



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Harold Medina
Chief of Police

Interoffice Memorandum

May 3, 2021

To: CPOA Executive Director Edward Harness

From: Deputy Chief Mike Smathers *MAS*

Subject: CPC 293-20 C M

Good afternoon Mr. H

I have thoroughly reviewed this case after receiving it from the CPOA. Regarding an allegation of violating 3-13-3B-3B, I concur with the investigative findings that this be exonerated. This SOP advises that officers will “make only those arrests, searches, and seizures which they know or should know are lawful and do so in accordance with related departmental procedures.” Officer M actions met this standard as noted by your investigator and I agree.

Regarding an allegation of violating 1-1-4D-15 “personnel will treat the public with respect, courtesy and professionalism at all times” I respectfully do not concur with your investigators findings. I have watched all of the OBRD footage provided with this case. I found Officer M to be very direct and ‘matter of fact’ with Mr. S but I never perceived his comments, questions and follow up to be unprofessional or discourteous. Mr. S was clearly trying to conceal his true identify by giving a false name and by being untruthful about his date of birth. This false information caused Officer M to spend an inordinate amount of additional time trying to ascertain the truth. It was apparent to me that Officer M did not like the fact that Mr. S was unwilling to be truthful but at no time did Officer M: use profanity, mock or belittle him (S). It is incumbent on officers to try to ascertain the truth when they are dealing with a subject and it was reasonable for Officer M to feel there was a motive behind the lies being told by Mr. S . The motive was the four extraditable warrants for his arrest from several jurisdictions in New Mexico. If Officer M had simply accepted the ever changing information, Mr. S information would not have been ascertained and those warrants probably not served.

I have a very high standard and expectation that Officers within APD are polite and courteous when dealing with members of this community. It does not violate this standard to have an uncomfortable conversation or to press someone for the truth and those conversations are at times necessary. Officer M never used profanity with Mr. S and did not call him a derogatory name beyond saying he was a ‘liar’ with his previous statements which was accurate and the reason for his continued questioning/comments. After the arrest Mr. S continued to be untruthful about possessing various narcotics and items of drug paraphernalia. Conversely I observed Officer M loosen Mr. S handcuffs on a couple of occasions

and also wipe a spot of blood from his arm indicative of him being responsive and respectful to those needs. Mr. S thanked Officer M for getting him situated in the backseat with the seatbelt during one additional encounter after the arrest. I provide this perspective in that it struck me as representative that Officer M raised and lower the intensity of his communication dependent on the circumstances he was facing.

There are many forms of discourtesy and unprofessional conduct and I considered that significantly within my examination and I did not feel Officer M violated this SOP. I take the work done by the CPOA seriously and appreciate your role of oversight and identification of possible APD misconduct.

My findings reference this case:

3-13-3B-3B Exonerated

1-1-4D-15 Not Sustained.