

**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

**AMENDED POLICE OVERSIGHT BOARD AGENDA**

**Thursday, August 11, 2016 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Dr. Lisa Orick-Martinez***
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and Approval of Minutes**
- VI. Discussion:**
  - Update re: DOJ Meeting & Status Conference with Judge Brack**
  - Letters and Responses from Chief and 2<sup>nd</sup> letter sent to Chief**
- VII. Consent Agenda Cases:**
  - i. Administratively Closed Cases**

043-16	080-16	086-16	089-16	099-16
108-16	110-16	122-16	124-16	
  - ii. Cases more than 120 Days**

253-15	002-16	006-16	017-16	030-16
031-16	036-16	041-16		
  - iii. Cases less than 120 Days**

062-16	067-16	084-16		
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- VIII. OIS – Alfred Redwine I-2015-37**
- IX. Reports from Subcommittees**
  - a. Outreach Subcommittee – *Leonard Waites***
  - b. Policy and Procedure Review Subcommittee – *Susanne Brown***
    - i. Distribution of DOJ Policies to Board Member for Review**
    - ii. Review of 3-1 Recommendation**
  - c. Case review Subcommittee – *Leonard Waites***
    - i. POB review of “Garrity” materials in OIS case Mary Hawkes I-2014-99**
    - ii. Appeals – CPC 251-15**
  - d. Personnel Subcommittee – *Beth Mohr***
- X. Reports from City Staff**
  - a. APD**
  - b. City Council**

- c. Mayor's Office
- d. City Attorney
- e. Community Policing Councils
- f. CPOA –
  - i. *Edward Harness, Executive Director*
  - ii. *Miriam Verploegh, Analyst*

- XI. 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).**

- XII. Other Business**

- XIII. Adjournment- *Next Regularly scheduled POB meeting will be on September 8, 2016 at 5 p.m. in the Vincent E. Griego Chambers.***

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



interview, Detective S' interview, and a lapel video from January 17, 2014 as the only video left from the various incidents.

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

A) The CPOA reviewed Standard Operating General Order 1-04-6I regarding Detective S' conduct, which states:

*Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charges. Personnel shall not, without previous authorization from the primary investigator or immediate supervisor, conduct any criminal or administrative follow-up investigation outside the scope of their assignment.*

Ms. stated in May of 2010 and June of 2014 Detective S came to the scene when police were called. Ms. claimed Detective S used his position to influence whether reports were written or what was said in the reports. Ms. stated in January of 2014, even though Detective S was not at the scene, she believed Detective S influenced what the officers wrote in their reports because the officers did not document things she specifically asked to be documented. In November of 2015, Ms. claimed Detective S orchestrated her being followed because uniformed officers were at an establishment she was at and on her street after Detective S saw her. Ms. claimed Detective S abused his position through either intimidation or camaraderie, depending on the responding officer, by influencing the outcome. Ms. said Detective S said things against her sister in court, but Ms. did not claim that occurred.

Detective S explained the two times he was present when police were present was when he accompanied his son as a parent at his son's request. Detective S denied he exercised any influence on the responding officers or their reports. Detective S denied having conversations with officers about other calls involving his son or Ms. Detective S denied he summoned any officer to surveil Ms.

The incident in May of 2010 was documented by a CAD report only. A supervisor categorized the call as a domestic escort for property so a report may not have been required. Given the length of time and the lack of any independent evidence available, the investigation could not determine what, if any, influence Detective S had in showing up to the scene with his son. The incident in June of 2014 was documented by a police report. Ms. said the police report was essentially accurate except that the officer did not document Detective S's presence as she requested. Given the length of time before filing there was no independent evidence such as a lapel recording. The investigation could not determine what, if any, influence Detective S had in showing up to the scene with his son. The two incidents in January of 2014, Ms. assumed the responding officers consulted with Detective S, but agreed Detective S did not show to the scene. The one day no longer had a video due to time, but the other incident still did. In her interview, Ms. claimed she asked for specific things to be documented in the police report, but were

not. Ms. \_\_\_\_\_ also claimed the officer mentioned Detective S, which she claimed showed bias against her. However, the lapel video showed Ms. \_\_\_\_\_ did not complain officers treated her unfairly because of Detective S' family nor did she ask for specific things to be included in the report. The lapel video showed the officer never mentioned to Ms. \_\_\_\_\_ anything about Detective S. On the incident in November of 2015 when Ms. \_\_\_\_\_ alleged she was under surveillance, Ms. \_\_\_\_\_ did not have any identifying information for the marked cars she saw in order to determine if there was a reason for the officers' presence or merely coincidence. There was not enough evidence to determine if a violation occurred on most of the dates Ms. \_\_\_\_\_ mentioned. On the one date, the video evidence contradicted Ms. \_\_\_\_\_'s memory of the events possibly due to the delay from when the incident occurred to when the complaint was filed.

The CPOA finds Detective S' conduct to be **Not Sustained** where the investigation is unable to determine whether the alleged misconduct occurred.

The Executive Director, after consideration of numerous factors, decided the investigation should focus exclusively on Ms. \_\_\_\_\_'s concerns over Detective S instead of including numerous other officers. Ms. \_\_\_\_\_ focused her complaint on Detective S.

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>.

Letter to Ms.  
August 12, 2016  
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CPC 253-15

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

August 12, 2016  
Via Certified Mail

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**Re: CPC # 002-16**

Dear Ms. \_\_\_\_\_

Our office received the complaint you filed on January 5, 2016 against an employee of the Albuquerque Police Department (APD) regarding an incident that occurred on December 29, 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)/Employee 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/employees 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. \_\_\_\_\_ wrote that she was verbally threatened by \_\_\_\_\_ at her home. Ms. \_\_\_\_\_ wrote that she used to have a relationship with Ms. \_\_\_\_\_'s brother \_\_\_\_\_ and was taking items he had left at her home. Ms. \_\_\_\_\_ stated when she arrived the gate was locked but there a small area she could get through. Ms. \_\_\_\_\_ wrote that as she entered their puppy saw her and began jumping all over her. Ms. \_\_\_\_\_ stated she knocked on the door and called \_\_\_\_\_'s name but he did not open the door. Ms. \_\_\_\_\_ stated as she left the puppy continued to follow her and she yelled through the door for \_\_\_\_\_ to take the puppy inside. Ms. \_\_\_\_\_ stated \_\_\_\_\_ never did, so she took the puppy with her.

Ms. \_\_\_\_\_ stated the next morning \_\_\_\_\_ showed up to her home and spoke to her father, stating she wanted her brother's dog and she was going to take it. Ms. \_\_\_\_\_ wrote that her father came and woke her up and told her Joann wants the dog before \_\_\_\_\_ comes to the house and starts trouble. Ms. \_\_\_\_\_ states that she and Joann have a verbal dispute and leaves. Ms. \_\_\_\_\_ stated she did not want any situation to occur so she contacted Bernalillo County Sheriff's Department to have them escort her and the dog back to \_\_\_\_\_'s home to return it. Ms. \_\_\_\_\_ stated when she went to the yard to get the dog it was gone. Ms. \_\_\_\_\_ stated she asked her father what happened to the dog and he said Joann had come in the yard pulled the dog through the gate. Ms. \_\_\_\_\_ stated she contacted Erika Wilson, \_\_\_\_\_'s supervisor and told her about the situation. Ms. \_\_\_\_\_ also stated BCSO deputies informed her that they went to \_\_\_\_\_'s home to check on the dog and saw Ms. \_\_\_\_\_ locking the gate and getting her vehicle.

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

The investigation included a review of the Complaint, SOPs, and interviews of Operator. C. and Mr. \_\_\_\_\_.

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Telecommunications Operator C.'s conduct, which states:

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

Ms. \_\_\_\_\_ stated she was verbally threatened by Telecommunicator/NCIC Operator C. during a dispute over Ms. \_\_\_\_\_'s brother's dog.

The incident described by Ms. \_\_\_\_\_ in her complaint is one of a personal incident having nothing to do with Ms. \_\_\_\_\_ in her role as a NCIC operator. Ms. \_\_\_\_\_ was not on duty, was not utilizing her position as an operator to gain any advantage and was never brought up in any regard by Ms. \_\_\_\_\_. The investigation showed this was a verbal incident between two parties on personal time.

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

You have the right to appeal this decision.

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

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

August 12, 2016  
Via Certified Mail

**Re: CPC #006-16**

Dear Ms.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer H. and Officer S. January 11, 2016, regarding an incident that occurred on January 9, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on January 14, 2016. The CPOA made findings of whether the Albuquerque Police Department (APD) officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

Please be aware, the contract between the Albuquerque Police Officer's 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](http://www.cabq.gov)

### I. THE COMPLAINT

Ms. \_\_\_\_\_ stated in her written complaint that she was at her ex-husband's house at \_\_\_\_\_. She wrote that her ex-husband was there with a woman and they had been drinking Vodka. The woman could not find her phone and the woman and Ms. \_\_\_\_\_'s ex-husband accused Ms. \_\_\_\_\_ and a friend of stealing the phone. Ms. \_\_\_\_\_ wrote that she was pushed by her ex-husband and the woman. Ms. \_\_\_\_\_ was asked to leave and she did but she allegedly left her phone on the table. The ex-husband and the other woman would not allow Ms. \_\_\_\_\_ back in the house to get her phone. The police were called and a thin, bald officer with blue eyes responded to the call. That officer told Ms. \_\_\_\_\_ to leave or she would be arrested. When Ms. \_\_\_\_\_ left and was across the street on the sidewalk, Ms. \_\_\_\_\_ asked the officer if he was going to shoot her. Ms. \_\_\_\_\_ alleged that the officer was mean to her and that the officer crossed the street and pushed her up against a fence. The officer then allowed Ms. \_\_\_\_\_ to leave the area. Ms. \_\_\_\_\_ listed neither the date of occurrence nor the time of

occurrence in her complaint. The address provided on the complaint does not exist. Ms. did not identify the officer in the complaint. The investigator had difficulty reaching Ms. as the contact number she provided was not working at the time. The investigator finally did reach Ms. by phone on June 23, 2016. She repeated what was in her written complaint and she added additional details. With the additional information she provided, the investigator was able to identify the officers involved in the incident.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Complaint, the police report and Computer Assisted Dispatch (CAD) reports, recorded interviews with Ms. , APD Officer H. and APD Officer S., and a review of the officer's lapel camera video recordings of the incident.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 F regarding APD Officer H.'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. 's written complaint lacked specific information as to which officer she was complaining of. She complained that the officer was rude and mean to her. Even after Ms. 's interview, it was unclear which officer may have offended her. She only described the officer as being white and bald. Both officers who handled the call are white and Officer H. occasionally shaves his head. It was not until much research revealed the actual call for service and evidence was obtained that clarified what actually occurred during the call for service.

Officer H. ran his lapel camera for his entire contact with Ms. That lapel camera recording was reviewed. The lapel camera recording showed that when this incident took place, Ms. was intoxicated. The lapel camera video showed Officer H. was polite, professional, and patient with Ms. the entire time. It was Ms. who became angry and upset with Officer H. when Officer H. told Ms. that he would detain her if he had to until the investigation of the call was complete. The evidence showed that the officers were investigating a domestic disturbance and Ms. was suspected of having broken a window in the residence. Ms. did attempt to go into the house and Officer H. did grasp Ms. by the sleeve of the sweat shirt she was wearing and he directed her to turn around. She would not have been free to leave while the investigation was being conducted.

The video proved that Officer H. was polite and respectful and he handled the situation professionally.

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

B) The CPOA reviewed Standard Operating Procedure 2-52-3 A regarding APD Officer H.'s conduct, which states:

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

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

Again, Ms. was not clear as to which officer pushed her into a fence. It wasn't until the investigation and research revealed the actual call for service and evidence was obtained that clarified what actually occurred during the call for service.

Officer H.'s lapel video showed that Ms. did attempt to go into the house and Officer H. did grab Ms. by the sleeve of the sweat shirt she was wearing and he directed her to turn around. The video showed Ms. screaming repeatedly, "You're hurting me! You're hurting me!" Even after Officer H. released the sweat shirt sleeve, Ms. sat down feet away from Officer H. and continued saying "You're hurting me! You're hurting me!" Officer H. wasn't even touching Ms. when she was saying that. The lapel video later showed Ms. walking away and leaving the area and Ms. kept yelling at the officers to shoot her. She apparently complied with the officer's orders to leave the area at that time. Officer H. then went back to his patrol car and the video ended. There was no fence visible in Officer H.'s lapel video and Officer H. was not around when the incident near the fence took place.

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

A) The CPOA reviewed Standard Operating Procedure 1-04-1 F regarding APD 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.*

Ms. 's written complaint lacked specific information as to which officer she was complaining of. She complained that the officer was rude and mean to her. Even after Ms. 's interview, it was unclear which officer may have offended her. She only described the officer as being white and bald. Both officers who handled the call are white and Officer H. occasionally shaves his head. It was not until much research revealed the actual call for

service and evidence was obtained that clarified what actually occurred during the call for service.

Officer S. ran his lapel camera recorder during his entire contact with Ms. \_\_\_\_\_. Officer S.'s videos are identical, just from a different viewpoint, to Officer H.'s video referenced above and show nothing substantially different than what Officer H.'s videos showed. Officer S. remained in the area after Officer H. left. The last video by Officer S. showed that Ms. \_\_\_\_\_ tried to return to the residence after she had been told to leave. The video showed that Officer S. told Ms. \_\_\_\_\_, numerous times to leave but she wouldn't comply. Officer S. followed Ms. Tapia who was walking in the street and Ms. \_\_\_\_\_ was refusing to get out of the traffic lane.

The lapel video showed Officer S. dealing with an intoxicated Ms. \_\_\_\_\_ in a polite and professional manner. Officer S. either asked Ms. \_\_\_\_\_ or told her politely to get her things out of traffic and to be on her way at least a dozen times.

The lapel video showed when that tactic did not get Ms. \_\_\_\_\_ to leave Officer S. changed his tone and volume of voice and elevated his command presence. Officer S. ordered Ms. \_\_\_\_\_ to leave or be arrested.

Ms. \_\_\_\_\_ reacted by turning around and walking away and she called Officer S. a "demon". Even though Ms. \_\_\_\_\_ started leaving, as she got further away from Officer S., she started again saying things and coming back towards Officer S.. She kept asking Officer S. if he was going to shoot her. Officer S. then informed Ms. \_\_\_\_\_ that she was in danger of being arrested and that she was committing misdemeanor crimes.

Eventually, Ms. \_\_\_\_\_ did comply and she did get her things and she left the area.

The lapel video showed that Officer S. was polite, professional, and extremely patient with Ms. \_\_\_\_\_. The lapel video showed that at one point Officer S. changed his tone and volume of voice and elevated his command presence with Ms. \_\_\_\_\_. The change initially had the desired effect and Ms. \_\_\_\_\_ did begin to comply with the officer's orders to leave the area.

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

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

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

- *To effect a lawful arrest or detention of a person.*
- *To gain control of a combative prisoner.*
- *Prevent and/or terminate the commission of a crime.*
- *To intervene in a suicide or self-inflicted injury.*

➤ *To defend an officer or member of the public from the physical acts of another.*

Ms. [redacted] alleged in her complaint that she yelled at the officer “What are you going to do? Shoot me?” It was then that the officer approached her, pushed her into a fence, and threatened to arrest her if she did not leave.

Officer S.’s lapel video proved that allegation was false. Officer S.’s lapel video showed that once he raised his voice and threatened Ms. [redacted] with arrest, she initially complied. But as she got further away from Officer S. she started saying things to him including asking the officer if he was going to shoot her. The video showed that Ms. [redacted] then was not complying with the officer’s command for her to leave the area. The video showed Officer S. approach Ms. [redacted] and as he did so, Ms. [redacted] walked from the street, across a sidewalk, and then up to a fence. Ms. [redacted] then grabbed onto the fence. It appeared that she did that so she would have to be forcefully removed from the fence in case she was arrested. The lapel video showed that Officer S. grasped one of Ms. [redacted]’s hands that she was holding on to the fence with and Officer S. did threaten her with arrest if she would not leave. Ms. [redacted] agreed to leave the area. The lapel video showed that Ms. [redacted] was not “pushed” into the fence as she alleged. Officer S. did not use force on Ms. [redacted].

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

Your complaint and these findings are made part of Officer H.’s and Officer S.’s

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,
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Letter to Ms. CPC 006-16  
August 12, 2016  
Page 6

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

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

August 12, 2016  
Via Certified Mail

**Re: CPC #017-16**

Dear Ms.

Our office received the complaint you filed on January 21, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on May 18, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on January 28, 2016. 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](http://www.cabq.gov)

### **I. THE COMPLAINT AND INVESTIGATION**

There were numerous calls for services listed from March of 2015 to December of 2015 for Ms. \_\_\_\_\_'s address. Ms. \_\_\_\_\_ had two housekeepers at her home on May 17, 2015. Ms. \_\_\_\_\_ alleged the women vandalized numerous things in her home and stole several items, while she was present. Ms. \_\_\_\_\_ called police on May 18, 2015. Officer D responded to the call. Ms. \_\_\_\_\_ complained about how Officer D responded. Ms. \_\_\_\_\_ said additional calls to police also did not result in an investigation into the theft and vandalism. Those issues were addressed in CPC 110-16.

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 Computer



Aided Dispatch (CAD), previous calls for service to the home, the citizen interview, Officer D's interview, and Officer D's belt tape recording.

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

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer D'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. called police the day after a theft and vandalism occurred at her home. She knew the perpetrators, but believed they had an accomplice. As she told Officer D what happened, his response to her was, "Why don't you get different cleaning girls?" Officer D did not believe her even after she showed him the damages. She told Officer D her neighbor could attest to the crime, but he did not care. Officer D was sarcastic. Ms. stated Officer D was a liar.

The belt tape showed when Officer D first arrived Ms. gave him something to read, but told him not to read it aloud because she was under surveillance. The belt showed Ms. pointed out damages she insisted occurred, but Officer D did not see them. The belt tape showed Ms. said items were missing, but she never identified specific items because she said she had not had an opportunity to go through things. The belt tape showed Officer D said several times he did not see what she saw. Officer D told her if she was dissatisfied with the performance of the cleaners, she should hire someone else. The belt tape showed Officer D was not sarcastic and tried to understand what Ms. saw. Ms. dismissed the possibility the housekeepers' actions were misunderstandings or poor job performance. Ms. did not provide information about her neighbor and said she did not want to involve the neighbor. The belt tape showed Ms. told Officer D to leave since he was not seeing things her way. Ms. s son and Detective B from the Crisis Intervention Team both said Ms. was under an extreme amount of stress due to recent events. Both stated Ms. s perception of things was often somewhat contrary to actual events.

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

B) The CPOA reviewed Standard Operating General Order 1-05-C4 regarding Officer D's conduct, which states:

*Personnel of the Department shall write reports on any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting Unit.*

Ms. did not understand how there was not a police report for the damages and the theft she showed Officer D. Ms. said she had proof through pictures of what was missing

and damaged. Ms. stated Officer D's comments on the CAD she obtained later were "insipid."

The belt tape showed Ms. stated several things that were damaged, but instead described her dissatisfaction with how things were cleaned and claimed items were moved. The belt tape showed Ms. mentioned nothing about powder being everywhere; Officer D did not see powder. The belt tape showed Officer D did not see visible damages to any of the surfaces Ms. complained about and in general, the place appeared immaculate and orderly to Officer D. The belt tape showed Ms. said several times she did not know exactly what items were stolen because she had not had an opportunity to go through it all yet. She did not list any specific items. Ms. became frustrated with Officer D and ultimately told him to leave. The belt tape showed Officer D said he would document things in the computer, but never told her he would write a report. It was likely she assumed a report would be written, but Officer D documented information on the CAD instead. Based on the belt tape there was insufficient evidence to generate a police report, especially one that would name a suspect. The CAD comments listed facts as presented.

The CPOA finds Officer D's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violation APD policies, procedures, or training.

With the information provided by Ms. field service officers will likely be unable to assist Ms. with this specific issue. Ms.'s best option with APD in this specific issue would be to continue work with Detective B in the CIT/COAST unit.

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

You have the right to request a reconsideration of this decision.

1. If you wish to request a reconsideration of 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 your offering of 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.

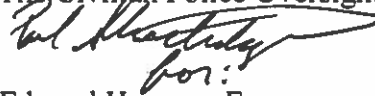
Letter to Ms. [redacted] CPC 017-16  
August 12, 2016  
Page 4

2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the 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



for:  
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

August 12, 2016  
Via Certified Mail

**Re: CPC # 030-16**

Dear Mr.

Our office received the complaints you filed on January 24, 2016 against Officer B. of the Albuquerque Police Department (APD) regarding an incident that occurred on January 14, 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**

Mr. \_\_\_\_\_ said he called APD on January 14, 2016 for assistance in issuing a restraining order against his ex-girlfriend, Ms. E., who was living in his home. Officer B. and Officers G. and R. responded. Mr. \_\_\_\_\_ complained that upon Officer B.'s arrival, he drove towards him at a high rate of speed before getting out of his patrol vehicle with his gun drawn and pointed it at Mr. \_\_\_\_\_. He complained Officer B. ordered him to kneel on the ground with his hands interlocked on his head and kept him there for at least an hour despite the freezing cold temperatures. He complained Officer B. allowed Ms. E. to steal all of his stuff despite the court order which stated nothing was to be removed from the home. He complained Officer B. failed to arrest Ms. E. for stealing his belongings. He complained

Officer B. called him stupid and failed to remove drugs left behind by Ms. E. and failed to write a theft and vandalism report.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, and interviews with the complainant, Officer B., back-up Officers G. and R., the CADs report, the report written by Officer B., and lapel videos obtained from Officers B., G. and R.

A) The CPOA reviewed APD SOP 2-52-3 (A) which states:

### ***2-52-3 GENERAL REQUIREMENTS AND EXPECTATIONS FOR ALL OFFICERS WITH REGARD TO USE OF FORCE***

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

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

Mr. \_\_\_\_\_ said he called APD on January 14, 2016 for assistance in issuing a restraining order against his ex-girlfriend, who was living in his home and Officer B. responded. He complained that upon Officer B.'s arrival, Officer B. jumped out of his patrol vehicle with his gun drawn and pointed it at Mr. \_\_\_\_\_ and ordered him to kneel on the ground with his hands interlocked on his head while he conducted a pat down search. He said after Officer B. pointed the gun at him, Officer B. held onto his gun while reviewing the restraining order paperwork and eventually holstered it. He complained Officer B. kept him on his knees on the ground for at least an hour despite the freezing cold temperatures.

A review of the interviews, Officer B.'s lapel videos, the CADS report, and the written report revealed that Officer B. did not pull his weapon out and point it at Mr. \_\_\_\_\_, nor did he order Mr. \_\_\_\_\_ kneel on the ground. The video showed Officer B. asked Mr. \_\_\_\_\_ to stand up and put his hands on his head so Officer B. could conduct a pat down search. Once the search was completed, Mr. \_\_\_\_\_ sat on the ground while Officers B., G. and R. discussed the restraining order paperwork. The video showed Officer B. did not have a weapon in his hands as he reviewed the paperwork. The evidence showed Mr. \_\_\_\_\_ refused Officer B.'s offer to sit in the back of his patrol car to keep warm. The evidence showed the alleged misconduct did not occur, as stated in Mr. \_\_\_\_\_'s written and verbal complaints.

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

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

***1-04-1 PERSONNEL CODE OF CONDUCT  
COMPLIANCE WITH LAWS, RULES, AND REGULATIONS***

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

During his interview, Mr. [REDACTED] complained that Officer B. called him stupid.

A review of the interviews, Officer B.'s lapel videos, the CADS report, and the written report revealed that Officer B. did not call Mr. [REDACTED] stupid. Rather, the evidence showed Officer B. was professional towards Mr. [REDACTED] during their contact.

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

C) The CPOA reviewed APD SOP 1-02-2 (B)(1), which states:

***1-02-2 ENFORCEMENT OF LAWS, ORDINANCES, AND POLICE  
REGULATIONS***

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

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

Mr. [REDACTED] complained Officer B. failed to arrest Ms. E. for stealing his belongings and failed to remove drugs left behind by Ms. E.. He also complained Officer B. failed to write a theft and vandalism report.

A review of the interviews with Officers B., G. and R. and their respective lapel videos showed Officers G. and R. contacted Ms. E. and two others inside Mr. [REDACTED]'s home and stood by while the three occupants gathered their own clothes and other personal items, which they were allowed to remove from the home. The evidence showed Officer B. and Officer R. conducted a protective sweep of the residence and did not find any illegal drugs or paraphernalia, nor any indications of vandalism to the residence. The evidence showed Officer B. and one of the backup officers, told Mr. [REDACTED] that any complaints of damages or theft of his property from the home was a civil issue and as such they could not help Mr. [REDACTED] in that regard. The evidence showed Officer B. took the appropriate actions necessary in this situation and did not violate this SOP.

The CPOA finds Officer B.'s conduct to be **UNFOUNDED** 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 not occur or did not involve the subject officer.

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

You have the right to appeal this decision.

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



## 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

August 12, 2016  
Via Certified Mail

**Re: CPC # 031-16**

Dear Mr.

Our office received the complaints you filed on January 26, 2016 against Officer I. of the Albuquerque Police Department (APD) regarding an incident involving your mother, Dr. Kimberly Safro, which occurred on January 26, 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

Mr. [redacted] wrote the complaint on behalf of his mother, Dr. [redacted] who was contacted by Albuquerque Police Department (APD) Officer I. and other APD officers on January 26, 2016 after she reported being carjacked that same day. Mr. [redacted] complained that Officer I. conducted a brief investigation into the carjacking allegations and when he couldn't substantiate Dr. [redacted]'s story, he told her she "imagined the whole thing, she was psychotic and it didn't happen." Mr. [redacted] complained that Officer I.'s conduct lacked respect and professionalism.



## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER I.'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 interviews with the complainant, Dr. [REDACTED], Officer I., back-up Officers M. and N. and Sergeant S., the CADs report, the report written by Officer I., and lapel videos obtained from Officers I. and N. and Sergeant S..

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

### ***1-04-1 PERSONNEL CODE OF CONDUCT COMPLIANCE WITH LAWS, RULES, AND REGULATIONS***

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

Mr. [REDACTED] complained Officer I. told Dr. [REDACTED] that she “imagined the whole thing, she was psychotic and it didn’t happen” after briefly interviewing Dr. Safro regarding an alleged carjacking incident. Mr. [REDACTED] complained that Officer I.’s conduct lacked respect and professionalism. During her interview with the CPOA Investigator, Dr. [REDACTED] complained that Officer I. asked her if she had a psychotic background, said he didn’t believe her, said she had something wrong with her, and said he thought she needed to be seen. She complained that Officer I. belittled her, had no finesse and made her feel like a piece of trash.

A review of the interviews with Officers I., M. and N. and Sergeant S. and their respective lapel videos showed Officer I. had a brief interaction with Dr. [REDACTED] during which he obtained Dr. [REDACTED]’s information and her statement regarding the alleged incident. Lapel video showed Officer I. was professional and courteous towards Dr. [REDACTED] and did not belittle her nor tell her “she imagined the whole thing, she was psychotic and it didn’t happen”, as alleged in the written complaint and in her interview.

The CPOA finds Officer I.’s conduct to be **UNFOUNDED** 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 not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer I.’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.

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. 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

August 12, 2016

Via Certified Mail

**Re: CPC # 036-16**

Dear Ms. \_\_\_\_\_

Our office received the complaints you filed on February 29, 2016 against Communications Operator T. of the Albuquerque Police Department (APD) regarding an incident which occurred on February 16, 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. \_\_\_\_\_ said that on February 16, 2016 she contacted 242-COPS to report barking dogs in her neighborhood, which she believed to be barking because something was "wrong". She spoke to Operator T. and told him the dogs in her neighborhood were barking and she suspected it was because there was suspicious activity going on outside. She complained Operator T. asked her to go outside to see what was going on but she didn't want to because she is a female and it was unsafe to do so. She complained that Operator T. told her to call the Humane Society to report barking dogs and said he wasn't going to waste Albuquerque Police Department (APD) officer's time on barking dogs as there was not enough proof of suspicious activity. She said the next morning her husband told her two vehicles had their

windows broken out and appeared to have been broken into. She alleged that had Operator T. dispatched officers when she called these vehicle break-ins would not have occurred.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OPERATOR T.'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 interview with Operator T., and the recorded call between Ms. s and Operator T. NOTE: The CPOA Investigator was unable to contact Ms. ; therefore she was not interviewed and this investigation was based solely on her written complaint.

A) The CPOA reviewed APD SOP 1-04-4 (Q), which states:

### **1-04-4 CONDUCT WHILE ON-DUTY**

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

Ms. ; complained she called 242-COPS to request Albuquerque Police Department (APD) police response but Operator T. did not send any officers out because Ms. did not have more definitive information to give officers other than all the dogs in her neighborhood were barking. She complained Operator T. told her to call the Humane Society to report the barking dogs and said he wasn't going to waste officer's time on barking dogs as there was not enough proof of suspicious activity. She complained that the next morning she learned that two vehicles had their windows broken out and appeared to have been broken into. She alleged that had Operator T. dispatched officers when she called these vehicle break-ins would not have occurred.

A review of the 242-COPS recorded call, along with Operator T.'s interview, revealed that Operator T. answered Ms. ' telephone call and asked her if, in addition to the dogs barking, which she alleged was suspicious, had she seen any suspicious activity or persons, to which she replied she hadn't. Operator T. explained to Ms. that without more definitive evidence that suspicious activity was occurring, APD officers would not be dispatched to the call. He told Ms. she could contact Animal Control to report the dog barking as a nuisance but Officers would not be sent. He told Ms. to call back should she see something or someone suspicious. He asked Ms. if she wanted an officer to respond anyway; however Ms. did not provide an answer and, instead, hung up on Operator T. A review of the recorded call revealed that Operator T. was polite and professional throughout his conversation with Ms. and provided her with a reasonable explanation for why officers would not be responding. The investigation revealed that Operator T. followed protocol for a barking dog complaint.

The CPOA finds Operator T.'s conduct to be **EXONERATED** regarding the allegations of violations of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Operator T.'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,
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2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the 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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*Carlotta A. Garcia Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

August 12, 2016  
Via Certified Mail

**Re: CPC #041-16**

Dear Ms. Irvin:

Our office received the complaint you filed on March 14, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on February 12, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on March 25, 2016. 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

\_\_\_\_\_ was at the home of \_\_\_\_\_ . Mrs. \_\_\_\_\_ is separated from \_\_\_\_\_ . Mr. \_\_\_\_\_ has a girlfriend \_\_\_\_\_ All three women have children with Mr. \_\_\_\_\_ Mrs. \_\_\_\_\_ provides childcare for the baby Mr \_\_\_\_\_ nas with Ms. \_\_\_\_\_ That night a verbal argument occurred between Ms. \_\_\_\_\_ and Ms. \_\_\_\_\_ that turned into a physical altercation resulting in police response. Ms. \_\_\_\_\_ complained about the responding officers and their investigation.

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, Ms. [REDACTED]'s interview, Officer M's interview, Officer T's interview, and lapel videos from Officer M and Officer T.

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

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

*Steps to be followed in conducting preliminary investigations that may include but are not limited to: a. Observe all conditions, events and remarks, e. Effect the arrest of the suspect. f. Report the incident fully and accurately.*

Ms. [REDACTED] felt the officers did not review and properly assess the evidence when they deemed her the primary aggressor. Ms. [REDACTED] claimed she had injuries and her attacker, Ms. [REDACTED] had none. Ms. [REDACTED] believed this fact proved she was not the primary aggressor. Ms. [REDACTED] also stated she had multiple medical conditions that would prevent her from fighting. Ms. [REDACTED] complained the officers only believed the stories of the others based on the numbers of individuals saying their side against her instead of considering they all had reason to lie for one another against her. The officers would not allow her to press charges even though she was the victim. The police report downplayed her injuries as the injuries were beyond "minor scratches." Ms. [REDACTED] stated the report was inaccurate because she never told the officers she put anyone in a "chokehold." The report was poorly done; Officer M did not even document that she had called police a second time that night to document her injuries.

The lapel videos showed Officer M spoke to most of the parties. Officer M heard from Officer T what Mr. [REDACTED] had to say. The lapel video showed Ms. [REDACTED] used the terms "headlock" and "subdued" several times when describing what she did to Ms. [REDACTED]. Ms. [REDACTED] said she was in a chokehold. The lapel videos showed no one supported Ms. Irvin's claim that Ms. [REDACTED] threaten Ms. [REDACTED]. Contrary to Ms. [REDACTED]'s belief, the presence of injuries does not automatically mean that person is the victim. Officer M used the model of domestic violence victims to aid in her assessment. Often the attacker has injuries from the victim because one is trying to fight off the other. In this case, it looked to Officer M like Ms. [REDACTED] caused the injuries while she was trying to get away from Ms. [REDACTED]'s hold, both because of the injuries' location and type. The report did not differ significantly from the information presented.

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

B) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Officer M's conduct, which states:

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

Ms. stated Officer M described her as “fidgety” in the report. Ms. believed Officer M’s description intended to imply she was on a substance. Ms. said she was fidgety because she had just been attacked and upset. She agreed Officer M did not specifically accuse her of being on a substance. She felt the officers were judgmental against her although they did not convey that attitude. Ms. felt Officer M followed the lead set by Officer T.

The lapel video showed as Ms. told her story she went off on tangents of things that had nothing to do with that night’s events. Ms. focused a lot on proving her sobriety, but her times of relapse fluctuated. The lapel video showed Officer M never accused Ms. of being on a substance and listened to what Ms. had to say. The lapel video showed Ms. disagreed with Officer M’s assessment, but reluctantly accepted the report would not be written in her favor. Ms. did not accuse Officer M of being biased against her at the scene and thanked her.

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

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T’S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-24-3A5a, e, and f regarding Officer T’s conduct, which states:

*Steps to be followed in conducting preliminary investigations that may include but are not limited to: a. Observe all conditions, events and remarks, e. Effect the arrest of the suspect. f. Report the incident fully and accurately.*

Ms. felt the officers did not review and properly assess the evidence when they deemed her the primary aggressor. Ms. claimed she had injuries and her attacker, Ms., had none. Ms. believed this fact proved she was not the primary aggressor. Ms. also stated she had multiple medical conditions that would prevent her from fighting. Ms. complained the officers only believed the stories of the others based on the numbers of individuals saying their side against her instead of considering they all had reason to lie for one another against her. The officers would not allow her to press charges even though she was the victim. The police report downplayed her injuries as the injuries were beyond “minor scratches.” Ms. stated the report was inaccurate because she never told the officers she put anyone in a “chokehold.” The report was poorly done; the report did not even document that she had called police a second time that night to document her injuries.

The lapel videos showed Officer T spoke to all of the parties. The lapel video showed Ms. used the terms “headlock” and “subdued” several times when describing what she did to Ms. Ms. said she was in a chokehold. Contrary to Ms.’s belief, the presence of injuries does not automatically mean that person is the victim. Officer T used



the model of domestic violence victims to aid in his assessment. Often the attacker has injuries from the victim because one is trying to fight off the other. In this case, it looked to Officer T like Ms.           caused the injuries while she was trying to get away from Ms.           's hold. Officer T did not write the report, but the report did not differ significantly from the information presented.

The CPOA finds Officer T's conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training. B) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Officer T's conduct, which states:

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

Ms.           complained the description of her being "fidgety" in the report implied she was on a substance. Ms.           said she was fidgety because she had just been attacked and upset. She agreed Officer T did not specifically accuse her of being on a substance. She felt the officers were judgmental against her although they did not convey that attitude.

The lapel video showed as Ms.           told her story she went off on tangents of things that had nothing to do with that night's events. Ms.           focused a lot on proving her sobriety, but her times of relapse fluctuated. The lapel video showed Officer T never accused her of being on a substance and only asked her when her last usage was. The lapel video showed Ms.           disagreed with the officers' assessments, but reluctantly accepted the report would not be written in her favor and did not accuse Officer T of being biased against her.

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

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



## 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

August 12, 2016  
Via email

### Re: Citizen Police Complaint 043-16

Dear Mr. [REDACTED]

Your complaint against two unnamed Albuquerque Police Department (APD) Officers was received by our office on March 15, 2016, for incident which was alleged to have occurred on that same date at 11:30 AM. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Director. The CPOA Director assigned your complaint to a CPOA Investigator on March 23, 2016 for preliminary investigation.

PO Box 1293

### I. THE COMPLAINTS

Albuquerque

New Mexico 87103

In your complaint, you alleged that you were at I-25 and the Montgomery exit holding a sign and that you were not panhandling, but rather warning motorists about a Jehovah's Witness Cult. You stated in your complaint that you were expressing your Constitutional Right to free speech when you were "ran off" by the police officers. You stated that you had been forced to leave on two separate occasions but you only listed one date of occurrence. You stated that the police officers were polite and professional but they violated your right to free speech when you were asked to leave. You wanted our agency to tell the police that you have every right to hold your sign and that the sign is not illegal, offensive, or slanderous.

www.cabq.gov

### II. THE INVESTIGATION

In an effort to assist you, the CPOA Investigator checked APD records for any police activity in the area at the time you mentioned. The Investigator was unable to identify who the officer was who asked you to leave the area on March 15, 2016 and there was no date given for the second time you were asked to leave. Because of the lack of information in the complaint there was no way to proceed further. The investigation showed that while your sign did contain a warning about the Jehovah's Witnesses, it also contained a line that read: "Need a little help."

Panhandling is prohibited by law in Albuquerque. It is defined by City Ordinance. It reads:

Letter to Mr. CPC 043-16  
August 12, 2016  
Page 2

*Any solicitation, soliciting of alms, begging and any other form of asking for donations made in person upon any public place or on private property in the city, in which a person requests an immediate donation of money or other gratuity from another person.*

The solicitation on the sign made what you were doing illegal. The officers took the least amount of enforcement action necessary to prevent the illegal activity from occurring further.

### **III. CONCLUSION**

Your complaint was investigated to the extent possible based on the information you provided. There was insufficient information provided by you to identify the officers who may have asked you, properly, to leave the area. Because of insufficient evidence or lack of evidence, there is no way to proceed any further in investigating your complaint. 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, 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

August 12, 2016  
Via Certified Mail

**Re: CPC #067-16**

Dear Dr. [REDACTED]:

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 5, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on April 20, 2016. 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**

Dr. [REDACTED] was at the Starbucks on 12<sup>th</sup> Street when a group of officers entered the business. Most of them were in street clothes, but had their badges and firearms. The group of officers had coffee and discussions amongst themselves. One of the officers caught Dr. [REDACTED]'s attention because he was manipulating his gun in public, which made him very uncomfortable.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, Dr.

\_\_\_\_\_ s interview, Officer D's interview, Officer P's interview, and the Starbucks surveillance video.

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

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

*All Police Officers, Prisoner Transport Officers, Metro Court Officers and Reserve Officers shall carry and use weapons in a careful, prudent manner in accordance with the laws of the State of New Mexico and departmental rules and procedures.*

Dr. \_\_\_\_\_ observed Officer D raise his firearm nearly out of his holster several times. Dr. \_\_\_\_\_ felt extremely uncomfortable with Officer D's actions and as an issue of firearm safety; the actions were inappropriate and disconcerting.

Officer D was with a group of other officers from a training class. He believed he was discussing issues with the retention capabilities of various holsters. He manipulated his firearm to illustrate a point about the holsters. He never drew his firearm out.

There was video surveillance that showed Officer D's actions. Officer D never removed the firearm from the holster completely, but raised and lowered it multiple times within the holster. At one point, he made a more exaggerated motion moving the gun up and down in the holster on his waist. Everyone has a different level of tolerance and sensitivity to the presence of firearms. It is important for officers to remember that the public may not have the same comfort level around firearms; any non-enforcement related manipulation of a gun could be of great concern. The discussion and actions may have been appropriate in certain law enforcement venues, but not in the middle of a public place.

The CPOA finds Officer D's conduct to be **Sustained** where the investigation determined the alleged misconduct did occur.

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

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

August 12, 2016  
Via Certified Mail

**Re: CPC # 062-16**

Dear Ms. \_\_\_\_\_

Our office received the complaint you filed on April 20, 2016 against an employee of the Albuquerque Police Department (APD) regarding an incident that occurred on February 26, 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)/Employee 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/employees 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. \_\_\_\_\_ wrote on February 26, 2016, her son \_\_\_\_\_ called herself and another adult repeatedly when he should have been in class. Ms. \_\_\_\_\_ stated her son is 7 years old and attends \_\_\_\_\_ Community Charter School. Ms. \_\_\_\_\_ stated her son endured horrible injuries and abuse by the staff. Ms. \_\_\_\_\_ stated her son was cornered, mouth covered and filmed. Ms. \_\_\_\_\_ stated the school admitted to these accusations. Ms. \_\_\_\_\_ also added an Education assistant at the school gave her son a cell phone in which he saw pornography on the phone.

Ms. \_\_\_\_\_ stated she was in Santa Fe at the time her son called her. Ms. \_\_\_\_\_ stated she had given her son a cell phone in case he was getting hurt and needed to call 911. Ms. \_\_\_\_\_ stated an Albuquerque Police Officer was called to the school and spoke via telephone to Ms. \_\_\_\_\_



Ms. \_\_\_\_\_ stated the officer yelled at her, telling her repeatedly to remove her son from the school. Ms. \_\_\_\_\_ stated she explained to the officer that her son has special needs and he was complaining that the school was hurting him. Ms. \_\_\_\_\_ stated the officer told her if she feels that way then to remove her son from the school. Ms. \_\_\_\_\_ stated the officer continued yelling at her and did not listen to what she had to say. Ms. \_\_\_\_\_ stated the officer told her "I will believe 4 adults over a 7 year old child".

Ms. \_\_\_\_\_ wrote she asked the officer if her son could leave with his grandma and that the officer refused to let him go. Ms. \_\_\_\_\_ then stated the officer told her if they had another issue he would take her son to CYFD and she would basically have to try and get her son back.

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

The investigation included a review of the Complaint, SOPs, Interviews of Ms. \_\_\_\_\_, Officer M., Officer A., APD report # \_\_\_\_\_, the written statement of Mrs. \_\_\_\_\_ and a copy of the school incident report.

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

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

Ms. \_\_\_\_\_ complained that during an incident involving her son at \_\_\_\_\_ Community Charter School, the officer continually yelled at her and did not listen to what she was telling the officer. Ms. \_\_\_\_\_ also complained the officer made the comments "he believes four adults over a seven year old child" and "if they have another issue he will take her child to CYFD and she will have to try and get him back".

Officer A. and Officer M. were dispatched to \_\_\_\_\_ Charter Community School in reference to a seven year old child calling 911 and the principal of the school also calling police to inform them of what was transpiring. The investigation showed the officers made contact with school personnel and Ms. \_\_\_\_\_'s son \_\_\_\_\_. Officer A. conducted an appropriate investigation and contacted Ms. \_\_\_\_\_ via telephone due to her not being at the school. The investigation and witness accounts show that Officer A. was being yelled at by Ms. \_\_\_\_\_ and that Officer A. conducted himself accordingly in the situation. Officer A. asked questions of Ms. \_\_\_\_\_ in regards to the situation and if Ms. \_\_\_\_\_ felt her son was in such danger, why was she not there and why does her son still attend the school. The investigation and witness accounts also showed that Officer A. did not threaten Ms. \_\_\_\_\_ with CYFD, Officer A. asked Ms. \_\_\_\_\_, based on the allegations she was making against the school, if she would like him to forward the report and contact CYFD to look into the allegations. The investigation showed Officer A. did state "I believe what the adults are telling me over what your son is telling me what took place". That statement was made after Officer A. spoke with all parties involved in the incident, including Ms. \_\_\_\_\_'s son.

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

You have the right to appeal this decision.

1. If you are not satisfied with the findings of the CPOA, please request an appeal in a signed writing to the undersigned within 30 days of receipt of this 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 you completing our community member satisfaction survey form at: [www.cabq.gov/cpoa/survey](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

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*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

August 12, 2016  
Via Certified Mail

**Re: CPC # 080-16**

Dear Ms

Our office received the complaints you filed on May 4, 2016 against an unknown Albuquerque Police Department (APD) officer regarding an incident which occurred on April 25, 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. \_\_\_\_\_ complained that on April 25, 2016 at approximately 9:05 AM, she was eastbound on Montgomery waiting at the light at San Mateo when an APD officer rear-ended her vehicle with his marked patrol vehicle. She drove through the light and pulled into Del Norte High School parking lot believing the officer would follow her but he did not and she did not see where the vehicle went.

## II. THE INVESTIGATION

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident you complained of. The CPOA Investigator contacted the following businesses at/near the intersection of Montgomery and San Mateo in an effort to locate surveillance video: US Bank, Verizon, Financial Consulting, and Phillips 66. The businesses either did not have surveillance cameras pointing in that direction or their surveillance cameras were not working; therefore there was no video to either refute or corroborate Ms. Sena's story.

The CPOA Investigator interviewed Ms. on June 8, 2016 in the CPOA office. Ms. Sena was accompanied by her mother, and her attorney, Mr. During the interview Ms. changed the description of the alleged APD vehicle that struck her from an older model white, Ford Crown Victoria APD vehicle with red and blue insignia, to an older model black and white, Ford Crown Victoria APD vehicle with gold or yellow traced insignia. The CPOA Investigator contacted APD Fleet Maintenance and learned that APD doesn't have any black and white Ford Crown Victoria model vehicle in their fleet.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the driver involved in the alleged hit-and-run accident was not an APD officer.

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



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

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

August 12, 2016

Via EMail

**Re: CPC #084-16**

Dear Mr.

Our office received the complaint you filed on April 20, 2016 against Personnel of the Albuquerque Police Department (APD), regarding an incident that occurred on April 19, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on May 19, 2016. 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](http://www.cabq.gov)

### **I. THE COMPLAINT AND INVESTIGATION**

Mr. [redacted] went to the Northwest Substation in order to file a police report about a check fraud issue. Office Assistant S appeared clueless as to what to do and could not ensure the safety of his personal information when he asked. Mr. [redacted] wrote Ms. S was rude and provided no instructions when she handed him a form. CSA L ate his lunch and was apathetic to what Mr. [redacted] was trying to report.

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 interviews of Ms. S and Mr. L. Mr. [redacted] did not participate in the investigative process.

### **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICE ASSISTANT S' CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Office Assistant 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. wrote Ms. S did not know what to do when he tried to report a check fraud issue. Mr. wrote Ms. S rudely shoved a report form to him and offered no instructions on how to complete it. Mr. wrote when he asked about the security of his personal information, Ms. S could not assure Mr. of the confidentiality of his information and rudely told him to fill out the form.

Ms. S remembered very little of the interaction. Ms. S agreed she was newer at doing reports so she may have expressed some uncertainty. Ms. S denied she was rude to Mr. Ms. S did the best she could at explaining to Mr. the information stayed with her and only that information that was necessary was put on the report. Ms. S said she had no training on reports or personal information confidentiality; she has learned on the job.

Mr. failed to cooperate with the investigative process so the investigation was based on the written complaint. Some clarification would have been helpful on points, but was unavailable. There are cameras that visually record in the lobby, but there is no audio and the visual lasts only fourteen days. Ms. S is an office assistant tasked with several administrative duties; she is not an officer. Mr. claimed Ms. S was rude; Ms. S denied the allegation.

The CPOA finds Office Assistant S' conduct to be **Not Sustained** where the investigation is unable to determine whether the alleged misconduct occurred.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING CSA L'S CONDUCT**

Mr. wrote Mr. L approached while eating his lunch. When Mr. explained he was there due to a check fraud issue Mr. was apathetic and simply said there had been a rash of them recently. Mr. wrote Mr. L seemed unconcerned and continued to eat his lunch.

Mr. L had no memory of the incident. Mr. L explained due to necessity, he would often eat lunch at his desk while working. Mr. L stated if someone had specific offender information for check fraud the protocol would be to instruct the citizen to call the non-emergency number for an officer to respond. If the person did not have offender information then they would assist by filing a report at the substation. Mr. L explained the citizen would fill out the statement portion and they would enter all of the information into the report program. Mr. failed to cooperate with the investigative process so the investigation was based on the written complaint. Some clarification would have been helpful on points, but was unavailable. There are cameras that visually record in the lobby, but there is no audio and the visual lasts only fourteen days. Mr. L is a Community Service Assistant, which is a part-time

volunteer position. His tasks include assisting individuals on the phone or walk-ins to the substation, but he is not an officer. Mr. [REDACTED] claimed Mr. L was unconcerned; Mr. L denied the allegation.

The CPOA finds CSA L's conduct to be **Not Sustained** where the investigation is unable to determine whether the alleged misconduct occurred.

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



## 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

August 12, 2016

Via Certified Mail

**Re: CPC# 086-16**

On May 13, 2016 you filed a complaint against the Albuquerque Police Department (APD). 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.

### I. THE COMPLAINT

New Mexico 87103

Ms. [redacted] wrote that on April 22, 2016 during a road trip through Albuquerque with her boyfriend, they were pulled over for speeding. Ms. [redacted] stated that after the officer issued the citation. He called back Ms. [redacted] s boyfriend and began questioning him about where they were going, did they have drugs in the car, guns in the vehicle, etc. Ms. [redacted] stated the officer had her turn around in a circle and then made her stand away from the vehicle while he searched it. Ms. [redacted] complained the officer left their vehicle messy and unorganized and made Ms. [redacted] and her boyfriend stand out in the cold rain for nearly an hour. Ms. [redacted] wrote that after the search the officer questioned her about an empty beer can and empty miniature liquor bottle he had found. Ms. [redacted] stated she explained both to the officer and he then cited Ms. [redacted] for an open container. Ms. [redacted] complained the officer made her feel humiliated and stereotyped to be a drug trafficker and drunk driver. Ms. [redacted] requested the charges be dropped against her.

www.cabq.gov



## II. INVESTIGATION

The Investigator contacted Ms. [REDACTED] via telephone to inform Ms. [REDACTED] the investigation showed the officer involved was not a Albuquerque Police Department Officer. The officer Ms. [REDACTED] was cited and stopped by was a New Mexico State Police Officer. The Investigator left a message for Ms. [REDACTED] to return his call so that he could explain how Ms. [REDACTED] could file a complaint with the New Mexico State Police. As of this letter Ms. [REDACTED] has not been in contact.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to having no investigative jurisdiction of employees not with the Albuquerque Police Department.

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*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. G*            *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

August 12, 2016  
Via Certified Mail

**Re: CPC #089-16**

Dear Mr.

Our office received the complaint you filed on May 26, 2016 against an Officer of the Aviation Police Department regarding an incident that occurred on December 20, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on July 7, 2016.

PO Box 1293

### I. THE COMPLAINT

Phillip Luna claimed Officer G sped down a ramp and Mr. Luna told him to slow down. In response, Officer G confronted Mr. Luna, demanded his ID badge, pushed him on his chest, and told him he had an attitude problem. Mr. Luna claimed Officer G threatened to take him to the ground. Mr. Luna questioned Officer G's claim he was on an emergency, justifying his speeding, since Officer G remained with Mr. Luna for about twenty minutes. Mr. Luna did not think Officer G had a right to touch him.

Albuquerque

New Mexico 87103

### II. INVESTIGATION

\_\_\_\_\_ is a Southwest Airlines employee at the Albuquerque Sunport and Officer G is part of Aviation Police. The Aviation Police Department is a standalone agency that will become part of the Albuquerque Police Department; however, that transition has not fully occurred.

www.cabq.gov

The CPOA sent a target letter to Aviation Officer G advising him of the complaint. Officer G contacted the office as is required, but claimed he already received discipline regarding the incident on December 20, 2015 from Sgt. R and questioned the legitimacy of a second investigation. I contacted Sgt. R who stated Mr. \_\_\_\_\_, Mr. \_\_\_\_\_'s supervisor, Officer G, and him all met and discussed the complaint on the date of incident. Sgt. R claimed Mr. \_\_\_\_\_ just wanted Officer G spoken to and the complaint was resolved after their conversation to his knowledge. Sgt. R agreed he spoke to Officer G about his conduct. Sgt. R stated the conversation was not formally documented.

The CPOA Investigator spoke with Mr. [REDACTED] who agreed that a meeting took place, but felt Sgt. R lectured him part of the time. Mr. [REDACTED] stated Officer G offered "sort of" an apology, but he did not accept it. Mr. [REDACTED] did not feel the situation was resolved because he expected an apology letter. Mr. [REDACTED] filed a complaint with Chief K, who has since been suspended, so he filed a second complaint memo with Acting Chief J. Mr. [REDACTED] expressed he did not think it was fair that officers could put their hands on him without him being able to reciprocate. Mr. [REDACTED] simply expressed dissatisfaction with the discussion that occurred in December, which prompted him to file the complaint.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as duplicative in an attempt to reinvestigate something that had already been looked into.

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

August 12, 2016  
Via Certified Mail

**Re: CPC #099-16 (combined complaints)**

Dear Mr.

Our office received the complaints you filed on April 19, 2016 & June 4, 2016 against Officers of the Albuquerque Police Department (APD) regarding incidents of April of 2016 & June of 2016 that occurred on May 2, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on June 5, 2016.

PO Box 1293

### **I. THE COMPLAINT**

The complaint alleges officers continue to call you "crazy", fail to properly report the hacking of your computer, and generally harass you by not showing up when you call them.

Albuquerque

### **II. INVESTIGATION**

On or about June 20, 2016, the CPOA reviewed CPC #115-15, & CPC #142-15 in conjunction with the current complaint. Based upon that review, the CPOA determined your complaints are similar in nature and have been fully investigated in 2015.

New Mexico 87103

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint. The complaints are duplicative and have been previously investigated by this Agency.

www.cabq.gov

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> .

# CITY OF ALBUQUERQUE



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

August 12, 2016  
Via Certified Mail

### Re: CPC# 108-16

On April 4, 2016 you filed a complaint against the Albuquerque Police Department (APD). 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.

### I. THE COMPLAINT

New Mexico 87103

Mr.                      complained that while driving on Candelaria near San Mateo Blvd. he almost collided with an APD police vehicle. Mr.                      stated he was put in a very unsafe position due to the vehicle heading in the wrong direction of traffic.

www.cabq.gov

### II. INVESTIGATION

The Investigator contacted Mr.                      via telephone to acquire more detailed information for the investigation. Mr.                      stated he did not see a vehicle number nor was he able to obtain a plate due to the incident happening so fast. The investigator asked Mr.                      if the vehicle had its emergency lights engaged and Mr.                      could not recall if it did or did not.

On the date of the incident and around the approximate time there was a shooting/homicide that occurred in a different part of the city. Numerous officers would have been responding to this call. Without the dispatch for service being at Mr.                      s location and no information regarding a vehicle identification, the investigator could not determine the specificity of which officer may have been involved.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to the lack of information in 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.

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

August 12, 2016  
Via Certified Mail

**Re: CPC #110-16**

Dear Ms.

Our office received the complaint you filed on January 21, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 19, 2015, October 30, 2015, and other possible dates. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on January 28, 2016.

PO Box 1293

### **I. THE COMPLAINT**

Leona Trilling Alpert filed a basic complaint asking why APD failed to write reports on her issue of robbery and vandalism.

Albuquerque

### **II. INVESTIGATION**

There were numerous calls for services listed from March of 2015 to December of 2015 for Ms. [redacted]'s address. Ms. [redacted] first reported the alleged theft and vandalism on May 18, 2015. Ms. [redacted] complained about the responding officer from the first incident and that officer's actions were investigated under CPC 017-16.

New Mexico 87103

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

In her interview, Ms. [redacted] listed that she had several other contacts and phone calls with police about the theft issue. In reviewing the list of calls, most of the call types were listed as "contacts" or "watches" and not about a theft. Ms. [redacted] became frustrated when anything other than the theft was mentioned about the calls for service and she said she was not referring to those calls. Ms. [redacted] indicated there were several dates, but she only provided two that were on the list.

Ms. [redacted] stated on September 19, 2015 Officer H responded to her home. Ms. [redacted] said Officer H was very nice. Officer H said the crime she reported would be looked into. Ms. [redacted] learned there was no police report after Officer H left and she tried to call Officer H numerous times, but he never called her back. The CAD documented that Ms. [redacted] claimed her former housekeeper destroyed and took property from her. Officer H referred Ms. [redacted] to the Crisis Intervention Team (CIT) for follow-up. A search of videos showed there was

likely a video recorded, but Ms. filed her complaint after the 120-day retention time so it was deleted. Officer H did not see supporting evidence to file a report. There is not a SOP about requiring officers to call citizens back.

Ms. reported on October 30, 2015 Officer O responded to her home and he too was very nice. The CAD information indicated Ms. called because someone let 5 lbs. of air out of her tires. Officer O documented on the CAD numerous other concerns Ms. listed about odd things going on around her property. One of the concerns listed was that Ms. reported pottery had been broken and vandalized with cat feces. Ms. stated Officer O interviewed her neighbor, but there was no notation on the CAD that Officer O spoke to anyone other than Ms. Ms. did not have contact information for her neighbor to confirm if there was a discussion. Officer O wrote he referred her to the Crisis Outreach and Support Team. A search of videos showed there was likely a video recorded, but Ms. filed her complaint and her interview occurred too close to the 120-day retention time so the video deleted before the video could be reviewed.

Ms. stated she had a phone call with Officer S on December 17, 2015 who told her the theft would be looked into because all calls were important. A CAD for this contact was not located. Ms. also mentioned a phone conversation possibly November 6, 2015 with a person that based on the name was PSA S. These phone calls are not documented.

Ms. mentioned two officers came to her home while her son was visiting. This would have been one of the many calls in either May or June according to Mr. Ms. claimed those officers saw and documented the damages. Mr. Ms. son, recalled being at his mother's home when police arrived, but the reason officers were there was to check on their wellbeing from a call by neighbors. Mr. said there was no discussion about the theft at that time. Mr. mentioned his mother worked with Detective B from the CIT unit.

Detective B offered some insight into Ms.'s situation brought on by several stressors. Mr. agreed his mother had some challenges coping with the stressors she faced. Detective B stated there were greater concerns for Ms.'s health than the concerns Ms. expressed about the cleaners. Detective B stated the items Ms. shared, at least with her, did not rise to a criminal investigation level and information was documented in the CADs. Detective B stated she attempted to work with Ms. about all of her concerns, including the theft.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your secondary complaints about the additional officers due to the lack of information about possible SOP violations and being duplicative from the first identified 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. CPC 110-16  
August 12, 2016  
Page 3

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

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

August 12, 2016  
Via Certified Mail

**Re:    Citizen Police Complaint 122-16**

Dear Mr. ....

Your complaint against Albuquerque Police Department (APD) Police Service Aide (PSA) C. was received by our office on June 8, 2016, for incident which occurred on March 8, 2016. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Director. The CPOA Director assigned your complaint to a CPOA Investigator on June 21, 2016 for preliminary investigation.

PO Box 1293

### **I. THE COMPLAINTS**

Albuquerque

In your complaint, you alleged that you on March 8, 2016 were involved in a traffic accident at Lomas Boulevard and I-25. PSA C. responded to the accident and took a police report. You complained that you and your insurance agent had been trying since that time to get the report but that you had no success in doing so. On June 20, 2016, you called the CPOA office and spoke with a CPOA Investigator. You asked for assistance in getting a copy of the police report.

New Mexico 87103

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

### **II. THE INVESTIGATION**

In an effort to assist you, on June 21, 2016, the CPOA Investigator contacted the APD Commander who supervises PSA C. The Commander was able to obtain a copy of the police report for you and the CPOA Investigator called your cell phone and left a detailed message about how you could go about obtaining a copy of the police report. The investigator did not hear back from you after that. On June 29, 2016, the CPOA Investigator sent you a follow up e-mail just to make sure that you knew that the report was ready and where it could be picked up. On that same day, you responded to the CPOA Investigator's e-mail. You informed the CPOA Investigator that you had not been able to secure time off to go pick up thje report but that you were hoping to pick it up soon. You wrote in your e-mail that as long as the police report remained available, then the complaint could be closed.

### III. CONCLUSION

You requested assistance from our office so that you could obtain a copy of the police accident report. The CPOA Investigator was able to facilitate that with the PSA's Commander. The accident report is now available for you to pick up. Contact information for the APD Commander has been provided to you. You indicated that as long as the police report remains available, the complaint can be closed. At this time 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,  
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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*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

August 12, 2016  
Via Certified Mail

**Re: CPC #124-16**

Dear Ms.

Our office received the complaint you filed on May 20, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 19, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on July 7, 2016.

PO Box 1293

### **I. THE COMPLAINT**

suspected that her ex-husband, an APD officer, told another APD officer to run her information as she was parked in her car. She observed the car ID and plate of a police officer that parked behind her when she thought he ran the information.

Albuquerque

### **II. INVESTIGATION**

The CPOA Investigator contacted the Communications Manager to determine if Ms. 's information had been run. The Communications Manager checked several systems to determine if any APD officer had run Ms. 's plate or name on the date Ms. provided. The Communications Manager determined Ms. 's information had not been run.

New Mexico 87103

www.cabq.gov

The CPOA Investigator contacted Ms. to advise an APD officer had not run her information.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to a lack of information that the incident 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 124-16  
August 12, 2016  
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