report and Court Records were also reviewed.

Ms. [REDACTED] was interviewed over the phone. She basically repeated what she had written in her complaint, but added that Officer H. never contacted her and he also failed to appear for Court on the 24th of November.

A) The CPOA reviewed Standard Operating Procedure 2-01-2 C 1 regarding Officer H.'s conduct, which states:

All personnel directed to appear in court, pre-trials, or MVD hearings must appear and be prepared to testify. A special court notice, posted court/MVD hearing notices, or subpoenas are considered an order to appear.

Ms. [REDACTED] complained that Officer H. failed to contact her so she could give him photos of the traffic accident she was involved in. Ms. [REDACTED] complained that numerous messages were passed on to Officer H. and he failed to call her back. Furthermore, Officer H. did not appear in Court on September 29, 2015 and he also failed to appear in court on November 24, 2015.

Ms. [REDACTED] indicated that Officer H.'s Lieutenant told her that Officer H. may not be available for the trial but he would make sure the other officers were there. At the trial on November 24, 2015 Officer H. wasn't there, but three other officers were. The defendant took a plea which Ms. [REDACTED] was satisfied with. Ms. [REDACTED] felt that had she not taken the steps she did to make sure the case got prosecuted the offender would have gotten off.

The investigation showed that Officer H. did receive the messages to call Ms. [REDACTED] but he did not. Even though Officer H. was encouraged by the CPOA Investigator to contact Ms. [REDACTED] and to appear in Court on the 24th of November, Officer H. failed to do so. Court Services records showed that Officer H. was on the Court Docket, and thereby notified, of the need for him to appear in court on both dates. Even though he was notified to appear and he was available to do so, he failed to do so.

The CPOA finds Officer H.'s conduct to be **SUSTAINED**, where the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

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

You have the right to appeal this decision.

Letter to Ms. [REDACTED]
January 15, 2016
Page 3

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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey> .

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

Sincerely,
The Civilian Police Oversight Agency by


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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair*
Beth Mohr, Co-Vice Chair *Jeffery Scott Wilson, Co-Vice Chair*
Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 192-15

Dear Mrs. [REDACTED]

Our office received the complaint you filed on October 7, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 26, 2015. 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

Mrs. [REDACTED] complained she tried to make a police report concerning her missing son and/or custodial interference committed by her husband. Mrs. [REDACTED] named two officers that failed to make a report about her issues. Mrs. [REDACTED] listed state statutes of kidnapping, criminal use of ransom and false imprisonment as committed by her husband. Mrs. [REDACTED] wrote no one understood the criminal mind of her husband and his lateral bullying.

The CPOA Investigator attempted to interview Mrs. [REDACTED] Mrs. [REDACTED] submitted her complaint via email on October 7, 2015. The administrative assistant sent Mrs.

[REDACTED], an email acknowledging the receipt of her complaint. Mrs. [REDACTED] sent a perplexing response. Investigator [REDACTED] left two voicemails and sent an email to Mrs. [REDACTED] asking for her cooperation in the investigation. Mrs. [REDACTED] did not respond. The investigation was completed off her written complaint.

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

(A) The CPOA reviewed Standard Operating General Order 1-05-2C4 regarding Officer N's conduct, which states:

Any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting Unit.

Mrs. [REDACTED] wrote that she tried to make a police report concerning custodial interference and/or that her son was missing with his father.

The lapel video showed Officer N asked Mrs. [REDACTED] questions to determine the issues of concern she had. The lapel video showed Officer N investigated the situation and determined there was no enforcement action to take. The lapel video showed Officer N determined Mrs. [REDACTED] was still married to the father of their child and there was no court ordered custody arrangement. The lapel video showed Officer N determined CYFD was involved, but Mrs. [REDACTED] did not recognize CYFD's authority. The lapel video showed Mrs. [REDACTED] said several things that did not make sense. Mrs. [REDACTED] requested a report and Officer N wrote one.

The CPOA finds Officer N's conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

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

(A) The CPOA reviewed Standard Operating General Order 1-05-2C4 regarding Officer V's conduct, which states:

Any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting Unit.

Mrs. [REDACTED] wrote that she tried to make a police report concerning custodial interference and/or that her son was missing with his father.

Officer V is assigned to a special unit whose sole responsibilities are activities that occur within the Metropolitan Court. Officer V vaguely recalled Mrs. [REDACTED] approaching

Letter to Mrs. [REDACTED]
January 15, 2016
Page 3

him while on duty in the main lobby area of the court. Mrs. [REDACTED] did not make much sense to him and talked about conspiracies. Officer V did not write a report, but one would not be required of him given his position. It was clear the incident Mrs. [REDACTED] talked about did not occur in the court. Officer V referred her to the appropriate area command so that a field officer could address her issues and conduct a proper investigation.

The CPOA finds Officer V's conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in the Internal Affairs personnel files for each officer.

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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey> .

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 194-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on October 19, 2015 against Officer C. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 13, 2015. 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

Mr. [REDACTED] complained that on August 13, 2015 he called APD to report a theft of tools and Officer C. responded but did not report the theft.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer C.'s report, the CADs report, and interviews with the Complainant and Officer C.

A) Did Officer C. comply with Albuquerque Police Department (APD) General Order 2-24-3 (A)(5)(f)? General Order 2-24-3 (A)(5)(f) states:

A. Preliminary Investigations

5. Steps to be followed in conducting preliminary investigations that may include but are not limited to:

f. Report the incident fully and accurately.

Mr. [REDACTED] complained that Officer C. failed to report a theft of tools.

A review of the interviews with Officer C. and Mr. [REDACTED], the CADS report and Officer C.'s report and lapel video revealed that Officer C. responded to your residence in reference to a larceny of tools and during his investigation learned that you and your former employer are involved in a civil dispute. The video showed Officer C. told you the matter is a civil issue; however, he also told you he would take a report and forward it on to the Northeast Impact Detectives for possible follow-up, which he did.

The CPOA finds Officer C.'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 misconduct did occur but did not violate APD policies, procedures, or training.

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

You have the right to appeal this decision.

1. If you are not satisfied with the findings of the CPOA, please request an appeal in a signed writing to the undersigned within 30 days of receipt of this notice. Include your CPC number.
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 Albuquerque'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 you completing our client survey form at <http://www.cabq.gov/iro/survey>.

Letter to Mr. [REDACTED]
January 15, 2016
Page 3

Please contact me if you have any questions or concerns.

Sincerely,



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 Leonard Waites, *Chair*
Beth Mohr, *Co-Vice Chair* Jeffery Scott Wilson, *Co-Vice Chair*
Dr. Moira Amado-McCoy Dr. Jeannette Baca Dr. Susanne Brown
Eric H. Cruz Joanne Fine Rev. Dr. David Z. Ring III
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #199-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on October 13, 2015 against Lieutenant M. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 3, 2015. 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

www.cabq.gov

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

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

I. THE COMPLAINT

Ms. [REDACTED] reported that on September 3, 2015 at about 8:00 PM, she and a friend were sitting outside the [REDACTED] in at [REDACTED] eating some food when Lieutenant M. drove up and asked them for their identification. Ms. [REDACTED]'s friend ran away. Ms. [REDACTED] was placed in handcuffs and arrested even though she had allegedly done nothing wrong. She was charged with disorderly conduct and drinking in public. Ms. [REDACTED] said there was no way the Lieutenant saw the alcohol she and her friend were drinking before he contacted them. Ms. [REDACTED] felt that the Lieutenant used excessive force because he twisted her arm during the arrest. She stated that she was not injured during the arrest, nor did she seek any medical treatment after the arrest. Ms. [REDACTED] felt that the arrest was not proper and the amount of force that was

used to place her under arrest was not necessary. She felt that the Lieutenant went "way overboard" in his actions.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING LIEUTENANT M.'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 Citizen Police Complaint, the Computer Assisted Dispatch (CAD) report, the police report, the CPOA Investigator interview with Ms. [REDACTED]. The CPOA Investigator interview with Lieutenant M. and Lieutenant M.'s lapel camera video.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 (B) 2 regarding Lieutenant M.'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:

2. Make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.

Ms. [REDACTED] complained that there was no way that the Lieutenant saw the alcohol she and her friend were drinking before he contacted them. Furthermore, she believed that she and her friend were doing nothing wrong and that she should not have been arrested.

The investigation showed that the manager of the [REDACTED] called and reported that Ms. [REDACTED] and her male friend were intoxicated and that they were laying on the grass at the [REDACTED]. There is a liquor store right across the street from the [REDACTED]. Consuming alcohol within 150 feet of a licensed liquor establishment is against the law. The [REDACTED] is within 150 feet of the liquor establishment. When Lieutenant M. arrived on scene he saw Ms. [REDACTED] with a bottle of Vodka in her hand which she quickly placed into a bag to conceal it. Ms. [REDACTED]'s male friend was urinating on a wall. The lapel video captured the friend urinating and later it showed the bottle of Vodka being removed from the bag by the Lieutenant. The video showed that Ms. [REDACTED] and her friend were apparently highly intoxicated and Ms. [REDACTED] was totally uncooperative with any requests or demands made by the Lieutenant. For example, the video showed that the Lieutenant was just going to issue Criminal Trespass Notices to the pair and tell them to be on their way. But when the Lieutenant told them to sit down on a bench nearby, Ms. [REDACTED] refused to sit down. In fact, the video showed that the Lieutenant told her to sit down at the bench an additional 15 times and each time she refused to do so. Once the Lieutenant decided to place Ms. [REDACTED] under arrest, she refused to be handcuffed. The video showed the Lieutenant told Ms. [REDACTED] five times to submit to being handcuffed and to put her hands behind her back and each time she refused to do so.

The investigation showed that probable cause existed to arrest [REDACTED] and that the arrest was lawful and proper.

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

B) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Lieutenant M.'s conduct, which states in part:

Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include:

*To effect a lawful arrest or detention of a person
To gain control of a combative prisoner*

Ms. [REDACTED] felt that the Lieutenant used excessive force because he twisted her arm during the arrest. She stated that she was not injured during the arrest, nor did she seek any medical treatment after the arrest. Ms. [REDACTED] felt that the amount of force that was used to place her under arrest was not necessary. She felt that the Lieutenant went "way overboard" in his actions.

The lapel video showed that it was Ms. [REDACTED] who escalated this situation by her repeated refusals to comply with Lieutenant M.'s repeated requests for her to sit down and to stay away from her bag. The lapel video showed Ms. [REDACTED] tried to get to get past the Lieutenant not once, but at least three times, to get to her bag. The Lieutenant knew that the bag contained the bottle of alcohol but he did not know what else may have been in the bag. There could have been a weapon concealed in the bag, and Lieutenant M. had a reasonable, articulable concern, based on Ms. [REDACTED]'s intoxicated state and over reaction to getting a notice not to return to the property, to keep Ms. [REDACTED] away from the bag. The lapel video showed that Lieutenant M. grabbed Ms. [REDACTED] by her right wrist which he then tried to put behind her back, but Ms. [REDACTED] physically and verbally resisted his attempts to get her into custody. Even after being told what she was being arrested for, Ms. [REDACTED] pulled away and kicked at the Lieutenant. Though he could have escalated the use of force at that time by using a leveraged takedown, he did not do that and simply held onto Ms. [REDACTED]'s wrist. When Ms. [REDACTED] went to the ground she still tried to get to her bag and the Lieutenant pulled her away from it. It wasn't until other officers arrived that Ms. [REDACTED] submitted to being handcuffed and arrested.

The amount of force used, pushing Ms. [REDACTED] back and simply holding on to her wrist until other officers arrived, was the least amount of force necessary to control a combative and argumentative [REDACTED] Ms. [REDACTED], by her own admission, was not injured at all during the struggle and arrest.

Letter to Ms. [REDACTED]
January 15, 2016
Page 4

The CPOA finds Lieutenant M.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Lieutenant M.'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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey>.

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Eric H. Cruz*
Joanne Fine *Beth Mohr* *Rev. Dr. David Z. Ring*
Leonard Waites *Jeffery Scott Wilson* *Susan Brown*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 202-15

Dear Mr. [REDACTED]

Your complaint against Albuquerque Police Department (APD) Officer S. was received by our office on October 16, 2015 for an incident which occurred on October 15, 2015 at about 3:10 PM. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

You wrote in your complaint that you were waiting in line to pick up your child from school when an APD Officer in a marked patrol car, [REDACTED] pulled in behind you and sounded his air horn or warning buzzer indicating to you that the officer wanted you to move your car. You moved from where you were parked and to your surprise, the officer pulled into your space, picked up his child, and then left the scene. You felt that the officer's actions were an abuse of power and that his behavior was completely unacceptable.

New Mexico 87103

II. THE INVESTIGATION

www.cabq.gov

A CPOA Investigator conducted a preliminary investigation into your complaint. The Investigator was able to determine from the car number that you provided that the car was assigned to Officer S. The CPOA Investigator contacted you and spoke with you over the phone and you repeated what you had written in your complaint. After your interview, the CPOA Investigator made numerous attempts to contact Officer S., to no avail. The CPOA Investigator also attempted to contact the officer's Lieutenant, Lieutenant S., also to no avail. On December 28, 2015, the CPOA Investigator contacted Commander R. Commander R. informed the CPOA investigator that Officer S., and Lt. S., had both retired from the Albuquerque Police Department in November of 2015. Officer S. is no longer a member of the APD.

Letter to Mr. [REDACTED]
January 15, 2016
Page 2

III. CONCLUSION

You alleged a policy violation by Officer S. and if it happened as you described, Officer S.'s conduct was not conduct that would reflect favorably on the APD. Unfortunately, because Officer S. has retired and is no longer a police officer with APD, our office lacks jurisdiction to conduct any further investigation into your complaint. Since our office has no jurisdiction to further investigate your complaint, I am 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/iro/survey>.

Please contact me if you have any questions or concerns.

Sincerely,



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 *Leonard Waites, Chair*
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Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*
Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 207-15

Dear Ms. [REDACTED]

Your complaint against unknown Bernalillo County Sheriff's Office (BCSO) Deputies was received in our office on October 24, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review on October 30, 2015.

PO Box 1293

I. THE COMPLAINT

Your complaint alleged misconduct on the part of unknown BCSO Deputies and did not contain any allegations of misconduct by any Albuquerque Police Department (APD) officer or APD employee.

Albuquerque

II. THE INVESTIGATION

Our office has no jurisdiction to investigate the actions of the BCSO. You need to file your complaint with the BCSO. The address is:

New Mexico 87103

www.cabq.gov

Bernalillo County Sheriff's Office
Attn: Internal Affairs Unit
P. O. Box 25927
Albuquerque, New Mexico 87125-5927

You can also file your complaint with them online at:

<http://bernalillocountysheriff.com/bcsdia.html>

III. CONCLUSION

By City Ordinance, we may only investigate and address complaints which are filed against the APD and its officers. We do not have legal authority to investigate your complaint because your complaint contains no allegations of misconduct by any APD officer or APD

Letter to Ms. [REDACTED]
January 15, 2016
Page 2

employee. Therefore, I am inactivating your complaint without further investigation. I hope that the BCSO will resolve the complaint to your satisfaction.

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

Police Oversight Board

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Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #218-15

Dear Ms. [REDACTED]:

Your complaint against Albuquerque Police Department (APD) Telephone Operator L. was received by our office on November 11, 2015 for an incident which occurred on November 15, 2015. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

New Mexico 87103

You had phoned in your complaint on November 15, 2015 and you spoke to an on duty 911 Supervisor. You had originally called the police department to report what you believed to be a traffic hazard wherein people were selling vehicles and parking them on the side of the road. You alleged that the telephone operator who took your call was rude, disrespectful, and argumentative. You requested to speak to the [REDACTED] when she returned to duty on November 16, 2015.

www.cabq.gov

Ms. [REDACTED] listened to the recorded phone call made when you originally called to report the problem. Ms. [REDACTED] called you and let you know that the phone call showed that the telephone operator did not provide the level of customer service to you that is expected of APD operators. You were told that Ms. [REDACTED] would follow up on the matter with the employee and the employee's immediate supervisor and that you would be informed of what occurred. Ms. [REDACTED] then, as required, sent our office a complaint form containing the above information.

II. THE INVESTIGATION

The CPOA Assistant Lead Investigator conducted a preliminary investigation into your complaint. The Investigator spoke with you and you repeated what Ms. [REDACTED] had reported to our office. You stated that you were fine with Ms. [REDACTED] handling this matter informally and that you did not want a formal investigation into the matter. The investigator told you

Letter to Ms. [REDACTED]
January 15, 2016
Page 2

that he would follow up with you when Ms. [REDACTED] reported the outcome of the meeting with the Operator and the Operator's supervisor.

On November 24, 2015, the Investigator phoned you and let you know that the telephone operator was issued a counseling memorandum as discipline. Telephone Operator L. was made to review the recorded call. She was also made to review policy, and her attitude was addressed. You stated that you were satisfied with the outcome of your complaint and no further action from our office regarding your complaint was necessary.

III. CONCLUSION

Since you did not request a formal investigation into the matter and since your complaint was handled to your satisfaction, I am administratively closing your complaint without further investigation.

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

Please contact me if you have any questions or concerns.

Sincerely,
Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016

[REDACTED]
[REDACTED]

Re: CPC #221-15

Dear Mr. [REDACTED]:

Your complaint against an unidentified Albuquerque Police Department (APD) Officer was received in our office on November 24, 2015 for an incident which occurred on November 1, 2015. You had originally complained to APD Assistant [REDACTED] via e-mail. That complaint was sent to our office from APD for investigation. Your complaint was assigned for investigation to a Civilian Police Oversight Agency (CPOA) Investigator on November 24, 2015.

I. THE COMPLAINT

You wrote in your complaint to Assistant [REDACTED] that on November 1, 2015 in the late afternoon, you were laying on a blanket in [REDACTED] Park located at [REDACTED], when a Police Officer snuck up behind you and kicked you and then the officer asked you if you were alright. You complained that the officer's actions were not appropriate. You stated that you were involved in a lawsuit with the City of Albuquerque and you asked if you needed to file another lawsuit. You asked Assistant [REDACTED] to clarify if the officer's actions were appropriate or inappropriate.

II. THE INVESTIGATION

The CPOA investigator called the phone number that you listed as a contact number but only received your voice mail. A message was left by the investigator for you to call the investigator so we could obtain more information from you regarding your complaint. The CPOA Investigator also e-mailed you requesting contact. You responded to the e-mail that you have a pending legal issue with the City of Albuquerque and that you are unable to speak with any City of Albuquerque employee because of that issue. You stated that you wished it could be different but until the legal matter was addressed you would be unable to speak with the CPOA Investigator. The CPOA Investigator e-mailed you back asking if you happened to get the name of the officer to which you replied, "No, just some blonde tall skinny officer who drove one of your white cars. Did James Boyd get the name of the officers before they shot him? Just curious." The CPOA Investigator wrote you back and told you that he was just trying to help you. In your last e-mail reply to the CPOA Investigator you wrote, "I have no

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

Letter to Mr. [REDACTED]
January 15, 2016
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more information germane to the "kicking" incident." You thanked the investigator for his assistance.

In an effort to try to identify the officer who allegedly kicked you, an information request was sent to the Dispatch and Recording Unit of the APD to see if any officers were logged out at the park in the late afternoon hours. The Unit responded that they could not find any events at the park on the at day in the afternoon, meaning that if an APD Officer was out at the park during the time period that the incident occurred, that officer likely did not report his location to dispatch or that he would be out at the park.

The CPOA Investigator was aware that the Real Time Crime Center (RTCC) had placed some cameras in the park around the time frame that you alleged the incident occurred. A request was made for information regarding the placement of the cameras and if they recorded anything. As it turns out, the cameras had been removed from the park on October 27, 2015 so there would have been no video surveillance available to the investigator.

The CPOA Investigator requested and received information from APD that showed what officers were on duty on the date and time you reported in that area. That information showed that there were seven white officers on duty in that time frame in the area of [REDACTED] Park. From the information received, all seven of those officers drive the older white police cars. The CPOA Investigator spoke further with the APD [REDACTED] about your allegations. The Commander told the Investigator that none of the seven white officers working on that day matched the description of being tall and skinny with blonde hair.

At this point in the investigation, we need more information to proceed any further in the investigation. We cannot, without any corroborating evidence, make those seven officers come in and answer whether or not they were in the park and whether they kicked you.

III. CONCLUSION

We need more information from you to move forward with the investigation of your complaint. You previously indicated in an e-mail that you had no more information to provide. We have exhausted all of our investigative leads in this case. Because the investigation cannot proceed due to a lack of information, I am administratively closing your complaint without further investigation. Should your legal issue with the City of Albuquerque be resolved, or if you change your mind and are able to provide additional or new information to the CPOA Investigator, your complaint may be re-opened.

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

Letter to Mr. [REDACTED]
January 15, 2016
Page 3

Please contact me if you have any questions or concerns.

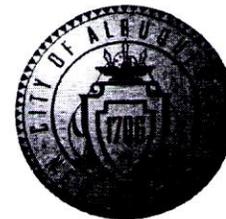
Sincerely,
Civilian Police Oversight Agency by



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 *Leonard Waites, Chair*
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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #225-15

Dear Mr. [REDACTED]

Your complaint against an unidentified Albuquerque Police Department (APD) Officer was received by our office on November 20, 2015 for an incident which occurred on that same day at about 9:30 AM. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

I. THE COMPLAINT

Albuquerque

New Mexico 87103

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You wrote in your complaint that around 9:30 AM on November 20, 2015, you were southbound on University Boulevard near Cesar Chavez when you witnessed a white APD SUV drive past you at approximately 70 MPH. You stated that the SUV did not have its emergency equipment activated. At University and Gibson, the officer, whom you described as having a shaved head, had stopped for a red light. You rolled down your window and asked the officer if he was running code and the officer replied that he was. You told the officer that if he was running code, he should have his emergency equipment engaged. The officer told you to mind your own business. You stated that was a horrible response to a citizen.

II. THE INVESTIGATION

A CPOA Investigator conducted a preliminary investigation into your complaint. The Investigator was able to determine that on the date and time that you saw the SUV speeding, there was a priority one call in the area of Gibson and University. A drunken man was standing outside a business with a large rock in his hand and he was threatening the employees at the business. Two APD officers responded to that call. However, neither of the two responding officers drives an SUV.

In an effort to obtain more information about the offending officer, the CPOA Investigator contacted you over phone. You told CPOA investigator that you did not have any further information other than what you had provided in your written complaint. You did not get a

car number or any other identifying information other than it was a white SUV driven by an officer with a shaven head. The CPOA Investigator told you that there are a large number of police officers who drive white SUVs that match the description you provided. APD Field Supervisors, members of the SWAT team, some criminal investigations personnel, open space police, and other personnel in the APD drive white SUVs. Without further identifying information, the CPOA Investigator explained, it would be very difficult to ascertain the identity of the offending officer. The investigator explained that if you were able to come up with more information, the agency would be able to conduct further investigation into your complaint.

III. CONCLUSION

I'm sorry that you had a bad experience with the unidentified APD officer. Responding to a priority one call for service requires that the officer have his emergency equipment engaged. When you asked about the officer's equipment being off in this case, the officer responded to you rudely and inappropriately. If we had more information, we might have been able to identify the officer and investigate the matter further, but at this point we have exhausted all of our investigative leads. You alleged minor policy violations by the unidentified officer. We cannot conduct further investigation into the matter because there are no further investigative leads available to us. Therefore, I am administratively closing your complaint without further investigation.

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

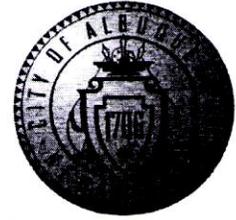
Please contact me if you have any questions or concerns.

Sincerely,
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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Eric H. Cruz *Joanné Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 226-15

Dear Mr. [REDACTED]

Your complaint was received by our office on November 25, 2015 for an incident which occurred in the APD Records Division on November 24, 2015. An irate customer had threatened to file a complaint on you and your staff and so you filled out a Citizen Complaint Form and sent it to APD Internal Affairs.

PO Box 1293

I. THE COMPLAINT

Albuquerque

You wrote in your complaint that a woman had come in asking for a supplemental report and when you told her that one was not available the woman cursed at you and your staff and threatened as she walked out of the Records Division that she was going to file a complaint.

New Mexico 87103

II. THE INVESTIGATION

www.cabq.gov

I reviewed the complaint that you filed and I spoke with you on the phone. While I understand your concern in letting the APD know about the incident, the filing of a CPC on behalf of an irate citizen is not required. You are required to send a memorandum about the incident to Internal Affairs so that they can assess the incident to determine if further investigation is warranted. Because the filing of a CPC was not proper in this situation, the complaint is invalid and no investigation into the matter will be conducted by our office.

III. CONCLUSION

Your complaint that you filed on behalf of the irate citizen is invalid and because of that I am administratively closing your complaint without further investigation.

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

Letter to Mr. [REDACTED]
January 15, 2016
Page 2

Please contact me if you have any questions or concerns.

Sincerely,
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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Eric H. Cruz *Joanne Fine* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

January 15, 2016

Anonymous

Re: CPC #229-15

To file:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on November 25, 2015 regarding an alleged incident that occurred on November 22, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you 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

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

Albuquerque

I. THE COMPLAINT

An emailed complaint was received allegedly from Judge ██████████ of the Metropolitan Court. The information provided on the complaint was the court address and the publicly published phone number to Judge ██████████'s chambers.

New Mexico 87103

The complaint stated Officer B posted inappropriate content on Facebook in response to a news story. The complaint alleged Officer B called Judge ██████████ a litterbug because he put trash on the street, referring to an offender.

www.cabq.gov

II. INVESTIGATION

The CPOA Investigator reviewed the complaint submitted. Upon receiving the initial complaint, the CPOA Investigator researched what was listed as public for Officer B's Facebook account. The CPOA Investigator did not see any such comments posted. The CPOA Investigator did a search for some key words in the quote on the internet and did not find such a quote. The research revealed the likely subject that prompted the criticism, later confirmed by Judge ██████████. There are numerous news stories involving the offender and Judge ██████████. The CPOA Investigator did not locate a comment matching the type as listed in the complaint. There were several other negative comments, but none listed as coming

Letter to Anonymous
January 15, 2016
Page 2

from Officer B. Not every news story from every media outlet was checked due to the numbers.

The CPOA Investigator spoke with Judge ██████ for more information regarding the complaint. Judge ██████ stated he did not file this complaint. Judge ██████ stated he heard through rumor that Officer B made a similar comment, but he did not know the source of the comment and had not seen the comment himself. Judge ██████ did not wish to reveal the name of the person that alerted him to the existence of the comment. Judge ██████ was not concerned with the comment and did not wish a complaint pursued in his name.

III. CONCLUSION

There is no specific information about this comment, a search for the comment revealed nothing attributable to Officer B and the alleged complainant did not wish a complaint pursued in his name.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the lack of information and not filed by the alleged complainant.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

January 15, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #241-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on November 19, 2015 against Telephone Operator K. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 19, 2015. 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

You verbally complained to Telephone Operator K.'s Supervisor that while you were on a telephone call with APD, Telephone Operator K. cut you off several times and made you feel like you didn't know what you were talking about.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING TELEPHONE OPERATOR K.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by Telephone Operator K.'s supervisor, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, an interview with Mr. [REDACTED] and an interview with Telephone Operator K. The Computer Assisted Dispatch (CAD) report and recordings of your calls to APD were also reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 F and Standard Operating Procedure 1-04-1 G 1 regarding Telephone Operator K.'s conduct, which state respectively:

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

Conduct unbecoming an officer or employee shall include that which could bring the department into disrepute.

Telephone Operator K.'s supervisor reviewed the CAD report of your call to APD. You had originally called to speak with a supervisor in reference to a previous call you had made that an officer did not respond to. Telephone Operator K. said that she would try to handle the situation but she never offered to send a supervisor to speak with you. You had called to make sure that someone was going to go out and handle a disturbance that was taking place at a neighbor's apartment. You wanted reassurance and support that the call was going to be handled and you requested that officers contact you. Telephone Operator K. would not let you finish your thoughts and she kept interrupting you. At the end of the call, Telephone Operator K. abruptly advised you that officers would be sent out and then she hung up on you.

Telephone Operator K.'s supervisor found that she had violated the above referenced policies and the supervisor issued Telephone Operator K. a written reprimand for violating the procedures. The investigation and reprimand were then sent to the CPOA for review.

The CPOA finds Telephone Operator K.'s conduct to be **SUSTAINED**, where the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings are made part of Telephone Operator K.'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 notice. Include your CPC number.

Letter to Mr. [REDACTED]
January 15, 2016
Page 3

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 Albuquerque'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/iro/survey> .

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police