

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Eric H. Cruz* *Joanne Fine*
Chantal M. Galloway *Dr. William J. Kass* *James A. Larson*
Chelsea Van Deventer
Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA

Thursday, March 8, 2018 – 5:00 PM
Vincent E. Griego Chambers

- I. Welcome and call to order.
- II. Pledge of Allegiance – *Chelsea Van Deventer*
- III. Mission Statement – *Valerie St. John*

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- IV. Approval of the Agenda
- V. Public Comments
- VI. Review and Approval of Minutes
- VII. Discussion
 - a. Election of New POB Chair
 - b. Dinner Breaks
- VIII. Consent Agenda Cases:
 - a. Administratively Closed Cases

041-17	211-17	221-17	238-17	240-17	241-17
244-17	245-17	246-17	247-17	248-17	249-17
008-18	009-18	016-18	019-18		
 - b. Cases Investigated

169-17	174-17	186-17	196-17	208-17	223-17
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- IX. Non-Concurrence Cases:
- X. Serious Use of Force/Officer Involved Shooting Cases
 - a. Officer Involved Shooting Cases

I-172-16	I-23-17
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- b. CIRT Cases
C2016-62 C2017-10 C2017-12 C2017-14 C2017-22 C2017-31

- XI. POB's Review of Garrity Materials
 - a. I-171-15
 - b. I-50-17
 - c. I-24-17

- XII. Reports from Subcommittees
 - a. Community Outreach Subcommittee – *Johnny J. Armijo*
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 - 1. Recommendation CYFD referrals
 - c. Case review Subcommittee – *Leonard Waites*
 - 1. Appeals
 - d. Personnel Subcommittee – *Eric Cruz*

- XIII. Reports from City Staff
 - a. APD
 - b. City Council
 - c. Mayor's Office
 - d. City Attorney
 - e. CPC
 - f. CPOA – *Edward Harness, Executive Director*

- XIV. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues
 - a. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and
 - b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

- XV. Other Business

- XVI. Adjournment- *Next Regularly scheduled POB meeting will be on April 12, 2018 at 5 p.m. in the Vincent E. Griego Chambers.*

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018
Via Certified Mail

RE: CPC 009-18

Dear _____

On January 19, 2018 we received your complaint that you hand delivered to our office.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on January 15, 2018 at about 1:30 AM, you were driving down a street and saw a woman who had been beaten. You stopped to help her and you flagged down a passing officer. You were asked to wait to speak with detectives who were called to investigate the beating. A Sergeant who was on scene ran your personal information and found that you had a warrant for your arrest but he did not arrest you. The Sergeant told you to take care of the warrant. The following morning, you left your house and stopped at a convenience store. As you were leaving the store you did not turn on your headlights. It was still dark out. An APD officer stopped you for driving without headlights. You told the officer that when he ran your information that he would find that you had a warrant for your arrest. The officer ran your information and he subsequently arrested you on the outstanding warrant. The officer asked you if you could have someone pick up your car so he would not have to tow it. You told him that you had none one who come get the car and you asked him if he could leave the keys to your car with the clerk of the convenience store. The officer said he could not do that and your car was towed. You complained that you should not have been arrested because the Sergeant did not arrest you the night before. You complained that your car should not have been towed. You requested that you be reimbursed for the cost of the two, that you get payment for stress, and compensation due to the stress imposed upon you and the "ignorance" of the officer who arrested you.

Letter to Mr CPC 009-18
March 9, 2018
Page 2

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Sergeant used his discretion and decided not to arrest you. The officer who arrested you the following morning was not bound by the Sergeant's decision not to arrest you the night before. There was a valid warrant for your arrest in the system at the time of the stop. The officer complied with policy and procedure when he arrested you. Your vehicle was towed in accordance with APD policy.

III. CONCLUSION

We are appreciative that you stopped to help the woman who had been injured. The Sergeant the night before used his discretion and chose not to arrest you. That discretionary decision was not binding on the officer who stopped you the following day. Officers usually arrest people whom they encounter with warrants. The officer who arrested you could not, by policy, leave your car, its keys and contents with a complete stranger and clerk at the convenience store. To do so would have jeopardized your property and put the city of Albuquerque in a position of liability should anything have happened to your car after your arrest. We are aware that you have filed a Tort Claim with Risk Management and perhaps they can be of some assistance to you, but the officer who arrested you and towed your car did not violate any policies or procedures in doing so. At this time, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

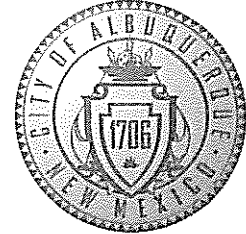
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018
Via Certified Mail

Re: CPC 008-18

Dear

PO Box 1293

On January 18, 2018 we received your complaint that you emailed in to our office.

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on January 18, 2018 at about 2:30 AM, you were leaving a Motel 6 room that you had rented for another couple when you were approached by undercover narcotics officers. You alleged that you were searched without your consent, that your car was searched without your consent, and that the officers harassed you, accused you of dealing drugs, and they implied that you were involved with stolen vehicles. You listed the officers as a Detective _____ and a Detective _____. You requested that the officers be reprimanded, stripped of their authority, and given direction to stop harassing you. You also requested to view a photo lineup so you could pick the officers out.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. A Computer Assisted Dispatch inquiry was done and the return showed that there was no APD Narcotics Unit activity in that area at that time. Furthermore, the Albuquerque Police Department has no Detective _____. There are numerous Detectives with the last name _____, but none are assigned to Narcotics.

III. CONCLUSION

There simply is not enough information provided in your complaint to move forward with any further investigation. It is possible that the Detectives whom you alleged harassed you, do not

Letter to Mr. , CPC 008-18
March 8, 2018
Page 2

even work for the APD, but perhaps another agency such as BCSO, DEA, or some other drug task force. At this time, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

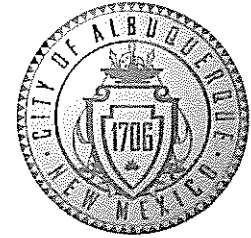
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March 9, 2018

Concerned Citizen

To File

Re: CPC #249-17

Dear Concerned Citizen:

On April 17, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about April 14, 2017.

I. THE COMPLAINT

PO Box 1293

You submitted a written complaint that you mailed to our office. You wrote that you were driving to work from Unser Boulevard to Interstate 40 around 7:30 a.m. when you observed a SUV belonging to an APD sergeant who was talking on his cell phone the entire time you were side by side on the road. You wrote that the officer had the phone to his ear and did not have on a Bluetooth.

Albuquerque

II. INQUIRY

NM 87103

A CPOA staff member forwarded the complaint to acting Commander G. regarding the driving behavior of Sgt. S., who was driving an APD Unit you identified in the complaint. The Commander delegated the task to Sgt. S.'s supervisor Lt. B., who discussed the issue with Sgt. S. It was determined that the officer was on the phone with the tactical commander regarding a SWAT call he was in route to.

www.cabq.gov

Lt. B. reviewed SOP 1-1 H(2), which states:

“Except for emergency communication, the use of hand-held cellular telephones or electronic devices is prohibited while operating a city vehicle. Personnel may use hands-free device, such as an earpiece or Bluetooth, while operating a city vehicle.”

According to Lt. B., Sgt. S. was not in violation of the policy during this occurrence as he was in route to an emergency and coordinating response to the emergency. Since the event, Sgt. S. has obtained a Bluetooth device and has been using it. Sgt. S. stated that he would remind his officers to use hands-free devices as well.

Letter to a Concerned Citizen, CPC 249-17
March 9, 2018
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved informally by Lt. B.

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

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James A. Larson

March 9, 2018

Via Email

1 (Last name not given)

Re: CPC #248-17

Dear _____

On December 12, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about December 12, 2017.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You submitted an online self-reported complaint. You wrote while you were driving from the Interstate 25/Interstate 40 interchange eastbound on Interstate 40 when you observed an officer driving aggressively. You observed the officer following you too closely in the left hand lane. You pulled into the empty right lane to allow the officer to pass. Afterwards, you observed the officer following several other cars too closely. You observed the officer pacing a vehicle and displaying gestures to that person. While he was doing the gestures, the officer was swerving the lane. After about 15 seconds, the officer drastically slowed while he was in front of you so he could jump back behind the vehicle that he was gesturing to. You continued to watch the officer's driving. At the Louisiana exit, the officer turned on his turn signal and flew across from the left lane to the far right exit lane.

II. INQUIRY

A CPOA staff member forwarded the complaint to Commander G. regarding the driving behavior of Officer D. who was driving an APD vehicle you identified in the complaint. The Commander delegated the task to Sgt. C. to investigate.

Sgt. C. investigated the complaint and found that Officer D. was on his way to the Southeast Substation for the beginning of his shift. Sgt. C. spoke with Officer D., who could not recall the incident. In addressing that you were not the only witness to Officer D.'s behavior, Sgt. C. explained to Officer D. that "perception is reality" and reminded him that officers are

Letter to _____, CPC 248-17
March 9, 2018
Page 2

always in the public eye. Sgt. C. also discussed with Officer D. that officer's behavior can affect the public's perception as either positively or negatively on the whole police department.

As a result of this complaint, Sgt. C. reminded his entire squad during a briefing that APD's Take Home Car Program is a privilege and not a right. In addition, Sgt. C. also reminded his team that they all need to be on their best behavior and to represent the department professionally when driving a unit and when wearing the uniform.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been informally resolved for the reason that Sgt. C. is confident that this complaint has been addressed and that this behavior will not be a recurring issue. Sgt. C. recommends that there no further action be taken at this time.

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

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March 9, 2018

Via Email

Re: CPC #247-17

Dear _____ :

On November 29, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about November 28, 2017.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You submitted an online self-reported complaint. You wrote for the last few months and while you were driving from your home to and from work, you observed an officer in an unmarked law enforcement Chevy SUV vehicle driving erratically. The officer would drive toward Interstate 40 utilizing Legends Boulevard, Vallecitos Drive, Meadow Drive and Sedillo Hill streets and seldom coming to a complete stop at those intersections. The officer would exceed the posted speed limit and often tailgate other vehicles. You also observed the officer accelerate speed from Route 66 onto Interstate 40 in excess of 90 mph. Additionally, on November 28, 2017, while you were driving eastbound on Interstate 40, you observed the same officer pass your vehicle at an estimated speed of 100 mph and swerving in and out of traffic taking full advantage of all three lanes.

II. INQUIRY

A CPOA staff member forwarded the complaint to Acting Commander G. regarding the driving behavior of the unidentified officer who was driving an APD white unmarked Tahoe you identified in the complaint. The Acting Commander delegated the task to Sgt. R. to investigate. Sgt. R. investigated the incident and found that the Tahoe was assigned to Officer C. on the date of the alleged incident. However, the vehicle was transferred to Ofc. A. on October 28, 2017. Officer C. and Officer A. both indicated that they do not live in the East Mountains and do not drive there on a regular basis. Sgt. R. believes that this offense did occur but believes that there is a mistake in the license plate number that was taken down. Sgt.

Letter to Mr CPC 247-17
March 9, 2018
Page 2

R. will use this incident as an opportunity to hold a discussion with his officers and explain the importance of always setting an example that higher level officers are held accountable to.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved informally by Sgt. R.

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

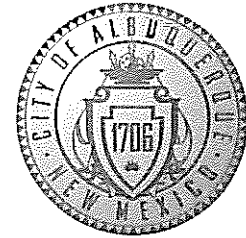
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The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

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March 9, 2018

Anonymous

Re: CPC #245-17

Dear Anonymous:

On May 9, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about May 9, 2017.

I. THE COMPLAINT

A CPOA staff member helped you fill out a complaint by telephone using the online complaint form. You stated that you observed an officer utilizing a cell phone while driving.

II. INQUIRY

A CPOA staff member forwarded the complaint to acting Commander O. regarding the driving behavior of Officer M., who was driving an APD Unit you identified in the complaint. The Commander delegated the task to Officer M.'s supervisor, Sgt. P. It was determined that Officer M. was working overtime detail for the False Alarm Reduction Unit during the time of the incident and could not recall if she was on the phone while driving but stated that she might have been. Sgt. P. stated that he informed Officer M. that while she may have been conducting official city business in relation to law enforcement duties and using her cell phone while driving, it was an appropriate reason to violate Standard Operating Procedure, Rules of Conduct 1-1-4B, Compliance with Laws, Rules, and Regulations. Furthermore, Officer M. understands that officers must hold themselves to a higher standard in regards to traffic violations. Since the date of the incident, Officer M. was issued a newer patrol vehicle that has a built-in Bluetooth feature, which will help prevent any further cellphone violations.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved informally by Sgt. P.

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Letter to Anonymous, CPC 245-17
March 9, 2018
Page 2

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.

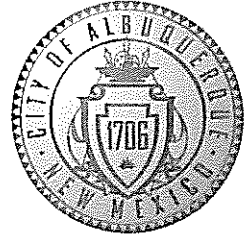
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March 9, 2018

Via email

Re: CPC #244-17

Dear :

On May 9, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about May 9, 2017.

PO Box 1293

I. THE COMPLAINT

A CPOA staff member helped you fill out a complaint by telephone using the online complaint form. You observed an officer speeding and was using his sirens and pointing at people whenever the officer would get upset when a car nudged in front of his car. The officer seemed angry and was yelling at you but you could not hear what he was saying. You feel that the officer was using intimidation and abusing his power.

Albuquerque

NM 87103

II. INQUIRY

A CPOA staff member forwarded the complaint to Commander W. regarding the driving behavior of Officer P. who was driving an APD vehicle you identified in the complaint. The Commander delegated the task to Sgt. T. to investigate. Sgt. T. investigated the complaint and met with Ofc. P., who said he recalled the incident.

www.cabq.gov

Officer P. stated that he was driving southbound on Unser when he observed a vehicle come up from behind him at a high rate of speed. Officer P. utilized his emergency equipment in order to signal for you to slow down and not pass him on the right. Officer P. observed you angrily throw up your hands, slowed and changed lanes behind him and passed him on the right at 15 mph over the speed limit. In attempt to get you to slow down, Officer P. engaged his siren and his emergency equipment to get you to comply with the speed limit. Officer P. said that you complied when you saw the lights. When you both reached the stop light, he rolled down his window and asked you to "please slow down."

Letter to Ms. , CPC 244-17
March 9, 2018
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As to the abuse of power claim from the complaint, Sgt. T. states that he did not see how Officer P. was abusing his power. Rather, he was utilizing his equipment to gain your compliance to traffic laws. Many officers, including Sgt. T., state that they have used the emergency equipment to remind drivers to adhere to speed limits and driving laws.

As to the yelling claim from the complaint, Sgt. T. wrote that Officer P. did admit to rolling down his window and asked you to slow down. Sgt. T. says that this may have been interpreted in many ways, as Officer P. was verbally reemphasizing to you why the emergency equipment was activated in the first place.

As to the claim that Officer P. was speeding, Sgt. T. wrote that Officer P. claims he was not speeding but was driving with the flow of traffic. Officer P. did need to accelerate to match your vehicle when you were passing him.

Sgt. T. discussed with Officer P. and advised him that in the future, it would be more professional to simply conduct a traffic stop and contact the driver directly. Sgt. T. stated that he has supervised Officer P. for almost 8 years and he reviews Officer P.'s body camera footage on a monthly basis and has never found him to be degrading or discourteous to the public, in fact, just the opposite. He has found him to be a professional and courteous officer when dealing with the public.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been informally resolved by Sgt. T and there will be no further action necessary in this matter.

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

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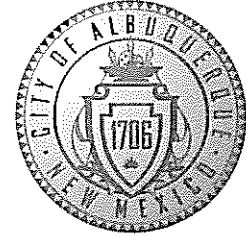
Sincerely,
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James A. Larson

March 9, 2018

Anonymous

Re: CPC #241-17

Dear Anonymous:

On May 1, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about May 1, 2017.

I. THE COMPLAINT

A CPOA staff member helped you fill out a complaint by telephone using the online complaint form. You stated that you were driving westbound on Interstate 40 between Rio Grande Boulevard and Coors Boulevard when you observed a suspected drunk driver swerving in and out of traffic. While you were driving, you pulled alongside a police officer who was driving the same direction. You signaled the officer to let him know that there was a suspected drunk driver in the area. The officer rolled down his window and you told him to do his job and to stop the suspected drunk driver. After the contact with the officer, you observed that the officer did not pull over the suspected drunk driver.

II. INQUIRY

A CPOA staff member forwarded the complaint to Commander O. regarding the driving behavior of Officer M. who was driving an APD vehicle you identified in the complaint. The Commander delegated the task to Sgt. B. to investigate. Sgt. B. investigated the complaint and found that Officer M. was off duty during the time of the incident and was returning home from court. Officer M. recalls the incident in which you gained his attention going 65 mph on a four lane freeway in order to inform him of a vehicle that was driving erratically. Officer M. used the information you provided and located the vehicle in question. Officer M. followed the vehicle for a reasonable distance to try to find probable cause for him to conduct a traffic stop. Officer M. was not able to find probable cause for a traffic stop since the vehicle was driving lawfully.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Letter to Anonymous, CPC 241-17
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Sgt. B. states that Officer M. demonstrated the proper knowledge and training required of police officers to properly contact members of the public. Sgt. B. states that it was unfortunate that the vehicle did not demonstrate the same behaviors as alleged in the complaint, but it is a testament to the Constitutional police work that Officer M. is known for.

To clarify the issue about the license plate number, the APD unit number did not match the plate number that you provided. The plate number was verified by the fleet maintenance worker.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved informally by Sgt. B.

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

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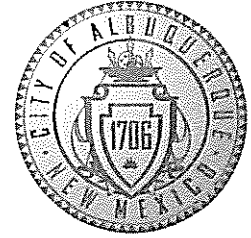
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March 9, 2018

Via Email

Re: CPC #238-17

On April 20, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about April 20, 2017.

PO Box 1293

I. THE COMPLAINT

A CPOA staff member helped you fill out a complaint by telephone using the online complaint form. You wrote that you were traveling on Juan Tabo Blvd when you observed an officer making a left hand turn onto Indian School road. You believed the officer may have been a female officer but you were not positive. You noticed that the officer did not have the emergency equipment engaged and had the green light. The officer used their turn signal to turn west onto Indian School road but failed to yield to cars who had the right away.

Albuquerque

NM 87103

II. INQUIRY

A CPOA staff member forwarded the complaint to acting Commander B. regarding the driving behavior of Officer H., who was allegedly driving an APD Unit you identified in the complaint. The Commander delegated the task to Officer H.'s supervisor, Sgt. S., who spoke with Officer H.'s about the complaint. Officer H. stated that he could not remember the incident and that he may have had a female recruit with him at the time. After review, Sgt. S. determined that Officer H. is not a female officer nor does he look like a female and that no accident occurred. Sgt. S. thinks that it is reasonable to believe that Officer H. was not driving during the incident date/time and that no reckless driving occurred.

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been informally resolved by Sgt. S.

Letter to Ms [REDACTED] CPC 238-17
March 9, 2018
Page 2

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

Johnny J. Armijo

Chantal M. Galloway

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Eric H. Cruz

Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #041-17

Dear I

PO Box 1293

On April 5, 2017, the Civilian Police Oversight Agency (CPOA) received your letter dated March 22, 2017 regarding the driving behavior of an employee of the Albuquerque Police Department (APD) that occurred on or about March 17, 2017.

Albuquerque

I. THE COMPLAINT

In your letter, you wrote that your agency received a notification from the State's Vehicle Fraud, Waste and Abuse reporting system that an officer was observed texting while driving and traveling on 5th Street and Lomas Boulevard in Albuquerque, New Mexico.

NM 87103

II. INQUIRY

A CPOA staff member forwarded the complaint to Deputy Chief B. regarding the driving behavior of Lt. G. who was driving an APD vehicle you identified in the complaint. Deputy Chief B. investigated the incident. Lt. G. had spoken with her previous Commander M. who informed her of the complaint. Lt. G. states that she did not specifically recall the incident and had shown Commander M. her phone and text log. There were no text identified from that time on that specific date but the text may have been deleted. Commander M. had counseled Lt. G. the importance of using a hands-free device while operating her vehicle.

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved informally by Deputy Chief B.

Letter to Mr _____, CPC 041-17
March 9, 2018
Page 2

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

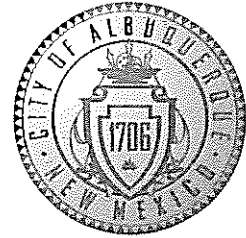
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

March 9, 2018
Via Certified Mail

7

Re: CPC #174-17

Dear

Our office received the complaints you filed on June 4, 2017 against Officers F. and M. of the Albuquerque Police Department (APD) regarding an incident that took place on June 3, 2017, involving your children. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

filed a complaint against APD Officers F. and M. for an incident that took place on June 3, 2017. said Officers F. and M. responded to her home on a report of a small child wandering the courtyard of her apartment complex. She said she was driving a friend to Pena Blanca Lake, which is an hour away, to drop her friend off and then was planning to return to her children before lunch time. She said while en-route to Pena Blanca Lake her son called her to tell her the officers were at their home. Ms. complained that

when she entered her apartment, the officers did not identify themselves and asked her where she had been and said they got a different story. The officers proceeded to tell Ms. _____ that her children are her responsibility and not that of her 12-year-old son, who she said is a babysitter and CPR and first aid certified through the Red Cross. She complained the officers continued scolding her in front of her children and that Officer M. told her they would be calling Children, Youth and Families Department (CYFD) and then with a snappy attitude said if this ever happens again they will make sure CYFD takes her kids away. Ms. _____ complained the officers told her friend that she had previous CYFD cases against her, which violated her privacy rights.

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

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

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

15. Personnel will treat the public with respect, courtesy and professionalism at all times.

Ms. _____ complained Officer F. scolded her in front of her children by telling her that her children were her responsibility and not that of her 12 year old son.

The aforementioned evidence showed Officer F. did not scold Ms. _____ in front of her children.

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

B) The CPOA reviewed APD SOP 1-1-4(E)(8), which states:

1-1-4 RULES OF CONDUCT

E. On and Off-Duty Conduct

8. Personnel will always treat the official business of the Department as confidential. Information regarding official

business will be disseminated only to those for whom it is intended, in accordance with established Department procedures.

Ms. complained Officer F. violated her privacy by telling her friend that Ms. had previous cases with CYFD.

The aforementioned evidence was reviewed and showed that Ms. friend actually informed the officers of Ms. previous contacts with CYFD, and not the other way around.

The CPOA finds Officer F.'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 M.'S CONDUCT

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-5 RULES OF CONDUCT

D. On-Duty Conduct

16. Personnel will treat the public with respect, courtesy and professionalism at all times.

Ms. complained Officer M. scolded her in front of her children by telling her that her children were her responsibility and not that of her 12 year old son. She also complained that Officer M. told her with a snappy attitude that if an event like this happened again she would make sure that CYFD takes her kids away.

The aforementioned evidence showed that Officer M. did not scold Ms. in front of her children, and did not have a snappy attitude when telling Ms. that she was going to contact CYFD and they would conduct their own investigation into the incident.

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.

B) The CPOA reviewed APD SOP 1-1-4(E)(8), which states:

1-1-5 RULES OF CONDUCT

E. On and Off-Duty Conduct

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

Ms. complained Officer M. violated her privacy by telling her friend that Ms had previous cases with CYFD.

The aforementioned evidence was reviewed and showed that Ms. friend actually informed the officers of Ms. previous contacts with CYFD, and not the other way around.

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.

Your complaint and these findings are made part of Officers F.'s and 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.

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.


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/cpoa/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.

Letter to Ms. , CPC 174-17
March 9, 2018
Page 5

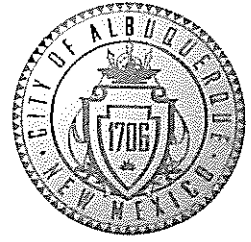
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Edward Harness, Executive Director
(505) 924-3770

March 9, 2018

Michael Geier, Interim Chief of Police
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

**RE: CPC 169-17 Citizen
 Detective**

Dear Chief Geier:

The Civilian Police Oversight Agency received this Complaint on July 5, 2017 and November 29, 2017 for incidents that occurred on July 1, 2017 and July 4, 2017, respectively. CPOA Investigator investigated this case.

Attached are the completed investigation and findings letter. The Police Oversight Board (POB) consented to my findings on March 8, 2018. This reflects the POB's final decision in this matter.

Please feel free to contact our office if you have questions.

Sincerely,

Edward Harness
Executive Director

encl.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #208-17

Dear Ms.

Our office received the complaint you filed against Officer L. of the Albuquerque Police Department (APD) regarding an incident that occurred on October 10, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

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.

www.cabq.gov

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

I. THE COMPLAINT

On October 9, 2017 at about 8:40 AM, Ms. called the APD to her home because she had been having troubles with her teenage son. Her son had threatened to hit her that morning but left before the police could arrive. Officer L. and Officer N. responded to the call for service. Ms. complained that Officer L. was dismissive of her issue and questioned her as to what she wanted the police to do about it. Officer L. then told Ms. rudely that the issue was a parenting problem. Ms. made Officer L. leave her home and Officer N. ended up taking the report from Ms. Ms. wrote in her complaint that the first thing Officer L. did was start talking nonsense about her pit bull

dog and that 20 seconds into her story Officer L. Mr. _____ wanted to make sure that Officer L. didn't speak to her or anyone else with the disrespect that he showed her.

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 Computer Assisted Dispatch (CAD) report, a telephonic interview with Ms. Gonzales, an interview with Officer L., and a review of two lapel camera video recordings.

A) The CPOA reviewed Standard Operating Procedure 1-1-4 B 7 regarding APD Officer L.'s conduct, which states:

Both on and off duty, personnel will conduct themselves in a manner that reflects most favorably on the department.

On October 9, 2017 at about 8:40 AM, Ms. _____ called the APD to her home because she had been having troubles with her teenage son. Her son had threatened to hit her that morning but left before the police could arrive. Officer L. and Officer N. responded to the call for service. Ms. _____ complained that Officer L. was dismissive of her issue and questioned her as to what she wanted the police to do about it. Officer L. then told Ms. _____ rudely that the issue was a parenting problem. Ms. _____ made Officer L. leave her home and Officer N. ended up taking the report from Ms. _____ Ms. _____ wrote in her complaint that the first thing Officer L. did was start talking nonsense about her pit bull dog and that 20 seconds into her story Officer L. cut her off.

Officer L. and Officer N. both video recorded the contact and those recordings were reviewed. The recording showed that Officer L. did not talk nonsense about the pit bull. Officer L. stated that he did not trust pit bulls and he asked that the dog be confined before he entered the home. The videos showed that Officer L. asked Ms. _____ what had occurred and Ms. _____ was able to tell her story, uninterrupted. Officer L. asked Ms. _____ if her son had ever hit her in the past and Ms. _____ said that he had but that she did not report it.

When Ms. _____ was telling her story, she spoke of the problems she had been having with her son. She said that she discovered that he had been having unprotected sex with his girlfriend and that she spoke to the girlfriend's mother about that. She said that her son had been smoking marijuana and that he had been getting bad grades. She also reported that earlier that morning her son didn't want to get up to go on a field trip. The two argued and her son chased her and threatened to hit her and that was when she called the police. The following is from the video:

At 2:40 into the video, Ms. _____, obviously emotionally upset, tells Officer L. she is tired of it and that she doesn't want her son there anymore. Officer L. asks, "So what did you think we can do though today?" She responds, "I want him to stop. You tell me." Officer L. then

Letter to Ms. , CPC 208-17
March 9, 2018
Page 3

says at 2:47, "Actually, unfortunately, I know it's a hard situation, this isn't a police problem though. You know? So, I can uh,..." Ms. cuts off Officer Lujan and asks what has to happen for it to be a police problem. She asks if she has to get hurt before the police can get involved. Officer L. says at 3:08 that it doesn't have to get to that, that he can do a report that her son threatened to beat her up. He says that he can see Ms. getting upset and she agrees that she is. At 3:19, Officer L. says, "I can see you getting upset, but listen here. That's a parenting job from the beginning when you're young, when they're young, k? We can't come in here and change it." Ms., obviously not liking that response tells Officer L. to leave her house and he says, "Sounds good." She tells him that he cannot come into her home and be "an ass" about things. Officer L. seems surprised at that and says, "An ass? I was just trying to say there's nothing we can do here." Ms. says that he shouldn't tell her that she hasn't been a parent. Officer L. asks, "So what are you trying to tell me to do?" She responds, "To do your job..." She then tells Officer L. to leave her house. He does.

Officer Lujan was interviewed and he denied that his conduct was bad.

The fact is that there are certain things that the police can do nothing about. All of the issues that Ms. complained about, aside from the alleged assault committed by Ms.'s son, are in fact issues that the police can help little with other than referring a parent to agencies who may be able to help with the situation.

When Officer L. brought up that many of these issues are parenting issues, Ms. was offended. Ms. however, in her telephonic interview with the CPOA Investigator, acknowledged that a lot of it does have to do with her parenting, but her son is 16 years old and she can't control him. She said that she called the police for help and Officer L. didn't help matters.

The evidence showed that the assault occurred earlier in the day. Ms.'s son was not home when the police arrived. Unfortunately, there was little that the police could do other than write a report on what occurred. That is what Officer L. offered to do, and what Officer N. ultimately did.

Perhaps, Officer L. could have used better words to express what he was trying to get at, or perhaps he should have waited until wasn't so upset to say what he wanted to say. Perhaps there was a better way to explain what he meant but what Officer L. did say to Ms. does not rise to a level to support a violation of this SOP.

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

You have the right to appeal this decision.

Letter to Ms. _____, CPC 208-17
March 9, 2018
Page 4

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.

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD Policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD Policies or APD Policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by the evidence that was available to the POB at the time of the investigation.

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 submitted within 30 days 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/cpoa/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.

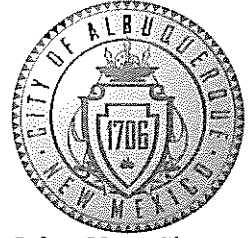
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #169-17

Dear

Our office received the complaints you filed on July 5, July 17 and November 29, 2017 against Detective P. of the Albuquerque Police Department (APD) regarding incidents that have been occurring since July 1, 2017 and a separate incident which occurred on July 4, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

In her initial two complaints, Ms. _____ said that on July 4, 2017, Detective P. held a 4th of July party at her home, which is next to Ms. _____. She complained that Detective P. and Detective P.'s guests were lighting "Balloon Fiesta type" fireworks from the second floor balcony of the two- story home, and these fireworks were going 50-100 feet in the air and were so loud they shook the windows in Ms. _____ house. Ms. _____ complained Detective P.'s actions were not good examples for the neighborhood kids, or her own children, one of

which was a baby. Ms. alleged Detective P.'s actions caused her own baby's (Detective P.'s) irreversible ear damage. Ms. said she tried to contact Detective P. about the illegal fireworks but was only able to speak with one of her guests, who told Ms. it was none of her business and asked her if she was going to stop everybody. Ms. complained that Detective P. performed and enabled others to perform illegal acts.

In her third complaint, which was taken on November 29, 2017 over the phone by the CPOA Investigator while obtaining Ms. statement in the fireworks complaint, Ms. complained that Detective P. has been driving around in a government vehicle without proper license plates or temporary tags since July 1, 2017. Ms. told the Investigator she brought this issue up to Detective P.'s supervisor, who said the vehicle needed to have license plates on it when traveling to and from work and when not working an APD detail. Ms. complained that ordinary citizens get cited for driving without plates but officers don't. She told the Investigator she has called 311 approximately 10 times to complain about Detective P. driving the government vehicle without license plates.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaints, and the interviews with Ms. Borris and Detective P..

A) The CPOA reviewed APD SOP 1-1-4(B)(2), which states:

1-1-4 RULES OF CONDUCT

B. Compliance with Laws, Rules, and Regulations

- 2. Personnel will obey all federal, state, and local laws, rules and regulations, and enforce those lawful directives while protecting the rights of individuals, as established in the Constitution of the United States and the Constitution of the State of New Mexico. This includes, but is not limited to, obeying all felony, misdemeanor, and traffic laws, and local ordinances, as well as all lawfully issued civil orders of any jurisdiction. Quarterly, the Department will compile and review violation reports to identify trends.***

Ms. complained that Detective P. set off illegal fireworks and allowed her guests to do so, as well.

The following evidence was reviewed: the written complaints, and the interviews with Ms. and Detective P.. The evidence was unable to show that Detective P. set off illegal,

“Balloon Fiesta type” fireworks on July 4, 2017, or that she allowed her guests to set off said fireworks.

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

B) The CPOA reviewed APD SOP 2-5-3(K)(16), which states:

2-5-3 USE OF POLICE VEHICLES

K. Assigned Take-Home Vehicle Program

16. All personnel driving marked department vehicles will have the assigned government plate properly affixed to their vehicle at all times. Unmarked vehicles will display government plates or civilian “cover” plates specifically assigned to the vehicle by the Department of Motor Vehicles, unless otherwise authorized by a supervisor. Unmarked vehicles equipped with civilian plates will not participate in traffic enforcement.

Ms. _____ complained that Detective P. has been driving for months in a government vehicle without license plates on it; an act that a citizen would be cited for but not Detective P..

The evidence showed that during the period about which Ms. _____ is complaining, Detective P. was assigned to the Criminal Investigations Division (CID) unit as an undercover Detective, and was given authorization from her supervisor, Sgt.D., to not have a license plate affixed due to undercover operations she was assigned to work.

The CPOA finds Detective P.’s conduct **EXONERATED** regarding the allegation of a violation of this SOP, where the investigation has 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 Detective 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.

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

Letter to _____, CPC 169-17
March 9, 2018
Page 4

- A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

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/cpoa/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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Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #196-17

Dear . . .

Our office received the complaint you filed on August 11, 2017 against Officer V. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 10, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Ms. . . said she called APD to report a vehicle accident and Officer V. and another unknown officer responded to take the report. She complained Officer V. told her she deserved what happened to her because she was intoxicated. She complained he raised his voice at her, was rude, degrading, and disrespectful and biased. She complained Officer V. continued to argue with her even after she told him to get out of her home.

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

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

- A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

15. Personnel will treat the public with respect, courtesy and professionalism at all times.

Ms. _____ complained Officer V. told her she deserved what happened to her because she was intoxicated, and he raised his voice at her, was rude, degrading, disrespectful and biased.

Ms. _____ was not interviewed as she didn't respond to several requests for an interview; therefore this investigation was based on the aforementioned evidence, which showed that Officer V. and Officer R. responded to Ms. _____'s residence because she was receiving threatening phone calls from someone with whom she was involved in a vehicle accident five days prior. The evidence showed Officer V. questioned Ms. _____ about the accident and while doing so she turned her attention away from him and towards Officer R., who was standing several feet away. Officer V. asked for Ms. _____'s attention and told her that when calling police she should do so when she was as sober as possible because it was difficult to communicate with her. Ms. _____ got angry at this point and started telling Officer V. what to do and what to write on his business card. He raised his voice slightly when he told her she doesn't get to tell him how to do his job. He told her twice how she could file the accident report and asked her if there was anything more she needed, to which she replied "to get out of her house." As they were leaving she told them "to get off their street" and "no wonder you all get shot." The lapel video showed Ms. _____ appeared to be intoxicated or under the influence of another substance as she slurred her words and was unable to make clear and complete sentences. The lapel video showed Officer V. did not tell her she deserved what happened to her because she was intoxicated, and it showed that he remained professional throughout the interaction.

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

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

Letter to _____, CPC 196-17
March 9, 2018
Page 3

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.

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

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/cpoa/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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James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #186-17

Dear

PO Box 1293

Our office received the complaint you filed on November 2, 2017 against Albuquerque Police Department (APD) Officer S. regarding an incident which occurred on October 21, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

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

NM 87103

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

I. THE COMPLAINT

Mr. [redacted] sent an email to former APD Chief Gorden Eden complaining about the unprofessional behavior of APD Officer S., whom he encountered in the early morning hours of October 21, 2017 after his son, [redacted], was involved in a vehicle accident with Officer P.. Specifically, [redacted] complained that Officer S. yelled that [redacted] ran a red light causing the accident; called [redacted] "another piece of work" when [redacted] told him he lived in Los Lunas; called [redacted] "father of the year" and "a real winner"; and bragged that he made \$37/hour and Mr. [redacted] was paying for it. The email was forwarded to former Internal Affairs (IA) Commander [redacted], who forwarded it to the CPOA for investigation.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, CPOA interviews, the CADS report, the written accident report, and lapel videos.

A) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

15. Personnel will treat the public with respect, courtesy and professionalism at all times.

Mr. . . . complained Officer S. was unprofessional in dealing with him and his son, Specifically, Mr. . . . said Officer S. called him “another piece of work”, “father of the year” and bragged that he made \$37 an hour for which Mr. . . . was paying.

The aforementioned evidence showed that Officer S. was unprofessional when he and Mr. . . . got into a heated verbal exchange, during which Officer S. called Mr. . . . “another piece of work” and “father of the year”, and commented about how much money he made.

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

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

You have the right to appeal this decision.

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

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,

Letter to ' , CPC 186-17
March 9, 2018
Page 3

D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

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/cpoa/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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March 9, 2018

Anonymous

Re: CPC #240-17

Dear Anonymous:

On April 25, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about April 11, 2017.

I. THE COMPLAINT

You submitted an anonymous self-reported online complaint. You wrote that while you were driving on Interstate 40 westbound between San Mateo and Carlisle Boulevard you observed an officer driving in an extremely aggressive and erratic manner. The officer abruptly crossed all lanes of traffic several times and was driving too closely to multiple vehicles.

II. INQUIRY

A CPOA staff member forwarded the complaint to Commander B regarding the driving behavior of Officer M, who was driving an APD Unit you identified in the complaint. The Commander delegated the task to Officer M.'s supervisor Sgt. S., who investigated the complaint. Sgt. S. reviewed Officer M.'s CAD log history for the date and time of the incident. Sgt. S. reviewed Officer M.'s training history and he was scheduled for the 2017 Phase 1 MOE/Firearms Qualifications starting at 1:30 p.m. Sgt. S. spoke with Officer M. about the driving complaint you submitted. Officer M. stated that he was the west range for DPS qualifications and lives on the west side of town and had no reason to be in the area in question after completing his qualification. Sgt. S. determined that Officer M. was not in the area during the time of the alleged driving conduct.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been handled informally by Sgt. S. After the completion of the investigation by Sgt. S., it was determined that Officer M. did not engage in the alleged conduct and believes no further action is necessary.

PO Box 1293

Albuquerque

NM 87103

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Letter to Anonymous, CPC 240-17

March 9, 2018

Page 2

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

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

Date

Via Certified Mail

Rebecca Dorneman

Re: CPC #223-17

Dear :

PO Box 1293

Our office received the complaint you filed on October 4, 2017 against Albuquerque Police Department (APD) Officer M. regarding an incident which occurred on September 23, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

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

NM 87103

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

I. THE COMPLAINT

Ms. _____ complained that when she called APD to report a theft of money and an aggravated assault, Officer M. and his partner, Officer B., arrived, and Officer M. was rude and confrontational. She complained Officer M. refused to investigate the incident and told her he wasn't going to ask the court for a subpoena for the surveillance video from the bank.

**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, the CADS report, Officer M.'s report, and lapel videos.

A) The CPOA reviewed APD SOP 2-60-4(A)(1), which states:

2-60-4 PRELIMINARY AND FOLLOW UP CRIMINAL INVESTIGATIONS

A. Preliminary Investigations

- 1. Field Services officers will conduct preliminary investigations on all felony and misdemeanor crimes and any other incidents of a suspicious nature.***

Ms. _____ complained that she reported an incident of theft and threats of assault to Officer M. and he refused to investigate the incident.

The aforementioned evidence showed Officer M. was one of two officers who responded to Ms. _____'s home. Lapel videos showed the officers spoke to Ms. _____ about the incident and gathered pertinent information, which Officer M. included in his written report. The evidence also showed Officer M. contacted witnesses related to his case; therefore, Officer M. investigated the crime per APD SOP.

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.

B) The CPOA reviewed APD SOP 1-1-4(D)(15), which states:

1-1-4 RULES OF CONDUCT

D. On-Duty Conduct

- 15. Personnel will treat the public with respect, courtesy and professionalism at all times.***

Ms. _____ complained Officer M. was rude and confrontational.

Lapel video was reviewed and showed Officer M. and his partner, _____, were professional and courteous throughout their interaction with _____.

Letter to Ms. _____, CPC 223-17
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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.

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

You have the right to appeal this decision.

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

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

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/cpoa/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.

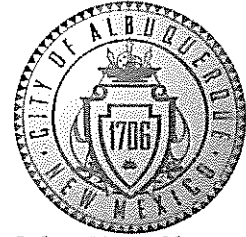
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018

Via Certified Mail

Mr.

Re: CPC #211-17

Dear

On October 26, 2017 we received your complaint that you emailed to our office.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Your complaint was convoluted, consisting of run on sentences that followed no pattern, making little sense. You wrote in your complaint that on 10/20/2017 you were attempting to seek refuge from persecution at a fire station. You wrote that as you started telling the fire personnel that you believed APD was trying to arrest you for no reason, an officer named

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drove up and told you he was going to arrest you for trespassing. You stated that the officer made up a story that you had been on the roof of the fire station. The fire department personnel told you they couldn't help you. You then spoke to internal affairs officers who were called out to the scene and they talked to you. You stated that at the time, you sounded like a lunatic on drugs but now you are sober and speaking out. You stated that you were taken to APD transport where you were assaulted while you were in handcuffs and that an unknown officer was jumping on your heart until a nurse directed the two officers to stop. You stated that you wanted the officers fired and you want monetary compensation.

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II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The investigator determined that there is no one employed by the Albuquerque Police Department named . In order to gain more information, the CPOA Investigator contacted you by phone as you no longer reside in the Albuquerque Area. The investigator told you that your complaint didn't make a lot of sense and you said that you were fully aware that you were making no sense when you filed the complaint. You called to try to rectify the complaint a

lady told you that you would be contacted by an investigator for more information. The investigator told you that he was having a difficult time following up on the complaint because of a lack of information. You told the investigator that this was something that went back years and that you had been living in Albuquerque for the past ten years. You said that you had messed up on August 31, 2016, and that you had been drinking and you wrecked into your neighbors vehicles. You ran after that and the police were called. Five hours later the police arrived. You fabricated a story that you relayed to the police. You stated that the officers were rude, that you were roughed up and manhandled. You said that you signed a waiver that you wouldn't pursue the issue legally if the Lieutenant got you out of the substation. You said that shortly after that incident the cops just started showing up to your house. You said that on those occasions you were pulled to the side and pat searched for no reason. You told the investigator that you suffer from PTSD, you have an unspecified mood disorder, and a car ran over your head in the past. The police kept going to your house and the police continually harassed you. You and your wife started having domestic violence problems. In June of 2017, you moved to a new house. You had a domestic dispute and the police were called to your house and you were arrested. That arrest took place on October 16, 2017. You claimed that during that arrest, an officer tightened the cuffs too tight and when you arrived at the jail you complained about that to jail personnel. You said that you made a scene at the jail. You talked to a counselor there who put an "unspecified hold" on you. You were put in isolation with no access to a phone or family. You said that the more that you complain that the police hurt you, the longer you stay in isolation. The Doctor there saw you and the doctor let you go to court and you were released. You alleged that the Doctor and the police work together and when someone complains about police abuse they get put in isolation. The Doctor, according to you, was hired to bring down the number of claims of assault and batteries committed by police officers. You were released on the 18th of October and you were given medication upon your release. You said that when you were released you had nowhere to go so you just walked the streets. You said that after you were released a task force started following you. At around midnight on the 19th of October, you went to a fire station. You passed out on top of a big tractor tire at the fire station. When you woke up, you were surrounded by the fire department. You told the fire fighters that you were being persecuted and you were seeking refuge. You told the fire fighters that the cops were trying to force something on you. As soon as you started telling them that an officer named [REDACTED] pulled up to the fire department. You told the fire fighters that you were hurt and you wanted to go to the hospital. A fire fighter told you that you can go to the hospital but you have to go in a police car. You were told that you were being arrested for trespassing. You argued that you were trespassing because a fire department is a place for a person to seek refuge. A fire fighter told you that the police had gotten a call that you were on the roof of the fire department. You were arrested and you started screaming that you wanted to speak with Internal Affairs. You said that a lady named [REDACTED] went out there. She was wearing an all black uniform and she was accompanied by another detective who questioned you at the fire department. You said that you know that you sounded irrational at the time [REDACTED] and the other detective "blew you off" and you were taken to the substation.

You told the investigator that once you arrived at the Southeast Substation, you complained that the cuffs were put on you too tightly. No one paid attention to your complaint. You were in the middle of a sally port and a Detective G. walked in. You stood up and complained to

him about the cuffs being too tight. He told you to turn around and when you did, Detective G. used his tactics to apply pressure to your thumbs which made you even more irrational. At that point, Detective G. and Officer [REDACTED] bent you over and jumped on you. You were jumped on and you felt the officer was trying to "blow" your heart or something. At that time, a heavy set nurse came out and yelled at the officers to get off of you. The officers stopped attacking you at that time. You were put back in the sally port and the officers were then watching the video of where the incident happened. A Caucasian Sergeant walked in and told the officers to upgrade his charges to battery on a police officer. You said that you were obnoxious and because you had spent 15 years in prison you know how to get under their skin. You stated that you have mental health issues and what the officers did to you was not acceptable by any means.

You told the investigator that you knew that what you were saying sounded like a "bunch of bullshit" but it is the truth.

The investigator told you that he had found the incident where you had been arrested on the 16th of October but not the one from the 19th of October as you alleged. The investigator said that he would work on the case and try to determine what took place and that if there was anything more that he would contact you. Your telephone interview was recorded by the investigator and the above was directly from that recording.

The CPOA Investigator conducted a follow up investigation and learned the following:

The incident took place on October 20th, 2017 at 8:09 PM at the Fire Station 19 located at 3520 San Andres Drive NE. The fire fighters had been out on a call and when they returned to the fire station they found Mr. [REDACTED] standing inside one of the engine bays.

Two APD Officers were dispatched to the call. Officer O., a male officer, and Officer L., a female officer. The officers arrived at 8:34 PM. Mr. [REDACTED] denied that he was ever inside the fire station. Later, he admitted that he was in the fire station sleeping. Officer L. wrote in her report that it appeared that Mr. [REDACTED] was under the influence of drugs. When Officer O. went to pat search Mr. [REDACTED], Mr. [REDACTED] was talking about his feet and then Mr. [REDACTED] told the officers that he has PTSD and that the officers apply force "hoping" they can mark him. Officer L. arrested Mr. [REDACTED] for Criminal Trespass. The handcuffs were properly spaced and double locked. Mr. [REDACTED]'s behavior became more erratic. He complained that he wanted to go to the hospital because his hand was numb due to a previous arrest. At 8:59 PM, Mr. [REDACTED] was transported to Lovelace Women's Hospital at 4701 Montgomery Boulevard NE by the female officer. They arrived at 9:04 PM. Mr. [REDACTED] was dropped off there and Officer O. stayed with Mr. [REDACTED].

At 9:24 PM, Officer O. called for back up at the hospital. Officer L. went back to the hospital and she arrived at 9:37 PM. The disturbance was over but Officer O. relayed the following to Officer L.

Officer O. said that he and Mr. [REDACTED] were in the waiting room waiting to get registered when Mr. [REDACTED] began arguing with Officer O. about getting arrested. When Officer O.

Letter to Mr. _____, CPC 211-17
March 9, 2018
Page 4

told Mr. _____ that he was going to jail, Mr. _____'s demeanor changed and Mr. _____ got upset. Mr. _____ started swearing repeatedly saying "fuck". There was a parent in the waiting room who asked Mr. _____ to watch his mouth because she had a ten year old child with her. About ten other people were in the waiting room also. Officer O. told Mr. _____ to watch his language and to calm down. When the nurse, Ms. A. H., came out to take Mr. _____ back to triage, Mr. _____ became upset. Mr. _____ turned to face Officer O., put his back to the wall, and kicked the chair he was sitting in across the waiting room. Mr. _____ spread his feet apart in a fighting stance and told Officer O., "Fuck it! Fuck me up! Go ahead!"

Officer O. attempted to escort Mr. _____ out of the room but Mr. _____ pushed forward and refused to walk. This movement cause Officer O.'s body camera to be knocked from his uniform. The nurse later retrieved the camera and gave it back to Officer O. Officer O. used a pain compliance escort hold to escort Mr. _____ and at first he complied but then he fell to the ground and refused to move. He had to be dragged to the triage room by his arms. Once inside the triage room Mr. _____ was placed on his knees. Mr. _____ continued screaming. Mr. _____ then suddenly and without warning, stood up, and charged at Officer O.. Mr. _____ slammed his shoulder into Officer O.'s chest once again knocking off Officer O.'s camera. Officer O. grabbed Mr. _____ from behind and he placed his legs in Mr. _____'s path. This caused Mr. _____ to fall to the ground and Officer O. placed Mr. _____ in a face down stabilization position while the Security Guard assisted. That continued until Mr. _____ calmed down and then he was allowed to sit up.

A use of force as described above is considered a serious use of force and it requires a detailed investigation as to what took place.

Two Detectives from the Force Investigation Team were called out. One was a female Detective H.G., and the other was a male Detective D.G. (D.G. is the same Detective that Mr. _____ believes assaulted him at the Southeast Substation.)

After Mr. _____ was treated at the hospital and the use of force investigation was conducted, Mr. _____ was transported to the Prisoner Transport Center where he was booked for Assault, Battery, Criminal Trespass, and Disorderly Conduct. The Officers tagged their lapel videos into evidence.

There are many more reports by many other officers and all of the reports are public record. They are under case number 17-102756.

The CPOA Investigator reviewed all of the reports in detail. There are lapel video recordings, camera video from the hospital, interviews of the nurse and Security Guard and even a recorded interview with _____ by the Force Investigation Team Investigators. Everything is documented and all evidence has been properly preserved.

After conducting a preliminary investigation into the matter, The CPOA Investigator was contacted by Mr. _____. The CPOA Investigator told Mr. _____ that based on the available evidence that the incident did not take place as he relayed. When told that the

Letter to Mr. _____, CPC 211-17
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Page 5

incident took place at the hospital, Mr. _____ said that he was never in the hospital and that this is a conspiracy. He said he was going to complain to the CPOA Investigator's Supervisor and he was going to contact the media. When he was told to get the police reports and copies of the video Mr. _____ hung up.

About a week later, Mr. _____ called the CPOA office and left a message for the Investigator that he had hired some attorneys out of El Paso, Texas and that they would be coming for the Investigator.

III. CONCLUSION

The incident complained of occurred on October 20th, 2017, not on October 19th as alleged. Mr. _____ was inside the fire station when the fire fighters returned from a call. Mr. _____ appeared to be under the influence of drugs. Mr. _____ was arrested by a female officer for trespassing. Mr. _____ complained of pain from an earlier arrest and the arresting officer transported him to the hospital for treatment. Mr. _____ became disorderly and combative at the hospital. Mr. _____ was dragged into the triage room. There he continued being disorderly. Mr. _____ charged and battered Officer O.. Officer O., assisted by a hospital security guard, had to struggle to gain control of Mr. _____. Mr. _____ was never in any sally port, and he was never at the Southeast substation. There was no nurse at the Southeast Substation. Detective H.G. and Detective D.G. are investigators with the Force Investigation Team. They did speak with Mr. _____ but it was at the hospital and not at the fire station. There is no evidence whatsoever to support the allegation that Detective D.G., assaulted Mr. _____ while he was handcuffed. The video that Mr. _____ referred to that the officers watched was the hospital surveillance camera video. That video is in evidence. All of the officer's lapel videos are in evidence. The incident is well documented. There are recorded statements in evidence from the witnesses. The clear and convincing evidence available and reviewed by the CPOA Investigator overwhelmingly proves that the incident did not occur the way that Mr. _____ says it occurred.

That being noted, any use of force against someone in handcuffs is considered a serious use of force and warrants a Serious Use of Force investigation. That is exactly what occurred in this case. Serious Use of Force cases are investigated initially by the Force Investigation Team and then assigned to another Detective who re-interviews individuals, reviews all of the evidence, takes statements from the officers, and prepares a report and presentation to a Use of Force Review Board. That Board is made up of various members, one of which is the Executive Director of the CPOA. The Board reviews the Use of Force to determine if the forced used was within policy. A finding is then made and reported to various parties including the Independent Monitor and the Department of Justice. The Executive Director of the CPOA also reviews all Use of Force Investigations. At the time of this writing, the Use of Force Investigation has been completed and is pending presentation and review to the Board.

To have the CPOA Investigator conduct a separate investigation into the matter, with so many levels of investigation and review that exist in this process, would be burdensome and duplicative. Because of that we are administratively closing the investigation at this time. No further investigation into the matter will be conducted by the CPOA. Once the case is

Letter to Mr. _____, CPC 211-17

March 9, 2018

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presented to the Force Review Board and reviewed by the Executive Director of the CPOA and the Police Oversight Board, you will be notified of the findings.

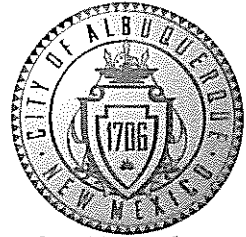
Sincerely,



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

Johnny J. Armijo

Chantal M. Galloway

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Eric H. Cruz

Dr. William J. Kass

Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #221-17

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Our office received the complaint you filed on September 14, 2017 against Albuquerque Police Department (APD) Officer T.R. regarding an incident which occurred on September 14, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Mr. [redacted] said he called 911 to report a domestic disturbance between him and his wife and Officer T.R. and Officer A.R. responded. He said during the disturbance, he sustained a bump on his head, which he initially showed to Officer A.R.. He then showed Officer T.R. the bump, and originally pointed to the wrong side of his head but then pointed to the correct side and complained that Officer T.R. asked how he could get hit on the head and not have a mark. He complained Officer T.R. was very condescending and very 'accusational' (sic) and made the comment that he has been in several fights and fights leave marks. He complained

Officer T.R. mocked him while flailing his arms and saying a woman can't hurt a grown man. He complained Officer T.R. implied he was lying when Officer T.R. saying he would talk to Mr. _____' wife and get her side of the story, which would probably be different than his. Lastly, he complained Officer T.R. didn't let him finish his statement before making his decision and that he prejudged the situation.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and conducted a preliminary investigation into it and watched nine lapel camera video recordings. The video recordings showed you made contact with Officers A.R. and T.R. outside your home. You described the incident to the officers and originally showed Officer A.R. the area on your head where your wife allegedly struck you; however, Officer A.R. told you he couldn't see anything. He asked if you wanted to be seen by rescue personnel and you said you didn't need them, so he left to speak to rescue personnel while Officer T.R. took your statement. You told Officer T.R. your wife hit you all over and just went wild, and you flailed your arms around to show him the manner in which your wife hit you. Officer T.R. did not flail his arms around as alleged in your complaint. Officer T.R. asked where she hit you and also looked at your head and said he couldn't see anything. You repeated that she hit you everywhere and Officer T.R. again commented he didn't see any injuries and that he would expect to see some marks by the way you described how you were hit. You became angry at Officer T.R.'s comment and walked away and accused Officer T.R. of calling you a liar. Officer T.R. told you he would go talk to your wife but did not say she would have a different story, as alleged in your complaint. The lapel video showed Officer A.R. made the statement your wife's story would be different than yours when he was explaining the investigation being conducted by Officer T.R. The lapel video showed your wife told the officers that you would not have filed a complaint against Officer T.R. if he was Spanish, and not white.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed Officer T.R. did not violate any APD SOP violations.


Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

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

Letter to Mr. _____, CPC221-17
March 9, 2018
Page 3

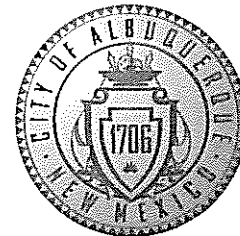
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #246-17

Dear

On November 27, 2017, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an officer of the Albuquerque Police Department (APD) regarding a driving incident that occurred on or about November 26, 2017.

I. THE COMPLAINT

A CPOA staff member helped you fill out a complaint by telephone using the online complaint form. You stated that you were driving eastbound on Coal Avenue when you observed an officer swerving in and out of his lane. At Columbia street SE, you observed the officer driving below the speed limit and then two streets later, you observed the officer speed up to 40 mph and his emergency lights were not engaged. When you and the officer arrived to San Mateo and Zuni, you observed the officer turn right onto San Mateo without using his turn signals and after the turn, he went directly into the left lane.

II. INQUIRY

A CPOA staff member forwarded the complaint to Commander G. regarding the driving behavior of Sgt. T. who was driving an APD Unit you identified in the complaint. The Commander delegated the task to Sgt. T.'s supervisor Lt. G., who investigated the complaint. Lt. G. met with Sgt. T. who stated that he had just got promoted a few weeks prior to the incident and was having some issues getting used to the Tahoe he was issued. Sgt. T. says that he typically drives under the speed limit, which was part of the complaint. Sgt. T. does not remember speeding but may have taken the far lane on the turn. Lt. G. advised Sgt. T. to drive with the thought of everyone is always watching and that APD personnel are to act in a professional manner at all times.

Letter to
March 9, 2018
Page 2

CPC 246-17

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been informally resolved by Lt. G. Lt. G. does not see that this will be a problem going forward and recommends that no further action be taken at this time.

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

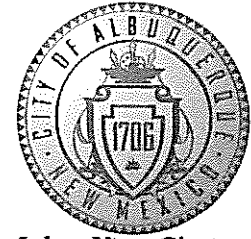
Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018

Via Certified Mail

Re: CPC #016-18

Dear

On January 30, 2018 we received your complaint that you emailed to our office.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that you had received a warning citation for parking your vehicle illegally. You wrote that the officer issued the warning citation in error as the officer believed the vehicle was being advertised for sale, when in fact, it had broken down and was parked there until you could tow it away. You alleged that the officer issued a false citation and vandalized your vehicle while doing so. You stated that the action was a misuse of authority and a misapplication of the law. You stated that you "have fallen prey to APD officers abusing their authority" in the past. You wanted the officer reprimanded and you want an apology for the vandalism that occurred. You identified the officer as R. Mackey with a man number of 5129.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The investigator determined that there is no one employed by the Albuquerque Police Department named _____ with that man number. The Officer most likely works for another agency. We were unable to determine at what agency the officer may be employed, but R _____ is not an APD employee.

III. CONCLUSION

Our office, by law, can only investigate the actions of APD Officers or employees. Since R. _____ does not work for APD, we are Administratively Closing your complaint and no

Letter to _____, CPC 016-18
March 9, 2018
Page 2

further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

Sincerely,



Edward Harness
Executive Director
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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James A. Larson

March 9, 2018
Via Certified Mail

Re: CPC #019-18

Dear

Our office received the complaint you filed on January 24, 2018 against Albuquerque Police Department (APD) Detectives D. and B. and APD Crisis Outreach Support Specialist (COSS) H. regarding an incident which took place on October 17, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Ms. complained that APD Detectives D. and B., and APD COSS H. knocked and pounded on her door without a warrant. She complained they continued pounding on her door, which caused her heart to race so she had to call 911. She complained she asked COSS H. for a bus pass and clothes for her 6 year old daughter but COSS H. refused to help. She complained APD keeps telling her to call Children, Youth and Families Department (CYFD) regarding custody of her daughter but CYFD told her they didn't take custody of her daughter.

Ms. _____ complained these are violations of her civil rights, as well as the civil rights of her daughter, and harassment of a handicapped adult.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint, the police report from this incident, and police reports dated October 15, 2017 and November 17, 2017, as well as the associated CADS reports related to these police reports. The evidence showed that on October 17, 2017, Crisis Intervention Unit (CIU) Detectives D. and B. and COSS H. responded to your residence with a clinician, to conduct a welfare check because you had repeatedly called APD 911, Rio Rancho Police Department, New Mexico State Police, Sandoval County Sheriff's Office, Bernalillo County Sheriff's Office and the Red Cross making suicidal statements, and making requests of these agencies in reference to a custody issue involving your daughter. The evidence showed that upon contact with Detectives D. and B. and COSS H. and the clinician a Certificate of Evaluation was issued and you were transported to Kaseman Hospital for a mental health evaluation. The evidence also showed that on November 17, 2017, you called APD to apologize for calling emergency services so often, and also made suicidal statements to the dispatcher. Officers responded to your residence due to these statements and recommended you be evaluated by rescue personnel, but you declined. The report stated that between August 2017 and November 17, 2017, you made 44 calls for service to APD. The report was, again, forwarded to the APD CIU for follow-up.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the involved APD employees did not violate any APD SOPs as a result of this incident.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

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