

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Joanne Fine, Chair*     *Dr. Carlotta Garcia, Vice Chair*  
*Johnny J. Armijo*             *Susanne Brown*             *Eric H. Cruz*  
*Dr. William J. Kass*         *Valerie J. St. John*         *Rev. Dr. David Z. Ring III*  
*Leonard Waites*  
Edward Harness, Executive Director

**POLICE OVERSIGHT BOARD AGENDA**

**Thursday, September 21, 2017 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Eric Cruz***
- III. Mission Statement – *Joanne Fine***

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Review and Approval of Minutes**
- VII. Discussion:**
  - a. NACOLE**
  - b. Accident Data presentation**
  - c. Letter to Chief Eden regarding Commander McDonald’s Video Download Policy**
- VIII. Consent Agenda Cases:**
  - a. Administratively Closed Cases**

119-17	120-17	131-17	132-17	141-17
143-17	147-17	151-17	152-17	
  - b. Cases investigated**

083-17	115-17			
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  - c. CIRT Cases**

C-027-16	C-033-16	C-045-16	C-049-16
C-054-16	C-066-16	C-075-16	C-076-16
C-009-17	C-011-17	C-016-17	
- IX. OIS Cases:**
  - a. Christopher Cook I-172-16**
  - b. Rafael Molina I-023-17**
  - c. Danan Gabaldon I-022-17**
- X. POB’s Review of Garrity Materials**

- XI. Reports from Subcommittees**
  - a. Community Outreach Subcommittee – *Dr. Ring***
  - b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
    - 1. HR/APD Supervisor Promotion Policy**
    - 2. Domestic Violence Policy**
    - 3. 3-52 Policy Suggestion for inclusion of POB**
    - 4. Dr. Kass' POB Policy Recommendation Process**
  - c. Case review Subcommittee – *Leonard Waites***
    - 1. Appeals – CPC 182-16**
  
- XII. Reports from City Staff**
  - a. APD**
  - b. City Council**
  - c. Mayor's Office**
  - d. City Attorney**
  - e. CPOA – *Edward Harness, Executive Director***
    - 1. 2016 Semi-annual report**
  
- XIII. Meeting with Counsel re: Pending Litigation or Personnel Issues:**  
  
**Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues**
  - a. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and**
  - b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**
  
- XIV. Other Business**
  
- XV. Adjournment- *Next Regularly scheduled POB meeting will be on October 12, 2017 at 5 p.m. in the Vincent E. Griego Chambers.***

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via Certified Mail

700

**Re: CPC #115-17**

Dear Mr.

PO Box 1293

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on April 28, 2017, regarding an incident that occurred on December 18, 2016. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

NM 87103

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

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

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

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

Mr. [redacted] was involved in a traffic accident with another vehicle. Mr. [redacted] and his passengers were injured, as were the driver and passenger of the other vehicle. While medical treated all parties, firearms were discovered in the possession of Mr. [redacted] and his party, including in their vehicle. The firearms were collected for safety reasons. Probable cause existed for officers to conduct a DWI investigation against Mr. [redacted], as the driver of the vehicle. The firearms were converted to evidence for possible pending charges. Mr. [redacted] complained that his firearms were improperly held for evidence and should be returned to him since he was

unaware of pending charges. Mr. [REDACTED] also questioned the police report that stated he refused a sobriety test because he did not.

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 reports, the Computer Aided Dispatch (CAD), Officer V's interview, and lapel videos from Officer V, Officer B, and PSA S. Mr. [REDACTED] did not participate in the investigative process. Mr. [REDACTED] did not respond to the voice mail messages left or email sent. Officer B could not be interviewed, as he was no longer with the department. PSA S did not have a relevant part in the complaint to necessitate an interview.

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

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

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

Mr. [REDACTED] complained that his firearms were seized for safekeeping, but then converted to being held for evidence. Mr. [REDACTED] complained it was a denial of his property rights since he had no pending charges. Mr. [REDACTED] did not understand what his firearms had to do with a traffic accident anyway. Mr. [REDACTED] claimed no one has told him why his firearms are unable to be returned to him.

Officer V explained the available witnesses and evidence supported that Mr. [REDACTED] caused the accident. The accident turned into a vehicular homicide case as the other driver died because of his injuries. Based on the investigation, there was probable cause to believe Mr. [REDACTED] drove while intoxicated. Since the firearms were available to Mr. [REDACTED] while intoxicated a charge of negligence with a firearm is possible. It is up to the DA to decide which charges if any will be pursued against Mr. [REDACTED]

Prior to his filing of the complaint Mr. [REDACTED] was told his firearms were tagged as evidence due to the possibility of pending charges. The officer/DA has up to a year from the date of incident to file a charge of negligence with a firearm. Until the DA decides either this charge will not be pursued or the statute of limitations runs out, the firearms will remain tagged as evidence due to possible pending charges.

The CPOA finds Officer V'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 1-1-4D19 regarding Officer V's conduct, which states:

*Personnel will not alter, misrepresent, or make any false statement in any report, verbal or written or other written document that has been completed in the course of their employment.*

Mr. wrote he questioned the veracity of the police report that stated he refused a sobriety test because he claimed he did not. Mr. pointed out even the report from Officer V stated she was unable to speak to Mr. due to his going to the hospital, which therefore was proof he did not refuse.

Officer V agreed she had little opportunity to speak with Mr. before he was transported to the hospital. Officer V did not complete the DWI investigation; Officer B did. Officer B informed Officer V that Mr. refused to comply with sobriety tests.

Mr. referred to two different reports in his written complaint. The separate police reports involving Mr. were the accident report and the DWI report. Officer V was accurate in her report, as was Officer B in his report. The lapel videos from Officer B at the hospital showed Officer B and another officer asked Mr. several times to take a sobriety test. Mr. repeatedly said he would not take a sobriety test unless his lawyer was present, thus refusing to take the sobriety test. The officers informed him that his response was a refusal, but Mr. did not change his response. This information was communicated to Officer V.

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

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 Mr. [REDACTED] CPC 115-17  
September 22, 2017  
Page 4

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via Certified Mail

**Re: CPC #083-17**

Dear Mr.

PO Box 1293

Albuquerque

NM 87103

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

Our office received the complaint you filed over the phone on March 29, 2017 against Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on March 23, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

### **I. THE COMPLAINT**

Mr. \_\_\_\_\_ has a landscaping/yardwork business. Albuquerque Police Department (APD) Officer M. hired Mr. \_\_\_\_\_ to install sod at Officer M.'s home in Rio Rancho, NM. Mr. \_\_\_\_\_ was delayed in picking up the sod for the home and he arrived late. He worked all day and told Officer M. and his wife that he would return the following day to finish the work. Mr. \_\_\_\_\_ was late because he had to rent a rototiller from Home Depot and then when he got to the officer's home, the rototiller wouldn't start. The officer fired Mr. \_\_\_\_\_ on the spot. The officer was in uniform and in his marked patrol car at the time. The officer

told Mr. \_\_\_\_\_ that he was recording the encounter. The officer demanded his deposit back. The officer then went online and left a poor review for Mr. \_\_\_\_\_ on “Thumbtacks”, a home advisor website. Mr. \_\_\_\_\_; alleged that he was treated disrespectfully by the officer and that the officer lied in the review.

Mr. \_\_\_\_\_ requested that the bad review be taken down and he wanted the officer to change his attitude about how he treats civilians.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Complaint, the officer’s daily activity logs, the Thumbtacks review and response, the officer’s lapel video, and recorded conversations and text messages between Officer M. and Mr. \_\_\_\_\_. Interviews with Officer M. and Mr. \_\_\_\_\_ were also reviewed.

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

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

Mr. \_\_\_\_\_ was upset that Officer M. left a poor review of his company on the Thumbtacks website. Mr. \_\_\_\_\_ alleged that he was treated disrespectfully by the officer and that the officer lied in the review. Mr. \_\_\_\_\_ wanted the bad review taken down and wanted the officer to change his attitude about how he treats civilians.

Officer M., just like any other citizen, has a First Amendment right to free speech with certain exceptions that have long been recognized by the courts. Writing and leaving the bad review online is well within Officer M.’s First Amendment right.

The investigation showed that Officer M. only identified himself as (first name) M. in the review and he never once identified himself as an APD officer. It was Mr. \_\_\_\_\_ who identified Officer M. by his full name and revealed the fact that Officer M. was an APD officer. In the response to the review left by Officer M., Mr. \_\_\_\_\_ accused Officer M. of being a bully.

The investigation revealed that Officer M. was off duty, at his home, during the first contact with Mr. \_\_\_\_\_. The scope of work was discussed and Officer M. and his wife gave Mr. \_\_\_\_\_ \$1000.00 up front before any of the work started. The following day, Mr. \_\_\_\_\_ reported to the worksite late and didn’t get much of the job done. Mr. \_\_\_\_\_’s wife said at the end of that day that they would return the following morning to finish the job.

The following morning Officer M. went in to work an overtime assignment. Officer M. had finished that assignment when he was informed by his wife that Mr. \_\_\_\_\_ showed up late



to the worksite and brought a piece of equipment that did not work. Mr. [REDACTED] had to take that equipment back to exchange it. Officer M. and his wife decided at that time to fire Mr. [REDACTED] as his work had been unsatisfactory. Officer M. called Mr. [REDACTED], who didn't answer his phone, and Officer M. left a message that Mr. [REDACTED] was fired from the job. When Officer M. arrived at his home Mr. [REDACTED] was there and the two talked. Officer M. who was in uniform, feared that Mr. [REDACTED] may become angry or confrontational, or that Mr. [REDACTED] may try to complain about him, so Officer M. activated his lapel camera. An agreement was reached where Mr. [REDACTED] agreed to refund \$150.00 but Mr. [REDACTED] said he would need time to come up with the money.

The next day Officer M. and his wife contacted another vendor from the same website and that vendor agreed to finish the job for an additional \$1000.00. That vendor was familiar with Mr. [REDACTED] and some of the work that Mr. [REDACTED] had done and that vendor told Officer M. that Mr. [REDACTED] was talented at some tasks but landscaping was not one of those tasks. The vendor then found two broken sprinkler heads that may have been damaged by Mr. [REDACTED].

Officer M. called Mr. [REDACTED] who denied breaking the two sprinkler heads but said that he would refund \$200.00 instead of the original \$150.00 agreed to. However, Mr. [REDACTED] changed his mind, called Officer M. and said that if Officer M. wanted the money back, he could sue him in small claims court. It was at that time that Officer M. left the bad review.

The CPOA investigator reviewed some of the text messages, and a voicemail left by Officer M. on Mr. [REDACTED]'s voicemail. The investigator also reviewed the lapel video.

None of the evidence supports Mr. [REDACTED]'s claim that he was bullied or treated disrespectfully by Officer M.. In fact, the evidence shows clearly and convincingly, that Officer M. acted professionally. Mr. [REDACTED] was angry that he got a bad review, his first bad review, on the website that he uses to advertise his business. Neither the CPOA nor APD has jurisdiction to tell Officer M.. to remove the bad review. The investigation showed that what Officer M. wrote in the review was factual even though Mr. [REDACTED] disputes those facts. This is a civil matter between Mr. [REDACTED] and Officer M. and it should be handled as such.

The CPOA Finds Officer M.'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 M.'s Internal Affairs file.

You have the right to appeal this decision.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

Edward Harness, Executive Director

September 22, 2017

Via certified mail

### Re: Citizen Police Complaint 119-17

Dear Mr.

On August 9, 2017 we received a complaint that you filed with a Sergeant of the Albuquerque Police Department.

PO Box 1293

### I. THE COMPLAINT

Albuquerque

You complained that on April 22, 2017 you were patted down in a sexual manner and treated aggressively by officers of the Albuquerque Police Department. Your complaint was assigned to a CPOA Investigator for review.

NM 87103

### II. THE INVESTIGATION

www.cabq.gov

The CPOA Investigator received the complaint and began to review it. On April 24, 2017 you contacted the CPOA office and spoke to an Investigator. During your conversation you voluntarily chose to withdraw your complaint and did not want to continue with the filed complaint.

### III. CONCLUSION

At this time we are Administratively Closing your complaint as you asked our department to do. If you decide at a later date you would like to file a new complaint or continue with the complaint, please contact our office at your earliest convenience.

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.

Executive Director

(505) 924-3770

cc: Albuquerque Police Department Chief of Police

*Albuquerque - Making History 1706-2006*

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via certified mail

**Re: Citizen Police Complaint 120-17**

Dear

PO Box 1293

Albuquerque

NM 87103

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

On May 1, 2017, [redacted] requested that the Internal Affairs Division of the Albuquerque Police Department begin an Internal Investigation into the actions of APD Aviation Police Officer D.. The request for an investigation was later deemed to be a supervisor generated complaint filed on behalf of Ms. [redacted]. Because the matter was considered a Citizen Police Complaint, the request for investigation was forwarded to our office as the CPOA investigates all Citizen Police Complaints.

### I. THE COMPLAINT

Ms. [redacted] and Officer D. dated for about a year and they recently broke up. On March 17, 2017, [redacted] was contacted by Ms. [redacted] and Ms. [redacted] told [redacted] that Officer D. would not leave her alone. The two had been arguing through Facebook, text message, and through friends and family. Ms. [redacted] complained that Officer D. had been verbally and emotionally abusive and many of his messages expressed suicidal comments. Ms. [redacted] provided [redacted] with screen shots of the text messages. Screen shots of Officer D.'s Facebook postings were obtained as well. [redacted] met with Officer D.. Officer D. Denied having suicidal thoughts, said he was upset over the breakup but he only wanted his property back. Officer D. had sought assistance from the Behavioral Services Division with APD and also was referred to the Peer Support Unit. [redacted] also ordered Officer D. not to have any contact with Ms. [redacted]. Officer D. agreed to stay away from Ms. [redacted].

Ms. [redacted] contacted [redacted] again on May 1, 2017 and told him that Officer D. was continuing to contact her by way of Facebook, text, and phone calls. Ms. [redacted] requested that Officer D. should be investigated because many of his Facebook postings

contain pictures or comments that reflect unfavorably on the department. obtained as examples many of Officer D.'s Facebook posting and submitted them with his request for an investigation. \_\_\_\_\_ requested that Officer D. be investigated for Insubordination and violations of APD's Social Media Policy.

## **II. THE INVESTIGATION**

The CPOA Investigator was assigned the complaint on July 24, 2017. The Investigator researched the matter and found that Officer D. resigned his position with APD just days earlier.

## **III. CONCLUSION**

At this time we are Administratively Closing your complaint. Our office has no jurisdiction to investigate the actions of people who are no longer employed by the Albuquerque Police Department. Once a person has resigned, our office can no longer compel that person to appear for interviews, nor can we compel them to provide us documents or other evidence that we may need to complete a full and thorough investigation. Even if we were able to conduct an investigation based on the available evidence, and we found that there was a violation of policy, the Chief of Police would have no way of imposing any recommended discipline on someone who no longer works for the City of Albuquerque.

Even though we are barred from conducting an investigation into the matter, we would strongly urge Ms. \_\_\_\_\_ to seek assistance from APD and any other agency she deems fit, to explore her available options under the law.

Administratively Closed complaints may be re-opened if additional information becomes available.

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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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via certified mail

**Re: Citizen Police Complaint 131-17**

Dear Mr

On April 24, 2017 we received a complaint that you sent to our office via US mail.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

You complained that on March 12, 2013 you were arrested on a felony warrant based on probable cause. Three years later the case was dismissed. You believe the officers involved in the case falsely accused you of a crime and they lied in their police reports. You believe that lying in a police report is a Federal Crime. The case was dismissed in February of 2016. You wrote in your complaint that you want to be compensated for your rights being violated and you want something done about the officers whom you believe broke the law. Your complaint was assigned to a CPOA Investigator for review.

NM 87103

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

### **II. THE INVESTIGATION**

The CPOA Investigator researched the matter and found that you made the same complaint back in 2014. You were sent a certified letter at that time saying that our office lacked jurisdiction to investigate your complaint and that our office was administratively closing your complaint. Your current complaint does not contain any new information that would allow us to re-open your complaint. If you believe your rights were violated, we suggest that you contact a Civil Rights Attorney and discuss your case with them. You may also file a claim with the Risk Management Division of the City of Albuquerque. Their mailing address is:

Letter to Mr. CPC 131-17  
September 22, 2017  
Page 2

Risk Management  
1 Civic Plaza NW  
9<sup>th</sup> Floor, Suite 9006  
Albuquerque NM 87102

### **III. CONCLUSION**

At this time we are Administratively Closing your complaint as the allegations contained in the complaint are duplicative and it contains no new information that would allow us to re-open the complaint.

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, Vice Chair*

*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via email

**Re: CPC #132-17**

Dear Ms.

Our office received the complaint you filed on April 24, 2017 against the Albuquerque Police Department (APD), in general. 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

NM 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**

Ms. [redacted] stated she is concerned about how APD treats and uses the 72 hour holds for the mentally ill in the City of Albuquerque. She also alleged abuse at Kaseman Presbyterian and UNM Psychiatric Hospital.

### **II. THE INVESTIGATION**

A CPOA Investigator attempted to contact you via email in an attempt to obtain more specific information regarding your complaint, such as a specific incident and/or a specific officer's name and badge number; however you did not respond to the Investigator's email.



### III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because there is not enough information with which to move forward in the investigation.

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**

*Johnny J. Armijo*

*Dr. William J. Kass*

*Leonard Waites*

Edward Harness, Executive Director

*Joanne Fine, Chair*

*Susanne Brown*

*Valerie St. John*

*Dr. Carlotta A. Garcia, Vice Chair*

*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via Certified mail

### **Re: Citizen Police Complaint 141-17**

Dear Ms

On August 9, 2017 we received a complaint that you filed with our office on behalf of your daughter.

PO Box 1293

#### **I. THE COMPLAINT**

Albuquerque

You complained that on April 17, 2017 an Officer is "a crooked cop" and holds a vendetta against your daughter for events taking place on April 17 and 18 of 2017. You submitted numerous documents with your complaint in regards to the officer and contacts this officer has had in a case with your daughter.

NM 87103

#### **II. THE INVESTIGATION**

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

The CPOA Investigator received the complaint and began to review it. Included in your submitted paperwork, it lists the officer as a Bernalillo County Sheriff's Department Deputy. The Investigator researched further to ensure the accuracy of the information and found that the alleged incidents you complained of, do not involve any employees of the Albuquerque Police Department. The Investigator called the phone number listed on your complaint to inform you of the finding's, however was unable to leave a message.

#### **III. CONCLUSION**

At this time we are Administratively Closing your complaint due to our office only being able to investigate employees of the Albuquerque Police Department. You may submit your complaint to the Bernalillo County Sheriff's Department since the officer you complained of is a Deputy Sheriff with that Department.

Letter to Ms \_\_\_\_\_, CPC 141-17  
September 22, 2017  
Page 2

Sincerely,  
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to be 'EK' with a stylized flourish.

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via Certified mail

**Re: Citizen Police Complaint 143-17**

Dear Mr.

On April 18, 2017 we received a complaint that you sent to our office via US mail.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

You complained that on April 17, 2017 you were at the Walmart store on San Mateo and you had a small issue with a cashier about a .75 ring. You complained that APD Officer N., who was working at the Walmart store, approached you and told you to leave the store otherwise you would be arrested. You wrote in your complaint that the way the officer approached you and dealt with you made you feel humiliated. You requested that Officer N. be reprimanded for his bad attitude towards you. Your complaint was assigned to a CPOA Investigator for investigation.

NM 87103

### **II. THE INVESTIGATION**

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

Prior to any investigation being conducted, you contacted the CPOA and you informed the office that you wanted to withdraw your complaint. You stated that you had changed your mind and that you had lost interest in pursuing the matter any further.

### **III. CONCLUSION**

Your complaint alleged a minor policy violation. Because you have requested to withdraw your complaint, we are Administratively Closing your complaint and no further investigation into the matter will take place.

Letter to Mr . CPC 143-17  
September 22, 2017  
Page 2

Sincerely,  
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. Carlotta A. Garcia, Vice Chair*

*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via Certified mail

**Re: Citizen Police Complaint 147-17**

Dear Mr.

On June 6, 2017 we received a complaint that you hand delivered to our office.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

NM 87103

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

You complained that on May 11, 2017 you were at the Family Dollar store on Gibson SE and you were involved in an incident with an employee there. You alleged that the employee sprayed bug spray in your face. You stated that you left the store and you were subsequently arrested by APD Officer W.. You were charged with Aggravated Assault with a Deadly Weapon and you were released from jail 16 days later. You complained that the arresting officer refused to listen to you and he didn't get you any medical treatment. You claim that you have suffered side effects since then and that your health has been compromised because you were sprayed with bug spray. You wrote in your complaint that you wanted Officer W. seriously reprimanded for his behavior. Your complaint was assigned to a CPOA Investigator for investigation.

### **II. THE INVESTIGATION**

Prior to any investigation being conducted, you contacted the CPOA and you informed the office that you wanted to withdraw your complaint. You stated that you were doing well and that changed your mind and that you had lost interest in pursuing the matter any further.

### **III. CONCLUSION**

Your complaint alleged a minor policy violation. Because you have requested to withdraw you complaint, we are Administratively Closing your complaint and no further investigation into the matter will take place.

Letter to Mr. \_\_\_\_\_, CPC 147-17  
September 22, 2017  
Page 2

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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*Eric H. Cruz*

*Rev. Dr. David Z. Ring III*

September 22, 2017

Via Certified Mail

...

**Re: CPC #151-17**

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 29, 2017, regarding an incident that occurred on or about March 13, 2017.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

John Jones submitted a letter to Chief Eden, which was forwarded to the CPOA. Mr. Jones referenced a police report 17-0024558 and that he had a complaint regarding an Assistant US Attorney, Michael Hoses.

NM 87103

Mr. [redacted] spent the majority of his letter to Chief Eden referencing a situation that occurred in California. The incident in California did not involve the Albuquerque Police Department. The rest of the letter discussed Mr. [redacted] complaints regarding Mr. [redacted] s. Mr. [redacted] did not express a specific complaint against a member of the Albuquerque Police Department in his letter.

www.cabq.gov

### **II. INVESTIGATION**

The CPOA Investigator reviewed the police report Mr. [redacted] referenced. Initially a field officer was dispatched and spoke to Mr. [redacted] Mr. [redacted] stated he received several hangup calls and alleged they were coming from Mr. [redacted] ' office. The officer suggested Mr. [redacted] contact the phone company to assist in blocking calls, but Mr. [redacted] said he would not be able to document the alleged harassment. The officer completed an incident report on March 13, 2017. The report also had a supplemental report filed by a detective on June 1, 2017. The detective wrote he contacted Mr. [redacted] and received a similar statement as was provided to the field officer. Mr. [redacted] admitted to the detective he never answered the phone on these calls, but believed they were from Mr. [redacted] The detective contacted Mr. [redacted] Mr. [redacted] stated he represented the Government in a case Mr. [redacted] filed against the Government, but Mr. [redacted] case was dismissed in September 2016. There are still pending



appeals to his knowledge, but his involvement completed long ago and he had no reason to contact Mr. [REDACTED] Mr. [REDACTED]; denied contacting Mr. [REDACTED] and stated his office number does not display in the manner Mr. [REDACTED] alleged. The detective closed the case pending evidence that is more substantial.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not allege any SOP violations or specific APD personnel as the subject of the complaint. Mr. [REDACTED]' case was investigated to the extent it could be given the available evidence.

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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*Johnny J. Armijo*                      *Susanne Brown*                      *Eric H. Cruz*  
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*Leonard Waites*  
Edward Harness, Executive Director

September 22, 2017  
Letter to file

Cathleen Chacon  
She did not provide

**Re: CPC #152-17**

Dear Ms. :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 30, 2017, regarding an incident that occurred on or about April 1, 2017.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

submitted a complaint claiming that her son did not receive medical attention after an altercation with an unknown individual. Ms. wrote she spoke to a female officer who told her she could pick up her son. Ms. did not provide any information about the incident other than the date and her son's name.

NM 87103

### **II. INVESTIGATION**

www.cabq.gov

The CPOA Investigator spoke to Ms. at the number she provided. Ms. stated she was uncertain if she wanted to proceed with the complaint. She would contact her son and discuss it with him. The CPOA Investigator tried to call the number she had listed for her son, but the number was no longer in service. The CPOA Investigator waited approximately a month and then contacted Ms. again to see what she decided about the complaint. Ms. stated she wished to withdraw the complaint.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not provide enough information to investigate the complaint and the citizen wished to withdraw the complaint.

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. . . . . CPC 152-17  
September 22, 2017  
Page 2

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

Sincerely,  
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to be 'EH' with a stylized flourish.

Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police