

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*

Dr. Moira Amado-McCoy *Dr. Jeannette Baca* *Dr. Susanne Brown*

Eric H. Cruz

Joanne Fine

Rev. Dr. David Z. Ring III

Jeffery Scott Wilson

Edward Harness, Esq., Executive Director

March 11, 2016

Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #072-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on May 18, 2015 against Officer C. and Detective M. of the Albuquerque Police Department (APD) regarding an incident that occurred on March 14, 2013. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] said that on [REDACTED], 2013, Albuquerque Police Department (APD) Officers responded to her residence and arrested Ms. [REDACTED]. Ms. [REDACTED] complained that APD Officer C. Detective M. put handcuffs on her so tightly they broke her right wrist. Ms. [REDACTED] complained she told the two officers multiple times to loosen the handcuffs but they did not and instead just laughed at her and told her she was okay. Ms. [REDACTED] said her broken wrist was placed in a cast at the Metropolitan Detention Center (MDC) and then re-cast a few days later at University of New Mexico Hospital (UNMH). Ms. [REDACTED] complained the visit to UNMH to re-cast her arm was a complete waste of time because they didn't do anything to fix the break and now she only has partial use of her wrist and is

disabled for the rest of her life. Ms. [REDACTED] complained her wrist needs surgery and it is the fault of APD and she wants damages.

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

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

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

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

- *To effect a lawful arrest or detention of a person.*
- *To gain control of a combative prisoner*
- *Prevent and/or terminate the commission of a crime.*
- *To intervene in a suicide or self-inflicted injury*
- *To defend an officer or member of the public from the physical acts of another.*

Ms. [REDACTED] said Officer C. and other APD Officers responded to her home on March 14, 2013, and arrested her for various crimes. Ms. [REDACTED] complained that Officer C. placed handcuffs on her wrists so tightly her right wrist was broken.

A review of lapel videos and reports written by Officer C., former APD Officer R. and Detective M. showed Detective M. and Officer C. handcuffed Ms. [REDACTED] and took her into custody after Ms. [REDACTED] was tased by Officers C. and R. for swinging a baseball bat at her neighbor and at Officer C. This evidence also showed Officers C. and R. and Detective M. checked and adjusted Ms. [REDACTED]'s handcuffs to ensure they were not too tight. Additionally, Albuquerque Fire Department rescue arrived on scene to check Ms. [REDACTED]'s vital signs, and remove taser prongs from her prior to Ms. [REDACTED] being placed in a police car and transported from the scene. The evidence showed Ms. [REDACTED] did not complain to the rescue personnel that her wrist was broken. Had Ms. [REDACTED] done so, the rescue personnel would have been obligated to take her to University of New Mexico Hospital (UNMH) for treatment prior to officers transporting her to the jail.

A CPOA Investigator contacted MDC medical personnel who verified that they would not have allowed Ms. [REDACTED] to be booked into their facility with a broken wrist because all prisoners are required to pass a medical clearance before they are received into their facility. They said they would not have placed a cast on Ms. [REDACTED]'s wrist if it were broken because they don't have the needed supplies or expertise on hand to do so.

The investigation revealed that Officer C. took the necessary steps to ensure Ms. [REDACTED]'s handcuffs were checked and were not too tight after Ms. [REDACTED] complained to him.

Additionally, the investigation revealed that due to the nature of the call, where it was reported Ms. ██████████ was breaking windows with a hammer and baseball bats, Ms. ██████████ may have caused the injury to her wrist by her own actions. Lastly, without medical records it cannot be determined if or when Ms. ██████████'s wrist was actually broken.

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

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

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

Ms. ██████████ complained that Officer C. laughed at her and said she was okay when she told him her wrist hurt.

A review of lapel videos and interviews revealed Ms. ██████████ complained the handcuffs were too tight and Officer C., former APD Officer R. and Detective M. looked at the handcuffs and adjusted them and at no time did Officer C. or any of the officers or personnel on scene laugh at Ms. ██████████ and tell her she was okay, as alleged in her complaint.

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

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel video, Officer's reports and interviews with the Complainant and Detective M.

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

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

- *To effect a lawful arrest or detention of a person.*
- *To gain control of a combative prisoner*
- *Prevent and/or terminate the commission of a crime.*
- *To intervene in a suicide or self-inflicted injury*
- *To defend an officer or member of the public from the physical acts of another.*

Letter to Ms. ██████████

March 11, 2016

Page 4

Ms. ██████████ said Detective M. and other APD Officers responded to her home on March 14, 2013, and arrested her for various crimes. Ms. ██████████ complained that Detective M. placed handcuffs on her wrists so tightly her right wrist was broken.

A review of lapel videos and reports written by Detective M., Officer C., and former APD Officer R. showed Detective M. and Officer C. handcuffed Ms. ██████████ and took her into custody after Ms. ██████████ was tased by Officers C. and R. for swinging a baseball bat at her neighbor and at Officer C.. This evidence also showed Detective M., and Officers C. and R. checked and adjusted Ms. ██████████'s handcuffs to ensure they were not too tight. Additionally, fire/rescue arrived on scene to check Ms. ██████████'s vital signs, and remove taser prongs from her prior to Ms. ██████████ being placed in a police car and transported from the scene. The evidence showed Ms. ██████████ did not complain to fire/rescue her wrist was broken. Had Ms. ██████████ done so, fire/rescue would have been legally obligated to take her to University of New Mexico Hospital (UNMH) for treatment prior to officers transporting her to the jail.

A CPOA Investigator contacted MDC medical personnel who verified that they would not have allowed Ms. ██████████ to be booked into their facility broken wrist because all prisoners are required to pass a medical clearance before they are received into their facility. They said they would not have placed a cast on Ms. ██████████'s wrist if it were broken because they don't have the needed supplies or expertise on hand to do so.

The investigation revealed Detective M. took the necessary steps to ensure Ms. ██████████'s handcuffs were checked and were not too tight after Ms. ██████████ complained to him. Additionally, the investigation revealed that due to the nature of the call where it was reported Ms. ██████████ was breaking windows with a hammer and baseball bats, Ms. ██████████ may have caused the injury to her wrist by her own actions. Lastly, without medical records it cannot be determined if Ms. ██████████'s wrist was actually broken.

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

B) Did Detective M. comply with Albuquerque Police Department (APD) General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

Ms. ██████████ complained that Detective M. laughed at her and said she was okay when she told him her wrist hurt.

A review of lapel videos and interviews revealed Ms. ██████████ complained the handcuffs were too tight and Detective M. Officer C. and former APD Officer R. looked at the handcuffs and adjusted them and at no time did Detective M. or any of the officers or

Letter to Ms. [REDACTED]
March 11, 2016
Page 5

personnel on scene laugh at Ms. [REDACTED] and tell her she was okay, as alleged in her complaint.

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

The Civilian Police Oversight Agency only has jurisdiction to investigate complaints about current APD employees. Officer R. is no longer an APD employee and therefore, was not targeted in this investigation or interviewed.

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

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 073-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on May 19, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 27, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Ms. [REDACTED] complained that during her report of an alleged crime, Officer S. did not ask her the proper questions to allow her to explain things fully. Ms. [REDACTED] wrote that Officer S. never asked her to provide details about the rape and sexual abuse she suffered. As a result, the report did not reflect the proper information. Ms. [REDACTED] complained that Officer S. wrote an inaccurate statement in the report.

The CPOA Investigator interviewed Ms. [REDACTED] before this complaint was filed in connection to her other complaints about the same incident. The CPOA Investigator attempted to interview Ms. [REDACTED] specifically about this complaint, but Ms. [REDACTED] failed to respond to the final message left by the CPOA Investigator. Ms. [REDACTED] repeated she was only able to

tell a portion of her story because Officer S. did not ask her questions. Ms. [REDACTED] repeated there were inaccuracies in the report because of an inaccurate quote.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer S.' lapel video and interviews of Natalie Butters and Officer S.

(A) The CPOA reviewed Standard Operating Procedural Order 2-24-3F2 & 5 regarding Officer S.' conduct, which states:

Steps to be followed in conducting preliminary investigations: 2. Locate, identify, and interview witnesses, victims and suspect(s) 5. Report the incident fully and accurately.

Ms. [REDACTED] stated that Officer S. did not ask her the proper questions to allow her to explain things fully. Ms. [REDACTED] stated Officer S. seemed uncomfortable and improperly trained to talk to her about this type of issue. Ms. [REDACTED] stated the report had an inaccurate statement. She tried to address these concerns by calling Officer S., but she never heard from him.

The lapel video showed Officer S. explained to Ms. [REDACTED] that he was not there to do a thorough interview and that the sex crimes detective would get all the details. The lapel video showed Ms. [REDACTED] acknowledged and understood this fact. The lapel video showed Officer S. allowed Ms. [REDACTED] to say what she wanted. Ms. [REDACTED] mentioned very little about the actual crime and mostly provided details about the relationship history. The lapel video showed Ms. [REDACTED] told Officer S. that the offender was a big guy and intimidating. The lapel video showed Ms. [REDACTED] told him he forced her to have sex, not how, but mentioned no weapons were used. The lapel video confirmed Officer S. did not ask the details, but clearly explained a few times the details should be revealed to the detective.

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

Your complaint and these findings will be placed in Officer S.' Internal Affairs personnel file.

You have the right to appeal this decision.

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

Letter to Ms. [REDACTED]

March 11, 2016

Page 3

Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,

The Civilian Police Oversight Agency by



Edward Harness, Esq.

Executive Director

(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #074-15

Dear Ms. [REDACTED]:

Our office received the complaint you filed on May 25, 2015 against Officer E., Officer M., Officer S., and Sergeant B. of the Albuquerque Police Department (APD) regarding an incident that occurred on February 24, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] wrote that on February 24, 2015 while exiting [REDACTED] and opening the trunk of her car, she heard yelling and someone saying "hands up." Ms. [REDACTED] wrote that she turned around and saw a man in a vest and plain clothes pointing a gun in her face. Ms. [REDACTED] wrote she put her hands up and at that point observed other men in plain clothes with guns yelling as well. Ms. [REDACTED] wrote other officers had their guns pointed at her son, [REDACTED], who was with her. Ms. [REDACTED] stated the men identified themselves as officers and began patting her down, searching her purse and vehicle and continually asking, "Where's [REDACTED]?" Ms. [REDACTED] stated an officer asked to see her cell phone but that she had left it at home. Ms. [REDACTED] wrote that one of the officers screamed "Where is [REDACTED]?" and with guns

Letter to Ms. [REDACTED]

March 11, 2016

Page 2

pointed directly at her and her son, [REDACTED]. Ms. [REDACTED] stated she felt like she had to answer the questions or be shot. Ms. [REDACTED] wrote the officers were questioning about her son [REDACTED], and Ms. [REDACTED] told the officers that [REDACTED] was in California. Ms. [REDACTED] stated she asked the officers if they had a picture of [REDACTED] because he is [REDACTED] and her son, [REDACTED], who was with her, is [REDACTED]. Ms. [REDACTED] wrote that she felt the officers could not have confused the 2 individuals as possibly being the same. Ms. [REDACTED] stated she kept asking if they had a photo, which appeared to anger the officers. Ms. [REDACTED] wrote the officers told her [REDACTED] looked like [REDACTED] and that is why they stopped her. Ms. [REDACTED] stated the officer said [REDACTED] had a warrant and they were looking for him. Ms. [REDACTED] stated the entire time guns were pointed directly at her and her son [REDACTED].

Ms. [REDACTED] alleged she was denied her civil rights, unlawfully detained, racially profiled and had excessive force and intimidation used upon her and her son. Ms. [REDACTED] wrote she also requested a copy of the lapel video of the officers but was informed there were no recordings.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT B.'s CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the photo of Mr. [REDACTED] and Mr. [REDACTED], and the interviews with Sergeant. B., Officer E., Officer M., Officer S., and Ms. [REDACTED].

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Sergeant B.'s conduct, which states:

Biased based policing and or profiling by any member of this department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.

[REDACTED] wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Sgt. B. and officers stopped Ms. [REDACTED] and her son [REDACTED] due to the fact [REDACTED], Ms. [REDACTED]'s other son, had a felony warrant out for his arrest. Sgt. B. and the officers detained both parties because [REDACTED] and [REDACTED] appear similar in physicality. Ms. [REDACTED] and her son [REDACTED] were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

Letter to Ms. [REDACTED]

March 11, 2016

Page 3

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

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

[REDACTED] wrote that the officers searched her vehicle and that she and her son [REDACTED] were unlawfully detained.

Sgt. B. and the officers were conducting a felony search warrant regarding Ms. [REDACTED]'s son, [REDACTED]. [REDACTED] and [REDACTED] are similar in physicality. Sgt. B. and the officers only detained Ms. [REDACTED] and [REDACTED] to identify [REDACTED], whom they thought was [REDACTED]. Both Ms. [REDACTED] and [REDACTED] were only detained for approximately 10 minutes to be identified.

The investigation showed Sgt. B. and the officers did not search Ms. [REDACTED]'s vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

C) The CPOA reviewed Standard Operating Procedure 1-39-1 (A) regarding Sergeant B.'s conduct, which states:

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer (s) should become separated, it will be the responsibility of the secondary officer(s) to record all of their contact and/or actions during the incident.

[REDACTED] stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Sgt. B. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATFTF, prohibit their agents and task force agents to utilize recording devices during operations. Sgt. B. is required to follow the agency he is assigned to Standard Operating Procedures.

The CPOA find Sergeant B.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Sergeant B.'s conduct, which states:

Officers may use force when objectively reasonable based on a totality of the circumstances.

The objectives for which force may be appropriate include

- *To effect a lawful arrest or detention of a person.*

[REDACTED] wrote that several plain clothes officers approached her and her son, [REDACTED] with guns drawn and pointed at her while exiting the [REDACTED] store.

Ms. [REDACTED] was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. [REDACTED] stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. [REDACTED] stated then again, they were pointed at her.

The investigation showed Sgt. B. exited his vehicle with a shotgun. Sgt. B. arrived on scene as Ms. [REDACTED] and [REDACTED] already exited the vehicle and were being instructed by the other officers. Sgt. B. was acting on the suspicion that [REDACTED] was [REDACTED]. [REDACTED] had a felony warrant for a violent crime in which firearms were used.

The CPOA find Sergeant B.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the photo of Mr. [REDACTED] and Mr. [REDACTED], and the interviews of Sergeant B., Officer E., Officer M., Officer S., and Ms. [REDACTED].

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Officer E.'s conduct, which states:

Biased based policing and or profiling by any member of this department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and

forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.

[REDACTED] wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Officer E. and other officers stopped Ms. [REDACTED] and her son [REDACTED] due to the fact [REDACTED], Ms. [REDACTED]'s other son had a felony warrant out for his arrest. Officer E. and the officers detained both parties because [REDACTED] and [REDACTED] appear similar in physicality. Ms. [REDACTED] and her son [REDACTED] were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

[REDACTED] wrote that the officers searched her vehicle and that she and her son [REDACTED] were unlawfully detained.

Officer E. and the officers were conducting a felony search warrant regarding Ms. [REDACTED]'s son, [REDACTED]. [REDACTED] and [REDACTED] are similar in physicality. Officer E. and the officers only detained Ms. [REDACTED] and [REDACTED] to identify [REDACTED], whom they thought was [REDACTED]. Both Ms. [REDACTED] and [REDACTED] were only detained for approximately 10 minutes to be identified.

The investigation showed Officer E. and the other officers did not search Ms. [REDACTED]'s vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

C) The CPOA reviewed Standard Operating Procedure 1-39-1 (A) regarding Officer E.'s conduct, which states:

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer (s) should become separated,

it will be the responsibility of the secondary officer(s) to record all of their contact and/or actions during the incident.

[REDACTED] stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Officer E. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATFTF, prohibit their agents and task force agents to utilize recording devices during operations. Officer E. [REDACTED] is required to follow the agency he is assigned to Standard Operating Procedures.

The CPOA find Officer E.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer S.'s conduct, which states:

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

- *To effect a lawful arrest or detention of a person.*

[REDACTED] wrote that several plain clothes officers approached her and her son, Brandon Solis, with guns drawn and pointed at her while exiting the [REDACTED] store.

Ms. [REDACTED] was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. [REDACTED] stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. [REDACTED] stated then again, they were pointed at her.

The investigation showed Officer E. recalled exiting his vehicle hands free, without a firearm.

The CPOA find Officer E.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the photo of Mr. [REDACTED] and Mr. [REDACTED], and the interviews of Sergeant. B., Officer E., Officer M., Officer S. and Ms. [REDACTED].

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Officer M.'s conduct, which states:

Biased based policing and or profiling by any member of this department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.

[REDACTED] wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Officer M. and other officers stopped Ms. [REDACTED] and her son [REDACTED] due to the fact [REDACTED], Ms. [REDACTED]'s other son had a felony warrant out for his arrest. Officer M. and the officers detained both parties because [REDACTED] and [REDACTED] appear similar in physicality. Ms. [REDACTED] and her son [REDACTED] were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

[REDACTED] wrote that the officers searched her vehicle and that she and her son [REDACTED] were unlawfully detained.

Officer M. and the officers were conducting a felony search warrant regarding Ms. [REDACTED] son, [REDACTED]. [REDACTED] and [REDACTED] are similar in physicality. Officer M. and the officers only detained Ms. [REDACTED] and [REDACTED] to identify [REDACTED] whom they thought was [REDACTED]. Both Ms. [REDACTED] and [REDACTED] were only detained for approximately 10 minutes to be identified.

The investigation showed Officer M. and the other officers did not search Ms. [REDACTED]'s vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

C) The CPOA reviewed Standard Operating Procedure 1-39-1 (A) regarding Officer M.'s conduct, which states:

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer (s) should become separated, it will be the responsibility of the secondary officer(s) to record all of their contact and/or actions during the incident.

[REDACTED] stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Officer M. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATF, prohibit their agents and task force agents to utilize recording devices during operations. Officer M. is required to follow the agency he is assigned to Standard Operating Procedures.

The CPOA find Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer M.'s conduct, which states:

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

- *To effect a lawful arrest or detention of a person.*

[REDACTED] wrote that several plain clothes officers approached her and her son, [REDACTED], with guns drawn and pointed at her while exiting the [REDACTED] store.

Ms. [REDACTED] was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. [REDACTED] stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. [REDACTED] stated then again, they were pointed at her.

Officer M. did have a firearm out due to the concern and subject matter of the felony warrant. The investigation showed Officer M.'s firearm was never directly pointed at Ms. [REDACTED] or [REDACTED] and remained in a low ready position.

The CPOA find Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

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

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Officer S.'s conduct, which states:

Biased based policing and or profiling by any member of this department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.

[REDACTED] wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Officer S. and other officers stopped Ms. [REDACTED] and her son [REDACTED] due to the fact [REDACTED], Ms. [REDACTED]'s other son had a felony warrant out for his arrest. Officer S. and the officers detained both parties because [REDACTED] and [REDACTED] appear similar in physicality. Ms. [REDACTED] and her son [REDACTED] were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

[REDACTED] wrote that the officers searched her vehicle and that she and her son [REDACTED] were unlawfully detained.

Officer S. and the officers were conducting a felony search warrant regarding Ms. [REDACTED]'s son, [REDACTED]. [REDACTED] and [REDACTED] are similar in physicality. Officer S. and the officers only detained Ms. [REDACTED] and [REDACTED] to identify [REDACTED], whom they

thought was [REDACTED]. Both Ms. [REDACTED] and [REDACTED] were only detained for approximately 10 minutes to be identified.

The investigation showed Officer S. and the other officers did not search Ms. [REDACTED]'s vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

C) The CPOA reviewed Standard Operating Procedure 1-39-1 (A) regarding Officer S.'s conduct, which states:

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer (s) should become separated, it will be the responsibility of the secondary officer(s) to record all of their contact and/or actions during the incident.

[REDACTED] stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Officer S. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATF, prohibit their agents and task force agents to utilize recording devices during operations. Officer S. is required to follow the agency he is assigned to Standard Operating Procedures.

The CPOA find Officer S.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer M.'s conduct, which states:

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

- *To effect a lawful arrest or detention of a person.*

[REDACTED] wrote that several plain clothes officers approached her and her son, [REDACTED], with guns drawn and pointed at her while exiting the [REDACTED] store.

Letter to Ms. [REDACTED]

March 11, 2016

Page 11

Ms. [REDACTED] was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. [REDACTED] stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. [REDACTED] stated then again, they were pointed at her.

Officer S. did have a firearm out due to the concern and subject matter of the felony warrant. The investigation showed Officer S.'s firearm was never directly pointed at Ms. [REDACTED] or [REDACTED] and remained in a low ready position.

The CPOA find Officer S.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

Cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #076-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on May 28, 2015 against Officer W. and Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on December 19, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] called the Civilian Police Oversight Agency (CPOA) on May 28, 2015, to file her complaint regarding this incident. The CPOA Investigator spoke with Ms. [REDACTED] on May 29, 2015, July 13, 2015, and July 21, 2015, during which Ms. [REDACTED] repeated what was in her original complaint.

Ms. [REDACTED] complained that Officer W. and Officer M. failed to properly investigate a theft of property from her home by failing to contact the suspects and failing to locate her stolen property. Additionally, Ms. [REDACTED] complained Officer T. from John Carrillo substation was rude to her and not diplomatic in dealing with her when she called the substation to inquire

about the incident that occurred in December 2014. Ms. ██████████ complained APD Officer W., Officer M., and Officer T. used a doctor's note stating she had mental health issues as a reason to not properly investigate the incident.

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

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

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

A. Preliminary Investigations

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

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

Ms. ██████████ complained that Officer W. did not do enough to investigate the alleged Theft of her property, or do enough to get her property back.

A review of the interviews, reports and Officer W. and Officer M.'s lapel videos of the December 19, 2014 incident revealed that during the initial incident on December 19, 2014, Ms. ██████████ would not allow Officer W. and Officer M. into her home to investigate the scene and would not allow a Field Investigator to come and look for prints. The officers had no physical evidence to support Ms. ██████████'s claim and she was considered an uncooperative victim. Officer W. gave Ms. ██████████ the case number and asked Ms. ██████████ to have her Optum Health case worker, Mr. ██████████, call him about the incident but Mr. ██████████ never called. Officer W. performed a Google search and located a ██████████ with Adult Protective Services (APS) and called him but no one answered the phone and ██████████ never returned Officer W.'s call. According to Officer W., ██████████ may not be the correct person but Ms. ██████████ never provided her caseworker's full name so that's all he had to work with.

The investigation revealed that Officer W. and Officer M. were unable to obtain information from Optum Health. Additionally, the officers were unable to obtain a search warrant to force Optum Health to release employee information because they could not file criminal charges in the incident. Officer W. and his supervisor, Sergeant A., agreed the incident was a civil matter because Optum Health was likely hired to remove property from Ms. ██████████'s home at the request of her case worker, Mr. ██████████. Officer W. explained this to Ms. ██████████ who did not agree with Officer W. but seemed to understand.

The investigation revealed Officers W. and M. returned to Ms. ██████████'s home on December 20, 2014, because Ms. ██████████ requested a Field Investigator for fingerprints. When officers arrived, Ms. ██████████ let them in and showed them all the areas the Optum Health employees

touched when they were at her home, however when officers said they were going to call a Field Investigator out Ms. [REDACTED], again, refused to allow a Field Investigator to come out to look for fingerprints.

The investigation revealed Officer W. took all the steps necessary and possible to investigate the alleged burglary with the limited information he had, contrary to what Ms. [REDACTED] alleged in her complaint.

The CPOA Investigator reviewed interviews, reports and Officers W. and M.'s lapel videos, and determined Officer W.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

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

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

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

B. Preliminary Investigations

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

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

Ms. [REDACTED] complained that Officer M. did not do enough to investigate the alleged Theft of her property, or do enough to get her property back.

A review of the interviews, reports, and Officers W. and M.'s lapel videos of the initial incident on December 19, 2014 revealed that, Ms. [REDACTED] would not allow Officer W. and Officer M. into her home to investigate the scene and would not allow a Field Investigator to come and look for prints. The officers had no physical evidence to support Ms. [REDACTED]'s claim and she was considered an uncooperative victim. Despite not having physical evidence, Officer M. called Optum Health to see who hired them to clean Ms. [REDACTED]'s house, to get their side of the story and to identify the two employees sent to Ms. [REDACTED]'s home but Optum Health wasn't allowed to give out any information. Officer M. exhausted his resources with the limited information he had at that time.

The investigation revealed Officer M. and Officer W. were called back out to Ms. [REDACTED]'s home on December 20, 2014, because Ms. [REDACTED] requested a Field Investigator for fingerprints. When officers arrived, Ms. [REDACTED] let them in and showed them all the areas the Optum Health employees touched when they were at her home however when officers

said they were going to call a Field Investigator out Ms. Graham, again, refused to have a Field Investigator come out for fingerprints.

The investigation revealed Officer M. took all the steps necessary and possible to investigate the alleged burglary with the limited information he had, contrary to what Ms. [REDACTED] alleged in her complaint.

The CPOA Investigator reviewed interviews, reports and Officer W. and Officer M.'s lapel videos, and determined Officer M.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

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

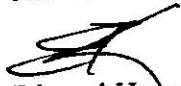
You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #079-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on May 28, 2015 against Officer E. of the Albuquerque Police Department (APD) regarding an incident that occurred on May 26, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] wrote in his complaint that on May 26, 2015 at about 1:05 PM, an unidentified male and female entered his place of business, [REDACTED]. Mr. [REDACTED] and two other employees were present. When two people came into the business, an employee asked how they could help them, and the female said that they wanted to apply for a loan. One employee asked the female to sit down so they could start the loan process. It was at that time that the male ran around the front desk towards the back of the office. One of the employees told the man to stop but the man kept coming and ran past that employee. The male grabbed a gaming system that was sitting on top of a filing cabinet. The male and the female then fled the store with the gaming system. The two employees in the front of the store pressed their panic alarm buttons.

Mr. [REDACTED] complained that it took the police a half an hour to arrive. Officer E. responded and when Officer E. arrived she asked the employees what happened. They told Officer E. what had occurred and Officer E. asked them what they wanted Officer E. to do. They told her that they needed her to do a police report on the matter. Officer E. allegedly told the employees not to push the panic buttons unless they felt threatened. When an employee told Officer E. that they did feel threatened Officer E. insisted that the panic buttons should not be pushed because doing so endangers officer's lives because they have to answer calls with their lights turned off. Mr. [REDACTED] wrote that he thinks that Officer E. needs to re-evaluate the job she is in. He wrote that Officer E. makes other officers look bad.

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

The Assistant Lead Investigator of the CPOA conducted the investigation, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, a review of the Computer Assisted Dispatch (CADs) Report and APD police report, an interview with Ms. [REDACTED] who is a store employee and an interview with Officer E. Officer E.'s lapel video recording of the incident was also reviewed. Several documented attempts to interview Mr. [REDACTED] were unsuccessful as Mr. [REDACTED] travels out of state and was not available for an interview by the time the investigative time limit expired in this case. One of Mr. [REDACTED]'s employees was interviewed by the CPOA Assistant Lead Investigator.

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

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

Mr. [REDACTED] complained that it took the police a half an hour to arrive at his business after his employees pushed their panic alarms. Officer E. responded and when she arrived she asked the employees what happened. The employees told Officer E. what had occurred and Officer E. asked them what they wanted Officer E. to do. Mr. [REDACTED] told Officer E. that they wanted a police report on the matter. Officer E. allegedly told the employees not to push the panic buttons unless they felt threatened. When an employee told Officer E. that they did feel threatened Officer E. insisted that the panic buttons not be pushed because doing so endangers officer's lives because they have to answer calls with their lights turned off. Mr. [REDACTED] wrote that he thinks that Officer E. needs to re-evaluate the job she is in. He wrote that Officer E. makes other officers look bad. Ms. [REDACTED], an employee of the business, alleged that Officer E. was unprofessional in her conduct.

The investigation showed that the panic alarm buttons at Mr. [REDACTED]'s business were pushed at 12:57 PM. The panic alarm buttons only notify the business's alarm company of trouble. The panic buttons do not link directly to APD. The CADS report showed that the alarm company called the Albuquerque Police Department at 1:09 PM accounting for a 12 minute delay in even getting the call dispatched. The alarm company provided the APD with the wrong information. They reported to APD that their store employee, [REDACTED], the

Letter to Mr. [REDACTED]

March 11, 2016

Page 3

complainant, stole merchandise from the business and fled on foot. The call was dispatched 3 minutes after that at 1:12 PM. There were a minimum number of officers available to handle the call. Officer E. arrived on scene at 1:24, twelve minutes after being dispatched. APD's average response time to Priority One calls such as this is just under 12 minutes. It was not an excessive amount of time to respond to the call. Half of the delayed response time was because of the alarm company's actions.

With regard to Officer E.'s conduct, the lapel video showed the following:

Officer E. arrived on scene and entered the store. She contacted the people inside. Officer E. greeted the employees politely. She asked the employees what had occurred and one of the employees told her what had occurred. Officer E. asked the employees if the person who stole the gaming system was someone who they knew. The employee told Officer E. that they did not know the offender. Officer E. explained that the information relayed to her was that an employee had stolen merchandise. The employees laughed at that. Mr. [REDACTED] went on to explain to Officer E. what had occurred and how it was two individuals involved in the theft. Officer E. asked what items were stolen. Mr. [REDACTED] did not have that information immediately available but he was trying to locate it at the time. Mr. [REDACTED] said that it was a PS4 gaming system that was stolen. Officer E. asked if she could get the information on the item stolen and then asked, "So what is it you would like from me?" Mr. [REDACTED] told her that he wanted to have her file a police report for the theft. Officer E. responded, "Okay."

Officer E. then asked, "And so you guys notified us by?" One of the employees said, "I pushed the panic button." Officer E. then said, "So what I would caution you for the future, is that that is not what the panic button is for." One of the employees said, "Really? Oh." Mr. [REDACTED] said, "Home office actually wants them to do that in a situation because we didn't know if we were going to be held up or not." The other employee said, "He was trying to go for the back." Mr. [REDACTED] said, "They were coming back here behind the counter..." Officer E. said, "Okay. Well the only reason that I tell you that is because we take panic alarms very seriously." Mr. [REDACTED] asked, "What if they had a gun and we don't know?" Officer E. said, "Well, but here's the thing, we can play what if all day long." Mr. [REDACTED] said something inaudible but he was seemingly upset and said, "...that's why we pushed it." Officer E. said, "Okay. What I'm telling you is this; **you need to do whatever you need to do. And I would like for you to stay safe no matter what.** But if somebody comes in, grabs something, and leaves, um, **and I don't know, I wasn't here,** and I don't know whether you guys have video of it or not, um, do you?" Mr. [REDACTED] said, "No." Officer E. asked if the suspects touched anything. Officer E. then said, "So I would caution you simply because of the, the panic alarm is for when your life is in danger, not when things are being stolen from you. And there's a difference because obviously if somebody comes in and does hold you up at gun point, we want to get here as quickly as we absolutely possibly can. Okay, but if we start getting, and I don't know, I've never even come here before. I've never had an alarm for you guys. So what I need to tell you is our response, whenever we get a panic alarm is lights and siren, pushing everybody out of the way, which means that we are putting our lives in danger and we are putting the rest of the public in danger." Mr. [REDACTED] said, "Right." Officer E. said, "So, if you're not in danger and an item is being taken..." Mr. [REDACTED] interrupted and said, "But if I have an individual coming behind the counter, my life is not in danger?" Officer E. said, "I

don't know that. I can't say that." Mr. ██████████ said, "So that's why we pushed the panic button." Officer E. said, "Okay." Mr. ██████████ said that at the moment that they pushed the panic button, they did not know if they were in danger or not. (The evidence showed that the employees pushed the panic buttons as the offenders left the store.) One of the female employees, later identified to be ██████████, told Officer E. that she was scared because she is an older woman and that the man scared the hell out of her. Ms. ██████████ said that she would not be able to chase after anyone at her age. Officer E. said, "No. And I'm not asking you to chase them." Ms. ██████████ said, "He did scare me. I'm not going to lie. My sister is a cop and so is my nephew... You just never know what he is going to do. He was coming for the back. I had to stop and yell at him... I don't know if he had something or not... it is scary and I, you know, what good is the panic button if we can't call you?" Officer E. said, "I'm not saying don't call. I'm not saying don't call. I'm saying it's kind of like the whole crying wolf thing, if you are going to call every time somebody takes something, then you know..." Another Officer then arrives on scene and the rest of the interaction on the lapel video is routine. When interviewed, Ms. ██████████ said that she had no further complaint against Officer E. once the other officer arrived on scene.

One of the employees then asked Officer E. if she would rather have them call the police rather than pushing the panic button. Officer E. replied, "I'm just trying to relay information to you that I think would make your life safer and our life easier. But if you feel like you need to push the button every single time then I think that you..." An employee said, "We're not pushing the alarm all the time." Officer E. said, "No, I'm just saying, you guys just moved in..." Ms. ██████████ said, "You never had an incident over there either," referring to the place where the business was previously located. Officer E. said, **"All I was trying to relay to you is that if you feel like your life is in danger, then that's exactly what the panic button is for. But if somebody is coming in and stealing an item and leaving with it, then that's not what the panic button is for."** Ms. ██████████ said, "Okay. Well I didn't know what he was going to do." Officer E. said, "And that's fine and I completely understand that. I completely understand that this isn't your norm and that this isn't what you're accustomed to and that a lot of things might be going through your mind. And I can imagine that that is probably a scary situation."

Officer E. then goes on to gather the information for her police report. Officer E. told the employees, "The other thing is that when you call in you can actually give us the description and direction of travel and all that because they (the alarm company) have to call back and get all that information." Ms. ██████████ said that after they hit the alarm that they did call the police department because they didn't get any response. The rest of the recording shows Officer E. gathering the report number and the number for the telephone reporting unit so that the company could call with the serial number for item that was stolen. Officer E. gave that information to Mr. ██████████. On the way out of the store, Ms. ██████████ asked Officer E. for her name and Officer E. gave it to Ms. ██████████. The lapel video ended after that.

In reviewing the evidence in this case, it was clear that Ms. ██████████ and the other employees were in fear for their own safety at the time of the incident. The lapel video showed that Officer E. was professional in her behavior. Mr. ██████████ and Ms. ██████████ were offended by what Officer E. told them, but what Officer E. told them was correct information. A hold up alarm does trigger a priority one response and that response does put officer and citizen lives in

danger. In this situation, statements given to Officer E. at the time, recorded on video, showed that the panic buttons were pushed as the offender was leaving the premises with a stolen item. Officer E. told the victims that she was not there and did not know how they felt and that what they did was okay. Officer E. told the victims that she was sure it was a scary situation and that things like that don't normally happen to them. Officer E. was clear that she wanted the victims to do whatever they needed to do to stay safe and if that included pushing the panic buttons then so be it. Officer E. was offering information that might be helpful in future situations should they occur.

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

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

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 080-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on May 28, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 6, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

On May 6, 2015, APD responded to a call regarding an issue of lost rent checks. Ms. [REDACTED] reported that Officer E. immediately had a biased attitude against her. Ms. [REDACTED] wrote Officer E. grilled her with questions and seemed dissatisfied with the responses. Ms. [REDACTED] wrote Officer E. insulted the people that ran their cameras. Ms. [REDACTED] wrote she felt attacked. Ms. [REDACTED] complained about statements in the police report that were untrue.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] repeated in her interview that Officer E. had a predetermined idea of the situation. Ms. [REDACTED] felt Officer E. had no business imparting her opinion into the situation. Ms. [REDACTED] stated Officer E. was very

rude. Ms. ██████████ characterized Officer E. as aggressive because of Officer E.' repeated questions. In particular, Officer E. asked several questions about the cameras, to which she did not know the answers. Ms. ██████████ claimed Officer E. kept involving another tenant in the conversation, escalating the situation, which was unprofessional. Whenever Ms. ██████████ brought up a past issue for comparison, Officer E. became irritated. Ms. ██████████ stated Officer E. was irritated when she asked that her personal address be left off the report and when she asked Officer E. her name. Ms. ██████████ stated the reports were inaccurate and biased against her.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer E.'s lapel video, and interviews of ██████████, ██████████ and Officer E.

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

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

Ms. ██████████ stated when Officer E. entered the office she behaved rudely from the start and interrupted the conversation Ms. ██████████ was having with another tenant. Ms. ██████████ recently became aware of some tenants claiming to have paid their rent through the drop box, but the management never received the payments. Eviction notices had been issued, which alerted the tenants of the problem. Ms. ██████████ stated that Officer E. made assumptions about the situation and criticized her for issuing eviction notices to tenants when they paid their rent. Ms. ██████████ stated Officer E. did not even ask the facts before offering her opinions. Ms. ██████████ felt Officer E. blamed her for the situation. Officer E. badgered her for information that she did not know particularly about the camera system. She felt Officer E. was accusatory of her. Ms. ██████████ complained that Officer E. offered her unwelcome opinion that the lack of video seemed "strange" and "dumb." Ms. ██████████ claimed Officer E. kept involving the tenant in the office in the conversation and egged him on to be angry with Ms. ██████████, which was unprofessional. Ms. ██████████ did not want to discuss certain things in front of the tenant and felt it should have been discussed in private. Ms. ██████████ stated Officer E. became irritated with her when she pointed out the video was of limited value anyway. Ms. ██████████ stated a simple request to have the business address on the report instead of her personal address irritated Officer E.. Ms. ██████████ stated Officer E. rolled her eyes, gave exasperated sighs, and behaved unprofessionally. Ms. ██████████ agreed Officer E. seemed very opinionated, rude, and accusatory.

The video showed Ms. ██████████ engaged Officer E. and that Officer E. did not interrupt. The video showed Ms. ██████████ refused to provide the name or information about the employee accessing the camera. The video showed there was some confusion between the two of them

about Ms. ██████████'s information, but Officer E. offered to use the business address when Ms. ██████████ explained that was what she wanted. The video showed Ms. ██████████ did not have a straight answer about whether there was video or not until Ms. ██████████ called someone and asked them about the camera. The video showed when it was discovered the video was set to a 24-hour loop, Officer E. said that did not sound very smart. The video showed it did not seem like Officer E. was blaming Ms. ██████████ for the video. The video showed Ms. ██████████ and Officer E. bickered some about the value of the video and a previous incident. The video showed overall that the contact was congenial, but towards the end, both parties became somewhat snippy with each other. However, Officer E.'s conduct did not violate policy.

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

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

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

Ms. ██████████ claimed when she asked Officer E. for her name and man number Officer E. became irritated. Officer E. first pointed to her nametag and then wrote it down for her, but she could not read it. Ms. ██████████ stated Officer E. said her name would be on the report and pointed to her nametag. When Ms. ██████████ asked Officer E. to write her name down, she did, but seemed reluctant to provide it.

The video showed Ms. ██████████ asked for Officer E.' business card. Officer E. offered to write down her information since she did not have a card. The video showed Ms. ██████████ could not read Officer E.' handwriting and asked for her name, which Officer E. provided. The video showed Ms. ██████████ still did not understand so Officer E. repeated her name and pointed to her nametag. The video showed Officer E. provided her name when requested and did not do so with attitude or reluctance.

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

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

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

Letter to Ms. [REDACTED]

March 11, 2016

Page 4

Ms. [REDACTED] stated Officer E. was biased against her. It seemed to her Officer E. had some friendship or connection with one of the tenants that Officer E. was investigating the missing rent. Ms. [REDACTED] especially felt this when she learned there had been a previous incident of missing rent Officer E. wrote a report about, but had not investigated that situation by talking to staff.

The lapel video showed the conversation between the tenant and Officer E.. There was no familiarity between them. Ms. [REDACTED] did not have any evidence there was a connection between the officer and the tenant, it was just how she felt. A report was taken and no one from the office was listed as a suspect so Officer E.' actions did not change based on her conversation with Ms. [REDACTED].

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

(D) The CPOA reviewed Standard Operating General Order 1-04-4U regarding Officer E.'s conduct, which states:

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

Ms. [REDACTED] later saw the reports and it confirmed her feeling that Officer E. was biased against her. Officer E. had no right to write what she did in the police reports. Ms. [REDACTED] did not understand how Officer E. could say she did not answer the questions and was unhelpful. She was nervous in talking to police and especially because of how Officer E. treated her.

The video showed Ms. [REDACTED] did make several speculative statements about the video until she called to confirm there was no video. The video showed Ms. [REDACTED] told Officer E. she would not reveal the name of the employee that was in charge of the cameras. Police reports are to list all pertinent information necessary concerning a specific incident. Police reports also reflect an officer's observation of events. Both the citizen and the officer have a skewed portrayal of the encounter, which was fairly innocuous upon third party observation via the video. Officer E. provided justification for her choice of language and her actions did not rise to a level of violating policy.

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

Your complaint and these findings will be placed in Officer E.'s Internal Affairs personnel file.

You have the right to appeal this decision.

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

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

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

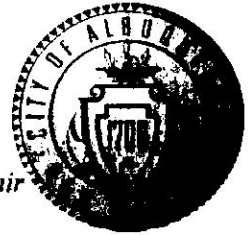
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 081-15

Dear Mr. [REDACTED]

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

PO Box 1293

Albuquerque

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

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] wrote that he witnessed an APD officer tailgating vehicles and cutting a vehicle off. The officer was later identified as Officer B. from the car number provided by Mr. [REDACTED]. Mr. [REDACTED] wrote that Officer B. sped and that Officer B.'s driving was an exhibition of road rage.

The CPOA Investigator attempted to interview Mr. [REDACTED], but Mr. [REDACTED] was unavailable for an interview.

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

Letter to Mr. [REDACTED]

March 11, 2016

Page 2

The investigation included review of the Complaint, SOPs, and an interview of Officer B.

(A) The CPOA reviewed Standard Operating General Order 1-04-6N regarding Officer B.'s conduct, which states:

Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.

Mr. [REDACTED] wrote that Officer B. operated his vehicle recklessly and exhibited road rage. Mr. [REDACTED] wrote that Officer B. tailgated two vehicles and cut off another vehicle without signaling. Mr. [REDACTED] wrote Officer B. revved his engine and sped.

There is no evidence to review for this issue. Mr. [REDACTED] described poor driving behaviors. Officer B. did not recall driving in the manner described.

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

Your complaint and these findings will be placed in Officer B.'s Internal Affairs personnel file.

You have the right to appeal this decision.

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

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

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

Letter to Mr. [REDACTED]
March 11, 2016
Page 3

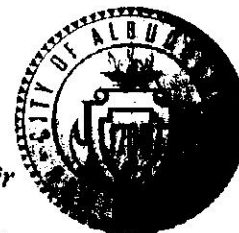
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #085-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on June 2, 2015 against Crime Scene Specialist H. and Detective A. of the Albuquerque Police Department (APD) regarding an incident that occurred on May 28, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Ms. [REDACTED] said that on May 28, 2015, Albuquerque Police Department (APD) Crime Scene Specialist (CSS) H. and Detective (Det.) A. responded to her business, [REDACTED], located at [REDACTED], to investigate a burglary to the business. Ms. [REDACTED] stated the business lost approximately \$4000.00 worth of merchandise. She said the burglary was an "inside job" and she was 99.9% sure the suspects were two former, disgruntled employees who had a key to the business, knew the alarm code, took specific items and seemed to target their head [REDACTED] Professional. Ms. [REDACTED] complained she gave this information to CSS H. and Det. A. when they arrived and they only

took a police report but did not dust for fingerprints. Ms. [REDACTED] complained CSS H. and Det. A. were lazy and closed the case without having done anything else to help Ms. [REDACTED] catch the suspects. Ms. [REDACTED] said she spoke to another APD officer (unnamed) who told her the call was not handled properly by CSS H. and Det. A. Ms. [REDACTED] complained that no one from APD has brought the suspects in for questioning, who Ms. [REDACTED] said feel as if they are above the law. Ms. [REDACTED] requested someone look deeper into the case and have a talk with the officer involved as he was very unprofessional.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING CRIME SCENE SPECIALIST H.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer's reports and interviews with the Complainant, Mr. [REDACTED], who is the victim of this crime, Crime Scene Specialist H. and Detective A..

- A) Did Crime Scene Specialist H. comply with Albuquerque Police Department General Order 2-24-3 (A)(5)(d)? General Order 2-24-3 (A)(5)(d) states:

A. Preliminary Investigations

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

d. Ensure that necessary evidence is collected.

Ms. [REDACTED] complained Crime Scene Specialist (CSS) H. was lazy, didn't bother to dust for fingerprints and did nothing to help her catch the suspects, who Ms. [REDACTED] believes were two former, disgruntled employees.

Interviews and written reports revealed that CSS H. and Detective (Det.) A. responded to the [REDACTED] and contacted the victim, Mr. [REDACTED], who told them he suspected two former employees of having burglarized the shop. The investigation revealed CSS H. and Det. A. attempted to locate latent prints while Mr. [REDACTED] was talking to others in the store and not paying attention to what the investigators were doing. CSS H. and Det. A. were unable to recover any usable evidence. The investigation revealed a Foothills Area Impact detective went to the shop to follow-up after having been told there was surveillance video and a vehicle license plate list from the front gate of the [REDACTED] community but no videos were available and no valuable leads were obtained. The investigation revealed Mr. [REDACTED] was unwilling to provide any APD officers or detectives the names or other identifying information regarding the two former employees he suspected as burglarizing his business, therefore no one was able to call the former employees in for questioning as alleged should have been done by this point. Additionally, the officers and detectives did not have any evidence or probable cause to call the unidentified individuals in for questioning.

The investigation revealed that CSS H. performed the duties required of her as a crime scene investigator with the information she had available to her at the time and that she was not lazy as Ms. [REDACTED] alleged in her written complaint.

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

B) Did Crime Scene Specialist H. comply with Albuquerque Police Department General Order 1-04-1 (F)? General Order 1-04-1 (F) states:

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

Ms. [REDACTED] complained Crime Scene Specialist (CSS) H. was very unprofessional.

Interviews and written reports revealed CSS H. and Detective (Det.) A. responded to the [REDACTED] and contacted the victim, Mr. [REDACTED] and not Ms. [REDACTED]. The investigation revealed CSS H. never had contact with Ms. [REDACTED] because Ms. [REDACTED] wasn't at the shop when CSS H. processed the scene. The investigation revealed Mr. [REDACTED] stated CSS H. was professional towards him, despite Ms. [REDACTED]'s written complaint to the contrary.

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

C) Did Crime Scene Specialist H. comply with Albuquerque Police Department General Order 1-39-2 (B)? General Order 1-39-2 (B) states:

1-39-2 USE OF TAPE/DIGITAL RECORDERS

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

Ms. [REDACTED] did not complain about lapel video; however the investigation revealed Crime Scene Specialist (CSS) H. did not record her contact with Mr. [REDACTED], which is a violation of APD Policies and Procedures regarding lapel cameras. The investigation revealed that at the time of the incident, CSS H. was in the second week of her first phase of a

four phase/eight week on-the-job training cycle with Detective (Det.) A., who was her Field Training Officer (FTO) and told CSS H. she did not need to record the contact.

The CPOA finds CSS H.'s conducted to be **EXONERATED** regarding a violation of this SOP, which means the investigation determined by a preponderance of the evidence that misconduct did occur but did not violate APD policies, procedures and training due to CSS H.'s status as a trainee, who was instructed by her FTO not to record the contact.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer's reports and interviews with the Complainant, Mr. [REDACTED], who is the victim of this crime, Crime Scene Specialist H. and Detective A..

- A) Did Detective A. comply with Albuquerque Police Department General Order 2-24-3 (A)(5)(d)? General Order 2-24-3 (A)(5)(d) states:

C. Preliminary Investigations

- 6. Steps to be followed in conducting preliminary investigations that may include but are not limited to:***
d. Ensure that necessary evidence is collected.

Ms. [REDACTED] complained Detective (Det.) A. was lazy, didn't bother to dust for fingerprints and did nothing to help her catch the suspects, who Ms. [REDACTED] believes were two former, disgruntled employees.

Interviews and written reports revealed that Det. A. and Crime Scene Specialist H. responded to the [REDACTED] and contacted the victim, Mr. [REDACTED], who told them he suspected two former employees of having burglarized the shop. The investigation revealed Det. A. and CSS H. attempted to locate latent prints while Mr. [REDACTED] was talking to others in the store and not paying attention to what the investigators were doing. Det. A. and CSS H. were unable to recover any usable evidence. The investigation revealed a Foothills Area Impact detective went to the shop to follow-up after having been told there was surveillance video and a vehicle license plate list from the front gate of the [REDACTED] community but no videos were available and no valuable leads were obtained. The investigation revealed Mr. [REDACTED] was unwilling to provide any APD officers or detectives the names or other identifying information regarding the two former employees he suspected as burglarizing his business, therefore no one was able to call the former employees in for questioning as alleged should have been done by this point. Additionally, the officers and detectives did not have any evidence or probable cause to call the unidentified individuals in for questioning.

Letter to Ms. [REDACTED]

March 11, 2016

Page 5

The investigation revealed that Det. A. performed the duties required of him as a crime scene investigator with the information he had available to him at the time and that he was not lazy as Ms. [REDACTED] alleged in her written complaint.

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

- B) Did Detective A. comply with Albuquerque Police Department General Order 1-04-1 (F)? General Order 1-04-1 (F) states:

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

Ms. [REDACTED] complained Detective (Det.) A. was very unprofessional.

Interviews with Ms. [REDACTED], Mr. David [REDACTED], Det. A. and Crime Scene Specialist (CSS) H. and written reports revealed that Det. A. and CSS H. responded to the [REDACTED] and contacted the victim, Mr. [REDACTED], and not Ms. [REDACTED]. The investigation revealed Det. A. never had contact with Ms. [REDACTED] because Ms. [REDACTED] wasn't at the shop when Det. A. processed the scene. The investigation revealed Mr. [REDACTED] stated Det. A. was professional towards him, despite Ms. [REDACTED]'s written complaint to the contrary.

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

- C) Did Detective A. comply with Albuquerque Police Department General Order 1-39-2 (B)? General Order 1-39-2 (B) states:

1-39-2 USE OF TAPE/DIGITAL RECORDERS

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

Ms. [REDACTED] did not complain about lapel video; however the investigation revealed Det. A. did not record his contact with Mr. [REDACTED], which is a violation of APD Policies and Procedures regarding lapel cameras.

The CPOA finds Det. A.' conduct to be a **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT** regarding the violation of this SOP, which means the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

D) Did Detective A. comply with Albuquerque Police Department General Order 3-18-3 (G)? General Order 3-18-3 (G) states:

3-18-3 SUPERVISOR'S DUTIES AND RESPONSIBILITIES ARE TO:

G. Inspect work of subordinates for effectiveness, efficiency, and adherence to established policies and procedures.

The interviews revealed that Detective (Det.) A. was Crime Scene Specialist (CSS) H.'s Field Training Officer (FTO) at the time of the incident and was responsible for ensuring CSS H. followed all APD Policies and Procedures; however he failed to do so when CSS H. failed to record the contact.

The CPOA finds Det. A.' conduct to be a **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT** regarding a violation of this SOP, which means the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

Your complaint and these findings are made part of Crime Scene Specialist H.'s and Detective A.'s Internal Affairs records.

You have the right to appeal this decision.

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

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

Letter to Ms. [REDACTED]
March 11, 2016
Page 7

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 090-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on June 4, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 6, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Ms. [REDACTED] wrote Officer E. was rude and judgmental when asking her supervisor, Ms. [REDACTED] questions about missing rent monies. Ms. [REDACTED] wrote that Officer E. asked questions repeatedly and seemed dissatisfied with the responses she received. Ms. [REDACTED] wrote that Officer E. seemed very biased and made up her mind that someone in the office took the money. Officer E. allegedly claimed it was weird that the surveillance cameras did not work when the incident happened. Ms. [REDACTED] wrote Officer E. was reluctant to give Ms. [REDACTED] her information.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] repeated in her interview that Officer E. had a predetermined idea of the situation. Ms. [REDACTED] stated that Officer E. acted rudely towards Ms. [REDACTED]. Ms. [REDACTED] felt Officer E. was very opinionated during the whole situation. Ms. [REDACTED] thought Officer E. said something about it being strange there was no video surveillance and how Officer E. thought that was stupid. Ms. [REDACTED] said Officer E. was reluctant to provide her information.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer E.'s lapel video, and interviews of [REDACTED], [REDACTED] and Officer E.

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

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

Ms. [REDACTED] stated when Officer E. entered the office she behaved rudely from the start and interrupted the conversation Ms. [REDACTED] was having with another tenant. Ms. [REDACTED] felt Officer E. blamed Ms. [REDACTED] for the missing rent money. Officer E. badgered Ms. [REDACTED] for information and seemed dissatisfied with her answers. Ms. [REDACTED] felt Officer E. was very opinionated, especially about the camera system. Ms. [REDACTED] stated Officer E. did not directly address Ms. [REDACTED] and instead stood off to the side.

The video showed Ms. [REDACTED] engaged Officer E. and that Officer E. did not interrupt. The video showed Ms. [REDACTED] in and out of the office, but she was not part of the conversation. The video showed Ms. [REDACTED] refused to provide the name or information about the employee accessing the camera. The video showed Ms. [REDACTED] did not have a straight answer about whether there was video or not until Ms. [REDACTED] called someone and asked them about the camera. The video showed when it was discovered the video was set to a 24-hour loop Officer E. said that did not sound very smart. The video showed it did not seem like Officer E. was blaming Ms. [REDACTED] for the video. The video showed Ms. [REDACTED] and Officer E. bickered some about the value of the video and a previous incident. The video showed overall that the contact was congenial, but towards the end, both Ms. [REDACTED] and Officer E. became somewhat snippy with each other. However, Officer E.'s conduct did not violate policy.

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

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

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

Ms. [REDACTED] claimed Officer E. was reluctant to provide her information when asked for it by Ms. [REDACTED].

The video showed Ms. [REDACTED] asked for Officer E.'s business card. Officer E. offered to write down her information since she did not have a card. The video showed Ms. [REDACTED] could not read Officer E.' handwriting and asked for her name, which Officer E. provided. The video showed Ms. [REDACTED] still did not understand, so Officer E. repeated her name and pointed to her nametag. The video showed Officer E. provided her name when requested and did not do so with attitude or reluctance.

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

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

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

Ms. [REDACTED] stated Officer E. seemed biased against Ms. Martinez.

The lapel video showed the conversation between the tenant and Officer E. There was no familiarity between them. Ms. [REDACTED] did not have any evidence there was a connection between the officer and the tenant, she just felt Officer E. had a predetermined attitude. A report was taken and no one from the office was listed as a suspect so Officer E.' actions did not change based on Officer E.' conversation with Ms. [REDACTED].

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

(D) The CPOA reviewed Standard Operating General Order 1-04-4U regarding Officer E.'s conduct, which states:

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

Ms. [REDACTED] criticized in the report where Officer E. called Ms. [REDACTED] "strangely defensive." Ms. [REDACTED] felt Ms. [REDACTED] answered the questions to the best of her ability. The video showed Ms. [REDACTED] did make several speculative statements about the video until she called to confirm there was no video. The video showed Ms. [REDACTED] told Officer E. she would not reveal the name of the employee that was in charge of the cameras. Police reports are to list all pertinent information necessary concerning a specific incident. Police reports also reflect an officer's observation of events. Both the citizen and the officer have a skewed portrayal of the encounter, which was fairly innocuous upon third party observation via the video. Officer E. provided justification for her choice of language and her actions did not rise to a level of violating policy.

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

Your complaint and these findings will be placed in Officer E.'s Internal Affairs personnel file.

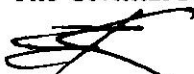
You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #092-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on June 4, 2015 against Officer T. and Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on May 22, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] wrote in her complaint that on May 22, 2015 at about 6:10 PM, her friend had parked near a gas pump at the gas station located at [REDACTED] Central Avenue SE. Ms. [REDACTED] wrote that she was approached by Officer X., who asked her what was going on. Ms. [REDACTED] wrote that she told Officer X. that her friend had thrown her phone out and that they needed to go and get it. Prior to the police approaching Ms. [REDACTED], she and her friend, [REDACTED], had a disagreement and she threw beer on Mr. [REDACTED]. Mr. [REDACTED] said that he would take Ms. [REDACTED] to her friend's house but they ended up at the gas station where they were approached by the police. Officer X. allegedly charged Ms. [REDACTED] with defamation of character, false

Letter to Ms. [REDACTED]

March 11, 2016

Page 2

imprisonment, and sexual harassment. Ms. [REDACTED] was in jail for several days until she was released. Ms. [REDACTED] wrote that she wanted to file a lawsuit.

When Ms. [REDACTED] was interviewed by the CPOA Investigator, Ms. [REDACTED] stated that she was mistaken in her written complaint. She was not complaining about Officer X., but rather she was complaining about Officer T. and Officer M. She said that Officer T. and Officer M. were "rude and ridiculous," and they acted unprofessionally during the incident.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, a review of the Computer Assisted Dispatch (CAD) Report and APD police report, an interview with Ms. [REDACTED] and an interview with Officer T. and an Interview with Officer M. Officer T.'s lapel video recording of the incident and Officer M.'s lapel video recording of the incident was also reviewed.

- A) The CPOA reviewed Standard Operating Procedure 1-04-1-F regarding Officer T.'s conduct, which states:

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

Ms. [REDACTED] alleged that she had been charged with defamation of character, false imprisonment, and sexual harassment. Ms. [REDACTED] was in jail for several days until she was released. Ms. [REDACTED] wrote that she wanted to file a lawsuit.

When Ms. [REDACTED] was interviewed by the CPOA Investigator she said that she was complaining about Officer T. and Officer M. She said that Officer T. and Officer M. were "rude and ridiculous" and they acted unprofessionally during the incident. In particular, Ms. [REDACTED] alleged that Officer T. asked her whether or not she had sex with her friend. She stated that asking her that question was rude and absurd. Ms. [REDACTED] felt that she should not have been arrested because she did nothing wrong, and even if she did, she did not commit any violation of law in the officer's presence.

The police report was reviewed. Ms. [REDACTED] was interviewed. Officer T. was interviewed. Officer M. was interviewed. The officer's lapel videos were reviewed. Ms. [REDACTED] was arrested for Domestic Violence/Battery on a Household Member.

The lapel videos showed that Mr. [REDACTED], Ms. [REDACTED]'s friend, wanted Ms. [REDACTED] who appeared to be intoxicated, to get out of his car, which she refused to do. Mr. [REDACTED] characterized his relationship with Ms. [REDACTED] as boyfriend/girlfriend. The lapel video showed that Officer T. did not ask Ms. [REDACTED] if she and Mr. [REDACTED] had sex. Officer T. asked if they had been intimate to which Ms. [REDACTED] replied that they had. The lapel video showed that Mr. [REDACTED] alleged that

he and Ms. [REDACTED] had been at Ms. [REDACTED]'s aunt's apartment earlier and Mr. [REDACTED] and Ms. [REDACTED] had argued. Mr. [REDACTED] alleged that Ms. [REDACTED] threw a beer at Mr. [REDACTED] and some of the beer splashed onto Mr. [REDACTED]. Mr. [REDACTED]'s shirt was still wet with beer at the scene. Mr. [REDACTED] had not been drinking.

Officer T. asked the intimacy question of Ms. [REDACTED] because he had already established that a battery had occurred under the law. Whether he could arrest for that battery depended on the relationship between Mr. [REDACTED] and Ms. [REDACTED]. The lapel video showed that both Mr. [REDACTED] and Ms. [REDACTED] were more than friends, and that they had a relationship. Under the law, a battery committed by a household member outside the presence of the officer, is an arrestable offense provided there is probable cause to believe that the offense occurred. Based on what both parties told Officer T. and based on the physical evidence, it was determined that Ms. [REDACTED] had committed a battery and that she was the primary aggressor. Under New Mexico State Law and under APD's Domestic Violence Policy, once the primary aggressor has been determined and once there is probable cause to believe the aggressor committed a crime, the officer must arrest the aggressor. The arrest is mandated by law.

In reviewing the criminal complaint in the matter, there were no charges of defamation of character, sexual harassment, or false imprisonment filed. The lapel videos showed that Ms. [REDACTED] refused to get out of Mr. [REDACTED]'s car. She had been drinking. There was an argument and Ms. [REDACTED] threw beer on Mr. [REDACTED]. Officer T. was mandated by policy and state law to arrest Ms. [REDACTED]. The lapel videos showed that both officers acted professionally throughout the entire encounter.

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

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

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

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

Ms. [REDACTED] alleged that she had been charged with defamation of character, false imprisonment, and sexual harassment. Ms. [REDACTED] was in jail for several days until she was released. Ms. [REDACTED] wrote that she wanted to file a lawsuit.

When Ms. [REDACTED] was interviewed by the CPOA Investigator she said that she was complaining about Officer T. and Officer M. She said that Officer T. and Officer M. were "rude and ridiculous" and they acted unprofessionally during the incident. In particular, Ms. [REDACTED] alleged that Officer T. asked her whether or not she had sex with her friend. She stated that asking her that question was rude and absurd. Ms. [REDACTED] felt that she should not have been

arrested because she did nothing wrong, and even if she did, she did not commit any violation of law in the officer's presence.

The police report was reviewed. Ms. [REDACTED] was interviewed. Officer T. was interviewed. Officer M. was interviewed. The officer's lapel videos were reviewed. Ms. [REDACTED] was arrested for Domestic Violence/Battery on a Household Member.

The lapel videos showed that Mr. [REDACTED] Ms. [REDACTED]'s friend, wanted Ms. [REDACTED] to get out of his car, which she refused to do. Mr. [REDACTED] characterized his relationship with Ms. [REDACTED] as boyfriend/girlfriend. The lapel video showed that Officer T. did not ask Ms. [REDACTED] if she and Mr. [REDACTED] had sex. Officer T. asked if they had been intimate to which Ms. [REDACTED] replied that they had. The lapel video showed that Mr. [REDACTED] alleged that he and Ms. [REDACTED] had been at Ms. [REDACTED]'s Aunt's apartment earlier and Mr. [REDACTED] and Ms. [REDACTED] had argued. Mr. [REDACTED] alleged that Ms. [REDACTED] threw a beer at Mr. [REDACTED] and some of the beer splashed onto Mr. [REDACTED]. Mr. [REDACTED]'s shirt was still wet with beer at the scene. Mr. [REDACTED] had not been drinking. Officer T. asked the intimacy question of Ms. [REDACTED] because he had already established that a battery had occurred under the law. Whether he could arrest for that battery depended on the relationship between Mr. [REDACTED] and Ms. [REDACTED]. The lapel video showed that both Mr. [REDACTED] and Ms. [REDACTED] were more than friends and that they had a relationship. Under the law, a battery committed by a household member outside the presence of the officer, is an arrestable offense provided there is probable cause to believe that the offense occurred. Based on what both parties told Officer T. and based on the physical evidence, it was determined that Ms. [REDACTED] had committed a battery and that she was the primary aggressor. Under New Mexico State Law and under APD's Domestic Violence Policy, once the primary aggressor has been determined and once there is probable cause to believe the aggressor committed a crime, the officer must arrest the aggressor. The arrest is mandated by law.

In reviewing the criminal complaint in the matter, there were no charges of defamation of character, sexual harassment, or false imprisonment filed. The lapel videos showed that Ms. [REDACTED] refused to get out of Mr. [REDACTED]'s car. She had been drinking. There was an argument and Ms. [REDACTED] threw beer on Mr. [REDACTED]. Officer T. was mandated by policy and state law to arrest Ms. [REDACTED]. The lapel videos showed that both officers acted professionally throughout the entire encounter.

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

Your complaint and these findings are made part of Officer T.'s and Officer M.'s Internal Affairs records.

You have the right to appeal this decision.

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

Letter to Ms. [REDACTED]

March 11, 2016

Page 5

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC# 095-15

Dear Mrs. [REDACTED]

Our office received the complaint you filed on June 10, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on January 13, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] stated in her complaint that she was in the process of divorcing her husband, [REDACTED]. The [REDACTED] shared a business. Mrs. [REDACTED] explained that Mr. [REDACTED] called the police to report an incident between the two of them at their office. Officer H. responded to the call. Mrs. [REDACTED] alleged that Officer H. was ill mannered and told her to "shut up" when she tried to explain her side of things. Mrs. [REDACTED] stated that Officer H. handcuffed her and threatened her with arrest if she did not leave the business. She stated that a Judge ruled she had a right to be in her business. She also alleged that Officer H. refused to review the security footage to show her ex-husband made false allegations against her. Mrs. [REDACTED] stated that Mr. [REDACTED] accused her of being drunk, so Officer H. gave her sobriety tests in front of her employees and customers, which was degrading. Mrs.

[REDACTED] complained that Officer H. refused to look at the paperwork she tried to provide to show she had a right to be at the business. She also complained that Officer H. and her husband laughed at her expense after she left. Mrs. [REDACTED] further alleged that whenever she drove past her business her ex-husband called police and Officer H. responded.

The CPOA Investigator interviewed Mrs. [REDACTED]. Mrs. [REDACTED] reiterated much of her written complaint. Mrs. [REDACTED] stated a Judge ruled she had a right to be in her business so she went to work on January 13, 2015. Mrs. [REDACTED] denied she threatened her husband. Mrs. [REDACTED] stated she told Officer H. to check the cameras to confirm her side of things, but he refused. Mrs. [REDACTED] stated she offered to show Officer H. documentation that she owned the business, but Officer H. refused to look at it. Mrs. [REDACTED] stated Officer H. degraded her by having her complete sobriety tests in front of her customers and employees. Mrs. [REDACTED] stated Officer H. handcuffed her. Mrs. [REDACTED] claimed Officer H. was good friends with her husband.

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

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

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

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

Mrs. [REDACTED] claimed Officer H. told her to "shut up." Mrs. [REDACTED] said Mr. [REDACTED] and Officer H. laughed at her. Officer H. embarrassed her in front of employees and customers by making her perform sobriety tests. When Mrs. [REDACTED] told Officer H. a Judge said she could be at the business, Officer H. told her he was being "judge and jury" right now and it was his decision for her to leave. Officer H. had her sit against the police car while her husband took pictures. She claimed Officer H. used handcuffs on her.

Mr. [REDACTED] stated Officer H. acted professionally and did not use handcuffs. The lapel video recording showed Officer H. did not tell Mrs. [REDACTED] to shut up, but he did tell her he could only talk to one person at a time. The video showed that he did threaten to use handcuffs and take her outside if she did not stop interrupting. The recording showed that while Officer H. spoke to Mrs. [REDACTED] individually, he treated her professionally. However, Officer H.'s recording stopped in the middle of his conversation with Mr. [REDACTED] so his second contact with Mrs. [REDACTED] and the HGN assessment were not captured on the recording. Some portions of Mrs. [REDACTED]'s complaint occurred in the unrecorded portion.

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

(B) The CPOA reviewed Standard Operating Procedural Order 2-24-3F1 & 3 regarding Officer H.'s conduct, which states:

Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events and remarks. 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected.

Mrs. [REDACTED] claimed Officer H. refused to review the proof she had that she had a right to be at the business. Officer H. also refused to review the surveillance video to show that her husband lied about her threatening him.

The lapel recording showed Mrs. [REDACTED] said all her documentation was at home, not there, in contrast to her interview. The specifics of the business disputes were a civil matter. Mr. [REDACTED] demonstrated to Officer H. that he was a property owner and Mrs. [REDACTED] could not. As the property owner, Mr. [REDACTED] could request Officer H. to issue her a trespass notice since Mrs. [REDACTED] caused a disturbance. Mr. [REDACTED] claimed Officer H. did not need to see the surveillance video because Officer H. heard Mrs. [REDACTED]'s threats when Officer H. came in. According to Officer H., there were no threats of violence so he did not need to see video. The portion that was recorded showed no mention of threats from anyone.

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

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

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

Mrs. [REDACTED] claimed that Officer H. and Mr. [REDACTED] were "good friends." She believed this to be true because her sister-in-law said Mr. [REDACTED] was friends with an officer. Mrs. [REDACTED] said Mr. [REDACTED] threatened to send Officer H. after her when she parked near the business once.

Mr. [REDACTED] stated he did not know Officer H. personally. The lapel recording showed Officer H. indicated no familiarity or bias with either party. Officer H. mentioned he had been to the business before for a call. There is no evidence to support the allegation that Officer H.'s decision to issue a trespass notice was based on any friendship with Mr. [REDACTED]

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

(D) The CPOA reviewed Standard Operating General Order 1-39-2B regarding Officer H.'s conduct, which states:

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

Officer H.'s recording stopped early into the call. Officer H. stated he did not know why his recording stopped and blamed equipment failure. There was nothing notated on the report because he did not know his video cut out until later when his sergeant brought it to his attention.

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

Your complaint and these findings will be placed in Officer H.'s Internal Affairs personnel file.

You have the right to appeal this decision.

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

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

Letter to Mrs. [REDACTED]
March 11, 2016
Page 5

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #097-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on June 14, 2015 against Officer T. and Officer W. of the Albuquerque Police Department (APD) regarding an incident that occurred on June 14, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] wrote in her complaint that on June 14, 2015 at about 3:30 AM, the police were called to an apartment complex located at [REDACTED] SW, in reference to two white males walking through the apartment complex screaming at each other and arguing extremely loudly over an incident that happened earlier in the night. Ms. [REDACTED] and her fiancée, as well as a neighbor from across the way, went outside and yelled at the two men to keep it down. The men yelled back at them. Ms. [REDACTED], in agitation, yelled back at the men who left but then came back. The men threatened to fight both a neighbor and Ms. [REDACTED]'s fiancée. Upon the arrival of the officers, the one man who was making the most noise was not detained. He just

went to a waiting car across the street. The officers talked to the men for about 3 minutes and the men were let go and allowed to rejoin their friends across the street and drive away. The officers came over and told Ms. [REDACTED]'s neighbor that he was not allowed to yell out of his window anymore because he was apparently disturbing the peace and he could be fined for that. Ms. [REDACTED] said that this incident was the most backwards showing of protect and serve that she had ever seen.

When Ms. [REDACTED] was interviewed by the CPOA Investigator, she said that she was motivated to file the complaint because of the way the police officer addressed her neighbor. Ms. [REDACTED], who is African American, stated that her neighbor is also African American. Ms. [REDACTED] said that her fiancée, who is white and obnoxious, was clearly making more noise from their balcony than the African American neighbor was making from his. Ms. [REDACTED] felt that the officer only warned the African American neighbor that he was disturbing the peace because he is African American. She said that her white fiancée was not warned. Ms. [REDACTED] felt the officer's action was an act of discrimination.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Computer Assisted Dispatch (CADS) Report, an interview with Ms. [REDACTED], and interviews with Officer T., and Officer W. Officer W.'s lapel video recording of the incident was also reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-02-2(B)(1) regarding Officer T.'s conduct, which states:

Officers shall familiarize themselves and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall take appropriate action and render assistance in any instance coming to their attention whether on or off duty.

Ms. [REDACTED] complained that the police were called to her apartment complex in reference to two white males walking through the apartment complex screaming at each other and arguing extremely loudly over an incident that happened earlier. Ms. [REDACTED] and her fiancée, as well as a neighbor from across the way, went outside and yelled at the two men to keep it down. The other men yelled back at them. Ms. [REDACTED], in agitation, yelled back at the men who left, but then came back. The other men threatened to fight both a neighbor and Ms. [REDACTED]'s fiancée. Upon the arrival of the officers, the one man who was making the most noise was not detained. He went to a waiting car across the street. The officers talked to the remaining men for about 3 minutes and the men were let go and allowed to rejoin their friends across the street and drive away. The officers came over and told Ms. [REDACTED]'s neighbor that he was not allowed to yell out of his window anymore because he was apparently disturbing the peace and he could be fined for that. Ms. [REDACTED] called that "backwards" policing.

Both Officers who were present at the call were interviewed. One officer's lapel camera video was reviewed. Ms. [REDACTED] was interviewed. The investigation revealed that Officer W. and not Officer T. dealt with the two men involved in the complaint. The lapel video showed that both men, when approached by the police, were apparently not intoxicated to the point where they were impaired significantly. The men were calm, spoke clearly, and were not obviously intoxicated. The men were adults, and they were walking through the complex at 3:30 AM. The officers did not observe the men yelling at anyone. Officer W. had no probable cause or reasonable suspicion after the men were contacted to detain them. Officer W. properly allowed the men to go on their way after a brief stop.

Officer T. did observe Ms. [REDACTED] and her fiancée on their balcony conversing with their neighbor who was on his balcony across the street. Both parties were speaking loudly; loud enough that they could be heard from the street. Officer T. told the one man on the balcony to go back inside and to be quiet and when he went to address Ms. [REDACTED] and her fiancée, they had gone back inside their apartment already.

With all parties either back inside or gone, peace and quiet had been restored. It should be noted that whoever called the police initially requested that the police not contact them.

The evidence showed that the officers responded properly to the situation and took appropriate action.

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

B) The CPOA reviewed Standard Operating Procedure 1-03-3-A 1 regarding Officer T.'s conduct, which states:

Biased-based policing and/or profiling by any member of this Department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.

When Ms. [REDACTED] was interviewed by the CPOA Investigator, she said that she was motivated to file the complaint because of the way the police officer addressed her neighbor. Ms. [REDACTED], who is African American, stated that her neighbor is also African American. Ms. [REDACTED] said that her fiancée, who is white and obnoxious, was clearly making more noise from their balcony than the African American neighbor was making from his. Ms. [REDACTED] felt that the officer only warned the African American neighbor that he was disturbing the peace because he is African American. She said that her white fiancée was not warned. Ms. [REDACTED] felt the officer's action was an act of discrimination.

Officer T. observed Ms. [REDACTED] and her fiancée on their balcony conversing with their neighbor who was on his balcony across the street. Both parties were speaking loudly; loud enough that they could be heard from the street. Officer T. told the one man on the balcony to go back inside and to be quiet and when he went to address Ms. [REDACTED] and her fiancée, they had gone back inside their apartment already.

There is no evidence to support that Officer T. committed an act of discrimination by addressing the man across the street first instead of addressing Ms. [REDACTED] and her fiancée first. Had Officer T. had the chance to address Ms. [REDACTED] and her fiancée, he would have gladly done so.

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

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

All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service... Personnel will activate the recorder prior to arriving at the call...and will record the entirety of the citizen contact.

Officer T. was required by policy to record the incident in its entirety as this was a dispatched call for service. Officer T. did not turn on his lapel camera while responding to the call for service or while he was on scene. He was required to do so.

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

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

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

Officers shall familiarize themselves and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall take appropriate action and render assistance in any instance coming to their attention whether on or off duty.

Ms. [REDACTED] complained that the police were called to her apartment complex in reference to two white males walking through the apartment complex screaming at each other and arguing extremely loudly over an incident that happened earlier. Ms. [REDACTED] and her fiancée as well as a neighbor from across the way went outside and yelled at the two men to

keep it down. The men yelled back at them. Ms. [REDACTED], in agitation, yelled back at the men who left but then came back. The men threatened to fight both a neighbor and Ms. [REDACTED]'s fiancée. Upon the arrival of the officers, the one man who was making the most noise was not detained. He just went to a waiting car across the street. The officers talked to the men for about 3 minutes and the men were let go and allowed to rejoin their friends across the street and drive away. The officers came over and told Ms. [REDACTED]'s neighbor that he was not allowed to yell out of his window anymore because he was apparently disturbing the peace and he could be fined for that. Ms. [REDACTED] called that "backwards" policing.

Both Officers who were present at the call were interviewed. One officer's lapel camera video was reviewed. Ms. [REDACTED] was interviewed. The investigation revealed that Officer W. and not Officer T. dealt with the two men complained of. The lapel video showed that both men, when approached by the police, were apparently not intoxicated to the point where they were impaired significantly. The men were calm, spoke clearly, and were not obviously intoxicated. The men were adults, and they were walking through the complex at 3:30 AM. The officers did not observe the men yelling at anyone. Officer W. had no probable cause or reasonable suspicion after the men were contacted to detain them. Officer W. properly allowed the men to go on their way after a brief stop.

Officer T. did observe Ms. [REDACTED] and her fiancée on their balcony conversing with their neighbor who was on his balcony across the street. Both parties were speaking loudly; loud enough that they could be heard from the street. Officer T. told the one man on the balcony to go back inside and to be quiet and when he went to address Ms. [REDACTED] and her fiancée, they had gone back inside their apartment already.

With all parties either back inside or gone, peace and quiet had been restored. It should be noted that whoever called the police initially requested that the police not contact them.

The evidence showed that the officers responded properly to the situation and took appropriate action.

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

Your complaint and these findings are made part of Officer T.'s and Officer W.'s Internal Affairs records.

You have the right to appeal this decision.

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

Letter to Ms. [REDACTED]
March 11, 2016
Page 6

Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC #098-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on June 14, 2015 against Officer L. of the Albuquerque Police Department (APD) regarding an incident that occurred on June 14, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

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

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] complained that APD Command Staff has ignored repeated pleas to investigate and intervene in suspected drug trafficking at his neighbor's home. APD Command Staff first learned of Mr. [REDACTED]'s allegations on June 4, 2013 via the Albuquerque City Council Office. As a result, APD Lieutenant (Lt.) B. contacted Mr. [REDACTED] and asked him to report suspicious activity when he saw it. Mr. [REDACTED] said he started recording the activity in February 2015 and reported it to Commander B. in March 2015. Commander B. said he would look into it but Mr. [REDACTED] complained he never heard back from Commander B. and the suspected drug activity at his neighbor's home continued so in May 2015, Mr. [REDACTED] reported his concerns to APD Chief E. Mr. [REDACTED] said an APD Narcotics detective visited Mr. [REDACTED] at his home in May, 2015. Mr. [REDACTED] complained that on May 19, 2015,

Letter to Mr. [REDACTED]
March 11, 2016
Page 2

he told Commander B. that twice an unidentified female APD officer was seen speaking to the neighbor involved in the illegal drug activity, which Mr. [REDACTED] found disturbing. Mr. [REDACTED] complained that APD Command Staff, specifically Commander B., has not taken appropriate action and have shown a complete lack of concern regarding his allegations about the illegal drug activity and of the female officer's inappropriate interactions with Mr. [REDACTED]'s neighbor.

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

The CPOA Executive Director reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos and interviews with the Complainant, Mrs. [REDACTED], Officer L. and Commander B.

A) Did Officer L. comply with Albuquerque Police Department (APD) General Order 1-04-6 (H)? General Order 1-04-6 (H) states:

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

Mr. [REDACTED] complained that APD Officer L. worked in collusion with his neighbor, [REDACTED], by providing [REDACTED] with inside APD information.

The interviews and lapel videos were reviewed and showed Officer L. contacted Mr. [REDACTED] neighbor, [REDACTED], on May 12, 2015 and May 26, 2015. The May 12, 2015 video showed Officer L. sitting in her patrol vehicle conducting surveillance on [REDACTED]'s house and watching for traffic violations, when [REDACTED] contacted her from the sidewalk across the street from her patrol vehicle and asked to speak with her. The video showed [REDACTED] reported various issues in his neighborhood to Officer L. and she responded appropriately to his concerns and questions. The May 26, 2015 video showed Officer L. and several other officers contacted [REDACTED] and a small child on his driveway and spoke to [REDACTED] about shots fired in the area. The video showed a male officer ask [REDACTED] if officers could search his residence to ensure no one had been shot or was deceased inside his residence. [REDACTED] gave the officers verbal consent to search his home, which they did but they did not find anything suspicious so they left. The lapel videos did not show any familiarity between Officer L. and [REDACTED], nor did they show Officer L. provide [REDACTED] with any inside information, as alleged in Mr. [REDACTED]' written complaint and interview.

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

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

Letter to Mr. [REDACTED]
March 11, 2016
Page 3

In addition to his allegations against Officer L., Mr. [REDACTED] alleged inaction on the part of APD Command Staff, specifically, Commander B. It is not an SOP violation if an officer does not respond to a citizen's email correspondence or phone call; however the CPOA Investigator reviewed pages of email correspondence between Mr. [REDACTED] and Commander B., Mr. [REDACTED] and Lt. B., Mr. [REDACTED] and Lt. M., and Mr. [REDACTED] and Chief E. which shows that Commander B. and APD Command staff have been responsive to Mr. [REDACTED]' concerns. Additionally, the email correspondence showed emails between Commander B., his staff and other APD officers and units requesting assistance in addressing Mr. [REDACTED]' concerns. Specifically, staff was asked to increase patrols in Mr. [REDACTED]' neighborhood, conduct special enforcement operations to issue traffic citations and citations for other violations, as needed, and set up a speed trap in the area all in an effort to increase APD visibility and presence in the area. APD officers and staff did as Commander B. and other Command Staff members requested.


You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

Re: CPC # 100-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on June 15, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on June 10, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] complained that Albuquerque Police Officers, Sergeant B. and Detective S. were overly aggressive when they showed up to Mr. [REDACTED]'s father's house. Mr. [REDACTED] stated there were numerous officers in reference to an investigation about Mr. [REDACTED]. Mr. [REDACTED] also stated the officers made up stories about him and informed the "general public" about the accusations Mr. [REDACTED] was involved in.

The Investigator interviewed Mr. [REDACTED] via telephone on June 24, 2015. Mr. [REDACTED] reiterated what was in his written complaint and added he spoke to Detective S. on the phone. Mr. [REDACTED]

stated Detective S. made it sound like it was commonplace for five police officers to show up to Mr. [REDACTED]'s father's house and confront his father, who is basically on his death bed.

The Investigator spoke with Mr. [REDACTED] again on July 6, 2015 via telephone. Mr. [REDACTED] stated he was just in shock about the behavior of Detective S. Mr. [REDACTED] stated the doctor that raped his wife filed stalking charges against Mr. [REDACTED]. Mr. [REDACTED] feels that Detective S. filed this complaint and warrant based on false statements made by the doctor. Mr. [REDACTED] stated Detective S. did not investigate properly and should not have filed a complaint or obtained a warrant. Mr. [REDACTED] stated he felt he was being discriminated against because he is not Hispanic and Officer S. and the doctor, who Mr. [REDACTED] alleges raped his wife, are Hispanic.

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

The investigation included review of the Complaint, SOPs, Sergeant B's lapel video, interviews of Detective S., Sergeant B., and Mr. [REDACTED] and review of the investigation in reference to the complaint filed against Mr. [REDACTED].

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

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

Mr. [REDACTED] stated the police were overly aggressive when they showed up to his father's residence with numerous officers and vehicles.

Lapel video showed three Detectives were at the residence of Mr. [REDACTED]. Sergeant B. explained the tactical plan due to an arrest warrant for Mr. [REDACTED]. Three Albuquerque Police Department vehicles were on the scene, two were unmarked vehicles and only one was a marked unit. Lapel video showed no acts of aggression during any moment of the conversation with Mr. [REDACTED]'s father.

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

(B) The CPOA reviewed Standard Operating General Order 1-03-3(A)(3) regarding Detective S.'s conduct, which states:

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

Mr. [REDACTED] stated in his telephonic interview that he felt he was being discriminated against by Detective S. Mr. [REDACTED] stated he believed this to be true because the doctor that filed a complaint against him and Detective S., are both Hispanic and due to Mr. [REDACTED] not being Hispanic, Mr. [REDACTED] felt the actions of Detective S. were discriminatory.

Detective S. at no time displayed any show of biased based policing. In fact, Mr. [REDACTED] was the only person to bring up any sort of race. Detective S. had never met with Mr. [REDACTED] in person at any time.

The CPOA finds Detective S.'s conduct to be **UNFOUNDED**, where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

(C) The CPOA reviewed Standard Operating General Order 1-04-6(H) regarding Detective S.'s conduct, which states:

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

Mr. [REDACTED] complained that Detective S. told the "general public" about charges brought against him. Detective S. was conducting an investigation for which an arrest warrant had been issued for Mr. [REDACTED]. That investigation revealed possibilities that Mr. [REDACTED] was at the residence of his father. Detective S. and Mr. [REDACTED]'s father had a conversation about Mr. [REDACTED]'s whereabouts and information was also provided voluntarily by Mr. [REDACTED]'s father to the Detectives. Detective S. did not share any information with the "general public".

The CPOA finds Detective S.'s conduct to be **UNFOUNDED**, where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-6(H) regarding Sergeant B.'s conduct, which states:

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

Mr. [REDACTED] complained that Detective S. and Sgt. B. told the "general public" about charges brought against him. Sergeant B. was on scene, however Sgt. B. had very little conversation with Mr. [REDACTED]'s father. Sgt. B. also did not speak to anyone else about the subject of the arrest warrant for Mr. [REDACTED].

Letter to Mr. [REDACTED]
March 11, 2016
Page 4

The CPOA finds Sergeant B.'s conduct to be **UNFOUNDED**, where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

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

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

Mr. [REDACTED] stated the police were overly aggressive when they showed up to his father's residence with numerous officers and vehicles.

Lapel video showed three Detectives were at the residence of Mr. [REDACTED]. Sergeant B. explained the tactical plan due to an arrest warrant for Mr. [REDACTED]. Three Albuquerque Police Department vehicles were on the scene, two were unmarked vehicles and only one was a marked unit. Lapel video showed no acts of aggression during any moment of the conversation with Mr. [REDACTED]'s father.

The CPOA finds Sergeant B.'s conduct to be **UNFOUNDED**, where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings will be placed in Detective S.'s and Sergeant B.'s Internal Affairs personnel file.

You have the right to appeal this decision.

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

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

Letter to Mr. [REDACTED]
March 11, 2016
Page 5

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC # 105-15

Dear Mr. [REDACTED]

Our office received the complaint you filed on June 24, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on June 24, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] wrote that he noticed a traffic accident and slowed down to avoid endangering Officer W. Mr. [REDACTED] wrote Officer W. yelled at him, asked him "What the hell" he was doing, and called him stupid. Mr. [REDACTED] tried to respond, but Officer W. told him to get the hell out of there.

The CPOA Investigator interviewed Mr. [REDACTED]. Mr. [REDACTED] repeated his written complaint and said Officer W. degraded and belittled him. Mr. [REDACTED] stated Officer W. called him stupid. Mr. [REDACTED] stated Officer W. told him to get the hell out of there a few times. Mr. [REDACTED] was upset with her treatment of him, but decided to leave instead of

escalate a confrontation. Mr. [REDACTED] stated as he left he heard her say something derogatory about him to the fire truck personnel, but he did not know the specifics.

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

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

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

Personnel shall not use coarse, violent, profane, or insolent language or gestures.

Mr. [REDACTED] turned down a street where Officer W. was walking down the middle of the road. Mr. [REDACTED] stated Officer W. degraded and belittled him when he made his turn, accusing him of being stupid. When Mr. [REDACTED] tried to discuss the situation with Officer W., she repeatedly told him to get the hell out of there. As he left, he could tell she spoke negatively about him to the fire truck personnel.

The video showed Officer W. was walking in the middle of the street when Mr. [REDACTED] turned contrary to Officer W.'s assertion. The video showed Officer W. accused Mr. [REDACTED] numerous times of not seeing her as she walked in the middle of the street. It did not appear that Mr. [REDACTED] almost struck Officer W. although it was not clear in the video where Mr. [REDACTED]'s focus was. The video showed Officer W. did not call Mr. [REDACTED] stupid as Mr. [REDACTED] claimed. The video showed Officer W. told Mr. [REDACTED] to get out of there several times. The video showed after Mr. [REDACTED] drove off Officer W. muttered an insult about Mr. [REDACTED], but no one would have been able to hear it. The video showed Officer W. asked the other individuals if they saw Mr. [REDACTED] almost run her over, but in more of a joking manner. Officer W.'s reaction was insolent and excessive for the situation.

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

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

You have the right to appeal this decision.

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

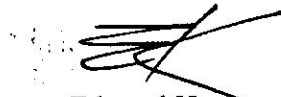
Letter to Mr. [REDACTED]
March 11, 2016
Page 3

Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC #112-15

Dear [REDACTED]

Our office received the complaint you filed on July 6, 2015 against Officer V. of the Albuquerque Police Department (APD) regarding an incident that occurred on March 18, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

[REDACTED] phoned in this complaint to the former Acting Executive Director of the CPOA on July 6, 2015. [REDACTED]'s signed complaint was received on September 30, 2015. [REDACTED] stated in her verbal complaint to the former Acting Executive Director that on March 18, 2014 APD Officers pulled a car over in the parking lot of her business located at [REDACTED] NE. The car that was pulled over was being driven by an African American person. An officer pointed an assault rifle at the trunk of the car even though the occupants were cooperative and passive. [REDACTED] felt the use of the assault rifle was inappropriate. [REDACTED] was in fear for her safety and the safety of her patients and staff. [REDACTED] confronted an officer and when she asked what was going on the officer told her that there was a suspicion

that the occupants of the car that was pulled over had weapons. [REDACTED] told the officer that it was not against the law for someone to own a weapon. The officer gruffly replied, "I am not going to debate the law with you." [REDACTED] felt that the use of the rifle was excessive force and that the officers used that force as an excuse to get past the legal requirements to search the vehicle or to scare the occupants into consenting to an otherwise illegal search. [REDACTED] said that the occupants seemed scared of the police. She said that the officers were in her parking lot for several hours and that was an excessive period of time and it interfered with her business. [REDACTED] felt that the officer's actions in this case were inappropriate.

[REDACTED]'s written complaint received on September 30, 2015 repeated much of what she had told the Acting Executive Director. She wrote that she did not previously report the incident because she was afraid of police retaliation. [REDACTED] wrote that when the incident occurred she was informed by a patient that the patient could not get into the parking lot of her business because the police were blocking the driveway. She wrote that one of her patients was scared because of the situation the police created. [REDACTED] went to investigate and found that two African American customers of her husband's property management business had been pulled over while they were in the process of returning keys to the business. One officer pointed an M16 rifle at the customer's BMW. After the police confirmed there was no one and nothing in the trunk of the BMW, [REDACTED] confronted the officer with the rifle who told her that the people were "suspected of having weapons." [REDACTED] wrote that the police did not discover any weapons in the vehicle or on the customers. [REDACTED] stated that when she told the officer with the rifle that she understood as Americans we are allowed to have weapons, the officer "gruffly" replied, "Well, I am not going to debate the law with you."

[REDACTED] wrote that the police action interfered with their customers and business and that the police officers caused her, her staff, and her patients to be in danger. [REDACTED] further alleged that she asked the officers to move their cars but they refused to do so. [REDACTED] alleged that the search of her customer's car was illegal. She wrote, "My view as an [REDACTED] was that the weapons excuse was an effort to pretend to probable cause (sic) to justify searching the vehicle of peaceful customers of African American skin-color."

[REDACTED] further complained when she was interviewed that she saw no evidence that the individuals in the BMW were violent. Nothing in the BMW occupant's behavior suggested that it was appropriate for the police to have pulled them over. She felt the way the police behaved was inappropriate. She said that the fact that the police had an assault rifle out showed they were not concerned with anyone's safety. She said, "Nobody had a weapon except the police." She said that the officer's suspicion that the occupants of the BMW had a gun was just an effort to jump past probable cause and get to an opportunity to get beyond the plain view doctrine. She said that she was appalled by what she saw. She felt that the matter was a case of unreasonable search and seizure.

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

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

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

Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:

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

[REDACTED] had numerous complaints about the actions of the APD. She said that the actions of APD were not warranted. [REDACTED] said that she saw no evidence that the individuals in the BMW were violent. Nothing in the BMW occupant's behavior suggested that it was appropriate for the police to have pulled them over. She felt the way the police behaved was inappropriate. She said that the fact that the police had an assault rifle out showed they were not concerned with anyone's safety. She said, "Nobody had a weapon except the police." She said that the officer's suspicion that the occupants of the BMW had a gun was just an effort to jump past probable cause and get to an opportunity to get beyond the plain view doctrine. She said that she was appalled by what she saw. She felt that the matter was a case of unreasonable search and seizure. [REDACTED] was thoroughly convinced that there was no gun in the BMW and that if there was one that the evidence was "manufactured" by the police.

The CAD and Police reports were reviewed. The CAD report showed that on March 18, 2014 at about 2:19 PM, a person called 911 to report a road rage incident. The caller stated that a black female in a newer model black BMW bearing New Mexico license plate [REDACTED] had pulled a gun out on the caller. The caller, identified as Mr. [REDACTED], told the dispatcher that the BMW was last seen headed East on Menaul. The caller pulled over in a nearby parking lot to wait for officers and gave more information. The caller said that the BMW was occupied by two black females and that the gun that was pulled on him was a pistol. At 2:24 PM, Officer V. located the vehicle at Menaul and Tramway. At 2:27 PM, Sgt. W. arrived and assisted on the stop. At 3:16 PM, a Field Investigator was called to the scene to seal the BMW. A wrecker was requested to come to the scene to tow the vehicle at 3:39 PM. At 4:39 PM, the officer responsible for towing the vehicle went back in service. The CADS report showed the officers were at the scene for just over 2 hours.

The original police report in the case is authored by Officer V. In summary, Officer V. reported the following:

On March 18, 2014 at about 2:20 PM, Officer V. was dispatched to the intersection of Menaul and Juan Tabo in reference to a road rage incident. Remarks on the call indicated that a female driving a black BMW bearing NM plate [REDACTED] had pulled a gun out on the caller. Officer V. was in the area and saw a vehicle matching the description, travelling East on Menaul. Officer V. got behind the car and read the license plate. It was the same as the license plate provided by dispatch. The vehicle pulled into a parking lot at [REDACTED] and parked in a parking spot. Officer V. followed the vehicle into the parking lot and engaged his emergency lights. He called out for back up and waited for them to arrive due to weapons being involved. Officer V. had verbal contact with a male driver and a female passenger. Officer V. told both to keep their hands up and not to make any moves. Back up arrived and the officers conducted a felony stop because a weapon was reported to be involved in the incident. Both the occupants were handcuffed and detained. The BMW was cleared and no other occupants were located. The male driver was identified as [REDACTED]. Mr. [REDACTED] told Sergeant W. that there was a firearm in the BMW. The female passenger was identified as [REDACTED]. Ms. [REDACTED] was told why the officers used the tactics they did and Officer V. asked if there was a road rage incident that occurred. She told Officer V. that she and Mr. [REDACTED] were travelling East on Menaul when another vehicle almost hit their new BMW. She said that Mr. [REDACTED] and the other driver exchanged words but that was all. Ms. [REDACTED] told Officer V. that they continued to where they were stopped because they were returning keys for a rental property that they had been looking at. Ms. [REDACTED] said that she never displayed anything during the incident. When asked if Mr. [REDACTED] did, she said, "I don't want to talk." No further questions were asked of her after that.

Mr. [REDACTED] was interviewed. Officer V. advised Mr. [REDACTED] of his rights. Mr. [REDACTED] was told why the police used the tactics they did in making the stop. Mr. [REDACTED] told Officer V. that another driver almost struck their vehicle and that after that they were simply trying to get away from the other driver. Mr. [REDACTED] told Officer V. that he pointed his finger at the other driver but that was all. Mr. [REDACTED] was asked if he had a concealed weapons permit and Mr. [REDACTED] responded that his weapon was not concealed. Mr. [REDACTED] stated that his weapon was in his BMW. Mr. [REDACTED] told the officer that he always carries his weapon in his car and that the weapon is always separated from the magazine. Mr. [REDACTED] said that he keeps the magazine in the glove box of his car.

Both Mr. [REDACTED] and Ms. [REDACTED] were detained while Sgt. W. drove to where the victim was to get a statement from him. Mr. [REDACTED], the caller, provided Sgt. W. with a written statement. Mr. [REDACTED] said that he accidentally cut off the BMW while changing lanes. The BMW then passed Mr. [REDACTED] and got in front of Mr. [REDACTED]'s vehicle. The occupants of the BMW were yelling at him and making gestures and at a stop light the driver of the BMW (Mr. [REDACTED]) appeared to be going through several compartments in the vehicle. Mr. [REDACTED] then displayed a handgun. Mr. [REDACTED] said that the driver of the BMW, Mr. [REDACTED], then leaned back and extended his arm and pointed the weapon at Mr. [REDACTED]. Once the light turned green, the BMW drove away. Mr. [REDACTED] said that he was in fear for his life when Mr. [REDACTED] pointed the gun at him. Mr. [REDACTED] thought that the driver of the BMW was a female with long black hair and dreadlocks. Mr. [REDACTED] is not female but he did have long black dreadlocks and from a distance could be confused for being female.

A Detective was contacted and provided with all the information gained during the investigation. The Detective told the officers to arrest and charge Mr. ██████ with Aggravated Assault, to have the BMW sealed and towed, and that the Detective would get a Search Warrant for the BMW.

Officer V. wrote that his video of the incident was placed in evidence.

On March 24, 2015 a Search Warrant was executed on the BMW. The Detective found a Taurus .40 caliber handgun in the driver's door pocket. A 10 round loaded magazine for the handgun was found in the glove compartment and a second magazine was found in a back pack. Those items were all tagged into evidence.

The case was turned over to the District Attorney for prosecution.

There is a supplemental report as well written by the Field Investigator (FI) who sealed and processed the vehicle at the scene. The FI photographed the car and placed yellow evidence seals over all potential openings of the car.

When the Search Warrant was executed another supplemental report was filed by yet another FI. That report showed that a 40 caliber Taurus handgun was found in the BMW in the driver's side door pocket. It was unloaded. A 10 round fully loaded magazine for the gun was found in the glove box. An empty magazine was found in a backpack. Those items were seized as evidence and placed in evidence.

There was no way for ██████ to know what transpired between the occupants of the BMW and Mr. ██████ before the BMW pulled over in ██████'s parking lot. What ██████ saw was the police officers using a tactic which they are trained to do, which is called a "felony stop." Whenever a person in a vehicle is suspected of having pointed a gun at someone else, the police are trained to use a tactic called a "felony stop" to ensure the safety of the officers and the occupants of the car. The police officers do take out their guns and keep them in a low ready position while they give commands to the occupants of the vehicle stopped. The occupants in this case, were given commands to keep their hands in the air and exit the vehicle. Both occupants of the BMW complied with the officer's commands. The occupants were then detained in handcuffs. Once the known occupants of the car are secured, the police approach the vehicle with weapons drawn to ensure no one else is hiding in the vehicle that could present a danger to the officers or bystanders. That is called "clearing" the vehicle. It is not an extensive search of the vehicle. Officer V. said that when he participated in clearing the vehicle he did not see a gun. But the Search Warrant documents that were reviewed showed that the gun had been concealed in the driver's door pocket. A magazine was concealed in the glove compartment and another magazine was concealed in a backpack in the vehicle. Had the officers conducted an extensive and intrusive search of the BMW at the time, they would have found the gun. However, before conducting that type of search, the Detective handling the case chose, properly, to instead seal the vehicle and impound it. A neutral Magistrate

found probable cause to believe that there was a gun being concealed in the BMW and other items that may be associated with the alleged crime. The warrant proved fruitful.

While ██████████ felt that what occurred in her parking lot was appalling, the evidence showed that there was probable cause for the stop and for the arrest. There is not one bit of evidence to prove that any evidence was manufactured. The victim said that Mr. ██████████ had a gun. Mr. ██████████ admitted to two police officers that he had a gun in the car. Lastly, an authorized search of the car produced a gun, magazines, and ammunition. There was no attempt by any officer to get beyond the plain view doctrine. Probable cause existed for the stop, the arrest, and the subsequent search. Officer V. followed proper procedure and training.

The CPOA Finds Officer V.'s conduct to be **EXONERATED**, since the investigation determined by a preponderance of the evidence that the alleged conduct did occur, but it did not violate APD policies, procedure, or training.

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

Personnel will perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the department.

██████████ complained that the police action interfered with their customers and business and that the police officers caused her, her staff, and her patients to be in danger. She originally reported that the officers were in her parking lot for several hours and that was an excessive period of time and it interfered with her business. ██████████ further alleged that she asked the officers to move their cars but they refused to do so.

The CADS report showed that the officers were in the parking lot for just over two hours. The officers had conducted a felony stop and had to conduct their investigation. While the occupants of the BMW were being questioned and detained, a Sergeant had to go meet with the victim and get a written statement from him. That takes time. When the Sergeant returned with the statement, a Detective was contacted and provided with all the information. The detective requested that the car be sealed and impounded so a search warrant could be obtained. That required a Field Investigator to come to the scene to photograph the car, seal it, and wait for the wrecker to tow the car. That takes time. Once the car was towed, the officers left the parking lot.

The investigation showed that ██████████ has two parking lots for her business. One is on the West side of the building and one is on the East side. It was the occupants of the BMW, customers of ██████████ who pulled over into the parking lot. Officer V. did not pull them over there. They pulled into the parking lot on their own forcing Officer V. to conduct the stop in the parking lot. The occupants of the vehicle had been accused of committing a violent felony. It takes time to make sure that the investigation is conducted properly and that evidence is preserved. Officer V. did not speak with ██████████ and he did not recall anyone asking them to move their police vehicles. It is unfortunate that ██████████, her patients, and staff were affected

by this unfortunate incident that occurred in her parking lot. However, it was a minor inconvenience. There was no evidence discovered during this investigation that the police investigation by Officer V. was not carried out as efficiently as possible. He did so while maintaining the functions and objectives of the department in getting the job done properly.

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

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

All recordings listed above and/or contacts where an arrest was made will be tagged into evidence, and will be listed on the report as being tagged.

The CPOA Investigator believed based on the police reports that Officer V. had properly tagged his lapel videos into evidence and that the videos would be present in evidence when the CPOA Investigator searched for them. There is evidence to show that Officer V. uploaded his videos as required. Unfortunately, when Officer V. uploaded the videos, he failed to attach a case number to the videos and they were automatically deleted after 120 days. Had the alleged misconduct been reported to this agency when it happened instead of a year and two months after the incident occurred, the videos may have been preserved. In any case, Officer V. should have attached a case number to the videos and he did not.

The CPOA finds Officer V.'s conduct to be **SUSTAINED; Violation not based on original complaint**, as the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but was discovered during the misconduct investigation.

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

You have the right to appeal this decision.

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

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

Letter to [REDACTED]
March 11, 2016
Page 8

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

Sincerely,
The Civilian Police Oversight Agency by



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

Cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #113-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on July 7, 2015 against Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 20, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Ms. [REDACTED] said that on November 20, 2014, at approximately 12:45 PM, Albuquerque Police Department (APD) Officer M. and Sergeant W. and Office of the Medical Investigator (OMI) Investigator M. responded to [REDACTED] SW in reference to the unattended death of [REDACTED]. Mr. [REDACTED] was Ms. [REDACTED]'s [REDACTED]-year-old son. Ms. [REDACTED] complained that no one from APD, or the OMI attempted to contact her regarding her son's death. Ms. [REDACTED] complained her son was treated like a "nobody." Ms. [REDACTED] complained that her sister called the OMI and asked if Ms. [REDACTED] could go to the OMI and identify her son's body but was told she could not and that it was not necessary because her son's body

Letter to Ms. [REDACTED]
March 11, 2016
Page 2

was positively identified using fingerprints. Ms. [REDACTED] complained she still has not officially been notified about her son's death, nor has she received an apology for not being notified.

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

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

- A) Did Officer M. comply with Albuquerque Police Department General Order 2-28-3(B)(4)? General Order 2-28-3(B)(4) states:

APPARENT NATURAL DEATH

B. The Dispatched Officer(s) will:

- 4. Be responsible for contacting the next of kin of the deceased and recording the contact in the incident report. The officer will only make death notification accompanied by a Chaplain or another officer.*

Ms. [REDACTED] said that on November 20, 2014, at approximately 12:45 PM, Albuquerque Police Department (APD) Officer M. and Sergeant W. and Office of the Medical Investigator (OMI) Investigator M. responded to [REDACTED] SW in reference to the unattended death of [REDACTED]. Mr. [REDACTED] was Ms. [REDACTED]'s [REDACTED]-year-old son. Ms. [REDACTED] complained no one from APD, or the OMI attempted to contact her regarding her son's death. Ms. [REDACTED] complained her son was treated like a "nobody." Ms. [REDACTED] complained she still has not, officially, been notified about her son's death, nor has she received an apology for not being notified. NOTE: Sergeant W. retired from APD and declined to be interviewed for this investigation.

The interviews, report and CADS revealed Officer M. attempted to contact Ms. [REDACTED] who is [REDACTED]'s next of kin, and when he was unsuccessful, he contacted OMI Investigator M., who said she would take responsibility for the death notification. The evidence revealed that Officer M. did not violate any Standard Operating Procedures (SOP) although he was unsuccessful in contacting Ms. [REDACTED].

The CPOA finds Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate Albuquerque Police Department policies, procedures or training.

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

You have the right to appeal this decision.

Letter to Ms. [REDACTED]
March 11, 2016
Page 3

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 114-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on July 8, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on July 3, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

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

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] stated that at Juan Tabo Blvd. and Candelaria an unknown officer initiated a traffic stop with emergency equipment. Mr. [REDACTED] reported that "without hesitation" the officer started shooting at them, trying to kill him. Mr. [REDACTED] put the car in drive and drove away. Mr. [REDACTED] stated two more police cars showed up and started shooting at him as he drove. He flipped his car on Muriel just west of Juan Tabo. Mr. [REDACTED] stated that officers fired on him for no reason causing his accident.

The CPOA Investigator was unable to interview Mr. [REDACTED] as he was indicted and convicted on federal charges related to this incident. Mr. [REDACTED] is in federal custody at the Penitentiary of New Mexico and his level of custody prohibits him from receiving phone calls or visitors other than immediate family.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING ALBUQUERQUE POLICE DEPARTMENT'S CONDUCT

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Reports (CADs), numerous Police Reports, and Media Coverage.

(A) The CPOA reviewed Standard Operating Procedural Order 2-52-4A regarding APD's conduct, which states:

The decision to use Deadly Force still falls under the general requirements for all uses of force as outlined in 2-52-3 of this policy. Additionally, the reasonableness of the officer's decision will include:

Reasonable belief the subject presents an immediate threat to cause serious physical injury to the officer, another officer, or another member of the public

OR

Probable cause for the officer to believe the subject has just committed a crime involving inflicted/threatened infliction of serious physical injury to another and deadly force is necessary to prevent the escape of the subject in order to protect the public or another officer(s).

Mr. [REDACTED] alleged one officer opened fire on him and his family after the officer initiated a traffic stop on him. Mr. [REDACTED] stated he drove away and two additional officers opened fire on him, causing him to crash.

Extensive police reports, CADs, statements, and media stories exist for this incident and several surrounding incidents involving Mr. [REDACTED]. The basic outline is as follows: The events started on June 30, 2015 going into the early morning of July 1, 2015. According to reports, two detectives conducted a property crime tactical operation. During their surveillance, they encountered a stolen vehicle driven by Mr. [REDACTED]. Officers tried to initiate a stop of Mr. [REDACTED], but he fled and almost ran over an officer. The night of July 1, 2015, the same detectives observed Mr. [REDACTED] at a motel and followed him to the same stolen vehicle from earlier that morning. Mr. [REDACTED] managed to elude officers when they tried to initiate a stop. During the early morning hours of July 2, 2015, officers observed the same stolen vehicle. Officers initiated a traffic stop and detained two individuals. The individuals claimed they received the vehicle from Mr. [REDACTED]. One of the individuals identified an address where Mr. [REDACTED] should be. Several officers responded to the provided address. Officers contacted various individuals at the residence with varying levels of cooperation. Officers did not have definitive information that Mr. [REDACTED] was at the residence and did not have confirmation any individuals were being held hostage or in danger. The perimeter and active officer presence was shut down and undercover officers maintained surveillance. At approximately 1100 hours on July 2, 2015, detectives observed Mr. [REDACTED] exit the residence accompanied by two adult females and one adult male and they all got into a different vehicle. Detectives could not respond fast enough before Mr. [REDACTED] drove away at a high rate of speed. Mr. [REDACTED] drove recklessly and aggressively. Mr. [REDACTED] discarded a handgun, which was later recovered. By both officer and passenger accounts documented on reports, Mr. [REDACTED] lost control of the

vehicle and flipped it by taking a turn too fast. Mr. [REDACTED] and his girlfriend fled the scene. The two individuals that remained told officers they were taken against their will by Mr. [REDACTED] in the car. There was no child present as Mr. [REDACTED] claimed. Officers captured Mr. [REDACTED]'s girlfriend later that same day, but she was uncooperative. Mr. [REDACTED] fled the scene and stole another car by assaulting a minor with a gun sitting in the car. Mr. [REDACTED] later abandoned that stolen car and was believed to have entered Wayland University. A SWAT callout occurred and Mr. [REDACTED] was not located. Later information surfaced that he convinced/intimidated another individual to give him a ride and officers did not locate him that day. Officers spotted Mr. [REDACTED] on July 3, 2015, but Mr. [REDACTED] fled and the pursuit stopped due to Mr. [REDACTED]'s dangerous driving. Another agency arrested Mr. [REDACTED] later that night. Mr. [REDACTED]'s version of events did not occur based on all of the available evidence.

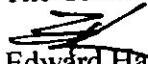
The CPOA finds APD's conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur. No specific officer was targeted as there were numerous officers involved in the investigation of Mr. [REDACTED]'s actions, Mr. [REDACTED] did not identify a specific officer, and the sequence of events as Mr. [REDACTED] provided did not happen.

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

Cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #116-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on July 10, 2015 against Officer K. of the Albuquerque Police Department (APD) regarding an incident that occurred on July 7, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Ms. [REDACTED] wrote in her complaint that on July 7, 2015 at about 4:15 PM, she and her daughter had just come out of the [REDACTED] Store located at [REDACTED] after doing some shopping. She wrote in her complaint that it was very windy and the wind blew a shopping cart off the sidewalk and it narrowly missed striking her truck. Ms. [REDACTED] grabbed the cart and stuck a wheel in a crack in the sidewalk so it wouldn't blow away. As Ms. [REDACTED] and her daughter got in their truck to drive away they noticed an APD Officer parked at the very end of the parking spots. They passed the officer and noticed as they did so that the officer followed them and then turned on his lights and siren to pull them over. They complied. The officer approached Ms. [REDACTED] and her daughter and rudely accused them of aiming a shopping cart at his car. She tried to explain that it was not them but the wind that

must have blown the cart towards his car but the officer was having none of that and said that he did not believe them. When Ms. [REDACTED]'s daughter started to laugh and asked, "Really?" the officer, in a rude and mocking manner, said, "Really? Really?" The officer then walked away and got in his car and left. Ms. [REDACTED] alleged the officer acted childishly and was rude and unprofessional.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, an interview with Ms. [REDACTED] and an interview with Officer K. A [REDACTED] Store video recording of what occurred prior to the traffic stop was also reviewed.

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

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

The investigation revealed that no one was responsible for sending a shopping cart towards Officer K.'s vehicle. A shopping cart was unsecured and it passed by Officer K.'s car on the passenger side. One minute later, Ms. [REDACTED] and her adult daughter passed by where Officer K. was parked. Officer K. assumed that it was Ms. [REDACTED] and/or her daughter who had sent the cart his way, either intentionally or unintentionally, because the two were laughing as they passed by Officer K.'s car. The [REDACTED] store video showed that Ms. [REDACTED] and her daughter were not responsible for the loose cart. The cart never struck Officer K.'s car, there were no pedestrians or bicyclists in the area, and the cart that passed by did not pose a danger to anyone. Officer K. assumed, but didn't know for sure, that Ms. [REDACTED] and/or her daughter were responsible for the loose cart. For an officer to stop a vehicle, an officer must have a minimum of reasonable suspicion that the driver or the passenger(s) in that vehicle had committed some violation of law. A violation of law did not occur in this case. A runaway shopping cart on private property that struck nothing does not establish reasonable suspicion that a violation of law occurred. The stop was improper and not within APD policy.

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

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

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

Ms. [REDACTED] complained that when Officer K. approached her and her daughter, that he acted childishly, that he was rude, and that he acted unprofessionally. The investigation revealed that when Ms. [REDACTED]'s daughter started to laugh and asked Officer K., "Really?" The officer said, "Really? Yes, really." The officer then walked away and got in his car and left. Officer K. did not introduce himself, never asked for a driver's license, or insurance and registration. When Officer K. was confronted by Ms. [REDACTED]'s daughter and expressed her disbelief as to the purpose of the stop, Officer K. just left the pair there, returned to his car, and drove away. Ms. [REDACTED] did not know if she was free to go or what was occurring because Officer K. never told her that she was free to leave. Ms. [REDACTED]'s daughter was not interviewed even though the CPOA Investigator called her and requested an interview. Ms. [REDACTED]'s daughter did not call the Investigator back. Even without Ms. [REDACTED]'s daughter's statement, a preponderance of the evidence shows that Officer K. did not behave professionally during the stop.

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

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

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

The investigation revealed that Officer K. did not record his contact with Ms. [REDACTED] and her daughter as he was required by policy to do.

The CPOA finds Officer K.'s conduct to be **SUSTAINED**, violation not based on original complaint, where the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

D) The CPOA reviewed Standard Operating Procedure 2-47-2 A 1 (a) regarding Officer K.'s conduct, which states:

Officers initiating traffic stops shall advise Communications of the impending stop, giving violator's vehicle information...and location.

The investigation revealed that Officer K. failed to advise Communications of the impending stop and location. He was required under Standard Operating Procedure to do so.

The CPOA finds Officer K.'s conduct to be **SUSTAINED**, violation not based on original complaint, where the investigation determined by a preponderance of the evidence that

misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

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

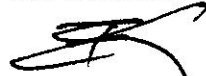
You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #117-15

Dear Mrs. [REDACTED]:

Our office received the complaint you filed on July 13, 2015 against Officer O. of the Albuquerque Police Department (APD) regarding an incident that occurred on October 22, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Mrs. [REDACTED] complained that on October 22, 2014 she was driving onto the Four Hills Road on-ramp onto I-40 West when APD Officer O. cut her off. She said she sped past Officer O. and gave him "the finger" and he pulled her over because he was angry at her for doing so. Mrs. [REDACTED] also complained that APD "higher ups" ignored legitimate complaints about abuse of power by APD.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer O.'s

Letter to Mrs. [REDACTED]
March 11, 2016
Page 2

report, an internal investigation into the matter conducted by Officer O's chain of command, and interviews with the Complainant and Officer O.

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

Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:

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

Ms. [REDACTED] complained that APD Officer [REDACTED] O. pulled her over because he was angry that she "flipped him off" after he nearly caused an accident with her.

Both of the interviews with Officer O. and Mrs. [REDACTED] support the fact that Mrs. [REDACTED] flipped off Officer O. There were discrepancies between the two interviews as to the reasons Mrs. [REDACTED] was stopped and regarding details of their interaction. Mrs. [REDACTED] said Officer O. told her he pulled her over because she took one hand off the steering wheel to flip him off. A review of Officer O.'s report and a review of an internal investigation conducted by his chain of command were reviewed and supported Officer O.'s claim of probable cause to pull Ms. [REDACTED] over. There was no lapel video to review to show the interaction between Officer O. and Ms. [REDACTED] due to the time lapse between the incident and the date the complaint was received in the CPOA office. As a result, the investigation is unable to determine whether, or not, Officer O. had probable cause to initiate this traffic stop.

The CPOA finds Officer O.'s conduct **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence that the alleged misconduct did occur.

Mrs. [REDACTED] complained that APD "higher ups" ignored her complaint. A review of correspondence between Mrs. [REDACTED] and Officer O.'s supervisor, Sergeant C., and between Mrs. [REDACTED] and APD Commander W. revealed Officer O.'s chain of command received her initial complaint filed on October 22, 2014 and conducted an internal investigation into the matter between Mrs. [REDACTED] and Officer O. and did not ignore her complaint, as alleged in her complaint.

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

You have the right to appeal this decision.

Letter to Mrs. [REDACTED]

March 11, 2016


Page 3

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

Re: CPC # 118-15

Dear Ms. [REDACTED]

Our office received the complaint you filed on July 10, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on July 5, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Ms. [REDACTED] wrote that her keys were stolen for the third consecutive day and that this has happened several times before. Ms. [REDACTED] wrote about her history of being targeted by various crime groups through her neighbors. Ms. [REDACTED] wrote that she called police to report the issue with her keys. Ms. [REDACTED] wrote that Officer T. did not listen to her. She wrote that Officer T. only asked her if she took medication and when was the last time she had been in the hospital. Ms. [REDACTED] wrote that Officer T.'s questions were irrelevant. Ms. [REDACTED] wrote Officer T. obviously had been influenced by the crime groups and would not document her theft of keys.

The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] explained more in depth why she was being targeted in her interview. She also showed a letter, but said she could not

provide a copy. Ms. [REDACTED] reported her neighbor was skilled at hypnosis, able to freeze her in her tracks, and while powerless to stop him the neighbor took her keys to make wax impressions of them. She called police and Officer T. responded. Officer T. shifted weight so often that she suspected the crime groups had interfered with Officer T. Ms. [REDACTED] told Officer T. some of what had been going on and the suspected reasons. Instead of asking relevant questions, Officer T. asked her if she had been diagnosed with mental illness or had been taking medication. Ms. [REDACTED] stated his question was irrelevant and she told him to leave.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer T.'s lapel video, and interviews of [REDACTED] and Officer T.

(A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer T.'s conduct, which states:

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

Ms. [REDACTED] called police to report that her neighbors have been stealing her keys to make wax impressions of them. Ms. [REDACTED] explained to Officer T. that the neighbors used hypnosis to stop her in her tracks and gain access to the keys. Ms. [REDACTED] explained to Officer T. she was being targeted by various crime groups. These groups focused on her because of the work she did in the past.

The lapel video showed Ms. [REDACTED] did not provide an immediate reason why she called police and instead described numerous things from various years. The lapel video showed Officer T. listened to Ms. [REDACTED] and did not interrupt her as she explained things for about ten minutes. The video showed Officer T. asked a question about her mental health. Ms. [REDACTED] immediately became angry and dismissed Officer T. from her home.

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

(B) The CPOA reviewed Standard Operating General Order 1-05-2C4 regarding Officer T.'s conduct, which states:

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

Letter to Ms. [REDACTED]
March 11, 2016
Page 3

Ms. [REDACTED] wanted a report concerning the issue with her keys. Based on his question about her being in the hospital it was obvious the crime groups had gotten to Officer T. before he came to her house and little to nothing would be reported. She told him when he left he should write an honest report.

The lapel video showed Ms. [REDACTED] never got to the point about specifically asking for a police report; she only alluded to it. The video showed Ms. [REDACTED] excused Officer T. after a single question. He did not have the information required for a report.

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

Your complaint and these findings will be placed in Officer T.'s Internal Affairs personnel file.

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC # 124-15

Dear Ms. [REDACTED]:

Our office received the complaint you filed on August 19, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on August 19, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Two complaints were received regarding Officer S' role in taking advantage of his mother-in-law. Both complaints alleged Officer S. coerced his mother-in-law into signing a power of attorney, which allowed Officer S' wife to remove the funds. The two complaints alleged Officer S. abused his position.

The APD Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] stated that her sister and her brother-in-law, Officer S., coerced her mother, Ms. [REDACTED] into giving them power of attorney over her mother's affairs. Ms. [REDACTED] said Officer S. was in uniform when he had Ms. [REDACTED] sign paperwork. Ms. [REDACTED] agreed Officer S. and her sister lived with her

mother for a time. Ms. [REDACTED] claimed her sister was on drugs, but knew this only because that was what has been said within the family. Ms. [REDACTED] stated Officer S. knew about the money and that his wife moved it. Ms. [REDACTED] said she was frightened of Officer S. and his wife because they both carried guns. However, then Ms. [REDACTED] said she was not afraid of Officer S. Ms. [REDACTED] mentioned several issues allegedly committed by her sister. Ms. [REDACTED] did not have any firsthand knowledge of these issues because she lived elsewhere. Everything she relayed was information she learned from other family.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-09F1 regarding Officer S' conduct, which states:

Personnel shall not use their official position or official identification card or badge to solicit: 1. For personal or financial gain

Ms. [REDACTED] alleged Officer S. used his position to coerce Ms. [REDACTED] into signing a power of attorney, which granted Officer S. and his wife control of Ms. [REDACTED]'s finances. Because of the power of attorney document, her sister removed significant funds from Ms. [REDACTED]'s account. Ms. [REDACTED] alleged Ms. [REDACTED] was fearful of Officer S. because of his position and he carried a weapon.

The APD Investigator interviewed other family members including the alleged victim, Ms. [REDACTED]. There is an ongoing family battle between the children of Ms. [REDACTED]. Ms. [REDACTED] stated neither Officer S. nor her daughter coerced her into signing the power of attorney. Ms. [REDACTED] stated she was not frightened of Officer S. nor did she feel abused by him. Another family member did not think Officer S. was directly involved either. The investigation determined Officer S. had not used his position, uniform, or title to force Ms. [REDACTED] into signing any documents. Officer S. did not withdraw any funds from Ms. [REDACTED]'s account or have joint access.

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

Your complaint and these findings will be placed in Officer S' Internal Affairs personnel file.

You have the right to appeal this decision.

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

Letter to Ms. [REDACTED]
March 11, 2016
Page 3

Officer. Your request must be in writing and within 30 days of receipt of this letter.
Include your CPC number.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #125-15

Dear Ms. [REDACTED]:

Our office received the complaint you filed on July 20, 2015 against Officer S. of the Albuquerque Police Department (APD) regarding an incident that occurred on July 11, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Ms. [REDACTED] wrote in her complaint that she was not being served by the Albuquerque Police Department. She wrote that her vehicle was hit in a hit and run accident. APD Officer S. responded to the accident. Ms. [REDACTED] alleged that Officer S. did not do his duty because he did not get the insurance information on the vehicle that struck her vehicle, nor did he arrest the driver of the hit and run vehicle. She alleged that Officer S. failed to write a proper, precise, and detailed report on the incident.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, an interview with Ms. [REDACTED] and an interview with Officer S. The CPOA Investigator also spoke with Detective S. from the APD hit and Run Unit to see what follow had been done on the accident investigation.

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

Steps to be followed in preliminary investigations:

Observe all conditions, events and remarks

Locate, identify, and interview witnesses, victims, and suspects

Protect the crime scene and evidence

Ensure that necessary evidence is collected

Effect the arrest of the suspect

Report the incident fully and accurately

Ms. [REDACTED] complained that she felt that Officer S. did not pay enough attention to his job and that he did not do his duty in investigating the hit and run accident involving her car. The investigation revealed that Ms. [REDACTED]'s car was parked in front of her mechanic friend's residence at the time that it was struck. She had left the car there to be worked on. Ms. [REDACTED] did not have insurance on her car. The investigation showed that another vehicle rear ended Ms. [REDACTED]'s unoccupied car, causing heavy damage to both vehicles. Whoever was driving the hit and run vehicle, locked the hit and run vehicle up, and then the driver fled the scene. There were no witnesses who saw the driver of the hit and run vehicle. The CADs report and the police report showed that Officer S., through the police department, made attempts to contact the registered owner of the hit and run vehicle but none of the attempts that night proved fruitful. The hit and run vehicle was impounded by Officer S. The police report reviewed showed that Officer S. did observe all conditions, events and remarks. He attempted to locate and identify witnesses, victim's and suspects. He impounded the hit and run vehicle in an effort to preserve the evidence should the driver be found. There was no way to affect the arrest of a suspect because there was no suspect information or description of the driver. The report fully and accurately documented the officer's action and the events of the accident itself. The report also showed that Officer S. made further attempts to speak with a person who claimed that he owned the vehicle but that person never returned his phone calls. Because there were leads to be followed up on, Officer S. made sure that the report was forwarded to the Hit and Run unit for follow up investigation. At the time of this writing that investigation was ongoing. The Hit and Run unit reported the following to the CPOA Investigator:

The Hit and Run Unit Investigator had looked into this incident for Ms. [REDACTED]. He sent a letter to the registered owner of the suspect vehicle, an [REDACTED], who

Letter to Ms. [REDACTED]

March 11, 2016

Page 3

responded to the letter by filling out the form sent to her. [REDACTED] stated she helped [REDACTED], her ex-husband, get the vehicle and she had no idea where he was living or how to get in contact with him. She did have friend's phone number which the Investigator called and left messages. A couple of weeks later [REDACTED] contacted the Hit and Run Unit Investigator by phone. [REDACTED] advised that he had loaned his vehicle to a friend who was driving the vehicle at the time of the crash and who had left it at the scene of the crash. [REDACTED] was advised that he would have to fill out a form with any information he had on his friend and also Mr. [REDACTED] would have to provide a written statement about his involvement in the incident. The Hit and Run Unit Investigator said that he felt that Ms. [REDACTED] wanted him to arrest [REDACTED] even though no one saw the driver of the vehicle and there was no way to prove that [REDACTED] was driving it at the time of the crash. The Hit and Run Unit Investigator said that Ms. [REDACTED] believed that [REDACTED] was responsible for leaving the scene of a crash just because he is the owner of the vehicle. The Investigator said that the only possible charge he had at the time would be for Mr. [REDACTED] allowing the operation of an uninsured vehicle. The Hit and Run Unit Investigator was waiting on information from Mr. [REDACTED] before taking any action.

The evidence in this case clearly showed that APD had been serving Ms. [REDACTED] to the best of their ability. Officer S. clearly did everything that he could as a patrolman. All of the documentation available supports this conclusion. Furthermore, there is ample evidence to prove that APD was involved in an active, yet difficult, investigation at the time of this writing. Short of a confession from Mr. [REDACTED] or the alleged unknown driver, it will be nearly impossible to prove who was driving the car at the time of the accident.

Ms. [REDACTED] had no insurance. Evidently, neither did Mr. [REDACTED]. There are possible criminal charges that could be filed for those offenses, but the investigation has not been completed. Ms. [REDACTED] could still take civil action against Mr. [REDACTED] to recover the damages to her vehicle.

The evidence showed that Officer S. and the APD Hit and Run Unit have indeed served Ms. [REDACTED]. They have not overlooked her accident. Officer S. clearly performed his duty in a satisfactory manner and the report was well written and complete.

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

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

You have the right to appeal this decision.

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

Letter to Ms. [REDACTED]

March 11, 2016

Page 4

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016
Via Certified Mail

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

Re: CPC #129-15

Dear Mr. [REDACTED]:

Our office received the complaint you filed on July 23, 2015 against Officer T. and Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 30, 2011. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

Mr. [REDACTED] wrote in his complaint that he was arrested in August of 2011. He complained that the police officers who arrested him violated his civil rights and that they brought false allegations and a restraining order against him that resulted in his incarceration. Mr. [REDACTED] alleged that the arrest caused him to lose his family, home, vehicle, retirement accounts, and financial resources.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, an interview with Mr. [REDACTED] and interviews with Officer T. and Officer M. The court record was reviewed. The police report was reviewed. The officer's lapel videos were reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Officer T.'s conduct, which states:

Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:

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

Mr. [REDACTED] complained that his arrest for Domestic Violence which occurred in August of 2011 was not proper. Mr. [REDACTED] complained that the police officers who arrested him violated his civil rights and that they brought false allegations and a restraining order against him that resulted in his incarceration.

Court Records

The Court records reflected that Mr. [REDACTED] had originally been charged with Assault against a household member, criminal damage to property, Resisting Arrest and at some point Mr. [REDACTED] failed to appear on the charges. Mr. [REDACTED] pled no contest to the failure to appear charge. On March 27, 2012, Mr. [REDACTED] was found not guilty on the resisting arrest charge, not guilty on the criminal damage to property charge, but guilty to the assault charge.

Police Report

The police report in this case was reviewed. The report is numbered [REDACTED] and it is authored by Officer G. There is a supplemental report in the case authored by Officer T. The following is a summary of what is contained in the report.

Officer G. reported that on the date and time this occurred, she and Officer T. had been dispatched to the location in reference to a Domestic Dispute. When they arrived they met with Ms. [REDACTED]. She was scared and trembling. Ms. [REDACTED] said that earlier that day she and her husband had argued over finances. Mr. [REDACTED] got in her face and started screaming at her about spending money. Ms. [REDACTED] felt that Mr. [REDACTED] was going to hit her. Ms. [REDACTED] managed to back away from him before he could do so. Later that afternoon, Ms. [REDACTED] arrived back at home after picking up her child from school. She found that Mr. [REDACTED] used white paint to write on the windows, "For Sale" and he painted the same on an outside door. The house was also in disarray. Things had been thrown on the floor in the kitchen and living room and the couple's dogs had been set free. Ms. [REDACTED] said that besides

trashing the house that Mr. ██████████ may have taken his rifle with him when he left. She told the officers that Mr. ██████████ had been drinking a lot lately and he had been using marijuana. Ms. ██████████ was also concerned that Mr. ██████████ had not been taking his medication.

Officer T. and Officer M. did locate Mr. ██████████ nearby. Those officers asked Mr. ██████████ to step outside the house he was in so they could search him for weapons. Mr. ██████████ attempted to go back inside the house and being concerned that the rifle may have been inside the house the officers grabbed Mr. ██████████ and they arrested him.

Mr. ██████████ was transported to the substation where he was processed and he was eventually booked at the PTC. A Victim's Advocate did arrive on scene and the Victim's Advocate had obtained a temporary restraining order (TRO) and it was served on Mr. ██████████ at the Southeast Substation.

Officer T. wrote in his supplemental report that he assisted the primary officer at the scene of the Domestic Dispute. He and Officer M. located Mr. ██████████ at a residence near where the dispute occurred. Mr. ██████████ greeted the officers at the door and the officers instructed Mr. ██████████ to come outside. Mr. ██████████ turned and started to dart back into the house. Being concerned that Mr. ██████████ may have had a weapon inside the house, the officers grabbed Mr. ██████████ and detained him. Later, a Victim's Advocate obtained an Emergency Restraining Order and Officer T. served it on Mr. ██████████.

Lapel Videos

The officer's lapel videos associated with this case were reviewed. The videos documented what Ms. ██████████ told the officers, the damage to the house, and Mr. ██████████'s arrest.

That video of the arrest of Mr. ██████████ showed that the officers approached the residence where Mr. ██████████ had been located and they made contact with Mr. ██████████. Officer T. opened the screen door and the officers told Mr. ██████████ to step outside. Mr. ██████████ did step outside. Once Mr. ██████████ was outside on the porch, Officer T. told Mr. ██████████ to turn around. The lapel video showed that Mr. ██████████ refused to turn around and he tried to go back inside the house but was stopped by the officers before he could do so. The officers placed Mr. ██████████ under arrest without incident. Mr. ██████████ then apologized to the officers. The rest of the lapel video showed the officers and Mr. ██████████ engaged in cordial and casual conversation with Mr. ██████████.

The lapel videos showed that there was probable cause for the arrest. The court records showed that there was proof beyond a reasonable doubt that Mr. ██████████ assaulted his ex-wife. There were no false allegations brought against Mr. ██████████ by the officers and there was no civil rights violation.

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

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

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

Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:

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

Mr. [REDACTED] complained that his arrest for Domestic Violence which occurred in August of 2011 was not proper. Mr. [REDACTED] complained that the police officers who arrested him violated his civil rights and that they brought false allegations and a restraining order against him that resulted in his incarceration.

Court Records

The Court records reflected that Mr. [REDACTED] had originally been charged with Assault against a household member, criminal damage to property, Resisting Arrest and at some point Mr. [REDACTED] failed to appear on the charges. Mr. [REDACTED] pled no contest to the failure to appear charge. On March 27, 2012, Mr. [REDACTED] was found not guilty on the resisting arrest charge, not guilty on the criminal damage to property charge, but guilty to the assault charge.

Police Report

The police report in this case was reviewed. The report is numbered [REDACTED] and it is authored by Officer G. There is a supplemental report in the case authored by Officer T. The following is a summary of what is contained in the report.

Officer G. reported that on the date and time this occurred, she and Officer T. had been dispatched to the location in reference to a Domestic Dispute. When they arrived they met with Ms. [REDACTED]. She was scared and trembling. Ms. [REDACTED] said that earlier that day she and her husband had argued over finances. Mr. [REDACTED] got in her face and started screaming at her about spending money. Ms. [REDACTED] felt that Mr. [REDACTED] was going to hit her. Ms. [REDACTED] managed to back away from him before he could do so. Later that afternoon, Ms. [REDACTED] arrived back at home after picking up her child from school. She found that Mr. [REDACTED] used white paint to write on the windows, "For Sale" and he painted the same on an outside door. The house was also in disarray. Things had been thrown on the floor in the kitchen and living room and the couple's dogs had been set free. Ms. [REDACTED] said that besides trashing the house that Mr. [REDACTED] may have taken his rifle with him when he left. She told

Letter to Mr. ██████████

March 11, 2016

Page 5

the officers that Mr. ██████████ had been drinking a lot lately and he had been using marijuana. Ms. ██████████ was also concerned that Mr. ██████████ had not been taking his medication.

Officer T. and Officer M. did locate Mr. ██████████ nearby. Those officers asked Mr. ██████████ to step outside the house he was in so they could search him for weapons. Mr. ██████████ attempted to go back inside the house and being concerned that the rifle may have been inside the house the officers grabbed Mr. ██████████ and they arrested him.

Mr. ██████████ was transported to the substation where he was processed and he was eventually booked at the PTC. A Victim's Advocate did arrive on scene and the Victim's Advocate had obtained a temporary restraining order (TRO) and it was served on Mr. ██████████ at the Southeast Substation.

Officer T. wrote in his supplemental report that he assisted the primary officer at the scene of the Domestic Dispute. He and Officer M. located Mr. ██████████ at a residence near where the dispute occurred. Mr. ██████████ greeted the officers at the door and the officers instructed Mr. ██████████ to come outside. Mr. ██████████ turned and started to dart back into the house. Being concerned that Mr. ██████████ may have had a weapon inside the house, the officers grabbed Mr. ██████████ and detained him. Later, a Victim's Advocate obtained an Emergency Restraining Order and Officer T. served it on Mr. ██████████.

Lapel Videos

The officer's lapel videos associated with this case were reviewed. The videos documented what Ms. ██████████ told the officers, the damage to the house, and Mr. ██████████'s arrest.

That video of the arrest of Mr. ██████████ showed the officers approached the residence where Mr. ██████████ had been located and they made contact with Mr. ██████████. Officer T. opened the screen door and the officers told Mr. ██████████ to step outside. Mr. ██████████ did step outside. Once Mr. ██████████ was outside on the porch, Officer T. told Mr. ██████████ to turn around. The lapel video showed that Mr. ██████████ refused to turn around and he tried to go back inside the house but was stopped by the officers before Mr. ██████████ could do so. The officers placed Mr. ██████████ under arrest without incident. Mr. ██████████ then apologized to the officers. The rest of the lapel video showed the officers and Mr. ██████████ engaged in cordial and casual conversation with Mr. ██████████.

The lapel videos showed that there was probable cause for the arrest. The court records showed that there was proof beyond a reasonable doubt that Mr. ██████████ assaulted his ex-wife. There were no false allegations brought against Mr. ██████████ by the officers and there was no civil rights violation.

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

Letter to Mr. ██████████
March 11, 2016
Page 6

Your complaint and these findings are made part of Officer T.'s and Officer S.'s Internal Affairs records.

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police