

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
Susanne Brown *Eric H. Cruz* *Joanne Fine*
Carlotta Garcia *Dr. Lisa M. Orick-Martinez* *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA

Thursday, July 14, 2016 – 5:00 PM
Vincent E. Griego Chambers

- I. Welcome and call to order.
- II. Pledge of Allegiance – Vice Chair Leonard Waites
- III. Approval of the Agenda
- IV. Public Comments
- V. Review and Approval of Minutes
- VI. Discussion: Letters and Responses from Chief and 2nd letter sent to Chief
- VII. Discussion of DOJ Monitor's Third Report
 - a. July 28, 2016 Status Conference w/ Judge Brack
 - i. Letter to the Court re: Correspondence w/Chief re: Policy
 - ii. Meaningful Civilian Oversight – CIRT
 1. Case review timelines
- VIII. Consent Agenda Cases:
 - i. Administratively Closed Cases

021-16 ✓	034-16 ✓	051-16 ✓	078-16 ✓	082-16 ✓
087-16 ✓	092-16 ✓	093-16 ✓	095-16 ✓	100-16 ✓
101-16 ✓	102-16 ✓	103-16 ✓		
 - ii. Cases more than 120 Days

099-15 ✓	115-15 ✓
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 - iii. Cases less than 120 Days

057-16 ✓	058-16 ✓	090-16 ✓
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- IX. CIRT cases 005-16, 017-16
- X. OIS – Alfred Redwine I-2014-99
- XI. Reports from Sub-Committees
 - a. Outreach Sub-Committee – *Leonard Waites*
 - b. Policy and Procedure Review Sub-Committee – *Susanne Brown*
 - c. Case review Sub-Committee – *Leonard Waites*
 - d. Personnel Subcommittee – *Beth Mohr*
- XII. Reports from City Staff
 - a. APD
 - b. City Council
 - c. Mayor's Office

PO Box 1293

Albuquerque

New Mexico 87103

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- d. City Attorney
- e. Community Policing Councils
- f. CPOA –
 - i. *Edward Harness, Executive Director*
 - 1. *Budget 2017 approved (copy provided)*
 - 2. *Mediation guidelines (draft)*
 - ii. *Miriam Verploegh, Analyst*
 - 1. *Complaint filing time limits*

- XIII. Meeting with Counsel re: Closed session to discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the POB is or may become a participant- Board Attorney Mark Baker.**

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).

- XIV. Other Business**

- XV. Adjournment- *Next Regularly scheduled POB meeting will be on August 11, 2016 at 5 p.m. in the Vincent E. Griego Chambers.***

(POB will be taking a dinner break prior to Committee Reports, if possible.)

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Dr. Susanne Brown

Carlotta A. Garcia

Edward Harness, Esq., Executive Director

Beth Mohr, Chair

Eric H. Cruz

Dr. Lisa M. Orick-Martinez

Leonard Waites, Vice Chair

Joanne Fine

Rev. Dr. David Z. Ring III

July 15, 2016

Via Certified Mail

Re: CPC #099-15

Dear Mr. _____

Our office received the complaint you filed on June 15, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on October 15, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on June 16, 2015. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

Mr. _____ got into a verbal and physical altercation with his father and grandfather on the night of October 15, 2014. Mr. _____ left the scene in a car before police arrived. Mr. _____

_____ 's family explained their version of events to the responding officers. Mr. _____ 's family was concerned for Mr. _____ 's wellbeing because of his behaviors that night and the fact that they claimed Mr. _____ made suicidal statements. Officer M attempted to talk to Mr. _____ over the phone, but Mr. _____ would not speak to him. Officer M attempted to locate Mr. _____ by his cell phone for concern over Mr. _____ 's safety, but Mr. _____ was already outside of APD's jurisdiction so Officer M put an attempt to locate out for State Police. The next day Mr. _____ had returned home and called police to report the actions of his father and grandfather. Officer M responded to his call to take

and called police to report the actions of his father and grandfather. Officer M responded to his call to take Mr. 's side of the story. After conducting his investigation, Officer M issued Mr. ' a summons.

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 police report, the Computer Aided Dispatch (CAD), previous reports, the interviews of citizen, Officer M and Officer S, and the lapel videos of Officer M.

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

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

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

Mr. said police should not have written negatively about him, forced his family to testify against him, or forced him to write a statement. Mr. called this "police incrimination." Mr. wrote in his complaint that the situation was police brutality and "ignorant force." Officer M issued him a criminal summons even though his father and grandfather had been the aggressors against him. Mr. complained that Officer M forced him to lift his shirt in the middle of the street so his scratches could be documented. Mr. complained due to the summons being issued he had to go to mental health court and was subjected to "cruel treatment." Mr. complained he was called names, forced to take a urinalysis, and forced to take medication. Mr. wrote in his complaint he was threatened with jail if he did not comply. Mr. felt devalued. Mr. agreed Officer M did not do many of the things he complained about personally, but Officer M's actions set everything in motion.

The lapel videos showed Mr. 's family explained what happened with Mr. when they called police the first night. The videos showed no one was forced to speak to Officer M and the family members willingly explained what happened. The videos showed everyone was concerned for Mr. 's wellbeing. When Mr. called the next day, the videos showed Mr. showed Officer M his scratches voluntarily; Officer M did not force him. The videos showed Officer M asked Mr. ' what happened and Mr. gave his side of the story. The lapel videos showed Mr. wanted to fill out a statement not that he was forced. The lapel videos showed Officer M specifically told Mr. it was his choice to fill out a statement. The videos showed Mr. 's mother indicated then her son did not want to fill out a statement and Officer M did not apply any pressure to change his mind. Officer M did not apply any pressure to Mr. 's grandparents to fill out a statement; they did so willingly. The videos showed Mr. admitted he acted a "bit deranged" that night and expressed no dissatisfaction about the situation. Officer M issued a summons as he determined Mr. was the primary aggressor. Due to the time lapse, he issued the summons as opposed to arresting Mr. Any of the issues that occurred with Mr. being referred to mental health court or having to submit to assessments by his parole officer were outside of APD's control.

The CPOA finds Officer M's conduct to be **Unfounded** where the investigation determined the alleged misconduct did not occur.

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

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

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

Mr. [redacted] blamed Officer S for forcing him to write a statement that was used against him. Mr. [redacted] claimed Officer S set in motion via the summons for the court to abuse him. Officer S was "coercive" against him.

Officer S was only present on October 15, 2014 and dealt with the initial call. Officer S never made contact with Mr. [redacted] on October 16, 2014.

Mr. [redacted] had difficulty keeping incidents and officers straight. All of what he accused Officer S of doing was in fact Officer M.

The CPOA finds Officer S' conduct to be **Unfounded** where the investigation determined the alleged misconduct did not involve the subject officer.

Investigative Note:

Mr. [redacted] focused on the sexual assault against him throughout much of his interview. In order to assist Mr. [redacted]'s understanding and identify possible issues of concern some research took place. The initial reporting of this to APD occurred August 28, 2012 with different victims. The assault took place seven or eight years prior to the reporting date. The investigating detective received additional information in February 2013 about Mr. [redacted] and his brother having been victimized by the same individual in Alamosa, CO. According to Mr. [redacted]'s mother, she reported to the detective that Mr. [redacted] filed a civil suit against the offender and received a judgement with a confidentiality agreement stipulated. Mr. [redacted]'s mother wanted to help the other victims for their case in Albuquerque. According to the information provided by Mr. [redacted] and his family, all of the incidents against Mr. [redacted] occurred in Alamosa, CO. The information obtained was forwarded to the Alamosa, CO police department. Subsequent conversations with Mr. [redacted] about his complaint focused on APD's failure to investigate the sexual assault. The actions taken by the Albuquerque Police Department and the jurisdictional issues were explained to Mr. [redacted] at length.

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

You have the right to appeal this decision.

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/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) 924-3700

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC # 115-15

Dear Mr. _____

Our office received the complaint you filed on July 9, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on July 8, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103

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

www.cabq.gov

I. THE COMPLAINT

_____ complained that Officer R. showed up to his home unexpectedly attempting to obtain a confession from him in regards to troubles with the neighbors. Mr. _____ wrote that he felt Officer R. was trying to push his buttons and have a legitimate reason to arrest Mr. _____. Mr. _____ stated he felt it was a subtle case of police abuse, brutality and manipulation.

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

The investigation included review of the Complaint, SOPs, Officer R's lapel video, interview of Officer R. and review of the investigation in reference to the complaint filed.

(A) The CPOA reviewed Standard Operating General Order 2-13-03 (A) and (D) in reference to Officer R.'s conduct, which states:

A. Ensure that backup officers are present before taking any action.

D. Communicating with the subject:

- 1. Provide reassurance that the police are there to help and the appropriate care will be provided.*
- 2. Attempt to find out what is bothering the subject.*
- 3. While relating to the subjects concerns, allow the subject to ventilate their feelings.*
- 4. Do not threaten the subject with arrest of physical harm.*
- 5. Avoid topics, which may agitate the subject and guide the conversation towards topics that seem to ease the situation.*
- 6. Always be truthful; if the subject perceives deception, he/she may withdraw and further complicate the situation.*

Mr. wrote that it seemed quite intimidating and inappropriate that Officer R. called for backup while he was at his apartment. Mr. wrote that he felt Officer R. being at his apartment was a subtle case of police abuse, brutality and manipulation.

Officer R. was sent by Crime Prevention to speak with Mr. after the apartment manager and Mr. had made several calls to the police. Officer R. is a certified Crisis Intervention Team officer. The investigation showed Officer R. did not intimidate abuse or manipulate Mr. . Officer R. was very truthful as to why he was at Mr. apartment and only provided suggestions and information to make sure Mr. : was in a good frame of mind. Officer R. even offered Mr. Kirolos a ride to the pharmacy so that he can obtain the medication he needed to take. Officer R. provided Mr. with his information and phone number and informed Mr. that he can call him anytime.

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

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

You have the right to appeal this decision.

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

Letter to Mr. · CPC 115-15
July 15, 2016
Page 3

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: Citizen Police Complaint 021-16

Dear Mr.

Your complaint against Albuquerque Police Department (APD) Officer S. was received by our office on February 5, 2016, for incident which occurred on January 29, 2016. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Director. The CPOA Director assigned your complaint to a CPOA Investigator on February 22, 2016 for investigation.

PO Box 1293

I. THE COMPLAINT

In your complaint, you alleged that you were at the _____ at Lomas NW attempting to obtain a Restraining Order against your ex-wife. Your ex-wife happened to be at the office at the same time trying to get a Restraining Order against you. Your ex-wife's sister, Officer S., was in the office there. Officer S. was allegedly displaying her gun and badge while assisting her sister, who is former APD Officer. You alleged in your complaint that Officer S. stared at you, clenched her fist, and appeared to be grinding her teeth. You perceived Officer S.'s actions to be aggressive and intimidating. You stated that Officer S. made you uncomfortable and scared. You said that the behavior that Officer S. was displaying continued for about two hours while you were there conducting business. You believed Officer S. was on duty, yet was attending to personal matters, at the time. You reported this matter to APD Sergeant J. who documented the incident.

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New Mexico 87103

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II. THE INVESTIGATION

In an effort to assist you, the CPOA Investigator contacted you on June 23, 2016. You discussed the complaint with the CPOA Investigator. You stated that since you filed the complaint many positive things have occurred in your life and you just wanted to put this matter behind you. You asked that your complaint be withdrawn.

Letter to Mr. CPC 021-16
July 15, 2016
Page 2

III. CONCLUSION

You requested that your complaint be withdrawn. Because you requested to withdraw your complaint, and because the alleged policy violations by Officer S. were minor in nature, we are administratively closing your complaint and no further investigation will be conducted.

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

Please contact me if you have any questions or concerns.

Sincerely,



Edward Harness
Executive Director
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC #034-16

Dear Mr. _____

Our office received the complaint you filed on February 24, 2016 against the Executive Director of the Office of Emergency Management regarding the misuse of funds. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on February 26, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint alleges the Director was using CRI money to purchase a take-home vehicle. You allege it is prohibited to use those funds for that purpose.

Albuquerque

II. INVESTIGATION

On or about March 29, 2016, the CPOA contacted you via email to arrange an interview. In your response you offered to have a member of the Office of Emergency Management contact me. Additionally, you directed me to Sandra Cole at the State of New Mexico Department of Health. No one from OEM has come forth to speak with the CPOA. The Albuquerque Police Department provided an email from Sandra Cole stating CRI Partners are free to use the funds as they choose.

New Mexico 87103

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the lack of evidence showing the situation is as you described.

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/iro/survey>.

**Letter to Mr.
July 15, 2016
Page 2**

CPC 034-16

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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Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Via Certified Mail

Re: CPC #051-16

Dear Ms.

Our office received the complaint you filed on February 29, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on January 21, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on March 24, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint came in as "Anonymous." The complaint listed a date, approximate time, location, and the officer involved. The complaint stated police were called to file a supplemental report and the complainant described a sequence of events. The complainant wrote Officer H did not know what the complainant wanted. The complainant wrote Officer H resisted taking the supplemental report and spent a great deal of time explaining his taking of the supplemental report would pull resources from one area command for an incident that occurred in a different area command. The complainant wrote Officer H offered to take the report, but provided an alternative option of the telephone-reporting unit.

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New Mexico 87103

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II. INVESTIGATION

The CPOA Investigator reviewed the complaint submitted. The Investigator had a CAD search conducted for the date and location. A call matching the description was located; the lapel video was obtained and reviewed. It turned out this complainant had filed a complaint with the CPOA (CPC 27-16), which is related to this incident. The lapel video showed Ms.

explained to Officer H that she had numerous conversations with supervisors about her dissatisfaction over a police report previously written. Ms. 's first complaint was about this issue. The lapel video showed Ms. expressed the need to submit a supplemental report. Ms. indicated her supplemental report was extensive. Officer H determined the original incident occurred in a different area command and expressed concerns about tying up resources from one area command for another, particularly if additional investigation was needed. The lapel video showed Officer H offered to take the supplemental report, but stated

the telephone-reporting unit would better suit her needs and explained it. The video showed Ms. seemed interested in using the telephone reporting option and they parted amicably.

The Investigator contacted Ms. , identified from the previous complaint. Ms. mentioned Officer H took a lengthy amount of time explaining the challenges of taking the report for something occurred in a different area command, but did offer to take the report. Ms. stated Officer H referred her to where she accomplished what she needed.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the original complaint you filed resolved the primary concerns with this incident. You agreed the reason you filed the second complaint was at the encouragement of the first CPOA Investigator, but that original discussion occurred with limited facts about the second contact, such as the lapel video. You agreed a second complaint investigation was unnecessary.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Via Certified Mail

Re: CPC #057-16

Dear Ms. ,

Our office received the complaint you filed against Albuquerque Police Department (APD) Senior Office Assistant M. on March 31, 2016, regarding an incident that occurred on March 17, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on April 18, 2016. The CPOA made findings of whether the Albuquerque Police Department (APD) employee involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

Please be aware, the contract between the Clerical and Technical Union (AFSCME) and the City of Albuquerque requires that employees cooperate in the investigation; therefore, the employee's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

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I. THE COMPLAINT

Ms. _____ and her friend Ms. _____ went to the Southeast Area Command Substation on March 17, 2016 at about 11:30 AM to file hit and run accident reports. Ms. _____ and Ms. _____ are in the United States Air Force (USAF) and their cars were struck in the same parking lot on Kirtland Air Force Base. Through agreement with the USAF, APD does take reports on such incidents.

Ms. _____ reported to the CPOA Investigator that it was her first time filing such a report and she was unaware of everything that had to be completed. When she asked Ms. M _____ the Senior Office Assistant for help, Ms. M _____ was allegedly rude and aggressive and responded to Ms. _____ in an unprofessional tone. Ms. _____ reported to the CPOA that Ms. M _____ ; actions were unprofessional and improper. Ms. _____

Smith stated that Ms. M. made her uncomfortable and she was disappointed by the way Ms. M. treated her.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING K-9 OFFICER H.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Complaint, recorded interviews with Ms. Ms., APD Chaplain N., and Senior Office Assistant M..

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

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

Ms. complained that Ms. M. was rude and aggressive and responded to Ms. in an unprofessional tone. Ms. reported to the CPOA Investigator that Ms. M.'s actions were unprofessional and improper. Ms. stated that Ms. M. made her uncomfortable and she was disappointed by the way Ms. M. treated her.

APD Chaplain N., who was present during the interaction, was interviewed. Chaplain N. reported that Ms. and Ms. were laughing and joking while filling out their report forms. When they brought their report forms forward to turn them in, Ms. had listed Kirtland Air Force Base as a city. Chaplain N. said that when the women were told that they could not list Kirtland Air Force Base as a city, Ms. insisted that it was a city. He said that Ms. M. told the women that they couldn't list Kirtland Air Force Base as a city and they had to put in Albuquerque instead. Chaplain N. said that one of the women said, "Well that's where I get my mail at. Kirtland Air Force Base." Chaplain N. said that Ms. M. told the women that if they left Kirtland Air Force Base as the city, the report would not go through the system. Ms. M. told Ms. to change the city to Albuquerque.

Chaplain N. said that he did not really see that Ms. M.'s comments or actions were derogatory or offensive. Chaplain N. said that Ms. M. was telling the women how to fill out the areas of the report that they needed to fill out. When the CPOA Investigator asked Chaplain N. if Ms. M.'s behavior crossed the line as far as unprofessional conduct was concerned the Chaplain said that he believed Ms. M.'s conduct was not unprofessional.

Ms. M. denied the allegations that she was rude and unprofessional. She stated that Ms. kept insisting that Kirtland Air Force Base was a city. Ms. M. said that she had to tell Ms. to change the city to Albuquerque so the report would be accepted by the system. Ms. M. admitted that she was direct and to the point and Ms. and Ms. and they seemed offended because she was direct and to the point. Ms. M.

felt that she was not unprofessional in her dealings with Ms. _____ or Ms. _____.

There was no independent evidence available to the CPOA Investigator to determine whether or not Ms. M. was unprofessional in her conduct. Ms. _____ and Ms. _____ say that she was. Chaplain N. and Ms. M. said that Ms. M. was not.

The CPOA finds Senior Office Assistant M.'s conduct to be **Not Sustained** where the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

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

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

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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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July 15, 2016
Via Certified Mail

Re: CPC #058-16

Dear Ms. _____

Our office received the complaint you filed against Albuquerque Police Department (APD) Senior Office Assistant M. on March 31, 2016, regarding an incident that occurred on March 17, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on April 18, 2016. The CPOA made findings of whether the Albuquerque Police Department (APD) employee involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Please be aware, the contract between the Clerical and Technical Union (AFSCME) and the City of Albuquerque requires that employees cooperate in the investigation; therefore, the employee's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. _____ and her friend _____ went to the Southeast Area Command Substation on March 31, 2016 at about 11:30 AM to file hit and run accident reports. Ms. _____ and Ms. _____ are in the United States Air Force and their cars were struck in the same parking lot on Kirtland Air Force Base. Through agreement with the USAF, APD does take reports on such incidents.

Ms. _____ reported that after she completed the accident report and turned it in to Senior Office Assistant M., Ms. M. was rude and unprofessional. Ms. _____ could not understand why Ms. M. displayed such unprofessional behavior. Ms. _____ wrote in her complaint that it is Ms. M.'s responsibility to make sure that the accident reports are filled out correctly, however, Ms. M. needs to understand that some people who have never filled out an accident report before may need help in doing so. The person filling out the report may be

unfamiliar with it or they may not have the proper information to fill the report form out correctly. Ms. Knowlton stated that Ms. M. needs to understand that she is there to provide customer service to the citizens without being rude, condescending, and unprofessional.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING K-9 OFFICER H.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Complaint, recorded interviews with Ms. Ms. APD Chaplain N., and Senior Office Assistant M..

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

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

Ms. complained that Ms. M. was rude, condescending, and unprofessional in her dealings with Ms. and Ms.

APD Chaplain N., who was present during the interaction, was interviewed. Chaplain N. reported that Ms. and Ms. were laughing and joking while filling out their report forms. When they brought their report forms forward to turn them in, Ms. had listed Kirtland Air Force Base as a city. Chaplain N. said that when the women were told that they could not list Kirtland Air Force Base as a city, Ms. insisted that it was a city. He said that Ms. M. told the women that they couldn't list Kirtland Air Force Base as a city and they had to put in Albuquerque instead. Chaplain N. said that one of the women said, "Well that's where I get my mail at. Kirtland Air Force Base." Chaplain N. said that Ms. M. told the women that if they left Kirtland Air Force Base as the city, the report would not go through the system. Ms. M. told Ms. to change the city to Albuquerque.

Chaplain N. said that he did not really see that Ms. M.'s comments or actions were derogatory or offensive. Chaplain N. said that Ms. M. was telling the women how to fill out the areas of the report that they needed to fill out. When the CPOA Investigator asked Chaplain N. if Ms. M.'s behavior crossed the line as far as unprofessional conduct was concerned the Chaplain said that he believed Ms. M.'s conduct was not unprofessional.

Ms. M. denied the allegations that she was rude and unprofessional. She stated that Ms. kept insisting that Kirtland Air Force Base was a city. Ms. M. said that she had to tell Ms. to change the city to Albuquerque so the report would be accepted by the system. Ms. M. admitted that she was direct and to the point and Ms. and Ms. and they seemed offended because she was direct and to the point. Ms. M. felt that she was not unprofessional in her dealings with Ms. or Ms.

There was no independent evidence available to the CPOA Investigator to determine whether or not Ms. M. was unprofessional in her conduct. Ms. [redacted] and Ms. [redacted] say that she was. Chaplain N. and Ms. M. said that Ms. M. was not.

The CPOA finds Senior Office Assistant M.'s conduct to be **Not Sustained** where the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
Dr. Susanne Brown *Eric H. Cruz* *Joanne Fine*
Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC #078-16

Dear Ms. '

Our office received the complaint you filed on February 16, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 16, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint alleges that while working at the _____ of the main _____ Hospital, you observed an APD Officer talk to a woman in a condescending manner. The woman needed transportation to a mental health facility and you believed the officer should have been more understanding of the woman's plight.

Albuquerque

II. INVESTIGATION

New Mexico 87103

There was no investigation conducted. You and the officer agreed to use CPOA's mediation process to discuss your concerns.

III. CONCLUSION

www.cabq.gov

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, because the mediators reported a successful mediation session occurred.

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

Letter to Ms.
 July 15, 2016
 Page 2

, CPC 078-16

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

Sincerely,
The Civilian Police Oversight Agency by



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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
Dr. Susanne Brown *Eric H. Cruz* *Joanne Fine*
Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC #082-16

Dear Mr. ..

Our office received the complaint you filed on May 2, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 2, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on May 10, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint alleges officers were ignorant and careless because they passed a motorist that appeared to need help with a hit and run accident. You further stated you did not observe the officer radio for assistance, nor did it have on the emergency lights. You concluded the officer could not have been on the way to an emergency scene when it passed the motorist in need of help.

Albuquerque

New Mexico 87103

II. INVESTIGATION

On or about May 10, 2016, the CPOA spoke with you via telephone to inquire if you'd like to use the CPOA's mediation process. During that phone call you stated you no longer wanted to pursue your complaint.

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, at your request.

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/iro/survey> .

Letter to Ms.
July 15, 2016
Page 2

CPC 082-16

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

A handwritten signature in black ink, appearing to read 'E. Harness', written in a cursive style.

Edward Harness
Executive Director
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
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Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC #87-16

Dear Ms.

Our office received the complaint you filed on May 23, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 19, 2016. Your complaint came to the CPOA via a telephone conversation with Lt. Weber of the Albuquerque Police Department.

PO Box 1293

I. THE COMPLAINT

The complaint alleges officers responded to your home when you were having trouble with a man that was renting a room on the second floor of your home. The man was abusive and in your personal space. You allege the officers were unprofessional and that the officers violated "several laws".

Albuquerque

II. INVESTIGATION

On or about May 27, 2016 the CPOA contacted you to inquire about your interest in using mediation to resolve your dispute with APD officers. You stated you wanted nothing to do with our agency, did not want mediation or an investigation conducted by the CPOA .

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, in accordance with your wishes.

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/iro/survey> .

Letter to Ms.
July 15, 2016
Page 2

, CPC 087-16

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Via Certified Mail

Re: CPC # 090-16

Dear Ms.

Our office received the complaint you filed on May 27, 2016 against an Officer of the Albuquerque Police Department (APD) regarding an incident that occurred on March 31, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

New Mexico 87103 Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

www.cabq.gov

I. THE COMPLAINT

Ms. [redacted] wrote on March 31, 2016 that she attempted to retrieve her dog from a woman named [redacted]. Ms. [redacted] stated after leaving with the dog from [redacted]'s apartment she was followed and assaulted by [redacted], [redacted] and another female. Mrs. [redacted] wrote a girl stated she heard her screaming and asked if Ms. [redacted] would like them to call police. Ms. [redacted] stated 3 officers showed up to the scene, Officer G., Officer H. and Officer S.. Ms. [redacted] complained that Officer S. made her feel like she committed the crime and manipulated Ms. [redacted] into admitting she went to [redacted]'s with the intention of stealing the dog. Ms. [redacted] stated she decided not to press charges based off Officer S.'s comments making her believe she was at fault. Mrs. [redacted] feels she was coerced by Officer S. to press charges.

Ms. wrote that the officers were at the scene and at the hospital and were rude and arrogant. Mrs. stated she provided an apartment complex where the subjects lived but did not know the exact apartment. Ms. stated Officer S. refused to follow up on that lead. Ms. stated Officer S. was unavailable and unwilling to assist her in pressing charges against the perpetrators.

Ms. also complained that Officer S. took her license from her wallet and never returned it to her. Ms. wrote that she had to pay \$131.00 to be issued a new license because the officer did not return it to her.

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

The investigation included a review of the Complaint, SOPs, Lapel Video of Officer S. and Officer H., interview of Officer G. and Ms. and the CAD and Police report of the incident.

(A) The CPOA reviewed Standard Operating General Order 3-21-1 in reference to Officer S.'s conduct, which states:

It is the policy of the Department to return ID cards and driver's licenses to citizens during any type of contact before the end of that contact except as required for evidentiary purposes. In the event an officer or civilian employee comes into possession of a driver's license or ID belonging to the citizen and cannot reasonably and safely return it to the owner listed on the ID or license at that time, the officer or employee will follow this procedure in an attempt to return the ID to the owner.

Ms. stated that she pulled out her wallet from the console and opened it up. Ms. stated Officer S. saw her license through one of the compartments in her wallet and stated "here it is". Ms. stated she gave permission to Officer S. to remove it from her wallet. Ms. stated due to Officer S. not returning her ID to her, she had to pay \$131.00 to have a new license issued.

Lapel video and the Computer Aided Dispatch Report (CAD) showed that Officer S. never had contact with Ms. at the scene. Officer S. was dispatched to the hospital to obtain information from Ms. regarding her incident. Lapel video showed that Officer S. never received or took any physical form of identification from Ms. Ms. provided all of her information to the officer verbally.

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

(B) The CPOA reviewed Standard Operating General Order 1-2-3 (B3-A) in reference to Officer S.'s conduct, which states:

Take appropriate action and render assistance in any instance that comes to their attention whether on duty or off duty.

Ms. complained that Officer S. manipulated her into not filing charges against her alleged perpetrators. Ms. stated Officer S. refused to follow up on the apartment in which she believed the subjects resided in. Ms. also complained that Officer S. refused to file charges against people that battered her and Ms. felt those subjects should be arrested.

The investigation determined that Ms. voluntarily chose not to press charges during the initial contact with Officer S. Ms. was not manipulated into not pressing charges at any time. Ms. could only provide Officer S. with first names of the alleged subjects and an approximate area in which they resided. Officer S. was trying to be helpful and also explained to Ms. that by New Mexico law, a misdemeanor battery out of his presence is an offense that he would summons the subjects into court if he could get them identified.

The investigation showed when Ms. decided she did want to press charges and left Officer S. a message, Officer S. explained how she could add her statement to his report. Officer S. offered to meet Ms. which Ms. stated she didn't have time to do and Officer S. explained to Ms. how to come into the substation to file her statement.

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

(C) The CPOA reviewed Standard Operating General Order 1-4-4 (B7) in reference to Officer S.'s conduct, which states:

Personnel will conduct themselves both on and off duty in a manner that reflects favorably on the Department.

Ms. complained that Officer S. was rude, disrespectful and demeaning by making Ms. feel that she committed a crime and was at fault.

The investigation showed that Officer S. was not rude or disrespectful. Ms. continually spoke over Officer S. and he only spoke in a professional manner attempting to explain to Ms. the law and how she could file her statement. Ms. believes she still has rights to the dog because the microchip and registration is in her name; however Ms. sold the dog over a year ago and admitted to going to the current owner's home to take the dog when the current owner was distracted.

The CPOA finds Officer S.'s conduct **UNFOUNDED**, where 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 S' Internal Affairs records.

You have the right to appeal this decision.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
Dr. Susanne Brown *Eric H. Cruz* *Joanne Fine*
Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC# 092-16

Your complaint was filed against an Albuquerque Police Department (APD) Officer and was received in our office on May 1, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the Complaint. The Administrative Office of the CPOA investigated the complaint. The CPOA made a finding, based on the information anonymously provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

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

New Mexico 87103 **I. THE COMPLAINT**

Mr. _____ alleged Officer R. did not charge other persons involved in a case Mr. _____ had been charged in July of 2010. Mr. _____ alleged Officer R. made a false statement in the criminal complaint by writing something Mr. _____ said he never told the officer. Mr. _____ added he would like a copy of the lapel video and a civil lawsuit pursued.

www.cabq.gov

II. INVESTIGATION

The Investigator determined Officer R. had retired from the Albuquerque Police Department in January of 2015. The Investigator contacted Mr. _____ via telephone. The Investigator informed Mr. _____ that the CPOA investigates APD Officers and whether or not they violate Standard Operating Procedure. The Investigator informed Mr. _____ that Officer R. had retired from APD and the CPOA has no jurisdiction over Officers that have retired or no longer work for the Department. Mr. _____ was accepting and understood that his complaint would be administratively closed. The Investigator also explained to Mr. _____ how he can request a copy of the lapel video if it was available and informed Mr. _____ that the CPOA

has no jurisdiction over possible civil lawsuits. Mr. stated he understood and was satisfied with the assistance our office could provide.

stated he understood and was

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to having no jurisdiction over non APD employees.

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/iro/survey> .

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

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Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Re: Citizen Police Complaint 093-16

Dear Ms.

Your complaint against Albuquerque Police Department (APD) Officer F. was received by our office on April 20, 2016, for an incident which occurred April 12, 2016. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Director. The CPOA Director assigned your complaint to a CPOA Investigator on May 31, 2016 for preliminary investigation.

I. THE COMPLAINTS

In your complaint, you alleged that Officer F. contacted you and told you that your mother and her friends had called the police because they were trying to get some money and some of your mother's things out of a storage unit that you had rented and were in control of. The Officer told you that your mother was accusing you of refusing to let her into the storage unit and you were refusing to give your mother's things that were in the storage unit back to your mother. You told Officer F. that your mother and her friends had been texting and harassing you and that they were also threatening you. You told Officer F. that you had a permanent restraining order in place against your mother's boyfriend. Officer F. then allegedly told you that no Judge ever gives a permanent restraining order even though you had the restraining order with you. You requested a Supervisor call you and you hung up on the officer. You filed the complaint after you got the police report and you were unhappy with what the officer had written in the report.

II. THE INVESTIGATION

In an effort to assist you, the CPOA Investigator contacted you on June 2, 2016 and asked you about your complaint. After explaining the incident to the investigator, you said that you wanted the police report changed because the contents of the report made you look like a mean person. You also explained that the restraining order that you had in place was a civil restraining order and not a domestic violence restraining order.

A review of the Computer Assisted Dispatch report showed that the officer and the officer's supervisor searched their available databases but there was no restraining order listed. The restraining order was not listed because it is a civil restraining order. When Officer F. told you that no Judge issues a permanent restraining order, he was referring to a Domestic Violence

PO Box 1293

Albuquerque

New Mexico 87103

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Restraining Order which usually have some expiration date on them. The officer and the supervisor are only familiar with those types of orders.

The CPOA Investigator asked you what kind of resolution you were asking for and you told the Investigator that you wanted the police report changed. The CPOA Investigator told you that by State Law and by Standard Operating Procedure, police reports cannot be changed once they are filed. The CPOA Investigator told you that a supplemental police report could be filed if you so desired and that the Investigator could speak with Officer F.'s Supervisor to facilitate the filing of that supplemental report. The CPOA Investigator asked you to write out your version of events as to what occurred on that day and that he would assist you in getting the supplemental report filed. That way, your version of events, in your own words, would be attached to the original report. The CPOA Investigator also told you that you could e-mail the document to him. You agreed to do that.

The CPOA Investigator then spoke with Officer F.'s Supervisor. She said that she would be willing to file the supplemental report for you once our office received it.

To date, June 29, 2016, you have not brought in or sent in your statement so that it could be filed.

III. CONCLUSION

At this time, since there was no Standard Operating Procedure violation committed by Officer F. and since you have not turned in your supplemental statement, we are administratively closing your complaint and no further investigation will be conducted.

Upon receipt of this letter, if you have completed your statement, please drop it off at the CPOA Office, or e-mail it to our office and we will make sure that it gets filed as a supplemental report to the original report.

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

Please contact me if you have any questions or concerns.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: Citizen Police Complaint 095-16

Dear Mr. _____

Your multiple complaints against someone whom you alleged to be Albuquerque Police Department (APD) Sergeant were received by our office on April 26, 2016, May 2, 2016, May 3, 2016, and May 6, 2016 for incidents which allegedly occurred April 9, 2016, and May 3, 2016. Your complaints were reviewed by the Civilian Police Oversight Agency (CPOA) Director. The CPOA Director assigned your complaints to a CPOA Investigator on June 1, 2016 for preliminary investigation.

PO Box 1293

I. THE COMPLAINTS

In your complaints, you alleged that an APD Sergeant ' _____ : or _____ , _____ or _____ had been using informants to harass you. You wrote in your complaints that the Sergeant always gives you false or different names and that one time the Sergeant pretended to be the manager of the apartments where you live. You stated that the Sergeant had been harassing you on a daily basis. You wrote in one of your complaints that the Sergeant made keys for her informants to your apartment and vehicles and that she has been gathering information on you to get you and your mother kicked out of your apartment. You further stated that the Sergeant has had false reports filed on you to destroy your credibility.

Albuquerque

New Mexico 87103

www.cabq.gov

II. THE INVESTIGATION

In an effort to assist you, the CPOA Investigator conducted a search of the names of APD Personnel and the Investigator determined that there is no APD employee named _____ or _____ or _____ or any APD employee with a combination of those names. Furthermore, the Investigator searched APD records for any incident you had been involved in in April or May of 2016. There were only two reports involving you that were on file for that time period. The first report documented your arrest on April 9, 2016 wherein you allegedly fired a gun at someone. The second report dated May 14, 2016 documented the fact that you were taken in for a psychiatric evaluation. Both reports were written by male officers and approved by male officers. There was no APD Female Sergeant involved in either incident.

Letter to Mr. CPC 095-16
July 15, 2016
Page 2

III. CONCLUSION

Your complaints were researched and because of insufficient evidence or lack of evidence, there is no way to proceed any further in investigating your complaints. We are administratively closing your complaints and no further investigation will be conducted.

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

Please contact me if you have any questions or concerns.

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. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Via Certified Mail

Re: CPC #100-16

Dear Mr.

Our office received the complaint you filed on April 5, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on April 4, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on April 14, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint alleges officers responded to your home after your son's Mother attacked you with a kitchen knife. Officers responded to the scene and did not arrest her. You further allege the responding Sergeant took the alleged knife with which you were attacked and cut a piece of paper to show the knife "didn't match".

Albuquerque

II. INVESTIGATION

On or about April 18, 2016 the CPOA ordered a CADs report as a preliminary step in the investigation. The Communications Division revealed there was no event listed for the date, time and location listed in your complaint. On or about April 30, 2016 Executive Director Harness spoke with you via telephone to verify the date, time, and location listed in your complaint. You stated all those details were accurate. CPOA has been unable to verify any calls for service that match your complaint or call for service.

New Mexico 87103
www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the lack of evidence the incident occurred as you described. Additionally, you failed to identify any officer that might be involved in your complaint.

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.

Letter to Mr. CPC 100-16
July 15, 2016
Page 2

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

Dr. Susanne Brown *Eric H. Cruz* *Joanne Fine*

Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Via Certified Mail

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Re: CPC #101-16

Dear Ms.

Our office received the complaints you filed on March 4, 2016 against officers of the Albuquerque Police Department (APD) regarding an incident April 21, 2014.

PO Box 1293

I. THE COMPLAINT

The complaint alleges officers were dishonest during the investigation into the death of your client. Additionally, you want this agency to investigate the disciplinary procedures of the Albuquerque Police Department.

Albuquerque

II. INVESTIGATION

New Mexico 87103

Regarding the disciplinary history or pattern of discipline; those matters are not under the jurisdiction of this Agency. Albuquerque City Ordinance 9-4-1 states appeals of discipline must be addressed to the City of Albuquerque Chief Administrative Officer.

www.cabq.gov

Regarding the actions of the officers involved in the incident on April 21, 2014. That investigation is currently at the Bernalillo County District Attorney's Office awaiting that offices review. Currently, the CPOA cannot act on any case until the DA's office completes its review.

Additionally, the CPOA previously disclosed to you in CPC #141-14 that this agency does not have jurisdiction over Mr. Jeremy Dear.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint.

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.

Letter to Ms.
July 15, 2016
Page 2

CPC 101-16

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

July 15, 2016

Via Certified Mail

Re: CPC #102-16

Dear Ms.

Our office received the complaint you filed on April 16, 2016 against non-sworn personnel of the Albuquerque Police Department (APD) regarding an incident that occurred on April 13, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on April 16, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint alleges your Grandmother's step-son a person that works for the Albuquerque Police Department, in a non-sworn position, used his power as a law enforcement officer to force your grandmother out of her home three days early.

Albuquerque

II. INVESTIGATION

New Mexico 87103 On or about April 19, 2016, the CPOA spoke with you via telephone to inquire if you would be interested in using the CPOA's mediation process.

III. CONCLUSION

www.cabq.gov

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, because this is a family matter inappropriate for this agency to investigate.

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

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

**Letter to Ms.
July 15, 2016
Page 2**

CPC 102-16

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'E. Harness', with a stylized flourish at the end.

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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
Dr. Susanne Brown *Eric H. Cruz* *Joanne Fine*
Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

July 15, 2016
Via Certified Mail

Re: CPC #103-16

Dear Ms.

Our office received the complaint you filed on May 5, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 5, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on May 16, 2016.

PO Box 1293

I. THE COMPLAINT

The complaint alleges you were racially profiled because APD Officers responded to a call that you might be burglarizing the home which you were house-sitting.

Albuquerque

II. INVESTIGATION

On or about May 16, 2016, the CPOA ordered a CADs report as a preliminary step in the investigation. The Communications Division revealed that on May 5, 2016 a U.S. Postal carrier on their usual route observed your car in the drive-way. The carrier stated he knew the occupants were on vacation and that a female he did not know appeared to be moving items out of the house. Officers arrived, spoke with you, verified your identity and that you had permission to be in the home.

New Mexico 87103

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the fact the officers were merely responding to a call for service and no SOP violations occurred.

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.

Letter to Ms. , CPC 103-16
July 15, 2016
Page 2

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

CC: Albuquerque Police Department, Chief of Police