

# 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 #138-15**

Dear Ms. [REDACTED]

Our office received the complaint you filed on July 28, 2015 against Officer R. of the Albuquerque Police Department (APD) regarding an incident that occurred on June 4, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### I. THE COMPLAINT

Ms. [REDACTED] said that on June 4, 2015, she was involved in a traffic accident with a young female driver. Ms. [REDACTED] said she and the other driver pulled into a nearby gas station to wait for APD. She said a third vehicle, which contained a witness, also pulled into the gas station. Officer [REDACTED] R. [REDACTED] arrived on scene and spoke to the younger driver, the driver's mother and the driver of the third vehicle before speaking to Ms. [REDACTED]. Ms. [REDACTED] complained that Officer R. [REDACTED] told her she shouldn't be allowed to speak to the witness. Ms. [REDACTED] complained that Officer R. [REDACTED] repeatedly cut her off when she was speaking to him and that he was rude and very unprofessional.

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

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

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

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

Ms. [REDACTED] complained Officer R. argued with her, did not ask her for her side of the accident, did not allow her to speak with a witness, and was generally rude and unprofessional towards her.

The interviews and Officer R.'s lapel videos and report were reviewed and revealed Officer R. asked Ms. [REDACTED] her side of the story regarding the accident. They also revealed Officer R. did not tell Ms. [REDACTED] she could not speak to the witness; rather he told her she could contact the witness if she wanted because the witness's information would be on the report. The videos revealed Officer R. was not argumentative, or rude or unprofessional towards Ms. [REDACTED] during their interaction, which was recorded in its entirety.

The CPOA finds Officer R.'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 conduct did not occur or did not involve the subject officer.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2016  
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Re: CPC #140-15**

Dear Mr. [REDACTED]

Our office received the complaint you filed on July 31, 2015 against Officer L. of the Albuquerque Police Department (APD) regarding an incident that occurred on July 31, 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 that on July 31, 2015 at about 1:00 PM, he was panhandling in his wheelchair at the intersection of Rio Grande and I-40. Mr. [REDACTED] said that his wife's sister, who lives in [REDACTED], had her leg amputated and he was trying to get money to help out his sister-in-law. Mr. [REDACTED] was approached by Officer L. Mr. [REDACTED] said that Officer L. told him that he had ten seconds to leave the area and started counting down from ten. Mr. [REDACTED] said that Officer L. threatened to arrest him if he did not leave and the officer allegedly told Mr. [REDACTED] that if he did arrest him, he would leave his wheelchair behind. Mr. [REDACTED] complied and left the area. Mr. [REDACTED] returned to the same

intersection on August 4, 2015 and allegedly, Officer L. drove by him twice on that day and told him to move. Mr. ██████████ did. Mr. ██████████ believed that panhandling was legal and he had allegedly been told by an unnamed APD Sergeant that what he was doing was okay.

## **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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, an interview with Mr. ██████████ and an interview with Officer L. Officer L.'s lapel video recording of the incident was also reviewed.

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

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

Mr. ██████████ said that on July 31, 2015 at about 1:00 PM, he was panhandling in his wheelchair at the intersection of Rio Grande and I-40. Mr. ██████████ said that his wife's sister, who lives in ██████████, had her leg amputated and he was trying to get money to help his sister in law out. Mr. ██████████ was approached by Officer L. Mr. ██████████ said that Officer L. told him that he had ten seconds to leave the area and started counting down from 10. Mr. ██████████ said that Officer L. threatened to arrest him if he did not leave and the officer allegedly told Mr. ██████████ that if he did arrest Mr. ██████████, Officer L. would leave Mr. ██████████'s wheelchair behind. Mr. ██████████ complied and left the area. Mr. ██████████ returned to the same intersection on August 4, 2015 and allegedly, Officer L. drove by him twice on that day and told him to move. Mr. ██████████ did. Mr. ██████████ believed that panhandling was legal and he had allegedly been told by an unnamed APD Sergeant that what he was doing was okay.

Mr. ██████████ was interviewed. Officer L. was interviewed. Officer L.'s lapel video was reviewed. Mr. ██████████ admitted that he was panhandling. Under City law, panhandling consists of any solicitation, begging, or any other form of asking for donations made in person upon any public place in the city in which a person requests an immediate donation of money or other gratuity from another person. A public place is defined in the ordinance as street, highway, or sidewalk, as well as many other places. Panhandling from a sidewalk is illegal. Mr. ██████████ was admittedly committing a violation of the law when he was approached by Officer L. Officer L. had probable cause to approach and caution Mr. ██████████ that Mr. ██████████ was breaking the law and that Mr. ██████████ needed to leave or face the legal consequence for violating the law.

The lapel video showed that Mr. ██████████ was argumentative with Officer L. Officer L. asked Mr. ██████████ to leave the area but Mr. ██████████ continued to argue with Officer L.

Letter to Mr. ██████████

March 11, 2016

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In an effort to get Mr. ██████████ to comply with the law and to stop panhandling, Officer L. increased his command presence by telling Mr. ██████████ that he had ten seconds to stop panhandling and to leave. By the time Officer L. was down to a count of 8, Mr. ██████████ was leaving; not happily, but leaving nonetheless. The tactic worked and Officer L. was able to accomplish his objective without having to make an arrest or take any enforcement action. The contact was proper and lawful. Officer L.'s behavior did not violate any policy or procedure of the Albuquerque Police Department.

The CPOA finds Officer L.'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 L.'s Internal Affairs records.

**You have the right to appeal this decision.**

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Jeffrey Scott Wilson*

Edward Harness, Esq., Executive Director

March 11, 2016  
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Re: CPC #141-15**

Dear Mrs. [REDACTED]

Our office received the complaint you filed on August 11, 2015 against Officer B. of the Albuquerque Police Department (APD) regarding an incident that occurred on July 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

Mrs. [REDACTED] said that on July 28, 2015, she and her husband were at home when Officer B. and another APD officer arrived and questioned them about a possible domestic violence incident. Mrs. [REDACTED] complained that during his investigation, Officer B. was rude to her, smart-mouthed and belittled her, and never apologized to her for "getting the wrong people" despite her being "scared and crying her eyes out."

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, the CADs report, Officer B.'s lapel videos, and interviews with the Complainant, Mr. [REDACTED] and Officer B.

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

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

Mrs. [REDACTED] said that on July 28, 2015, she and her husband, [REDACTED], were at home when Officer B. and another APD officer arrived and questioned them about a possible domestic violence incident. Mrs. [REDACTED] complained that during his investigation, Officer B. was rude to her, called her a liar, smart-mouthed and belittled her, and never apologized to her for "getting the wrong people" despite her being "scared and crying her eyes out." Mrs. [REDACTED] complained that Officer B. told her someone was getting arrested for domestic violence that day.

The interviews and lapel videos revealed Officer B. contacted Mrs. [REDACTED] inside her home after Mrs. [REDACTED] invited him inside. The video showed Officer B. asked Mrs. [REDACTED] some questions about possible domestic violence, which Mrs. [REDACTED] willingly answered. The video showed Officer B. was forthright in his communication with Mrs. [REDACTED] yet he remained professional towards her. The video showed Officer B. was not rude to her and did not call her a liar. The video showed Officer B. did not smart-mouth or belittle her, or threaten to arrest someone for domestic violence, as alleged in her written complaint. The video showed Officer B. left Mrs. [REDACTED] inside her home and went outside to speak with Mr. [REDACTED] before leaving the scene. Officer B. apologized to Mr. [REDACTED] for the possible mistake made by the witness/caller and then the officers left. The video showed Mrs. [REDACTED] was not "crying her eyes out" or crying at all when Officer B. was on scene, as alleged in her written complaint.

The CPOA finds Officer B.'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 conduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer B.'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 Mrs. [REDACTED]

March 11, 2016

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Jeffrey Scott Wilson*  
Edward Harness, Esq., Executive Director

March 11, 2016  
Via Certified Mail

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Re: CPC # 185-15**

Dear Mr. [REDACTED]

Our office received the complaint you filed on September 24, 2015 against Officer G. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 23, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### I. THE COMPLAINT

Mr. [REDACTED] said he was involved in a traffic accident on September 23, 2015, wherein he sustained injuries. He complained that APD Officer G. arrived on scene and immediately accused Mr. [REDACTED] of speeding and being on drugs instead of inquiring about his health. Mr. [REDACTED] complained that Officer G. assumed he was on drugs and targeted Mr. [REDACTED] because Mr. [REDACTED] is black and has rims on his vehicle. Mr. [REDACTED] complained that Officer G. arrived on scene just started searching his vehicle without permission. Mr. [REDACTED] complained the driver of the other vehicle was taken to the hospital immediately while Mr. [REDACTED] was left on the side of the road with Officer G. threatening to take him to jail. Mr. [REDACTED] complained that when he finally got to the hospital, Officer G. was rude to him and continued to threaten to take him to jail and did not allow him to receive medical treatment.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Mr. [REDACTED]'s interview, Officer G.'s interview and report, and lapel videos.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(B)(2), 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 Officer G. arrived on scene and just started searching his car.

A review of the interviews and lapel videos showed Officer G. did not search Mr. [REDACTED]'s vehicle upon his arrival on scene; rather Officer G. told Mr. [REDACTED] he wasn't going to search Mr. [REDACTED]'s car without his permission. The video showed Mr. [REDACTED] gave Officer G. permission to enter his car and look in his glove box to look for proof of insurance and registration. The video showed Officer G. repeated back to Mr. [REDACTED] that he was giving Officer G. permission to enter his vehicle and look for the paperwork and showed Mr. [REDACTED] replied yes.

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

B) The CPOA reviewed APD SOP 1-03-3 (A)(3), which states:

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

Mr. [REDACTED] complained Officer G. targeted him for being black for the following reasons: because he looked at the rims on his car and said he sells and does drugs; because he checked on the other driver first, who was white or Spanish, before checking on Mr. [REDACTED]; and he "treated him like shit."

A review of the interviews and lapel videos revealed that Officer G. was dispatched to the scene of a two-vehicle accident, which involved Mr. [REDACTED]; therefore he did not target or profile Mr. [REDACTED] due to his race or his vehicle having rims. The lapel video showed Officer

G. never accused Mr. [REDACTED] of selling drugs. The lapel video showed that upon his arrival, Officer G. checked on Mr. [REDACTED] first before he checked on the other driver. The lapel video showed Officer G. did not treat Mr. [REDACTED] poorly. The lapel video showed Mr. [REDACTED] was uncooperative, belligerent and continually yelled and cursed at Officer G. throughout his contact with Officer G. The video showed Officer G. never made any statements about Mr. [REDACTED]'s race; however, without provocation, or reason, Mr. [REDACTED] yelled at Officer G., "I asked you to get that shit and you wanna get on me because I'm a nigger and he is a Mexican (i.e. the other driver)!" The video showed Mr. [REDACTED] made racial statements towards Officer G. about being a Mexican and he called Officer G. "a racist piece of shit." The video showed Mr. [REDACTED] continued to insult and curse at Officer G. and called him "Mr. Racist punkass G." before threatening to sue Officer G. and cause him to lose his job.

The CPOA finds Officer G.'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 conduct did not occur or did not involve the subject officer.

C) The CPOA reviewed APD SOP 1-04-1 (F), which states:

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

Mr. [REDACTED] complained Officer G. failed to show concern for his well-being when he didn't ask if Mr. [REDACTED] was okay after being involved in a two-vehicle accident. Mr. [REDACTED] complained Officer G. was rude to him by continually threatening to take him to jail.

The interviews and lapel videos revealed that shortly after his arrival at the scene of the accident, Officer G. asked Mr. [REDACTED] if he had any injuries. The videos showed Officer G. was not rude to Mr. [REDACTED] and Officer G. did not repeatedly threaten to take Mr. [REDACTED] to jail. The video showed Mr. [REDACTED] cursed and yelled at Officer G., rescue personnel and hospital personnel throughout his interaction with these individuals and he repeatedly told Officer G. to take him to jail.

The CPOA finds Officer G.'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 conduct did not occur or did not involve the subject officer.

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

**You have the right to appeal this decision.**

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

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

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

cc: Albuquerque Police Department Chief of Police

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*Jeffrey Scott Wilson*  
Edward Harness, Esq., Executive Director

March 11, 2016  
Via Certified Mail

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Re: CPC # 186-15**

Dear Mrs. [REDACTED]:

Our office received the complaint you filed on September 24, 2015 against Officers M. and S. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 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

On September 24, 2015 APD responded to a call by a witness who reported that a man was sitting in his car in front of an insurance agency and that he appeared confused and disoriented. Mrs. [REDACTED] complained that it was her husband, Mr. [REDACTED], who was sitting in his car waiting for her to arrive when APD Officer M. and Officer S. made him get out of his car, show his identification and searched the car, which she claimed was a violation of his rights.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer M.'s interview, lapel videos, and the CADS report.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(B)(2), 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.*

Mrs. [REDACTED] complained Officer M. had no right to contact her husband, Mr. [REDACTED] make him get out of his car and then search his car as he waited in the parking lot for Mrs. [REDACTED]

Interviews and lapel video showed Officer M. did not make Mr. [REDACTED] get out of his vehicle, nor did he search Mr. [REDACTED]'s car. The investigation revealed Officer M. eventually located Mrs. [REDACTED] in a medical clinic and then escorted Mr. [REDACTED] to the clinic and left him with the nursing staff to wait for Mrs. [REDACTED].

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

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

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(B)(2), 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.*

Mrs. [REDACTED] complained Officer S. had no right to contact her husband, Mr. [REDACTED], make him get out of his car and then search his car as he waited in the parking lot for Mrs. [REDACTED].

Interviews, the CADS report and lapel videos revealed a witness called APD to report that Mr. [REDACTED] looked confused and disoriented as he sat in his vehicle in the parking lot in front of State Farm Insurance. The lapel video showed Officer S. contacted Mr. [REDACTED] and Mr. [REDACTED] was confused and disoriented and could not provide any emergency contact information for Mrs. [REDACTED] or any other family member. The video showed Officer S. asked Mr. [REDACTED] for permission to look in his vehicle for emergency contact information and Mr. [REDACTED] gave him permission to look. The video showed Officer S. was unable to locate any contact information; however Mrs. [REDACTED] was eventually located in a medical clinic and Mr. [REDACTED] was escorted to the clinic by assisting Officer M. and left with the nursing staff to wait for Mrs. [REDACTED].

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward W. Harness, Esq.  
Executive Director  
(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 #191-15**

Dear Mr. [REDACTED]:

Our office received the complaint you filed against Officer P. of the Albuquerque Police Department (APD) on October 1, 2015, regarding an incident that occurred on December 26, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 13, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

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

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

### I. THE COMPLAINT

Mr. [REDACTED] was arrested by APD Officer P. for Assault against a Household Member on December 26, 2014. Mr. [REDACTED] wrote in his complaint that he argued with his wife at noon on that date. His wife video recorded the argument but she did not call the police until 6 hours later. Mr. [REDACTED] was forced to hire an attorney. His court case was later dismissed "in the interest of justice." Mr. [REDACTED] wrote that his wife is from Viet Nam and Vietnamese women are famous for making false accusations of spousal abuse. Mr. [REDACTED] wrote that he had consumed a few beers that evening but his wife made it look like he was intoxicated and

out of control. Mr. [REDACTED] wrote that Officer P. fell for his wife's story hook, line, and sinker. He wrote that if the officer would have had half a brain he would have known that his wife made the whole story up because she was using her "Asian scammer tactics" against him. Mr. [REDACTED] wanted to know if the City of Albuquerque would like to refund his attorney fees.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Computer Assisted Dispatch (CAD) report, the police report, the CPOA Investigator interview with Officer P. and Officer P.'s lapel camera video. Mr. [REDACTED] was not interviewed. The e-mail address for Mr. [REDACTED] is no longer valid and a detailed message left by the CPOA Investigator on Mr. [REDACTED]'s voicemail was never returned. The investigation was conducted based off the written complaint.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 (B) 2 regarding Officer P.'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] was arrested by APD Officer P. for Assault against a Household Member on December 26, 2014. Mr. [REDACTED] wrote in his complaint that he argued with his wife at noon on that date. His wife video recorded the argument but she did not call the police until 6 hours later. Mr. [REDACTED] was forced to hire an attorney. His court case was later dismissed "in the interest of justice." Mr. [REDACTED] wrote that his wife is from [REDACTED] and [REDACTED] women are famous for making false accusations of spousal abuse. Mr. [REDACTED] wrote that he had consumed a few beers that evening but his wife made it look like he was intoxicated and out of control. Mr. [REDACTED] wrote that Officer R [REDACTED] fell for his wife's story hook, line, and sinker. He wrote that if the officer would have had half a brain he would have known that his wife made the whole story up because she was using her "Asian scammer tactics" against him. Mr. [REDACTED] wanted to know if the City of Albuquerque would like to refund his attorney fees.

The Investigation conducted by the CPOA Investigator showed that the police have been called to Mr. [REDACTED]'s home many times for domestic violence issues. Prior to this incident, there was usually a lack of probable cause found to make an arrest. However, on this occasion, Mrs. [REDACTED] had recorded Mr. [REDACTED]'s actions on video and Officer P. was shown those videos. Those videos were subsequently recorded on Officer P.'s lapel camera video.

The CPOA Investigator reviewed the lapel camera videos. The video, taken by Ms. [REDACTED] that was shown to Officer P. was reviewed by the CPOA Investigator. That video showed Mr. [REDACTED] in a fit of rage. The video showed Mr. [REDACTED] engaged in a rage of foul mouthed intimidating behavior. He called his wife a "piece of crap". He screamed at her and said, "You bring your f\*\*\*\*\* mother over here and you can't take care of your f\*\*\*\*\* kid? You selfish mother f\*\*\*\*\* stupid ass!...What the f\*\*\* is wrong with you, you stupid? " The video showed Mr. [REDACTED] approach Ms. [REDACTED] in an angry manner and he was within a very close distance of her, and he scared her so that she had to move away. There was another video that showed Mr. [REDACTED] ranting and raging in the garage and he threw the bicycle as he was screaming.

Mrs. [REDACTED]'s statement to Officer P. and Mr. [REDACTED]'s daughter's statement to Officer P. were consistent. Furthermore, the video taken by Ms. [REDACTED] proved that Ms. [REDACTED] and the daughter were telling Officer P. the truth about what Mr. [REDACTED] did to them earlier in the day. There were no false accusations made about Mr. [REDACTED] and his actions.

Officer P. had probable cause to arrest Mr. [REDACTED]. The arrest was lawful, proper, and based on probable cause.

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

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

You have the right to appeal this decision.

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**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 # 196-15**

Dear Ms. [REDACTED]

Our office received the complaint you filed on October 19, 2015 against Officer C. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 1, 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] complained that Officer C. failed to arrest a male subject who pointed a gun at her home.

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

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

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2 (B)(1), which states:

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

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

Ms. [REDACTED] complained that Officer C. failed to arrest a male subject who pointed a gun at her home.

A review of the interviews, the lapel video and Officer C.'s report, which was written on Officer C.'s behalf, revealed Ms. [REDACTED] called APD to report a male subject drove by her home and pointed a gun at her home while she and her son were 10 feet away. The investigation revealed Officer C. told Ms. [REDACTED] a crime was not committed because the home was empty when the gun was pointed towards it and the gun was never pointed at her or her son. The investigation revealed Officer C. has personal history with the family who owns [REDACTED] the company who employs the male subject suspected of pointing the gun. Because of the personal history between Officer C. and the family, a different officer, Officer D.C., wrote the report on Officer C.'s behalf.

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

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

**You have the right to appeal this decision.**

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

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

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

Please contact me if you have any questions or concerns.

Sincerely,  
Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *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 #201-15**

Dear Ms. [REDACTED]:

Our office received the complaint you filed on October 16, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on October 14, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 21, 2015. The CPOA thoroughly and impartially investigated your 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 October 14, 2015, APD officers responded to calls about an incident occurring between Ms. [REDACTED] and her boyfriend. Ms. [REDACTED] wrote in her complaint she did not tell officers what happened because she did not want her boyfriend, Mr. [REDACTED], to go to jail for punching her. Ms. [REDACTED] wrote Officer B told her she would be arrested if she did not go to the hospital, but Ms. [REDACTED] refused medical services because there were too many EMTs around. Ms. [REDACTED] wrote in her complaint she wanted to arrange for her children, but Officer B only wanted the biological father's information. Ms. [REDACTED] wrote the biological father had not seen the children in years. Ms. [REDACTED] wrote in her complaint she wanted her mother or grandparents to get the children instead, but Officer B refused.



The CPOA Investigator interviewed Ms. [REDACTED]. Ms. [REDACTED] stated in her interview Officer B told her she was a "big girl" and should not act as she was. Ms. [REDACTED] stated Officer B arrested her because Ms. [REDACTED] would not cooperate with rescue or go to the hospital. Ms. [REDACTED] stated Officer B refused to take pictures of her injuries or allow Ms. [REDACTED] to make a statement. Ms. [REDACTED] stated Officer B insisted the biological father of the children be called instead of allowing her to have other family members pick up her children. Ms. [REDACTED] stated Officer B misrepresented things to CYFD.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-24-3A5a, d and e regarding Officer B's conduct, which states:

*Steps to be followed in conducting preliminary investigations that may include but are not limited to: a. Observe all conditions, events and remarks, d. Ensure that necessary evidence is collected and e. Effect the arrest of the suspect.*

Ms. [REDACTED] claimed Officer B did not conduct a proper investigation and as a result arrested her. Ms. [REDACTED] denied she did anything to her boyfriend other than follow him. Ms. [REDACTED] stated she specifically requested photos be taken of her injuries and asked to provide a statement, but Officer B denied her requests. Ms. [REDACTED] denied she had injuries on her hands showing she self-inflicted her injuries. Ms. [REDACTED] claimed Officer B told her because she was crying and hysterical that Officer B believed Mr. [REDACTED] over her. Ms. [REDACTED] claimed Officer B provided no explanation for her arrest. Mr. [REDACTED] agreed Officer B did not allow Ms. [REDACTED] to write a statement or take pictures of her injuries despite Ms. [REDACTED]'s request. Mr. [REDACTED] also stated the arrest was improper because Ms. [REDACTED] did nothing to him.

There were several calls into police about the incident. Callers reported Ms. [REDACTED] looked like she was trying to run into Mr. [REDACTED]. The callers reported Ms. [REDACTED] was crying, screaming, honking, and driving aggressively. The lapel videos showed Ms. [REDACTED] refused to say what happened and made no allegations against Mr. [REDACTED] until she saw Mr. [REDACTED] speaking with Officer M. The lapel videos showed Mr. [REDACTED] denied causing Ms. [REDACTED] injury and claimed Ms. [REDACTED] pushed him, grabbed him, and knocked his glasses off his face, breaking them. The lapel videos showed Mr. [REDACTED] accused Ms. [REDACTED] of hitting her own face and said family could vouch that Ms. [REDACTED] had done it before. The lapel videos showed Officer B explained to Ms. [REDACTED] the reason for her arrest more than once, but Ms. [REDACTED] refused to listen. The lapel videos showed rescue personnel pointed out their observations and believed Ms. [REDACTED]'s injuries were consistent with her hitting herself. The lapel videos showed Ms. [REDACTED], at the substation, later admitted some of her injuries were self-inflicted. The lapel videos showed Ms. [REDACTED] never asked to make a statement or requested photos be taken. Ms. [REDACTED] was deemed the primary aggressor so a statement from her would not be typical even if she had asked. Mr. [REDACTED] refused to make a written

Letter to Ms. ██████

March 11, 2016

Page 3

statement. Officer B conducted an investigation and considered the available evidence contrary to Ms. ██████'s claims.

The CPOA finds Officer B's conduct to be **Unfounded**, as the investigation determined that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating General Order 1-02-2B2 regarding Officer B's conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officer shall: 2. Make only those arrests, searches, and seizures, which they know or should know, are legal and in accordance with departmental procedures.*

Ms. ██████ claimed Officer B searched her car without permission. Mr. ██████ stated he observed Officer B search at least the front area of the car while Ms. ██████ was detained in the back of the police car. Ms. ██████ also claimed Officer B told her she was being arrested because she did not cooperate with rescue personnel or go to the hospital. Mr. ██████ also had this belief. Ms. ██████ stated she did not want to be checked by rescue because there were too many rescue personnel hovering around her.

The lapel videos showed Officer B reached in Ms. ██████'s car to make sure the car was turned off and to take the keys. Officer B did not search her car. The lapel videos showed Ms. ██████ immediately started screaming about Officer B searching her car and Officer B explained why she reached in the car. The lapel videos showed Officer B allowed Ms. ██████ to sit in her car, get something out of the trunk and Officer B still did not search her car. The lapel videos showed Officer B corrected Mr. ██████' misunderstanding of why Ms. ██████ was arrested and explained Ms. ██████'s arrest was due to domestic violence. The lapel video showed Officer B never said Ms. ██████ was being arrested because she refused to cooperate with rescue personnel or go to the hospital. Officer B explained her feeling was the only way to prevent Ms. ██████ from acting violently to herself or Mr. ██████ was to go to jail.

The CPOA finds Officer B's conduct to be **Exonerated**, as the investigation determined that the alleged conduct did not violate APD policies, procedures or training.

C) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer 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.*

Ms. ██████ complained that Officer B told her she was a "big girl" and should not be acting as she was. Ms. ██████ also complained that Officer B did not allow her to make decisions about her children. Ms. ██████ claimed she provided family members' information, but

Letter to Ms. [REDACTED]

March 11, 2016

Page 4

instead Officer B contacted the biological father of the children to pick them up. Ms. [REDACTED] complained Officer B forced Mr. [REDACTED] to provide the information about her ex. Mr. [REDACTED] agreed that Officer B called him to get the biological father's phone number. He did not know Ms. [REDACTED] had already refused to provide the information. As far as Ms. [REDACTED] knew, Officer B did not even try to arrange for anyone else to get her children even though her ex had a warrant and had not seen the children in years. Ms. [REDACTED] also claimed Officer B lied to CYFD saying her children were present during the fight, that Ms. [REDACTED] neglected and abused her children, and that she was mentally ill. Ms. [REDACTED] claimed she had paperwork that showed this. Mr. [REDACTED] also stated he saw paperwork that inaccurately claimed the children were present during the fight. However, Mr. [REDACTED] stated he did not know what Officer B told CYFD.

The lapel videos showed Officer B told Ms. [REDACTED] she was a grown woman and should know police would be called if she drove as she did, honking and screaming. At the substation, the lapel videos showed Officer B was very understanding while discussing Ms. [REDACTED]'s situation and officers accommodated Ms. [REDACTED]'s requests to the best of their ability. The lapel videos showed Mr. [REDACTED] expressly stated he did not want to be responsible for the children. Mr. [REDACTED] offered alternative family members' information. The lapel videos showed Ms. [REDACTED] did not want her grandparents contacted. The lapel videos showed Ms. [REDACTED] said the children's biological father was on the pickup list for school. The lapel videos also showed Mr. [REDACTED] mentioned Ms. [REDACTED] called the biological father the other day for assistance although it resulted in a call for police, but this indicates the biological father is involved in the situation. The lapel videos showed officers attempted to comply with Ms. [REDACTED]'s wishes by making several calls, but the only option available was the biological father. The lapel videos showed CYFD was contacted to assist in confirming custody for the children. In any case, a referral to CYFD would be appropriate given the history and the concerns that even Mr. [REDACTED] expressed as shown on lapel video. Ms. [REDACTED] never provided the CYFD paperwork she claimed to have to support her assertion of false statements.

The CPOA finds Officer B's conduct to be **Exonerated**, as the investigation determined that the alleged conduct did not violate APD policies, procedures or training.

Additional Note: Ms. [REDACTED] claimed Officer B's supervisor also denied her the option of having photos taken or writing a statement. The lapel video showed Ms. [REDACTED] never made that request so Acting Sgt. M was not targeted.

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

You have the right to appeal this decision.

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

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

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

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.

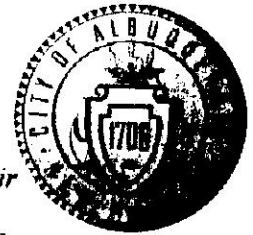
Sincerely,  
The Civilian Police Oversight Agency by



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 #203-15**

Dear Mr. [REDACTED]:

Our office received the complaint you filed against Albuquerque Police Department (APD) Detective C. on October 17, 2015, regarding an incident that occurred on October 12, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 21, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint.

PO Box 1293

The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

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

### I. THE COMPLAINT

Mr. [REDACTED]'s son, a [REDACTED] year old minor, had been staying at a friend's house for an extended period of time when this incident took place. During the evening October 11, 2015 or in the early morning hours of October 12, 2015, Mr. [REDACTED]'s son and his friend stole alcohol and consumed it. Mr. [REDACTED]'s son ended up in the hospital and was treated for alcohol poisoning. Hospital Personnel called APD to notify them of the incident and two APD officers

responded. CYFD personnel also responded. At the hospital, Mr. [REDACTED]'s son told the APD officers that when he was living in [REDACTED] with Mr. [REDACTED] that Mr. [REDACTED] had pointed a gun at the boy. The two responding APD Officers contacted the APD Crimes against Children Unit on call Detective J., who determined that the incident should be handled by the on call detective from the NE IMPACT Team. The Detective who responded to the call and the Detective complained about was Detective C. and not Detective J. as Mr. [REDACTED] alleged in his complaint.

Mr. [REDACTED] wrote in his complaint that when Detective C. talked to him at the hospital that Detective C. told Mr. [REDACTED] that Mr. [REDACTED]'s son was scared of Mr. [REDACTED] and that Mr. [REDACTED]'s son did not feel safe with Mr. [REDACTED]. Mr. [REDACTED] wrote that the detective then allegedly fabricated an incident where Mr. [REDACTED] pulled out a gun and pointed it at his son. Mr. [REDACTED] felt that the Detective was trying to intimidate him into allowing his son to return to the family that his son was staying with when his son stole the alcohol and got drunk. Mr. [REDACTED] alleged that Detective C. raised his voice and pointed his finger at Mr. [REDACTED] and then told Mr. [REDACTED] that he could hold his son for 48 hours if he needed to. Mr. [REDACTED] felt that the way he was treated by Detective C. was an abuse of power and that Detective C. harassed and intimidated him.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE C.'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 Complaint, the CPOA Investigator interview with Mr. [REDACTED], the interview of Detective C., a review of the police report, and an interview with the CYFD caseworker. The CPOA Investigator also reviewed Detective C.'s audio recording of his interaction with Mr. [REDACTED] at the hospital.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Detective C.'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] wrote in his complaint that when Detective C. talked to him at the hospital that Detective C. told Mr. [REDACTED] that Mr. [REDACTED]'s son was scared of Mr. [REDACTED] and that Mr. [REDACTED]'s son did not feel safe with Mr. [REDACTED]. Mr. [REDACTED] wrote that the detective then allegedly fabricated an incident where Mr. [REDACTED] pulled out a gun and pointed it at his son. Mr. [REDACTED] felt that the Detective was trying to intimidate him into allowing his son to return to the family that his son was staying with when his son stole the alcohol and got drunk. Mr. [REDACTED] alleged that Detective C. raised his voice and pointed his finger at Mr. [REDACTED] and then told Mr. [REDACTED] that he could hold his son for 48 hours if he needed to. Mr. [REDACTED] felt that the way he was treated by Detective C. was an abuse of power and that Detective C. harassed and intimidated him.

The investigation showed that Detective C. audio recorded his entire interaction with Mr. ██████████. That recording was provided to the CPOA Investigator. The only part of the interview that became a little contentious occurred shortly after interview began.

Detective C. introduced himself and told Mr. ██████████ the reason why he was there. He asked Mr. ██████████ what his desires were as far as his son was concerned. Detective C. said that he understood that Mr. ██████████'s son had been with the family that he was staying with for about a month. When Detective C. suggested that Mr. ██████████'s son seemed to be doing better in the home, Mr. ██████████ raised his voice and said that his son was absolutely not doing better. Detective C. said that it seemed to him, based on what he had been told, that Mr. ██████████'s son had been doing better and not ditching school. Mr. ██████████ disagreed with Detective C. on that matter. Mr. ██████████ told the Detective that his son was feeding them a bunch of "bull shit."

Mr. ██████████ then said, "Don't even think about sending him back over there because he's not safe over there." Detective C. then told Mr. ██████████, "Okay, you know what sir? First off, okay, at this point, it is my choice okay, because I am a law enforcement officer. I can put him on a 48 hour hold if I have to okay? That is my choice. It is also CYFD's choice." Mr. ██████████ said, "I understand that." Detective C. then said, "So don't, sir, I am going to be very careful in how I talk to you because I'm going to start to get upset if otherwise okay. Don't you dare tell me how to do my job, because I would never dare to tell you how to do yours." Mr. ██████████ responded, "Okay."

The rest of the conversation between the two is cordial. The pair talked about why Mr. ██████████'s son has not been staying with Mr. ██████████. Mr. ██████████ said that he couldn't force his son to stay at home. Detective C. told him he could. Detective C. offered Mr. ██████████ solutions as to what to do if his son did not come home from school. Mr. ██████████ said that it hadn't worked in the past and Detective C. said, "I'm not saying it's easy, but that's just the way that it is." Detective C. told Mr. ██████████ that when he allows his son to stay at other places for long periods of time, it creates problems for him, CYFD, and the police when something goes wrong.

Detective C. went on to tell Mr. ██████████, "So that's where we are at, at this point. I want to figure out what is in the best interest of...Mr. ██████████'s son." Detective C. said that he did not know at that point if it was in his son's best interest to continue to stay with the family he was with or to be with Mr. ██████████. Detective C. said that it was his first time in dealing with the parties involved. Detective C. told Mr. ██████████ that the family that his son was staying with did not provide the alcohol to his son.

Mr. ██████████ told Detective C. that he had always gotten along well with his son and they haven't had any problems before. Detective C. told Mr. ██████████ that he had talked to Mr. ██████████'s son and based on what was said, Detective C. had the impression that Mr. ██████████'s son felt as if Mr. ██████████ did not care about him at all. Mr. ██████████ got a little emotional at hearing that and said that he was doing his best given the circumstances.

It was at that point that Detective C. told Mr. ██████████ that Mr. ██████████'s son had disclosed to him that when the ██████████'s were living in ██████████, that Mr. ██████████ had gotten drunk and pointed a gun at his son. Mr. ██████████ denied that had ever happened. Detective C. told Mr. ██████████ that he had to ask about the incident because Mr. ██████████'s son had brought it up. Detective C. said that Mr. ██████████'s son's safety was the most important thing and he asked if there was someone who could help out. Mr. ██████████ said that the child had an Aunt who could help. Detective C. again told Mr. ██████████ that he and CYFD were just trying to figure out what was in the best interest of the child. The pair talked for a couple of minutes longer and the interview was concluded. It should be noted that at times, the CYFD worker can be heard in the background also asking questions.

The investigation revealed that Mr. ██████████'s son did tell Detective C. about the gun incident and Detective C. had recorded Mr. ██████████'s son telling him that. Detective C. did not fabricate the story. The investigation revealed that Mr. ██████████'s son had told other people the story as well. The story may not have been true and Mr. ██████████'s son later denied that the incident occurred, but nonetheless, Detective C. was told about it. When trying to place a child, a detective must know as much as they can about the place where they are considering placing the child. That was explained to Mr. ██████████.

Detective C. never told ██████████ that Mr. ██████████'s son did not feel safe with Mr. ██████████.

The CYFD worker was also interviewed. She witnessed the interview between Mr. ██████████ and Detective C. She said that Detective C.'s interaction with Mr. ██████████ was "totally appropriate."

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

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

You have the right to appeal this decision.

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

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



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

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 #205-15**

Dear Ms. [REDACTED]

Our office received the complaint you filed against Commander M. of the Albuquerque Police Department (APD) on October 21, 2015, regarding an incident that occurred on that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 27, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

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

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

### I. THE COMPLAINT

Ms. [REDACTED] wrote in her complaint that on October 21, 2015 at about 3:15 PM, she parked her vehicle on the west side of the street in the [REDACTED] block of [REDACTED] NE. Ms. [REDACTED] wrote that an officer later identified as Commander M., pulled alongside her and told her that she was parked in a no parking zone. Ms. [REDACTED] wrote that as she tried to ask the officer why it was a no parking zone as there are no signs there, the officer rolled up his window, refused to answer her, and parked further up. Ms. [REDACTED] wrote that she got out of her car and went up to the officer to ask him why the area was a no parking zone, and the

officer refused to answer her questions and ignored her repeatedly. She wrote that she was disappointed in the way she was treated by the officer because he made her feel helpless and disrespected. She wrote that she questions the decency of APD officers.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING COMMANDER 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 Complaint, the CPOA Investigator interview with Commander M., a review of the applicable City Ordinance and photos of where the incident occurred. There was no lapel video to be reviewed because Commander M. was not required to record the interaction.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Commander 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] complained that after parking her vehicle that Commander M. pulled alongside her and told her that she was parked in a no parking zone. Ms. [REDACTED] wrote that she tried to ask the officer why it was a no parking zone as there are no signs there. Commander M. allegedly rolled up his window, refused to answer her, and parked further up. Ms. [REDACTED] wrote that she got out of her car and went up to the Commander M. to ask him why the area was a no parking zone, and Commander M. refused to answer her questions and ignored her repeatedly. She wrote that she was disappointed in the way she was treated and she felt helpless and disrespected.

Ms. [REDACTED] provided no contact information on her complaint. An address was located for her through the internet. The CPOA Investigator sent Ms. [REDACTED] a letter via certified mail and in that letter the Investigator requested that Ms. [REDACTED] contact the Investigator so the Investigator could obtain more information and a statement. Ms. [REDACTED] signed for the certified letter on December 31, 2015. She did not respond to the request. The complaint investigation was conducted solely on the written complaint.

The investigation determined that on the date and time this incident took place Commander M. was parked in the area watching the school crossing guards who are under his direction. The school that is located there had some problems in the past with people parking in a no parking area. The curb there is painted yellow and no one is allowed to park there because when people do park there, they create a traffic and pedestrian hazard. Commander M. saw the complainant pull up and parked next to the curb that was painted yellow. Parking next to a yellow curb is illegal. Commander M. drove up next to where Ms. [REDACTED] was seated in her vehicle and she was told that she was parked in a no parking zone and that she would have to move. Ms. [REDACTED] did move and parked further down the street. Ms. [REDACTED] then got out of her car and spoke with the Crossing Guard but it is disputed as to whether or not she ever re-approached Commander M. to ask him questions. Ms. [REDACTED] wrote that she did,

but Commander M. denied that she did. Commander M. said that had she done so he would have gladly answered any questions that she may have had.

Photographs of the area showed that Ms. [REDACTED] was parked illegally. Albuquerque City Ordinance prohibits a person from parking next to a yellow painted curb and that if the curb is painted yellow no signs are required to be posted.

Albuquerque City Ordinance 8-5-1-1 entitled **Stopping, Standing or Parking Prohibited No Signs Required** reads in part:

*No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:*

*(A) Next to a curb painted yellow or red.*

Commander M. was not required by SOP to record his brief interaction with Ms. [REDACTED], so no lapel video recording was available for review.

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

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

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

Letter to Ms. [REDACTED]

March 11, 2016

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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 # 222-15**

Dear Mr. [REDACTED]

Our office received the complaint you filed on November 24, 2015 against an Unknown Officer of the Albuquerque Police Department (APD) regarding an incident that occurred on November 12, 2015. The Civilian Police Oversight Agency (CPOA) Executive Director was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

### I. THE COMPLAINT

Mr. [REDACTED] complained that on the afternoon of November 12, 2015 an unknown officer entered his back yard and, without cause, shot and killed his dog. Mr. [REDACTED] was not on the scene when the incident occurred, but arrived shortly after while officers were on the scene and Animal Control cared for his dog. Despite the efforts of Animal Control, the pet died.

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

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

### **1. Did Officer H. comply with Albuquerque Police Department Procedural Order #2-52-3 (A), which states: 2-52-3 General requirements and expectations of all Officers with regard to Uses of Force**

*A. Officers may use force when objectively reasonable based upon a totality of the circumstances.*

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

Officer H. was dispatched to a stolen vehicle at the complainant's address. The stolen vehicle was parked in a driveway directly in front of the complainant's apartment door. Officer H verified the vehicle was stolen, and then called for a CSS to process the vehicle before arranging to return the vehicle to its owner.

Officer H. stated he conducted a safety sweep of the area North West adjacent to the recovered stolen vehicle. The area was open, unfenced to the South containing tall shed like structures. He stated the purpose of the sweep was to ensure his safety and the safety of the unarmed CSS. The CSS was on scene processing the vehicle for latent evidence.

During Officer H.'s sweep he was confronted by a large dog (80 pound pit bull). The dog charged him. Officer H. fearing for his safety pulled his service weapon and fired three shots at the dog. Officer H. fired 3 times, striking the dog twice. The dog retreated to a sheltered area.

The dog was chained to a shelter when it was shot. However, the scene photos taken in the aftermath of the shooting show the following: when Officer H. first fired his weapon the length of the chain would have allowed the dog to reach Officer H. Officer H. could have been bitten by the dog. The chain attached to the dog was small and not easily visible, nor was the place where the chain was secured to the shelter.

The CPOA finds Officer H.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the

evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

1. **Did Officer H. comply with Albuquerque Police Department Procedural Order #1-93-1 (B), which states:**

**1-39-1 Use of Tape/Digital Recorders**

- B. The Albuquerque Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity, may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these types of situation officers should activate the recorder if doing so does not place them or others in danger. If the immediate activation of the recorder is not feasible due to immediate risk to the safety of the officer or others, the officer will activate the camera at the first available opportunity when the immediate threat has been addressed.*

Officer H. recorded his dispatch and his initial approach to the stolen vehicle. He did not record his confrontation with the dog, during his sweep of the area. The confrontation was immediate; taking time to activate his camera could have resulted in injury to himself.

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

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

**You have the right to appeal this decision.**

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

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



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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

March 11, 2015  
Via Certified Mail

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

**Re: CPC #217-15**

Dear Mr. [REDACTED]

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer L. on November 17, 2015, regarding an incident that occurred on November 16, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on November 20, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

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

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

### I. THE COMPLAINT

Mr. [REDACTED] wrote in his complaint that on November 16, 2015 he called the Albuquerque Police Department because he was needed assistance in finding out what was going on his home which he is no longer living in. He had separated from his wife and she was not answering her phone or the door to the home and that was out of the ordinary for her. Mr. [REDACTED] stated that Officer L. arrived and immediately started giving him a hard time. Mr. [REDACTED] felt that Officer L. was "a little out of line" so he requested a Supervisor. The Supervisor arrived and Mr. [REDACTED] told her that the officer was being unprofessional. The

Supervisor handled everything in a smooth and professional manner. Mr. ██████████ suspected that Officer L. treated him unprofessionally because Mr. ██████████ was wearing a Harley Davidson hoodie and he had not shaved in four days. Mr. ██████████ couldn't understand why the officer had such an attitude with him.

## **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 Standard Operating Procedures (SOPS), the Complaint, the CPOA Investigator interview with Mr. ██████████ the interview of Officer L., a review of Mr. ██████████'s call into dispatch, and the Computer Assisted Dispatch (CAD) report. The CPOA Investigator also reviewed Officer L.'s lapel video recording and Sgt. S.'s lapel camera recording of the incident.

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

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

Mr. ██████████ complained that as soon as Officer L. arrived Officer L. immediately started giving Mr. ██████████ a hard time. Mr. ██████████ felt that Officer L. was "a little out of line" so he requested a Supervisor. Mr. ██████████ told the CPOA Investigator in the interview that he felt like Officer L. treated him as if Mr. ██████████ was involved in some sort of Domestic Violence incident. Mr. ██████████ thought that Officer L. treated him unprofessionally because Mr. ██████████ was wearing a Harley Davidson hoodie and he had not shaved in four days. Mr. ██████████ couldn't understand why the officer had such an attitude with him.

The review of Officer L.'s lapel video showed that Officer L. did come on a little strong at first with Mr. ██████████ but not to the point that his actions would violate policy. The investigation showed that Telecommunications Operator, who answered the call from Mr. ██████████, did not get Mr. ██████████'s request right. It was clear from the recording that Mr. ██████████ only wanted to check on the welfare of his wife. The Telecommunications Operator provided Officer L. with the incorrect information. The Telecommunications Operator dispatched the call as a "Domestic Violence Escort" and the information provided to Officer L. was that Mr. ██████████ was at his home to pick up some items from his wife and he wanted an officer there to keep the peace. Mr. ██████████ never told the Telecommunications Operator that he wanted to pick up items or that he needed an officer there to "keep the peace."

There is no evidence to support the allegation that Mr. ██████████ made that he was treated unprofessionally by Officer L. because he was wearing a Harley Davidson hoodie. In fact, Officer L. rides Harley motorcycles and up until about two years ago, had his own Harley.

Officer L. did not violate policy. He responded to what he believed was a domestic violence situation.

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

**III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING TELECOMMUNICATIONS OPERATOR M.'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedure 1-04-4 (Q) regarding Telecommunications Operator M.'s conduct, which states:

*Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties, and consistent with established department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.*

The investigation showed that Telecommunications Operator M, who answered the call from Mr. [REDACTED], did not get Mr. [REDACTED]'s request right. It was clear from the recording that Mr. [REDACTED] only wanted to check on the welfare of his wife.

When Mr. [REDACTED] called in he told Telecommunications Operator M. that he was at his house and that he wanted to see if an officer could come to his house. He said that he and his wife were separated and that she was not answering her phone, was not answering his texts, and she was not answering the door. Mr. [REDACTED] told Operator M. that he did not know what was going on. Operator M. asked Mr. [REDACTED] if the wife was in the home. Mr. [REDACTED] said that he did not know if she was or not. Operator M. then asked, "So you need like a police escort?" Mr. [REDACTED] said, "Uh, yeah basically, because of my job and stuff, but I don't know. It's not like her to not answer my texts or any of my calls. I don't know what's going on." The rest of the conversation between the two is just getting Mr. [REDACTED]'s name, phone number, address, and what type of car Mr. [REDACTED] would be waiting in.

The investigation showed that Telecommunications Operator M. provided Officer L. with the incorrect information. The Telecommunications Operator dispatched the call as a "Domestic Violence Escort" and the information provided to Officer L. was that Mr. [REDACTED] was at his home to pick up some items from his wife and he wanted an officer there to keep the peace. Mr. [REDACTED] never told the Telecommunications Operator that he wanted to pick up items or that he needed an officer there to "keep the peace".

Telecommunications Operator M. did not accurately obtain or accurately dispatch the information that Mr. [REDACTED] had provided to her. While Operator M. was courteous, her action of dispatching the wrong information to a responding officer was not within established department procedures, and in this case it resulted in a complaint against the APD.

The CPOA finds Telecommunications Operator M'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 was discovered during the misconduct investigation.

**RECOMMENDED DISCIPLINE**

**No discipline for Officer L.**

**For Operator M, this is a Level 6 conduct violation and the 3<sup>rd</sup> Level 6 violation in the last 20 months. Therefore, I recommend a 60 hour suspension**

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

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

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