

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, February 11, 2016 – 5:00 PM
Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance- *Joanne Fine***
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and approval of minutes**
- VI. Hearing on Request for Reconsideration**
 - a. Chief's Response Letter**
 - b. Officer Involved Shooting**
- VII. Officer-Involved Shooting Case: 1-48-15**
- VIII. Consent Agenda Cases:**

014-14	018-14	023-14	002-15	003-15
004-15	006-15	008-15	012-15	014-15
015-15	016-15	020-15	021-15	023-15
024-15	025-15	027-15	028-15	029-15
035-15	036-15	037-15	039-15	041-15
- IX. Case to be heard by the POB: 184-15**
- X. Reports from Sub-Committees**
 - a. Outreach Sub-committee – *Dr. Jeannette Baca***
 - i. Approval of revised complaint/commendation form.**
 - ii. Approval to list POB emails of each board member on CPOA website.**
 - b. Policy and Procedure Review Sub-Committee – *Susanne Brown***
 - c. Case review Sub-committee – *J. Scott Wilson***
- XI. Reports from City Staff**
 - a. APD**
 - b. City Council**
 - c. Mayor's Office**
 - d. City Attorney**
 - e. CPOA – *Edward Harness, Executive Director***

- XII. 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).

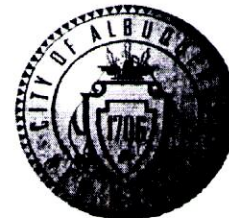
- XIII. Discussion and possible action on Open Meeting Act complaint from Paul Livingston.**

- XIV. Other Business**
- a. Election of New Board Chairman**
 - b. Comments**

- XV. Adjournment- *Next Regularly scheduled POB meeting will be on March 10, 2016 at 5 p.m. in the Vincent E. Griego Chambers.***

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

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

February 12, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 014-14

Dear [REDACTED]

Our office received the complaint you filed on January 20, 2014 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on December 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 that on December 18, 2013, while crossing the street at Carlisle and Indian School Road, she was hit by a vehicle. [REDACTED] stated there were numerous witnesses to the accident and felt the officer taking the report would obtain the proper information. [REDACTED] stated it took a little under a month to receive the report and once she did, it was inaccurate. [REDACTED] wrote that the accident was not thoroughly investigated, that it placed her at fault, and she felt the accident investigation was not done justice.

[REDACTED] was interviewed on February 27, 2015, by the CPOA Investigator. [REDACTED] reiterated what was in her written complaint and stated the officer wrote in his report that [REDACTED]

[REDACTED] was not in a crosswalk during the incident. [REDACTED] stated the officer did not properly conduct an accident investigation.

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

The Executive Director, reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, the police reports, and interviews of [REDACTED] and Officer L.

I, as Executive Director, reviewed Standard Operating Procedure Order 2-18-8(B) regarding Officer L.'s conduct, which states:

Officers are expected to take enforcement action whenever a traffic accident investigation indicates probable cause to believe that a violation of law or ordinance has occurred.

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

[REDACTED] wrote that on December 18, 2013, while crossing the street at Carlisle and Indian School Road, she was hit by a vehicle. [REDACTED] stated there were numerous witnesses to the accident and felt the officer taking the report would obtain the proper information. [REDACTED] stated that it took a little under a month to receive the report and once she did, it was inaccurate. [REDACTED] wrote that the accident was not thoroughly investigated, that it placed her at fault, and she felt the accident investigation was not done justice.

[REDACTED] was interviewed by telephone and stated that the officer had written in his report that [REDACTED] was not in a crosswalk during the incident. [REDACTED] stated the officer did not properly conduct an accident investigation.

Officer L. was assigned to the traffic division on December 18, 2013. Officer L. was dispatched to the incident. Upon arrival, he observed Albuquerque Ambulance treating [REDACTED] for an injury to her leg. Officer L. recalled asking for witnesses, but no one came forward. Officer L. had his Taser camera recording at the incident because at that time he was part of the test pilot program for the new cameras. Officer L. made contact with [REDACTED] and the driver of the vehicle. [REDACTED] said she and her boyfriend were attempting to cross the street when the side mirror of the vehicle struck her. Officer L. asked [REDACTED] why she wasn't using the crosswalk which was about 200 feet away to the west. [REDACTED] told him that the street looked clear. [REDACTED] was being treated by Albuquerque Ambulance and was transported. Officer L. spoke with the driver of the vehicle, who stated when she was pulling out, there were no cars coming, a vehicle then went to make a turn in front of her vehicle and

Letter to [REDACTED]
February 12, 2016
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once that vehicle turned, she proceeded and it wasn't until the last minute she had seen [REDACTED] in the street. The driver clipped [REDACTED] with the passenger side mirror.

Officer L. showed the Investigator the diagram of the Uniform Crash Report and explained where the crosswalk was in reference to the path [REDACTED] had taken across the street. In [REDACTED] written complaint, she stated she crossed to the median, which also indicated [REDACTED] was not in a crosswalk at the time of the accident. Officer L.'s Uniform Crash Report included all proper documentation.

I find Officer L.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

Your complaint and these findings will be placed in Officer L.'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

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Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #018-14

Dear [REDACTED]

Our office received the complaint you filed on January 22, 2014 against Officer C. of the Albuquerque Police Department (APD) regarding an incident that occurred on January 21, 2014. 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.

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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.

www.cabq.gov

I. THE COMPLAINT

[REDACTED] alleged in her complaint that Officer C. had towed her wife's car even though it had registration and insurance. [REDACTED] alleged that her wife, [REDACTED], also had a valid driver's license, which the officer kept. [REDACTED] alleged that the Officer C.'s demeanor changed towards her once he found out they were a same sex marriage couple. [REDACTED] asserted that Officer C. told her wife, [REDACTED] to walk home.

[REDACTED] alleged that she was placed in the back of his patrol car in handcuffs behind her back and taken her to a substation for an hour and left in handcuffs, as Officer C. made a couple of calls to his girlfriend. She asserted that after an hour there, Officer C. decided to

take her to Prisoner Transport Center. She said that finally a female officer let her out of the handcuffs. She also asserted that he never read her the Miranda rights.

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

The Executive Director of the CPOA reviewed the investigation conducted on behalf of the CPOA, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, the Computer Aided Dispatch (CAD) Report, and interviews with [REDACTED] and Officer C.

- A) The CPOA reviewed Standard Operating Procedure 2-48-2 regarding Officer C.'s conduct, which states:

Vehicles will be towed when (D1) (c) when the driver's license has been suspended or revoked as shown by the New Mexico Department of Motor Vehicle records.

[REDACTED] alleged that Officer C. towed her vehicle even though it was registered to her partner, after arresting [REDACTED] for driving on a suspended driver's license. Based on information provided by Officer C. in his report, the status of [REDACTED] license was 66-8-122G. That means that her license was suspended or revoked and an arrest was mandatory. According to APD policy a vehicle "will be towed" (Mandatory) when the driver's license has been suspended or revoked by the New Mexico Department of Motor Vehicles.

After verification was made by Officer C. that [REDACTED] driver's license status was suspended or revoked Officer C. chose to impound the vehicle as he was required to do. The towing and impound of the vehicle was proper and within policy.

With regards to the allegation that Officer C. made [REDACTED] wife walk from the scene, the investigation found that Officer C. asked the woman if she needed a ride and the woman declined and stated that she would walk.

The CPOA found Officer C.'s conduct to be **UNFOUNDED**, as the investigation determined by clear and convincing evidence the alleged misconduct did not occur.

- B) The CPOA reviewed Standard Operating Procedure 1-04-4 N regarding Officer C.'s conduct which states:

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

[REDACTED] alleged that Officer C.'s demeanor had changed towards her and he had kept her hand cuffed for an excessive amount of time after he found out she was involved in a same sex marriage. Officer C. articulated in his interview that this fact had no effect over his attitude towards [REDACTED] during the arrest process. The evidence showed that Officer

C. failed to record his interaction and conversation with [REDACTED]. There is no way to prove or disprove the allegation that Officer C.'s demeanor changed towards [REDACTED] when he found out that she was involved in a same sex marriage. Officer C. denied his demeanor changed. [REDACTED] said that it did. Without any independent evidence to prove or disprove the allegation the proper recommended finding is not sustained.

The CPOA found Officer C.'s, conduct to be **NOT-SUSTAINED**, as the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-04-4 B regarding Officer C.'s conduct which states:

Personnel shall not engage in any activity or personal business that may cause them to neglect or be inattentive to duty.

A review of the CADs report showed that from the time of arrest to time of arrival at the NE Substation was approximately 27 minutes; 19 of those 27 minutes were after Officer C. advised dispatch that he was transporting [REDACTED] to the NE Substation. The NE Substation is three miles away from where the arrest took place. The evidence showed that it took Officer C. 19 minutes to travel three miles. That evidence supports [REDACTED] accusation that Officer C. stopped at a park, got out of his car, smoked a cigarette, and made personal telephone calls. Officer C. did that while [REDACTED] was handcuffed in the back of Officer C.'s car. Officer C. said that he did make one telephone call to his wife and advised he was running late, but stated that it only took him a minimal amount of time to do. Stopping at a park to smoke and make personal phone calls while transporting a prisoner is unusual activity for an officer and it is not allowed under Standard Operating Procedure.

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

D) The CPOA reviewed Standard Operating Procedure 1-39-2 B regarding Officer C.'s conduct which states:

All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a...traffic stop. Personnel will activate the recorder prior to ...citizen contact ...and will record the entirety of citizen contact.

A CPOA Investigator researched Evidence.com for Officer C.'s lapel videos made on the day of the incident. In this incident Officer C. made an arrest after a traffic stop and he was required to run lapel video throughout the stop. Since an arrest was made, he was required to tag that video as evidence. Based on the evidence, Officer C. failed to record the incident. The evidence showed that Officer C. uploaded six videos from that day. All have been since deleted and none were tagged as evidence. The recording times of the six videos are 12:14,

12:19, 13:08, 13:15, 13:31, and 14:25. According to the CADS, this incident started at 13:57 and ended at 14:06. Officer C. did not record the incident as was required.

The CPOA finds Officer C.'s conduct to be **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT**, as the investigation determined that misconduct did occur that was not alleged in the original complaint but was discovered during the misconduct investigation.

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 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.

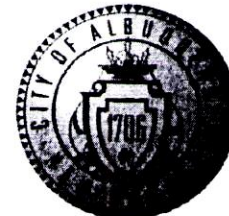
Sincerely,
The Civilian Police Oversight Agency by



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

Cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #023-14

Dear [REDACTED]

Our office received the complaint you filed on January 29, 2014 against Officer Z., Officer S., and Detective C. of the Albuquerque Police Department (APD) regarding an incident that occurred on October 31, 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

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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.

www.cabq.gov

I. THE COMPLAINT

[REDACTED] stated in her complaint that on October 31, 2013, her dogs in the yard began to bark. She looked outside and saw officers, so she took her dogs inside. [REDACTED] wrote that she then stepped outside, at which time the officers had their guns drawn and told her to go back inside. [REDACTED] saw her daughter-in-law, [REDACTED], outside with the children. [REDACTED] then assisted [REDACTED] with the children. [REDACTED] took custody of the children, but was not allowed to initially take the diaper bag. After the diaper bag was searched, [REDACTED] was allowed to take possession of the bag. [REDACTED] saw that her son [REDACTED] was in a police car and an officer informed her they were investigating an armed robbery. Her son [REDACTED] was a suspect, and he fled when police tried to initiate a stop. [REDACTED] noticed that the media was

nearby, and that her neighbors were outside their homes. The officers noticed a pellet gun on the table, and [REDACTED] informed them that the gun was for keeping pigeons away. [REDACTED] alleged that the officers went in and out of [REDACTED]'s room several times. An officer informed [REDACTED] that after speaking to [REDACTED]'s boss and doing a preliminary investigation, they were going to release [REDACTED] and [REDACTED].

[REDACTED] alleged that the officers used excessive force, the search and seizure was illegal, the police damaged her property, there was lack of probable cause, the officers were guilty of child endangerment, and no one was identified as being in charge of the situation.

[REDACTED]'s written statement attached to [REDACTED]'s said that on October 31, 2013, at 3:30 p.m., her husband [REDACTED] called to say he was on his way home from work. Upon arriving at home, her husband went outside with one of their children. [REDACTED] stated that they heard a noise and saw police outside with AR rifles pointed at her room, and saw her husband with his hands behind his head, and guns pointed at him. [REDACTED] stated the police yelled at her to exit the residence, and she exited the residence with both children and their diaper bags. She alleged that the police told her to put the diaper bag on the ground. The children were taken by [REDACTED] the mother-in-law. [REDACTED] stated that she was patted down. The officer took her cell phone and lighter. [REDACTED] alleged that a detective questioned her about financial matters, and asked her if she would be surprised if [REDACTED] had robbed a place on his way home. [REDACTED] stated that she waited in a police car for what felt like half-an-hour, and was then transferred to two other police units. The police released her after 5:00 p.m. and [REDACTED] was released around 6:30. When the police left, they did not return [REDACTED]'s handkerchief, scarf, and gloves.

[REDACTED] alleged that the officers left her room in shambles, her privacy had been invaded, and the police could not search her home without a warrant.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER Z.'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 Albuquerque Police Department Reports in the case, The Computer Assisted Dispatch (CADS) Reports, lapel camera video, two cell phone videos, interviews with [REDACTED], [REDACTED], [REDACTED], Officer Z., Officer S., Officer E., Officer W., Detective S., Detective C., and Officer F.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Officer Z.'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.

[REDACTED] alleged that the officers used excessive force, the search and seizure was illegal, the police damaged her property, there was lack of probable cause, the officers were guilty of child endangerment, and no one was identified as being in charge of the situation. [REDACTED] alleged that the officers left her room in shambles, her privacy had been invaded, and the police could not search her home without a warrant.

The Investigation showed that [REDACTED] owns both her house and the converted shed that her son and [REDACTED] live in. The homes are located on the same property but [REDACTED] and [REDACTED] rent the converted shed from [REDACTED]. [REDACTED] later said that police didn't use any excessive force. She said that she was complaining about the overwhelming show of force, because so many officers went to her residence. [REDACTED] also said that the property that was broken was a computer belonging to [REDACTED], located inside [REDACTED]'s home. [REDACTED] also said that she never asked any officer who was in charge at the scene.

The Investigation revealed that Officer Z. was in fact one of the officers responsible for taking [REDACTED] into custody. Officer Z. also participated in a protective sweep of [REDACTED] and [REDACTED]'s home.

The facts known to the officers at the time were that two armed robberies occurred on that day in close proximity to one another. In each of the armed robberies, the offender was described as a 20-30 year old black male, wearing a blue long sleeved shirt and blue jeans. Officer E. was on patrol and saw a white Jeep Cherokee driving at a high rate of speed southbound on Broadway. The man driving the Jeep, later identified as [REDACTED], matched the description of the offender who had robbed the two stores. The vehicle stopped at a red light and Officer E. pulled up beside the car after he looked at the license plate. Officer E. looked at [REDACTED] and [REDACTED] appeared to be yelling something and he was hitting his steering wheel. Before the light changed to green, [REDACTED] gunned the Cherokee and fled at a high rate of speed. Officer E. gave chase but [REDACTED] evaded the officer and eventually Officer E. lost sight of the Jeep. The APD Helicopter located the Jeep Cherokee at [REDACTED] and that was what precipitated the series of events that led to this complaint.

The officers of the Albuquerque Police Department who participated in the activities at [REDACTED] had probable cause to believe that [REDACTED] was responsible for committing the armed robberies and that he had fled to [REDACTED], the [REDACTED] property. The response by the officers to a person who may have committed two violent armed robberies and who had just fled from the police was proper.

Officer Z. and Officer S. took part in taking [REDACTED] into custody. They had probable cause to do so. Both officers saw [REDACTED] come out of his rented home. The

officers, not knowing if [REDACTED] acted alone, and not knowing if there was anyone else in [REDACTED] and [REDACTED] home, who could pose a threat to the officers, were justified in conducting a protective sweep of the home to ensure officer safety. The search was a quick limited search incident to the arrest of [REDACTED] and the officers only searched areas capable of harboring a person. Both officers said that [REDACTED] and [REDACTED] home was cluttered and messy before they entered it. The officers did overturn the mattress in the home but only because the space beneath the mattress was capable of harboring a person.

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

B) The CPOA reviewed Standard Operating Procedure 2-02-1 regarding Officer Z.'s conduct, which states:

Department policy is to document damage to department or civilian property which occurs in the course of official duties.

[REDACTED] complained that her computer was knocked over during the search of her home and it was damaged. The officers acknowledged seeing a computer in the home and believed that the computer was on top of the mattress when the mattress was overturned. Neither of the officers noticed any obvious damage to the computer; and if they had damaged it they would have written a report to document the damage.

The CPOA finds Officer Z's conduct to be **NOT SUSTAINED**, as the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

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

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Officer Z.'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.

[REDACTED] alleged that the officers used excessive force, the search and seizure was illegal, the police damaged her property, there was lack of probable cause, the officers were guilty of child endangerment, and no one was identified as being in charge of the situation.

[REDACTED] alleged that the officers left her room in shambles, her privacy had been invaded, and the police could not search her home without a warrant.

The Investigation showed that [REDACTED] owns both her house and the converted shed that her son and [REDACTED] live in. The homes are located on the same property but [REDACTED] and [REDACTED] rent the converted shed from [REDACTED]. [REDACTED] later said that police didn't use any excessive force. She said that she was complaining about the overwhelming show of force, because so many officers went to her residence. [REDACTED] also said that the property that was broken was a computer belonging to [REDACTED] located inside [REDACTED] home. [REDACTED] also said that she never asked any officer who was in charge at the scene.

The Investigation revealed that Officer S. was in fact one of the officers responsible for taking [REDACTED] into custody. Officer S. also participated in a protective sweep of [REDACTED] and [REDACTED]'s home.

The facts known to the officers at the time were that two armed robberies occurred on that day in close proximity to one another. In each of the armed robberies, the offender was described as a 20-30 year old black male, wearing a blue long sleeved shirt and blue jeans. Officer E. was on patrol and saw a white Jeep Cherokee driving at a high rate of speed southbound on Broadway. The man driving the Jeep, later identified as [REDACTED], matched the description of the offender who had robbed the two stores. The vehicle stopped at a red light and Officer Elrick pulled up beside the car after he looked at the license plate. Officer E. looked at [REDACTED] and [REDACTED] appeared to be yelling something and he was hitting his steering wheel. Before the light changed to green, [REDACTED] gunned the Cherokee and fled at a high rate of speed. Officer E. gave chase but [REDACTED] evaded the officer and eventually Officer E. lost sight of the Jeep. The APD Helicopter located the Jeep Cherokee at [REDACTED] and that was what precipitated the series of events that led to this complaint.

The officers of the Albuquerque Police Department who participated in the activities at [REDACTED] had probable cause to believe that [REDACTED] was responsible for committing the armed robberies and that he had fled to [REDACTED], the [REDACTED] property. The response by the officers to a person who may have committed to violent armed robberies and who had just fled from the police was proper.

Officer Z. and Officer S. took part in taking [REDACTED] into custody. They had probable cause to do so. Both officers saw [REDACTED] come out of his rented home. The officers, not knowing if [REDACTED] acted alone, and not knowing if there was anyone else in [REDACTED] and [REDACTED]'s home, who could pose a threat to the officers, were justified in conducting a protective sweep of the home to ensure officer safety. The search was a quick limited search incident to the arrest of [REDACTED] and the officers only searched areas capable of harboring a person. Both officers said that [REDACTED] and [REDACTED]'s home was cluttered and messy before they entered it. The officers did overturn the mattress in the home but only because the space beneath the mattress was capable of harboring a person.

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

B) The CPOA reviewed Standard Operating Procedure 2-02-1 regarding Officer S.'s conduct, which states:

Department policy is to document damage to department or civilian property which occurs in the course of official duties.

[REDACTED] complained that her computer was knocked over during the search of her home and it was damaged. The officers acknowledged seeing a computer in the home and believed that the computer was on top of the mattress when the mattress was overturned. Neither of the officers noticed any obvious damage to the computer, and if they had damaged it, they would have written a report to document the damage.

The CPOA finds Officer S's conduct to be **NOT SUSTAINED**, as the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE C.'S CONDUCT

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Detective C.'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.

[REDACTED] alleged that Detective C. searched a diaper bag that was placed outside her home before he would turn the bag over to her.

The investigation revealed that when that happened, no gun had been located at the time. It was unknown to Detective C. if [REDACTED] had access to the diaper bag before the officers arrived on scene. Detective C. looked through the bag to make sure that it did not contain any weapons. The search was no more extensive than what was necessary to ensure the safety of the officers and others.

Letter to [REDACTED]
February 12, 2016
Page 7

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

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

You have the right to appeal this decision.

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

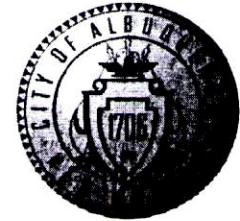
Sincerely,
The Civilian Police Oversight Agency by



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

February 12, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #002-15

Dear [REDACTED]

Our office received the complaint you filed on January 15, 2015 against Officer D. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 16, 2013. 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 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

[REDACTED] reported that her ex-boyfriend was arrested on July 13, 2012 by Albuquerque Police Department Officer D. [REDACTED] stated that her ex-boyfriend was involved in a Domestic Violence incident with his new girlfriend on that date. [REDACTED] stated that when Officer D. arrested [REDACTED]'s ex-boyfriend, Officer D. seized a .45 caliber handgun. [REDACTED] claimed that the handgun that was seized and held in evidence belonged to her, that she bought it. [REDACTED] further explained that when she and her ex-boyfriend broke up, her ex-boyfriend took the gun, but never gave it back to her. [REDACTED] claimed that she talked to Officer D. and explained that the gun was hers and that she wanted it back when the criminal case was over. [REDACTED] stated that after the case worked its way through the

Letter to [REDACTED]
February 12, 2016
Page 2

court system, [REDACTED] tried to get her gun back but she found out that Officer D. had released the gun to her ex-boyfriend's brother. [REDACTED] alleged that the gun should not have been released to anyone except the rightful owner which was [REDACTED]

I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'S CONDUCT

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, a review of court and evidence records, a review of the police report wherein the gun was seized, an interview with [REDACTED], an interview with [REDACTED] the man whom the gun was released to, and an interview with Officer D..

A) The CPOA reviewed Standard Operating Procedure Order 2-08-13 entitled "Disposition of Evidence" regarding Officer D.'s conduct, which states in part:

The APD Evidence Unit will follow guidelines in NM State Statutes and require written disposition authorization from...the investigation officer...as appropriate before the disposition of property or evidence held by this department...The investigation officer must authorize disposition in felony cases, in which the District Attorney's Office has indicated that they will not pursue adjudication. The investigating officer must authorize the release of evidence...

[REDACTED] claimed that the handgun that was seized and in held evidence belonged to her, that she bought it, and when she and her ex-boyfriend broke up, her ex-boyfriend took the gun but never gave it back. [REDACTED] claimed that she talked to Officer D. and explained that the gun was hers and that she wanted it back when the criminal case was over. After the case worked its way through the court system, [REDACTED] tried to get her gun back but she found out that Officer D. had released the gun to her ex-boyfriend's brother. [REDACTED] alleged that the gun should not have been released to anyone except the rightful owner which was [REDACTED]

The CPOA Investigator interviewed [REDACTED] and Officer D. The Investigator also reviewed the police report, the history of the court case, and documents from the APD. Evidence Unit. [REDACTED] admitted that she never actually spoke with Officer D. but her new husband did. The investigation revealed that Officer D. spoke to a man who identified himself as [REDACTED]'s new boyfriend or husband on more than one occasion in 2013. That man said that [REDACTED] had given the gun to her ex-boyfriend as a gift. The Federal Firearms Transaction Form showed the gun was purchased by [REDACTED] in December 17, 2007, one week before Christmas. It is possible, based on the evidence that the gun was purchased as a gift. [REDACTED] said that she and her ex-boyfriend broke up in January of 2011. [REDACTED] said that she made little effort to get the gun back at that time and she never reported the gun as stolen.

In July of 2012, over a year after the break up, [REDACTED]'s ex-boyfriend was arrested and the gun was seized as evidence in that case. Court records showed that the arrested man, from whom the gun was seized, [REDACTED]'s ex-boyfriend, was charged with several felonies which were later dropped by the District Attorney. Felony charges were dropped in February of 2013. Officer D. confirmed the felony charges had been dropped. No one, including [REDACTED] offered proof to Officer D. that [REDACTED] was the lawful owner of the gun. The only evidence Officer D. had was that [REDACTED]'s ex-boyfriend was the owner of the seized gun at the time of the incident. [REDACTED] admitted that she had never taken legal action or filed a stolen firearm report with the police to get her handgun back from her ex-boyfriend.

[REDACTED] now disputes the ownership of the gun. This is a civil matter between [REDACTED] and her ex-boyfriend.

Officer D. stated that sometime after the charges were dismissed, Officer D. received a call from the man from whom the handgun was seized, [REDACTED]'s ex-boyfriend. [REDACTED]'s ex-boyfriend told Officer D. that the felony charges had been dropped and that he wanted his gun released to his brother. Because the gun was no longer needed as evidence, and since the officer had permission from the man from whom the gun was seized to release it, Officer D. authorized the release of the handgun to the brother of the arrested man, [REDACTED]'s ex-boyfriend. The brother of [REDACTED]'s ex-boyfriend was cleared through NCIC and there was nothing preventing APD or Officer D. from releasing the gun to the brother.

There is no Albuquerque Police Department Standard Operating Procedure which specifically states that evidence can only be released to the person from whom the evidence was seized. In fact, it is common that people send others to pick up evidence when they are unavailable to do so themselves. The Evidence Unit has the responsibility of ensuring that the officer has authorized the release of the evidence, and in the case, the officer did. In the case of releasing a firearm, the person to whom the firearm is released must be eligible to possess a firearm. In this case, the records show the brother who picked up the gun was eligible to pick up the firearm from evidence.

The CPOA finds with regards to the allegation made by [REDACTED] about Officer D.'s conduct that the allegation was EXONERATED, because the investigation determined, by a preponderance of the evidence that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer D.'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 [REDACTED]
February 12, 2016
Page 4

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.

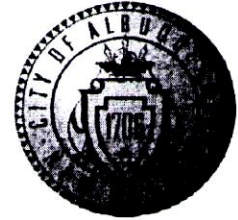
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

February 12, 2016
Via Certified Mail

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

Re: CPC #003-15

Dear [REDACTED]

Our office received the complaint you filed on January 7, 2015 against Officer V. of the Albuquerque Police Department (APD) regarding an incident that occurred on December 9, 2014, between 2:30 – 3:30 AM. 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 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

[REDACTED] complained that on December 9, 2014 between 2:30 and 3:30 AM, he was driving his vehicle near Montgomery and Jefferson, when he saw Albuquerque Police Department (APD) Officer V. driving his APD patrol vehicle at excessive speeds in the area. [REDACTED] said that Officer V. was driving 70 mph in a 35 mph zone westbound on Montgomery. [REDACTED] got behind Officer V. and began videotaping Officer V. [REDACTED] said Officer V. then turned to get on the I-25 freeway. [REDACTED] continued to follow Officer V. onto the freeway and [REDACTED] continued to videotape Officer V. speeding. [REDACTED] said Officer V. started to "exceed speeds of 130-140 mph" and [REDACTED]

[REDACTED] tried to keep up, but could not because [REDACTED]'s vehicle was governed at 110 mph. [REDACTED] caught up to Officer V.'s vehicle at one point and was able to videotape the APD patrol vehicle number and license plate. [REDACTED] said once he was beside Officer V.'s vehicle, Officer V. sped off onto the freeway, again reaching speeds of 130-140 mph. [REDACTED] said he tried to keep up with Officer V. but could not and then [REDACTED] lost sight of Officer V. at the Eubank exit.

[REDACTED] complained that he called 242-COPS to report the incident and was told that the Officer's Sergeant was Sergeant H. who would call [REDACTED] the next day. Sergeant H. never called. [REDACTED] complained that he called Sergeant H. about 3 times and left voicemails but did not receive any calls back from Sergeant H.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER V.'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, interviews with the Complainant and Officer V. and video recordings submitted by [REDACTED]

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer V.'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.

[REDACTED] complained that Officer V. drove excessive speeds on city roads, Montgomery and Jefferson, and on the freeways, I-25 Northbound and I-40 Eastbound. Video provided by [REDACTED] confirmed that Officer V. drove between 53-65 mph on Montgomery and in excess of 110 mph on I-25 Northbound and I-40 Eastbound. Officer V. admitted in his interview that he was off duty and in plain clothes when he was video recorded driving his APD patrol vehicle at excessive speeds on December 9, 2014.

The CPOA finds Officer V.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

B) The CPOA reviewed Standard Operating Procedure Order 1-19-10 (A) regarding Officer V.'s conduct, which states:

Department employees shall drive Department vehicles for official purposes only, providing they hold a city driver's license for that class of vehicle.

Officer V. admitted in his interview that he used his Department vehicle for personal reasons and not for official purposes. Officer V. responded to a family medical emergency that evening and used his Department vehicle to drive to the hospital to be with the family member.

The CPOA finds Officer V.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

C) The CPOA reviewed Standard Operating Procedure Order 1-19-10 (C) regarding Officer V.'s conduct, which states:

All employees assigned an APD vehicle will exercise good judgment in utilizing it, and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department.

The video submitted by [REDACTED] showed Officer V. exceeded the speed limit on Montgomery and I-25N and on I-40E. Furthermore, Officer V. admitted that while on Montgomery he exceeded the speed limit and [REDACTED] stayed close behind. Officer V. did not stop because [REDACTED] continued to closely follow Officer V., which Officer V. found to be suspicious behavior. Officer V. turned to get onto the freeway (I-25N) and [REDACTED] followed him. Officer V. said he sped up more to try to get away from [REDACTED] but [REDACTED] stayed up with Officer V. Officer V. said he did not know what [REDACTED]'s intentions were so he increased his speed to see if [REDACTED] would continue to follow Officer V. and [REDACTED] did. Officer V. said that no matter what he did [REDACTED] continued to follow Officer V.

The CPOA finds Officer V.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

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

A review of Sergeant H.'s conduct determined that Sergeant H. had not violated any Standard Operating Procedures. The CPOA Investigator spoke with Sergeant H.'s supervisor, Commander O. about this Complaint and the issues with Sergeant H. Commander O. spoke with Sergeant H. about the importance of returning phone calls to citizens. Due to the fact that no SOP's were violated, this issue of the complaint was dealt with in an informal manner.

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

You have the right to appeal this decision.

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

Letter to [REDACTED]
February 12, 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.

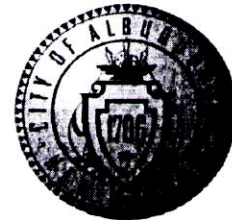
Sincerely,
The Civilian Police Oversight Agency by



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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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

February 12, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 004-15

Dear [REDACTED]

Our office received the complaint you filed on January 14, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on January 10, 2015. 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 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

[REDACTED] wrote that his attorney advised he should stop giving his children to his ex-wife because of his ex-wife's constant violations of the custody order. On his ex-wife's next scheduled visit, he did as his attorney advised and did not bring the children. [REDACTED] wrote he received a call from Officer C. who threatened if he did not bring the children for their visit, Officer C. would arrest him for custodial interference. [REDACTED] wrote based on the threat he brought the children and met police. [REDACTED] wrote he told Officer C. the problems with his ex-wife violating the order. [REDACTED] wrote Officer C. threatened him again with jail. [REDACTED] alleged that Officer C. took away his right to protect his children. [REDACTED] wrote his ex-wife always bragged about knowing officers and she always got away with things.

The CPOA Investigator interviewed [REDACTED] [REDACTED] repeated in his interview that his attorney advised he should not turn the children over to his ex-wife because of her numerous violations of the custody order. [REDACTED] stated Officer C. threatened him with arrest over the phone if he did not bring his children to his ex-wife. [REDACTED] stated he met with Officer C. to avoid jail. [REDACTED] explained to Officer C. how his ex-wife violated the order. [REDACTED] stated he brought his paperwork, but Officer C. did not look at it. [REDACTED] stated he told Officer C. he had concerns about his children, but Officer C. did not call CYFD. [REDACTED] stated he turned his children over for their visit to avoid jail based on Officer C.'s threat. [REDACTED] claimed his ex-wife always bragged about knowing officers and getting what she wanted.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, the Albuquerque Police Report, Officer C.'s lapel video and the CPOA Investigator's interviews of [REDACTED] and Officer C.

(A) The CPOA reviewed Standard Operating Field Services Order 3-14-7A regarding Officer C.'s conduct, which states:

Officers responding to custody disputes where a Parenting Plan or Court Order regarding timesharing is in place, will limit the response to restoring order between the parties. Officers will not order or force the removal of the child from the current custodial parent. Officers will advise the parties to seek legal advice on the matter and completely document the incident in a report.

[REDACTED] stated his ex-wife often violated the court order. [REDACTED] stated his attorney informed him he should not turn over his children to enforce the order. [REDACTED] claimed Officer C. threatened to take him to jail and charge him with custodial interference if he did not take his children to his ex-wife. [REDACTED] claimed Officer C. violated his rights to protect his children. [REDACTED] stated it was a civil matter and Officer C. had no business threatening him. [REDACTED] stated Officer C. did not listen to him or review his information about all the times his ex-wife violated the order.

The lapel video and the court order supported that it was [REDACTED]'s time to have her children. The lapel video showed [REDACTED] had the court appointed person present for the supervised visit. The lapel video showed Officer C. gave [REDACTED] the opportunity to comply with the order and avoid charges. The lapel video showed no one threatened arrest or jail that day and [REDACTED] extrapolated that meaning. The lapel video showed Officer C. explained the difference between how violations of the custody order could be civil or criminal, but [REDACTED] did not listen. The lapel video showed [REDACTED] had a folder of paperwork with him, but did not specifically try to show Officer C. anything where she refused. The lapel video showed [REDACTED] expressed general concerns about his children and talked about past incidents that CYFD had been involved in. The lapel video showed the

children were not reluctant to see their mother. Officer C. documented both sides of the incident and advised both sides to seek court input for any violations. Since [REDACTED] complied with the order, Officer C. did not consider filing charges. Officer C. did not force [REDACTED] to comply, but explained it was in his best interests to do so and what to do in the future.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

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

[REDACTED] complained his ex-wife claimed she knew several police officers and could do whatever she wanted because of it.

The lapel video showed Officer C. was very sympathetic to [REDACTED]'s frustration, but treated both parties the same. Officer C. provided each of them the advice to follow the order and call police at the time if the order was not being followed. Differences needed to be sorted out by the court.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Officer C.'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 [REDACTED]
February 12, 2016
Page 4

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

MDC. [REDACTED] complained Officer R. searched her, took her cell phone and room key and did not book them into evidence. [REDACTED] complained her phone and room key were never returned to her. [REDACTED] complained she reported the incident to APD Sex Crimes Unit and did not receive a response. [REDACTED] complained Sergeant P. edited/selected sections of lapel video to leave out violent portions. [REDACTED] complained Sergeant P. failed to collect [REDACTED]'s clothing as physical evidence. [REDACTED] complained Detective G. stalked her.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Officer R.

A) Did Officer R. comply with Albuquerque Police Department (APD) General Order 2-52-3? General Order 2-52-3 states:

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

- *To gain control of a combative prisoner*
- *To defend an officer or member of the public from the physical act of another.*

[REDACTED] complained Officer R. used excessive force inside the PTC, and when he transferred her from the PTC to his patrol car, and at the MDC.

A review of Officer R.'s lapel video showed that as soon as [REDACTED] got into the PTC she asked Officer R. if he could loosen her handcuffs because they were too tight. The lapel video showed Officer R.'s partner adjusted [REDACTED]'s handcuffs before he secured her to the bench. The lapel video showed Officer R. and his partner escorted [REDACTED] to the PTC processing desk as [REDACTED] yelled profanities and threats at the Officers. [REDACTED] continued to yell profanities and threaten the Officers and told them to stop being rough with her as they attempted to move her onto the yellow footprints in front of the processing desk. A PTC Officer told [REDACTED] to stop two times before [REDACTED] turned towards Officer R.'s partner and yelled in his face. Officer R.'s partner then placed [REDACTED] in a control hold. The video showed the PTC Sergeant refused to accept [REDACTED] and showed Officer R. escorted [REDACTED] out of the PTC and attempt to put her into his patrol car. [REDACTED] continued to yell profanities and threaten the Officers and refused to get into the patrol car. [REDACTED] stood up on the bottom edge of the door frame and would not sit down so Officer R.'s partner placed his hand on [REDACTED]'s right shoulder and forced her into the back seat.

The lapel video showed that when [REDACTED] arrived at the MDC she yelled profanities and threatened Officer R. as he placed her on the prisoner bench. [REDACTED] continued to yell at the Officers and yelled at and threatened another female prisoner before MDC Officers relocated the other female prisoners away from [REDACTED]. A short time later [REDACTED] yelled at the same

female prisoner from across the room then stood up and advanced towards the other prisoner, who was advancing towards ██████████. Officer R. and his partner escorted ██████████ back to the bench. ██████████ was leaned on her side while the Officers removed her boots. Officer R. told ██████████ to move to another area on the bench so she stood up and moved there. She yelled at the Officers to stop being rough with her and Officer R. told her to stop spitting at him prior to ██████████ being handcuffed to the bar above the bench. The video showed a paramedic contact ██████████ and ask her a question and ██████████ yelled that her hands hurt because of the handcuffs. The paramedic asked her some questions, which were inaudible and ██████████ continued to yell at him so he walked away. Officer R. used the force necessary throughout his contact with ██████████ to gain control of ██████████. ██████████ yelled profanities, made verbal threats towards Officer R., and was uncooperative throughout most of her detention and subsequent arrest. Any force used by Officer R. was reasonable and necessary.

The CPOA finds Officer R.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

B) Did Officer R. comply with Albuquerque Police Department General Order 1-2-2 (B)(2)? General Order 1-2-2 (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 or should know are legal and in accordance with departmental procedures.

██████████ complained she was falsely arrested. ██████████ complained Officer R. cut the keychain around her neck with a knife to remove her room key. ██████████ complained Officer R. illegally searched her room.

A review of Officer R.'s lapel video, the CADS report and interviews showed that a victim identified ██████████ as the subject who pointed a handgun at him, threatened him, and caused him to fear for his life and witnesses reported ██████████ holding a handgun. There was sufficient evidence that Officer R. had probable cause to arrest ██████████.

A review of Officer R.'s lapel video showed that Officer R. did not cut a key from a keychain around ██████████'s neck or search ██████████'s room. There were not gaps in Officer's R. lapel camera, as ██████████ complained.

The CPOA finds Officer R.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

C) Did Officer R. comply with Albuquerque Police Department General Order 1-4-1 (B)? General Order 1-4-1 (B) states:

B. Personnel shall obey all felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present.

[REDACTED] complained while en-route to the MDC Officer R. sexually assaulted, threatened and battered her.

The evidence of Officer R.'s lapel video and interviews showed that Officer R. did not make any stops en-route to the MDC, with the exception of traffic signals and stop signs. The lapel video showed Officer R. did not have physical contact with [REDACTED] between the Prisoner Transport Center and MDC. Officer R. made contact with [REDACTED] upon their arrival at the MDC to escort her inside. The lapel video, dispatch recordings and CADS report recorded the same mileage and timestamps Officer R. reported when they left the PTC and when they arrived at the MDC. According to the evidence reviewed, the transport took approximately 20 minutes. A review of the reported path of travel between the PTC and the MDC on Googlemaps showed an approximate travel time of 23 minutes. The evidence showed Officer R. did not sexually assault, threaten and/or batter [REDACTED] when transporting her from the PTC to the MDC, as alleged.

The CPOA finds Officer R.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

D) Did Officer R. comply with Albuquerque Police Department General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

[REDACTED] complained while en-route to the MDC, Officer R. played loud music and laughed the entire way to the MDC.

A review of Officer R.'s lapel video showed [REDACTED] yelled profanities and threats of violence against Officer R. the entire way to the MDC, Officer R. turned the music up to drown out [REDACTED]'s yelling but Officer R. did not laugh the entire way to the MDC.

The CPOA finds Officer R.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

E) Did Officer R. comply with Albuquerque Police Department General Order 2-08-13 (D)(6)? General Order 2-08-13 (D)(6) states:

D. Safekeeping Property: Submission and Disposition

6. Objects or articles of a non-evidentiary nature may be left with the next of kin or secured at the scene at the time of the preliminary investigation. Property items that are

taken into police custody shall be tagged into Evidence for safekeeping. They shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the officer. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with Evidence Unit procedures.

[REDACTED] complained Officer R. searched her, took her phone and room key and did not book them into evidence. [REDACTED] complained these items were never returned to her.

A review of Officer R.'s lapel video and APD Property and Evidence information showed Officer R.'s first contact with [REDACTED] was after she had been searched and handcuffed and placed in the back of his patrol car. Officer R. did not search [REDACTED], did not take her cell phone and room key and therefore did not book them into evidence.

The CPOA finds Officer R.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

F) Did Officer R. comply with Albuquerque Police Department General Order 1-39-1 (A), and Department Special Order 12-26? General Order 1-39-1 (A), and Department Special Order 12-26, respectively, state:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

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

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

DEPARTMENT SPECIAL ORDER 12-26

Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.

[REDACTED] did not allege Officer R. violated this SOP or Special Order.

A review of Officer R.'s lapel video revealed that lapel video was not recorded between the incident scene and the SE substation, and during the time spent at the SE substation after securing [REDACTED] to a bench in the Patrol Officer's room. Officer R. was required to have his lapel camera on for the duration of the contact with [REDACTED] because he was in direct contact with her.

The CPOA finds Officer R.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Officer G.

A) Did Officer G. comply with Albuquerque Police Department (APD) General Order 2-52-3? General Order 2-52-3 states:...

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

- *To gain control of a combative prisoner*
- *To defend an officer or member of the public from the physical act of another.*

[REDACTED] complained Officer G. used excessive force inside the PTC, and when he transferred her from the PTC to his patrol car, and at the MDC.

A review of Officer G.'s lapel video showed that as soon as [REDACTED] got into the PTC she asked Officer G. if he could loosen her handcuffs because they were too tight. The lapel video showed Officer G. adjusted [REDACTED]'s handcuffs before he secured her to the bench. The lapel video showed Officer G. and his partner escorted [REDACTED] to the PTC processing desk as [REDACTED] yelled profanities and threats at the Officers. [REDACTED] continued to yell profanities and threaten the Officers and told them to stop being rough with her as they attempted to move her onto the yellow footprints in front of the processing desk. A PTC Officer told [REDACTED] to stop two times before [REDACTED] turned towards Officer G. and yelled in his face. Officer G. then placed [REDACTED] in a control hold. The video showed the PTC Sergeant refused to accept [REDACTED] and showed Officer G. escorted [REDACTED] out of the PTC and attempt to put her into his patrol car. [REDACTED] continued to yell profanities and threaten the Officers and refused to get into the patrol car. [REDACTED] stood up on the bottom edge of the door frame and would not sit down so Officer G. placed his hand on [REDACTED]'s right shoulder and forced her into the back seat.

The lapel video showed that when [REDACTED] arrived at the MDC she yelled profanities and threatened Officer G. as he placed her on the prisoner bench. [REDACTED] continued to yell at the Officers and yelled at and threatened another female prisoner before MDC Officers relocated the other female prisoners away from [REDACTED]. A short time later [REDACTED] yelled at the same female prisoner from across the room then stood up and advanced towards the other prisoner, who was advancing towards [REDACTED]. Officer G. and his partner escorted [REDACTED] back to the bench. [REDACTED] was leaned on her side while the Officers removed her boots. Officer G.'s partner told [REDACTED] to move to another area on the bench so she stood up and moved there. She yelled at the Officers to stop being rough with her and Officer G.'s partner told her to stop spitting at him prior to [REDACTED] being handcuffed to the bar above the bench. The video showed a paramedic contact [REDACTED] and ask her a question and [REDACTED] yelled that her hands hurt because of the handcuffs. The paramedic asked her some questions, which were inaudible and [REDACTED] continued to yell at him so he walked away. The lapel video showed Officer G. used the force necessary throughout his contact with [REDACTED] to gain control of [REDACTED]. [REDACTED] yelled profanities, made verbal threats towards Officer G., and was uncooperative throughout most of her detention and subsequent arrest. Any force used by Officer G. was reasonable and necessary.

A review of Officer G.'s lapel video showed Officer G. used the force necessary throughout his contact with [REDACTED], to gain control of [REDACTED], who yelled profanities and made verbal threats towards Officer G., and was uncooperative throughout most of her detention and subsequent arrest.

The CPOA finds Officer G.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

B) Did Officer G. comply with Albuquerque Police Department General Order 1-4-1 (B)? General Order 1-4-1 (B) states:

B. Personnel shall obey all felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present.

[REDACTED] complained while en-route to the MDC Officer G. sexually assaulted, threatened and battered her.

The evidence of Officer G.'s lapel video and interviews showed Officer G. did not make any stops en-route to the MDC, with the exception of traffic signals and stop signs. The lapel video showed Officer G. did not have physical contact with [REDACTED] between the PTC and MDC. Officer G. made contact with [REDACTED] upon their arrival at the MDC to escort her inside. The lapel video, dispatch recordings and CADS report recorded the same mileage and timestamps Officer G. reported when they left the PTC and when they arrived at the MDC. According to the evidence reviewed the transport took approximately 20 minutes. A review of the reported path of travel between the PTC and the MDC on Google Maps showed an approximate travel time of 23 minutes. The evidence showed Officer G. did not sexually

assault, threaten and/or batter [REDACTED] when transporting her from the PTC to the MDC, as alleged.

The CPOA finds Officer G.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

C) Did Officer G. comply with Albuquerque Police Department General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

[REDACTED] complained while en-route to the MDC, Officer G. played loud music and laughed the entire way to the MDC.

A review of Officer G.'s lapel video showed that [REDACTED] yelled profanities and threats of violence against Officer G. the entire way to the MDC, Officer G. turned the music up to drown out [REDACTED]'s yelling but Officer G. did not laugh the entire way to the MDC.

The CPOA finds Officer G.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

D) Did Officer G. comply with Albuquerque Police Department General Order 1-39-1 (A), and Department Special Order 12-26? General Order 1-39-1 (A), and Department Special Order 12-26, respectively, state:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

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

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

DEPARTMENT SPECIAL ORDER 12-26

Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service,

arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.

██████████ did not allege Officer G. violated this SOP or Special Order.

A review of Officer G.'s lapel video revealed that lapel video was not recorded between the incident scene and the SE substation, and during the time spent at the SE substation after securing ██████████ to a bench in the Patrol Officer's room. Officer G. was required to have his lapel camera on for the duration of the contact with ██████████ because he was in direct contact with her.

The CPOA finds Officer G.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE G.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Detective G.

A) Did Detective G. comply with Albuquerque Police Department General Order 1-2-2 (B) (2)? General Order 1-2-2 (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 or should know are legal and in accordance with departmental procedures.

██████████ complained she was falsely arrested. ██████████ complained Detective G.'s search warrant was invalid because it was for a vehicle and not her room (██████████).

The evidence of Detective G.'s lapel video, the CADS report, interviews, the search warrant affidavit and the approved search warrant were reviewed. The lapel video showed a victim identified ██████████ as the subject who pointed a handgun at him, threatened him, and caused him to fear for his life. Witnesses also reported ██████████ holding a handgun. Additionally, Detective G. saw a handgun in ██████████'s room and obtained a search warrant for the room, which was approved by Assistant District Attorney K. Telis via telephone on December 23, 2014, and later signed by a District Court Judge on December 23, 2014 at 7:52 PM. Detective G. executed the search warrant on December 23, 2014 at 8:12 PM. The evidence showed that

Detective G. had probable cause to arrest [REDACTED] and the search he conducted was valid and legal.

The CPOA finds Detective G.'s conduct to be **EXONERATED** regarding the allegations of violations of this SOP, which means the incidents that occurred were lawful or proper.

B) Did Detective G. comply with Albuquerque Police Department General Orders 2-24-4 (F) (2) and 2-24-4 (F) (12)? General Orders 2-24-4 (F) (2) and 2-24-4 (F) (12), respectively, state:

F. Steps to be followed in conducting follow up investigations:

2. Conduct additional interviews and interrogations, when necessary.

12. Prepare cases for court presentations and assist in the prosecutions.

[REDACTED] complained Detective G. did not interview her, or include her version of events, or put a time on his report.

The evidence of Detective G.'s lapel video and report showed Detective G. interviewed [REDACTED] shortly after she was detained by APD Officers on scene. Detective G.'s accurately indicated the time he arrived on scene in his report. The evidence showed Detective G. did not neglect his duty to interview as part of his follow-up investigation, and he did not omit a time in his report.

The CPOA finds Detective G.'s conduct to be **UNFOUNDED** regarding the allegations of violations of this SOP, which means the allegations are false or not based on valid facts.

C) Did Detective G. comply with Albuquerque Police Department General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

[REDACTED] complained Detective G. had stalked her.

A review of the interviews showed Detective G. did not and has not stalked [REDACTED] and has only dealt with [REDACTED] once, which was December 23, 2014, during this incident.

The CPOA finds Detective G.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

V. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT P.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Sergeant P.

A) Did Sergeant P. comply with Albuquerque Police Department General Orders 2-24-4 (F) (2), and 2-24-4 (F) (8)? General Orders 2-24-4 (F) (2), and 2-24-4 (F) (8), respectively state:

Steps to be followed in conducting follow-up investigations:

2. *Conduct additional interviews and interrogations, when necessary.*
8. *Collect physical evidence.*

[REDACTED] complained she reported the sexual assault incident to APD Sex Crimes Unit (SCU) and did not receive a response. [REDACTED] complained SCU Sergeant P. edited/selected sections of lapel video to leave out violent portions and failed to collect [REDACTED]'s clothing as physical evidence.

The evidence of an audio recording of the interview between SCU Sergeant P. and [REDACTED] which was conducted at the MDC on December 24, 2014, lapel videos and interviews were reviewed and showed APD SCU Sergeant P. responded to [REDACTED]'s allegation of sexual assault. The video tape ran continuously. There were no breaks. There was no credible evidence that Sergeant P. edited or deleted lapel video. Individual officers, including Sergeant P., do not have the capability to do so. Sergeant P. did not collect [REDACTED]'s clothing because when she arrived at the MDC to interview [REDACTED], [REDACTED] was wearing MDC scrubs and not the clothing she was wearing the day of her arrest or during the alleged assault. Additionally, Sergeant P. stated it was the Sexual Assault Nurse Examiner's (SANE) responsibility to collect any physical evidence, to include clothing, from the victim of a sexual assault during the SANE exam.

The CPOA finds Sergeant P.'s conduct to be **UNFOUNDED** regarding the allegations of violations of this SOP, which means the allegations are false or not based on valid facts.

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

You have the right to appeal this decision.

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

Letter to [REDACTED]
February 12, 2016
Page 12

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.

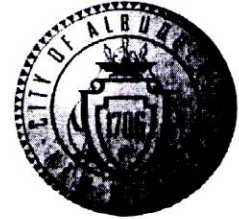
Sincerely,
The Civilian Police Oversight Agency by



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

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Dr. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 008-15

Dear [REDACTED]

Our office received the complaint you filed on January 20, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on December 31, 2014. 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 a person was being rude to her and tried to run her over, but she did not call police right away. [REDACTED] wrote that when she did call police she told Officers P. and W. that she knew her neighbor was involved because she recognized the vehicle. [REDACTED] alleged that the officers refused to go to her neighbor's home. [REDACTED] complained that Officer W. grilled her and talked about two years ago. [REDACTED] wrote she did not want to talk about the past. [REDACTED] wrote the officers did not want to do anything when all she wanted was for the officers to talk to her neighbor. [REDACTED] wrote the officers acted as if it was her fault. [REDACTED] wrote the officers should have made a police report. [REDACTED] wrote the officers should have investigated her neighbor.

The CPOA Investigator interviewed ██████████ ██████████ repeated her written complaint that she called police because of the incident at the grocery store. ██████████ stated she saw the car at the neighbor's house, but did not call police until much later because she did not want to stress her mother. ██████████ alleged the officers refused to investigate the situation and twisted her story. ██████████ claimed the officers accused her of being the problem. ██████████ stated Officer W. brought up the past of numerous other occasions when ██████████ had called the police to investigate her same neighbor. ██████████ stated that Officer W. should have focused on the current situation, that many other times ██████████ had called the police for the same issue. ██████████ stated Officer P. did not do a police report when she wanted one. ██████████ stated she wanted the officers to investigate her neighbor. ██████████ alleged the officers were confrontational and rude.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer P.'s lapel video, Officer W.'s lapel video, and the CPOA Investigator's interviews of ██████████, Officer P., and Officer W.

(A) The CPOA reviewed Standard Operating Procedure Order 2-24-3(F) (1-5) regarding Officer P.'s conduct, which states:

- 1. Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events, and remarks. 2. Locate, identify, and interview witnesses, victims, and suspect(s). 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected. 4. Effect the arrest of the suspect. 5. Report the incident fully and accurately.*

██████████ claimed Officer P. did not go to her neighbor's house to investigate her allegations. ██████████ stated the car that almost ran her over was at her neighbor's house when the officers were there. ██████████ stated Officer P. refused to do a police report to document the problems with her neighbor even when she asked. ██████████ stated a detective knew all the problems her one neighbor caused, but the officers refused to investigate that neighbor.

The lapel videos showed ██████████ alleged that her neighbor was involved in an incident that occurred about twelve hours earlier in the day. The lapel videos showed ██████████ insisted the vehicle involved was at her neighbor's house earlier. The only description she had of the vehicle was its color and possibly a model. The color of the vehicle she provided to the officers was different from what she provided in her interview. The lapel videos showed she told the officers she did not obtain a license plate number, but she said in her interview she had the number, but could not presently find it. ██████████ said in her interview the vehicle was still at her neighbor's house when officers arrived, but the lapel videos showed she told the officers the vehicle was gone. The lapel videos showed ██████████ said she had witnesses, but they were not available to the officers. Officer P. made the decision not to disturb the

neighbor late at night when there was no credible information to show their involvement. The lapel videos showed [REDACTED] did not want Officer P. involved in the investigation anymore. The lapel videos showed [REDACTED] said an APD detective was helping her with the neighbor issues, but she did not know the detective's name or contact information for Officer P. to follow up. The lapel videos showed [REDACTED] told Officer P. to leave. The lapel videos showed [REDACTED] never requested a police report. Officer P. documented several notes on the CAD. [REDACTED] has a long history of complaints against her neighbor. [REDACTED] is assigned a CIT detective to assist her with her issues, including issues with her neighbor.

The CPOA finds Officer P.'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.

(B) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Officer P.'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.

[REDACTED] stated the officers accused her of being the problem and that she was wrong. [REDACTED] stated the officers criticized her and accused her of lying. [REDACTED] stated Officer P. defended her neighbor because the neighbor was ill. [REDACTED] stated the officers were confrontational and rude.

The lapel videos showed Officer P. did not call [REDACTED] a liar or discount her allegations. The lapel videos showed [REDACTED] was the first to bring up her neighbor being ill; Officer P. did not defend the neighbor. The lapel videos showed Officer P. was professional and interested in assisting [REDACTED], but [REDACTED] became angry and accusatory.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Officer W.'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.

[REDACTED] stated the officers accused her of being the problem and that she was wrong. [REDACTED] stated the officers criticized her and accused her of lying. [REDACTED] stated Officer W. defended her neighbor because the neighbor was ill. [REDACTED] stated Officer W. kept

Letter to [REDACTED]
February 12, 2016
Page 4

bringing up things from two years ago, which was unnecessary. [REDACTED] stated the officers were confrontational and rude.

The lapel videos showed Officer W. did not call [REDACTED] a liar or discount her allegations. The lapel videos showed [REDACTED] was the first to bring up her neighbor being ill; Officer W. did not defend the neighbor. The lapel videos showed Officer W. was professional and interested in assisting [REDACTED], but [REDACTED] became angry and accusatory. Officer W. brought up his past contact with [REDACTED] because she did the same thing as before, which was to become angry when questioned at all.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Officer P.'s and Officer W.'s Internal Affairs personnel files.

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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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

February 12, 2016
Via Certified Mail

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

Re: CPC #012-15

Dear [REDACTED]

Our office received the complaint you filed on January 29, 2015 against Officer D. of the Albuquerque Police Department (APD) regarding an incident that occurred earlier on the same day. 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 in her complaint that on January 29, 2015 at about 6:40 AM, she witnessed Albuquerque Police Department (APD) car number P34 being operated in an unsafe manner. [REDACTED] wrote that she was southbound on 3rd Street near Lomas Ave., when she observed the behavior. She wrote that there were 3-4 cars in close quarters when car P34 signaled and changed lanes to the right at the same time. [REDACTED] felt that there was simply not enough space between the vehicles for the officer to have changed lanes comfortably. Car P34 then changed lanes back to the left lane. At Lomas and 3rd Street, Car P34 changed back to the right lane when Car P34 was in the left turn only lane. This lane

change occurred just before the intersection where the lanes are painted solid white. [REDACTED] believed such a lane change was a traffic violation. [REDACTED] said that the officer's emergency lights were never on during the time she observed the police car being operated. [REDACTED] felt that the officer was exceeding the speed limit as well.

I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'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 Citizen Police Complaint, an interview with [REDACTED] and an interview with Officer D. The CPOA Investigator also visited the scene where the alleged driving misconduct occurred.

A) The CPOA reviewed Standard Operating Procedure Order 1-19-2 (J) 3 regarding Officer D.'s conduct, which states:

All employees assigned an APD vehicle will exercise good judgment in utilizing it, and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department. When practical all employees will not use their radio or MDT while operating an APD vehicle. Officers will pull over before using an MDT except in emergency situations.

[REDACTED] was interviewed and repeated what she had written in her complaint. [REDACTED] said that she only saw the police car but did not see the driver of the police car.

Officer D. was interviewed. He did not remember the incident and he could not recall any bad driving behavior on his part. The dispatch activity log for the date and time in question showed that Officer D. was logged as 10-75 on the date and time that the incident was alleged to have occurred, which meant that he was tending to some type of administrative duty at the time. Officer D. could have been on his way to tag evidence, to write reports as it was close to the end of his shift, or to tend to some other administrative duty. Officer D. also had a recruit officer assigned to him around the date that the incident occurred and it was undetermined if Officer D. was driving the vehicle at the time of the incident or if the recruit officer was. It was also undetermined as to whether or not the recruit officer was even with Officer D. at the time. Officer D. had difficulty remembering the event. There was insufficient evidence to prove or disprove [REDACTED]'s allegations.

The CPOA finds with regards to the allegation made by [REDACTED] about Officer D.'s conduct that the allegation was **NOT SUSTAINED**, which means that the investigation was unable to determine by a preponderance of the evidence, whether the alleged misconduct occurred.

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

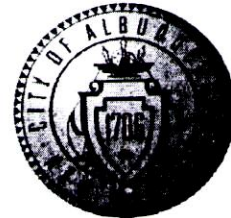
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

February 12, 2016
Via Certified Mail

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

Re: CPC # 014-15

Dear [REDACTED]

Our office received the complaint you filed on February 3, 2015 against Officer R. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 27, 2014. 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 that she was at home packing her belongings with a friend, [REDACTED] and her husband, [REDACTED], were being evicted from their apartment at the end of the month. While she was at home, her husband came home. In order to avoid conflict, she hid [REDACTED] in the closet. [REDACTED] stated that [REDACTED] came after her with a tool, trying to kill her and [REDACTED]. Once Officer R. arrived, he handcuffed [REDACTED] and put [REDACTED] in the back of the police car. [REDACTED] claimed that [REDACTED] banged his head, called [REDACTED] names and threatened to kill her. [REDACTED] wrote that Officer R. decided to let [REDACTED] go because Officer R. decided [REDACTED] was not a threat. [REDACTED] did not understand Officer R.'s assessment since [REDACTED] threatened her in the

presence of the officer. [REDACTED] wrote that Officer R. told her she needed to leave and not return, even though both she and her husband were on the lease.

The CPOA Investigator interviewed [REDACTED], who repeated what was in her written complaint, but added details. [REDACTED] stated that when [REDACTED] came after her with the tool she grabbed hold of the tool to prevent [REDACTED] from hitting anyone. [REDACTED] stated [REDACTED] dragged her around as he was trying to pull the tool away from her. She stated that [REDACTED] smashed windows in the living room, the television, and her car window. She said that [REDACTED] threatened to kill her. [REDACTED] repeated that when Officer R. detained [REDACTED] in the back of the police car that [REDACTED] hit his head on the side window and threatened to kill her. [REDACTED] stated that Officer R. told her that he was letting [REDACTED] go and she needed to leave the apartment. She felt that Officer R. degraded her. She stated when she received the police report she noticed errors.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Reports, Albuquerque Police Report, the 911 calls, Officer R.'s lapel video and the CPOA Investigator's interviews of [REDACTED], [REDACTED], and Officer R.

(A) I, as Executive Director, reviewed Standard Operating Procedure Order 2-24-3(F)(1)(4) and (5) regarding Officer R.'s conduct, which states:

Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events, and remarks. 4. Effect the arrest of the suspect. 5. Report the incident fully and accurately.

[REDACTED] stated that [REDACTED] was agitated and shouted in front of Officer R. that he wanted to kill her. [REDACTED] stated that she told Officer R. her husband made threats earlier. [REDACTED] believed her husband should have been arrested, given his threats and the damages he caused, and that her husband was intent on harming her because of his behaviors. [REDACTED] noticed the police report had the names of her husband and her friend confused throughout the report. She also said the report had extremely low values listed for the damages. She had receipts that showed it was significantly more to fix and replace the things damaged.

Officer R. believed that [REDACTED] was entitled to damage his property, even if shared with [REDACTED]. Officer R. believed that [REDACTED] was expressing his anger by taking it out on the property and not threatening [REDACTED] but he did not ask [REDACTED] his specific motivation.

The portion that was recorded on video showed [REDACTED] did not accuse [REDACTED] of threatening her that night, but she did say violence had occurred in the past. The 911 calls

and CAD said threats were made. [REDACTED] stated in his interview he did not hear threats coming from [REDACTED]. The lapel video showed Officer R. did not ask direct questions about threats that night. Officer R. did not ask [REDACTED] his intentions behind damaging the property. The video showed [REDACTED] made statements that he was having difficulty controlling himself and [REDACTED] said he "lost it" when he saw his wife with [REDACTED]. Officer R. did not ask investigative questions about the smashing of mutually owned property with a crowbar in front of the person to say what [REDACTED] intentions were. Officer R. listed the names inaccurately throughout the narrative of the report. Officer R. did not list [REDACTED] on the report other than in the narrative incorrectly.

I find the allegation of a violation of this SOP against Officer R. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(B) I, as Executive Director, reviewed Standard Operating Procedure Order 1-02-2(B) regarding Officer R.'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.

Officer R. explained that it was not against the law to damage one's own property. Officer R. expressed he was somewhat familiar with State Statute 30-3-18, but did not remember the elements of it. Officer R. did not know the elements of the state statute because he indicated since the property was mutually owned, it was okay. The vehicle was registered in both their names and the apartment lease was in both their names.

The statute specifically talks about damaging real, personal, community, or jointly owned property of a household member. Officer R. made no mention of intentions being a part of whether the statute applied until the Albuquerque Police Officer's Association (APOA) representative brought it up. Officer R. made the assumption that Mr. Griffin damaged the property in anger without the intention to intimidate [REDACTED]. No one disputed that the damages were done in front of [REDACTED] and [REDACTED]. As stated in the previous SOP, Officer R. did not ask about [REDACTED]'s intentions, but he made assumptions.

I find the allegation of a violation of this SOP against Officer R. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(C) I, as Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer R.'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.

[REDACTED] claimed that Officer R. degraded her and did not want to help her. [REDACTED] stated that she was told to leave the apartment, even though she was trying to pack, since she and her

husband were being evicted in a few days. Officer R. did not explain why she needed to leave versus [REDACTED]

During the portion that was recorded Officer R. was professional. However, the discussion of why there would be no arrest and who would leave for the night was not recorded.

I find the allegation of a violation of this SOP against Officer R. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(D) I, as Executive Director, reviewed Standard Operating Procedure Order 1-39-2(B) regarding Officer R.'s conduct, which states:

All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.

Officer R. recorded his initial contact through his primary interviews with [REDACTED] and [REDACTED]. Officer R. did not think the rest of the contact was necessary to be recorded. The policy states the incident will be recorded in its entirety.

I find the allegation of a violation of this SOP against Officer R. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

Your complaint and these findings will be placed in Officer R.'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 [REDACTED]
February 12, 2016
Page 5

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

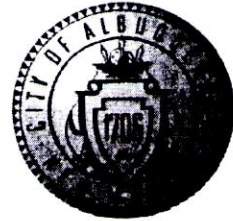
Sincerely,
The Civilian Police Oversight Agency by



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

February 12, 2016
Via Certified Mail

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

Re: CPC #015-15

Dear [REDACTED]

Our office received the complaint you filed on February 4, 2015 against Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on January 30, 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

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

www.cabq.gov

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

I. THE COMPLAINT

On January 30, 2015, [REDACTED] called the Albuquerque Police Department (APD) to report that her former boyfriend had set up a false sex ad on Craigslist and her former boyfriend listed her cell phone number as a contact number in the ad. [REDACTED] had a Restraining Order on file against the former boyfriend. As a result of the fake ad being placed, [REDACTED] received numerous text messages and phone calls. [REDACTED] complained that the officer who responded to her call for assistance, Officer M., was unprofessional and refused to file a report. [REDACTED] alleged that Officer M. asked her, "What do you expect me to do about it?" [REDACTED] also complained about her

general dissatisfaction with the way that APD had handled the ongoing case against her former boyfriend.

I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER M.'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 Citizen Police Complaint, a review of the police report, an interview with [REDACTED], an interview with Officer M., and correspondence with Detective S. The CPOA Investigator also reviewed Officer M.'s lapel video of the contact with [REDACTED].

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer M.'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.

[REDACTED] complained that the officer who responded to her call for assistance, Officer M., was unprofessional in his behavior. [REDACTED] alleged that Officer M. asked her, "What do you expect me to do about it?" [REDACTED] also complained about her general dissatisfaction with the way that APD had handled the ongoing case against her former boyfriend.

The CPOA Investigator interviewed [REDACTED] and Officer M. The Investigator also reviewed Officer M.'s lapel video and police report. [REDACTED] repeated in her interview what she had written in her complaint. Officer M. denied that he was unprofessional.

The lapel video showed that the contact with [REDACTED] lasted just over 11 minutes. [REDACTED] explained to the officer what had taken place. She acknowledged that the Temporary Restraining Order was expiring on that day. Officer M. listened to [REDACTED] tell him what had taken place and Officer M. then said, "Okay. But how can I prove that it's him doing it? If I am going to charge him with violation of the Restraining Order I need to have enough probable cause to justify making that charge." [REDACTED] asked, "So there's no point in my call? Should I just call the Stalking Investigator instead?"

Officer M. told [REDACTED] that he was going to be making a report and that he was sorry that she was frustrated but that the law requires that there be probable cause to file a charge. He told [REDACTED] that he would have a hard time being able to prove that it was her ex-boyfriend who posted the ad on Craigslist.

[REDACTED] asked Officer M. that if she could find the ad with her number on it, if the officer could file a report showing that she was in jeopardy. Officer M. responded by telling

[REDACTED] that he could file a report just based on what she was telling him at the time. He clarified that he couldn't file charges though unless there was proof. Officer M. explained that just because she had people texting or calling off an ad that was placed on Craigslist, that was not sufficient proof that the ad had been maliciously placed by her ex-boyfriend.

[REDACTED] said that she understood that the officer could not prove that it was her ex-boyfriend who had placed the ad. She complained about Officer M.'s attitude at that time. She said that she was "surprised" at the officer's attitude. [REDACTED] got very upset at that time and raised her voice and started using profanity.

Officer M. told [REDACTED] "Well I'm sorry that you feel that I'm not talking to you in the way you want me to but you came at me in a hostile, you're mad at me because I am telling you that I cannot press charges against him because I can't prove beyond a reasonable doubt that it was him who did that. I never said that I wasn't going to make a report. You assumed I wasn't going to make a report. I told you I would make a report."

[REDACTED] disagreed and said that Officer M. said that he wasn't going to make a report out. She finally acknowledged that Officer M. never said that he wasn't going to make a report but based on what the officer told her it was apparent that this was a "wasted call" to the police department.

Officer M. assured [REDACTED] that the call was not a wasted call but he was just letting her know that he would not be able to file charges based on the lack of proof that it was the ex-boyfriend who had placed the ad.

[REDACTED] asked, "If you can't prove it, then what's the point of a report? If you are not going to turn it in any further or you are not going to send it to the Stalking Unit..."

Officer M. asked, "Who said I wasn't? You're assuming that I wasn't going to do all these things." [REDACTED] replied, "Well, when you approach me and say you can't prove anything." [REDACTED] said that the interaction between her and Officer M. did not start off well.

Officer M. then asked, "So what is it you'd like from me tonight?"

[REDACTED] responded, "I called. I want a report." Officer M. said, "Okay. Then a report will be filed. I never said that there wasn't going to be a report."

[REDACTED] then went into her house to get her Restraining Order. She returned and said, "Alright, I understand that you can't prove beyond a reasonable doubt right here standing on this porch that this is his phone number but if you would like to see the string of texts where he told me that he would kill my dog, and thirty some odd phone calls I received because somewhere obviously there is an ad on Craigslist that I can't find."

Letter to [REDACTED]
February 12, 2016
Page 4

Officer M. asked [REDACTED] when all of that took place and [REDACTED] said that she didn't even know because there were so many calls on her phone. She then told the officer that the phone calls started at 8:51 the night before and she received 34 phone calls from her ex-boyfriend all in violation of the Order. Officer M. then obtained the necessary information for his report. Officer M. asked [REDACTED] why she didn't call when the calls started happening and she said that since the Restraining Order was expiring she figured she would "blow it off" until she started getting calls from the Craigslist ad. The rest of the video entails Officer M. obtaining the information that he needed for his report.

The lapel video showed that Officer M. never asked, "What do you want me to do about it?" as [REDACTED] had alleged.

Furthermore, the CPOA Investigator contacted the Family Assault and Stalking Team (FASST) Detective assigned to [REDACTED]'s case. FASST Detective S. prepared the case for prosecution and who had obtained the arrest warrant for [REDACTED]'s former boyfriend, based in part upon Officer M.'s report. Detective S. contacted [REDACTED] after the in person interview with the CPOA Investigator and [REDACTED] indicated to Detective S. that she was happy with his service and what he had done on her case. At the time of this writing, the former boyfriend was in jail awaiting prosecution for the offenses he allegedly committed against [REDACTED]

The CPOA finds with regards to the allegation made by [REDACTED] about Officer M.'s conduct that the allegation was **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating Procedure Order 1-05-2 (C) 4 regarding Officer M.'s conduct, which states:

Personnel of the Department shall write reports on 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.

[REDACTED] complained that Officer M. refused to file a report in this case. The evidence showed that there was a police report written on the incident. The lapel video showed that Officer M. never refused to take a report. In fact, as referenced above, Officer M. told [REDACTED] that he was going to file a report on several occasions during his interaction with [REDACTED]

The CPOA finds with regards to the allegation made by [REDACTED] about Officer M.'s conduct that the allegation was **UNFOUNDED**, as 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.

Letter to [REDACTED]
February 12, 2016
Page 5

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.
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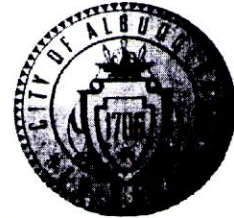
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #016-15

Dear [REDACTED]

Our office received the complaint you filed on February 9, 2015 against Officer T. and Officer C. of the Albuquerque Police Department (APD) regarding an incident that occurred on February 7, 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

[REDACTED] complained that on February 7, 2015, at 2:00 am, she was driving west on Montgomery Blvd. when she came upon an Albuquerque Police Department (APD) Driving While Intoxicated (DWI)/Sobriety Checkpoint. [REDACTED] said she was stopped and questioned about drinking, and then asked to step out of her car. [REDACTED] informed the DWI Officers she needed her wheelchair out of the back of her car and asked if her male passenger could get it for her. [REDACTED] complained when her male passenger got out of the car to get her wheelchair, the officers laughed and said, "Oh I have to see this" and continued to laugh. [REDACTED] complained she was escorted across the street to perform a

field sobriety test, which took about 20 minutes before she was released. [REDACTED] complained she asked an officer to give her a breathalyzer test instead but the officer ignored her, and a second officer told her to shut up. [REDACTED] complained officers would not provide their names, badge numbers, or supervisor's information when asked. [REDACTED] summed up her complaint with "the whole situation and all the officers were rude, disrespectful and completely uncalled for."

A DWI Checkpoint can typically involve up to 13 APD officers and recruit officers, or more. During the checkpoint, these officers rotate their responsibilities, depending on their position at the time a citizen is stopped. For example, one or two officers will contact the driver, while other officers contact passengers and move them away from the vehicle and other officers move the vehicles out of the way while Field Sobriety Tests (FSTs) are conducted. [REDACTED] was unable to identify the officers who allegedly laughed at her and who gave her the sobriety tests. She listed the involved officers in her complaint as Officers #1 - 4. After speaking with the DWI Supervisor at the checkpoint, Sergeant L., [REDACTED] identified Officer T. as Officer #3. The investigation revealed Officer T. was not Officer #3 but Officer T. was one of the four Officers who contacted [REDACTED]. The investigation revealed that Officer C. named Officer #3 in [REDACTED]'s complaint. The investigation was unable to determine who the other two Officers were but Officer T. and Officer C. were identified as being involved in with [REDACTED] and targeted in this investigation.

When a citizen is contacted at a DWI checkpoint, the officers who are in direct contact with a citizen, and who are administering the FSTs, are required to record their contact with citizens. Unfortunately, Officer T. and Officer C. did not record this contact so there was no lapel video available for review. Additionally, when a citizen is contacted at a DWI checkpoint but not arrested the officers are not required to write a police report, so there is no police report for this incident.

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), the Citizen Police Complaint and interviews with [REDACTED], Officer T., Officer C. and Sergeant L.

A) The CPOA reviewed Standard Operating Procedure 1-02-3(A) regarding Officer T.'s conduct, which states:

- A. *Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except:*
- 1. When the withholding of such information is necessary for the performance of police duties.*
 - 2. When it is authorized by proper authority.*

[REDACTED] complained she asked Officer T. for his name and badge number and he ignored her request and walked away. Officer T., Officer C. and Sergeant L. were interviewed. None of the officers interviewed could confirm that [REDACTED] asked any of the officers at the DWI checkpoint for a name or badge number. None of the officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer T.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 1-4-1(F) regarding Officer T.'s conduct, which states:

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

[REDACTED] complained Officer T. was rude to her and treated her poorly throughout his contact with her. Specifically, [REDACTED] complained Officer T. ignored her request for a breath test. Officer T., Officer C. and Sergeant L. were interviewed. None of the Officers interviewed could confirm that any of the Officers at the DWI checkpoint were rude to [REDACTED]. None of the Officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether or not the alleged misconduct occurred.

The CPOA finds Officer T.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-39-1(A), and Department Special Order 12-26 regarding Officer T.'s conduct, which state, respectively:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

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

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer(s) should become separated, it will be the responsibility of the secondary officer(s) to record all their contact and/or actions during that incident. In such incidents where the primary officer tags a recording and secondary officer(s) also have a recording: all recordings will be tagged into evidence. If the primary officer tags a complete recording or there is an outside

source recording tagged into evidence and no secondary recording exist; this shall serve as meeting the requirements for this section.

DEPARTMENT SPECIAL ORDER 12-26

Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.

Officer T., Officer C. and Sergeant L. were interviewed. Officer T. did not record his interaction with [REDACTED] and no other lapel camera video was available for this interaction. Officer T. was required by SOP to activate his lapel camera and he failed to do so.

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

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

A) The CPOA reviewed Standard Operating Procedure Procedural 1-02-3(A) regarding Officer C.'s conduct, which states:

- A. Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except:*
- 3. When the withholding of such information is necessary for the performance of police duties.*
 - 4. When it is authorized by proper authority.*

[REDACTED] complained she asked Officer C. for his name and badge number and he ignored her request and walked away. Officer T., Officer C. and Sergeant L. were interviewed. None of the Officers interviewed could confirm that [REDACTED] asked any of the Officers at the DWI checkpoint for a name or badge number. None of the Officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer C.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 1-4-1(F) regarding Officer C.'s conduct, which states:

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

Ms. [REDACTED] complained Officer C. was rude to her and treated her poorly throughout his contact with her. Specifically, Ms. [REDACTED] complained Officer C. ignored her request for a breath test. Officer T., Officer C. and Sergeant L. were interviewed. None of the Officers interviewed could confirm that any of the Officers at the DWI checkpoint were rude to Ms. [REDACTED]. None of the Officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer C.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-39-1(A), and Department Special Order 12-26 regarding Officer C.'s conduct, which state, respectively:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

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

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

DEPARTMENT SPECIAL ORDER 12-26

Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.

Letter to Ms. [REDACTED]
February 12, 2016
Page 6

Officer T., Officer C. and Sergeant L. were interviewed. Officer C. did not record his interaction with Ms. [REDACTED] and no other lapel camera video was available for this interaction. Officer C. was required by SOP to activate his lapel camera and he failed to do so.

The CPOA finds Officer C.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

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

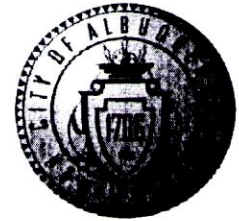
Sincerely,
The Civilian Police Oversight Agency by



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. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 020-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on February 20, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 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.

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I. THE COMPLAINT

Mr. [REDACTED] wrote that Mr. [REDACTED], the [REDACTED], committed harassment, and verbal assault against him. Mr. [REDACTED] wrote he delivered a legal document demanding public records to Mr. [REDACTED] and members of his staff. Mr. [REDACTED] claimed Mr. [REDACTED] harassed him and verbally attacked him a second day. Mr. [REDACTED] complained that he called police, but Officers W [REDACTED] and M [REDACTED] spoke to Mr. [REDACTED] first. Mr. [REDACTED] believed the officers' actions intended to protect Mr. [REDACTED]. Mr. [REDACTED] wrote he requested a police report, but the officers refused. Mr. [REDACTED] wrote he requested the officers' identification and man numbers, but the officers refused. Mr. [REDACTED] wrote Officer W. lied when he said he had a document that showed

Mr. ██████████ agreed to scan his card each day. Mr. ██████████ wrote no such document existed.

The CPOA Investigator interviewed Mr. ██████████. Mr. ██████████ said in his interview that he had no complaint about the officers from February 12, 2015. Mr. ██████████ stated that on February 13, 2015, Mr. ██████████ rudely interrupted him and verbally attacked him as he had the day before. Mr. ██████████ stated the responding officers, Officer M. and Officer W., spoke to Mr. ██████████ first and colluded to keep Mr. ██████████ out of trouble. Mr. ██████████ claimed Officer W. lied about having a waiver signed by him, claiming Mr. ██████████ agreed to follow polices. Mr. ██████████ stated he asked Officer W. to write a report and he refused. Mr. ██████████ stated he asked both officers for their information, but he did not receive it. Mr. ██████████ stated the officers did nothing when Mr. ██████████ lied about his conduct in front of the officers.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Reports (CAD), community center documentation, officer lapel videos from February 12, 2015, Officer M.'s lapel video from February 13, 2015, Officer W.'s lapel video from February 13, 2015 and the CPOA Investigator's interviews of Mr. ██████████, Officer W. and Officer M..

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

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

Mr. ██████████ claimed officers exhibited a bias for Mr. ██████████. Mr. ██████████ believed the officers worked with Mr. ██████████ to keep Mr. ██████████ from getting in trouble and may have called Mr. ██████████ before even arriving. Mr. ██████████ complained the officers spoke to Mr. ██████████ first even though he called and seemed to know right where his office was. Mr. ██████████ believed the officers created a plan of action to defend Mr. ██████████ because he had filed criminal charges against Mr. ██████████ the day before on harassment and extortion.

The CAD showed both parties called police. The lapel video showed when officers walked in the door; Mr. ██████████ was at the front desk. Mr. ██████████ guided the officers to his office and they spoke there first. The lapel video showed both parties were treated the same and there was no discussion about keeping Mr. ██████████ out of trouble. The lapel video showed the officers had no familiarity with either party.

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

(B) The CPOA reviewed Standard Operating General Order 1-02-3A regarding Officer W.'s conduct, which states:

Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except (the exceptions did not apply in this case).

Mr. ██████████ stated he asked for both officers' names and man numbers. Mr. ██████████ did not remember what response he received, but he did not receive the information.

The lapel video showed Mr. ██████████ never asked the officers for their names. The lapel video showed Officer W. did caution Mr. ██████████ that as a city employee he should provide his information when requested.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(C) The CPOA reviewed Standard Operating General Order 1-05-6D regarding Officer W.'s conduct, which states:

Personnel of the department will write reports on 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.

Mr. ██████████ claimed he asked Officer W. to write a report, as opposed to just documentation, for harassment and extortion. Mr. ██████████ stated Officer W. refused to fill out a report and suggested things could be worked out.

The lapel video showed Mr. ██████████ did not discuss writing a police report with Officer W. Mr. ██████████ discussed documenting the call with Officer M., but Officer W. was not in the room.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur and did not involve the subject officer.

(D) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer W.'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. ██████████ claimed Officer W. claimed to have his signed form, but refused to provide it to him or show him. Mr. ██████████ stated Officer W. lied about having his registration form in his possession and only provided a blank copy of the form. Mr. ██████████ stated he did not need to scan his card every day. Mr. ██████████ was upset the officers tried to convince him he had agreed to something when he had not. The officers blew off the whole situation when Mr. ██████████ lied about what transpired and Mr. ██████████ tried to point that out.

The lapel video showed Officer W. understood from Mr. ██████████ that the form the center provided would have been the form Mr. ██████████ signed in order to get his registration card. The lapel video showed Officer W. clearly explained the form he had was a blank and that staff would work to get Mr. ██████████ his signed copy. The registration form Mr. ██████████ indicated Mr. ██████████ must have signed to get his membership card states that the person will abide by the rules and expectations of the community center. The signs posted in the community center state that adults must scan membership cards with each visit. The video showed Mr. ██████████ complimented Officer W. for politely explaining things. The video showed Mr. ██████████ complained Mr. ██████████ lied and the officers said they were moving forward. Things ended on a positive note with the officers. Police were under the impression Mr. ██████████ signed a release from staff and the fact that there was not a current release to provide to him was not the officers' fault.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

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

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

Mr. ██████████ claimed officers exhibited a bias for Mr. ██████████. Mr. ██████████ believed the officers worked with Mr. ██████████ to keep Mr. ██████████ from getting in trouble and may have called Mr. ██████████ before even arriving. Mr. ██████████ complained the officers spoke to Mr. ██████████ first even though he called and seemed to know right where his office was. Mr. ██████████ believed the officers created a plan of action to defend Mr. ██████████ because he had filed criminal charges against Mr. ██████████ the day before on harassment and extortion.

The CAD showed both parties called police. The lapel video showed that Mr. ██████████ was at the front desk when officers walked in the door. Mr. ██████████ guided the officers to his office and they spoke there first. The lapel video showed both parties were treated the same and there was no discussion about keeping Mr. ██████████ out of trouble. The lapel video showed the officers had no familiarity with either party.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating General Order 1-02-3A regarding Officer M.'s conduct, which states:

Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except (the exceptions did not apply in this case).

Mr. [REDACTED] stated he asked for both officers' names and man numbers. Mr. [REDACTED] did not remember what response he received, but he did not receive the information.

The lapel video showed Mr. [REDACTED] never asked the officers for their names. The lapel video showed Officer W. did caution Mr. [REDACTED] that as a city employee he should provide his information when requested.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(C) The CPOA reviewed Standard Operating General Order 1-05-6D regarding Officer M.'s conduct, which states:

Personnel of the department will write reports on 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.

Mr. [REDACTED] claimed he asked for a report to be written, as opposed to just documentation, for harassment and extortion. Mr. [REDACTED] stated the officer refused to fill out a report and suggested things could be worked out.

The lapel video showed Mr. [REDACTED] discussed documentation of the call with Officer M. Mr. [REDACTED] wanted the letter he wrote to be included as part of her document. Officer M. informed him that there was nothing to document as a police report, but she would add comments to the call. Mr. [REDACTED] said he wanted a "callout report" and Officer M. offered to provide him the incident number. Mr. [REDACTED] moved on to different topics and seemed satisfied with Officer M.'s response. Neither Officer M. nor Mr. [REDACTED] remembered later about the CAD number so it was not given. The level of documentation Officer M. did was the same as what the officers had done the day before.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **EXONERATED**, which means the alleged misconduct did occur but did not violate APD policies, procedures, or training.

(D) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer M.'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] claimed Officer M. should have interjected when Officer W. claimed to have his signed form. Mr. [REDACTED] was upset the officers tried to convince him he had agreed to something when he had not. The officers allegedly blew off the whole situation when Mr. [REDACTED] lied about what transpired and Mr. [REDACTED] tried to point that out.

The lapel video showed Officer W. understood from Mr. [REDACTED] that the form the center provided would have been the form Mr. [REDACTED] signed in order to get his registration card. The lapel video showed Officer W. clearly explained the form he had was a blank and that staff would work to get Mr. [REDACTED] his signed copy. The registration form Mr. [REDACTED] indicated Mr. [REDACTED] must have signed to get his membership card states that the person will abide by the rules and expectations of the community center. The signs posted in the community center state that adults must scan membership cards with each visit, which Officer M. pointed out when officers departed. The video showed Mr. [REDACTED] complained Mr. [REDACTED] lied and the officers said they were moving forward. Things ended on a positive note with the officers. Police were under the impression Mr. [REDACTED] signed a release from staff and the fact that there was not a current release to provide to him was not the officers' fault.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Officer W.'s and Officer M.'s Internal Affairs personnel files.

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 Mr. [REDACTED]
February 12, 2016
Page 7

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

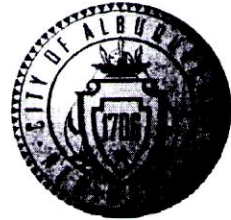
Sincerely,
The Civilian Police Oversight Agency by



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

February 12, 2016
Via Certified Mail

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

Re: CPC #021-15

Dear Ms. Montoya:

Our office received the complaint you filed on February 23, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on December 11, 2014. 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

[REDACTED] wrote in her complaint that near the end of 2014, her male friend's [REDACTED] year old daughter disclosed to Ms. [REDACTED] that she was being sexually abused. Ms. [REDACTED] reported the abuse to the girl's father and also reported the abuse to CYFD. Detective O. was assigned to investigate the case and Detective O. and Ms. [REDACTED] had several phone conversations while the case was being investigated. Detective O. allegedly argued with Ms. [REDACTED] about her relationship with the child's father. Detective O. also requested Ms. [REDACTED] personal information because Detective O. had been "looking" Ms. [REDACTED] "up". Ms. [REDACTED] alleged that Detective O.'s demeanor towards her was very threatening and intimidating. In the ensuing six months since those conversations took place, Detective O. worked with the child's Guardian Ad Litem, Ms. [REDACTED]. It was alleged by Ms. [REDACTED]

that based on some e-mails she had received, that Ms. [REDACTED] gained personal information on Ms. [REDACTED] that was sealed when Ms. [REDACTED] became an adult. Ms. [REDACTED] alleged that Ms. [REDACTED] obtained the information from Detective O. as Detective O. had access to the information from police data bases and he had been "looking her up." Specifically, Ms. [REDACTED] alleged that Detective O. had accessed Ms. [REDACTED]'s juvenile mental health records. That information was used by [REDACTED] in a custody case involving the child who had allegedly been abused.

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, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, a review of two recorded phone conversations with Ms. [REDACTED], interviews with Ms. [REDACTED], Ms. [REDACTED], and Detective O.. The CPOA Investigator also reviewed a series of e-mails sent between the Guardian Ad Litem and Ms. [REDACTED]'s attorney.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Detective O.'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] alleged that she had several phone conversations with Detective O. while the case was being investigated. Detective O. allegedly argued with Ms. [REDACTED] about her relationship with the child's father. Detective O. also requested Ms. [REDACTED]'s personal information because Detective O. had been "looking" Ms. [REDACTED] "up". Ms. [REDACTED] alleged that Detective O.'s demeanor towards her during the phone conversations was very threatening and intimidating.

The investigation revealed that there were not several phone conversations as alleged. There were two phone calls. Both of those conversations were recorded by Detective O. and the recordings were reviewed by the CPOA Investigator and Ms. [REDACTED] during Ms. [REDACTED]'s interview. Detective O. did not argue with Ms. [REDACTED] about her relationship with the child's father as alleged. Ms. [REDACTED] admitted that there was nothing in the recorded conversations that was threatening or intimidating. Ms. [REDACTED] said that her frustration came from the fact that she was the one who reported the suspected abuse and that she herself ended up being investigated. Ms. [REDACTED] felt that she should not have been investigated at all.

When a child who has disclosed sexual abuse is in the system, everyone who is involved in the investigation of that case has certain responsibilities. Those responsibilities include that any placement of the child be done, so that the child's safety and well-being are ensured. Part of that is looking into the background of everyone who is going to be in contact with the

child. Because Ms. [REDACTED] was the girlfriend of the child's father and she was around the child and part of the child's life, she was subject to investigation. Ms. [REDACTED] was more than just a witness in this case. Furthermore, the investigation revealed that Ms. [REDACTED] had made statements in a CYFD meeting about her own past that caused Detective O. and the child's Guardian Ad Litem to be concerned about Ms. [REDACTED].

The CPOA finds Detective O.'s 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.

B) The CPOA reviewed Standard Operating Procedure 1-04-6 (H) regarding Detective O.'s conduct, which states:

Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures.

It was alleged by Ms. [REDACTED] that based on some e-mails that she had received, Ms. [REDACTED], the child's Guardian Ad Litem, had gained personal information on Ms. [REDACTED] that was allegedly sealed when Ms. [REDACTED] became an adult. Ms. [REDACTED] alleged that Ms. [REDACTED] obtained that information from Detective O. as Detective O. had access to the information from police data bases and Detective O. had been "looking" Ms. [REDACTED] "up". Specifically, Ms. [REDACTED] alleged that Detective O. had accessed Ms. [REDACTED]'s juvenile mental health records. It was alleged by Ms. [REDACTED] that information from her juvenile mental health records was used by Ms. [REDACTED] in a custody case involving the child who had allegedly been abused.

The investigation revealed that Ms. [REDACTED] had never taken any steps to legally seal her juvenile records. The investigation also revealed that Detective O. had no access to any of Ms. [REDACTED]'s juvenile mental health records. Ms. [REDACTED] and Detective O. confirmed that they did have conversations about Ms. [REDACTED] but that there were never any written records provided to Ms. [REDACTED] by Detective O. The only record on Ms. [REDACTED] that Detective O. was aware of was a police report that was made when Ms. [REDACTED] had a Domestic Dispute with her mother. Detective O. and Ms. [REDACTED] confirmed that Detective O. told Ms. [REDACTED] about that incident but that no physical record was shared.

The investigation also revealed that there was a meeting with all parties involved at or with CYFD where Ms. [REDACTED] either disclosed herself or made reference to the fact that she had been a victim of abuse in her past and that there may have been some suicidal ideation. It was Ms. [REDACTED] and not Detective O. who brought that up to Ms. [REDACTED]'s attorney. Ms. [REDACTED] stated in an e-mail to Ms. [REDACTED]'s attorney that she wanted to clarify that she needed the information based on information that she had received from CYFD and APD as well as Ms. [REDACTED]'s own statements during that meeting.

Letter to Ms. [REDACTED]
February 12, 2016
Page 4

The investigation revealed that although Detective O. was concerned with Ms. [REDACTED]'s past that Detective O. never had access to any of Ms. [REDACTED]'s juvenile health records and that Detective O. never shared any APD records at all with [REDACTED].

The CPOA find Detective O.'s 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 Detective O.'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.

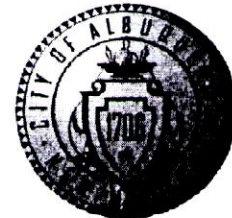
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

February 12, 2016
Via Certified Mail

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

Re: CPC #023-15

Dear Mr. and Mrs. [REDACTED]

Our office received the complaint you filed on February 24, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 14, 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. and Mrs. [REDACTED] complained that on February 14, 2015, at approximately 11:20 PM, they were on the I-25N frontage road near Mountain Road when they came upon an Albuquerque Police Department (APD) Driving While Intoxicated (DWI)/sobriety roadblock. They said they were stopped and Mr. [REDACTED] was questioned about drinking before he was asked to step out of his car. Mr. [REDACTED] complained Officer F. shined a light in his left eye during the Horizontal Gaze Nystagmus (HGN) test and asked why he had problems on the test. Mr. [REDACTED] told Officer F. it was due to the light being shone in his left eye. Mr. [REDACTED] said he did the heel to toe test and Officer F. questioned why his ankles were shaky. Mr. [REDACTED] complained he told Officer F. he sprained his ankle a week prior and Officer F. snapped back with "Every time I ask you a question, you give me excuses!" Mr. [REDACTED] complained he was handcuffed, put in a patrol car and arrested before he was given a breath

test. Mr. [REDACTED] complained that after he blew a .02 on the breath test Officer F. threatened him with arrest. Mr. [REDACTED] complained Officer F. was rude and intimidating to him and his wife and tried to escalate the situation. Mr. [REDACTED] complained Officer F. attempted to sabotage the visual test when he shined a light in Mr. [REDACTED]'s eye. Mr. [REDACTED] complained Officer F. was a danger to all motorists as Officer F. stated he had been awake for nearly four days. Mrs. [REDACTED] complained Officer F. repeatedly told Mr. [REDACTED] he was lying and should just admit he had been drinking. Mrs. [REDACTED] complained she had to stand in the cold for nearly 1 hour and 40 minutes and Officer F. did not allow his father, who was on a ride-a-long, to loan her his jacket. Mrs. [REDACTED] complained Officer F. would not answer her questions and told her she was argumentative and interfering with his job. Mr. and Mrs. [REDACTED] complained Officer F. tried to escalate the situation, was arrogant, controlling, and aggressive and made them feel like criminals.

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

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

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

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

A review of the lapel video showed Officer F. shined his flashlight at the left side of Mr. [REDACTED]'s torso and not directly into Mr. [REDACTED]'s left eye. The lapel video showed Mr. [REDACTED] performed the HGN and Officer F. told him to just track the pen and not look at anything in the background, to which Mr. [REDACTED] replied the flashlight distracted him. Officer F. replied in a normal tone of voice with, "Its way down here man. Don't make excuses just follow it." The lapel video showed that prior to Mr. [REDACTED] performing the walk and turn test, Recruit Officer (RO) D., Officer F.'s partner, asked him if he had any medical conditions which would prevent him from doing the test, to which Mr. [REDACTED] responded he had a left ankle injury that may affect his ankle strength. Mr. [REDACTED] completed the test and completed the one leg stand test. After the one leg stand test Officer F. asked Mr. [REDACTED], "What's up with your ankle, sir?" to which Mr. [REDACTED] replied he sprained it approximately one week earlier. Officer F. asked if there were any other medical problems besides that and told Mr. [REDACTED] to do cognitive tests (i.e. counting numbers, reciting parts of the alphabet and the finger touch test). The lapel video showed Officer F. did not "snap back" at Mr. [REDACTED] regarding making excuses.

The lapel video showed Mr. [REDACTED] was placed in handcuffs after the Field Sobriety Tests were administered, when Officer F. suspected he was Driving While Intoxicated (DWI). Officer F. complied with APD Standard Operating Procedures (SOPs) 3-11-1 (D) & (E) and 3-11-1 (G)(2)(d) which authorize APD Officers to place someone under arrest and in handcuffs if

Letter to Mr. and Mrs. [REDACTED]
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probable cause exists to believe the driver is driving while intoxicated, before administering the Preliminary Breath Testing (PBT).

There was no lapel video to substantiate or refute Mr. [REDACTED]'s allegations that Officer F. threatened him with arrest after the breath test, or that Officer F. stated he had been awake for nearly four days.

A review of the lapel video showed Officer F. did not ask Mr. [REDACTED] how much he had to drink that night and did not repeatedly tell Mr. [REDACTED] he was lying and should just admit he had been drinking, as alleged in Mrs. [REDACTED]'s written complaint.

A review of the lapel video showed Officer F. was not in direct contact with Mrs. [REDACTED]. During Mr. [REDACTED]'s interview he said the Officers told his wife he was placed in the police car because they needed him to sit for 20 minutes in the event any freshly consumed alcohol was on his breath. Mrs. [REDACTED]'s questions were not ignored as alleged in her written complaint.

A review of the lapel video showed Sergeant L. contacted Mrs. [REDACTED] and gave her Mr. [REDACTED]'s jacket approximately 20 minutes into the contact. Mrs. [REDACTED] was standing outside for the entire contact but was without a jacket for only 20 minutes and not 1 hour and 40 minutes as alleged in her written complaint.

A review of the lapel video captured and the interviews showed Officer F. acted professionally and was not rude, arrogant or aggressive towards Mr. or Mrs. [REDACTED] as alleged in their written complaints. Because there was no lapel video showing Officer F.'s conduct after the breath test, the evidence is inconclusive regarding Officer F.'s conduct.

The CPOA finds Officer F.'s conduct to be **NOT SUSTAINED** regarding the allegations of violations of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed APD General Order 1-39-1 (A), and Department Special Order 12-26 regarding Officer F.'s conduct, which state:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

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

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer(s) should become separated, it will be the responsibility of the secondary officer(s) to record all their contact and/or actions during that incident. In such incidents where the primary officer tags a recording and secondary officer(s) also have a recording: all recordings will be tagged into evidence. If the primary officer tags a complete recording or there is an outside

source recording tagged into evidence and no secondary recording exist; this shall serve as meeting the requirements for this section.
DEPARTMENT SPECIAL ORDER 12-26

Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.

Officer F. failed to record his entire contact with Mr. and Mrs. [REDACTED]. Officer F. was working the DWI checkpoint alongside RO D. Although RO D. was conducting the DWI investigation, both Officers were in direct contact with Mr. [REDACTED] during Field Sobriety Tests and the breath tests and both Officers were required to record their contact with Mr. and Mrs. [REDACTED] in its entirety.

The CPOA finds Officer F.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint and interviews with the Complainant, and Recruit Officer D.

A) The CPOA reviewed APD General Order 1-39-1 (A), and Department Special Order 12-26 regarding Recruit Officer D.'s conduct, which state:

1-39-1 USE OF TAPE/DIGITAL RECORDERS

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

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

DEPARTMENT SPECIAL ORDER 12-26

Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.

Recruit Officer D. did not record his contact with Mr. and Mrs. [REDACTED] in its entirety. Recruit Officer D. was required to record his contact with Mr. [REDACTED] from the time he asked him to step out of his vehicle for Field Sobriety Tests to the time he released him.

The CPOA finds Recruit Officer D.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings are made part of Officer F.'s and Recruit Officer D.'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

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

February 12, 2016
Via Certified Mail

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

Re: CPC # 024-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on February 25, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on December 24, 2014. 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]'s complaint is primarily about Officer E.'s actions during the investigation into the incident between him and his girlfriend, [REDACTED] on December 24, 2014. Mr. [REDACTED] wrote another officer participated in the inappropriate comments by Officer E, he believed to be Officer S. Mr. [REDACTED] wrote that Officer E. was dispatched to Mr. [REDACTED]'s apartment about a broken window. Officer E. also responded to a domestic violence call initiated by Ms. [REDACTED]. Mr. [REDACTED] wrote that his girlfriend broke his window out of anger because she did not like the Christmas gift he purchased for her. Mr. [REDACTED] wrote he called police because he wanted his girlfriend to pay for the window. Mr. [REDACTED] wrote a statement for the police. While police were at his house, Ms.

██████████ called police too. Mr. ██████████ wrote that Officer E. and another officer went to his girlfriend's apartment, which he could see from his apartment. Mr. ██████████ claimed he heard Officer E. and the other officer coddling Ms. ██████████. Mr. ██████████ wrote as the officers left Ms. ██████████' apartment the officers made several inappropriate comments. Mr. ██████████ wrote Officer E. and the other officer were "incompetent and out of line" after he read the police report. Mr. ██████████ disputed that he was deemed the primary aggressor even though it was Ms. ██████████ that was aggressive. Mr. ██████████ wrote he disagreed with assessments of his character in the report.

The CPOA Investigator interviewed Mr. ██████████. Mr. ██████████ restated the reason for the argument. Mr. ██████████ stated Officer E. did not ask him any questions other than what happened. Mr. ██████████ stated Officer E. did not do a proper investigation because he did not ask questions or collect evidence. Mr. ██████████ stated Officer E. seemed more interested in listening to Ms. ██████████' side and did not take him too seriously. Mr. ██████████ complained that he could hear inappropriate statements coming from Officer E. and another officer at Ms. ██████████' residence. Mr. ██████████ was upset about the contents of the report and believed Officer E. had a gender bias against him by believing his girlfriend. Mr. ██████████ stated he watched the videos via an inspection of public records request and did not think the incident was recorded in its entirety.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Albuquerque Police Report, Officer E.'s lapel video, Officer J.'s lapel video, and the CPOA Investigator's interviews of Mr. ██████████, Officer E., Officer J. and Officer S.

(A) The CPOA reviewed Standard Operating Procedure Order 2-24-3(F) (1-3) regarding Officer E.'s conduct, which states:

Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events, and remarks. 2. Locate, identify, and interview witnesses, victims, and suspect(s). 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected.

Mr. ██████████ claimed Officer E. was incompetent in his investigation. Mr. ██████████ claimed Officer E. did not ask him detailed follow-up questions. Mr. ██████████ claimed Officer E. interviewed Ms. ██████████ for about an hour so of course her statement had more detail. Officer E. held Mr. ██████████'s lack of detail against him. Mr. ██████████ claimed it should have been obvious Ms. ██████████ broke the window out of maliciousness and not a cry for help because she would have had to turn back towards him to do it. Mr. ██████████ also claimed Officer E. did not do his job because he did not have a female officer check Ms. ██████████ for a mark on her buttocks since she brought up being spanked. Mr. ██████████ believed that would have helped his case. In his interview, Mr. ██████████ responded to some

of the accusations Ms. ██████████ made that Officer E. documented in the police report. In the interview, Mr. ██████████ said he held Ms. ██████████ down and then later said the report was partially true because he and Ms. ██████████ had fallen to the ground so he wound up holding her. Mr. ██████████ stated the spanking occurred, but it was consensual. He agreed he held her mouth to prevent her from screaming in his ear, but did not hold her mouth tightly.

The officers' lapel videos showed Officer E. asked Mr. ██████████ what happened. Mr. ██████████ made a general statement that Ms. ██████████ tried to hit him and kicked out the window. Mr. ██████████ said he did not want to get Ms. ██████████ in trouble, but wanted compensation for the window. The videos showed the broken window was on the way to the stairwell exit. The video showed when Mr. ██████████ had a phone conversation with Ms. ██████████' sister he made some denials. The phone was in his possession when she called. Once he was off the phone, he told Officer E. that Ms. ██████████ called police and was going to make a claim he put hands on her, but he denied it. Officer E. asked Mr. ██████████ again what happened. Mr. ██████████ said he held Ms. ██████████ and spun her down, but it was nothing. The video showed Ms. ██████████ provided specific allegations when Officer E. asked her what happened. Officer E. spent about nine minutes with Mr. ██████████ and only about four minutes with Ms. ██████████ getting the stories. Mr. ██████████ did not give Officer E. many details despite Officer E.'s question and did not give Officer J. any additional details while Officer J. remained as he filled out a statement. A lack of marks on Ms. ██████████' body would not rule out that something happened and if there were a mark, it would not show intention.

The CPOA finds Officer E.'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.

(B) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Officer E.'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. ██████████ stated after the officers left he could hear inappropriate comments coming from Officer E. and another officer when they left Ms. ██████████' apartment.

The video showed Officer E. went to Ms. ██████████' apartment alone. The CAD showed Officer S. left and went back into service before Officer E. went to Ms. ██████████' apartment. Officer J. remained with Mr. ██████████ and then returned Ms. ██████████' phone to Officer E. in the parking lot. Mr. ██████████ stated he had no issue with Officer J., who was the only other officer on scene since Officer S. had left. The CPOA investigator and another individual went to the apartment complex and attempted to hear statements as Mr. ██████████ described. Only when one individual loudly shouted could anything be heard between the two locations Mr. ██████████ described.

The CPOA finds the allegation of a violation of this SOP against Officer E. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(C) The CPOA reviewed Standard Operating General Order 1-03-2(C) regarding Officer E.'s conduct, which states:

Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability or economic status.

Mr. ██████████ claimed there was a gender bias against him. Mr. ██████████ claimed Officer E. was more interested in listening to Ms. ██████████'s side of things and did not take Mr. ██████████'s side seriously. Mr. ██████████ stated the report showed bias because it accused him of being less truthful, which he found insulting.

The video showed Officer E. did not know Ms. ██████████ called police at first. The video showed Officer E. did not act dismissively or rush Mr. ██████████. The video showed Officer E. treated each party about the same. Officer E. explained his reasoning for finding Ms. ██████████ more credible.

The CPOA finds the allegation of a violation of this SOP against Officer E. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(D) I, as Acting Executive Director, reviewed Standard Operating General Order 1-39-2B regarding Officer E.'s conduct, which states:

All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on a non-dispatched citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.

Mr. ██████████ suspected the incident was not recorded in its entirety since he watched the videos from an inspection of public records request.

Officer E. recorded his contact with Mr. ██████████ in full. Officer E. recorded his initial contact with Ms. ██████████ in full. Officer E. did not record interaction of collecting Ms. ██████████'s statement and returning her phone. Officer E. claimed this was a very brief contact, but nonetheless it should have been recorded.

The CPOA finds the allegation of a violation of this SOP against Officer E. was **SUSTAINED**, which means the alleged misconduct did occur.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Officer J.'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. ██████████ stated after the officers left he could hear inappropriate comments coming from Officer E. and another officer when they left Ms. ██████████' apartment.

The video showed Officer E. went to Ms. ██████████' apartment alone. The CAD showed that Officer S. left and went back into service before Officer E. went to Ms. ██████████' apartment. Officer J. remained with Mr. ██████████ and then returned Ms. ██████████' phone to Officer E. in the parking lot. Mr. ██████████ stated he had no issue with Officer J., who was the only other officer on scene since Officer S. had left. The investigator and another individual went to the physical locations and attempted to hear statements as Mr. ██████████ described. Only when one individual loudly shouted could anything be heard.

The CPOA finds the allegation of a violation of this SOP against Officer J. was **UNFOUNDED**, which means the alleged misconduct did not occur or did not involve the subject officer.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Officer 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. ██████████ stated after the officers left he could hear inappropriate comments coming from Officer E. and another officer when they left Ms. ██████████' apartment.

The video showed Officer S. left Mr. ██████████'s apartment when Officer J. retrieved a statement form for Mr. ██████████. The video showed Officer E. went to Ms. ██████████' apartment alone. The CAD showed Officer S. left and went back into service before Officer E. went to Ms. ██████████' apartment. The investigator and another individual went to the physical locations and attempted to hear statements as Mr. ██████████ described. Only when one individual loudly shouted could anything be heard.

Letter to Mr. [REDACTED]
February 12, 2016
Page 6

The CPOA finds the allegation of a violation of this SOP against Officer S. was **UNFOUNDED**, which means the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings will be placed in Officer E.'s, Officer J.'s and Officer S.' Internal Affairs personnel files.

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

February 12, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #025-15

Dear Mrs. [REDACTED]

Our office received the complaint you filed on February 25, 2015 against Officer W. of the Albuquerque Police Department (APD) regarding an incident that occurred between July 1, 2014 and January 16, 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 that on June 3, 2014, Albuquerque Police Department (APD) Officer W. entered into a lease agreement with Mrs. [REDACTED] for a residence at [REDACTED] NW. The lease agreement specifically prohibited Officer W. from having any pets in the home. A few months into the agreement, Mrs. [REDACTED] started having problems with Officer W. In particular, Officer W. refused to throw out empty cardboard boxes that he had left on the side of the house after the move even though Mrs. [REDACTED] provided an extra recycle bin for him to do so. Mrs. [REDACTED] eventually became aware

that Officer W. had pets in the residence. Mrs. [REDACTED] told Officer W. that if he had pets that he was not allowed to keep them and he would need to get rid of them. Officer W. never responded to Mrs. [REDACTED]. Upon inspection it was determined that Officer W. had two dogs at the home and he was keeping a rabbit in the bedroom all in violation of the lease. Mrs. [REDACTED] issued a notice to vacate. Mrs. [REDACTED] alleged that when she told Officer W. that an eviction would not look good especially if a future landlord was to contact her for a reference, Officer W. responded in a "snobby manner" that any landlord in the future would not be contacting her. Mrs. [REDACTED] alleged that when Officer W. moved out he left the residence filthy and he also left two completed police reports behind in the trash. Mrs. [REDACTED] stated that she understood that Officer W.'s intentional violation of his lease agreement is a civil matter but she believed it spoke to the probationary officer's character. Furthermore, Mrs. [REDACTED] felt that Officer W. failed to conduct himself in a professional manner while off duty and his conduct needs to be addressed. She closed her complaint by writing, "When he joined the APD he should have known he would be under a microscope in all aspects of his life and that whatever he did would be a reflection of the Department."

I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER W.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, a review of text messages, a review of photos taken by Mrs. [REDACTED], an interview with Mrs. [REDACTED], an interview with Officer W., and an interview with Officer G., who was Officer W.'s roommate at the time.

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer W.'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.

Mrs. [REDACTED] complained that Officer W. violated the terms of a lease agreement he had entered into with Mrs. [REDACTED] for a residence at [REDACTED] NW. The lease agreement specifically prohibited Officer W. from having any pets in the home. A few months into the agreement, Mrs. [REDACTED] started having problems with Officer W. Mrs. [REDACTED] eventually became aware that Officer W. had pets in the residence. Upon inspection, Mrs. [REDACTED] found that Officer W. had two dogs at the home and he was keeping a rabbit in the bedroom all in violation of the lease. Mrs. [REDACTED] issued a notice to vacate. Mrs. [REDACTED] told Officer W. that an eviction on his rental record would not look good especially if a future landlord was to contact her for a reference. Officer W. allegedly responded in a "snobby manner" that any landlord in the future wouldn't be contacting her. When Officer W. moved out he left the residence filthy and he also left two completed police reports behind in the trash. Mrs. [REDACTED] stated that she understood that Officer Wells' intentional violation of his lease agreement is a civil matter but she believed it spoke to the probationary officer's character. Mrs. [REDACTED] felt that Officer W. failed to

conduct himself in a professional manner while off duty and his conduct needs to be addressed.

Mrs. [REDACTED] was interviewed and she repeated what was in her written complaint. Officer W. was interviewed and he admitted to violating the terms of his lease agreement. Officer W. did get two dogs and a rabbit and he was keeping them at the home in violation of the lease agreement. Officer G., Officer W.'s roommate at the time, was also interviewed and he said that Officer W. intentionally violated the terms of the lease agreement. Photographic evidence proved that there were completed police reports left behind in the trash when Officer W. vacated the residence. While the copies of the text messages submitted by Mrs. [REDACTED] do show conversation, it is impossible to tell from a text message what the tone or intention of the message was. Copies of the text messages submitted by Mrs. [REDACTED] in and of themselves do not indicate that Officer W. was "snobby" as alleged.

The evidence referenced above showed that Officer W. did intentionally violate the terms of the lease agreement he had with Mrs. [REDACTED]. As a police officer, Officer W. is subjected to more scrutiny than a civilian. The Albuquerque Police Department requires that an officer conduct themselves both on and off duty in such a manner as to reflect most favorably on the department. Officer W. did not display proper conduct in this situation. He should have complied with the terms of the lease agreement and he should have behaved professionally with regards to getting rid of the animals rather than ignoring Mrs. [REDACTED]'s requests and forcing an eviction.

The CPOA finds with regards to the allegation made by Mrs. [REDACTED] about Officer W.'s conduct that the allegation was SUSTAINED, which means that 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 W.'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> .

Letter to Mrs. [REDACTED]
February 12, 2016
Page 4

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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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

February 12, 2016
Via Certified Mail

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

Re: CPC # 027-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on February 27, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 4, 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 called Sergeant P. about the interview she just experienced with Detective R. and Detective M. (See CPCs 28-15 and 29-15). Ms. [REDACTED] complained to Sergeant P. that the detectives treated her as a suspect instead of a victim, and did not investigate her allegations. Ms. [REDACTED] alleged that she informed Sergeant P. she had physical evidence the detectives refused to consider. Ms. [REDACTED] alleged that Sergeant P. told her it was the detectives' discretion. Ms. [REDACTED] alleged that Sergeant P. was condescending, demeaning and refused to provide information asked for each time she spoke to Sergeant P. Ms. [REDACTED] alleged that Sergeant P. accused her of being impolite and hung up on her when Ms. [REDACTED] informed Sergeant P. she provided incorrect information.

The CPOA Investigator interviewed Ms. ██████. Ms. ██████ stated she originally tried to contact Sergeant P. to be interviewed, but was ignored. Ms. ██████ stated in her interview that Sergeant P. did not provide her with a straightforward answer about the complaint process. Ms. ██████ stated Sergeant P. had nothing but praises for the detectives, which was not helpful. Ms. ██████ stated in subsequent conversations with Sergeant P. that it was obvious Sergeant P. was frustrated. Ms. ██████ complained Sergeant P. was very demeaning when Sergeant P. told her to do as she "instructed." Ms. ██████ stated Sergeant P. was deliberately frustrating her by giving her incorrect information. Ms. ██████ stated Sergeant P. hung up on her and subjected her to disrespectful treatment.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Sergeant P.'s audio recordings, and the CPOA Investigator's interviews of Ms. ██████ and Sergeant P. Additional interviews were conducted with Detective R. and Detective M. for the respective complaints Ms. ██████ filed about them in CPC 028-15 and 029-15.

(A) The CPOA reviewed Standard Operating Administrative Order 3-43-3G2 regarding Sergeant P.'s conduct, which states:

The individual receiving a verbal complaint or conducting a follow-up regarding a complaint must notify a citizen of his right to make a written complaint and explain the process for making a written complaint.

Ms. ██████ said Sergeant P. would not give her information on the complaint process.

Sergeant P. recorded her phone conversations with Ms. ██████. The recording showed Sergeant P. tried to get more information about Ms. ██████'s complaint as SOP 3-43-3G1,4 and 5 dictate for supervisors to do. Sergeant P. did give Ms. ██████ the option to file a formal complaint through Internal Affairs and explained the process. Ms. ██████ explained what her complaint was with Detective R. only at the time.

The CPOA finds the allegation of a violation of this SOP against Sergeant P. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Sergeant P.'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. ██████ said she had been trying to reach Sergeant P. for months for an interview, but was ignored. Ms. ██████ said Sergeant P. gave her incorrect information about Evidence. Ms.

[REDACTED] complained that Sergeant P. used a condescending tone and told her to do as "she instructed," which was inappropriate as she was not Sergeant P.'s employee. Ms. [REDACTED] claimed Sergeant P. implied she lied. Ms. [REDACTED] stated Sergeant P. accused her of being impolite and hung up on her.

Ms. [REDACTED] was inconsistent about if she had conversations with Sergeant P. prior to her interview. Ms. [REDACTED] stated Sergeant P. ignored her, but Ms. [REDACTED] also referred to conversations she said she had with Sergeant P. prior to her interview. Sergeant P. stated she never received a call from Ms. [REDACTED] until after the interview. The recordings showed Sergeant P. never implied she lied. In the recorded calls, Sergeant P. consistently gave the correct phone number for Evidence. In the recorded calls, Ms. [REDACTED] asked for the address to Evidence and when Sergeant P. gave her the information as well as directions, Ms. [REDACTED] became very impatient and annoyed. The recording showed Sergeant P. did become stern with Ms. [REDACTED] over Ms. [REDACTED] tone of voice. The recording showed Ms. [REDACTED] became offended when Sergeant P. used the words "as instructed." From the recorded conversations, it was clear Sergeant P.'s intentions were to assist Ms. [REDACTED], but Ms. [REDACTED] generally wanted to be argumentative with Sergeant P. In reviewing the totality of the circumstances, Sergeant P.'s conduct did not violate policy.

The CPOA finds the allegation of a violation of this SOP against Sergeant P. was **EXONERATED**, which means the alleged misconduct did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in Sergeant P.'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]
February 12, 2016
Page 4

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

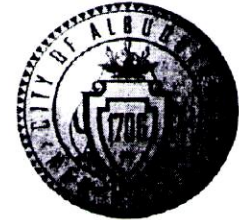
Sincerely,
The Civilian Police Oversight Agency by



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

February 12, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 028-15

Dear Ms. [REDACTED].

Our office received the complaint you filed on February 27, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 4, 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 she was in disbelief someone as harassing, disrespectful and unprofessional such as Detective R. was a detective. Ms. [REDACTED] alleged that Detective R. continually interrupted her and did not allow her to answer questions. Ms. [REDACTED] alleged that Detective R. interfered with the investigation. Ms. [REDACTED] alleged she was unable to convey the details of how she was raped because of Detective R.'s behavior. Ms. [REDACTED] claimed Detective R. enjoyed upsetting her and accused her of committing crimes. Ms. [REDACTED] alleged that Detective R. yelled at her. Ms. [REDACTED] wrote Detective R. accused her of being mean. Ms. [REDACTED] wrote Detective R. taunted her about how the interview would sound to others if she filed a civil suit. Ms. [REDACTED] alleged Detective R. offered her personal opinion when she brought up her disability. Ms. [REDACTED] alleged that Detective R. was out of control.

The CPOA Investigator interviewed Ms. ██████. Ms. ██████ stated in her interview that it was obvious from the start Detective R. believed her attacker's version as fact. Ms. ██████ stated she was unable to explain what happened to her because Detective R. repeatedly interrupted her and harassed her. Ms. ██████ stated Detective R. was forceful and intimidating because Detective R. raised her voice. Ms. ██████ stated Detective R. frequently interjected her opinion into the situation, which was unprofessional. Ms. ██████ stated Detective R. treated her as a suspect instead of a victim. Ms. ██████ stated Detective R. referenced emails from her attacker, but did not provide them to Ms. ██████ for reference. Ms. ██████ stated Detective R. made inappropriate comments about other peoples' sexual preferences. Ms. ██████ stated Detective R. yelled at her and called her mean. Ms. ██████ stated Detective R. was biased against her.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Albuquerque Police Report, emails provided as evidence, Detective R.'s audio recording, and the CPOA Investigator's interviews of Ms. ██████ and Detective R. Additional interviews were conducted with Detective M. and Sergeant P. for the respective complaints Ms. ██████ filed about them in CPC 029-15 and 027-15.

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Detective R.'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. ██████ alleged Detective R. treated her as a suspect instead of a victim. Ms. ██████ alleged that Detective R. screamed at her during the interview and accused her of committing a crime. Ms. ██████ alleged that Detective R. interrupted her at every opportunity so she was unable to say what happened. Ms. ██████ stated she was shocked by Detective R.'s discussion of other peoples' sexual preferences. Ms. ██████ alleged that Detective R. accused her of being mean. Ms. ██████ alleged that Detective R. smirked and seemed to take pleasure in discrediting her. Ms. ██████ complained Detective R. accused her of lying. Ms. ██████ stated Detective R. offered unwanted opinions about her life and her case. Ms. ██████ alleged that Detective R. never apologized for any of her behavior.

The recorded interview showed Detective R. never screamed at Ms. ██████. The recorded interview showed Detective R. did not continually interrupt Ms. ██████. At times, Detective R. and Ms. ██████ spoke over each other. The recorded interview showed at times that Ms. ██████ ignored answering Detective R.'s questions. The recorded interview showed Detective R. allowed Ms. ██████ to provide her side, but then Detective R. questioned her about the emails and texts. The recorded interview showed Ms. ██████ was extremely intolerant of Detective M.'s mistake about the timeline and Detective R. reacted to Ms.

[REDACTED]' behavior. The recorded interview showed Detective R. was being frank with Ms. [REDACTED] about how her messages appeared. Ms. [REDACTED] said nothing about Detective R.'s facial expressions during the interview. The interview recording showed some of the statements Ms. [REDACTED] alleged were not said or the context was different. Detective R. agreed and the recording showed that Ms. [REDACTED] fit into the category of a victim and a potential suspect based on the evidence the detectives had. The interview recording showed Detective R. apologized to Ms. [REDACTED] especially at the end over a misunderstanding of the emails. Unlike the complaint against Detective M. more of what Ms. [REDACTED] said occurred with Detective R. did occur, but it did not go so far as to violate policy.

The CPOA finds the allegation of a violation of this SOP against Detective R. was **EXONERATED**, which means the alleged misconduct did occur, but did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating General Order 1-03-2(C) regarding Detective R.'s conduct, which states:

Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability or economic status.

Ms. [REDACTED] claimed Detective R. treated her in the inappropriate and harassing manner she did because Detective R. was biased against her. She felt Detective R. was biased against her because of her disability. Ms. [REDACTED] claimed Detective R. defended her attacker, ignored his criminal past, and ignored his threats to her in an email and voicemail.

The recording showed the specific issue of her disability was not a significant portion of the interview. The recording showed Ms. [REDACTED] was the first to bring up the subject and offered it as a contributory reason for why she had an interpersonal relationship with the other party. The recording showed Detective M. simply asked what her disability was, which in this situation was relevant since Ms. [REDACTED] brought it up. Both Ms. [REDACTED] and the other party provided several emails and text messages to Detective M. that Detective R. reviewed. The messages between them both had veiled threats, but there was no specific mention of physical harm. The playing of a voicemail was not on the recorded interview. The recorded interview showed Ms. [REDACTED] became indignant and asked if Detective M. looked into the other party's past police reports when Detective M. asked her to be specific about the other party's behaviors with her. Detective R. echoed they needed specifics between Ms. [REDACTED] and the other party, not generalities. The recording showed Detective R. did not defend the other party.

The CPOA finds the allegation of a violation of this SOP against Detective R. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Letter to Ms. [REDACTED]
February 12, 2016
Page 4

Your complaint and these findings will be placed in Detective R.'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.

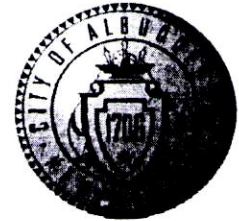
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 029-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on March 3, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 4, 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 at the time she initially reported the rape she was unable to give a statement. According to Ms. [REDACTED], unbeknownst to her, Detective M. contacted her attacker and received his statement. Ms. [REDACTED] alleged that when she was ready to give a statement, Detective M. ignored her. Ms. [REDACTED] alleged Detective M. accepted everything her attacker said as fact. Ms. [REDACTED] alleged Detective M. implied Ms. [REDACTED] was lying and Detective M. did not need to investigate. Ms. [REDACTED] alleged Detective M. treated her like a suspect. Ms. [REDACTED] alleged Detective M. refused to collect physical evidence she offered. Ms. [REDACTED] wrote Detective M. focused on unflattering emails Ms. [REDACTED] sent and was dismissive of Ms. [REDACTED]. Ms. [REDACTED] alleged Detective M. made a mistake in understanding

the timeline, but instead of apologizing Detective M. became angry and said she was going to end the interview.

The CPOA Investigator interviewed Ms. ██████████. Ms. ██████████ stated in her interview she tried to contact Detective M. for an interview for months, but Detective M. ignored her. Ms. ██████████ stated in her interview that it was obvious from the start Detective M. believed her attacker's version as fact. Ms. ██████████ stated Detective M. nonchalantly talked about a sensitive subject and could not believe Detective M.'s attitude. Ms. ██████████ stated Detective M. asked her the specifics of her disability and that was inappropriate. Ms. ██████████ stated Detective M. treated her as a suspect. Ms. ██████████ stated Detective M. ignored the threats made to her by her attacker. Ms. ██████████ stated Detective M. referenced emails from her attacker, but did not provide them to Ms. ██████████ for reference. Ms. ██████████ stated Detective M. should not have chastised her for sending insulting emails. Ms. ██████████ stated Detective M. disregarded the physical evidence Ms. ██████████ tried to provide because according to her attacker the sex was consensual. Ms. ██████████ repeated that when she corrected Detective M. on dates Detective M. became angry and tried to end the interview. Ms. ██████████ stated Detective M. was biased against her.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Albuquerque Police Report, emails provided as evidence, phone logs, Detective M.'s audio recordings, Officer S.'s lapel recording, and the CPOA Investigator's interviews of Ms. ██████████ and Detective M.. Additional interviews were conducted with Detective R. and Sergeant P. for the respective complaints Ms. ██████████ filed about them in CPC 028-15 and 027-15.

(A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Detective M.'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. ██████████ alleged she called Detective M. several times, but Detective M. ignored her. When Detective M. finally interviewed her, Detective M. treated her as a suspect instead of a victim. Detective M. screamed at her during the interview and accused her of committing a crime. Ms. ██████████ stated Detective M. chastised her for sending nasty emails, which was her right to do. Ms. ██████████ was also shocked by Detective M.'s nonchalant attitude while discussing sensitive topics. Ms. ██████████ alleged Detective M. became angry when Ms. ██████████ pointed out her mistake and said the interview was "over" instead of just apologizing.

Ms. ██████████ provided phone records showing when she called the APD Sex Crimes Unit. A recording showed Detective M. provided Ms. ██████████ her phone number during their conversation on November 20, 2014, but Ms. ██████████ did not show in her records she

attempted to call that number. A couple of the calls in December were late at night when no one would be available. The recorded interview showed Detective M. never screamed at Ms. [REDACTED].

The recorded interview showed Detective M. spoke in an even-toned manner throughout the interview. The recorded interview showed Detective M. allowed Ms. [REDACTED] to provide her side, but then Detective M. questioned Ms. [REDACTED] about the emails and texts. The recorded interview showed Ms. [REDACTED] was extremely intolerant of Detective M.'s mistake about the timeline. The recording showed Detective M. acknowledged her mistake. The recorded interview showed Detective M. suggested they end the interview, as they were not there to battle with her. The recorded interview showed Detective M. was being frank with Ms. [REDACTED] about how her messages appeared. Detective M. did not shout that the interview was over. Detective M. agreed and the recording showed that Ms. [REDACTED] fit into the category of a victim and a potential suspect based on the evidence the detectives had. The interview recording showed some of the statements Ms. [REDACTED] alleged were not said or the context was different.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating Procedural Order 2-24-4F8 regarding Detective M.'s conduct, which states:

Steps to be followed in conducting follow up investigations 8. Collect physical evidence.

Ms. [REDACTED] informed Detective M. she had physical evidence to provide, but did not have an opportunity to explain its full relevance. Ms. [REDACTED] stated Detective M. refused to collect her evidence. Ms. [REDACTED] believed Detective M. should have shared the emails that the other party provided so she could adequately respond to them because she believed her email account was hacked by the other party.

Detective M. told Ms. [REDACTED] over the phone in November 20, 2014 she would collect whatever evidence was necessary, but did not go into any explanation of problems with the evidence Ms. [REDACTED] was trying to submit. It is unknown if the problems with the evidence were explained later to Ms. [REDACTED] as Detective M. said she did. Detective M. explained the evidence would not be tested due to chain of custody issues, improper storage and that the DNA presence would not establish coercion. It would not be proper investigative procedure to share evidence with Ms. [REDACTED] such as the emails from the other party without first obtaining a statement.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **EXONERATED**, which means the alleged misconduct did occur, but did not violate APD policies, procedures, or training.

(C) The CPOA reviewed Standard Operating General Order 1-03-2(C) regarding Detective M.'s conduct, which states:

Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability or economic status.

Ms. [REDACTED] claimed Detective M. treated her in the inappropriate and harassing manner she did because she was biased against her. She felt Detective M. was biased against her because of her disability. Detective M. inappropriately asked her for specifics about her disability during the interview. Ms. [REDACTED] claimed Detective M. defended her attacker, ignored his criminal past, and ignored his threats to her in an email and voicemail.

The recording showed the specific issue of her disability was not a significant portion of the interview. The recording showed Ms. [REDACTED] was the first to bring up the subject and offered it as a contributory reason for why she had an interpersonal relationship with the other party. The recording showed Detective M. simply asked what her disability was, which in this situation was relevant since Ms. [REDACTED] brought it up. Both Ms. [REDACTED] and the other party provided several emails and text messages to Detective M. The messages between them both had veiled threats, but there was no specific mention of physical harm. The playing of a voicemail was not on the recorded interview. The recorded interview showed Ms. [REDACTED] became indignant and asked if Detective M. looked into the other party's past police reports when Detective M. asked her to be specific about the other party's behaviors with her. The recording showed Detective M. did not defend the other party, but did inform Ms. [REDACTED] of his response to her allegations.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Detective M.'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.

Letter to Ms. [REDACTED]
February 12, 2016
Page 5

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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Jeffery Scott Wilson, Co-Vice Chair

Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 035-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on March 15, 2015 against Officer B. of the Albuquerque Police Department (APD) regarding an incident that occurred on October 22, 2014. 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 October 22, 2014, he was evicted from the [REDACTED], [REDACTED] SE because he refused to turn his computer and carrying case over to the Security Guard before he entered the market to shop. Mr. [REDACTED] complained that the Security Guard ordered him to leave and forcibly grabbed his arm, escorted him outside and then slammed him on the ground. Mr. [REDACTED] said he received a bruise and a cut on his arm from the Security Guard's tight grip and fingernail. Mr. [REDACTED] said he also received bruises on his shoulder and elbow as a result of being taken to the ground. Mr. [REDACTED] said the Security Guard proceeded to kneel on his head as he handcuffed Mr. [REDACTED]. Mr. [REDACTED] complained he went to the APD Southeast Substation on October 29, 2014 to file a police report regarding the incident and was told to contact Officer G., who was the responding officer.

Mr. ██████████ complained he left two messages at the Southeast substation for Officer B. to call him but Officer B. never called him back. One message was left on October 30, 2014 and the other on November 3, 2014. Mr. ██████████ said between November 7, 2014 and January 15, 2015, he contacted the following individuals and organizations via email or telephone in an attempt to file a complaint against ██████████, the ██████████ Security Guard: the Mayor of Albuquerque, the District Attorney, 242-COPS, Bernalillo Metropolitan Court, Deputy Police Chief ██████████, and APD Sergeant ██████████ and he was not able to file a complaint and "get his day in court." Mr. ██████████ complained he was a victim who was unable to file a complaint and no one has been able to offer him a solution.

Mr. ██████████ was interviewed and repeated what was in his original complaint. He added that he did not tell Officer B. about his injuries and did not ask Officer B. to accept charges against the Security Guard. He said several days after the incident he decided to press charges against the Security Guard. He also said Officer B.'s behavior the day of the incident was perfect. He said Officer B. addressed his concerns that day and was respectable with his demeanor and procedures.

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

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

A) The CPOA reviewed Standard Operating Procedure 1-02-2 (B) (1) regarding Officer B.'s conduct, which 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:

1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty.

Mr. ██████████ complained Officer B. failed to return Mr. ██████████'s phone calls, resulting in Mr. ██████████ not being given the opportunity to file a complaint against a Security Guard he alleged assaulted him at the ██████████

When Officer B. arrived at the ██████████, ██████████ staff had Mr. ██████████ in handcuffs. Officer B. took the handcuffs off Mr. ██████████. Mr. ██████████ told Officer B. that he did not have any injuries. ██████████ staff requested Officer B. to issue Mr. ██████████ a Notice of Trespass, which Officer B. did. Mr. ██████████ then left the scene on foot. A review of Officer B.'s report, the CADS report and interviews showed Officer B. took appropriate action and rendered assistance to Mr. ██████████, when he responded to the original incident. The evidence

Letter to Mr. [REDACTED]
February 12, 2016
Page 3

showed that when Officer B. contacted Mr. [REDACTED], Mr. [REDACTED] denied he had any injuries and did not ask Officer B. to bring charges against the Security Guard.

The CPOA finds Officer B.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

You have the right to appeal this decision.

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

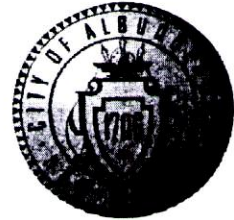
Sincerely,
Civilian Police Oversight Agency by



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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Jeffery Scott Wilson, Co-Vice Chair

Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 036-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on March 11, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 25, 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.

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I. THE COMPLAINT

Ms. [REDACTED] did not know when the event occurred about which she wanted to complain. Ms. [REDACTED] wrote that Officer T. responded to her call to police about her neighbor. Ms. [REDACTED] wrote Officer T. told Ms. [REDACTED] to talk to Detective T., who is assigned to the Crisis Intervention Team. Detective T. had worked with Ms. [REDACTED] for an extended period of time and knew the history of Ms. [REDACTED]'s concerns about her neighbors. Ms. [REDACTED] wanted Officer T. to talk to her neighbor because her neighbor harassed her.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] stated in her interview Officer T. left her house quickly. Ms. [REDACTED] believed Officer T. did not go to the neighbor's house as she

requested. Ms. [REDACTED] stated Officer T. refused to go to the neighbor's house. Ms. [REDACTED] stated Officer T. told her to talk to Detective T. Ms. [REDACTED] stated Officer T. spoke to a different neighbor and then left. Ms. [REDACTED] was irritated by Officer T.'s lack of response so she complained to Sergeant L. Ms. [REDACTED] claimed Sergeant L. told her she had better stop bothering his CIT detectives. Ms. [REDACTED] stated Sergeant L. called her a liar. Ms. [REDACTED] stated Sergeant L. said he was going to "do something" to her, which she took as a threat. Ms. [REDACTED] stated Sergeant L. hung up on her.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report, and the CPOA Investigator's interviews of [REDACTED], Officer T. and Sergeant L.

(A) The CPOA reviewed Standard Operating Procedure General Order 1-04-1(F) regarding Officer T.'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] asked Officer T. to talk to her neighbor, Ms. [REDACTED], about Ms. [REDACTED]'s on-going issues with her neighbor. Officer T. left her home quickly and it was her belief Officer T. did not attempt to talk to Ms. [REDACTED]. She wanted Officer T. to relay a message to Ms. [REDACTED] to quit bothering her. She found out later that Officer T. did attempt to go to Ms. [REDACTED]'s house. Despite admitting her original belief was incorrect, Ms. [REDACTED] insisted she still had a complaint against Officer T. However, Ms. [REDACTED] could not adequately express a complaint against Officer T. Ms. [REDACTED] then said that she asked Officer T. to go to Ms. [REDACTED]'s house, but Officer T. refused. Officer T. told her to talk to Detective T. because Officer T. knew nothing about the case. Ms. [REDACTED] said Officer T. acted as if he did not want to talk to her and ran off right away. Officer T. spoke to a different neighbor, but she could not hear what was said.

There was no lapel video of the contact between Officer T. and the citizens he contacted. Ms. [REDACTED] claimed her complaint with Officer T. was that he refused to talk to her neighbor even though she also admitted he tried.

I find Officer T.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating Procedure General Order 1-39-2(B) regarding Officer T.'s conduct, which states:

All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant,

search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.

Officer T. stated he believed he recorded his contact, but could not locate his video on Evidence.com. Officer T. stated he had been having some camera difficulties.

I find the allegation of a violation of this SOP against Officer T. was **SUSTAINED**, which means the alleged misconduct did occur.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT L.'S CONDUCT

(A) The CPOA reviewed Standard Operating Procedure General Order 1-04-1(F) regarding Sergeant L.'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] claimed Sergeant L. told her to stop bothering his CIT detectives. Ms. [REDACTED] stated Sergeant L. called her a liar for accusing Officer T. of not talking to her neighbor when Officer T. tried. Ms. [REDACTED] claimed Sergeant L. threatened her by saying he was going to "do something". Ms. [REDACTED] stated Sergeant L. hung up on her.

There was no recording of the phone conversation between them. Ms. [REDACTED] claimed Sergeant L. was aggressive. Sergeant L. denied the allegation.

I find the allegation of a violation of this SOP against Sergeant L. was **NOT SUSTAINED**, which means the investigation was unable to determine whether the alleged misconduct occurred.

(B) The CPOA reviewed Standard Operating Procedure General Order 1-39-2(B) regarding Sergeant L.'s conduct, which states:

All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.

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

Sergeant L. did not record his phone conversation with Ms. [REDACTED]. Sergeant L. stated he did not really have the means to record the phone conversation because he was in his car. Sergeant L. explained as a general rule he did not record follow-up calls to citizens about other officers. Sergeant L. interpreted contact in the policy to mean face-to-face contact not phone calls. However, Sergeant L. knew from prior experience Ms. [REDACTED] was not a typical citizen call-back, as Ms. [REDACTED] has made numerous other contacts with police about her concerns about her neighbor. Sergeant L. should have used his lapel recorder to record the conversation while on speaker phone.

I find the allegation of a violation of this SOP against Sergeant L. was **SUSTAINED**, which means the alleged misconduct did occur.

Your complaint and these findings will be placed in Officer T.'s and Sergeant L.'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

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

February 12, 2016
Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #037-15

Dear Mrs. [REDACTED]

Our office received the complaint you filed on March 17, 2015 against Police Service Aide S. of the Albuquerque Police Department (APD) regarding an incident that occurred on March 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.

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I. THE COMPLAINT

[REDACTED] complained that on March 13, 2015 she received a parking ticket on her windshield and it was issued by Police Service Aide (PSA) S. Ms. [REDACTED] alleged that PSA S. broke her windshield wiper when he left the ticket. She did not notice the wiper blade was broken until it started raining and when she turned on her wipers, one of them scratched her windshield. She alleged that she almost wrecked because of the PSA's negligence. Ms. [REDACTED] wrote that it was highly upsetting that the PSA was so irresponsible with other people's property. She wrote that it was unprofessional and that she expected the matter to be dealt with.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, an interview with Mrs. [REDACTED] and her husband, and an interview with PSA S.

A) The CPOA reviewed Standard Operating Procedure Order 2-02-2(B) regarding PSA S.'s conduct, which states:

Damage to Civilian Property

When sworn personnel damage civilian property in the course of their duties:

- a. The supervisor in charge will ensure photographs are taken of the damage that was caused.***
- b. The scene will not be left until detailed photographs of the damage have been taken.***
- c. The incident will be documented detailing the exact damage and a copy shall be forwarded to the Risk Management Division.***
- d. The supervisor shall provide Risk Management's contact information to the property owner.***

Ms. [REDACTED] alleged that PSA S. broke her windshield wiper when he left a parking ticket under it. She did not notice the wiper blade was broken until it started raining a few days later and when she turned on her wipers, one of them scratched her windshield. She alleged that she almost wrecked because of the PSA's negligence. Ms. [REDACTED] wrote that it was highly upsetting that the PSA was so irresponsible with other people's property. She wrote that it was unprofessional and that she expected the matter to be dealt with.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] admitted that it was a few days after being ticketed that she noticed the damage. Prior to being ticketed, it had been a couple of months since her husband, who is a mechanic, had checked the condition of the wiper blades on her car. Ms. [REDACTED] admitted that she parks her car in areas where other people have access to it, but she said that it was highly unlikely that anyone else could have damaged the wiper blade. When Ms. [REDACTED] was asked what proof she had that PSA S. damaged her wiper blade, she said that she had none. Ms. [REDACTED] said that she was not seeking restitution or damages, but she did want someone to speak with the PSA about being more careful when leaving citations on people's windows.

The CPOA Investigator interviewed PSA S. PSA S. could not remember ticketing Ms. [REDACTED]'s car or the circumstances surrounding it. PSA S. said that around the time that this incident occurred he did remember ticketing a car that had a broken windshield wiper on it. The car, he thought, was silver in color. (Ms. [REDACTED]'s car is gold.) PSA S. said that he went to place the

Letter to Ms. [REDACTED]
February 12, 2016
Page 3

ticket under the windshield wiper and the windshield wiper was already broken. He put the windshield wiper back on as best he could and then he left the ticket under the wiper blade. PSA S. denied breaking the wiper blade. PSA S. said that if he had broken the wiper blade he would have notified his supervisor and documented it, but since the blade was broken before he placed the ticket on the windshield, he felt that there was no need to document the incident.

Ms. [REDACTED] said that she suspected that PSA S. was the one who broke her wiper blade. She admitted that he had no proof of that and she admitted that the car had been parked in other areas where anyone would have had access to her car. PSA S. said that while he did not remember ticketing Ms. [REDACTED]'s car specifically, he did remember that around the date and time of Ms. [REDACTED] being ticketed, he did ticket a car with a broken windshield wiper blade on it. PSA S. said that he did not break the wiper blade.

The CPOA finds with regards to the allegation made by Mrs. [REDACTED] about PSA S.'s conduct that the allegation was **NOT SUSTAINED**, was unable to determine by a preponderance of the evidence, whether the alleged misconduct occurred.

Your complaint and these findings are made part of PSA S.'s Internal Affairs records.

You have the right to appeal this decision.

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

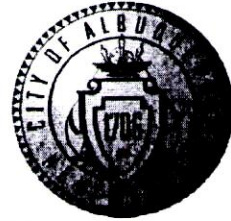
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

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

February 12, 2016
Via Certified Mail

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

Re: CPC # 039-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on March 25, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that started on February 23, 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] complained about the nature and quality of Detective G.'s investigation into crimes involving Mr. [REDACTED]'s his sister, Ms. [REDACTED]. Mr. [REDACTED] complained that Detective G. was incompetent, inconsistent, biased, and intimidating. Mr. [REDACTED] wrote that Detective G. disregarded historical information about Mr. [REDACTED] and safety concerns articulated by his sister. Mr. [REDACTED] also wrote that Detective G. disregarded articulated safety concerns for his niece, the daughter of Mr. and Ms. [REDACTED]. Mr. [REDACTED] alleged that Detective G. ignored evidence Ms. [REDACTED] provided of abuse and coercion of his niece. Mr. [REDACTED] wrote Detective G. disregarded the death threats Mr. [REDACTED] made against his sister. Mr. [REDACTED] wrote Detective G. did not collect evidence offered to prove ownership of the

motorcycle. Mr. ██████████ wrote Detective G.'s report was full of inaccuracies. Mr. ██████████ wrote Detective G. threatened and intimidated that she would file charges against Mr. ██████████.

The CPOA Investigator interviewed Mr. ██████████. Mr. ██████████ reiterated much of his written complaint in his interview. Mr. ██████████ stated the paperwork his sister attempted to provide showed clear ownership of the motorcycle in dispute belonged to Ms. ██████████. Mr. ██████████ stated Detective G. ignored the domestic violence history and threats Mr. ██████████ made towards Ms. ██████████. Mr. ██████████ stated Detective G. ignored the intimidation and coercion of a minor child by Mr. ██████████. Mr. ██████████ stated Detective G. threatened him with arrest and defamed him by calling him a criminal. Mr. ██████████ stated Detective G.'s report had numerous inaccuracies. Mr. ██████████ stated Detective G. treated his sister rudely.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Albuquerque Police Report, Minute Order signed by a Judge, Arrest Warrant, Detective G.'s lapel video, Detective G.'s audio recordings, and the CPOA Investigator's interviews of Mr. ██████████ and Detective G.

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Detective G.'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. ██████████ stated Detective G. treated his sister rudely. Mr. ██████████ claimed Detective G. intimidated him by threatening him with criminal charges when she called him on the phone. Mr. ██████████ stated Detective G. seemed to update Mr. ██████████ on her activities because Mr. ██████████ sent several demanding and threatening text messages supposedly with Detective G.'s backing.

Detective G. recorded her phone conversations with Ms. ██████████. Ms. ██████████ declined to participate in the investigative process. The recordings showed Detective G. treated Ms. ██████████ professionally. Detective G. did not have her phone conversation recorded with Mr. ██████████. Mr. ██████████ stated Detective G. was cordial, but direct with him. Mr. ██████████ sending texts of his own was outside of Detective G.'s control. The overall investigation supports Detective G.'s version of events, but there is not enough evidence to support the clear and convincing standard for the entire conduct allegation.

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

(B) The CPOA reviewed Standard Operating Procedural Order 2-24-4(F)(1), (2), (4), (8), (9), (10), (12), & (13) regarding Detective G.'s conduct, which states:

Steps to be followed in conducting follow up investigations: 1. Review and analyze all previous reports. 2. Conduct additional interviews and interrogations, when necessary. 4. Seek additional information from officers, informants, etc. 8. Collect physical evidence. 9. Identify and apprehend the suspect(s). 10. Check criminal histories. 12. Prepare cases for court presentations and assist in the prosecutions. 13. Notify victims of the status of their case.

Mr. ██████████ claimed Detective G. filed false charges against his sister because Detective G. refused to accept documentation his sister offered nor did Detective G. interpret things correctly. Mr. ██████████ claimed the original field officer determined his sister was the rightful owner of the motorcycle at issue. Detective G. did not consider Mr. ██████████'s domestic violence history and ignored threats Mr. ██████████ made towards Ms. ██████████. Detective G. did not look into the fact the ██████████'s daughter was intimidated, coerced to lie to police, and mistreated. Detective G.'s report was conflicting and inaccurate in several ways. Mr. ██████████ stated Detective G. did not attempt to collect physical evidence.

Ms. ██████████ declined to participate in the investigative process. Mr. ██████████ stated his sister was awarded the motorcycle in the original divorce decree and that the term reserved meant that fact stayed the same. However, a Judge signed a Minute Order in September 2014, which said the property was reserved. Detective G. understood this meant the property was not to be transferred to Ms. ██████████ and was the property of Mr. ██████████. The assistant District Attorney supported this interpretation as did the Judge since the arrest warrant was granted. The original field officer did not write in his report that Ms. ██████████ was the rightful property owner of the motorcycle, and there was the issue of additional missing property. The phone recordings showed Detective G. offered to meet Ms. ██████████ in person for an interview, but Ms. ██████████ declined. The phone recordings showed Ms. ██████████ did not provide documentation to support her position. Detective G. looked at past calls for service and reports. During the phone conversations, Ms. ██████████ did not provide specific information about threats just vague references to what friends told her. The phone recording showed Detective G. advised Ms. ██████████ to call police when she received a threat, and Ms. ██████████ indicated she appreciated the advice and understood. Detective G. considered Ms. ██████████'s claim that her daughter was coerced and mistreated. Detective G. saw no evidence that the ██████████'s daughter was abused, intimidated, or mistreated while Detective G. interacted with the girl at Mr. ██████████'s home. The message Ms. ██████████ played, in Detective G.'s opinion, did not go beyond a parent angrily scolding a child, and further supported the belief that Ms. ██████████ had the garage code. The phone recordings showed Ms. ██████████ said she had already taken the appropriate steps to report her concerns about her daughter. The original field officer attempted to collect physical evidence, such as dusting for fingerprints, but there was nothing to be collected. Mr. ██████████ said his statements about inaccurate reporting came from a handwritten report, but did not provide that report to support his claim. The only report obtained from records was a typed report. Mr. ██████████ claimed Detective G. confused the time of the tow in her report. A call

placed to the towing company confirmed Detective G. accurately documented the information in her report. Detective G. followed policy in her investigation, there is clear and convincing evidence that the alleged misconduct of performing a poor, one-sided investigation did not occur.

The CPOA finds the allegation of a violation of this SOP against Detective G. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Detective G.'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

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

February 12, 2016
Via Certified Mail

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

Re: CPC #041-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on March 26, 2015 against Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on February 16, 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

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

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] stated that on February 13, 2015 at about 12:00 AM, she was standing between her son, [REDACTED], and her daughter, [REDACTED], who were in a verbal argument, when she was accidentally hit by [REDACTED]. Ms. [REDACTED] complained that a criminal complaint against her daughter, which was filed by APD Officer M., was incomplete and inaccurate and completed without Ms. [REDACTED]' input. Ms. [REDACTED] complained that [REDACTED] was described by Officer M. as intoxicated and aggressive and that her actions were intentional. Ms. [REDACTED] stated that the two witnesses to the incident, [REDACTED], and his girlfriend, [REDACTED], told her they did not tell Officer M. that [REDACTED] was intoxicated or aggressive. Ms. [REDACTED] complained that she was never contacted and/or questioned by Officer

M. via telephone or in person. Ms. ██████ requested a review of this incident and asked to be interviewed. Ms. ██████ complained she called the substation to speak with Officer M. and left her name and phone number but Officer M. did not return her call.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, a witness and Officer M.

A) The CPOA reviewed Standard Operating Procedure 2-24-3 (A) (5) (b) regarding Officer M.'s conduct, which states:

A. Preliminary Investigations

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

b. Locate, identify, and interview witnesses, victims and suspect(s).

Ms. ██████ complained that Officer M. did not contact her to question her regarding the events that took place during the incident.

The CPOA Investigator interviewed Officer M. and reviewed Officer M.'s lapel video and determined that Officer M. attempted to call Ms. ██████, but did not leave a message. Ms. ██████ said she did not receive a call from Officer M. Ms. ██████ admitted that she received a call from an unknown number and the caller did not leave a message. Ms. ██████ also stated that due to her cellular service provider, not all phone calls are received.

The CPOA Investigator reviewed Officer M.'s lapel video and interviews and determined Officer M.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 2-24-3 (A) (5) (f) regarding Officer M.'s conduct which 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.

Ms. ██████ complained that Officer M.'s report was inaccurate and incomplete because Officer M. described Ms. ██████' daughter, ██████, as having been intoxicated and aggressive during the incident, which Ms. ██████ denies.

Letter to Ms. [REDACTED]
February 12, 2016
Page 3

The CPOA Investigator reviewed Officer M.'s lapel video, interviews and report and determined Officer M. contacted Ms. [REDACTED]'s son, [REDACTED], and his girlfriend, [REDACTED], who both witnessed [REDACTED] strike Ms. [REDACTED] and both reported that [REDACTED] was intoxicated and aggressive.

The CPOA Investigator reviewed Officer M.'s lapel video and interviews and determined Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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.

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.

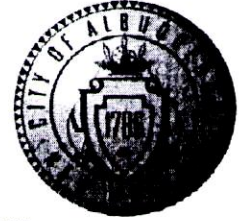
Sincerely,
The Civilian Police Oversight Agency by



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

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Jeffery Scott Wilson, Co-Vice Chair

Dr. Jeannette Baca

Joanne Fine

Dr. Susanne Brown

Rev. Dr. David Z. Ring III

February 12, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 184-15

Dear Ms. [REDACTED]:

Our office received the complaint you filed on September 14, 2015 against Officer M., Officer P. and Officer I. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 11, 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] said that on September 11, 2015 she was arrested by APD Officers M., P., and I. She stated that incident to her arrest officers took possession of her wallet so they could retrieve her identification. Ms. [REDACTED] complained that when she went to retrieve her wallet from APD Property and Evidence the wallet was damaged and \$750.00 US currency was missing from the wallet.

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

The Executive Director of the CPOA reviewed the investigation conducted by the Internal Affairs Investigator, which included a review of the applicable SOPs, the Complaint, Ms.

[REDACTED]'s interview, the CADS reports, the arrest report, and Officer M.'s interview and lapel videos.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 2-08-2(A1), which states:

A. Evidence/Property/Found Item Accountability

1. Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers. Officers will tag all found, safekeeping and evidence items using the Officer Input Module (OIM) evidence accounting tracking system. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM system outages.

Officer M recovered the missing wallet on Coors Bd. and took on the task of tagging wallet and the contents. He proceeded to the North West Substation, separated the items placing the items into the required plastic bags, and then attempted to log into the OIM system. The OIM system was down and he was unable to electronically log the evidence into the system. Officer M alerted his Sergeant of the situation. They decided to log the evidence in at the beginning of Officer M's next shift. Officer M placed the sealed evidence into the trunk of his squad car.

Officer M's next shift began the next day. However, he failed to log the evidence in at the beginning of his shift. Instead, the evidence stayed in the trunk of the squad car until his Sergeant reminded him to log in the evidence. Officer M returned to the station and tagged the evidence into the OIM system.

The CPOA finds Officer M.'s conduct **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

B) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 2-08-2(B2), which states:

B. Items to be Tagged

2. All articles of evidence, safekeeping, and found items will be tagged/entered into evidence using OIM and submitted to the Evidence Unit and deposited in substation drop boxes by the end of the officer's tour of duty. Only a supervisor due to exigent or unusual circumstances can authorize exceptions to this; however, the evidence must be placed in a secure setting within a police building such as a safe or a locker or cabinet that can be secured under the direct control of the supervisor.

Officer M admitted he forgot to tag the property. He stated it was an accident and as soon as his Sergeant reminded him about the property he returned to the station and tagged it into evidence.

The CPOA finds Officer M.'s conduct **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

Based upon my review of Officer M's work history, in accordance with Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-09-3 (O) "Chart of Sanctions", this is a first offense, level 6 violation therefore I recommend a Written Reprimand.

C) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-04-1(A), which states:

A. Personnel shall obey all laws, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States.

After reviewing the interviews, and the lapel videos of Officer M and Officer I, it is unknown if the complainant had \$750.00 inside her wallet. During the complainant's interviews she gave conflicting statements, none of which are supported by the video evidence. Complainant stated she pulled the money out of her wallet to show the officers. This statement is not supported by the video evidence.

The complainant's wallet is visible and seen in both Officer M's and Officer I's lapel video. Paper currency is not visible. Officer I removes the complainant's ID but nothing else from the wallet.

The video does show the wallet being placed on top of Officer I's vehicle. That is most likely how the wallet ended up on Coors Bd.

In her original complaint, the complainant does not allege an APD Officer stole the money. She simply inquired how to recover the missing money and why her wallet was not booked into evidence right away.

Complainant was referred to Risk Management to file a claim for the missing money.

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

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

The Executive Director of the CPOA reviewed the investigation conducted by the Internal Affairs Investigator, which included a review of the applicable SOPs, the Complaint, Ms. [REDACTED]'s interview, the CADS reports, the arrest report, and Officer I.'s report, interview and lapel videos.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 2-08-2(A1), which states:

A. Evidence/Property/Found Item Accountability

1. Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers. Officers will tag all found, safekeeping and evidence items using the Officer Input Module (OIM) evidence accounting tracking system. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM system outages.

Officer I arrested the complainant, placed her in handcuffs, and transported her from the Target store to meet other officers and subjects related to the arrest. While in the back of Officer I's the complainant handed him her wallet. He removed the ID and placed the wallet on top of the squad. Officer I transferred the complainant to Officer M's squad handed all of the complainant's property to Officer M, except the wallet. Officer I drove away with the wallet still atop the vehicle at approximately 2008 hrs. The wallet was recovered on Coors Bd. at approximately 2319 hrs.

The CPOA finds Officer I.'s conduct **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

Based upon my review of Officer I's work history, in accordance with Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-09-3 (O) "Chart of Sanctions", this is a first offense, level 6 violation therefore I recommend a Written Reprimand.

B) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-04-1(A), which states:

A. Personnel shall obey all laws, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States.

After reviewing the interviews, and the lapel videos of Officer M and Officer I, it is unknown if the complainant had \$750.00 inside her wallet. During the complainant's interviews she gave conflicting statements, none of which are supported by the video evidence. Complainant stated she pulled the money out of her wallet to show the officers. This statement is not supported by the video evidence.

The complainant's wallet is visible and seen in both Officer M's and Officer I's lapel video. Paper currency is not visible. Officer I removes the complainant's ID but nothing else from the wallet.

The video does show the wallet being placed on top of Officer I's vehicle. That is most likely how the wallet ended up on Coors Bd.

In her original complaint, the complainant does not allege an APD Officer stole the money. She simply inquired how to recover the missing money and why her wallet was not booked into evidence right away.

Complainant was referred to Risk Management to file a claim for the missing money.

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

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

You have the right to appeal this decision.

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

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

Letter to Ms. [REDACTED]
February 12, 2016
Page 6

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 W. Harness, Esq.
Executive Director