

Independent Review Office

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CITY OF ALBUQUERQUE

Richard J. Berry
Mayor

Robert J. Perry
Chief Administrative Officer



Independent Review Office of the Police Oversight Commission 2014 Semi-Annual Report First Two Quarters January - June 2014

Mission Statement

The mission of the Police Oversight Commission (POC) and the Independent Review Office is to provide a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department (APD), and to provide for community participation in setting and reviewing police department policies.

Robin S. Hammer, Esq.
Independent Review Officer

Jeffrey Peterson
Chair

William Barker
Vice Chair

POLICE OVERSIGHT COMMISSION MEMBERS

DISTRICT ONE:

RICHARD SHINE

Appointed: 08/20/12

Term Ends: 02/01/15

Resigned: 04/15/14

DISTRICT TWO:

JONATHAN SIEGEL

Appointed: 05/21/12

Term Ends: 02/01/15

Resigned: 04/15/14

DISTRICT THREE:

JENNIFER BARELA

Appointed: 03/18/13

Term Ends: 02/01/16

Resigned: 04/15/14

DISTRICT FOUR:

JEFFREY PETERSON

Appointed: 01/23/13

Term Ends: 02/01/16

DISTRICT FIVE:

VACANT

DISTRICT SIX:

DAVID M. CAMERON

Appointed: 04/16/12

Term End: 02/01/14

Resigned: 03/13/14

DISTRICT SEVEN:

VACANT

DISTRICT EIGHT:

DR. CARL FOSTER

Appointed: 01/23/13

Term Ends: 02/01/15

DISTRICT NINE:

WILLIAM BARKER

Appointed: 01/23/13

Term Ends: 02/01/16

INDEPENDENT REVIEW OFFICE STAFF

ROBIN S. HAMMER, Esq.

Independent Review Officer

Paul M. Cash

Independent Review Office Analyst

Paul A. Skotchdopole

Independent Review Office

Assistant Lead Investigator

Michelle J. Contreras

Independent Review Office

Executive Administrative Assistant

Diane L. McDermott

Independent Review Office Investigator

Chris Davidson

Independent Review Office Investigator

POLICE OVERSIGHT COMMISSION & INDEPENDENT REVIEW OFFICE

The Police Oversight Commission is tasked with the following functions:

1. Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
2. Oversee the full investigation and/or mediation of all citizen complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
3. Continue the cooperation of APD and solicit public input by holding regularly scheduled public meetings;
4. Review all work of the Independent Review Office with respect to quality, thoroughness, and impartiality of investigations;
5. Submit periodic reports to the Mayor and City Council;
6. Submit all findings to the Chief of Police;
7. Engage in a long-term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.

The Independent Review Officer manages the staff of the Independent Review Office. The Independent Review Officer (IRO) is given autonomy and performs the following duties under the supervision of the POC:

1. The IRO receives all citizen complaints directed against APD and any of its officers. The IRO reviews the citizen complaints and assigns them to be investigated by the IRO independent investigators or APD Internal Affairs.
2. The IRO oversees, monitors, and reviews all of those investigations and makes findings for each case.
3. The IRO makes recommendations and gives advice regarding APD policies and procedures to the POC, City Council, APD, and the Mayor.
4. The IRO uses an impartial system of mediation for certain complaints.
5. The IRO monitors all claims of excessive force and police shootings and is an ex-officio member of the City of Albuquerque Claims Review Board.
6. The IRO ensures that all investigations are thorough, objective, fair, impartial, and free from political influence.
7. The IRO maintains and compiles information sufficient to satisfy the POC's reporting requirements.

POC MEETINGS WERE HELD MONTHLY AND WERE OPEN TO THE PUBLIC

During the First Quarter 2014, the POC met on:

January 9, 2014
February 13, 2014
March 13, 2014

During the Second Quarter 2014, the POC met on:
April 10, 2014
May 8, 2014
June 12, 2014

2014 LONG-TERM PLANNING COMMITTEE (LTPC)

MEMBERS

RICHARD SHINE (CHAIR)
WILLIAM BARKER (VICE-CHAIR)
JONATHAN SIEGEL

The LTPC reviewed trends and analysis to make policy recommendations to the full POC. The LTPC also reviewed and made recommendations on the IRO/POC regarding budget.

LTPC MEETINGS WERE HELD MONTHLY AND WERE OPEN TO THE PUBLIC

The LTPC held meetings during the First Quarter 2014 on:

January 9, 2014
February 27, 2014
March 27, 2014

The LTPC held meetings during the Second Quarter 2014 on:

April 25, 2014

The LTPC reviewed trends to make policy recommendations to the full POC. The LTPC also reviewed and made recommendations on the IRO/POC regarding the annual operating budget for the IRO and the POC.

On January 9, 2014, the LTPC discussed their recommendations concerning the structure of the Independent Review Office, which included the suggestion that the office be expanded to include additional investigators, an additional analyst, and a community outreach director. There was also a recommendation to increase the IRO travel budget so that five commissioners could attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference.

On February 27, 2014, the LTPC discussed the issue of an officer being permitted to make false statements as part of a lawful criminal investigation. APD Sergeant Belinda Mock informed the Committee that there is not a Standard Operating Procedure (SOP) that dealt with that technique. The APD “use of force” forms were discussed, along with deliberation concerning the rules for inactivation of CPCs.

The LTPC also sought to study trends and analyze all civil litigation against APD officers in the last 5 years. IRO Hammer informed the Committee that she sent City Attorney David Tourek an

email requesting that someone from City Legal attend the meeting to address this item. Mr. Tourek informed IRO Hammer that all information he could provide would be public records. Mr. Tourek also informed IRO Hammer that there was no City Attorney staff available to collect data or attend the LTPC meeting.

At the March 27, 2014, LTPC meeting, the issue of an officer's discretion to enter a CAD reference in lieu of filing a police report was addressed by Sergeant Belinda Mock, who informed the Committee that there was an SOP that relates to this issue. Standard Operating Procedure Section 1-05-6 provided a list of discretionary options for officers to employ in situations in which a police report may not be warranted. The Committee also continued to discuss the need to amend the lapel camera SOP to expressly deal with equipment failure. Sergeant Belinda Mock informed the Committee that the Department is working to revise the SOP.

2014 PUBLIC OUTREACH COMMITTEE

The POC Ordinance required that the IRO and staff play an active public role in the community and provide appropriate outreach to the community, publicizing the citizen complaint process and the locations within the community that are suitable for citizens to file complaints in a non-police environment.

MEMBERS

JONATHAN SIEGEL (CHAIR)
DAVID CAMERON
CARL FOSTER
RICHARD SHINE

The Committee on Outreach assisted with revisions to Frequently Asked Questions document for the website and a brochure describing the complaint process.

EXECUTIVE SUMMARY

The Department of Justice (DOJ) began investigating the Albuquerque Police Department in November 2012. On the evening of Sunday, March 16, 2014, the Albuquerque Police Department responded to a report of a homeless mentally ill man, James Boyd, camping in the foothills outside of Albuquerque. When two APD Officers responded, Mr. Boyd allegedly threatened the officers with a knife. Other officers were called in to assist. After a long standoff, two APD officers fatally shot Mr. Boyd. Following the Boyd shooting, Mayor Berry asked the DOJ to expedite their investigation so that the parties could engage in negotiations concerning changes to the police department and implementation of those changes.

The DOJ released their findings, which stated that APD engaged in a pattern and practice of using excessive force both in lethal and non-lethal situations. The report also suggested changes to the Independent Review Office, including the recommendation that the IRO office to hire a

full time staff member to engage in community outreach. In response to the DOJ's findings, the City has begun the negotiating process with the DOJ to determine what measures will be taken to remedy the problems within APD and to rebuild trust between the citizens and police.

The City Council continued its process of review the existing police oversight ordinance under which the POC and IRO work. The legislation includes changes to the requirements to serve on the board and revisits the relationship between the POC and IRO. Many of the changes were recommended by City Council's Police Oversight Task Force, which was implemented to suggest changes to the oversight process. Ultimately, the Council has decided to postpone enacting any legislation until September 2014 with the hope that there will be an agreement between the City and DOJ in the interim.

The reaction to the James Boyd shooting led to an unprecedented citizen response which included protests and vigils. Additionally, citizens used the "Job Well Done" online reporting system to express their dissatisfaction for the situation that led to Mr. Boyd's death. In the First Quarter of 2014, the IRO office received 221 complaints concerning the incident. After the Boyd shooting, support for APD also increased, resulting in higher numbers of "Job Well Done" acknowledgments for APD officers and showing support for the police force.

The reform process has continued and a number of these issues will be discussed in more depth in later reports as the agreement between the City and the DOJ takes shape. Ms. Hammer, Independent Review Officer, looks forward to being a stakeholder in the process to ensure that the citizens receive a solution that includes community "buy-in." We strive to be part of the collaborative process in reforming the police department and anticipate that these reforms will improve the relationship between the public and law enforcement.

OFFICER-INVOLVED SHOOTINGS

In the First Quarter 2014, the Independent Review Officer reviewed and presented one Officer-Involved Shooting for review during the monthly Police Oversight Commission meetings.

POLICE SHOOTING CASE – I-112-12 (reviewed by POC on January 9, 2014)

On June 14, 2012, APD officers were dispatched regarding an individual who was being attacked by a pit bull. One of the dogs approached Officer L. Officer L. hit the dog with her baton. The dog then approached Officer J. Officer J. discharged his weapon three times, striking the dog.

A second dog ran away, and ended up running into the cab of the animal control vehicle. Officer L. started to approach the wounded dog, when the wounded dog started to get up and approach Officer L. Officer L. discharged her weapon twice, striking the dog in the head and killing the dog. The IRO and the POC found the allegations of *Use of Force* to be EXONERATED, and *Failure to Record* to be NOT SUSTAINED against Officer J. The IRO and the POC found the allegation of *Failure to Record* to be EXONERATED against Officer L.

POC Found For: 7 – Cameron, Siegel, Barela, Barker, Foster, Peterson, Shine

In the Second Quarter 2014, the Independent Review Officer reviewed and presented five Officer-Involved Shooting cases during the monthly Police Oversight Commission meetings.

POLICE SHOOTING CASE – I 58-13 (reviewed by POC on April 10, 2014)

On February 22, 2013, APD Officers were dispatched to a disturbance call regarding dogs that were attacking other dogs. Officers proceeded to the alley in order to locate the dogs. Near the end of the alley, two dogs charged toward Officer C. Officer M. yelled out to warn Officer C. Officer C. was in fear of being attacked. Officer C. shot one of the dogs. Shortly after, both dogs fled the scene. The IRO and the POC found the allegation of *Use of Deadly Force* to be EXONERATED against Officer C.

POC Found For: 6 – Peterson, Barker, Barela, Foster, Shine, Siegel

POLICE SHOOTING CASE – I-100-12 (reviewed by POC on May 8, 2014)

On December 17, 2012, at around 3:00 p.m., APD officers were dispatched to a residential burglary call. The homeowner informed officers that she had not given permission for Mr. S. to live in her home, but she did not evict Mr. S. because homeowner was in fear. The homeowner said she also did not evict Mr. S. because she “did not want to die.” Mr. S. had entered the residence through a basement window, and was still inside the residence. SWAT officers were dispatched to the scene. Mr. S. refused to exit the residence. After several hours, Mr. S. exited the garage driving the victim’s vehicle at a high rate of speed.

Officer W. had been dispatched to a nearby intersection several hours earlier to block traffic and to maintain a perimeter. Around 7:08 p.m., Officer W. heard over dispatch the words, “garage, perimeter broken.” Officer W. saw the fleeing vehicle coming in his direction, and felt that his patrol car would be hit. Officer W. moved to the sidewalk. When the suspect drove around Officer W.’s patrol car, Officer W. felt his life was in danger, and that the suspect was heading directly toward Officer W. Officer W. fired two shots at the suspect’s vehicle. Officer W. stated that he fired at the front windshield of the vehicle and then shot once more at the back windshield. After being shot at, the suspect did not stop and drove away from the intersection.

The Multi-Jurisdictional Police Shooting Task Force interviewed Officer W. on December 17, 2012. APD Criminalistics also conducted an investigation of the incident. It was determined that Officer W. shot at the vehicle as it was driving away from him, not driving toward him. The evidence indicated that one bullet entered the front passenger window and struck the dashboard, and another bullet was lodged in a school across the street from the scene. Officer W. stated that he was not attempting to hit the driver, but was attempting to make the driver stop or change his direction of travel.

Officer W. had been at the intersection for three hours when he noticed the suspect coming toward him. Officer W.’s lapel camera was not turned on during the three hours he was at the intersection. The SOP in place at the time did not require Officer W. to initiate his lapel camera. Officer W. had several versions of his encounter with the suspect at the intersection. An APD

Sergeant gave testimony to the Commission regarding the “looming” phenomenon which occurs when officers have to discharge their weapons, and how an officer perceives the event and how he remembers it. The evidence indicated that the suspect was driving away from Officer W. when Officer W. fired his weapon at the vehicle.

The IRO and the POC found the allegation of *Use of Force* to be SUSTAINED, *Failure to Record* to be EXONERATED, and the allegations of *Misconduct* and *Untruthfulness* to be NOT SUSTAINED against Officer W.

POC Found For: 2 - Barker, Foster

Against: 1 - Peterson

POLICE SHOOTING CASE –I-208-13 (reviewed by POC on May 8, 2014)

SWAT officers were dispatched to the scene where two suspects were barricaded inside an apartment. When the suspects fired at officers, SWAT Officer H. returned fire, but missed hitting the suspect. The suspect was killed by a New Mexico State Police sniper. One issue was whether APD Officer H. violated the SOP regarding use of his lapel camera. Officer H. was on scene for several hours, and his helmet camera ran out of memory. Pursuant to the SOP in effect at the time of this incident, Officer H. was required to record this entire incident. The IRO and the POC found that the camera did not have enough memory to record the entire incident, and that the SOP was faulty and needed to be changed. The IRO and the POC found the allegation of *Failure to Record* to be SUSTAINED, and *Use of Force* to be EXONERATED against Officer H.

POC found For: 3 – Peterson, Barker, Foster

POLICE SHOOTING CASE –I-188-13 (reviewed by POC on June 12, 2014)

On September 20, 2012, two APD officers were dispatched to a residence to assist in arresting a fugitive. Officers AC and JC were assigned to the United States Marshal’s Service Task Force. Upon arrival at the scene, Officers AC and JC were told to go to the back yard to assist other task force members. Officer JC jumped into the back yard from a cinder block wall. At that time, a Pit Bull dog started to charge at Officer JC, trying to bite his leg. Officer AC, who was still on the cinder block wall, believed there was an imminent threat of injury to Officer JC, and he discharged his weapon at the Pit Bull in an effort to protect Officer JC from being bitten. The Pit Bull dog survived the shooting. Animal Control responded to the scene.

Because Officers AC and JC were assigned to a United States Marshal’s Service Task Force, no photos were allowed to be taken of the incident pursuant to a Memorandum of Understanding. The IRO and the POC found the allegation of *Use of Deadly Force* to be EXONERATED against Officer AC.

POC found For: 3 – Peterson, Barker, Foster

POLICE SHOOTING CASE –I-195-13 (reviewed by POC on June 12, 2014)

On August 11, 2013, at approximately 8:20 a.m., officers were dispatched to the scene where a Pit Bull was attacking a woman and her small dog. When Sergeant S. arrived on scene, he observed that the Pit Bull had a small dog in its mouth, and the small dog was covered with blood. The Pit Bull finally released the small dog from its mouth. The woman was bleeding from her hand as a result of the Pit Bull dog biting her. Officers tried to contain the Pit Bull dog, but the dog escaped and began heading toward a crowd of people, including children. Sergeant S. made the decision to shoot the Pit Bull dog in order to protect citizens from being attacked. Neighbors informed Sergeant S. that the Pit Bull dog had previously chased people in the neighborhood. The lapel video supported Sergeant S.' version of events. The IRO and the POC found the allegation of *Use of Force* to be EXONERATED against Sergeant S.

For: 3 – Peterson, Barker, Foster

CITIZEN POLICE COMPLAINTS (CPCs)

Under City Ordinance and the Police Union Contract, any person may file a written complaint against APD officers or any of its employees. All complaints must be signed. The IRO website contained an electronic complaint form. Written forms were obtainable at the IRO office and all APD substations or facilities.

Written Complaints may be submitted to:

IRO's website: www.cabq.gov/iro

IRO office at Room 813, Plaza del Sol, 600 2nd Street NW (8th Floor)

Mail completed complaint forms to: PO Box 1293, Albuquerque, NM 87103; or

Any APD substation or facility

COMPLAINT PROCESS

1. When the Independent Review Officer (IRO) receives a written complaint, the complaint is entered into the IRO's case management database and assigned a Citizen Police Complaint (CPC) number.
2. The IRO reviews the complaint for jurisdiction and then assigns the case to an IRO investigator or APD Internal Affairs Division to investigate.
3. Upon completion of the investigation, the Independent Review Officer reviews the investigation for thoroughness, impartiality, and fairness.
4. The Independent Review Officer makes findings and conclusions based on the evidence developed in the investigation as to whether the alleged misconduct violates the rules governing APD employees' conduct called Standard Operating Procedures (SOPs). The Independent Review Officer writes a draft letter to the person who filed the complaint, outlining her findings and conclusions.

5. The Albuquerque Police Department's administration, including the officer's supervisors and the Chief of Police, review the IRO's letter containing the findings and conclusions.

6. The Police Oversight Commission then reviews the IRO's letter containing the findings and conclusions.

- If Chief of Police and the IRO agree on the findings and the POC concurs, the letter is sent by certified mail to the person who filed the complaint.
- If Chief of Police disagrees with the IRO, the POC decides the matter after hearing both sides.

7. If the person who filed the complaint is dissatisfied with the findings, they may appeal the decision to the Police Oversight Commission. Appeals are to be heard during POC's monthly meetings, which are open to the public.

8. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO.

COMPLAINT DISPOSITION STANDARDS

The IRO made findings regarding alleged misconduct based upon APD's Standard Operating Procedures (SOPs). The Independent Review Officer based her findings on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. If the credible evidence was 50-50, the proper finding was Not Sustained. The IRO made the following types of findings:

Sustained – It was determined that an APD employee committed the alleged violation.

Not Sustained – It cannot be determined if an APD employee committed the alleged violation.

Exonerated – The APD employee was justified in taking the course of action alleged and/or was operating within the guidelines of the law or SOPs.

Unfounded – The APD employee did not commit the alleged violation.

Inactivated – The complaint was closed for lack of jurisdiction or a satisfactory informal resolution.

IMPORTANT INFORMATION CONCERNING THE STATISTICS BELOW

The statistics below are separated into two categories for purposes of clarity. First, there is a category concerning Complaints **RECEIVED** during the First Quarter 2014. The second category concerns Complaints **REVIEWED** in the First Quarter 2014.

CITIZEN POLICE COMPLAINTS (CPCs) FIRST QUARTER 2014

FIRST QUARTER (JANUARY-MARCH 2014)

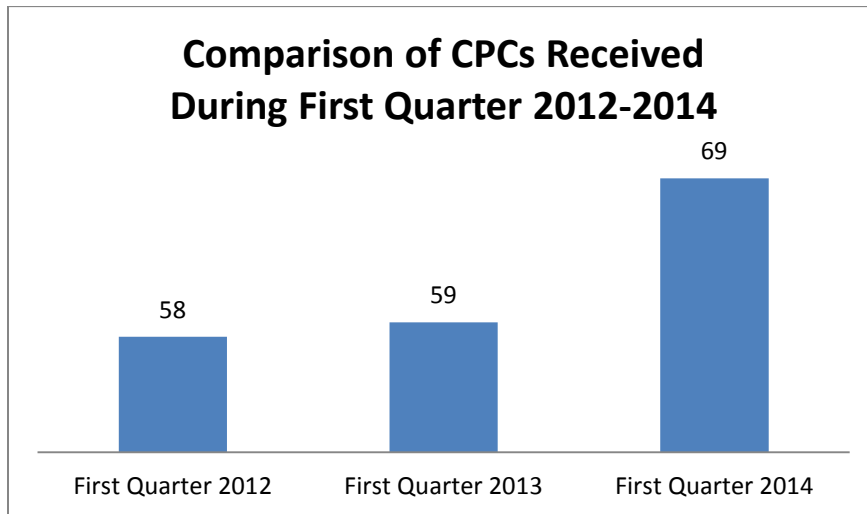


Figure 1: For the past three years, the IRO received an average of 62 complaints during the First Quarter. During First Quarter 2014, 69 Citizen Police Complaints were received by the office. This reflected a 17% increase in complaints against APD officers compared to 2013.

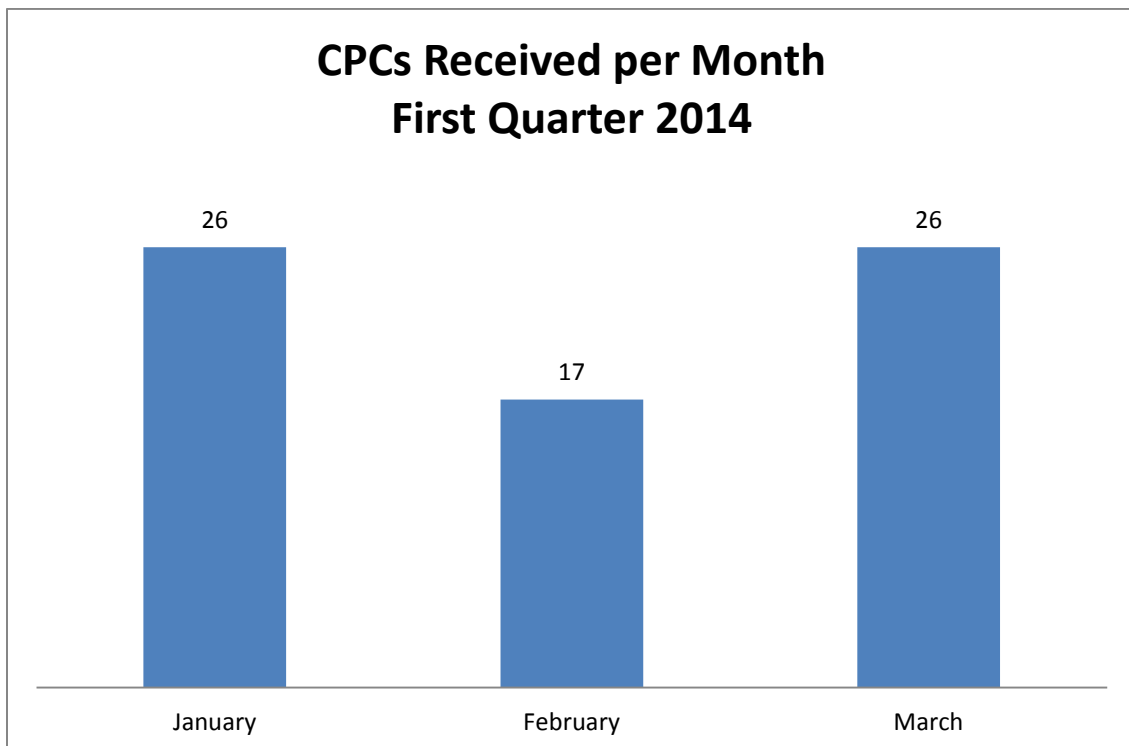


Figure 2: The IRO received the lowest number of complaints in February during the First Quarter 2014.

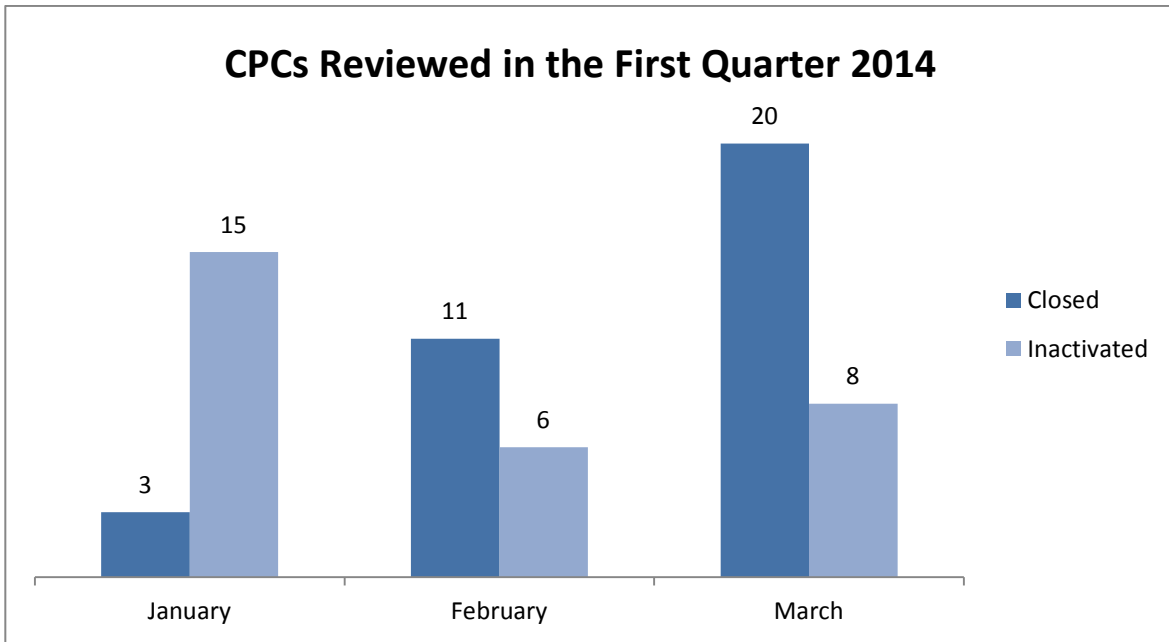


Figure 3: During the First Quarter 2014, 63 CPCs were reviewed by the POC. The IRO inactivated 29 CPCs and closed, after a full investigation, 34 CPCs.

CITIZEN POLICE COMPLAINTS (CPCs) SECOND QUARTER 2014

SECOND QUARTER (APRIL-JUNE 2014)

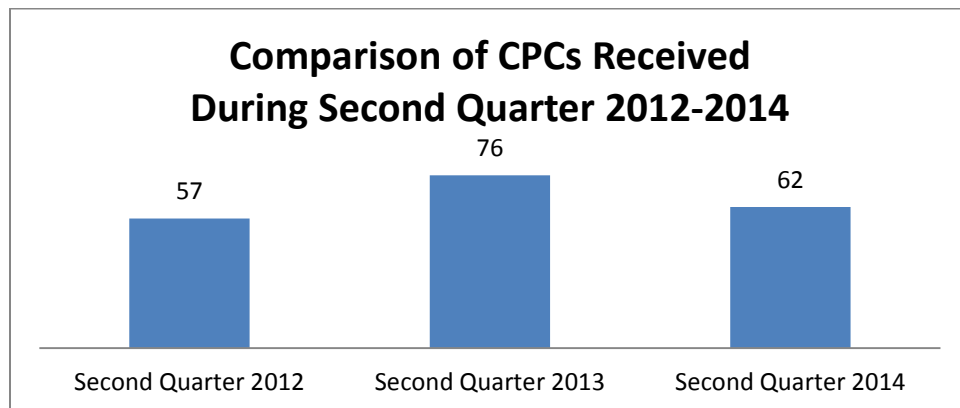


Figure 4: For the past three years, the IRO received an average of 65 complaints during the Second Quarter. During Second Quarter 2014, 62 Citizen Police Complaints were received by the office. This reflected an 18% decrease in complaints against APD officers compared to 2013.

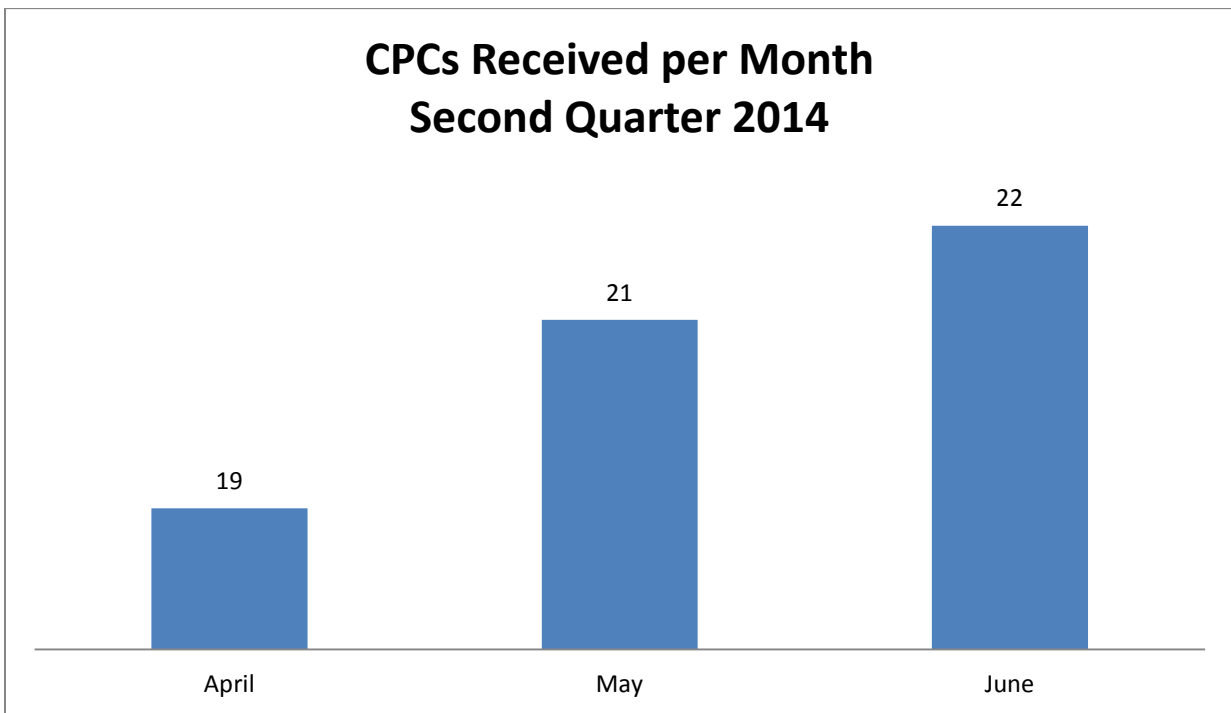


Figure 5: The IRO received the lowest number of complaints in April during the Second Quarter 2014.

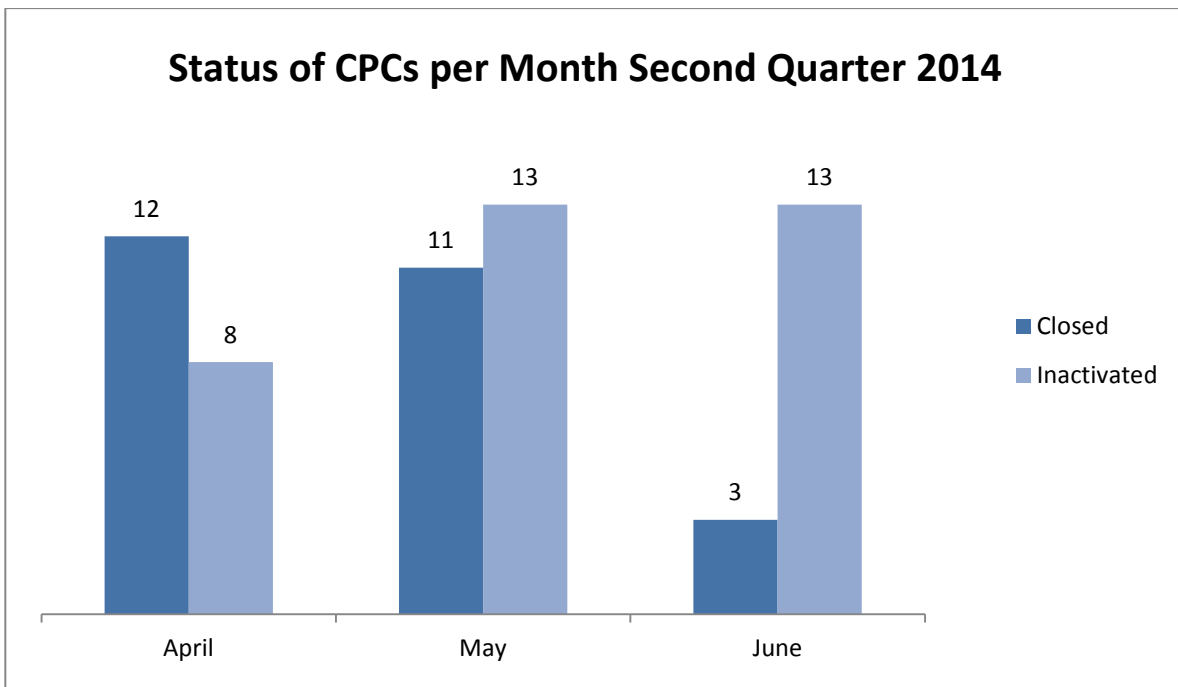


Figure 6: During the Second Quarter 2014, 60 CPCs were reviewed by the POC. The IRO inactivated 34 CPCs and closed 26 CPCs.

ALLEGED MISCONDUCT IN COMPLAINTS RECEIVED FIRST QUARTER 2014

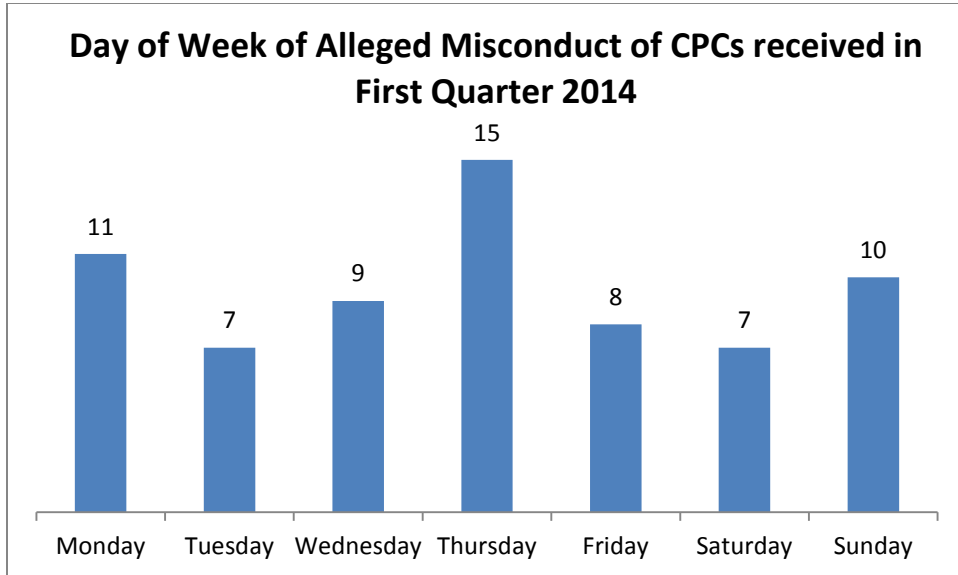


Figure 7: Thursdays show slightly higher rates of alleged misconduct compared to infractions throughout the week. The day of week was unknown for 2 CPCs.

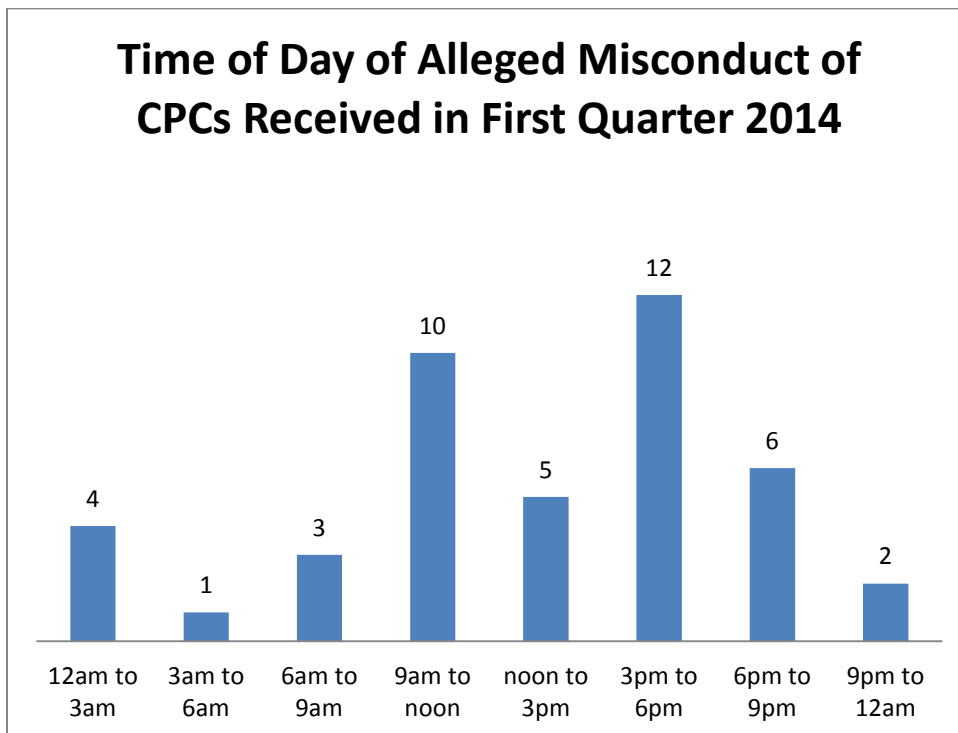


Figure 8: The highest number of complaints reported during the First Quarter 2014 was alleged misconduct between the hours of 3pm to 6pm. There were 26 incidents that did not provide the time of occurrence.

ALLEGED MISCONDUCT IN COMPLAINTS RECEIVED in SECOND QUARTER 2014

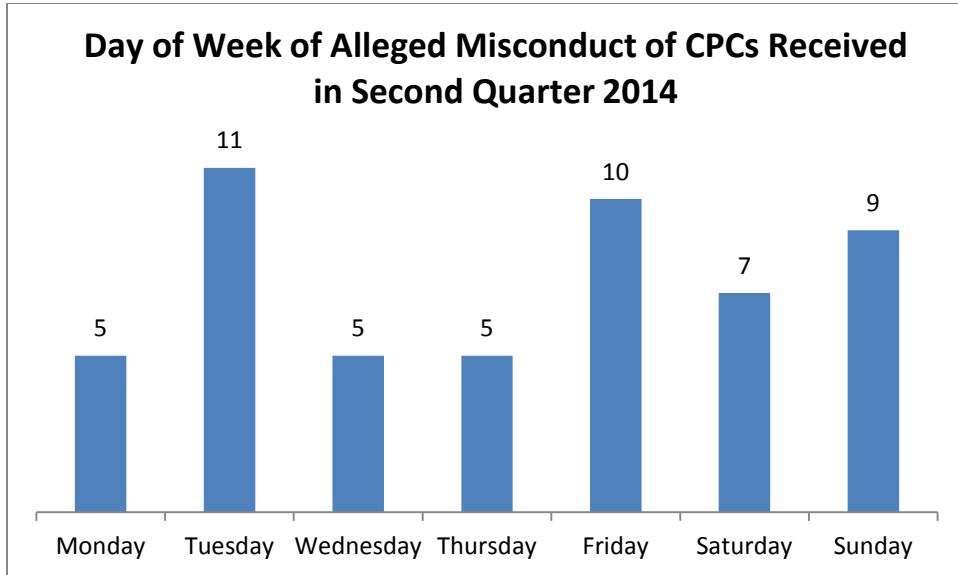


Figure 9: Tuesdays show slightly higher rates of alleged misconduct compared to infractions throughout the week. The day of week was unknown for 10 CPCs.

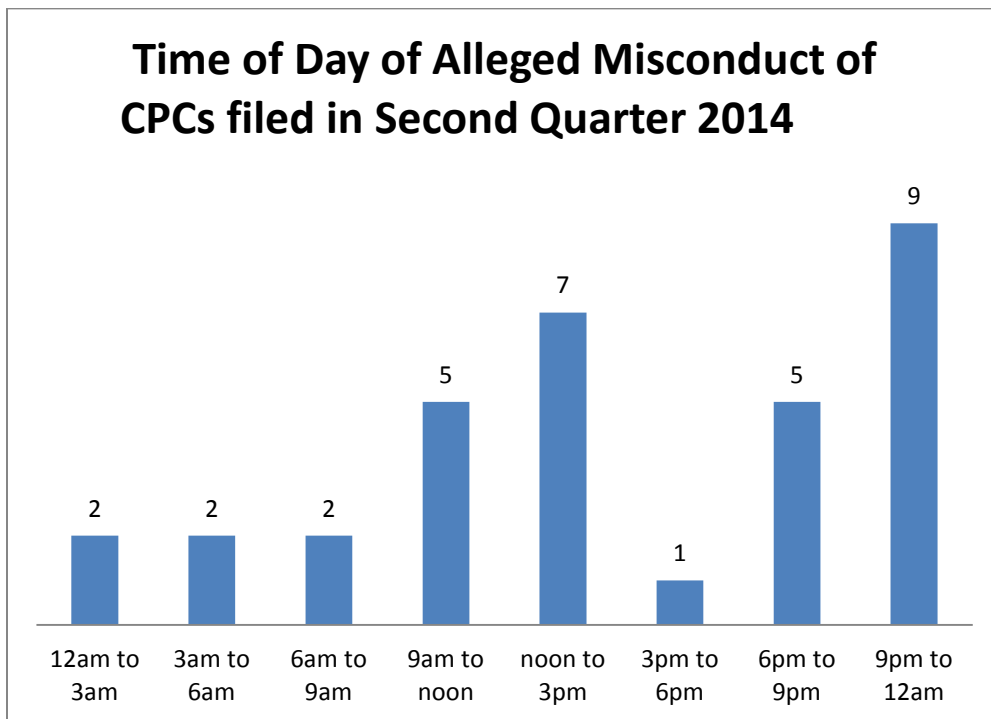


Figure 10: The highest number of complaints reported during the Second Quarter 2014 was alleged misconduct between the hours of 9pm to 12am. There were 29 incidents that did not provide the time of occurrence.

GEOGRAPHIC DISTRIBUTION OF COMPLAINTS RECEIVED FIRST QUARTER 2014

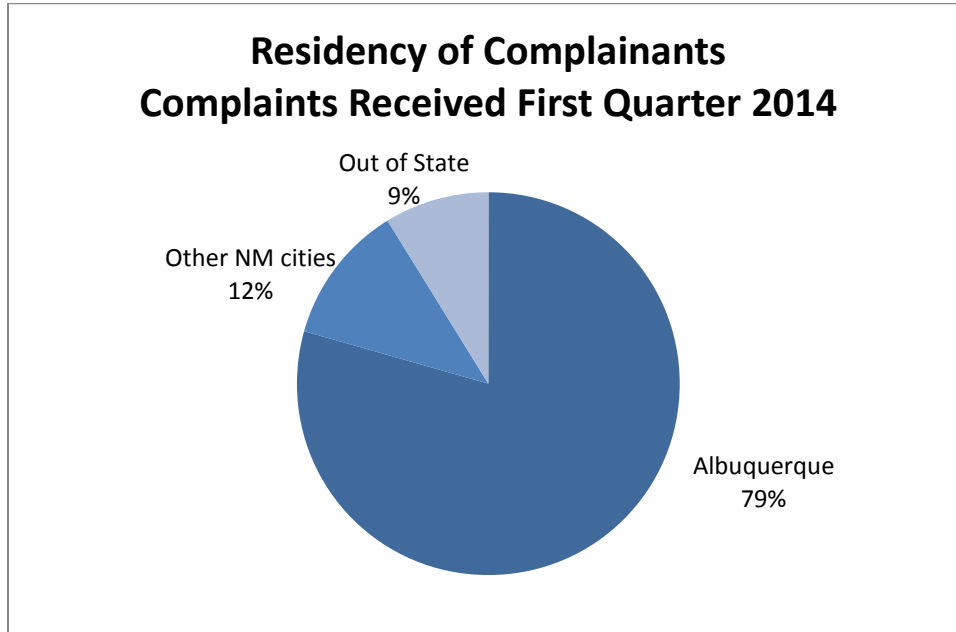


Figure 11: The IRO office received 69 complaints with addresses in First Quarter 2014: 54 complainants were from Albuquerque residents; 8 complainants were residents of cities outside Albuquerque and 6 complainants reside out of state. 1 CPC Complainant residency is unknown.

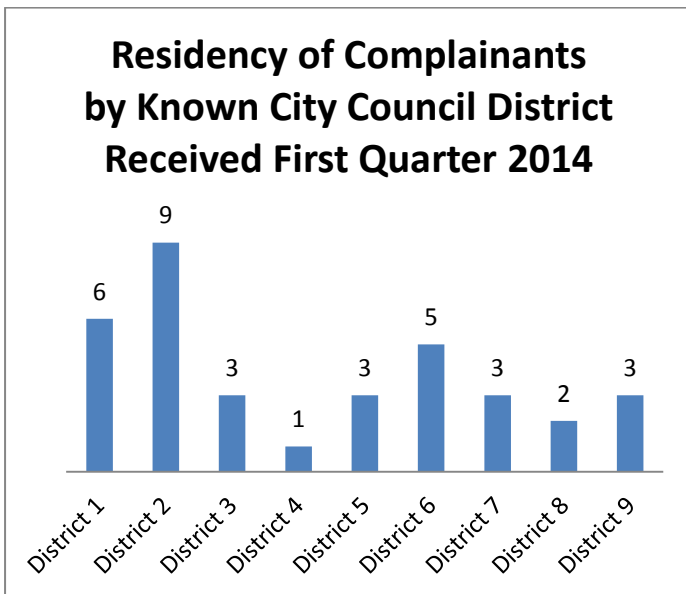


Figure 12: The IRO office received 35 complaints with known City Council Districts.

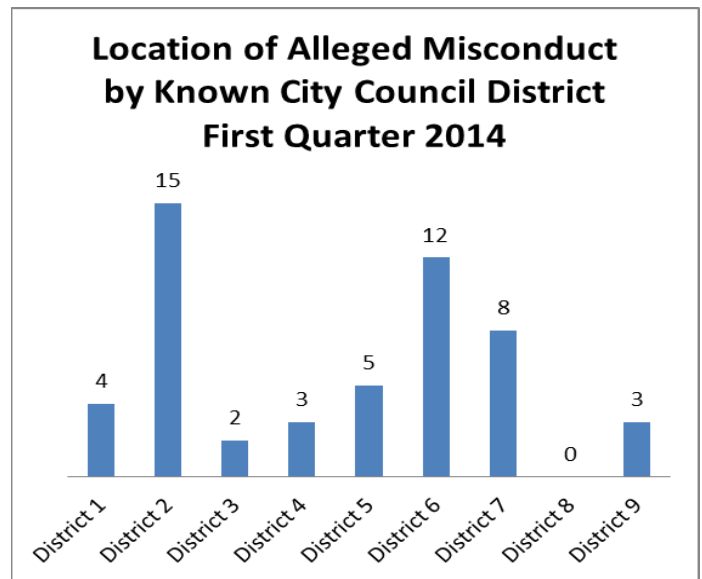


Figure 13: There were 52 complaints received with known location of alleged misconduct during the First Quarter 2014. District 2 and District 6 had the highest number of alleged misconduct.

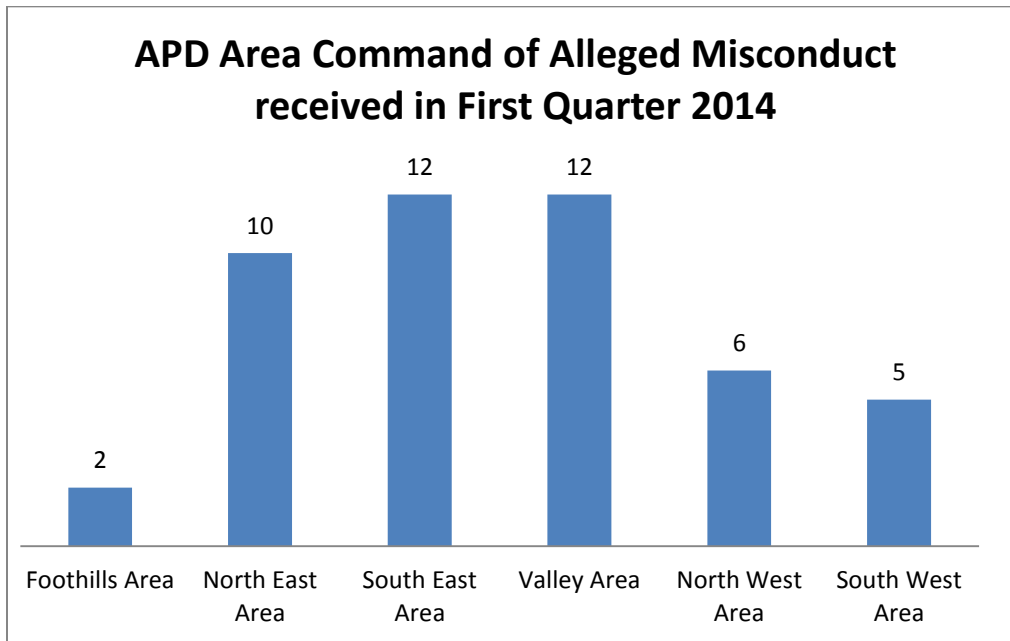


Figure 14: The IRO office received 47 complaints with identified APD Area command during the First Quarter 2014. The highest number of alleged misconduct occurred in the areas of the South East and Valley area command.

NEIGHBORHOOD ASSOCIATIONS OF COMPLAINT INCIDENT LOCATIONS RECEIVED DURING FIRST QUARTER 2014

| | |
|--------------------|--|
| District 1: | Neighborhood Associations: West Mesa, Los Volcanes Locations: Bernalillo County Metropolitan Court |
| District 2: | Neighborhood Associations: Vecinos del Bosque, Sycamore, Sunstar, South Broadway, Silver Hill, Sawmill, Reynolds, North Valley Locations: Downtown Albuquerque, UNM |
| District 3: | Neighborhood Associations: Westgate Heights, Stinson Tower |
| District 4: | Neighborhood Associations: North Wyoming |
| District 5: | Neighborhood Associations: Skies West, Eagle Ranch Locations: Cottonwood Mall |
| District 6: | Neighborhood Associations: University Heights, Trumbull Village, Highland, La Mesa, Nob Hill |
| District 7: | Neighborhood Associations: Visa Grande, Stardust Skies, Snow Heights, Hodgin, Jerry Cline, McKinley, McDuffie |
| District 9: | Neighborhood Associations: Sandia Vista |

Figure 15: The IRO office received complaints from a diverse group of neighborhood associations throughout the City of Albuquerque.

GEOGRAPHIC DISTRIBUTION OF COMPLAINTS RECEIVED in SECOND QUARTER 2014

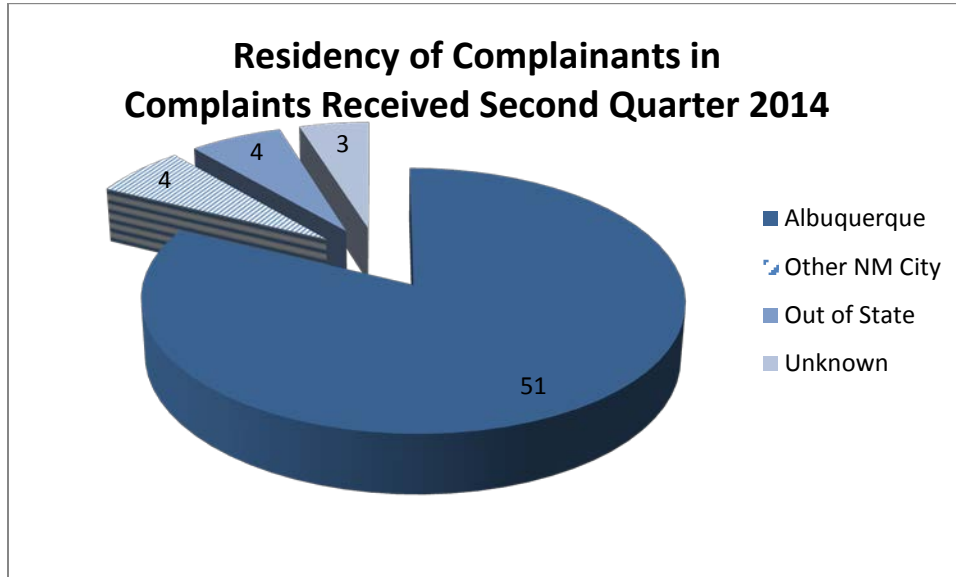


Figure 16: The IRO office received 62 complaints in Second Quarter 2014: 51 complainants were from Albuquerque residents; 4 complainants were residents of cities outside Albuquerque and 4 complainants reside out of state. 3 CPC Complainant residencies are unknown.

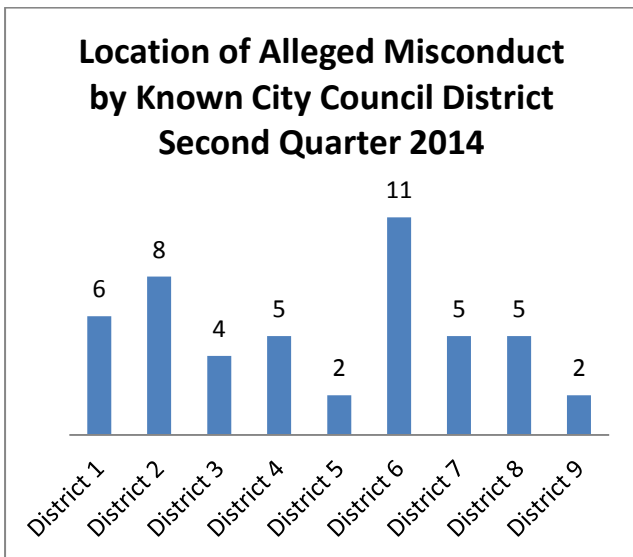


Figure 17: There were 48 complaints with known location of alleged misconduct during the Second Quarter 2014. District 2 and District 6 had the highest number of alleged misconduct.

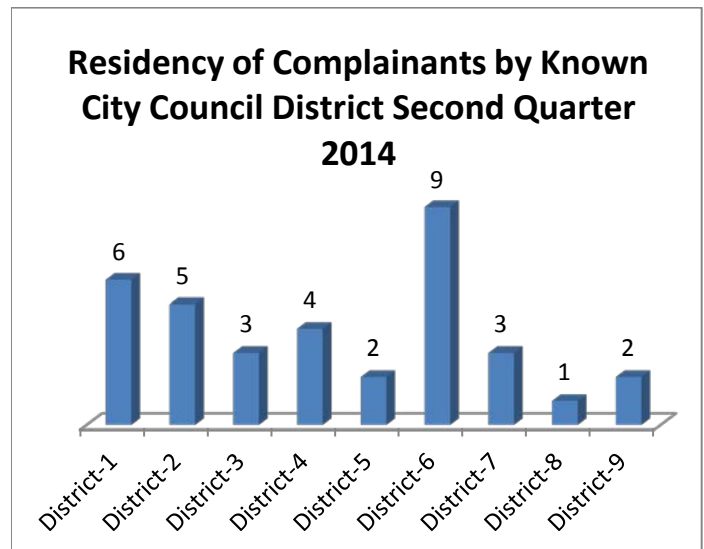


Figure 18: There were 35 CPCs with Complainant district demographics.

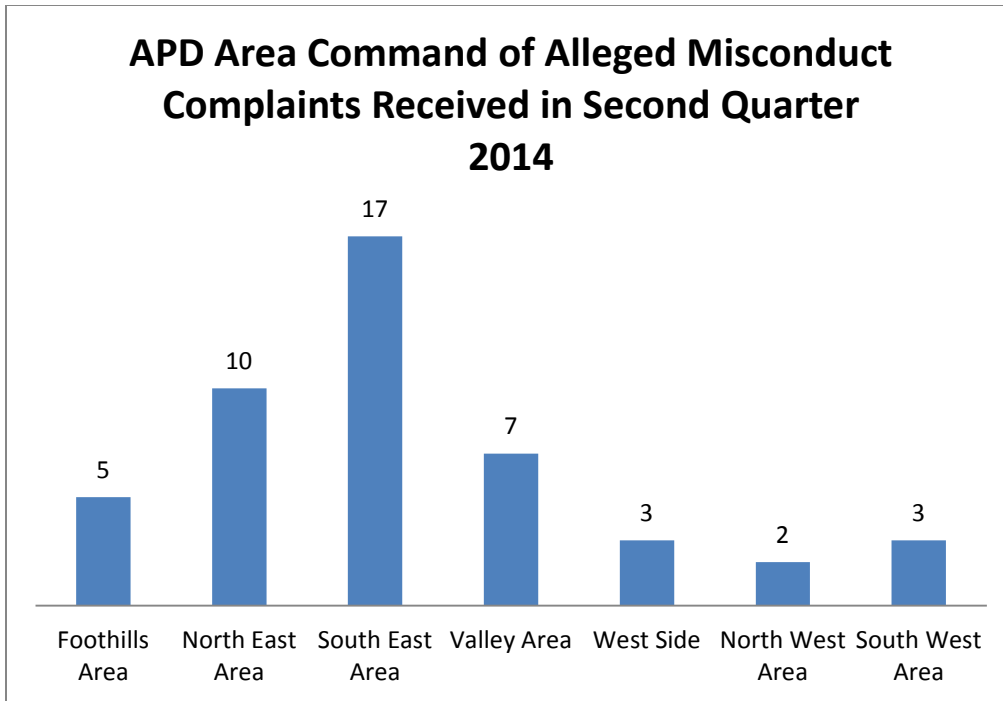


Figure 19: The IRO office received 47 complaints with identified APD Area command during the Second Quarter 2014. The highest number of alleged misconduct occurred in the areas of the South East area command.

NEIGHBORHOOD ASSOCIATIONS OF COMPLAINT INCIDENT LOCATIONS RECEIVED DURING SECOND QUARTER 2014

| | |
|--------------------|--|
| District 1: | Neighborhood Associations: West Mesa, West Bluff, S R Marmon, |
| District 2: | Neighborhood Associations: Barelas, Downtown, Los Duranes, Greater Gardner, North Campus, West Old Town |
| District 3: | Neighborhood Associations: Alamosa, Anderson Hills |
| District 4: | Neighborhood Associations: Wildflower Area, Nor Este |
| District 5: | Neighborhood Associations: Paradise Hills |
| District 6: | Neighborhood Associations: La Mesa, Nob Hill, Siesta Hills, Trumbull Village, Victory Hills |
| District 7: | Neighborhood Associations: Snow Heights, Northeastern Association, |
| District 8: | Neighborhood Associations: Oso Grande, Enchanted Park, Glenwood Hills |
| District 9: | Neighborhood Associations: Princess Jeanne |

Figure 20: The IRO office received complaints from a diverse group of neighborhood associations throughout the City of Albuquerque.

COMPLAINANT DEMOGRAPHICS COMPLAINTS RECEIVED FIRST QUARTER 2014

Of the 69 Citizen Police Complaints (CPCs) received in the First Quarter 2014, a majority of complainants declared some or all of their demographic information. The following graphs contain information on complainants retrieved from CIRIS database. The graphs do not represent the demographics of City of Albuquerque population.

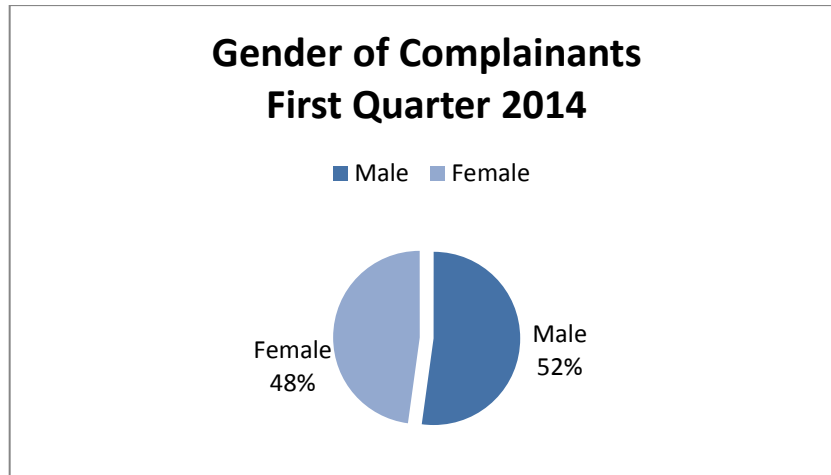


Figure 21: The IRO received complaints from 36 Males and 33 Females during the First Quarter.

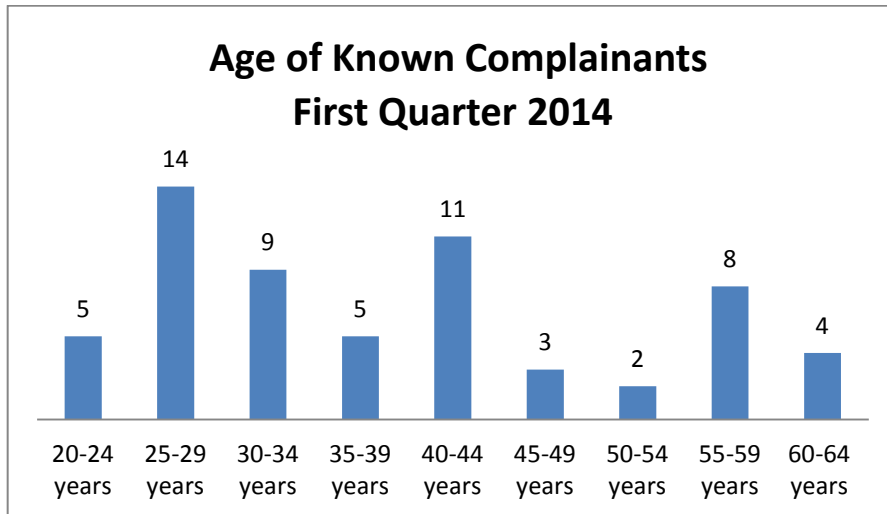


Figure 22: There were 61 complainants who provided their date of birth. During the First Quarter 2014, the most complaints were made by complainants between the ages of 25-29.

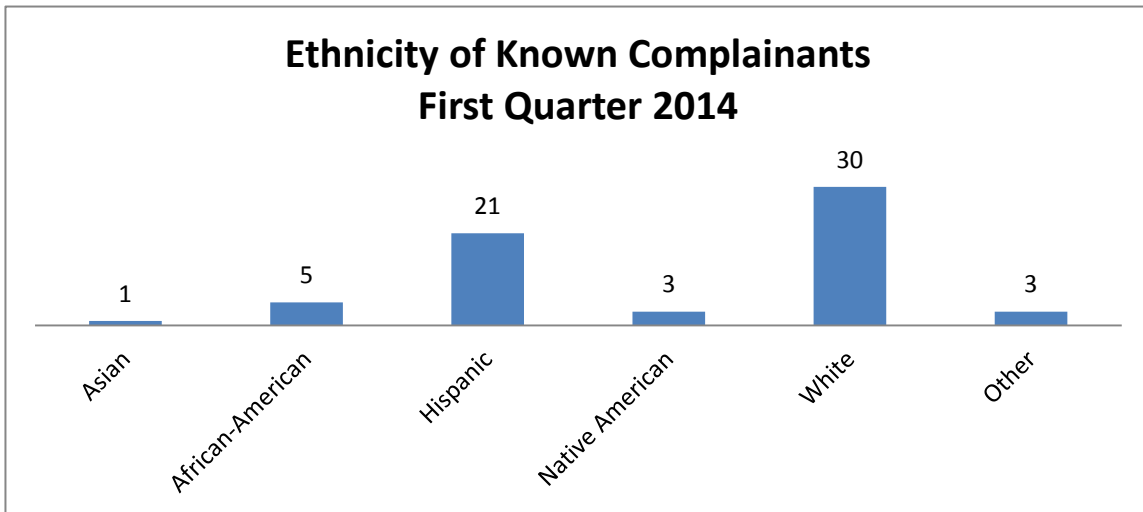


Figure 23: There were 63 complainants who provided ethnicity information. White persons filed the most complaints in the First Quarter 2014.

COMPLAINANT DEMOGRAPHICS RECEIVED SECOND QUARTER 2014

Of the 62 Citizen Police Complaints (CPCs) received in the Second Quarter 2014, a majority of complainants declared some or all of their demographic information. The following graphs contain information on complainants retrieved from CIRIS database. The graphs do not represent the demographics of City of Albuquerque population.

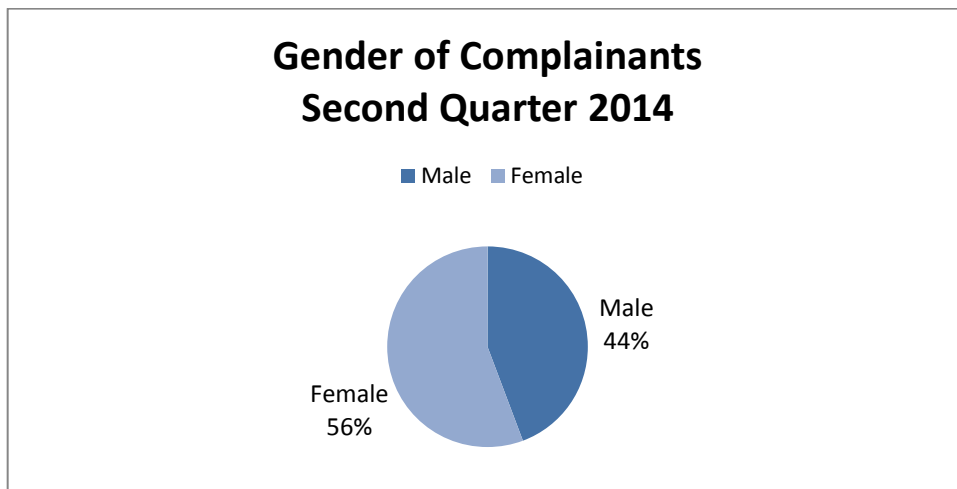


Figure 24: The IRO received complaints from 27 Males and 34 Females during the Second Quarter. 1 Complainant's gender is unknown.

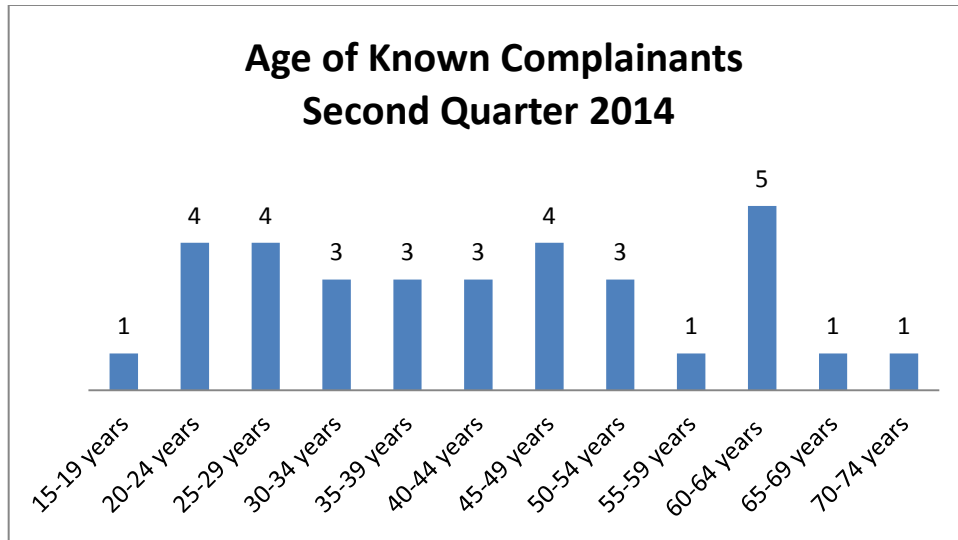


Figure 25: There were 33 complainants who provided their date of birth. During the Second Quarter 2014, the most complaints were made by complainants between the ages of 65-69.

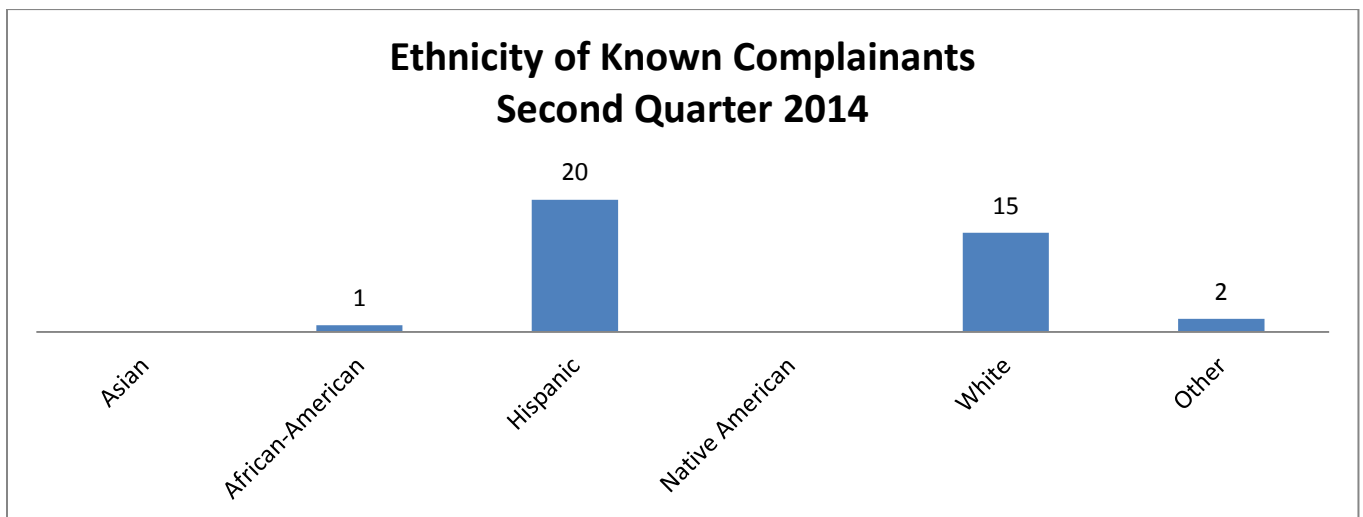


Figure 26: There were 38 complainants who provided ethnicity information. Hispanic persons filed the most complaints in the Second Quarter 2014.

APD OFFICER DEMOGRAPHICS FIRST QUARTER 2014

During the First Quarter 2014, 74 APD Officers and personnel were identified in received cases. Some cases involved more than one officer. The graphs do not represent APD demographics as a whole.

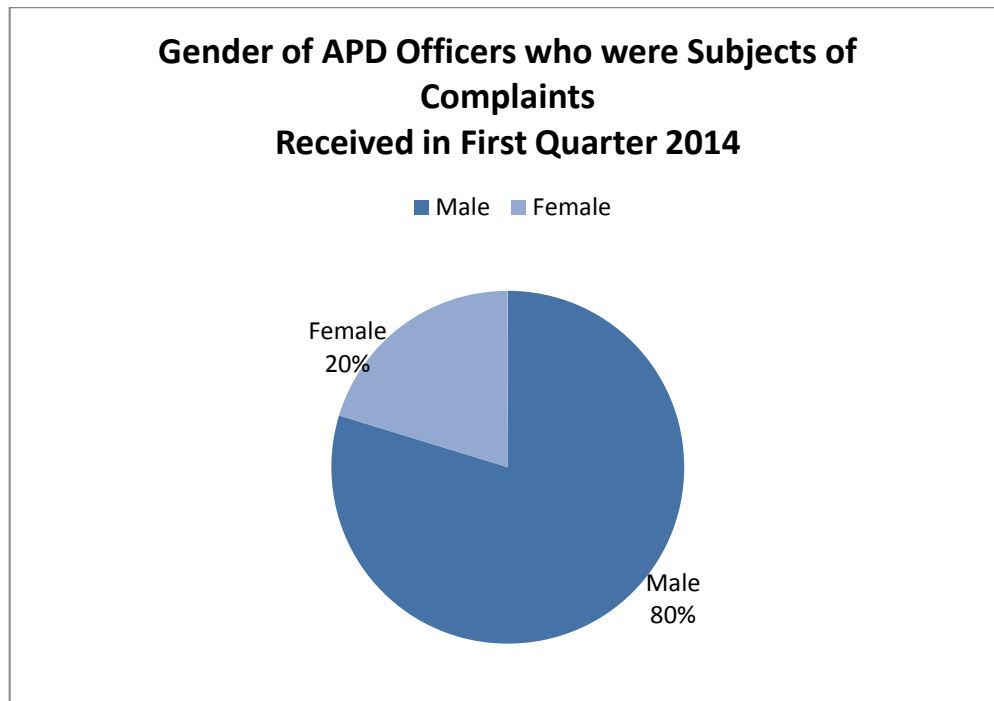


Figure 27: During the months of January-March, complainants were much more likely to make a complaint against male officers. The IRO received complaints on 59 male APD officers, and 15 female APD officers.

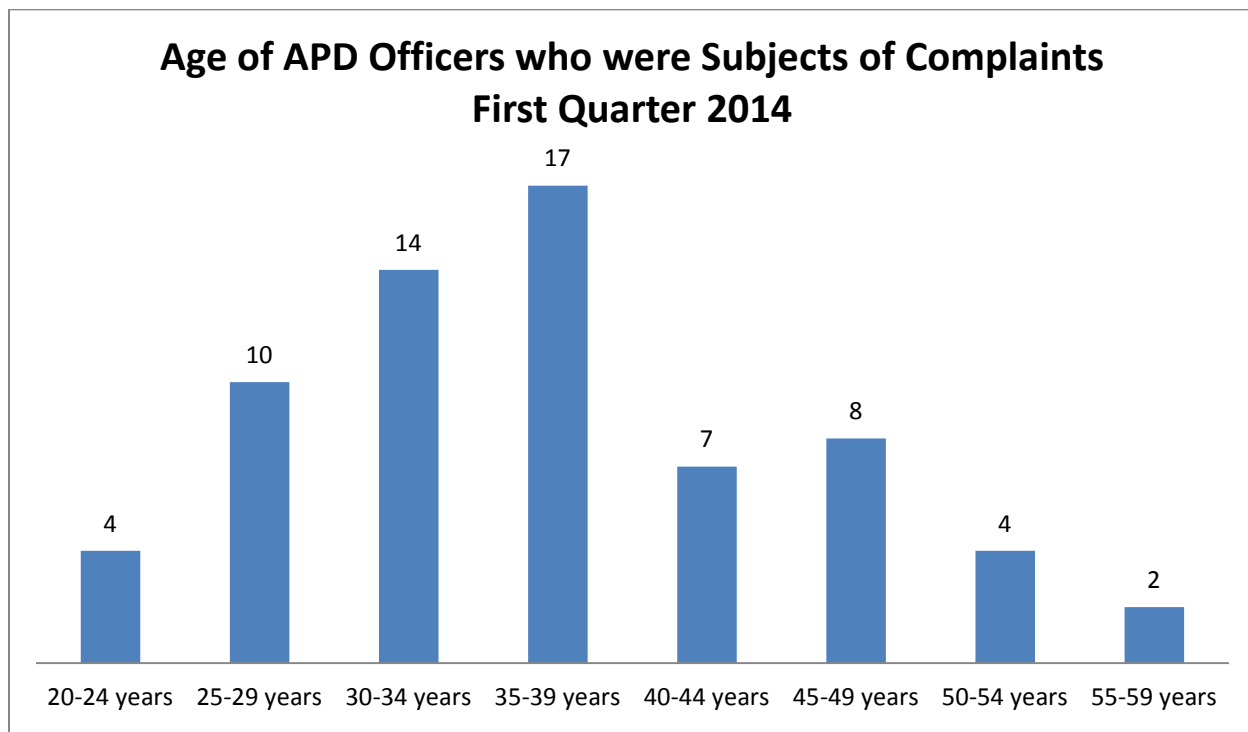


Figure 28: During the First Quarter 2014, the most number of CPCs were against officers who were between 35 and 39 years old. Eight officer ages were unknown.

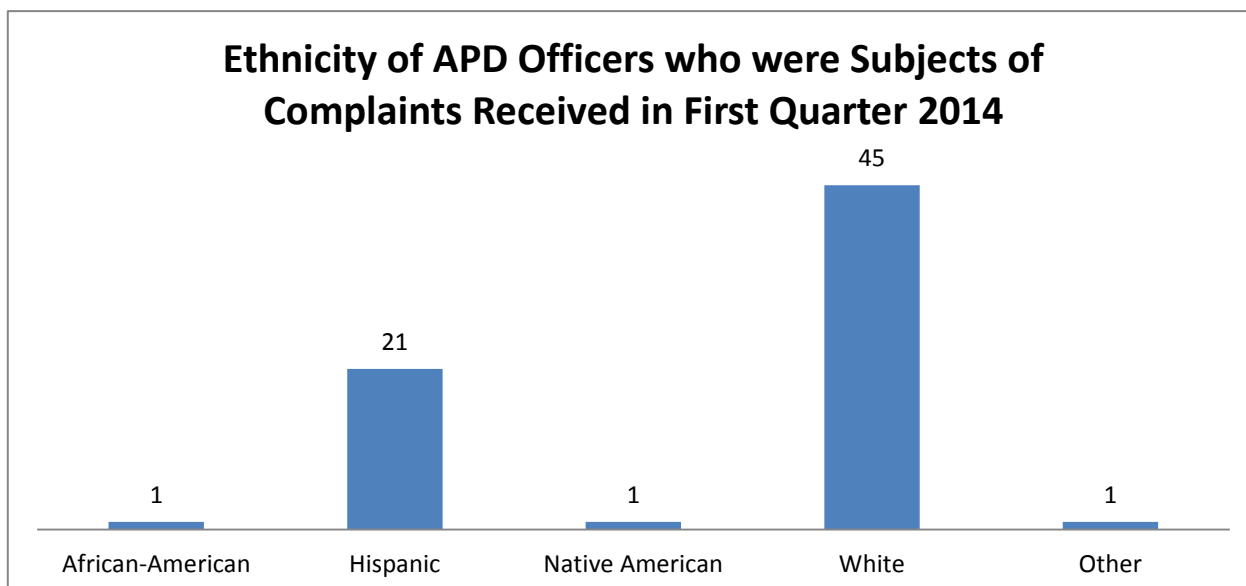


Figure 29: The majority number of CPCs were against White officers during the First Quarter 2014. Five officer ethnicities were unknown.

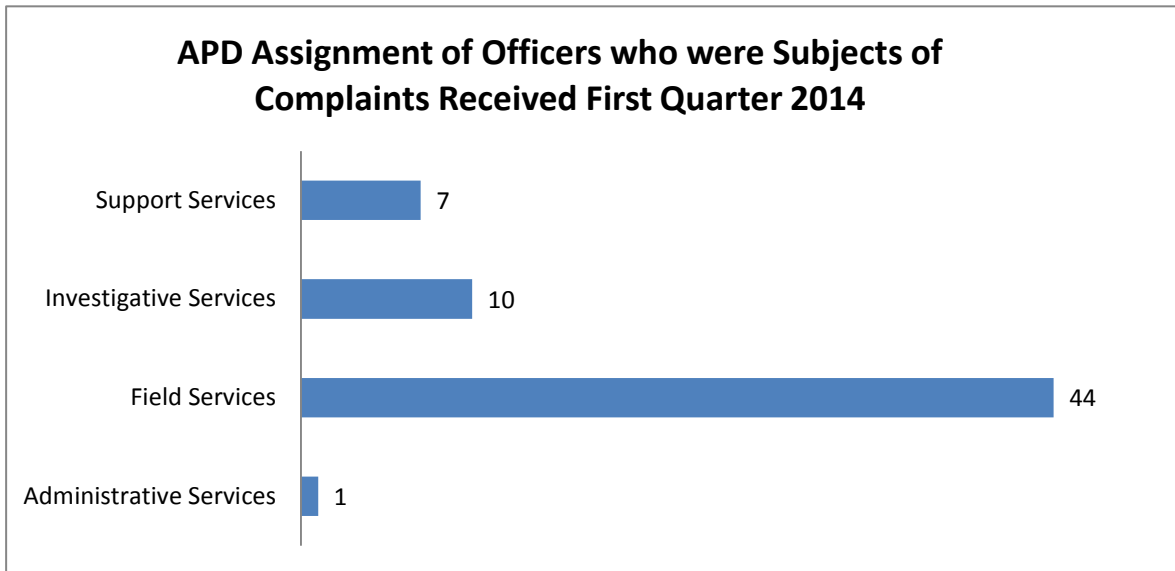


Figure 30: There were 74 APD personnel with complaints received by the IRO in First Quarter 2014. There were 12 unknown APD assignments of officers, 7 CPCs involving officers in Support Services; 1 CPC involving an officer in Administrative Services; 10 CPCs involving officers in Investigative Services and 44 CPCs involving officers in Field Services (Patrol).

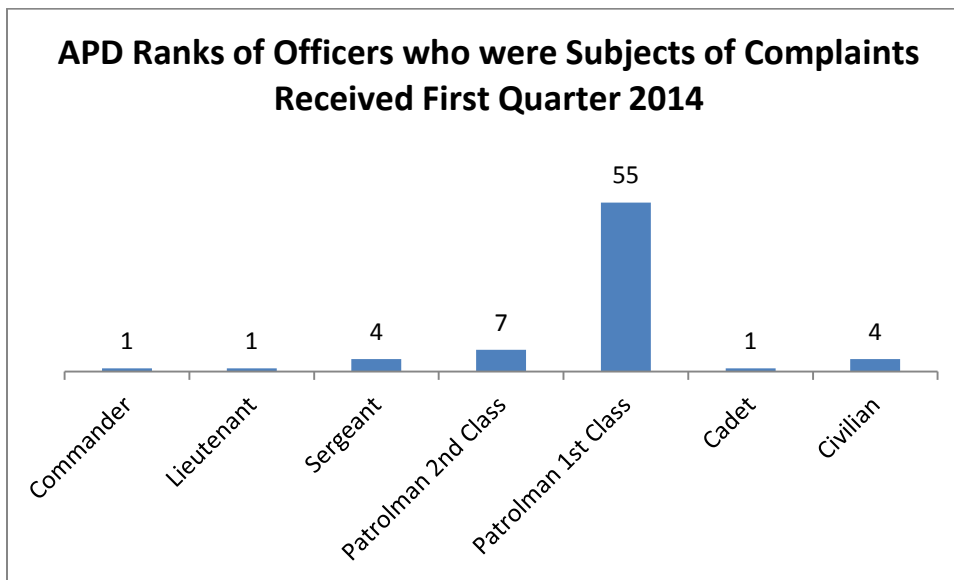


Figure 31: Complainants were much more likely to file a complaint against a Patrolman First Class. One officer's rank was unknown.

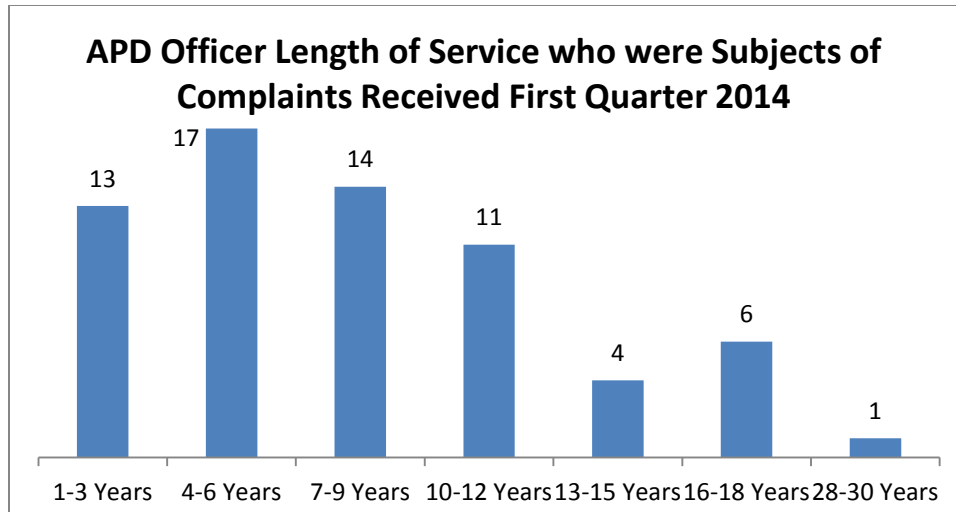


Figure 32: Range in years was based on the year hired by the Albuquerque Police Department and current year. During the First Quarter 2014, complaints were most likely against officers with 4-6 years of service in APD. Eight officers' years of service were unknown.

APD OFFICER DEMOGRAPHICS COMPLAINTS RECEIVED SECOND QUARTER 2014

During the Second Quarter 2014, 45 APD Officers and personnel were identified in received cases. Some cases involved more than one officer. The graphs do not represent APD demographics as a whole.

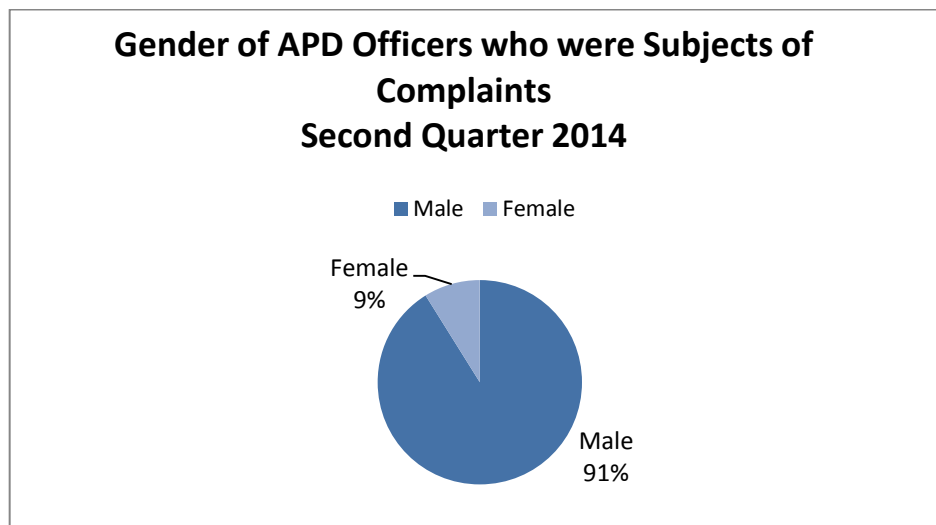


Figure 33: During the months of April-June, complainants were much more likely to make a complaint against male officers. The IRO received complaints on 41 male APD officers, and 4 female APD officers.

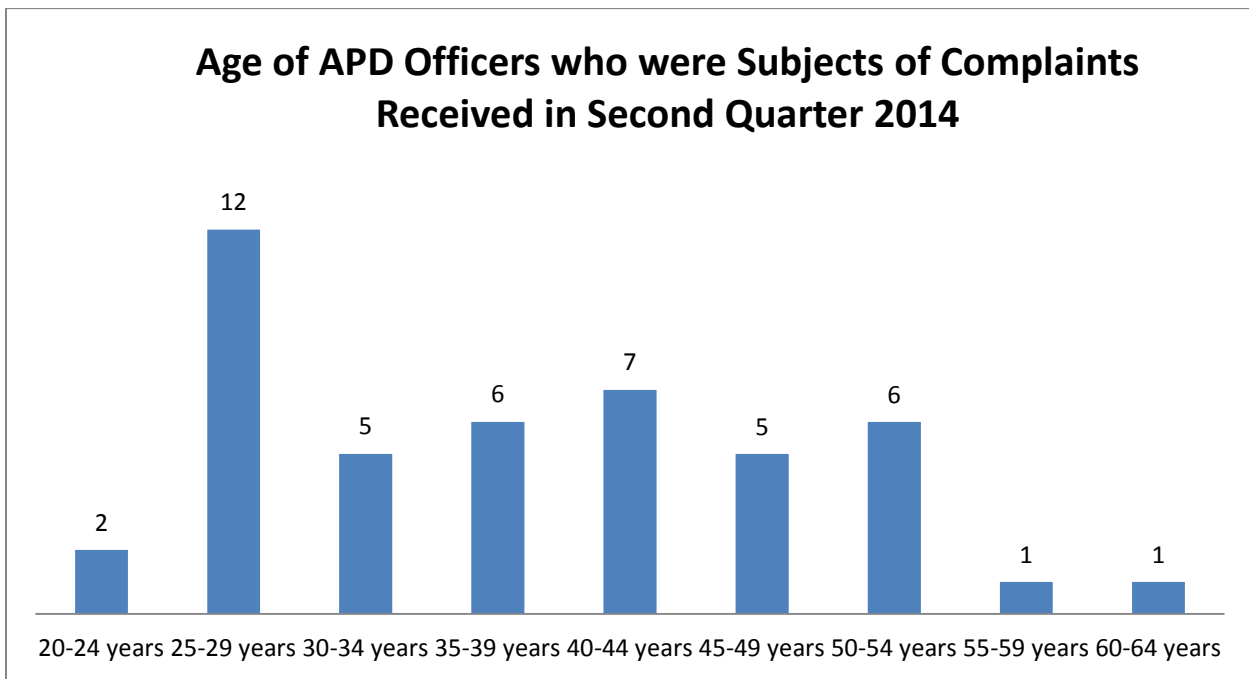


Figure 34: During the Second Quarter 2014, the most number of CPCs were against officers who were between 25 and 29 years old.

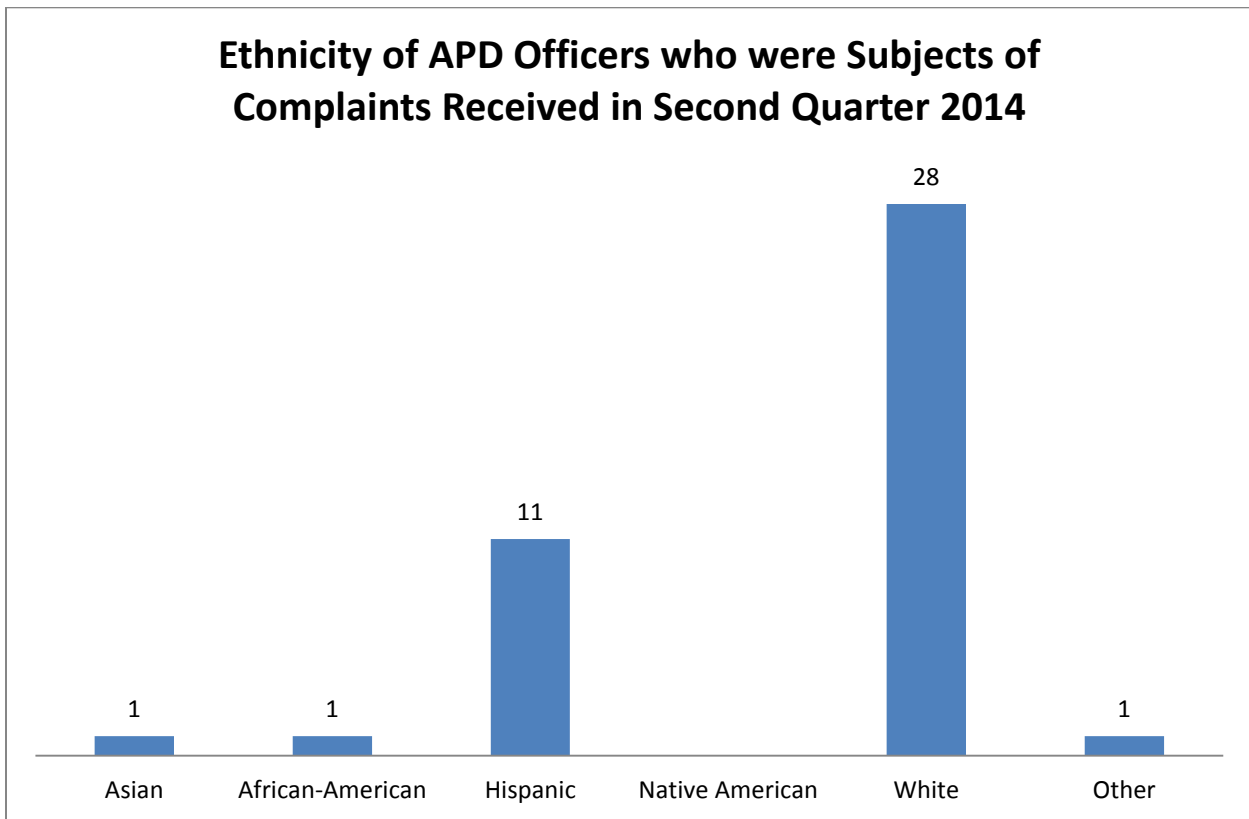


Figure 35: The majority number of CPCs were against White officers during the Second Quarter 2014. Three officer ethnicities were unknown.

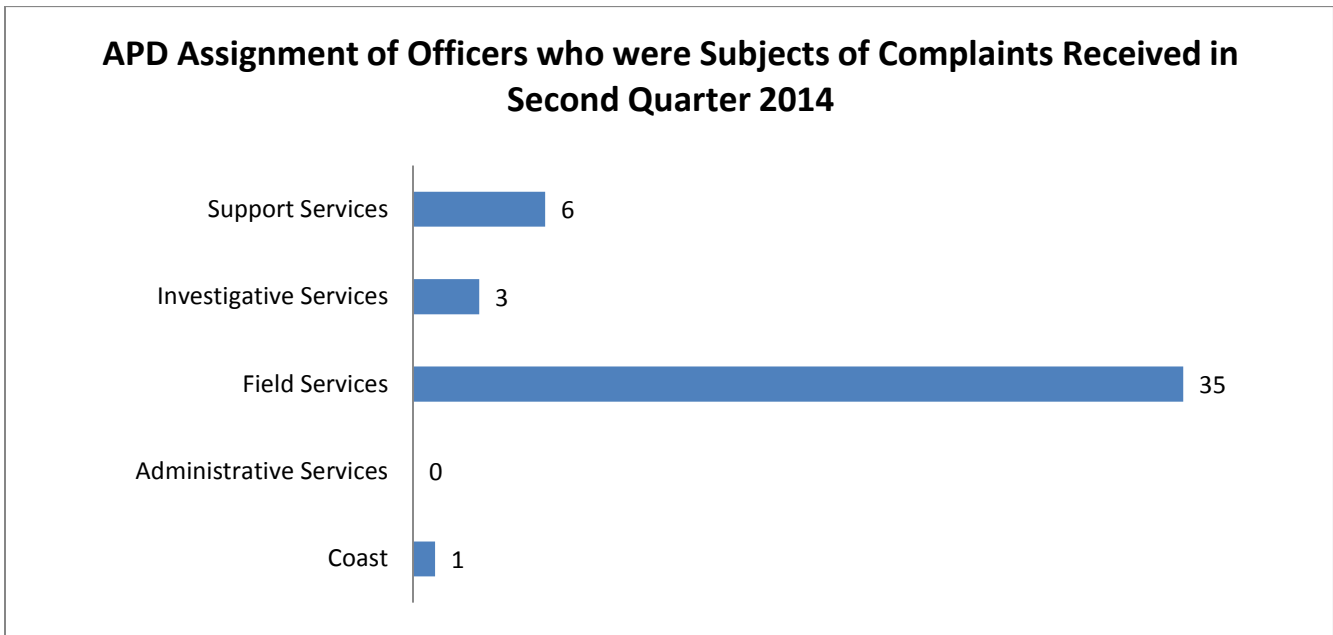


Figure 36: There were 45 identified APD personnel with complaints received by the IRO in Second Quarter 2014. The most complaints were made against officers in Field Services (Patrol).

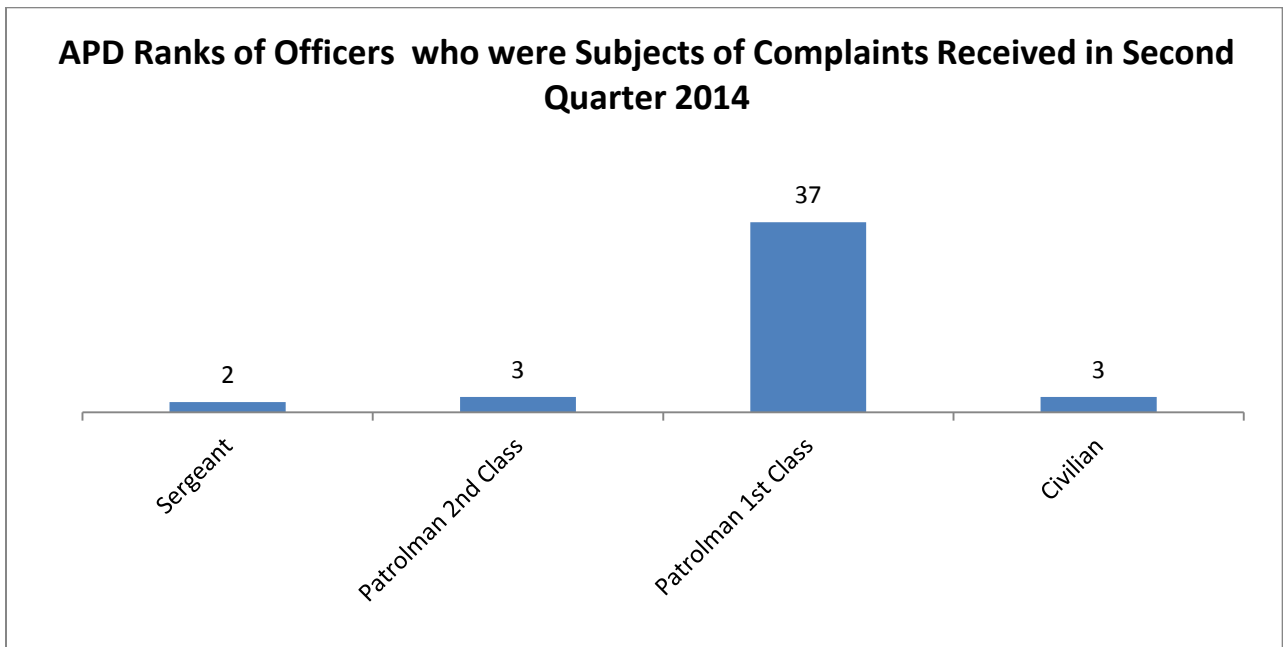


Figure 37: Complainants were much more likely to file a complaint against a Patrolman First Class.

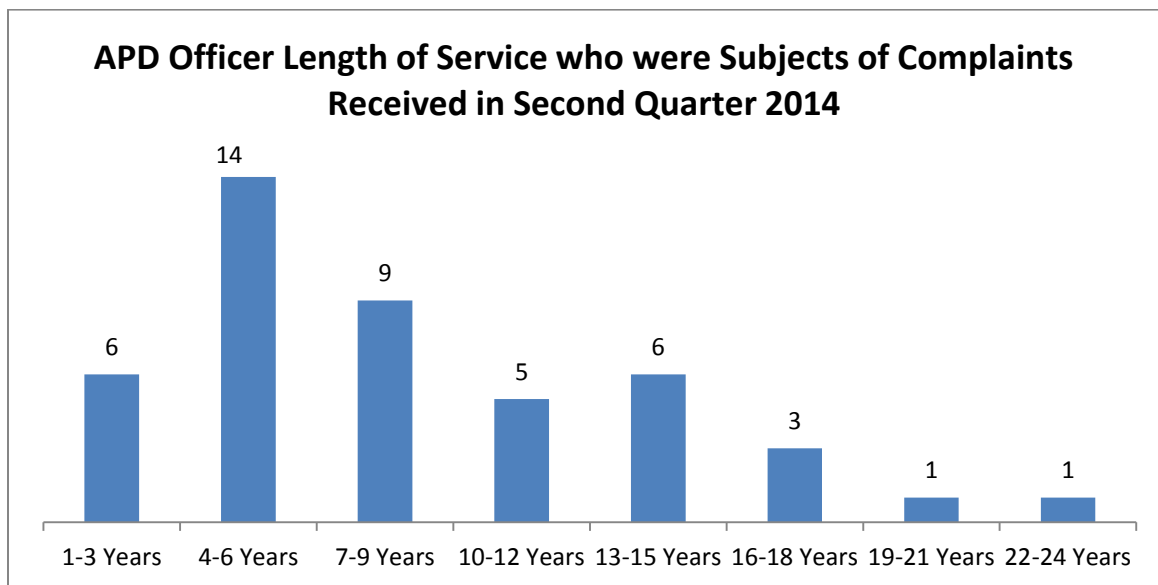


Figure 38: Range in years was based on the year hired by the Albuquerque Police Department and current year. During the Second Quarter 2014, complaints were most likely against officers with 4-6 years of service in APD.

FINDINGS AND DISPOSITIONS OF COMPLAINTS REVIEWED

In the First Quarter 2014, the IRO office presented 63 CPCs for review to the Police Oversight Commission.

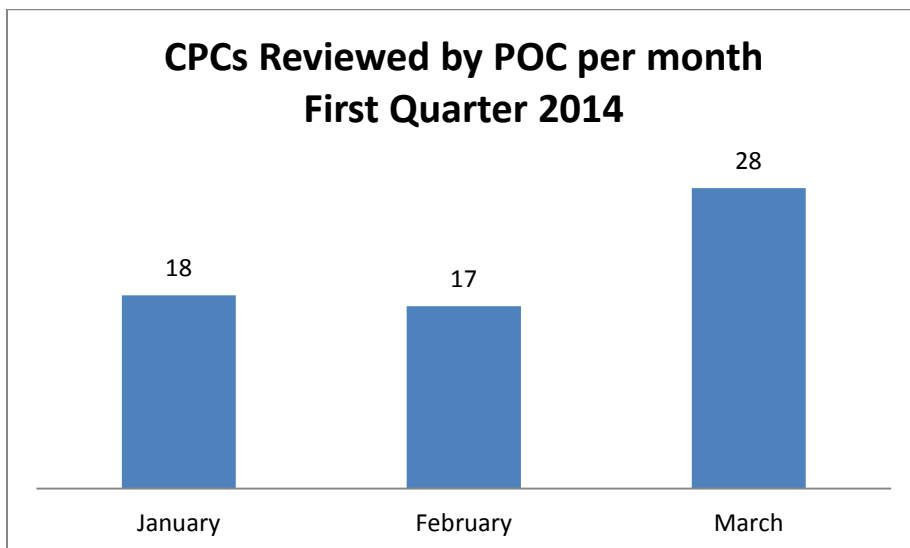


Figure 39: During the First Quarter, the highest number of CPCs heard by the Police Oversight Commission was in March.

During the First Quarter 2014, the Police Oversight Commission (POC) at its monthly meeting heard and reviewed a total of 63 CPCs. The IRO submitted an average of 21 CPCs per month to the POC.

The Police Oversight Commission approved inactivation of 29 CPCs and 34 CPCs closed with findings after a full investigation. Of the 34 CPCs closed with findings after a full investigation, these cases contained allegations of 103 violations of Standard Operating Procedures.

In addition, the POC reviewed one Officer-Involved Shooting and two appeals during the First Quarter 2014.

In the Second Quarter 2014, the IRO office presented 60 CPCs for review to the Police Oversight Commission.

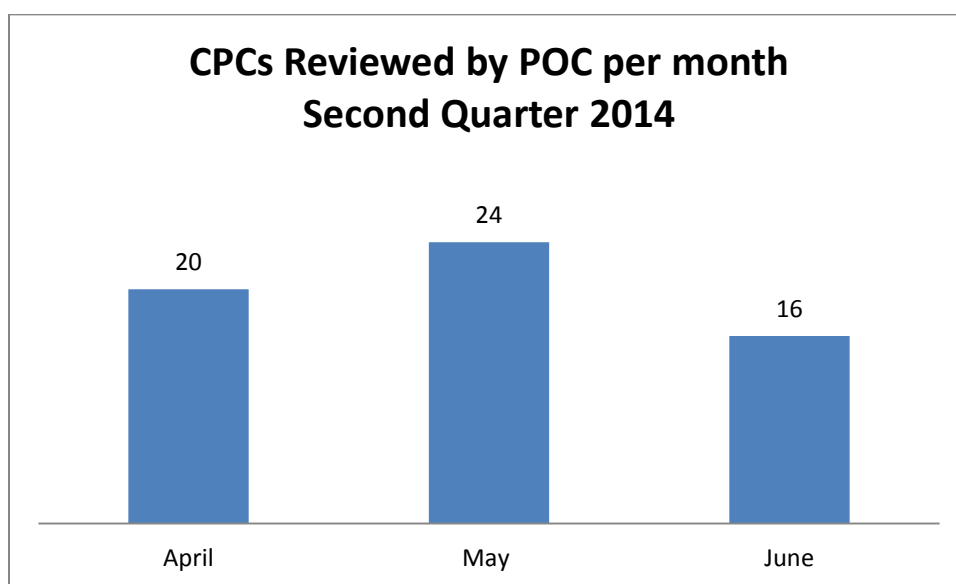


Figure 40: During the Second Quarter, the highest number of CPCs heard by the Police Oversight Commission was in May.

During the Second Quarter 2014, the Police Oversight Commission (POC) at its monthly meeting heard and reviewed a total of 60 CPCs. The IRO submitted an average of 20 CPCs per month to the POC.

The Police Oversight Commission reviewed 60 CPCs during the Second Quarter. POC approved inactivation of 34 CPCs and 26 CPCs closed with findings after a full investigation. Of the 26 CPCs closed with findings, these contained allegations of 81 violations of Standard Operating Procedures.

In addition, the POC reviewed five Officer-Involved Shootings during the Second Quarter 2014.

There were various reasons for inactivation. Reasons included:

- **Mediation (supervisor solution)**, where the complaint against the officer had been satisfactorily resolved in an informal manner with the help of the officer's supervisor;

- **Complaints filed over 90 days**, where the IRO did not have legal authority to investigate into a complaint filed more than 90 days after the date of the incident;
- **Complaints without signature**, any complaints received must be signed in order to be considered “valid.” Without the signature, the IRO office cannot proceed with the investigation;
- **No SOP allegation**, where the complaint did not allege any unprofessional behavior on the part of the officer(s);
- **Complaints withdrawal**, where the citizen did not wish to proceed with any further investigation;
- **Preliminary investigation did not find any SOP violation**, where after IRO reviewed the officers' actions and evidence indicated that the officers followed APD Standard Operating Procedures;
- **Complaints of unidentified officer**, because the IRO could not determine if the complaint mentioned any officers or identifiers to further investigate the case or could determine if the officers complained about were employed by the Albuquerque Police Department;
- **Complaints filed without IRO jurisdiction to investigate**, because the IRO did not have legal authority to investigate into the complaint;
- **Complaint referring to another agency**, where the IRO determined Albuquerque Police Department did not employ an officer with the name provided in the complaint;
- **Frivolous complaint**, where the allegations were neither a violation of SOP nor a criminal act, but a complaint was frivolous or filed for purposes of harassment;
- **Incomprehensible complaints**, where the IRO received generalized complaints about police, did not have a specific complaint of an officer(s), and no specific allegation was the subject of the complaint; and
- **Criminal referral to Internal Affairs of APD**, where the IRO received a complaint to conduct investigations into complaints of criminal actions by officers. These complaints were forwarded to the Albuquerque Police Department’s Internal Affairs Unit for further investigation and possible referral to the Criminal Investigations Division for criminal investigation.

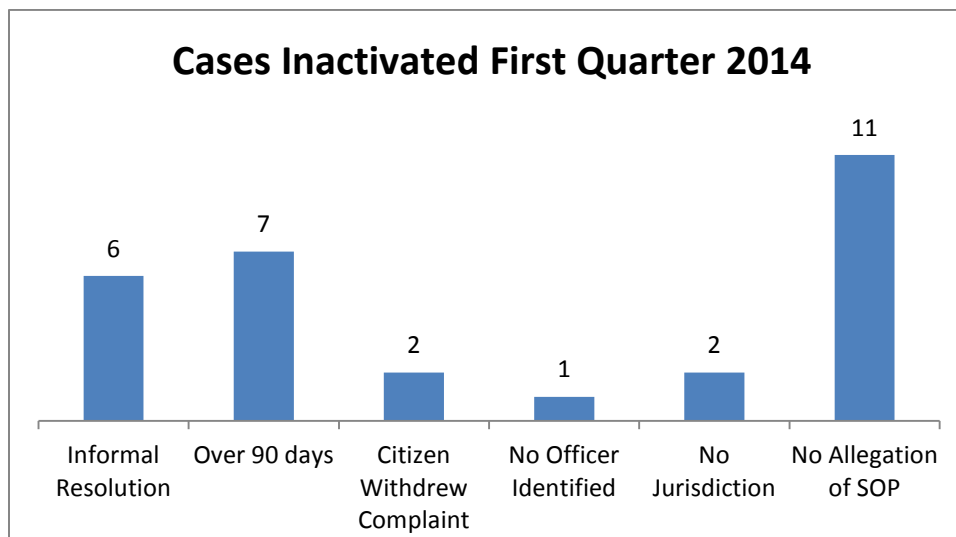


Figure 41: There were 29 complaints which the POC inactivated between January-March 2014.

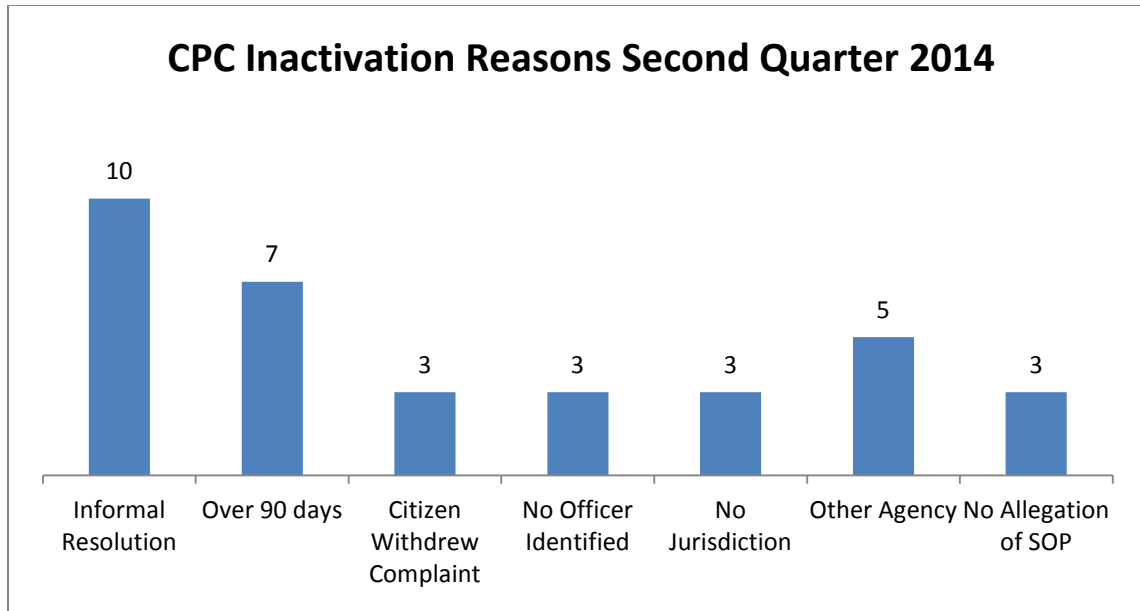


Figure 42: There were 34 complaints which the POC inactivated between April-June 2014.

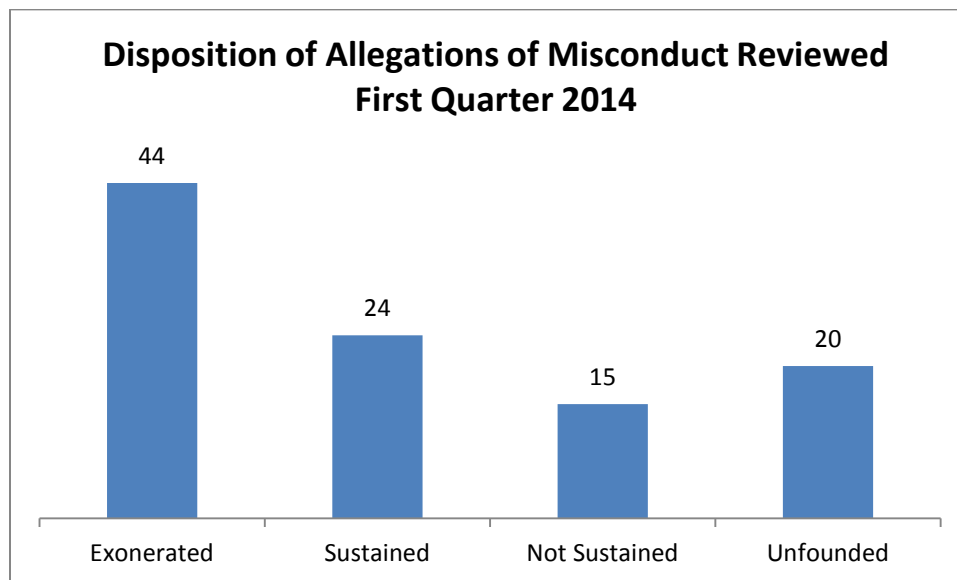


Figure 43: From January to March 2014, there were a total of 103 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the POC.

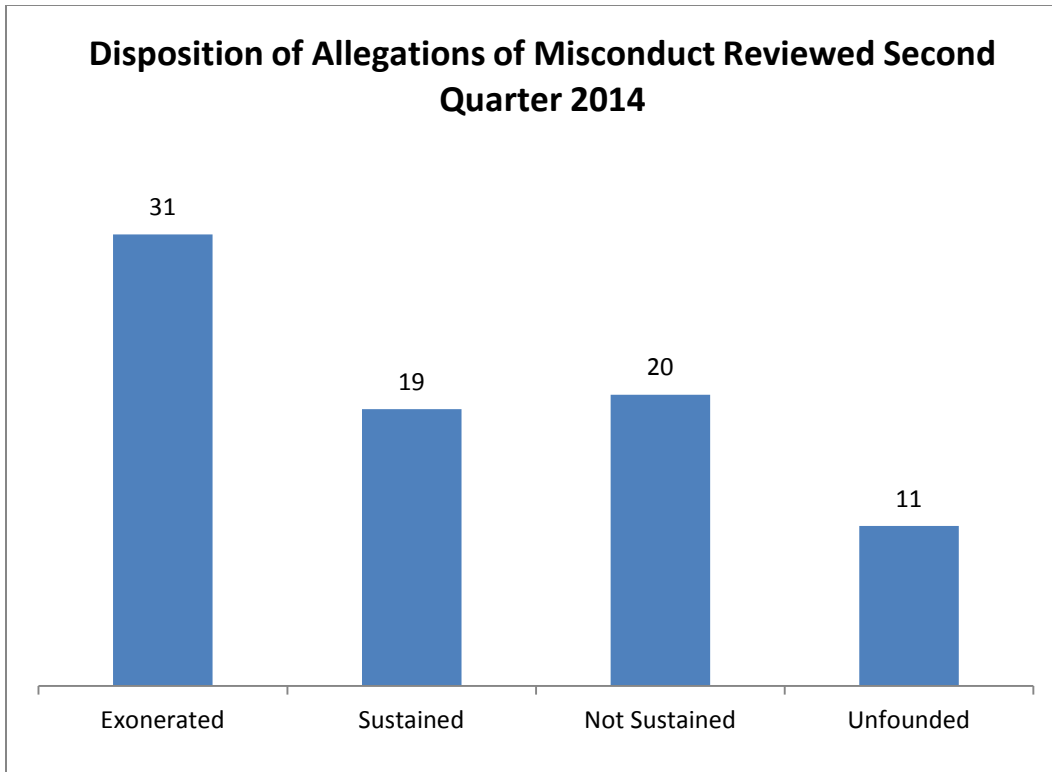


Figure 44: From April to June 2014, there were a total of 81 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the POC.

Type of Allegations of Misconduct Reviewed First Quarter 2014

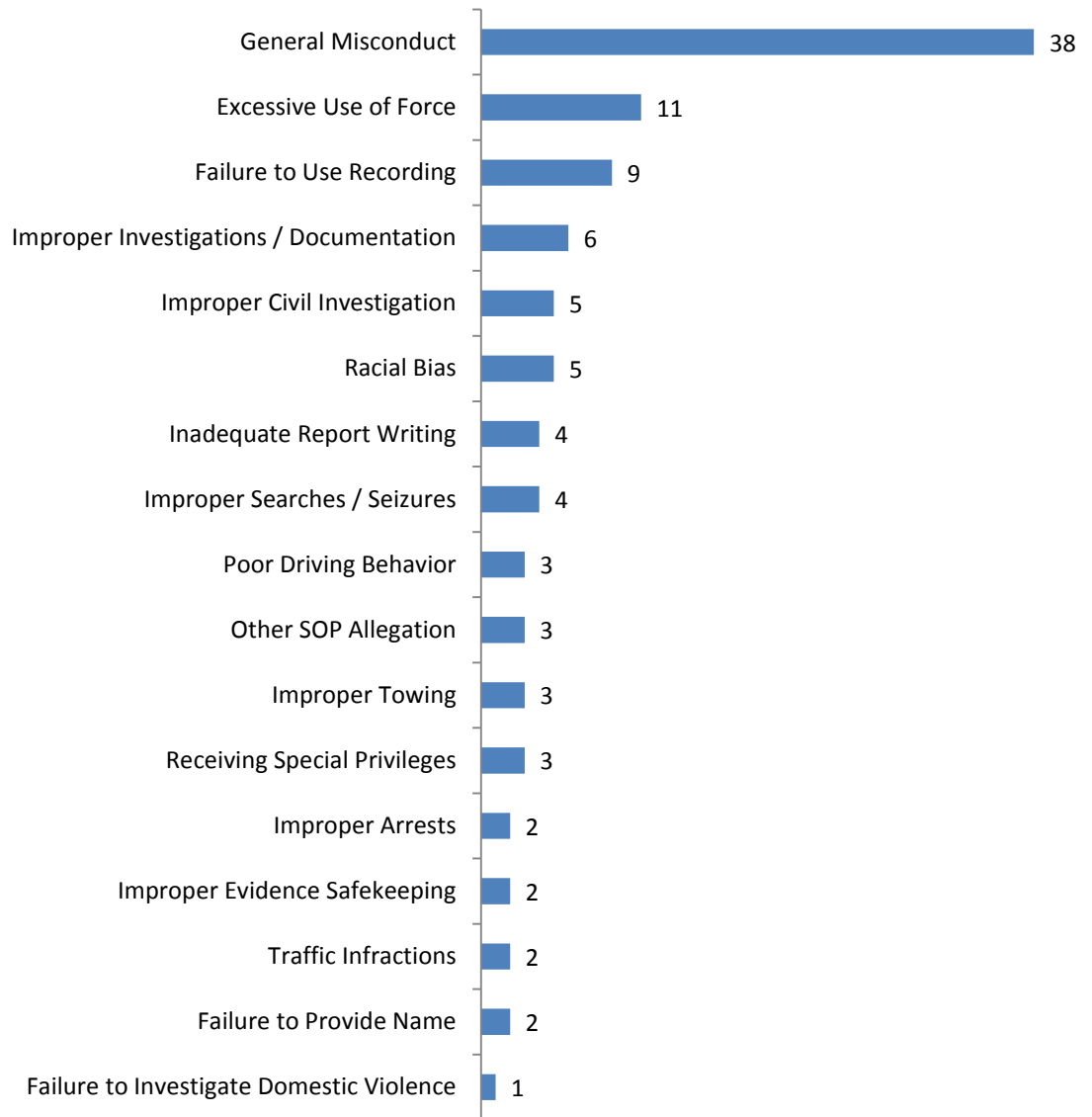


Figure 45: There were 103 violations of Standard Operating Procedures reviewed by the POC during the First Quarter 2014.

Allegations of Violations of SOPs Reviewed in Second Quarter 2014

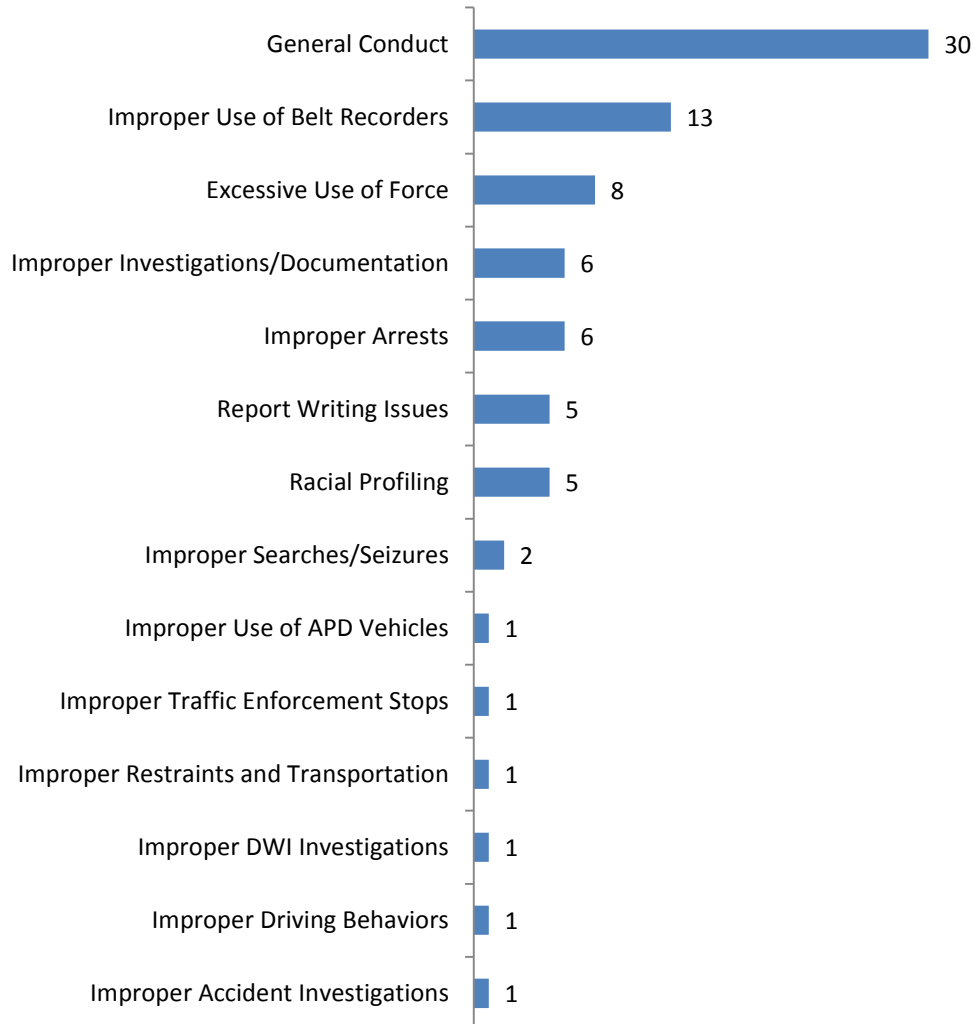
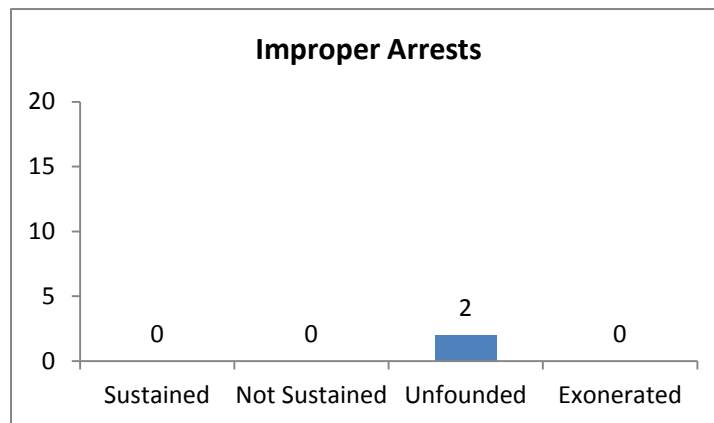


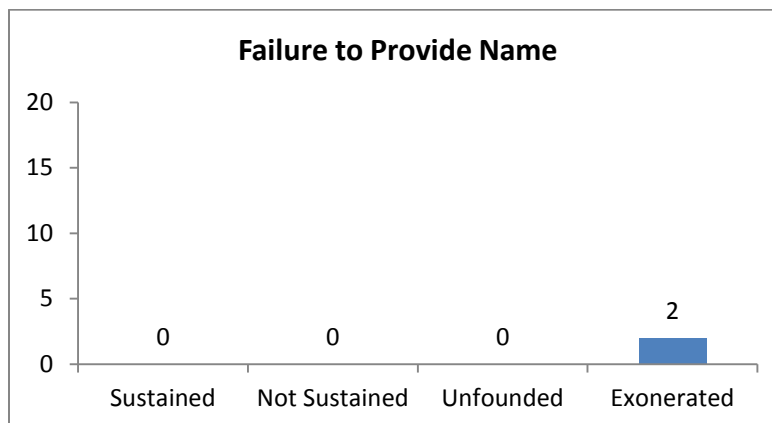
Figure 46: There were 81 violations of Standard Operating Procedures reviewed by the POC during the Second Quarter 2014.

DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN FIRST QUARTER 2014

The cases presented to the POC for review with findings from the IRO contained allegations of approximately 17 different SOP violations. Below are statistics concerning the specific types of allegations reviewed by the IRO and presented to the POC in the First Quarter 2014, along with descriptions of the relevant APD Standard Operating Procedures (SOPs). Unabridged versions of APD's SOPs are available at <http://www.cabq.gov/police/our-department/standard-operating-procedures>.

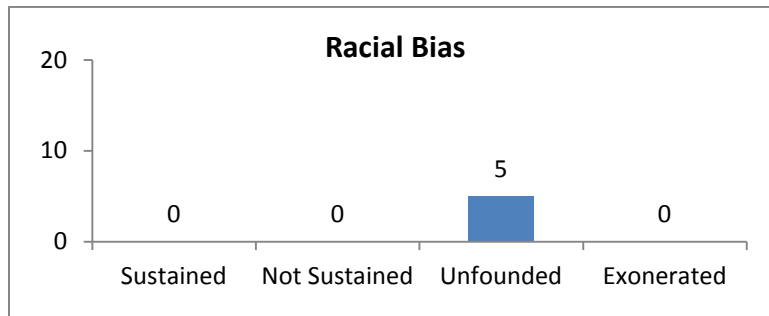


Improper Arrests: Standard Operating Procedure Section 1-02-2(B)(2): Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers will make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.

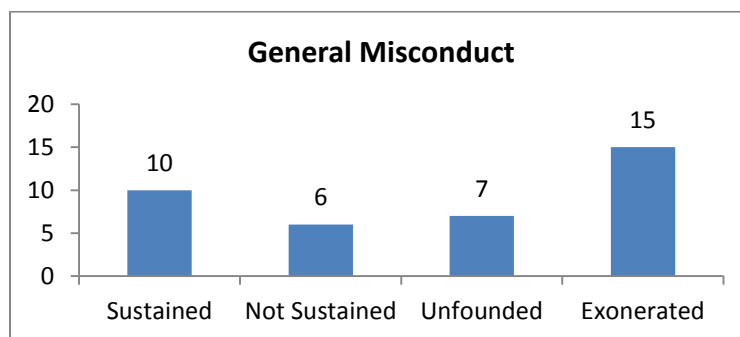


Failure to Provide Name: Standard Operating Procedure Section 1-02-3(A): Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity.

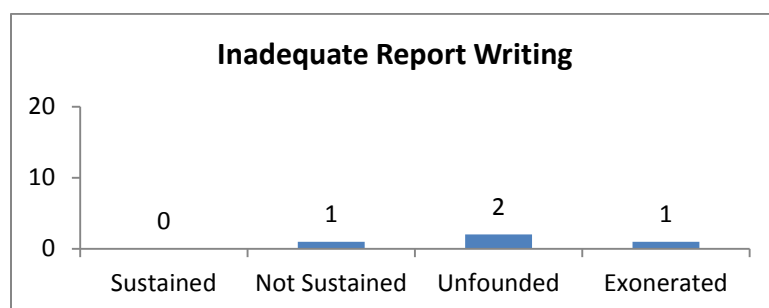
DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN FIRST QUARTER 2014



Racial Bias: Standard Operating Procedure Section 1-03-2(A): 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.

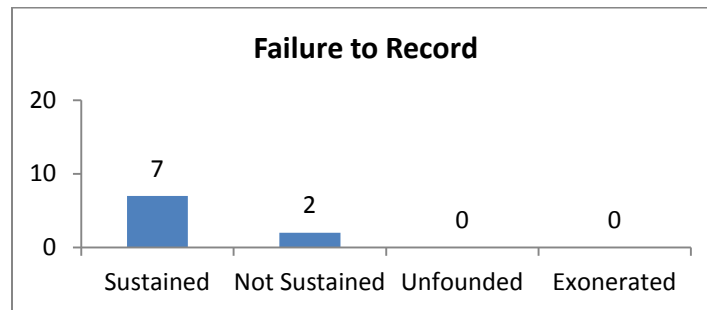


General Misconduct: Standard Operating Procedure Section 1-04-1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department. Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the department; Standard Operating Procedure Section 1-04-4(N): Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.

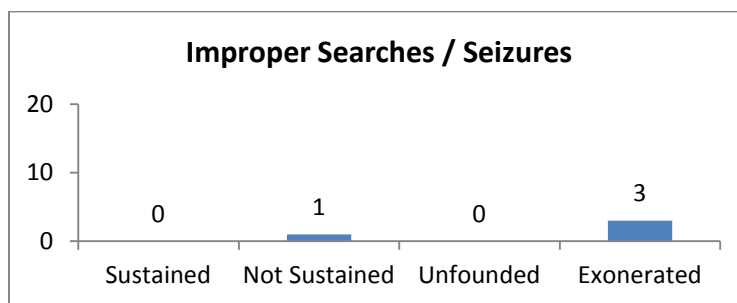


Inadequate Report Writing: Standard Operating Procedure Section 1-05-6(D): A report will be written for any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report.

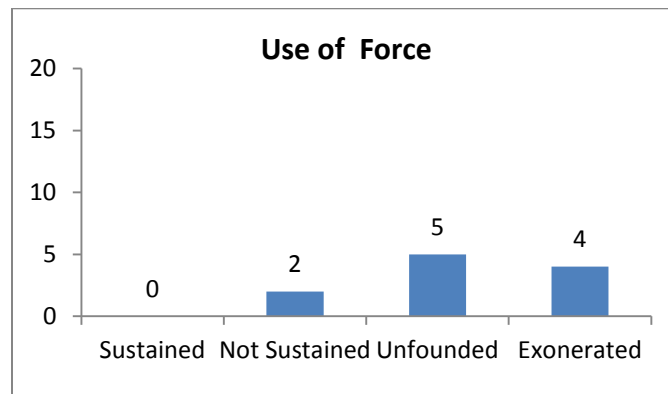
DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN FIRST QUARTER 2014



Failure to Record Incident: Standard Operating Procedure Section 1-39-2(B): 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.

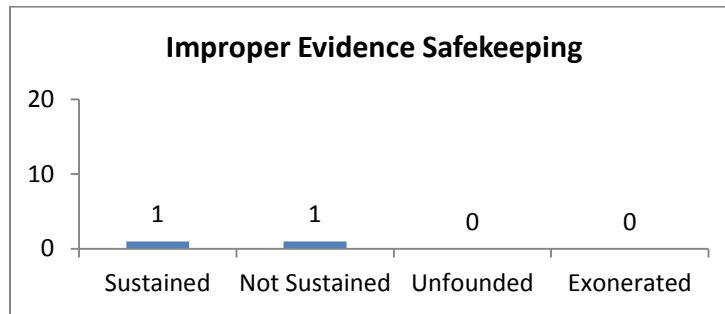


Improper Searches/Seizures: Standard Operating Procedure Section 2-17: Department policy is to provide officers with guidelines to conduct searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.

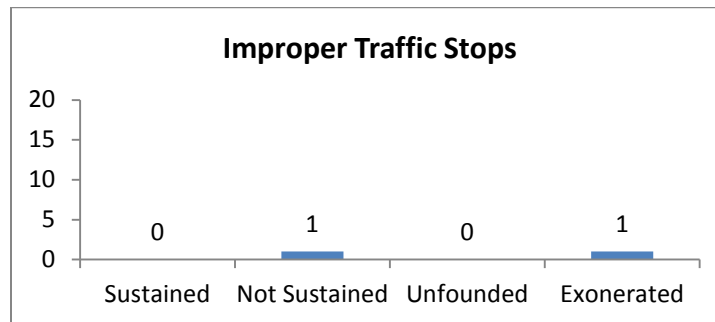


Use of Force: Standard Operating Procedure Section 2-52-3(A): Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.

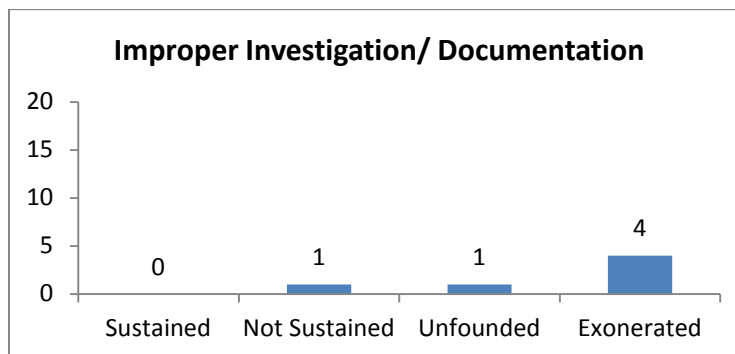
DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN FIRST QUARTER 2014



Improper Evidence Safekeeping: Standard Operating Procedure Section 2-08-1: 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.

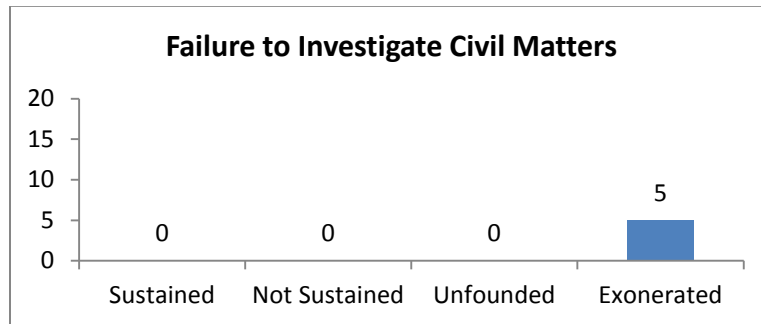


Improper Traffic Stops: Standard Operating Procedure Section 2-18-8: Department policy is to enforce the misdemeanor laws of the State of New Mexico and City of Albuquerque using traffic, misdemeanor, and parking citations whenever possible and appropriate.

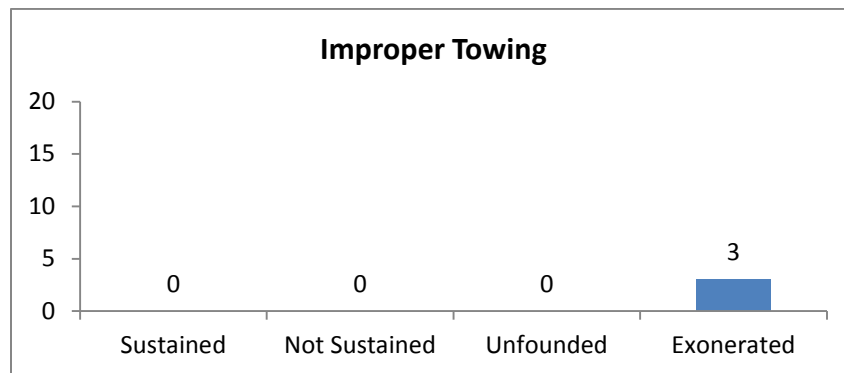


Improper Investigation/Documentation: Standard Operating Procedure Section 2-24-3: It is the responsibility of both uniformed officers, and officers assigned to specialized units to carry out investigations in a thorough, efficient, and timely manner.

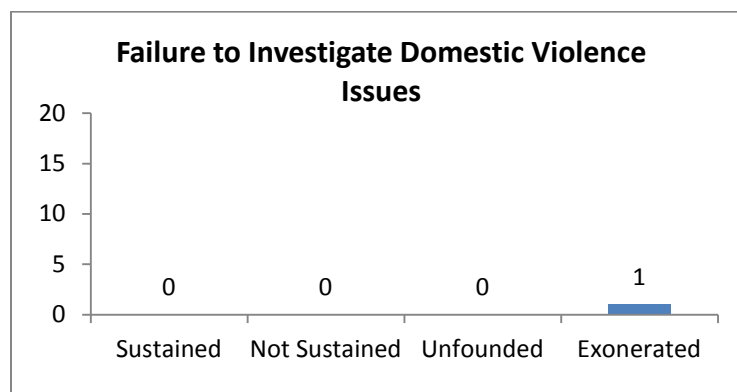
DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN FIRST QUARTER 2014



Failure to Investigate Civil Matters: Standard Operating Procedure Section 3-14: It is the policy of the Albuquerque Police Department to respond to calls involving civil disputes primarily for the purpose of restoring order.

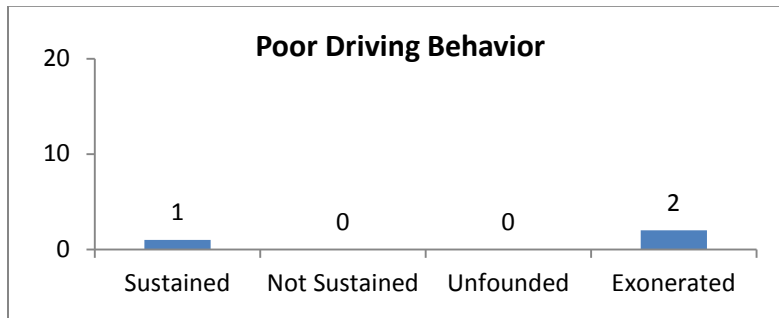


Improper Towing: Standard Operating Procedure Section 2-48-2(A): Department policy is to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property.

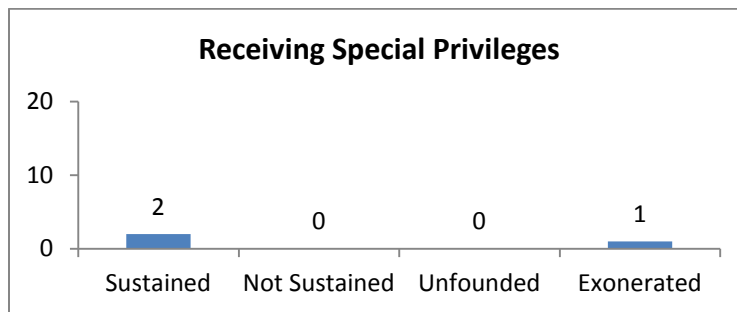


Failure to Investigate Domestic Violence Issues: Standard Operating Procedure Section 3-12-6: It is the policy of the Albuquerque Police Department to enforce laws dealing with domestic abuse and take appropriate action in cases involving domestic abuse.

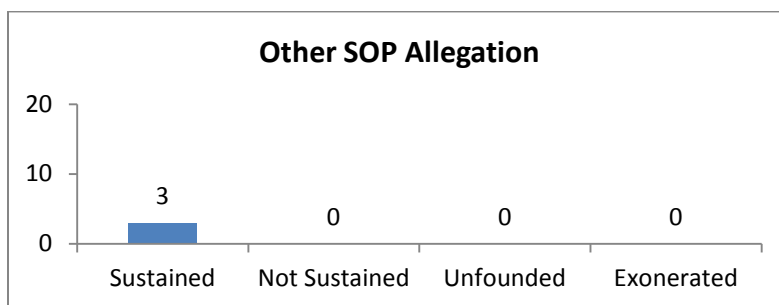
DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN FIRST QUARTER 2014



Poor Driving Behavior: Standard Operating Procedure Section 1-04-6(N): Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.



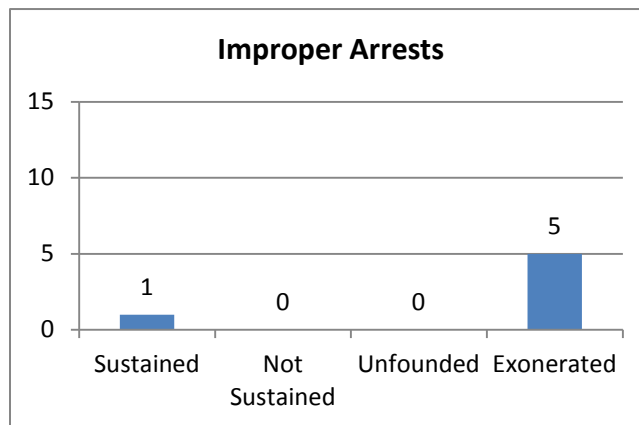
Receiving Special Privileges Standard Operating Procedure Section 1-04-2(A): Albuquerque Police Department personnel will not give special consideration, privilege, or professional courtesy to other APD personnel or to personnel from other law enforcement agencies when such personnel are alleged to be involved in a violation of any law.



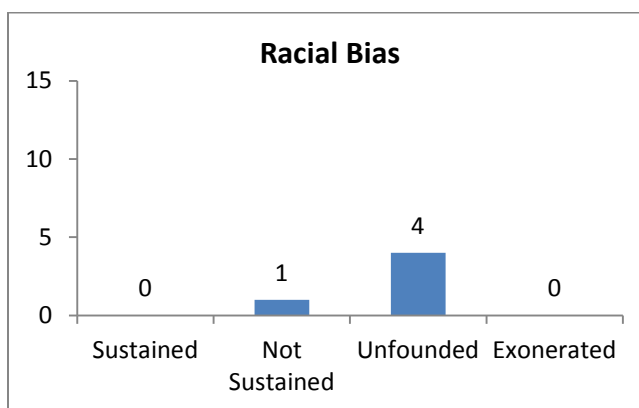
Improper Ride-Along: Standard Operating Procedure Order Section 2-12: It is the policy of the Albuquerque Police Department to provide for civilian ride-alongs for the purpose of education or training. **Improper Advertising:** Standard Operating Procedure Order Section 1-04-6(B): Personnel shall not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police. **Improper Business Solicitation:** Standard Operating Procedure Order Section 1-04-9(F): Personnel shall not use their official position or official identification card or badge to solicit for personal or financial gain.

DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN SECOND QUARTER 2014

The cases presented to the POC for review with findings from the IRO contained allegations of approximately 17 different SOP violations. Below are statistics concerning the specific types of allegations reviewed by the IRO and presented to the POC in the Second Quarter 2014, along with descriptions of the relevant APD Standard Operating Procedures (SOPs). Unabridged versions of APD's SOPs are available at <http://www.cabq.gov/police/our-department/standard-operating-procedures>.

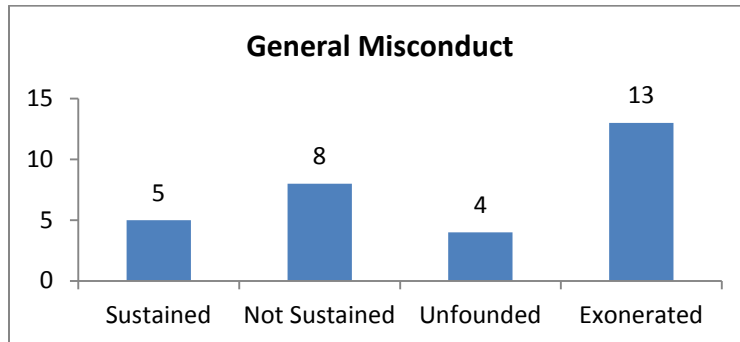


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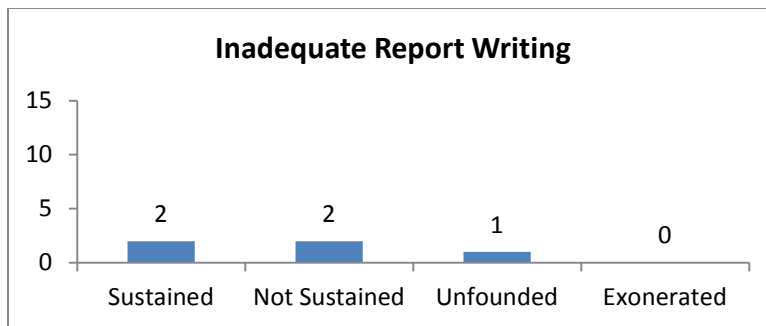


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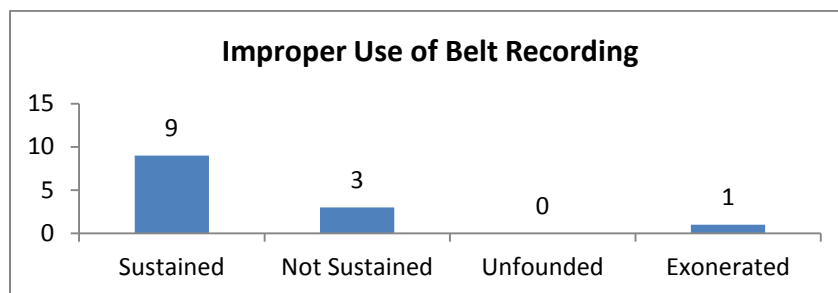
DISPOSITIONS FOR SPECIFIC ALLEGATIONS REVIEWED IN SECOND QUARTER
2014



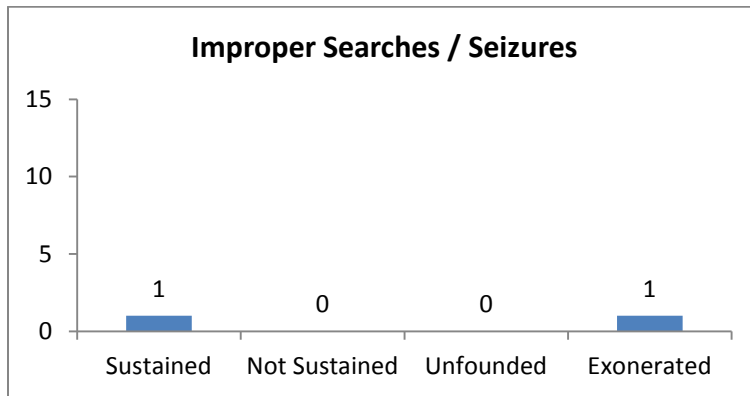
General Misconduct: Standard Operating Procedure Section 1-04-1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department. Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the department; Standard Operating Procedure Section 1-04-4(N): Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.



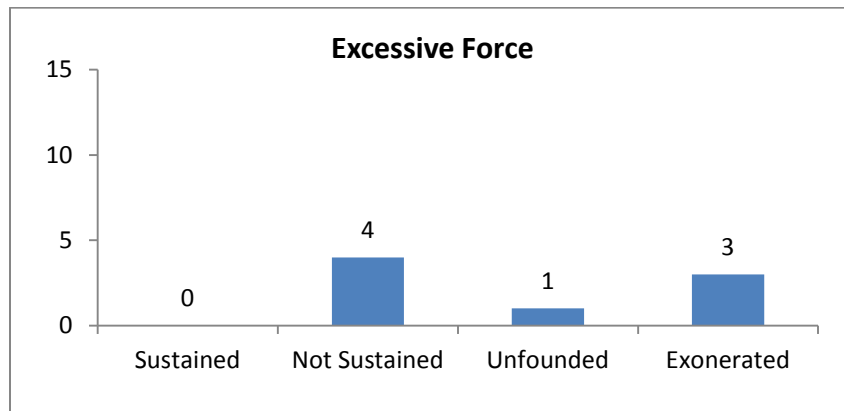
Inadequate Report Writing: Standard Operating Procedure Section 1-05-6(D): A report will be written for any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report.



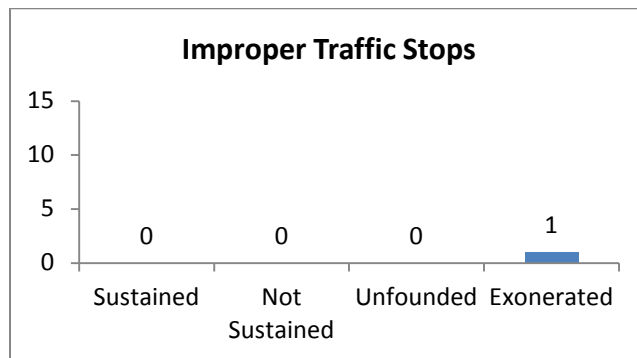
Failure to Use Recording: Standard Operating Procedure Section 1-39-2(B): All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop.



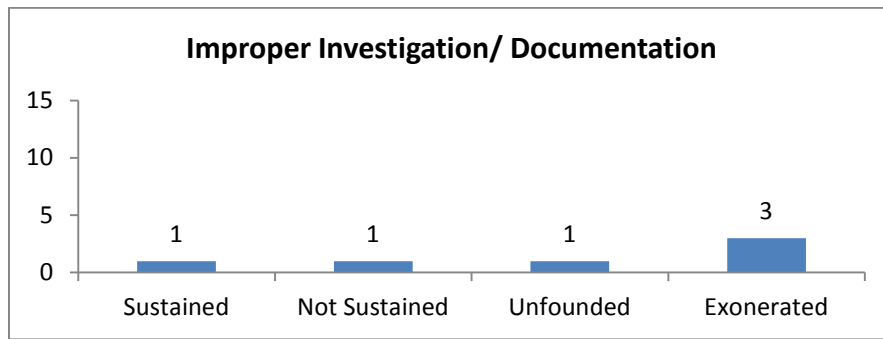
Improper Searches/Seizures: Standard Operating Procedure Section 2-17: Department policy is to provide officers with guidelines to conduct searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.



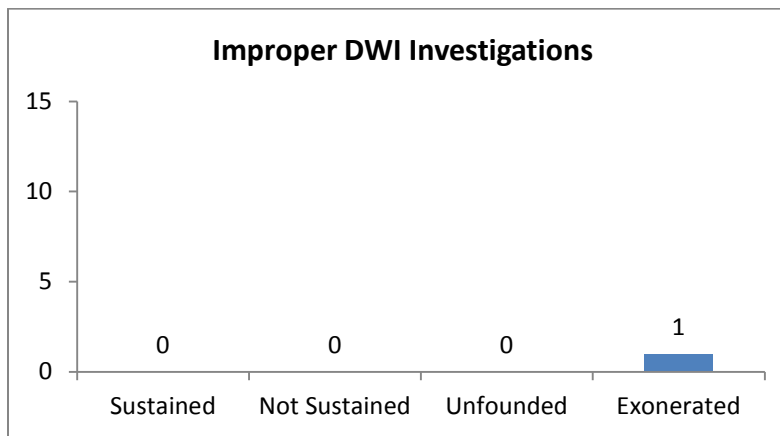
Excessive Force: Standard Operating Procedure Section 2-05-2(A): Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.



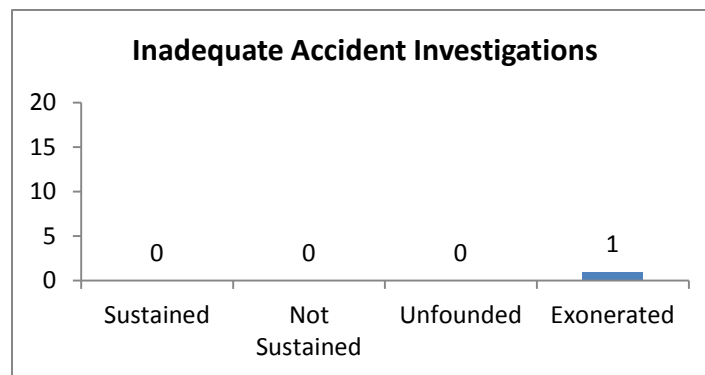
Improper Traffic Stops: Standard Operating Procedure Section 2-18-8: Department policy is to enforce the misdemeanor laws of the State of New Mexico and City of Albuquerque using traffic, misdemeanor, and parking citations whenever possible and appropriate.



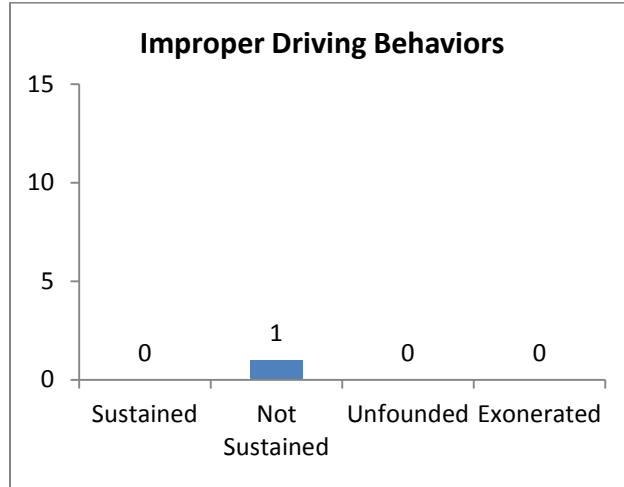
Improper Investigation/Documentation: Standard Operating Procedure Section 2-24-3: It is the responsibility of both uniformed officers, and officers assigned to specialized units to carry out investigations in a thorough, efficient, and timely manner.



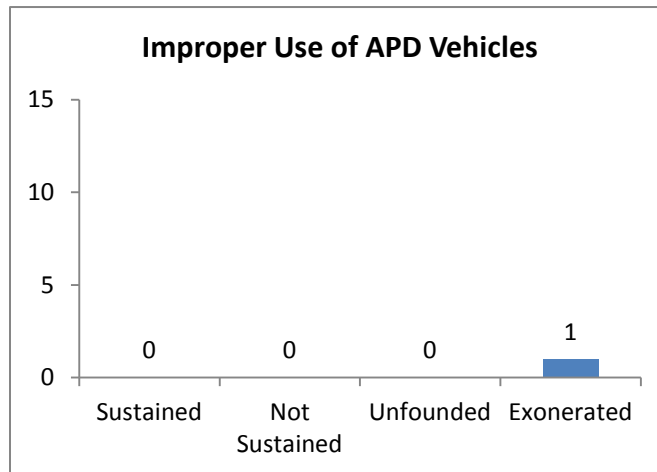
Improper DWI Investigations: Standard Operating Procedure Section 3-11-1: It is the policy of the Albuquerque Police Department to apprehend, arrest, and assist in the efficient prosecution of persons who are found to be operating a motor vehicle under the influence of intoxicating liquor, drugs, or driving a vehicle while their license is revoked or suspended for a previous DWI violation.



Inadequate Accident Investigations: Standard Operating Procedure Section 2-50: It is the policy of the Albuquerque Police Department to respond to and investigate traffic accidents, while limiting the impact on the motoring public.



Improper Driving Behavior: Standard Operating Procedure Section 1-04-6(N): Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.



Improper Use of APD Vehicles: Standard Operating Procedure Section 1-19-9(B): Department policy is to provide for the maintenance, inspection and issuance of all Department vehicles, and to control the parking of vehicles at the Law Enforcement Center. Standard Operating Procedure Section 1-19-10: Department employees shall drive Department vehicles for official purposes only, providing they hold a city driver’s license for that class of vehicle.

ACKNOWLEDGEMENTS OF AN APD JOB WELL DONE

City of Albuquerque residents also contacted the Independent Review Office to express gratitude or commend APD employees for acts of service or response to a particular incident. These commendations were received in the form of phone calls, letters, email messages and numerous face-to-face comments of appreciation. Beginning January 2013, IRO Robin Hammer initiated the Job Well Done (JWD) Report, a form submitted via the website for citizens to express praises and acknowledgements to APD officers and the department.

During the First Quarter 2014, the Independent Review Officer received 72 JWD Reports. The IRO forwarded all JWD Reports to the Chief of Police for acknowledgement. APD gave a copy of each JWD to the employee and employee's supervisor.

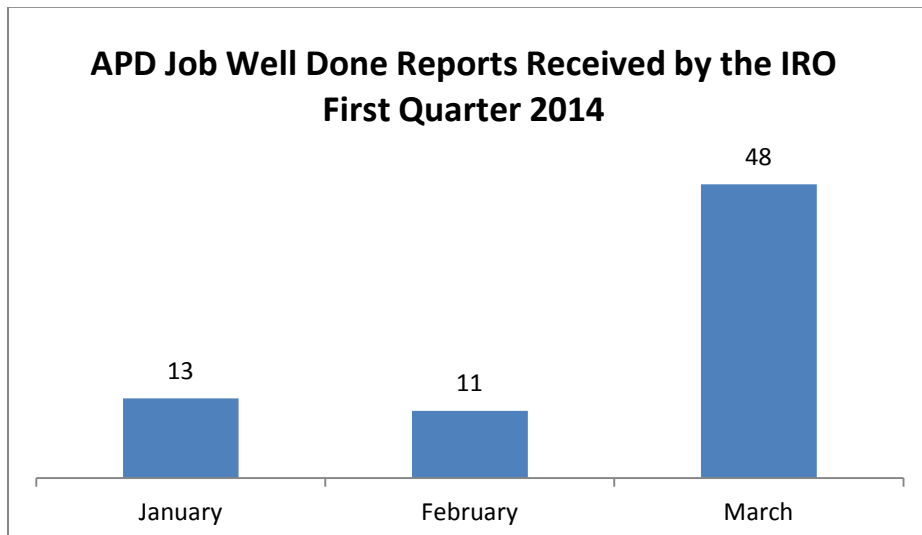


Figure 47: There were 72 praises and acknowledgements received from citizens during the First Quarter 2014. .

During the Second Quarter 2014, the Independent Review Officer received 68 JWD Reports. The IRO forwarded all JWD Reports to the Chief of Police for acknowledgment. APD gave a copy of each JWD to the employee and the employee's supervisor.

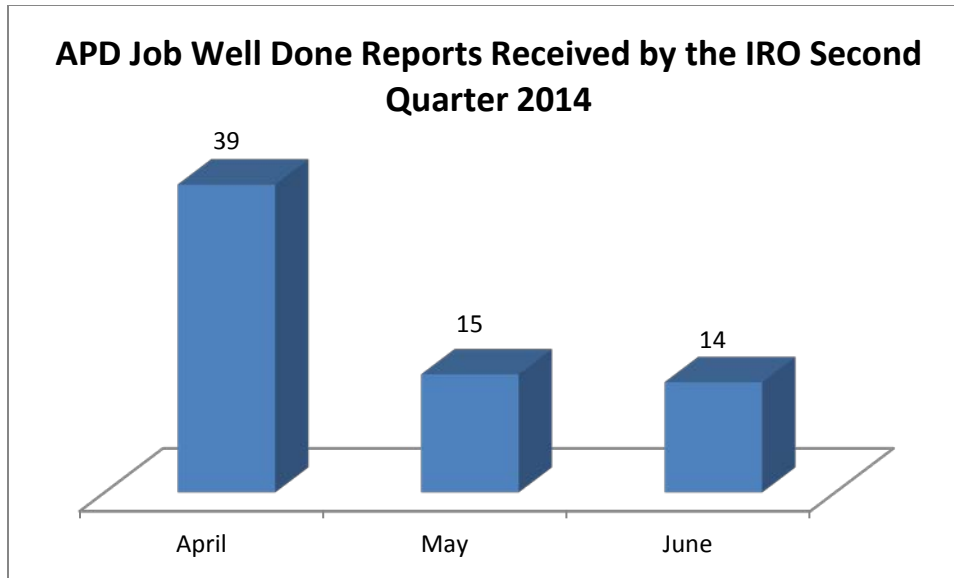


Figure 48: There were 68 praises and acknowledgements received from citizens during the Second Quarter 2014.

APD DISCIPLINARY ACTIONS

Albuquerque Police Department Officers with Sustained findings of Standard Operating Procedures. Violations are referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO and the POC.

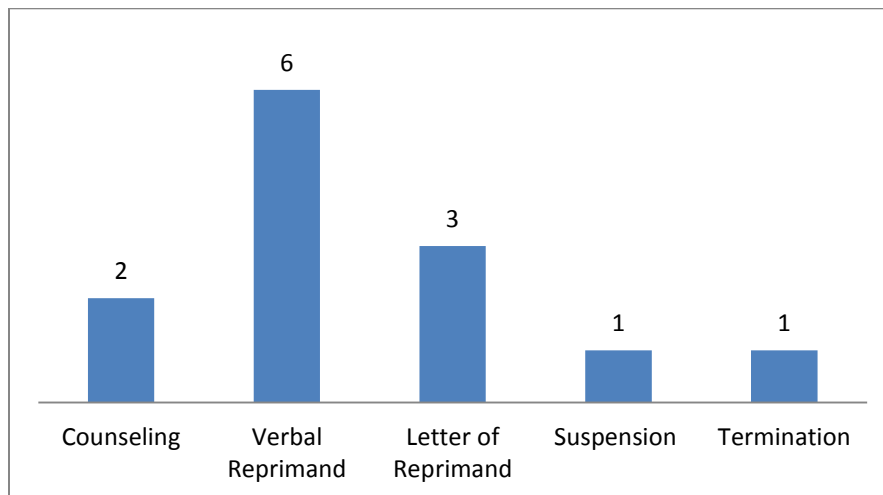


Figure 49: Above represent the discipline imposed for the 24 SOP violations found to be sustained CPCs in the First Quarter 2014. 10 SOP violations resulted in the termination of one employee. There were two cases in which no discipline was imposed on Sustained Findings.

APD Internal Affairs Department Report to the POC, Including All Discipline Imposed Against APD Employees in First Quarter 2014

In addition, the Internal Affairs Division of the Albuquerque Police Department investigated cases within the Department. Internal Affairs of Albuquerque Police Department attends Police Oversight Commission meetings and reported Internal Affairs cases as follows:

January 2014: 40,254 dispatched calls for service; Received 40 Internal Complaints; Completed 28; Pending 31
Discipline Imposed (Letters of Reprimand 18; Verbal Reprimand 3; 3 16-hour Suspension; 1 40-hour Suspension; 1 Exonerated)

February 2014: 37,352 dispatched calls for service; Received 8 Internal Complaints; Completed 17; Pending 6
Discipline Imposed (Letters of Reprimand 12; Verbal Reprimand 2; 1 40-hour Suspension; 1 Exonerated)

March 2014: 41,517 dispatched calls for service; Received 24 Internal Complaints; Completed 17; Pending 21
Discipline Imposed (Letters of Reprimand 5; Verbal Reprimand 2; 2 8-hour Suspension; 1 16-hour Suspension; 1 40-hour Suspension; 1 Exonerated)

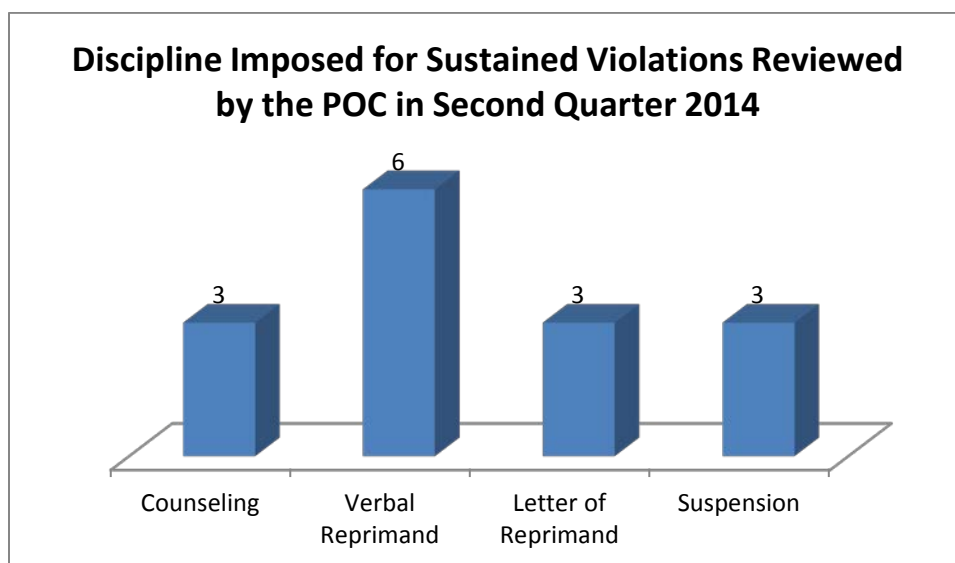


Figure 50: This figure represents the discipline imposed for sustained violations in the Second Quarter 2014 for CPCs.

APD Internal Affairs Department Report to the POC, Including All Discipline Imposed Against APD Employees in Second Quarter 2014

In addition, the Internal Affairs Division of the Albuquerque Police Department investigated cases within the Department. Internal Affairs of Albuquerque Police Department attends Police Oversight Commission meetings and reported Internal Affairs cases as follows:

April 2014: Dispatched calls for service - 38,970

| | | | |
|---------------------------|-----------------------|----------------|-----------------------|
| Received – 24 | Inactivated – 0 | Completed – 19 | Pending – 23 |
| Letters of Reprimand – 11 | 2 8-hour suspension | | 3- 16-hour suspension |
| 1- 24-hour suspension | 1-40-hour suspension | | 1- 56-hour suspension |
| 1 -80-hour suspension | 1-120-hour suspension | | 1 termination |

May 2014: Dispatched calls for service – not provided

| | | | |
|----------------------|------------------------|----------------|-----------------------|
| Received – 13 | Inactivated – 0 | Completed – 19 | Pending – 13 |
| 1 verbal reprimand | 9 letters of reprimand | | 1 8-hour suspension |
| 1 16-hour suspension | 1 120-hour suspension | | 1 240-hour suspension |

June 2014: Calls for Service: 44,512;

| | | | |
|--------------------|------------------------|----------------|---------------------|
| Received – 7 | Inactivated – 0 | Completed – 14 | Pending – 6 |
| 3 verbal reprimand | 4 letters of reprimand | | 1 8-hour suspension |

Citizen Police Complaints Reviewed First Quarter 2014

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention, and maintenance of order in the community.

In order to carry out their duties and responsibilities, the police are empowered with legal authority. To achieve success, the Department must win and retain the confidence and respect of the citizens it serves. Police officers do not act for themselves, but for the public. To that end, it is necessary to create and maintain a system through which the Department can be effectively directed and controlled. Written directives have been incorporated into Standard Operating Procedures (SOPs) to guide and direct department personnel in the performance of their duties. Violations of these provisions may result in disciplinary charges against personnel.

Standard Operating Procedures are defined as written orders by the Chief of Police or a bureau, division, or section commander to define policy and direct procedures for specific situations or events.

The following section lists each of the Citizen Police Complaints (CPCs) reviewed in the First Quarter 2014.

CPC 132-12 A citizen alleged that an APD officer was biased during a DWI stop. The finding for Failure to Record was Sustained. Sergeant Mock informed the Commission that Officer T. activated the recorder but it stopped recording. Sergeant Mock informed the Commission that the Chief of Police believed a Not Sustained best served as a finding for the officer. The IRO and the POC found the allegation of *Failing to Record* to be SUSTAINED against Officer T.

CPC 139-12 A citizen alleged that when she called APD to take a report about her intoxicated son, the officers used excessive force, yelled at complainant, failed to get her injured son medical attention, and wrote an inaccurate report. The IRO and the POC found the allegations of *Use of Force* to be EXONERATED, *Failing to Request Rescue* and *Report the Incident Accurately* to be UNFOUNDED against Officer S. The IRO and the POC found the allegation of *Use of Force* to be EXONERATED, *Failing to Request Rescue* and *Report the Incident Accurately* to be UNFOUNDED against Officer C.

CPC 151-12 A citizen alleged that a PSA was rude and dismissive when he responded to a car accident in which citizen was involved. Citizen believed the PSA was biased because of her age and was wrongfully faulted for the accident. The IRO and the POC found the allegation of *Preliminary Investigations* to be EXONERATED, *Misconduct* to be NOT SUSTAINED, *Bias* to be UNFOUNDED, and *Failure to Record* to be SUSTAINED against PSA B.

CPC 183-12 A citizen complained about two separate incidents. In the first incident, the citizen alleged that he was detained in the back of a hot car and the officer did not conduct a proper investigation after being called about a domestic dispute. In the second incident, the citizen alleged that he was issued a summons for stalking and harassment. The citizen alleged that Detective J., who issued the summons, may have a bias against him because citizen's twin

CPCs REVIEWED IN FIRST QUARTER 2014

brother used to work for APD. The IRO and the POC found the allegations of *Misconduct* and *Unlawful Search* to be NOT SUSTAINED, *Preliminary Investigations* to be EXONERATED, and *Failure to Record* to be SUSTAINED against Officer L. The IRO and the POC found the allegation of *Improperly Issuing a Summons* to be EXONERATED, and *Misconduct* to be UNFOUNDED against Detective J.

CPC 189-12 A citizen alleged that he was not formally arrested but detained and forced to surrender his underwear and a swab of his penis which was a violation of his rights. The IRO and the POC found the allegations of *Search and Seizure* and *Misconduct* to be EXONERATED against Detective M. The IRO and the POC found the allegations of *Search and Seizure* and *Misconduct* to be EXONERATED against Officer P.

CPC 202-12 A citizen alleged that she called for police assistance because of an altercation. Citizen alleged that the officer seemed uninterested in following up and claimed no crime had been committed. The IRO and the POC found the allegations of *Preliminary Investigations* and *Misconduct* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against Officer R.

CPC 227-12 A citizen alleged that an APD officer was rude, yanked her out of the car, and slammed her against the car after being pulled over for an unknown reason. Citizen alleged that the officer stated there was an arrest warrant after she was in the back of the officer's car. The IRO and the POC found the allegations of *Misconduct*, *Bias*, and *Use of Force* to be UNFOUNDED, *Improper Arrest*, *Improper Driving*, and *Improper Towing* to be EXONERATED, and *Ride-Along* to be SUSTAINED against Officer C. The IRO and the POC found the allegation of *Use of Force* to be UNFOUNDED, and *Improper Safekeeping of Evidence* to be NOT SUSTAINED against Officer H.

CPC 007-13 A citizen alleged that he was assaulted at his apartment complex. The citizen alleged that he was then arrested for DWI and assault. The citizen alleged that the officers did not take his statement or investigate his claims of the incident and was told to wait when citizen requested medical treatment. The IRO and the POC found the allegation of *Preliminary Investigations* to be UNFOUNDED against Officer B. The IRO and the POC found the allegation of *Failing to Take a Report* to be NOT SUSTAINED against Officer S.

CPC 019-13 A citizen alleged that her husband's ex-wife was a victim of domestic violence and the children were in danger, but the Officer did not investigate the situation and did not protect her and her family. Citizen alleged that the police report failed to document the situation accurately. The IRO and the POC found the allegations of *Preliminary Investigations*, *Failing to Request Medical Attention*, and *Misconduct* to be EXONERATED against Officer K.

CPC 057-13 A citizen alleged that an APD Detective lied to her and jeopardized her safety by listing her name on a search warrant as a Confidential Informant. The IRO and the POC found

CPCs REVIEWED IN FIRST QUARTER 2014

the allegation of *Acting Officiously* to be UNFOUNDED, and *Treating Official Business as Confidential* to be EXONERATED against Detective S.

CPC 053-13 – A citizen alleged that she has had a longstanding conflict with her neighbor. Citizen called police, but told the operator she wished to remain anonymous. Citizen thought she would see the officer when he came to the address and then she would walk out and contact him. She did not see any lights and felt like the officer avoided her. The IRO and the POC found the allegation of *Failing to Efficiently Perform Duties* to be EXONERATED against Officer P.

CPC 056-13 A citizen alleged that her mother's boyfriend beat her up, and when she tried explaining to the officer what happened, the officer interrupted her and said there was nothing he could do. The citizen alleged the officer yelled at her, frightening her children. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer A.

CPC 066-13 A citizen alleged that an APD officer barged into his apartment, looked around citizen's apartment, searched his couch and dirty laundry after accusing citizen of smoking marijuana. The IRO and the POC found the allegations of *Unlawful Search* and *Misconduct* to be EXONERATED against Officer P.

CPC 070-13 A citizen alleged that an APD officer arrived at his home regarding a false police report filed by another individual. Citizen alleged that he attempted to file a police report of his own against the individual but a police report has not been generated regarding this matter. The IRO and the POC found the allegation of *Acting Officiously* to be UNFOUNDED, and *Failure to Record* to be NOT SUSTAINED against Officer S.

CPC 075-13 A citizen alleged that he was arrested and taken to the Prisoner Transport Unit where two officers taunted him and used profanity. The citizen also alleged that one of the officers threw him to the ground. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED, and *Use of Force* to be EXONERATED against Officer F.

CPC 078-13 A citizen alleged that he requested assistance from an APD officer to repossess a motorcycle that had not been paid for. The citizen alleged that the officer went directly to the man's home and informed him of citizen's attempts to repossess the motorcycle. The IRO and the POC found the allegation of *Acting Officiously* to be UNFOUNDED against Officer V.

CPC 081-13 A citizen alleged that a CIT Detective arrived at his residence without permission and scared away his caretaker. The citizen alleged that he called the CIT Detective the following day and the Detective informed him not to call 911 anymore to ask for a certain officer to come to his home or she would have him put in jail. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Detective A.

CPC 084-13 A citizen alleged that he called police to have his nephew removed from his mother's home. During the incident a struggle ensued between the officer and citizen's brother.

CPCs REVIEWED IN FIRST QUARTER 2014

The citizen alleged that the officer shoved his mother, would not provide his name, handcuffed citizen by lifting his hands way up, hurting him and putting citizen in the police car. The IRO and the POC found the allegations of *Misconduct* and *Failure to Provide name* to be EXONERATED against Officer P. The IRO and the POC found the allegations of *Use of Force* and *Failure to Provide Name* to be EXONERATED against Officer E. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer H.

CPC 094-13 A citizen alleged that an officer was rude to her, refused to contact a supervisor and towed her vehicle after her husband was pulled over for speeding. The citizen's husband refused to cooperate with the IRO's investigation. The IRO and the POC found the allegations of *Misconduct* and *Improper Towing* to be EXONERATED against Officer H.

CPC 096-13 A citizen alleged that he was pulled over for driving with blue headlights. The citizen alleged that the officer listed several other infractions, but only cited him for the improper headlight. The citizen also alleged that the officer told him repeatedly that if he saw him, the officer would pull him over for anything he could find. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer H.

CPC 097-13 A citizen alleged that an APD officer was rude, unprofessional, unhelpful, and did not ask her side of the story when responding to an accident in which citizen was involved. The IRO and the POC found the allegation of *Misconduct* to be UNFOUNDED against Officer B.

CPC 116-13 A citizen alleged that an APD officer responded to her home after her two-and-a-half year-old child snuck out of her apartment. The citizen alleged the officer was rude and unprofessional. The citizen also alleged the officer lied to her apartment manager about the lack of pest control service, causing the citizen to receive a seven-day eviction notice. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer C.

CPC 135-13 A citizen alleged that three APD officers went to his home to check on the welfare of his elderly mother. The citizen alleged that one of the officers forced his bedroom door open, grabbed him by the wrist while the other officer threatened to tase him, yanked him out of his room and threw him down on the couch. The IRO and the POC found the allegations of *Use of Force* and *Unlawful Search and Arrest* to be EXONERATED against Officer H. The IRO and the POC found the allegation of *Use of Force* to be UNFOUNDED, and *Unlawful Search and Arrest* to be EXONERATED against Officer L.

CPC 152-13; CPC 166-13; CPC 222-13; CPC 225-13; CPC 226-13; CPC 230-13 A citizen filed six complaints, alleging that two officers who came to her apartment were not helpful. Citizen also complained about an issue which occurred in October 1992. Citizen alleged that she made a police report about the 1992 incident in January 2013, but that the unknown officers did not permit her to file a police report. The cases were inactivated after a preliminary investigation for no violations of Standard Operating Procedures.

CPCs REVIEWED IN FIRST QUARTER 2014

CPC 155-13 and 156-13 A citizen alleged that an APD Civilian Employee committed several acts of fraud and used her position as an APD employee to gain his trust. The citizen also alleged in CPC 156-13 that an APD Detective did not make a police report about the allegations. The IRO and the POC found the allegations of *Not Obeying Rules and Regulations*, *Committing an Act of Inserting a Business Name on a Document*, *Misconduct*, *Using Official Title for Commodity or Commercial Enterprise*, and *Using Official Position to Solicit* to be SUSTAINED against Employee M.

CPC 160-13 A citizen alleged that two APD Officers conspired with his child's mother to forcefully remove his daughter from his custody. Citizen alleged that the officers violated his rights as a parent and he saw one of the officers tugging at his child and violently push his mother. The citizen also alleged that one officer was biased, rude, obnoxious, and condescending. The IRO and the POC found the allegations of *Misconduct* and *Forcefully Returning Child* to be EXONERATED against Officer A. The IRO and the POC found the allegation of *Forcefully Returning Child* to be EXONERATED, *Misconduct* and *Failure to Record* to be SUSTAINED, and *Use of Force* to be NOT SUSTAINED against Officer H.

CPC 165-13 A citizen alleged that while stopped at an intersection, an APD officer was going to say the N-word, since the citizen is African American. The citizen alleged that the officer sped up to catch him, forcing other cars to move aside. The citizen also alleged that the officer made a bad face when she pulled him over. The IRO and the POC found the allegation of *Bias* to be UNFOUNDED, *Failure to Record* and *Failing to Submit Traffic Citation* to be NOT SUSTAINED against Officer T.

CPC 168-13 A citizen alleged that an APD officer was rude, displayed unprofessional behavior and interpreted the law incorrectly when responding to a custody situation. The IRO and the POC found the allegation of *Failure to Properly Interpret Law* to be EXONERATED, and *Misconduct* to be SUSTAINED against Officer H.

CPC 169-13 A citizen alleged that two APD Officers conspired with her granddaughter's mother to forcefully remove the granddaughter from her son's custody. The citizen also alleged that one of the Officers pushed her, tried to intimidate her, was disrespectful and threatened to file criminal charges. The IRO and the POC found the allegation of *Forcefully Returning Child* and *Misconduct* to be EXONERATED against Officer A. The IRO and the POC found the allegation of *Forcefully Returning Child* to be EXONERATED, *Misconduct* and *Failure to Record* to be SUSTAINED, and *Use of Force* to be NOT SUSTAINED against Officer H.

CPC 172-13 A citizen alleged that her daughter was manhandled at a local Wal-Mart. When officers arrived, one of the officers lectured the victim about her attitude and clothing. The citizen also alleged that the officer told the victim that the incident was her fault. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against Officer G. The IRO and the POC found the allegation of *Failure to*

CPCs REVIEWED IN FIRST QUARTER 2014

Record to be SUSTAINED, and *Failing to Write a Report* to be NOT SUSTAINED against Officer R.

CPC 174-13 A citizen alleged that while at Metropolitan Court, an APD Officer racially profiled him, the officer had his hand on his gun, and was unprofessional. The IRO and the POC found the allegation of *Bias* to be UNFOUNDED, *Misconduct* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against Officer L.

CPC 179-13 A citizen alleged that while at a gas station with his children, an APD officer was standing outside his patrol car when a female approached the officer and began to either feel the officer's belt or his penis. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED against Officer R.

CPC 184-13 A citizen alleged that he was attacked by a person with a bat. The citizen alleged that the officer did not arrest the person with the bat, but arrested the citizen and his friend instead. The citizen also alleged that the officer did not believe him and did not charge all the people with trespassing and causing damage to citizen's residence. The IRO and the POC found the allegation of *Conducting a Proper Investigation* to be EXONERATED against Officer K.

CPC 185-13 A citizen alleged that an APD officer took possession of her keys, debit card, and cellphone when being arrested for DWI. The citizen also alleged that upon her release from MDC she was only given her keys and debit card. Her cellphone was not with her property. The IRO and the POC found the allegation of *Safekeeping Evidence* to be SUSTAINED against Officer S.

CPC 188-13 A citizen alleged that an APD officer pulled her over, and after the citizen stopped, another APD officer arrived. The citizen further alleged that the two officers improperly searched her car without providing any explanation. The case was inactivated after a preliminary investigation because no APD officer could be identified.

CPC 201-13 A citizen alleged that she was a passenger in her friend's car when he got pulled over and arrested for DWI. The citizen alleged the responding officer was abusive in his demeanor, language and actions. The citizen also alleged that the officer did not make arrangements for her to get home safely. The IRO and the POC found the allegation of *Misconduct* to be SUSTAINED, and *Failing to Make Arrangements to Ensure Citizen not Left Stranded* to be EXONERATED against Officer C.

CPC 213-13 A citizen alleged that she was pulled over by two APD officers in an unsafe neighborhood and after about 30 minutes given two citations. The case was inactivated after a preliminary investigation and the citizen withdrew her complaint.

CPC 220-13 A citizen alleged that she called in on the non-emergency line to report that a man was banging on the window of the school where she works, and then later called 911 Dispatch to

CPCs REVIEWED IN FIRST QUARTER 2014

notify the police that her car alarm was going off. Citizen alleged that it took too long for APD to respond. The case was inactivated for no violations of Standard Operating Procedures.

CPC 235-13 A citizen complained about the bad driving behavior of an APD officer. After a preliminary investigation, the case was inactivated after a successful informal resolution.

CPC 237-13 A citizen alleged that she was unable to retrieve an accident report which involved her vehicle. The case was inactivated after a successful informal resolution.

CPC 239-13 A citizen alleged that he was involved in a traffic accident and was unable to get a copy of the accident report. The case was inactivated after the citizen requested his complaint be withdrawn.

CPC 240-13 A citizen alleged that an officer was speeding through a school zone with his lights on but no siren. After a preliminary investigation, the case was inactivated after a successful informal resolution.

CPC 241-13 A citizen complained about many APD patrol cars having dark tinted windows. The case was inactivated for no violations of Standard Operating Procedures.

CPC 244-13 A citizen complained about the misconduct of APD in an incident which occurred on November 2, 2012. The case was inactivated for being over the 90 days in which to investigate.

CPC 248-13 A citizen alleged that while driving by the Cottonwood Mall, an APD Officer merged into her lane, almost hitting her car. The citizen alleged that the Officer then flashed his emergency lights in his car as if to let her know he was a police officer. The citizen also alleged that the officer would aggressively cut her off when she tried to go around the officer's vehicle. The IOR and the POC found the allegation of *Driving Aggressively* to be SUSTAINED against Officer R.

CPC 245-13 A citizen alleged that an APD Officer was driving recklessly on Paseo Del Norte near Wyoming. The case was inactivated after a successful informal resolution.

CPC 252-13 A citizen submitted a complaint alleging that he was arrested by the Gallup Police Department and charged with Disorderly Conduct and Aggravated Assault. The case was inactivated because by City Ordinance, IRO may only investigate complaints against APD Officers and APD employees.

CPC 256-13 A citizen alleged that an APD officer failed to thoroughly investigate an accident in which citizen was involved in on June, 11, 2010. The case was inactivated for being over the 90 days.

CPCs REVIEWED IN FIRST QUARTER 2014

CPC 001-14 A citizen alleged that he was arrested by two APD Detectives at a hearing. The citizen also alleged that the alleged victim in this case previously dated an APD officer and that had something to do with the charges being filed against him. He further alleged that the Detectives relied on hearsay information. The case was inactivated for being over the 90 days.

CPC 002-14 A citizen alleged that some Bernalillo County Sherriff officers went to her home and took her newborn baby. The citizen also alleged that the Children, Youth and Families caseworker used a fake name and disguise technology to get the Sherriff's Department to act as they did. After referring the citizen to the BCSO Internal Affairs Unit, the case was inactivated because by City Ordinance, IRO may only investigate complaints against APD Officers and APD employees.

CPC 011-14 A citizen alleged that while visiting the Albuquerque area a few years ago, he decided to have lunch at the River Park located on Rio Bravo. While having lunch, an unnamed Park Ranger approached him and accused him of urinating in the parking lot. The citizen alleged that the Park Ranger was angry, accused him of lying, was irate and condescending. The case was inactivated for being over the 90 days in which to investigate by City Ordinance.

CPC 012-14 A citizen alleged that an APD Lieutenant lied to an IRO Investigator during an investigation. The case was inactivated for being over 90 days.

CPC 013-14 A citizen alleged that two APD officers showed up at her house after she slammed her front door out of frustration. Citizen alleged that the officers entered her residence without a warrant or probable cause. The case was inactivated after a preliminary investigation at the citizen's request.

CPC 015-14 A citizen alleged that after an investigation by the IRO, he received documents that showed that the Internal Affairs Lieutenant, a Commander, a Deputy Chief of Police, and the Chief of Police had signed off on the IRO's investigation of the case, which involved an allegation of illegal parking by the APD Mobile Command Center van. The case was inactivated because there were no SOP violations.

CPC 020-14 A citizen alleged that she received a phone call from her friend who sounded like she was in need of medical assistance. The citizen called APD and requested a welfare check be done on her friend. The citizen alleged when she called back to see what happened to her friend, the person who answered the call at APD was rude and unprofessional. The case was inactivated after a successful informal resolution.

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CPC 032-14 A citizen alleged that he was arrested for DWI after being singled out and followed from a liquor establishment where the citizen's girlfriend worked. The citizen alleged that one of the arresting officers obtained the phone number of the citizen's girlfriend. The citizen alleged that the officer later sent text messages to the girlfriend. The case was inactivated for being over 90 days.

CPC 039-14 A citizen alleged that he was arrested by APD officers who responded to a domestic violence incident. The citizen alleged that he had an outstanding felony warrant. The citizen also alleged that the officers failed to conduct a proper investigation into the domestic violence incident. The case was inactivated for being over 90 days.

CPC 041-14 A citizen alleged that APD officers seized a laptop, I-pad, and I-pod after being served a search warrant. The citizen alleged that the I-pad and I-pod have been returned but the laptop has not been. The case was inactivated after a preliminary investigation for no violations of Standard Operating Procedures.

Citizen Police Complaints Reviewed **Second Quarter 2014**

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention, and maintenance of order in the community.

In order to carry out their duties and responsibilities, the police are empowered with legal authority. To achieve success, the Department must win and retain the confidence and respect of the citizens it serves. Police officers do not act for themselves, but for the public. To that end, it is necessary to create and maintain a system through which the Department can be effectively directed and controlled. Written directives have been incorporated into Standard Operating Procedures (SOPs) to guide and direct department personnel in the performance of their duties. Violations of these provisions may result in disciplinary charges against personnel.

Standard Operating Procedures are defined as written orders by the Chief of Police or a bureau, division, or section commander to define policy and direct procedures for specific situations or events.

The following section lists each of the Citizen Police Complaints (CPCs) reviewed in the Second Quarter 2014.

CPC 110-12 – A citizen contacted police regarding a subject who was living or staying at her residence, and citizen wanted the subject to leave her residence. Officer L. responded to the scene. Citizen alleged that Officer L. made false statements and acted unprofessionally. Officer L. denied these allegations. There was no recording of this incident. Officer L. did note her issue with the recorder in her police report, and did inform her sergeant, as required by the SOP.

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Because there is not enough evidence either way, the IRO and the POC found the allegations of *Failure to Record*, *Inaccurate Report*, and *Conduct* to be NOT SUSTAINED against Officer L.

The citizen also complained about Officer B., who was dispatched on a separate incident to assist the subject who was living or staying with the citizen to remove his property from the residence. The citizen alleged that Officer B. acted inappropriately, entered her residence without permission, and conducted an illegal search. Officer B.'s lapel video indicated that Officer B.'s conduct was appropriate, that the citizen allowed Officer B. entry into her home. The computer was in plain sight, and Officer B. did not conduct an illegal search. The IRO and the POC found the allegations of *Misconduct*, *Preliminary Investigations*, and *Working Knowledge of Laws* to be EXONERATED against Officer B.

CPC 125-12 – A citizen, who is a frequent visitor to downtown Albuquerque during nighttime hours, alleged that Officer D. had an inappropriate attitude, and that Officer D. instilled fear and intimidation. On the first alleged incident, Officer D. was secondary officer and was not required to record any contact with the citizen. On the second alleged incident, Officer D. had no direct contact with the citizen, and therefore, was not required to record. Therefore, there is not enough evidence one way or the other regarding Officer D.'s alleged misconduct. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED against Officer D.

CPC 186-12 – A citizen alleged that he was pulled over. The citizen alleged that Officer G. lied to the citizen's attorney during an interview, had a little girl with her while on duty and failed to notify Officer J. about a suspicious vehicle in the area. The citizen alleged that Officer M. made citizen complete a field sobriety test on an uneven surface and refused to provide medical assistance. The IRO and the POC found the allegation of *Failing to Notify about a Suspicious Vehicle* to be EXONERATED, *Acting Officiously* and *Failure to Provide a Report* to be UNFOUNDED against Officer G. The IRO and the POC found the allegations of *Failing to Properly Administer a Field Sobriety Test*, *Handcuffing Too Tight* and *Failure to Record* to be EXONERATED, *Referring Citizen to Attorney* to be SUSTAINED, and *Failing to Provide Medical Assistance* to be NOT SUSTAINED against Officer M.

CPC 190-12 – A citizen alleged that while downtown a fight ensued. The citizen was in the crowd that gathered around the fight. The citizen alleged that an APD horse came through the crowd, knocked her down and stepped on her, causing her toe to be cut off. The IRO and the POC found the allegation of *Failing to Consider the Safety of the Public* to be NOT SUSTAINED, and *Failing to Perform Duties* to be EXONERATED against Officer K.

CPC 222-12 – A citizen alleged that while he waited in a school parking lot for the last of his students to be picked up, an APD officer contacted him. The citizen alleged that he started to leave when the officer pulled him over and ordered him out of the car. The citizen alleged that the officer handcuffed him, searched him, and put him in the back of the police car. Another officer arrived and determined that the citizen matched the description of a robbery suspect. The citizen was later released because the victim failed to identify the suspect. The IRO and the POC

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found the allegations of *Detainment* and *Misconduct* to be EXONERATED against Officer R. The IRO and the POC found the allegation of *Detainment* to be EXONERATED against Officer P.

CPC 214-12 – Officer D. was dispatched to a day care in Rio Rancho regarding alleged child abuse by a citizen. The citizen alleged that Officer D. forced her to give up custody of her child to the child's father. Because there were allegations of abuse by the day care and the father, Officer D. informed citizen that the child would either be placed in CYFD custody or the father could take the child from the day care. The citizen alleged that Officer D. displayed improper conduct and did not follow procedure in removing her child from her custody. The lapel video supported that Officer D. acted appropriately, and that he did follow SOP regarding removing the child from the mother's custody. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer D.

CPC- 244-12 – A citizen stated that he and his brother were at a bus stop, and that he was beaten by an officer who approached him at the bus stop. The citizen also alleged that he was unlawfully arrested and denied medical attention. The video recording indicated that Officer G. and Officer H. approached the bus stop after observing the citizen and his brother loitering at the bus stop. The citizen had been injured a few days prior when he was involved in a fight. After the citizen was transported to the Prisoner Transport Unit, he refused to let rescue check his alleged injuries. Rescue was called and saw no visible injuries. Officer H. conducted a legal arrest of citizen. A sergeant went to the hospital and took photographs of citizen, as set forth in the SOP. The memory card on Officer G.'s lapel camera was full and Officer G. did not record the incident. The IRO and the POC found the allegations of *Wrongful Arrest* and *Misconduct* to be EXONERATED, *Failure to Take Photographs of Injuries* to be UNFOUNDED, and *Failure to Render Medical Aid* to be Not SUSTAINED against Officer H. The IRO found the allegation of *Improper Conduct* to be EXONERATED, *Failure to Render Medical Aid* and *Excessive Force* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against Officer G.

CPC 013-13 – A citizen alleged that an officer yelled at her and demanded they go to her apartment to talk. Once inside, the citizen alleged that she was afraid and wanted to go out of her apartment, but the officer would not allow her to leave, and slammed the door shut with his boot. The citizen stated that she became hysterical and was crying. She called 911 and asked for a sergeant to come to the scene. The citizen alleged that the officer then opened the door and they both went outside. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED, and *Use of Force* to be UNFOUNDED against Officer O.

CPC 022-13 – A citizen was arrested at a DWI roadblock. Citizen alleged that Lieutenant M. improperly administered a breath test. Citizen alleged that transporting Officer M. slammed on the brakes of the police vehicle in an attempt to make citizen fall into the seat. Citizen alleged that Officer M. played loud music while en route to MDC. Officer M. did not record the incident when transporting citizen to MDC. Therefore, there is not enough evidence one way or the other regarding Officer M.'s conduct. The evidence indicated that Lieutenant M. did properly conduct the breath test. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED

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against Lieutenant. M. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against Officer M.

CPC 029-13 - IRO Hammer gave a synopsis of this case. There was an incident where a citizen was cited for trespass at a Walgreens store. The officer did not record the entire incident. The camera apparently cut off due to a malfunction. The SOP states nothing about an exception due to a camera malfunction. The IRO changed the finding to SUSTAINED from NOT SUSTAINED. Chief Banks did not agree with a SUSTAINED finding.

CPC 075-13 – A citizen was arrested and taken to the Prisoner Transport Unit. While at the PTU, a scuffle ensued and the citizen kicked Officer F. in the groin area, which in turn caused both the citizen and Officer F. to fall. The video shows a sunflower seed hitting citizen's head from the back. The video indicated that Officer F. did not use excessive force, but was only trying to control the citizen after citizen kicked Officer F. Officer F. did not remember spitting the sunflower seed during the scuffle. The IRO and the POC found the allegation of *Excessive Force* to be EXONERATED, and the allegation of *Misconduct* to be NOT SUSTAINED against Officer F.

CPC 090-13 – A citizen alleged that he was pulled over by an APD Sergeant. The citizen alleged that the Sergeant had a bad attitude and accused the citizen of swerving. The Sergeant administered a Field Sobriety Test. The IRO and the POC found the allegations of *Misconduct* and *Bias* to be UNFOUNDED against Sergeant C.

CPC 104-13 – A citizen stated that she called APD because she suspected her mother was deceased by way of suicide. The citizen alleged that when APD officers arrived they restrained her husband and flung him to the ground, sat on him, almost tased him and handcuffed him. The IRO and the POC found the allegation of *Use of Force* to be EXONERATED against Officer M. The IRO and the POC found the allegation of *Use of Force* to be EXONERATED against Officer C.

CPC 150-13 – A citizen alleged her car was stolen and when officers finally responded, one officer made her feel bad for not knowing her license plate number and was rude. The citizen alleged that she tried contacting the other officer to release the police hold on her car but the officer never called her back. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED, and *Bias* to be UNFOUNDED against Officer F. The IRO and the POC found the allegation of *Failing to Accomplish Functions of Department Efficiently* to be SUSTAINED against Officer K.

CPC 151-13 – A citizen was involved in a motor vehicle accident. Citizen alleged that a motorcyclist who had consumed alcohol struck citizen's vehicle. Citizen stated that Officer O. did not arrest the motorcyclist. The evidence indicated that a DWI officer was dispatched and conducted field sobriety tests on the motorcyclist and determined that he was not intoxicated.

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Officer O. issued a citation to the motorcyclist for failure to have insurance. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer O.

CPC 157-13 – A citizen alleged that he was in a car accident and the responding officer told him to get over to his car or he would go to jail. The citizen also alleged that the officer did not tell him any information about the other driver, did not file a police report for six weeks and the officer's statements were inappropriate. The IRO and the POC found the allegations of *Misconduct*, *Failing to Properly Investigate* and *Failing to Report Incident Accurately* to be EXONERATED, and *Failing to Turn in Report at End of Shift* to be NOT SUSTAINED against Officer M.

CPC 178-13 – A citizen stated that he was wrongfully arrested. The citizen was stopped for a traffic violation. Officer O. arrested citizen after NCIC Operator H. informed Officer O. that the citizen had warrants. Soon after, the mistake was realized, and the citizen was released from MDC. The evidence indicated that NCIC Operator H. made an error when entering the citizen's date of birth, and the operator informed Officer O. that citizen had warrants. The IRO and the POC found the allegation of *Improper Arrest* to be EXONERATED, and *Noting Warrant Number on Booking Form* to be SUSTAINED against Officer O. An SOP regarding the requirement for Officer O. to *Fax a Copy of Warrant* is outdated because the fax is not utilized. Therefore, the IRO and the POC found Officer O.'s Conduct to be EXONERATED regarding this SOP. The IRO and the POC found the allegation of *Failing to Direct Best Efforts* to be SUSTAINED against NCIC Operator H.

CPC 189-13 – A citizen stated that her daughter was taken by the grandmother without the citizen's permission and the grandmother refused to return the child. Officer M. went to the grandmother's workplace and made contact. The grandmother alleged that Officer M. was rude, aggressive, accusatory, and officious. The lapel video indicated that Officer M.'s conduct was improper. The IRO and the POC found the allegation of *Misconduct* to be SUSTAINED against Officer M.

CPC 221-13 – A citizen stated that Officer B. was aggressive during contact with citizen. The citizen wanted to speak to the lieutenant of Officer B. and Officer B.'s sergeant instead of filing a formal complaint. After speaking with the lieutenant, the citizen's concerns were resolved. The complaint will be inactivated.

CPC 223-13 – A citizen alleged that he was arrested after his ex-girlfriend made false accusations about him. The citizen also alleged that one of the officers treated him rudely by accusing him of having a disease. The citizen also alleged that the same officer was disrespectful and threatening. The citizen alleged that the other officer did not conduct a proper investigation. The IRO and the POC found the allegation of *Preliminary Investigations* to be EXONERATED against Officer M. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED, and *Failure to Record* and *Failure to Write a Supplement* to be SUSTAINED against Officer B.

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CPC 224-13 – A citizen alleged that an officer responding to her home the previous night was parked outside her place of employment. The citizen alleged that the officer made inappropriate statements and was seen patrolling around her place of employment on Thursday mornings. The IRO and the POC found the allegation of *Misconduct* to be UNFOUNDED against Officer B.

CPC 236-13 – A citizen alleged that Sergeant S. left a message on citizen's phone, and the message was threatening and unprofessional. Citizen stated that Sergeant S. entered her vehicle and removed her insurance card without citizen's permission. The investigation revealed that Sergeant S.' conduct was improper and the search was not lawful. The IRO and the POC found the allegations of *Misconduct*, *Working Knowledge of Laws*, and *Failure to Record* to be SUSTAINED against Sergeant S.

CPC 243-13 - A bank employee residing in Kentucky alleged that Officer M. contacted her by telephone and was rude. Officer M. denied that he was rude. The bank employee did not record the phone call, and Officer M. did not run his lapel camera during this phone call. There is not enough evidence one way or the other to prove or disprove the allegation. The IRO and the POC found the allegation of *Misconduct* to be NOT SUSTAINED against Officer M.

CPC 251-13 – A citizen called APD to have her daughter's boyfriend removed from citizen's residence. The boyfriend was 32 years old and the daughter was 16. The citizen alleged that Officer V. was rude and inappropriate during his discussions with citizen. After the boyfriend was arrested and removed from the residence, Officer V. spoke to citizen and her daughter in a direct and forthright manner, informing them of the dangers of daughter's lifestyle. Officer V. informed citizen that she could be charged for child abuse for allowing daughter to work as a prostitute, and allowing a 32-year-old gang member to live at her residence. The IRO and the POC found the allegation of *Misconduct* to be EXONERATED against Officer V.

CPC 005-14 – A citizen stated she was involved in a motor vehicle accident. Officers L. and S. arrived on scene. Citizen alleged that because of her young age, the officers were biased against her and did not write the police report until two months after the accident. Officer S. should have written the accident report, but forgot to do so. Officer L. did not record the incident. The IRO and the POC found the allegation of *Bias* to be UNFOUNDED, and *Failure to Record* to be SUSTAINED against Officer L. The IRO and the POC found the allegation of *Bias* to be UNFOUNDED, and *Report Writing* and *Failure to Record* to be SUSTAINED against Officer S.

CPC 008-14 – A citizen alleged that he was cut off by another driver near the scene of an auto accident. The citizen alleged that he notified an officer who was directing traffic but the officer did not seem interested in assisting the citizen. The complaint was inactivated after a successful informal resolution.

CPC 024-14 – A citizen alleged that he saw an APD SUV vehicle pass him at a high rate of speed in excess of the speed limit during his travels on I-40 near Holbrook, AZ. The complaint was inactivation after a successful informal resolution.

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CPC 026-14 – A citizen alleged that she observed four to six vehicles merge onto Comanche running a stop sign. The citizen attempted to pass the last vehicle which was an SUV with government plates. The SUV vehicle stopped in the roadway, the armed driver exited the SUV and informed the citizen that the vehicles were in a protection escort. The complaint was inactivated after a successful resolution.

CPC 027-14 - A citizen alleged that an APD employee was rude on several occasions. When citizen called the substation requesting to speak to the officer that was dispatched to her traffic accident, the employee did not allow the citizen to speak to the officer. The lieutenant spoke to the employee. The citizen was satisfied with the resolution of her complaint. Therefore, the complaint will be inactivated.

CPC 029-14 – A citizen complained about the conduct of APD officers who went to St. Martin's to arrest a client of St. Martin's. The complaint was inactivated after a successful resolution.

CPC 031-14 – A citizen wrote in with questions regarding APD's response to child abuse calls. The citizen posed several questions regarding the child abuse investigative process. The complaint was inactivated because the citizen confirmed that she was not filing a complaint but seeking information.

CPC 033-14 – A citizen stated that two APD officers improperly arrested citizen for breaking church windows. Citizen claimed that he was in jail when the incident took place. Church surveillance showed that citizen did break the church windows. Citizen was found incompetent to stand trial. Officers did not violate any SOPs. The complaint will be inactivated.

CPC 034-14 – A citizen stated that he found it odd that two police cars were following a neighbor down the street. After citizen received more information about the incident, citizen did not want to pursue the complaint any further. The complaint will be inactivated.

CPC 042-14 – A citizen complained that on numerous occasions in the past, a man whom she believed was an APD Detective abused her and caused her problems. This complaint was inactivated because the person named is not an APD officer or APD employee.

CPC 045-14 – A citizen complained about the actions of a Parking Enforcement Officer. The complaint was inactivated because by City Ordinance, we may only investigate complaints against APD officers and APD employees.

CPC 046-14 – A citizen alleged that he was in a car accident and a Bernalillo County Sheriff's Deputy took the accident report. The citizen alleged that he had to spend a lot of time to get the report because the Bernalillo County Sheriff's Department does not share information with APD. The complaint was inactivated because by City Ordinance, we may only investigate complaints against APD officers and APD employees.

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CPC 049-14 - A citizen stated that she was involved in an auto accident. The responding officer seemed to have listened more to the other driver than to her. The other driver accused the citizen of being on her cell phone at the time of the accident. The citizen alleged that the other driver did not have insurance. A review of the lapel video indicated that the officer spoke to both drivers, and the other driver did present an insurance card. An officer is not required to call the insurance company to verify that a vehicle is presently covered. The officer did not violate any SOP. The IA Sergeant reviewed this case. Because there were no SOP violations, the complaint will be inactivated.

CPC 050-14 - A citizen stated that intoxicated individuals at Wal-Mart verbally and physical assaulted her. An officer arrested the citizen and she did not understand why she was arrested. The citizen canceled her interview various times, and then informed the investigator that she wanted to drop her complaint. The complaint will be inactivated.

CPC 052-14 - A citizen stated that an officer was driving erratically, almost causing an accident. Citizen was stopped at an intersection when the officer came up behind her vehicle with his emergency lights on. The officer pulled the citizen over and told her she should yield to emergency vehicles. The officer then left the scene with his emergency lights on. A lieutenant could not determine which officer was involved in this incident, but did inform the citizen that he would address the issue with all officers in briefing. The citizen was satisfied with the resolution of her complaint, and the complaint will be inactivated.

CPC 054-14 - A citizen alleged that officers left his belongings at his current address, and stated that the officers were immature and lackluster. Citizen claimed that he was being harassed and threatened before the officers arrived on scene, and that the officers mistook the citizen for a criminal. No CAD report could be located for this incident, and the citizen was unable to provide a name. The IRO is unable to proceed without information on which officers were allegedly involved in this incident. The complaint will be inactivated.

CPC 055-14 - A citizen observed an officer on his cell phone while driving his police vehicle, and the officer was driving recklessly, speeding, swerving, and tailgating. The officer admitted that he was on his cell phone due to a family emergency. The officer's supervisor spoke to the officer, and the officer apologized. The citizen was satisfied with the resolution of her complaint. The complaint will be inactivated.

CPC 056-14 - A nurse at a hospital alleged that an officer threw away a battery to a cell phone which belonged to a mentally disabled individual. The nurse alleged that the officer treated the individual badly. The nurse was unable to provide an officer's name, and the CAD search did not show any APD officer being dispatched to the hospital on the alleged date of incident. The complaint will be inactivated.

CPC 070-14 - A citizen alleged that he was arrested at a library and officers had their guns drawn when they entered the library. Citizen alleged that officers also searched his vehicle. This complaint was received a year after the alleged incident, well beyond the 90-day time frame for

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filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. Therefore, the complaint will be inactivated.

CPC 071-14 - A citizen alleged that he was arrested for no reason, and he was not given his Miranda warnings. The citizen stated that the officers committed perjury. This incident happened nine months ago. The citizen alleged that on another incident, officers told him that he could not be in the parking lot. This incident happened over a year and four months ago. This complaint was received well beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. Therefore, the complaint will be inactivated.

CPC 074-14 - A soccer coach complained that while at a park with young players, APD officers had surrounded a nearby residence with guns drawn. The coach stated that APD did not clear the park before they drew their guns. The sergeant spoke to the officers about the incident and their conduct in future incidents. The citizen was satisfied with the outcome of his complaint, and the complaint will be inactivated.

CPC 075-14 - A citizen alleged misconduct by an officer who was not an APD employee. The IRO informed the citizen that the officer worked for another agency. The IRO has no jurisdiction to investigate this complaint. Therefore, the complaint will be inactivated.

CPC 078-14 – A citizen alleged that an officer who was off-duty and out of uniform was driving an unmarked police vehicle. The investigator attempted to contact citizen to obtain more information, but the citizen did not return calls to the investigator. The officer’s actions did not constitute a violation of any SOP. The complaint will be inactivated.

CPC 079-14 - A citizen’s brother was killed by an APD officer. The incident happened over nine months ago. The complaint was not filed within the 90-day time frame for filing a complaint. However, the IRO informed the citizen that she will send a letter of her finding once it has been completed. The complaint will be inactivated.

CPC 082-14 - A citizen complained that two APD officers obtained the citizen’s medical records and shared it with other people. The citizen provided names of witnesses who could support citizen’s allegations. The IA investigator contacted four witnesses listed by the citizen. All four witnesses denied they were given any medical records of citizen. In addition, this complaint was filed well beyond the 90-day time frame for filing a complaint. Therefore, the complaint will be inactivated.

CPC 083-14 – A citizen was watching an episode of COPS on TV and alleged that he saw two APD officers conducting an unreasonable search and seizure. COPS has not filmed in Albuquerque for several years. This complaint was received well beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

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CPC 086-14 – A citizen stated that she was arrested for domestic violence. Citizen was in a wheelchair due to a knee injury. When citizen was released from jail, she could not locate her wheelchair and alleged that the officers did not secure the wheelchair. This complaint was received beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

CPC 088-14 – A citizen stated that an officer made a presentation to the girl scouts, but his presentation was too focused on weapons and tools that police use. The citizen did not have the officer's name, and did not want the incident investigated, but did want APD to be aware of her complaint. The complaint will be inactivated.

CPC 091-14 – A citizen stated that an officer violated her rights because she was not allowed to give her side of the story and her husband did give a statement. This complaint was received beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

CPC 094 -14 – A citizen stated that Officer Gabaldon had been following her on Facebook for several weeks and had threatened to blow her brains out. APD does not have an Officer Gabaldon. The Facebook post indicated that Gabaldon stated he was with the Air Force. There is no allegation against any APD officer. The complaint will be inactivated.

CPC 095-14 – A citizen received a parking ticket and alleged that officers prey on college kids for absurd parking problems. There is no SOP violation alleged. The proper venue for parking tickets is a courtroom where a judge can make the decision. The complaint will be inactivated.

CPC 099-14 – A citizen was arrested for DWI and blew into a portable breath test unit. Citizen alleged that the officer would not allow citizen to view the results of the test, that his handcuffs were too tight, that the officer did not seat-belt citizen, the officer was speeding, and he did not record the incident in its entirety. This complaint was received beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

CPC 100-14 – A citizen alleged that an APD officer testified in 1998 and 1999 and committed perjury during his testimony. This complaint was received 14 years after the incident, well beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

CPC 105-14 – A citizen stated that parking tickets were issued to a line of cars and that the parking meters were not in working order. Parking Enforcement personnel are not APD employees. The complaint was forwarded to the Parking Enforcement Department. The complaint will be inactivated.

APPEALS HEARD DURING FIRST AND SECOND QUARTER 2014

Under Section 9-4-1-9(A) of the POC Ordinance, a citizen who has filed a complaint and who is dissatisfied with the findings of the IRO may appeal that decision to the POC within ten business days of receipt of the public record letter. Upon appeal, the POC may modify or change the findings and/or recommendations of the IRO and may make further recommendations to the Chief regarding the findings and/or recommendations and any discipline imposed by the Chief or proposed by the Chief. Within 20 days of receipt of the appellate decision of the POC, the Chief shall notify the POC and the original citizen complainant of his decision in this matter in writing, by certified mail.

During the First Quarter, the POC heard two citizen appeal cases. On February 13, 2014, the POC heard and denied the appeals in *CPC 2012-236* and *CPC 2012-256*. Below are the summaries of the two appeal cases heard during the First Quarter 2014.

CPC 236-12

Mr. Paul Hernandez said that he was stopped by Albuquerque Police Officer B. on September 9, 2012, at about 9:50 p.m. He complained that the officer was rude and unprofessional and that the officer verbally abused him. He also complained that the officer made false statements in his police report and that the officer used verbal and physical force against him in an attempt to coerce him into withdrawing his invoked constitutional rights. Mr. Hernandez stated that the officer got angry and yelled at him. He said that the officer “shook” him and “violently crushed” his fingers. Mr. Hernandez stated that he was arrested for DWI but later released after a chemical test verified that he had not been drinking.

Mr. Hernandez alleged that his arrest was not based on probable cause. The evidence in this case showed that Officer B. had probable cause to not only make the traffic stop but to arrest Mr. Hernandez. Mr. Hernandez admitted to speeding on the lapel video. The probable cause that supported the arrest was that Mr. Hernandez was operating his vehicle 30 miles per hour above the speed limit, which was verified by radar. Mr. Hernandez failed to pull over right away, something that Mr. Hernandez also admitted to. Mr. Hernandez only rolled his window down slightly, something Officer B. found as suspicious behavior. The video showed Mr. Hernandez was slow in producing his paperwork. Officer B. noticed a faint odor of alcohol coming from the vehicle when Mr. Hernandez rolled his window down further. Officer B. noted that Mr. Hernandez had bloodshot watery eyes and was uncooperative. All of those facts support that Officer B. had probable cause to arrest Mr. Hernandez for DWI. It should also be noted that there was an open whiskey bottle found in the center console of the car which would have been consistent with a faint odor of alcohol as Officer B. reported. The IRO found Officer B.’s conduct to be EXONERATED regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful and proper.

Mr. Hernandez alleged that Officer B. was unprofessional, rude, and verbally abusive. The evidence in this case showed that Officer B. was not unprofessional, rude, or verbally abusive.

The IRO and the POC found the allegation of *Misconduct* to be UNFOUNDED against Officer B.

Mr. Hernandez alleged that Officer B. lied in his police report because he wrote that Mr. Hernandez said that he was not drunk. Mr. Hernandez said that what he said was that he had not been drinking and therefore what the officer wrote in his report was a lie. The police report was reviewed and the report contains opinions and observations of the officer. The police report sufficiently and accurately reflected the evidence in this case. The IRO and the POC found the allegation of *Report the Incident Accurately* to be EXONERATED against Officer B.

Mr. Hernandez alleged that Officer B. used physical force in an attempt to coerce him into performing field sobriety tests. In particular, he alleged that Officer B. violently crushed his fingers and shook him. The evidence in this case showed that Officer B. did not violently crush Mr. Hernandez's fingers, nor did he shake Mr. Hernandez. The IRO and the POC found the allegation of *Use of Force* to be UNFOUNDED against Officer B.

IRO Hammer offered in evidence to the Commission transcripts of a lapel video and of a recorded telephonic interview conducted by the investigator. Mr. Hernandez offered in evidence transcripts prepared by his attorney.

Mr. Hernandez gave a synopsis of the case. Mr. Hernandez alleged the officer lied, and did not have probable cause to arrest Mr. Hernandez. Mr. Hernandez quoted pieces of the transcripts and referred to the police report.

Sergeant Belinda Mock provided video evidence of the traffic stop taken from the Officer's lapel camera. Sergeant Mock indicated that the Officer did have probable cause to arrest Mr. Hernandez.

IRO Robin Hammer gave a synopsis in that Mr. Hernandez stopped approximately a quarter mile after the Officer engaged his emergency lights. IRO Hammer informed the Commission that Mr. Hernandez is a law enforcement officer and knows how to play the system.

Mr. Hernandez gave a rebuttal and informed the Commission of his objection to the Implied Consent Act. Commissioner Foster moved to deny the appeal. Passed

For: 5 – Cameron, Barker, Foster, Peterson, Shine
Against: 2 – Siegel, Barela

CPC 256-12

Mr. Deluisa alleged that on November 1, 2012, Amanda Molina called police because she was terminated from her place of employment at the Oak Street Clinic. Ms. Molina reported to Officer B. that she had been sexually harassed by Mr. Deluisa. Mr. Deluisa alleged that when Officer B. arrived, it appeared that he knew Ms. Molina by the way that he was casually speaking with Ms. Molina. Mr. Deluisa alleged that Officer B. told him that he had evidence of sexual harassment, when in fact his report stated that he did not have any evidence.

An Albuquerque Police Department (IA) Investigator conducted an investigation into Mr. Deluisa's complaint. The IA Investigator reviewed the complaint, the police reports, statements, and Officer B.'s lapel video. The IA Investigator conducted interviews with Mr. Deluisa and Officer B., and also reviewed APD Standard Operating Procedures related to the allegations.

Officer B. contacted Mr. Deluisa, Ms. Medina, Margret Ford, and Dr. McDermott. Officer B. conducted his investigation of the incident, prepared a police report, and recorded the incident on his video camera. The police report was an incident report, and no one was charged with a crime. The Officer had evidence from Ms. Medina's statement to him that she was harassed by Mr. Deluisa. The IRO found that based upon a review of all of the available evidence, Officer B. *Reported the Incident Fully and Accurately*. The IRO further found that Officer B. followed *Proper Investigative Procedures*. The IRO found 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.

Mr. Deluisa gave a synopsis of the reason for terminating an employee. Mr. Deluisa informed the Commission that the employee became hostile and APD was called. Mr. Deluisa alleged the Officer handled the investigation inappropriately. Mr. Deluisa called Jennifer McDermott as a witness.

Commissioner Shine moved to deny the appeal. Passed
For: 7 – Cameron, Siegel, Barela, Barker, Foster, Peterson, Shine

Job Well Done Reports Received First Quarter 2014

In January 2013, the IRO created the “*Job Well Done*” form on the IRO website for the public to provide positive feedback to APD about good work that APD officers and employees have done, and to recognize APD officers and employees who went above and beyond the call of duty. I developed a process in which I forward all Job Well Done submissions to APD Administration to pass along the complements to the employee's Chain of Command, including the Chief of Police. In the First Quarter of 2014, members of the public submitted 72 Job Well Done forms for good work performed by APD employees.

JWD-2014-001

Received: January 2, 2014

An Alabama resident expressed her heartfelt gratitude to an officer who went above and beyond the call of duty. Citizen explained that her husband's grandmother in Albuquerque was a victim of theft. Citizen received a call from her son's school that an APD officer tracked the school through the Christmas gift (a photo book) the citizen mailed to the grandmother. Citizen was delighted that officer identified the book and offered to deliver this personal gift to the grandmother. Not only was she happy for the APD officer to deliver the item, but touched that the officer went the extra mile.

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

JWD-2014-002

Received: January 3, 2014

A citizen was grateful that the officer and police dispatcher were both very helpful and conscientious when he reported that his property was stolen. Citizen was thankful that the officer successfully retrieved a stolen phone and charger.

JWD-2014-003

Received: January 3, 2014

A citizen expressed his gratitude to APD officers for a quick response to a report of a potential break-in. Citizen was grateful for the officers' effective response to the home when his wife and sister-in-law called.

JWD-2014-004

Received: January 6, 2014

A citizen expressed his appreciation to the APD officer and detective for responding to his report of a burglary.

JWD-2014-005

Received: January 6, 2014

A 7th grade health teacher requested that an APD officer speak in her class at Madison Middle School. The citizen expressed her gratitude for the APD officer's time and effort to talk about teenage drug and alcohol use. The citizen was appreciative that the officer was great in presenting the information and answering questions the students had.

JWD-2014-006

Received: January 7, 2014

A citizen expressed gratitude for the School Resource Officers for help in directing traffic at Jefferson Middle School. Officer M. quickly responded and reassured that they will assess the situation in the morning. The citizen was appreciative that Officer M. offered his phone number and described him as professional and courteous. The citizen was grateful for the willingness of APD to alleviate the problem in her neighborhood.

JWD-2014-007

Received: January 8, 2014

A citizen reported a U-haul break-in on the way to his work at La Quinta. He wrote that he appreciates the responding Officer and all the APD officers.

JWD-2014-008

Received: January 17, 2014

A Loss Prevention officer at Target reported that the responding APD officer to a shoplifting incident was extremely professional. The citizen also referred to other shoplifting incidents that occurred where the offenders got away. The APD officer investigated further and was able to identify the offenders. The citizen expressed his gratitude for the officers' presence in the area and help with the shoplifting calls.

JWD-2014-009

Received: January 18, 2014

A citizen was extremely appreciative of an APD Officer who responded to a missing persons call for their 16-year-old son. The citizen was grateful that the officer was extremely professional and displayed concern for their son. The officer also spoke to their son when he returned home

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

and explained how worried the parents were and conveyed the gravity of the situation without being overbearing and threatening.

JWD-2014-010

Received: January 19, 2014

A couple expressed their heartfelt appreciation for the APD officers who pulled their daughter from a burning vehicle. The couple is extremely grateful that the officers placed themselves in harm's way to rescue their daughter. News report described that their 23-year-old daughter was unconscious after crashing into a pole near a middle school and her foot was trapped.

JWD-2014-011

Received: January 24, 2014

A London citizen expressed his appreciation for the hospitality and professional approach of the APD officer while he was reviewing the Taser body cameras. The citizen was impressed and appreciative of the assistance offered by the officer and described the officer as a great ambassador to APD. The citizen was extremely grateful for two other officers assigned to the NW Area Command for their professionalism and dedication to the community.

JWD-2014-012

Received: January 30, 2014

A Nigerian citizen reported that he was a victim of assault in downtown Albuquerque. The citizen was extremely grateful for the APD officers who responded to his aid and took him to UNM for lacerations. The citizen expressed his heartfelt appreciation for the quick response of the officers who saved his life.

JWD-2014-013

Received: January 31, 2014

Citizen wanted to express her gratitude to the officers directing traffic at Second and Montano when the lights were out.

JWD-014-14

Received: February 8, 2014

A citizen wrote that he observed an APD officer who did a good job tending to a man sleeping on the sidewalk at 10:30 a.m. at the Rapid Ride bus stop at 3600 Central Avenue, SE. The citizen stated that the officer checked that the man was okay and treated him with compassion and courtesy, and that the officer was very friendly.

JWD-015-14

Received: February 12, 2014

A citizen was grateful that Officer E. was very helpful and professional to her when she was at a hospital emergency room and needed to file a police report. The citizen wrote that at the time she was traumatized and Officer E. helped her calm down and realize the danger she had been in. The citizen said that Officer E. was a hero who helped her in her time of need.

JWD-016-14

Received: February 14, 2014

A citizen expressed her congratulations to the new APD Chief of Police. She also wanted to thank all APD officers for the hard work they do to protect the community.

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

JWD-017-14

Received: February 14, 2014

A citizen expressed his appreciation to APD Officer M. for his professionalism. Officer M. responded to a vandalism incident at the citizen's house caused by children on the neighboring school property. Officer M. took the necessary time to suggest ways that the citizen might try to prevent this from occurring in the future. He also offered to follow up with the Albuquerque Public School Police Department to bring these vandalism incidents to their attention so they may also work to prevent these issues from occurring in the future.

JWD-018-14

Received: February 18, 2014

A citizen had her home broken into and property was stolen. That evening APD Officers H. and S. responded to the call. Both officers were comforting and compassionate during a very stressful and sad situation for the citizen. They were very thorough and helped guide her through the steps that needed to be taken. Their friendly and professional manner made one of the most horrible events of her life easier. The citizen also thanked the officers who were responsible for catching and arresting the suspect who had burglarized her residence along with two others that day. Through Detective B., she did receive her property back. Detective B. was very kind and assured that the process went as smoothly as possible.

JWD-019-14

Received: February 18, 2014

A citizen had two intruders come into her backyard to hide from the police because the intruders had attempted to steal a car. The citizen called 911. The APD Dispatcher was very calm and quickly helped her. The Dispatcher was also reassuring to the citizen and asked really good questions, so that when the officers arrived they knew where to apprehend the intruders. The citizen commended the APD Officers who arrived to apprehend the criminals in her backyard. The Officers handled the situation quickly, efficiently and without incident. The citizen wrote that this was probably routine for the officers, but it was a huge deal to her.

JWD-020-14

Received: February 18, 2014

A citizen wanted to thank Officer W. for assisting her with her car which had been vandalized with spray paint while parked at a church parking lot. Officer W. helped her a lot and even removed the spray paint from her car. The citizen wanted to let Officer W. know how much his help meant to her.

JWD-021-14

Received: February 26, 2014

A citizen stated that a very nice young APD Officer came to her door in response to a hang-up call to 911 from her residence. The citizen explained that her senior citizen husband had mistakenly dialed 911. The citizen wrote that the Officer was so courteous and kind. She wished to thank him and apologize to him. She also thanked the dispatcher and the Officer for trying to protect old people who make errors.

JWD-023-14

Received: February 26, 2014

A citizen wrote that she was at a local hotel and saw several APD Cadets. The citizen was impressed to see how they conducted themselves in public and how polite they were. The citizen

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

wrote, "If these are the type of men and women who will be out in the community serving and protecting, then I am proud to say we are in good hands."

JWD-024-14

Received: February 27, 2014

A citizen reported that she was a victim of credit card fraud. The citizen said that APD Civilian Employee E. was very helpful in guiding her to obtain the information needed for the report. Employee E. promptly forwarded the case to the North East Impact team, and Detective B. was assigned to the case. Detective B. got in contact with the citizen right away. Detective B. obtained surveillance from all of the places that the card was used and listened to the citizen's suspicions about a waitress at a restaurant where she had dined. Through evidence gathered, Detective B. determined that the waitress and her boyfriend had stolen the citizen's card and used it fraudulently. The citizen stated that she could not express her gratitude enough for Detective B.'s efforts and meticulous practices. His procedures and professionalism ensured that justice was served!

JWD-2014-25

Received: March 4, 2014

A citizen had her I-pad stolen. After learning that she had the find-my-phone app, citizen contacted APD and Officer S. went to the location of the stolen I-pad and was able to retrieve the item. Citizen wanted to thank Officer S. and his backup for retrieving her I-pad.

JWD-2014-26

Received: March 4, 2014

A resident of Carlsbad stated that he is a firm believer in our Constitution, and feels that if a criminal does not surrender or escapes to harm citizens, that the police have a right to subdue that criminal. Resident stated that he supports the work of APD.

JWD-2014-27

Received: March 4, 2014

A citizen was on the freeway and was pulled over by an officer who informed citizen that his tire was damaged and bent over. The axle had lost a bolt and if the driver had continued, he could have been involved in a serious accident. Citizen wanted to thank the officer for a great job, and stated that the officer was nice.

JWD-2014-28

Received: March 5, 2014

A citizen wanted to say that Detective S. was awesome, extremely helpful, informative and professional.

JWD-2014- 29

Received: March 8, 2014

A citizen observed Officer S. having contact with an intoxicated individual. Officer S. was courteous and patient with the individual, even though the individual was giving Officer S. a hard time and was calling Officer S. names. Citizen stated that she respects APD and wanted to thank Officer S.

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

JWD-2014-30

Received: March 12, 2014

A citizen wanted to thank all of APD for a job well done. Citizen wanted to thank the department and stated that they do not get thanked enough for keeping our community safe. Citizen stated that APD should not be taken for granted.

JWD-2014-45

Received: March 13, 2014

A citizen wanted to thank APD for a great job. A neighbor was involved in drugs and the apartment complex had lots of traffic for a while. Officers worked long hours to get a search warrant for the neighbor. Citizen stated it was nice to be able to go outside and feel safe.

JWD-2014-46

Received: March 14, 2014

A citizen wanted to thank Officers D. and L. for their response to her 911 call for help in calming her autistic son who had become aggressive. The officers were professional, caring, and concerned when providing assistance to Citizen.

JWD-2014-38

Received: March 17, 2014

Citizen wanted to thank Officer F., Officer W., and Detective G. for going above and beyond the call of duty. Two females who attend a local church had received threats from a male. The threats escalated to where a restraining order was obtained. Officer M. took the male for a mental evaluation, and the male was quickly released. Because the male violated the restraining order, Detective G. obtained an arrest warrant. Citizen wanted to recognize the great work of APD.

JWD-2014-49

Received: March 18, 2014

A member of the Australian Police Force stated that APD is doing a great job, even though they have a tough job dealing with tough people. He wanted APD to know they have the support of the international police community, and wants APD to keep up their pride, discipline, and their good work.

JWD-2014-44

Received: March 19, 2014

Citizen wanted to commend Officer D., who was dispatched to her home regarding a crime against her 10-year-old daughter. Officer D. spent a good deal of time explaining to the daughter the dangers of speaking with strangers in person or online. He provided resources to the mother regarding her daughter. Officer D. did an outstanding job and really cared about the situation.

JWD-2014-39

Received: March 21, 2014

A citizen was having problems related to PTSD and alcohol use. His wife called 911 and the police and ambulance responded. The fireman and the officer convinced citizen to go to the VA for help. Both the fireman and officer were very professional in their dealings with citizen. Citizen wanted to thank the fireman and the officer.

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

JWD-2014-115

Received: March 23, 2014

A Texas citizen wrote that she was glad to hear that Chief Banks was selected for his position in Texas. Citizen stated that Chief Banks was a command leader in APD for many years.

JWD-2014-42

Received: March 24, 2014

A resident of Virginia wanted to congratulate Officers S. and P. for their heroic action in stopping an armed suspect, thereby protecting their fellow officers. The citizen stated that difficult decisions must be made by police, but these officers made the right call in deescalating the situation.

JWD-2014-50

Received: March 24, 2014

A citizen wanted to thank Officer F. for his assistance with citizen's daughter, who was having seizures. Officer F. was considerate and reassuring. The officer gave the mother valuable information. Citizen stated that Officer F. was kind and professional.

JWD-2014-52

Received: March 24, 2014

A citizen wanted to congratulate Chief Eden for stating his educated belief regarding whether a shooting was justified or not justified. Citizen also congratulates Chief Eden for standing for truth, and his willingness to follow up with an after-action inquiry.

JWD-2014-53

Received: March 25, 2014

A citizen noticed an elderly man sitting on the sidewalk, who appeared to be in distress and needed help. An APD officer arrived and spoke kindly to the man. The officer requested an ambulance, and the man was transported. Citizen saw for herself how kind and thoughtful officers can be, and wondered why these stories don't make the news.

JWD-2014-54

Received: March 25, 2014

A citizen wrote that he has had traffic violations in the past and the officers treated him with respect. He feels safe that APD is patrolling the streets. He wants APD to know they are doing a fine job, and he does not fear APD, but fears Albuquerque without APD.

JWD-2014-55

Received: March 26, 2014

A citizen stated that he appreciates all of the police on the force, and the work they do is not appreciated enough. Citizen is grateful for APD, and wants APD to keep up the good work.

JWD-2014-56

Received: March 26, 2014

A citizen wanted to say thank you to APD for the hard work they do. There are a lot of great officers doing the best they can to keep us safe.

JWD-2014-57

Received: March 26, 2014

A New York resident wrote that his thoughts are with the officers involved in the Boyd incident, and that they had to make a terrible decision under impossible circumstances. He felt the

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

officers showed great forbearance, exhibited compassion, and tried everything to resolve the situation. Citizen wanted to thank APD, and that they were appreciated, and to stay safe.

JWD-2014-58

Received: March 26, 2014

A citizen wanted to say that he appreciates everything that APD does for our community. APD officers are doing a great job, and citizen wanted to thank all the officers who protect the citizens of Albuquerque.

JWD-2014-59

Received: March 26, 2014

A citizen wanted to thank Chief Eden for having the backbone to support APD officers. Citizen wrote “Job well done, Chief.”

JWD-2014-48

Received: March 27, 2014

A citizen said that he commends the officers involved in the Boyd incident for serving and protecting the City of Albuquerque. The officers did a fine job and he supports their actions. Citizen wanted to thank all the officers involved in this incident for their valor.

JWD-2014-51

Received: March 27, 2014

A teacher wanted to thank Dr. S. at the crime lab for his presentation at her school. Dr. S. was inspiring and entertaining, and many of the students were inspired enough to think about pursuing forensic science as a possible career choice. Dr. S. was absolutely fantastic.

JWD-2014-60

Received: March 27, 2014

A citizen stated that he supports the necessary tactics of APD when forced to make difficult decisions in bad situations. Citizen stated that an unwillingness to respect legal authority should not be tolerated, and that law enforcement must be given their due respect. Citizen wanted to thank all police for the work that they do.

JWD-2014-61

Received: March 27, 2014

A reserve deputy sheriff from New Mexico wanted to give his highest praise to all APD officers and the Chief for doing a great job, even in the face of much opposition. The job of law enforcement is hard, and he wanted to thank APD for all their hard work, and to keep it up.

JWD-2014-62

Received: March 27, 2014

A citizen stated that he knows APD officers do not have an easy job, but wants APD to know they are supported. Citizen wrote that APD is doing a great job, and thanks APD for keeping us safe.

JWD-2014-47

Received: March 29, 2014

A Washington resident wrote that he thinks the family of James Boyd was a large part of his situation, and thinks nothing should be done for the family. The citizen stated that he supports the officers involved in the Boyd incident.

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

JWD-2014-66

Received: March 30, 2014

A citizen stated that APD officers have shown incredible tolerance and restraint during the Boyd protests. Citizen wanted to thank APD for doing their job and stepping into danger and the unknown. Citizen thanked APD for keeping people safe while doing a thankless job, and wants APD to stay strong.

JWD-2014-67

Received: March 30, 2014

Citizen wanted to say thank you to each and every APD officer who works endlessly in trying to keep people safe. Albuquerque is filled with gangs, addicts, criminals, and every day officers put their lives on the line for our safety, and she appreciated that.

JWD-2014-68

Received: March 30, 2014

A citizen wanted to say thank you to APD for being there for us, and do not let the people complaining get you down.

JWD-2014-74

Received: March 30, 2014

A citizen wanted to thank the officers present at the Boyd protest, and to thank them for protecting our community and peacefully withstanding the reactionary civilians. Citizen states that APD is brave.

JWD-2014-43

Received: March 31, 2014

Citizen wrote that she and her husband spoke with two APD officers regarding a concealed carry permit. The officers were kind and respectful to citizen and her husband. APD has always been incredible when dealing with the citizen, and she wanted to thank APD for all they do.

JWD-2014-63

Received: March 31, 2014

A citizen stated that he wanted to thank all the men and women of APD who keep our community safe. Recent events only highlight what a dangerous and thankless job that APD has. Citizen and his family appreciate APD's service to Albuquerque.

JWD-2014-69

Received: March 31, 2014

A citizen from Elephant Butte wrote that APD showed a lot of restraint when confronted by demonstrators during the Boyd protests. Citizen applauds APD for the work they do, because they have a dangerous job in a city that has its fair share of crime.

JWD-2014-70

Received: March 31, 2014

A citizen wrote that he supports APD officers. They have a hard job and difficult decisions have to be made. Citizen says, "Good job, APD."

JWD-2014-71

Received: March 31, 2014

A citizen wanted to thank all APD officers for protecting the citizens of Albuquerque. Citizen stated that APD is the best and he supports APD 100%. Citizen wrote, "Job well done, ladies and gentlemen. Keep up the good work."

JOBS WELL DONE RECEIVED IN FIRST QUARTER 2014

JWD-2014-72

Received: March 31, 2014

A citizen wanted to thank APD and its officers for a job well done when they showed restraint in dealing with the Boyd protesters. The officers displayed a lot of character and wanted APD to keep up the great work.

JWD-2014-73

Received: March 31, 2014

A citizen stated that while APD officers were at the Boyd protest, they did a great job of keeping the peace and protecting innocent citizens. Citizen thinks APD did a fantastic job of deescalating a potentially violent and tragic protest, while not interfering with the protesters' right to assemble.

JWD-2014-75

Received: March 31, 2014

A citizen wrote that he supports APD and wanted them to hang in there. Citizen stated that officers put their lives on the line every day to try and watch over our city.

JWD-2014-76

Received: March 31, 2014

A member of a neighborhood association stated that the neighborhood has had problems with drugs, graffiti, et cetera, and any time they have called APD, they are always professional and helpful. Citizen wanted to thank APD.

JWD-2014-77

Received: March 31, 2014

A citizen from Tyrone, New Mexico, wrote that APD does a great job, considering the people they deal with on a daily basis. Citizen stated that he appreciates policemen.

JWD-2014-78

Received: March 31, 2014

Citizen stated that her observation of APD officers has always been positive. APD has always been considerate and professional. Citizen wrote that the men and women of APD provide a necessary service in an often thankless job. Citizen and her daughter wanted to thank APD and stated they are proud of APD.

JWD-2014-79

Received: March 31, 2014

A citizen wrote that she feels that APD is doing their job correctly. Citizen felt that Albuquerque needs more mental health services, and that officers have the right to go home after their shift.

JWD-2014-80

Received: March 31, 2014

A citizen wanted to thank every APD officer who was involved in the Boyd protests. Citizen stated that all of the officers were outstanding.

JWD-2014-81

Received: March 31, 2014

A citizen said that he abhors the approach taken by the protesters, and is afraid APD will be placed in the position of not being able to protect anyone. Citizen wanted to thank APD for all they have tried to do for everyone.

In January 2013, the IRO created the “*Job Well Done*” form on the IRO website for the public to provide positive feedback to APD about good work that APD officers and employees have done, and to recognize APD officers and employees who went above and beyond the call of duty. I developed a process in which I forward all Job Well Done submissions to APD Administration to pass along the compliments to the employee's Chain of Command, including the Chief of Police. In the Second Quarter of 2014, members of the public submitted 68 Job Well Done forms for good work performed by APD employees.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-36

Received by IRO: April 1, 2014

A citizen stated that she supports APD regarding the recent protest of the Boyd shooting. With the amount of crime in Albuquerque, she can see how the police have a dangerous job. Citizen states that there are people in our community that support APD.

JWD-2014-37

Received by IRO: April 1, 2014

An elementary school employee wrote that the school had received threatening phone calls. The school year was safely completed because of the presence of APD officers at the school. The officers patrolling the school were very kind to the students. The officers spoke at a staff meeting and talked about safety issues. The citizen is grateful for the service of APD.

JWD-2014-40

Received by IRO: April 1, 2014

A citizen stated that she has been involved in domestic issues numerous times where the police have responded to her residence. The police were always polite, professional, and gave her sound advice. The citizen supports APD and wants to thank all officers that came to her residence, and wrote that we have great police officers, especially Officer S., the officer who responded to the most recent incident.

JWD-2014-82

Received by IRO: April 2, 2014

A California resident wrote that he saw a TV program about the Boyd protest. He felt the program was slandering to APD. The resident stated that he supports APD, and that police officers do a lot of good and protect the lives of good, law-abiding citizens.

JWD-2014-65

Received by IRO: April 3, 2014

A citizen and her family were involved in a domestic dispute and she felt the situation could have escalated quickly. Four or five officers arrived on scene and handled the situation very well. The citizen appreciates all of APD and the help they gave in her time of need.

JWD-2014-64

Received by IRO: April 4, 2014

A citizen wanted to thank Officer L. for getting her baby to safety. Officer L. was extremely fair and courteous, and was very helpful in giving the citizen the information she needed. Citizen is very thankful to Officer L. for keeping her baby safe.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-83

Received by IRO: April 4, 2014

A citizen wrote that she and her neighbor became stranded on a busy roadway. Two officers arrived and were able to get her vehicle out of the roadway. The citizen was in poor health and needed to get home. The officers drove the citizen to her home. The officers were kind and thoughtful, and citizen was impressed with the officers' attitudes.

JWD-2014-86

Received by IRO: April 5, 2014

A citizen said that he was involved in a motor vehicle accident. Officer B. responded to the scene. Citizen wanted to commend Officer B. for his professionalism and compassion, and stated that Officer B. is a true credit to APD.

JWD-2014-87

Received by IRO: April 7, 2014

A citizen wanted to express her family's appreciation to APD for the great job that they do. The citizen wanted to commend APD for their service to the citizens of Albuquerque and thank APD for keeping citizens safe.

JWD-2014-89

Received by IRO: April 7, 2014

A former Albuquerque resident who now resides in California wrote that he wanted to praise the entire APD. The citizen stated that he supports APD and always will. Citizen stated that APD is doing a tremendous job, and to keep up the good work.

JWD-2014-88

Received by IRO: April 7, 2014

A citizen wanted to thank each and every APD officer for their hard work. Citizen wrote that she knows officers' jobs are at times thankless. Citizen wrote that a large number of people support APD, and her family is proud to "back the badge."

JWD-2014-91

Received by IRO: April 7, 2014

A soccer coach observed a male acting erratically in the presence of young girls. The coach called APD and requested an officer respond. The officer responded and began to search for the male. The coach appreciated the officer's response, and wanted to thank the officer.

JWD-2014-85

Received by IRO: April 7, 2014

A citizen had her cell phone stolen from a grocery store and she was able to track the phone to a nearby residence. Officer M. contacted the citizen and was able to retrieve the cell phone. Citizen wanted to thank Officer M. and all of APD for their service.

JWD-2014-95

Received by IRO: April 8, 2014

A former Albuquerque resident who now resides in Colorado wanted to express his support of APD and for their efforts to make Albuquerque a fun, safe place to live. The citizen wrote that there are still people who are rooting for APD, and that APD officers are friends of the people.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-94

Received by IRO: April 8, 2014

A forest service employee stated that he has had great interactions with APD officers. The officers have assisted in controlling crime in their area. Officer L. provided training sessions to forest service employees and he did an outstanding job. The employee stated that he will always be in APD's corner, and wants APD to keep up the good work. The employee wanted to thank APD for all they do.

JWD-2014-93

Received by IRO: April 8, 2014

A citizen wanted to thank APD for everything that they do. Citizen wrote that even though officers are not appreciated, she wanted APD to keep their chin up because many citizens appreciate APD. The citizen wrote that APD is doing a wonderful job in keeping our streets safe and that APD has her support.

JWD-2014-92

Received by IRO: April 8, 2014

A citizen wanted to say how grateful she was for APD. She knows that officers have a great burden and she appreciates their service.

JWD-2014-90

Received by IRO: April 8, 2014

A citizen stated that he observed an APD officer interacting with a homeless person. The citizen was impressed with the kindness shown by the officer. The officer requested rescue for the homeless person. The citizen felt the officer did a commendable job, as well as all APD officers that the citizen has had contact with.

JWD-2014-96

Received by IRO: April 10, 2014

A Columbus, New Mexico, citizen was a passenger in a vehicle being driven to the VA by a disoriented elderly man. The citizen called 911 for help and two female officers arrived. The officers were able to stop the driver. The officers expressed empathy and care for the elderly veteran. The citizen wrote that the two officers are due for a special honor, and thanks APD for their work.

JWD-2014-97

Received by IRO: April 11, 2014

A Texas resident wrote that APD has many dedicated, hardworking officers. The resident wanted APD to know they have friends.

JWD-2014-116

Received by IRO: April 11, 2014

A resident of Conchas Dam wanted APD to work with the DOJ to implement suggestions, but did not want to tie the officers' hands in conflicts. The resident was concerned about officers getting injured or killed doing their job. Resident sends his warmest regards to APD.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-98

Received by IRO: April 12, 2014

A citizen said that she will be at civic center to show support for APD, and wants to know when the press is going to print all the complimentary comments regarding APD officers.

JWD-2014-100

Received by IRO: April 13, 2014

A citizen wanted to thank APD for protecting our community. The citizen salutes the men and women of APD, and thanks them for all they do for civilians. The citizen wrote that he wants APD officers to stay as safe as possible.

JWD-2014-101

Received by IRO: April 15, 2014

A citizen wanted to say thank you to all APD officers for laying their lives on the line every day for the citizens.

JWD-2014-99

Received by IRO: April 16, 2014

An Ohio resident wrote that his son was missing, and Officer E. contacted him when his son was located. The resident stated that Officer E. was in contact with him every day in an effort to reunite the father and son. Officer E. even contacted a local TV station who ran a story. Officer M. also contacted resident in an effort to assist. The resident wrote that these two officers are fine officers, and wanted to thank APD.

JWD-2014-102

Received by IRO: April 16, 2014

A Virginia resident wrote that officers across the country are behind APD, and APD should not let the DOJ get them down.

JWD-2014-35

Received by IRO: April 16, 2014

A citizen stated that he was the victim of an auto burglary. The citizen requested police respond because of recent auto burglaries in a nearby parking garage. The citizen waited an hour for an officer to respond, but no officer showed up. Citizen was then informed that an APD officer was in the parking garage on his lunch break. Officer M. informed the citizen that he would be glad to help him. The citizen wanted to thank Officer M. and all APD officers for their service.

JWD-2014-41

Received by IRO: April 16, 2014

A citizen wanted to thank Officers M. and F. concerning the arrest of a burglary suspect who broke into a relative's home while a child was present in the home. The officers were able to identify the suspect, and the citizen wants to thank APD for their hard work and dedication. The citizen also wanted to thank Shift Commander A. for offering further assistance. Citizen wrote that APD did an incredible job.

JWD-2014-103

Received by IRO: April 17, 2014

A citizen wanted to thank APD and show his support. Citizen wrote that APD has a tough job, and that criminals need to be held accountable for their actions. The citizen thanks APD for doing a great job, and for their service and protection of citizens.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-104

Received by IRO: April 21, 2014

A disabled veteran from Texas wrote that he wanted to thank APD and two officers who were involved in helping him obtain a service dog.

JWD-2014-107

Received by IRO: April 21, 2014

A teacher wrote that she supports APD. During one of her classes, officers participated and they were kind, supportive, and extremely helpful to the students. The citizen wanted to thank APD officers for their tenacity and perseverance, and for their day-in and day-out protection of our community.

JWD-2014-110

Received by IRO: April 22, 2014

A citizen wanted to thank APD for the great job they are doing to keep Albuquerque safer from criminals with guns.

JWD-2014-109

Received by IRO: April 22, 2014

A citizen stated that her cars were broken into. The citizen wanted to make APD aware of the incidents and maybe get some extra patrols in her neighborhood. Officer G. responded and spoke with the citizen. Officer G. made the citizen and her daughter feel better about the break-ins. Officer G. listened to the citizen, and took the time to listen to her concerns. The citizen wanted to thank Officer G. for his kindness and consideration.

JWD-2014-112

Received by IRO: April 23, 2014

A citizen said that he went to jail and that Sergeant A. was very understanding of the situation. When citizen contacted Sergeant A., his call was returned promptly. Sergeant A. showed up in court and fulfilled his duties to the fullest. Citizen wrote that Sergeant A. is protective and serving.

JWD-2014-111

Received by IRO: April 23, 2014

A citizen stated that he failed to use his turn signal and was pulled over by Officer M. The citizen wrote that Officer M. was polite and explained in detail the reason for the traffic stop. The citizen stated that Officer M. is an excellent example for the department, and is a credit to APD.

JWD-2014-106

Received by IRO: April 23, 2014

A citizen called the crisis unit regarding a family member. The citizen wanted to recognize Officer S.' professionalism and sincerity during his interaction with the citizen. The citizen hopes that Officer S.' supervisor will be advised of her thanks to Officer S.

JWD-2014-108

Received by IRO: April 27, 2014

A citizen was the victim of a burglary. Officer P. and another officer and detective responded, and were all professional and skilled in handling her home burglary. The citizen appreciates the professionalism and cordial manner of the officers, and states that she is a fan of APD.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-113

Received by IRO: April 28, 2014

A Gallup resident wanted to express his appreciation to APD officers at the Gathering of Nations event. The citizen said that all of the officers handled every situation professionally and wanted to say thanks to the officers for their professionalism, respect, and protection they provided.

JWD-2014-114

Received by IRO: April 29, 2014

A citizen stated that APD Employee W. is a constant anchor at the Valley Substation. Citizen stated that Employee W. is ready to jump in and assist on any project she has been tasked with, and even those that may need her assistance. Citizen wrote that Employee W. manages to assist citizens at all times. Citizen wrote that Employee W. is an asset to the Department.

JWD-2014-123

Received by IRO: May 5, 2014

A Tijeras citizen wanted to commend Employee A. in the CAD unit for his help in assisting citizen to obtain information regarding an incident involving his family members. Employee A. was able to answer citizen's questions and gave professional guidance.

JWD-2014-122

Received by IRO: May 6, 2014

A citizen wanted to thank Officer S. for his assistance during three related incidents. Officer S. listened to citizen and always tried to help in any way to assist citizen. Citizen truly appreciates Officer S.' service and his professionalism.

JWD-2014-124

Received by IRO: May 7, 2014

A citizen wanted to give a thumbs-up to APD Officer F.

JWD-2014-105

Received by IRO: May 7, 2014

A citizen wanted to compliment every APD officer and individual who is working to make Albuquerque a safer place. Her four-year-old son thinks very highly of police officers. Citizen wants APD to know they are appreciated.

JWD-2014-117

Received by IRO: May 8, 2014

A citizen was the victim of a home burglary and vandalism. Officer W. responded and was very personable, courteous, professional, and thorough in his investigation. Citizen stated there are many good officers and they are appreciated.

JWD-2014-118

Received by IRO: May 9, 2014

A citizen wanted to thank Officer B. for his handling of a situation regarding citizen's daughter. Officer B. was very sensitive in handling citizen's concerns regarding citizen's daughter. Officer B. was kind and went above and beyond the call of duty. Citizen appreciates all of Officer B.'s time and consideration.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-119

Received by IRO: May 9, 2014

A former resident of Albuquerque now residing in Texas wanted to show his support for APD and Chief Eden. The resident stated that APD has a hard job and decisions are made in a split second. The resident wanted to thank APD officers for their commitment.

JWD-2014-120

Received by IRO: May 9, 2014

A Taos resident was visiting Albuquerque and was the victim of an auto burglary. Officer H. responded to the call and he was polite and professional. Officer H. was patient and made the victim feel safe. Officer H. assisted the victim in obtaining items that she needed. The resident wanted to thank Officer H. for being a kind and caring officer.

JWD-2014-121

Received by IRO: May 12, 2014

A resident of Rhode Island wanted to commend Detective L. for her investigation into the missing female victims found buried on the west mesa. The resident stated that Detective L. showed a dedication to solving the mystery and wanted to applaud the efforts of Detective L.

JWD-2014-125

Received by IRO: May 18, 2014

A citizen stated that a lot of trouble seems to be caused by the mentally ill who should be in institutions. Citizen wanted to say that she appreciates all the work that APD is doing to protect us.

JWD-2014-126

Received by IRO: May 19, 2014

A citizen stated that his neighborhood had experienced several home burglaries in the last several months. Officer A. attended a community meeting and answered questions thoroughly and completely, passing out pamphlets that were much appreciated. The attendees wanted to thank Officer A. for his patience and service to our community.

JWD-2014-127

Received by IRO: May 21, 2014

A resident wanted to give kudos to an officer that she observed driving. The officer drove extremely well, obeyed traffic laws, didn't speed, used his blinker, didn't tailgate, and just drove wonderfully.

JWD-2014-128

Received by IRO: May 26, 2014

A citizen wanted to say thanks to all officers that go above and beyond.

JWD-2014-129

Received by IRO: May 27, 2014

A citizen called APD regarding harassment by his ex-wife. Officer E. responded and was eager to help the citizen. On a follow-up call, Officer E. was more than willing to help citizen. Officer E. was extremely respectful, understanding, and professional toward citizen. Citizen stated that APD has great officers.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-130

Received by IRO: May 28, 2014

A citizen was downtown at a court hearing. Someone tried to steal her vehicle and the ignition became locked. Citizen approached Officer B. and asked the officer to call a tow truck because citizen did not have her phone. Officer B. gave the citizen a jump start, which unlocked her ignition. Citizen wanted to thank Officer B. for his kindness and cordiality.

JWD-2014-131

Received by IRO: June 5, 2014

A California resident wanted to thank Officer R. for his assistance to her family in dealing with their mother who resided in Albuquerque and who had dementia. Officer R. was very professional, had a great deal of knowledge, and showed genuine concern. Citizen stated that Officer R. is a great asset to APD.

JWD-2014-133

Received by IRO: June 6, 2014

A citizen wanted to thank an officer and sergeant with APD who helped rescue her from the mountains. Citizen stated that the officer and sergeant hiked through tough terrain to rescue her, and that they saved her life. Citizen says thanks from the bottom of her heart.

JWD-2014-136

Received by IRO: June 7, 2014

A citizen stated that a church across the street from her was playing very loud music for about an hour. Within 20 minutes of her call to APD, officers handled the situation, and the loud music stopped. Citizen knows APD has more important things to do, but they still took the time to help her and her neighbors with a noise problem.

JWD-2014-132

Received by IRO: June 8, 2014

A citizen wanted APD to know that many artists and musicians continue to support APD, and wanted to say thanks to APD. Officers have to deal with situations that citizens do not understand, but wants APD to know they are appreciated.

JWD-2014-134

Received by IRO: June 11, 2014

A citizen stated that she was at a restaurant with friends, and a fight broke out. An off-duty APD officer, without hesitation, jumped up and told the men to stop fighting. The officer was able to break up the fight. Citizen wanted to commend the officer for his quick action, and his willingness to keep citizens safe even when he was off-duty.

JWD-2014-135

Received by IRO: June 11, 2014

A Santa Fe resident wanted to thank an APD employee named Tamara, who was pleasant and efficient in helping the resident acquire a police report from a traffic accident that he was involved in.

JWD-2014-137

Received by IRO: June 15, 2014

A citizen wrote that he appreciates and supports all of APD, who keep our community safe and secure. APD is 24/7 and things can be taken for granted. Citizen recognizes APD for their service and commitment to the citizens of Albuquerque.

JOBS WELL DONE RECEIVED IN SECOND QUARTER 2014

JWD-2014-138

Received by IRO: June 20, 2014

A citizen wanted to thank Officer R. and Officer A. for their assistance regarding an incident where a man jumped in front of her car and starting pounding on the windshield. Officers arrived promptly and gained control of the situation. Citizen stated, Good job, APD.

JWD-2014-139

Received by IRO: June 21, 2014

A citizen took advantage of the VIN etching offered by APD, and wanted to say thanks, and that the officers were very friendly in explaining how it worked. Citizen appreciated the effort that APD put forward.

JWD-2014-140

Received by IRO: June 21, 2014

A citizen stated that he was at a bus stop and was approached by an intoxicated person. An officer driving by noticed what was taking place, and pulled over to assist citizen. The officer made sure the intoxicated person left the scene. Citizen was appreciative for the officer's observation and intervention, and wanted to say the officer did a fantastic job.

JWD-2014-141

Received by IRO: June 23, 2014

A Michigan resident wrote that he wants to compliment the entire Albuquerque Police Department on a job well done. We have a safe city because of APD. The resident said "shame on the Department of Justice." Citizen wanted to wish APD all the best.

JWD-2014-143

Received by IRO: June 27, 2014

A citizen said that any of his interactions with APD have been professional, and he is tired of the media's reporting. Citizen wanted to say thanks to all officers who keep our city safe, and that the officers do a job that so few could do.

JWD-2014-144

Received by IRO: June 27, 2014

A citizen was riding his bike when he was struck by a vehicle. Officer V. responded quickly, and was diligent and professional. He handled the incident with great care and respect. Citizen states that this is his first interaction with APD, and he feels more secure knowing we have good officers like Officer V.

JWD-2014-145

Received by IRO: June 30, 2014

A Nevada resident saw a news report on FOX news involving three APD officers and a news reporter. The resident stated that all APD officers deserve commendations for their actions, and that they are an excellent reflection of law enforcement. Resident says, Good job, Keep up the good work.

SUMMARY OF FIRST QUARTER 2014

The Independent Review Office received 69 complaints for the First Quarter from January through March 2014. February had the lowest number of complaints received in the First Quarter. The IRO received an average of 23 complaints per month during the First Quarter 2014.

Based on data collected, complainants most likely reported alleged misconduct of APD officers as occurring on Thursdays and from 3:00 p.m. to 6:00 p.m. Complainants reported higher alleged misconduct located in City Council District 2. The highest number of complaints received was from residents of City Council Districts 1 and 2.

Complaints received in the First Quarter include 54 complaints from Albuquerque residents. The highest number of complaints were received from male White citizens with the age range of 25-29 years old.

Complainants were most likely to file a report on male White Albuquerque Police Department officers with the age range of 35-39 years old. Most alleged misconduct involved officers in Field Services and Patrolman First Class rank.

The IRO presented 63 Citizen Police Complaints to the Police Oversight Commission during the First Quarter 2014. This resulted in 29 inactivated cases and 34 closed cases with findings.

Of the CPCs reviewed in First Quarter 2014, there were 103 allegations of Standard Operating Procedures (SOPs). During the First Quarter, IRO and IA Investigators were most likely to investigate alleged APD SOP violations on Officer General Conduct (1-04) and Improper Use of Force (2-52-3). Of the 29 CPCs inactivated, the highest number CPCs were inactivated for not alleging a violation of SOP. In addition, the IRO also presented one Officer-Involved Shooting, and two appealed CPCs during the First Quarter 2014.

The statistics suggest that Patrolmen First Class (PIC) are by far the most likely officers to be subjects of CPCs. Part of the reason for this data is that PICs have a great deal of contact with the public and are typically less experienced officers. For those less experienced officers, additional information and communicative tools could lead to a drop in CPCs. For experienced officers still at the PIC rank, any repeated issues should be looked at more closely in conjunction with APD's progressive discipline model.

The vast majority of complaints were made against male officers. The department should consider hiring more female officers to bring the APD ratio more closely in line with the demographics of the city.

The demographics from the citizens indicate broad diversity concerning age, ethnicity, and city council district. IRO should continue to try and improve community outreach. The City Council should create a position for a Community Outreach specialist as recommended by the DOJ following an agreement between the City and the DOJ, and postpone any revisions to the

ordinance until an agreement is reached to ensure that the process implemented is feasible for the government and the citizens.

No cases were formally mediated in the First Quarter of 2014. Mediation should be a process used more often, especially considering the City resources available to help resolve general conduct (“attitude”) related complaints that don’t necessarily require a full investigation. Moving forward, IRO intends to avail itself of the programs in place to address minor disputes between law enforcement and the public. APD and IRO should coordinate and cooperate with the City’s Alternative Dispute Resolution (ADR) Office to mediate general conduct allegations which don’t necessarily rise to the level of a constitutional level but nonetheless must be addressed.

Many of the Sustained violations are for failing to record entire interactions with the public. In a few cases, the failure to record was the result of camera issues or limits. APD should consider revising the Lapel Camera Video SOP to clarify that officers will only be sustained for violating that SOP if the failure to record was the result of the officer’s intentional act or omission as opposed to a technological malfunction.

Any discipline imposed should differentiate between intentional and unintentional SOP violations. Intentional violations should be dealt with harshly. Unintentional violations should be addressed through training. Deputy Chief Roseman has suggested that training be attached to any disposition for a Sustained SOP violation.

APD should stiffen the penalties for failure to record incidents. The first sustained allegation should be met with at least a written reprimand. A second sustained allegation should result in a suspension. The failure to record incidents affects not only a “failure to record” allegation but also makes it more difficult to investigate other attendant allegations. It paints the officers involved in a negative light and casts suspicion on their actions even if all other SOPs are followed.

As Councilman Benton stated at the June 10, 2014, City Council meeting, the problem with the POC is not the people who are or have been involved, but rather the problem lies with the process. That process will be revised and reevaluated as collaboration between the DOJ and the City continues. The proposed new legislation is being vetted by City Council. As reforms are instituted, the IRO will continue to seek truth, advocate for accountability, and promote public confidence through positive change to the police practices of APD.

SUMMARY OF SECOND QUARTER 2014

The Independent Review Office received 62 complaints for the Second Quarter from April through June 2014. April had the lowest number of complaints received in the Second Quarter. The IRO received an average of 21 complaints per month during the Second Quarter 2014.

Based on data collected, complainants most likely reported alleged misconduct of APD officers as occurring on Tuesdays and from 9:00 p.m. to 12:00 a.m. Complainants reported higher alleged misconduct located in City Council District 6. The highest number of complaints received was from residents of City Council District 6.

Complaints received in the Second Quarter include 51 complaints from Albuquerque residents. The highest number of complaints were received from male Hispanic citizens with the age range of 60-64 years old.

Complainants were most likely to file a report on male White Albuquerque Police Department officers with the age range of 25-29 years old. Most alleged misconduct involved officers in Field Services and Patrolman First Class rank.

The IRO presented 60 Citizen Police Complaints to the Police Oversight Commission during the Second Quarter 2014. This resulted in 34 inactivated cases and 26 closed cases with findings.

Of the CPCs reviewed in Second Quarter 2014, there were 81 allegations of Standard Operating Procedures (SOPs). During the Second Quarter, IRO and IA Investigators were most likely to investigate alleged APD SOP violations on Officer General Conduct (1-04) and Improper Use of Belt Recording (1-39). Of the 34 CPCs inactivated, the highest number CPCs were inactivated after Informal Resolution. In addition, the IRO also presented five Officer-Involved Shootings during the Second Quarter 2014.

This report is a glimpse into the work of our office. It provides details about the cases received and the findings of the IRO and IA pursuant to ordinance. The IRO office hopes to glean helpful conclusions from the data which will facilitate and effectuate positive change within APD.