

Independent Review Office

600 2nd NW Room 813 Albuquerque NM 87102
P.O. Box 1293 Albuquerque NM 87103
Phone: (505) 924-3770 Fax: (505) 924-3775
www.cabq.gov/iro

INCLUDED IN THIS REPORT:

POLICE OVERSIGHT COMMISSION OVERVIEW

Update on appointed and newly elected commissioners; their duties; and subcommittees created

INDEPENDENT REVIEW OFFICE About the IRO; and the duties of the IRO

COMPLAINT PROCEDURE Process the IRO uses to address citizen concerns and inquiries on APD officers

DATA/STATISTICAL HIGHLIGHTS Available information extracted from MRIAD database for cases received by the IRO

EXECUTIVE SUMMARY IRO Robin S. Hammer addresses the upcoming plans, policy changes, and recommendations made

CITY OF ALBUQUERQUE

Richard J. Berry
Mayor

Robert J. Perry
Chief Administrative Officer



Independent Review Office of the Police Oversight Commission

2013 Fourth Quarter Report (October - December)

Mission Statement

The mission of the Police Oversight Commission (POC) is to provide a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department (APD), and to provide for community participation in setting and reviewing police department policies, practices, and procedures.

David Cameron
Chair

Jonathan Siegel
Vice Chair

Robin S. Hammer
Independent Review Officer

POLICE OVERSIGHT COMMISSION MEMBERS

DISTRICT ONE:

RICHARD SHINE

Appointed: 08/20/12

Term Ends: 02/01/15

DISTRICT TWO:

JONATHAN SIEGEL

Appointed: 05/21/12

Term Ends: 02/01/15

DISTRICT THREE:

JENNIFER BARELA

Appointed: 03/18/13

Term Ends: 02/01/16

DISTRICT FOUR:

JEFFREY PETERSON

Appointed: 01/23/13

Term Ends: 02/01/16

DISTRICT FIVE:

VACANT

DISTRICT SIX:

DAVID M. CAMERON

Appointed: 04/16/12

Term Ends: 02/01/14

DISTRICT SEVEN:

RICHARD G. SOBIEN

Appointed: 04/04/11

Term Ends: 02/01/14

DISTRICT EIGHT:

DR. CARL FOSTER

Appointed: 01/23/13

Term Ends: 02/01/15

DISTRICT NINE:

WILLIAM BARKER

Appointed: 01/23/13

Term Ends: 02/01/16

INDEPENDENT REVIEW OFFICE STAFF

ROBIN S. HAMMER

(Assumed office: September 5, 2012)

Independent Review Officer

Diane L. McDermott

Independent Review Office Investigator

Chris Davidson

Independent Review Office Investigator

Paul A. Skotchdopole

Independent Review Office

Assistant Lead Investigator

Chearie J. Alipat

Independent Review Office Analyst

Francisca M. Garcia

Independent Review Office

Executive Administrative Assistant

POLICE OVERSIGHT COMMISSION & INDEPENDENT REVIEW OFFICE

The Police Oversight Commission is tasked with the following functions:

1. Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
2. Oversee the full investigation and/or mediation of all citizen complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
3. Continue the cooperation of APD and solicit public input by holding regularly scheduled public meetings;
4. Review all work of the Independent Review Office with respect to quality, thoroughness, and impartiality of investigations;
5. Submit periodic reports to the Mayor and City Council;
6. Submit all findings to the Chief of Police;
7. Engage in a long-term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.

The Independent Review Officer manages the staff of the Independent Review Office. The Independent Review Officer (IRO) is given autonomy and performs the following duties under the supervision of the POC:

1. The IRO receives all citizen complaints directed against APD and any of its officers. The IRO reviews the citizen complaints and assigns them to be investigated by the IRO independent investigators or APD Internal Affairs.
2. The IRO oversees, monitors, and reviews all of those investigations and makes findings for each case.
3. The IRO makes recommendations and gives advice regarding APD policies and procedures to the POC, City Council, APD, and the Mayor.
4. The IRO uses an impartial system of mediation for certain complaints.
5. The IRO monitors all claims of excessive force and police shootings and is an ex-officio member of the City of Albuquerque Claims Review Board.
6. The IRO ensures that all investigations are thorough, objective, fair, impartial, and free from political influence.
7. The IRO maintains and compiles information sufficient to satisfy the POC's reporting requirements.

POC MEETINGS ARE HELD MONTHLY AND ARE OPEN TO THE PUBLIC

During the Fourth Quarter 2013, the POC met on
October 10, 2013
November 14, 2013
December 12, 2013

2013 LONG-TERM PLANNING COMMITTEE (LTPC)

MEMBERS

RICHARD SHINE (CHAIR)
JEFFREY PETERSON (VICE-CHAIR)
WILLIAM BARKER
JONATHAN SIEGEL

The LTPC reviewed trends and analysis to make policy recommendations to the full POC. The LTPC also reviewed and made recommendations on the IRO/POC regarding budget.

LTPC MEETINGS ARE HELD MONTHLY AND ARE OPEN TO THE PUBLIC

The LTPC held meetings during the Fourth Quarter 2013 on:

December 26, 2013

2013 PUBLIC OUTREACH COMMITTEE

The POC Ordinance requires the IRO and the staff play an active public role in the community and provide appropriate outreach to the community publicizing the citizen complaint process and the locations within the community that are suitable for citizens to file complaints in a non-police environment.

MEMBERS

JONATHAN SIEGEL (CHAIR)
DAVID CAMERON
CARL FOSTER
RICHARD SHINE

The Committee on Outreach Program held meetings during the Fourth Quarter 2013 on:

October 10, 2013

EXECUTIVE SUMMARY

As Independent Review Officer, during the Fourth Quarter 2013, I focused on improving the efficiency of the IRO office. This included implementing new internal procedures for the investigation, processing and tracking of all Citizen Police Complaints at the IRO's office.

From October 21 through 24, 2013, I attended and completed the Los Angeles Police Department Performance Audit Course. Police Performance Audits are being used across the country to review the performance of police and their practices. Under the direction of LA's Oversight body, the LAPD Performance Audit Division employs professional auditors, computer specialists and law enforcement personnel to review law enforcement practices. After attending this course, I met with several persons in Albuquerque city government, both inside and outside of law enforcement, to discuss the benefits of proactive approach to oversight through performance audits.

At the October Police Oversight Commission (POC) Meeting, Assistant City Attorney John DuBois presented City Attorney David Tourek's written Memorandum of Law interpreting Police Oversight Ordinance. Mr. Tourek's Memorandum interpreted the relationships between the Independent Review Officer (IRO) and the POC. This Memorandum also outlined the legal relationship of POC and its subcommittee. One POC Commissioner declined to acknowledge that City Attorney Tourek's opinion was legally binding, but the majority of Commissioners overruled that Commissioner's objections. The POC's practices and procedures subsequently conformed to City Attorney Tourek's Memorandum.

During the Fourth Quarter, I regularly met with Acting Chief Allen Banks to discuss APD policy and procedures. Chief Banks and I continued our discussion of APD's policies for the review of the Officer-Involved Shooting cases and changes to the Standard Operating Procedures (SOPs). In early October, APD published a new Witness Detention SOP, which was developed with input from the IRO.

The City Council extended the time frame for the Council-formed Police Oversight Task Force to complete its report relating to suggested changes for the Police Oversight Ordinance. I or my staff attended all of the Task Force meetings during the Fourth Quarter.

The POC Outreach concluded its work to modify outreach materials to explain the function of the IRO and POC to groups. In October 2013, I met with a City-Wide gathering of Neighborhood Watch Captains to explain the process for Police Oversight. The attendees then took my information back to their respective Neighborhood Watch meetings.

During the Fourth Quarter, I presented two Officer-Involved Shooting cases to the POC. I also presented 76 letters of my findings in Citizen Police Complaint (CPC) cases.

The IRO and POC were very busy during the Fourth Quarter 2013. I look forward to assisting all parties to make continued progress in police accountability and transparency at the Albuquerque Police Department.

OFFICER-INVOLVED SHOOTINGS

In the Fourth Quarter of 2013, the Independent Review Officer reviewed and presented on two officer-involved shootings during the monthly Police Oversight Commission meetings.

POLICE SHOOTING CASE – I-168-12 (reviewed by POC on October 10, 2013)

IRO Hammer gave a summary of the case in which Detective W., on September 6, 2012, discharged his weapon, shooting a dog. This case was received in our office on September 26, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their investigation and review on September 25, 2012.

On the evening of September 6, 2012, Detective W. was on duty. At approximately 9:00 p.m. Detective W. heard a call over the police radio of a shooting at Eubank and Bell Avenue Southeast. Detective W. heard several other police officers respond to the location of the caller to determine where the shots were fired. Detective W. was in the area of San Mateo and Central. Detective W. notified dispatch that he would assist with this call. Detective W. drove to the area of the investigation.

Once at Acoma, Detective W. began searching the area for any indication of a shooting or shooting victim. Detective W. saw a man, later identified as Mr. S., walk out of the garage. Detective W. called out to Mr. S. to check with the occupants to see if they had seen or heard anything suspicious in the neighborhood and more specifically if they had any information about a recent shooting in the area. Mr. S. responded, “Sure, let me grab my dog.”

Detective W. continued walking toward Mr. S. As Mr. S. finished his sentence about the dog, Detective W. heard a bark from inside the garage. Detective W. saw a tan and white Pit Bull dog on the couch. The dog barked once, got up from the couch and got onto the ground. The dog immediately began running straight toward Detective W. at a dead sprint while growling. Detective W. saw that the dog’s tail was straight, ears were flat against its head, and had its eyes on Detective W.’s leg. Based on his training and experience, Detective W. concluded that the Pit Bull dog intended to attack Detective W. The Pit Bull dog moved slightly behind Detective W. Detective W. believed the Pit Bull dog was going to bite the back of his leg. The Pit Bull dog’s actions caused Detective W. to be in immediate fear that the dog was going to attack him. Detective W. was unable to make an aimed shot at the Pit Bull dog at that time. Detective W. again tried to move backwards. Detective W. fired one shot in an attempt to disengage the Pit Bull dog. The dog’s response to the first shot was to move to the front of Detective W. Detective W. then fired two more shots. The dog yelped and walked away to the west. Detective W. estimated that it was about three to five seconds from the time the dog got off the couch until it came within a few feet of biting Detective W.

A field investigator processed the scene. It was determined that the distance between the couch and where Detective W. was standing when the dog attempted to bite him was 27 feet. The dog sustained two gunshot wounds. One shot entered the left side of the dog and exited out the right

side. The second shot entered the dog's chest and had no exit wound. The field investigator found three .40 casings on the pavement.

IRO reviewed Officer W.'s actions and APD Procedural Order §2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order §1-39, Recording Incidents. The available evidence indicates that Officer W. used deadly force to protect himself from a potentially serious dog attack. Officer W.'s belief was reasonable. The available evidence also indicates that Officer W. did not turn on his lapel or belt recorder when he approached the residence to look for witnesses.

IRO found that Officer W. complied with APD Procedural Order §2-52-3(B)(1), recommends that Officer W.'s actions are **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper, and the shooting found justified. IRO found Officer W. failed to comply with Albuquerque Police Department Procedural Order §1-39-2(B). Therefore, I find that Officer W.'s actions are **SUSTAINED** as to this SOP, meaning that his actions as applied to this SOP were improper.

POLICE SHOOTING CASE -- I 154-12 (reviewed by POC on November 14, 2013)

IRO Hammer gave a summary of the case in which Detective H., on April 19, 2012, discharged his weapon, shooting Mr. A. This case was received in the IRO office on November 15, 2012. The Multi-Jurisdictional Officer-Involved Police Shooting Team completed their investigation on or about July 20, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their review on November 15, 2012. The District Attorney's Office completed their criminal review on July 3, 2013.

On the evening of April 18, 2012, Mr. A. went to the Brentwood West Apartment Complex at 404 Espanola, Southeast. Mr. A. had a dispute with an individual and possibly others at the apartment complex. Witnesses disagreed about what the dispute between the men involved, but all agreed that Mr. A. had been at the apartment during the late evening of April 18, 2012. After the initial dispute, Mr. A. returned to the apartment complex and brought what was described as a rifle or long gun with him. Mr. A. resumed his confrontation with residents of the apartment complex and shot some rounds from his rifle during the early morning hours, but did not strike anyone. Police were called at that time, but Mr. A. left the area before the police arrived.

Two brothers at the apartment complex convinced Mr. A. to remove the magazine of ammunition from his rifle and put it in his pants pocket. One of the individuals stated that he was concerned about the numerous children at the apartment complex, including his relatives. They told Mr. A. that the police were on their way and that Mr. A. should leave the area. Mr. A. indicated that he was suffering from drug-withdrawal symptoms. Both brothers agreed to assist Mr. A. in getting drugs if he left the apartment complex. One of the brothers left the apartment complex with Mr. A. and walked south down Espanola Street, Southeast, away from the apartment complex. Mr. A. took his rifle and put it down his long shorts and covered the rifle butt with his loose-fitting clothing.

Detective H. was on duty nearby in an undercover capacity. Detective H. heard several other police officers respond to the location of the call of a man with a semi-automatic rifle threatening

people on Espanola Street, Southeast. Detective H. notified dispatch that he would assist with this call and drove to the area of the investigation in his undercover pickup truck. Detective H. drove to Espanola Street intending to initially keep distance from the suspect(s). Detective H. arrived before the other detectives and saw an individual speaking with Mr. A. in front of the apartment building. Detective H. then drove and parked about 15 yards behind Mr. A. and the other individual. Detective M. arrived soon thereafter in his undercover pickup truck and parked nearby. Detective H. saw Mr. A. conceal the rifle in his pants and under his shirt as he began to walk.

Detective H. turned on the emergency lights in the grille of his undercover truck and put his lapel camera on his police vest. Detective H. also shouted commands to the two men. Immediately one of the individuals complied with the officers' commands and got on the ground, laid his face on the ground and showed that his hands were empty. Mr. A. ignored all of the officers' commands and crossed the street. As Detective H. was moving, the camera fell to the ground and due to the dangerous situation, did not stop and retrieve the camera.

Detective H.'s view of Mr. A. had become blocked as he crossed the street, so Detective H. moved several feet east of the parked Cadillac. Once Mr. A. was across the street, he pulled his rifle out of his pants in a clockwise motion, pointing at Detective H. Mr. A. moved his rifle in a position on his shoulder, ready to fire. Detective H. was not behind cover when Mr. A. pointed his rifle at Detective H. Detective H. feared for his life. After Detective H. saw Mr. A. bring his rifle to his shoulder, Detective H. fired two shots at Mr. A. Neither one of these shots stopped Mr. A.'s actions. Detective H. fired two more shots. Mr. A. then fell to the ground, with his hands under his body, and dropped his rifle. Detectives then approached Mr. A. and handcuffed him.

The detectives took the rifle away from under Mr. A. and found the magazine in his pocket. Officers determined that Mr. A.'s rifle was a semi-automatic .22 caliber rifle with a magazine loaded with bullets. There was one live round of ammunition in Mr. A.'s rifle at the time he pointed it at Detective H. Officers called for rescue to treat and take Mr. A. to the hospital. Mr. A. underwent surgery for two bullet wounds, one to his chest and one to his lower arm. Mr. A. remained in the hospital until May 22, 2012, when he was arrested for both federal and state criminal charges, including the Aggravated Assault against Detective H.

IRO reviewed Detective H.'s actions and APD Procedural Order §2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order §1-39, Recording Incidents. Detective H. was qualified on the weapon he used on April 19, 2012. The available evidence indicates that Detective H. used deadly force to protect himself from being shot by Mr. A. The available evidence also indicates that Detective H. put on his lapel camera, but it fell off as he got out of his truck. Detective H. did not stop mid-action, while he was defending himself, to locate his lapel or belt recorder. IRO found that Detective H. complied with APD Procedural Order §2-52-3(B)(1), and APD Procedural Order §1-39-1 and 2. IRO recommends that Detective H.'s actions are **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper, and the shooting found justified.

CITIZEN POLICE COMPLAINTS (CPCs)

Any person may file a written complaint against APD officers or any of its employees. All complaints must be signed. The IRO website contains an electronic complaint form. Written forms may be obtained at the IRO office and all APD substations or facilities.

Written Complaints may be submitted to:

IRO's website: www.cabq.gov/iro

IRO office at Room 813, Plaza del Sol, 600 2nd Street NW (8th Floor)

Mail completed complaint forms to: PO Box 1293, Albuquerque, NM 87103; or

Any APD substation or facility

COMPLAINT PROCESS

1. When the Independent Review Officer (IRO) receives a written complaint, the complaint is entered into the IRO's case management database and assigned a Citizen Police Complaint (CPC) number.
2. The IRO reviews the complaint for jurisdiction and then assigns the case to an IRO investigator or APD Internal Affairs Division to investigate.
3. Upon completion of the investigation, the Independent Review Officer reviews the investigation for thoroughness, impartiality, and fairness.
4. The Independent Review Officer makes findings and conclusions based on the evidence developed in the investigation as to whether the alleged misconduct violates the rules governing APD employees' conduct called Standard Operating Procedures (SOPs). The Independent Review Officer writes a draft letter to the person who filed the complaint, outlining her findings and conclusions.
5. The Albuquerque Police Department's administration, including the officer's supervisors and the Chief of Police, review the IRO's letter containing the findings and conclusions.
6. The Police Oversight Commission then reviews the IRO's letter containing the findings and conclusions.
 - If Chief of Police and the IRO agree on the findings and the POC concurs, the letter is sent by certified mail to the person who filed the complaint.
 - If Chief of Police disagrees with the IRO, the POC decides the matter after hearing both sides.
 -
7. If the person who filed the complaint is dissatisfied with the findings, they may appeal the decision to the Police Oversight Commission. Appeals are to be heard during POC's monthly meetings, which are open to the public.
8. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO.

COMPLAINT DISPOSITION STANDARDS

The IRO makes findings regarding alleged misconduct based upon APD's Standard Operating Procedures (SOPs). The Independent Review Officer bases her findings 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. If the credible evidence is 50-50, the proper finding is Not Sustained. The IRO makes the following types of findings:

Sustained – It was determined that an APD employee committed the alleged violation.

Not Sustained – It cannot be determined if an APD employee committed the alleged violation.

Exonerated – The APD employee was justified in taking the course of action alleged and/or was operating within the guidelines of the law or SOPs.

Unfounded – The APD employee did not commit the alleged violation.

Inactivated – The complaint was closed for lack of jurisdiction or a satisfactory informal resolution.

CITIZEN POLICE COMPLAINTS (CPCs) FOURTH QUARTER 2013

FOURTH QUARTER (OCTOBER–DECEMBER 2013)

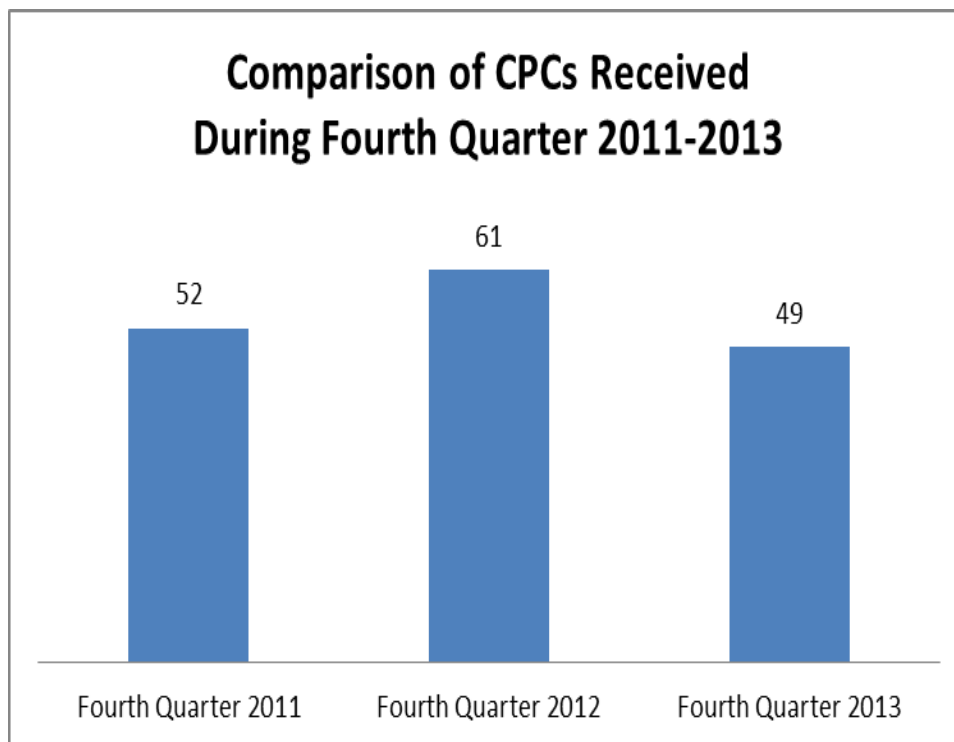


Figure 1: The IRO received an average of 54 complaints during the Fourth Quarter. During Fourth Quarter 2013, 49 Citizen Police Complaints were received by the office. This reflects a 20% decrease in complaints on APD and its officers compared to 2012.

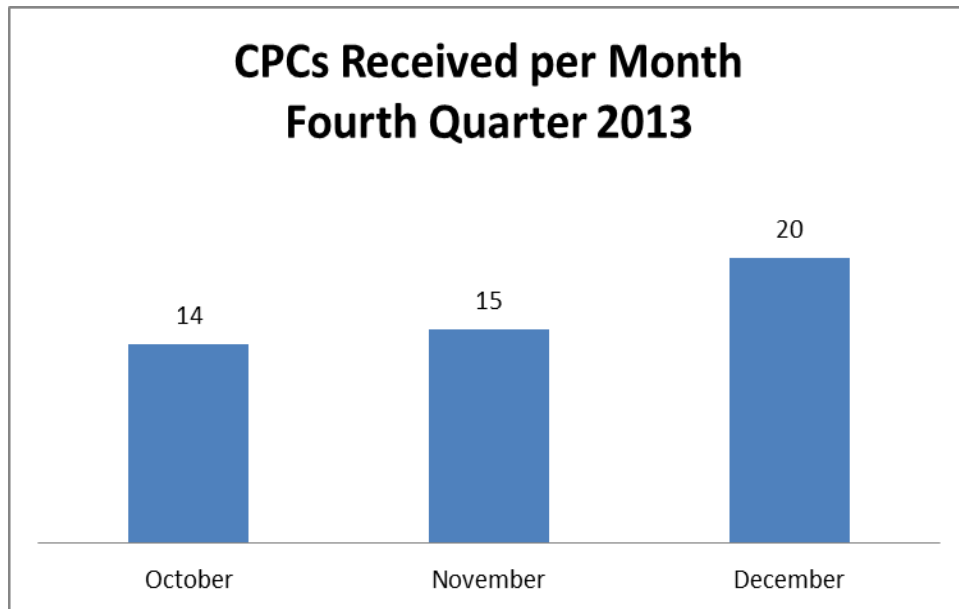


Figure 2: The IRO received the highest number of complaints in December during the Fourth Quarter 2013.

Each IRO Investigator received an average of 11 CPCs per month between October-December 2013. APD Internal Affairs was assigned a total of 16 CPCs for investigations during the Fourth Quarter, which results in an average of 3 CPCs per IA investigator.

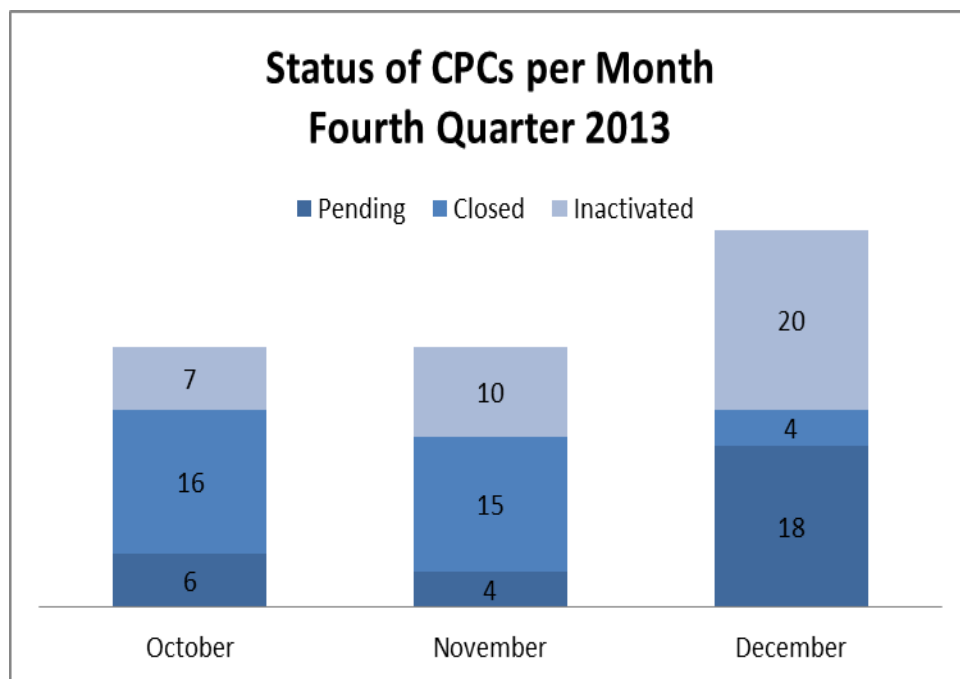


Figure 3: During the Fourth Quarter 2013, 72 CPCs were acted upon by the POC. The IRO inactivated 37 CPCs and closed 35 CPCs. There were 28 CPCs currently pending.

Cases pending include Citizen Police Complaints actively investigated by the IRO and awaiting review by the Albuquerque Police Department Chain of Command and Police Oversight Commission.

ALLEGED MISCONDUCT IN COMPLAINTS FOURTH QUARTER 2013

Most complaints contain allegations of misconduct occurring prior to the date of complaint.

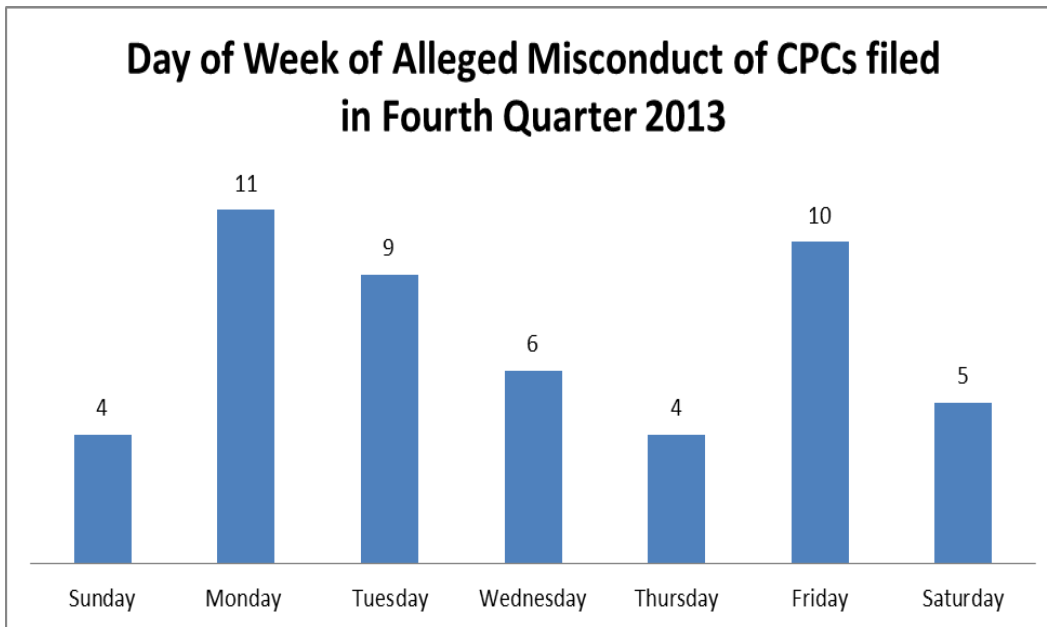


Figure 4: Mondays show slightly higher rates of alleged misconduct compared to infractions throughout the week.

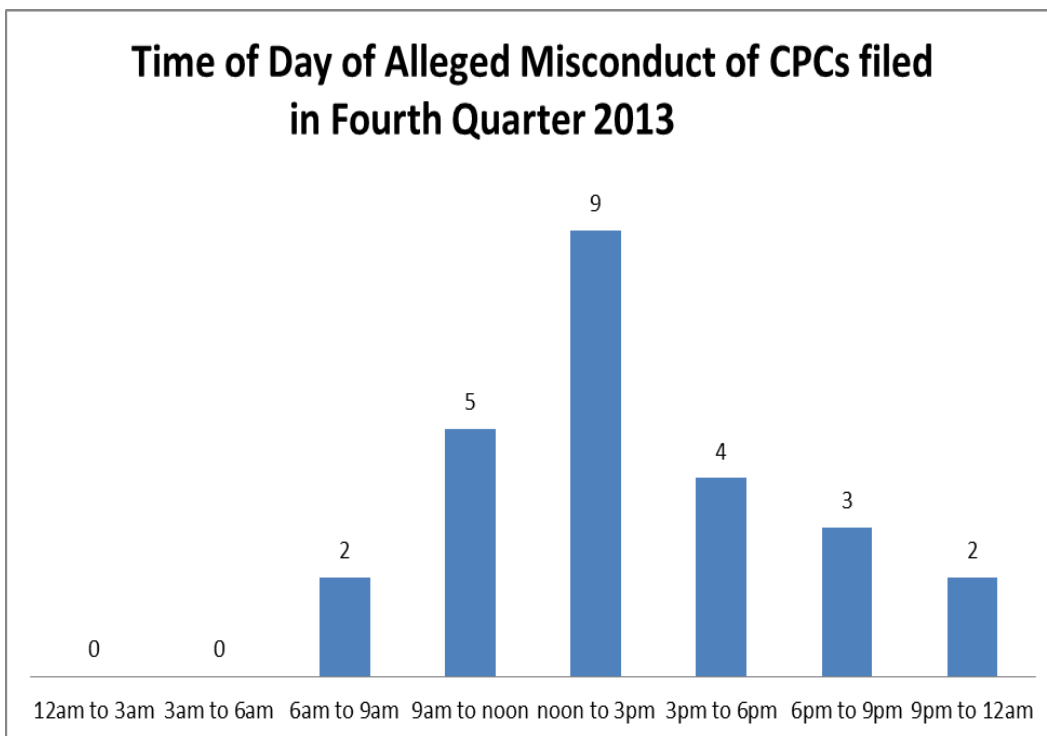


Figure 5: The highest number of complaints reported during the Fourth Quarter 2013 was alleged misconduct between the hours of noon to 3pm. There were 24 incidents that did not provide the time of occurrence.

GEOGRAPHIC DISTRIBUTION OF COMPLAINTS

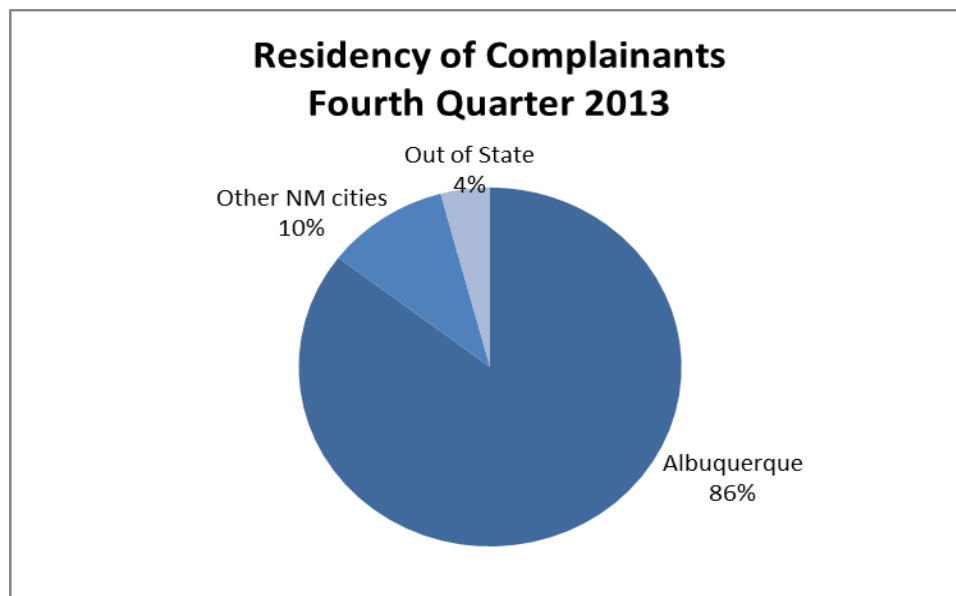


Figure 6: The IRO office received 52 complaints with addresses in Fourth Quarter 2013: 45 complainants were from Albuquerque residents; 5 complainants were residents of cities outside Albuquerque (Los Lunas-1; Ocate – 1; Rio Rancho – 1; Santa Fe- 1; Santa Rosa - 1); and 2 complainants reside out of state (Belton, TX, and Louisville, KY). Two complainants did not provide address information.

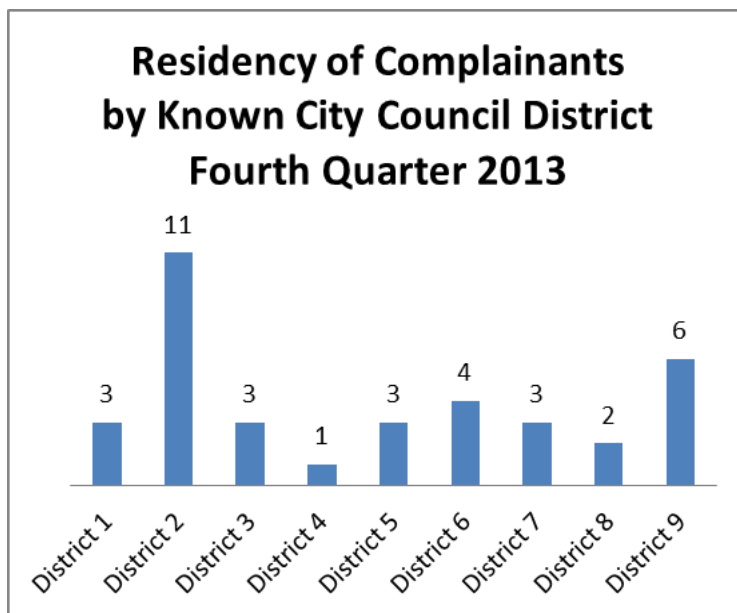


Figure 7: The IRO office received 36 complaints in which it could be determined the known City Council District.

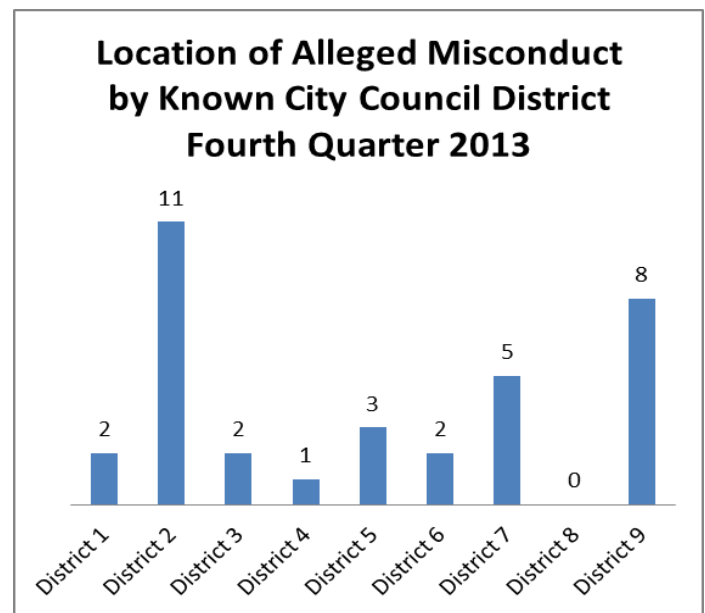


Figure 8: There were 34 complaints with known location of alleged misconduct during the Fourth Quarter 2013. District 2 and District 9 had the highest number of alleged misconduct.

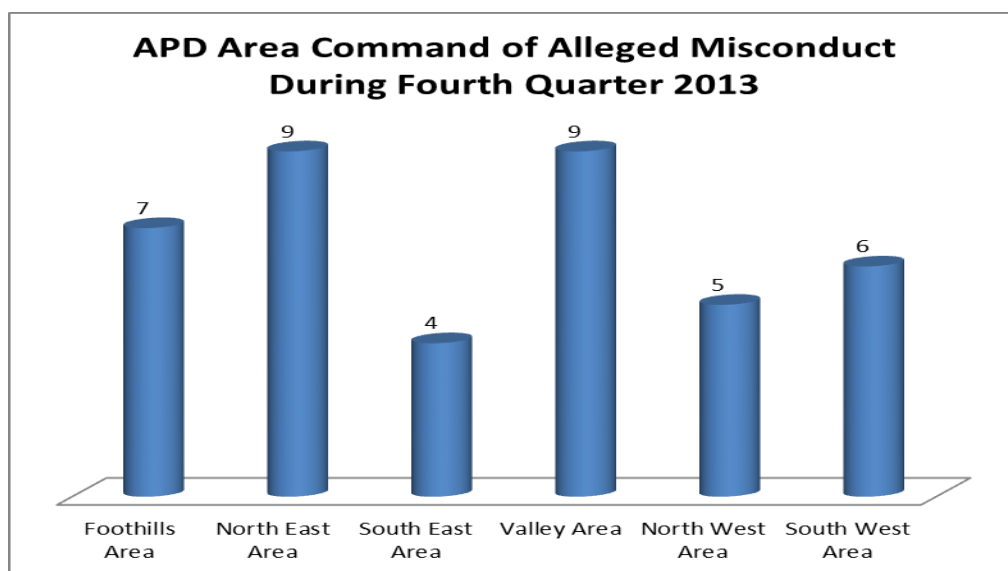


Figure 9: The IRO office received 40 complaints with identified APD Area command during the Fourth Quarter 2013. The highest number of alleged misconduct occurred in the area of the North East and Valley area command.

COUNCIL DISTRICTS AND NEIGHBORHOOD ASSOCIATIONS OF COMPLAINT INCIDENT LOCATIONS DURING FOURTH QUARTER

District 1:	Neighborhood Associations: Vista Magnifica; Ladera Heights; Ladera West; Taylor Ranch; North Valley Locations: Detention Center; Bernalillo County Metropolitan Court
District 2:	Neighborhood Associations: Wells Park; Rio Grande; Sycamore; West Side Addition Subd.; Huning Castle; Los Griegos; Wilson; Spruce Park; Raynolds Addition; Barelans Locations: Downtown Albuquerque; Santa Barbara Martineztown; Westside/Atrisco Grant; APD Evidence; Historic Old Town Property; University; Alvarado Gardens;
District 3:	Neighborhood Associations: Anderson Heights; Valley Gardens
District 4:	Neighborhood Associations: Alameda North Valley; Del Norte; Vineyard Estates
District 5:	Neighborhood Associations: Paradise Hills Civic Association; Ventana Ranch Locations: Cibola High School; Cottonwood Mall; St. Joseph Mesa Hospital Paradise Heights
District 6:	Neighborhood Associations: La Mesa; Southeast Heights; Victory Hills Locations: Nob Hill; University area; Sunport Municipal; Highland Businesses; South San Pedro; Sunport Airport
District 7:	Neighborhood Associations: Alta Monte; North Eastern Association; Highland; Pueblo Alto Locations: Uptown; Coronado Mall; Netherwood Park
District 8:	Neighborhood Associations: San Gabriel; Holiday Park; Snowheights

Figure 10: The IRO office received 49 complaints with identified Neighborhood Associations and locations of alleged misconduct during the Fourth Quarter 2013.

COMPLAINANT DEMOGRAPHICS

Of the 49 Citizen Police Complaints (CPCs) filed, a majority of complainants declared some or all of their demographic information during the Fourth Quarter 2013. The following graphs contain information on complainants retrieved from CIRIS database. The graphs do not represent the demographics of City of Albuquerque population.

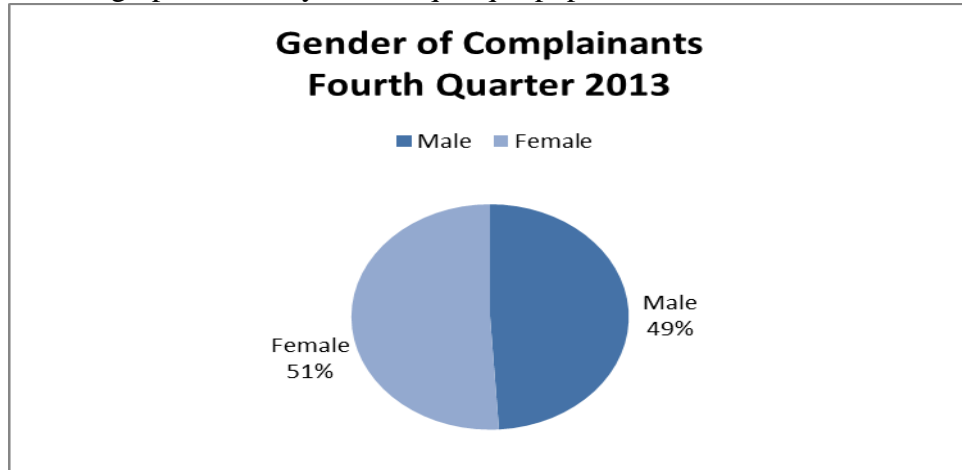


Figure 11: The IRO received complaints from 25 Males and 24 Females during the Fourth Quarter.

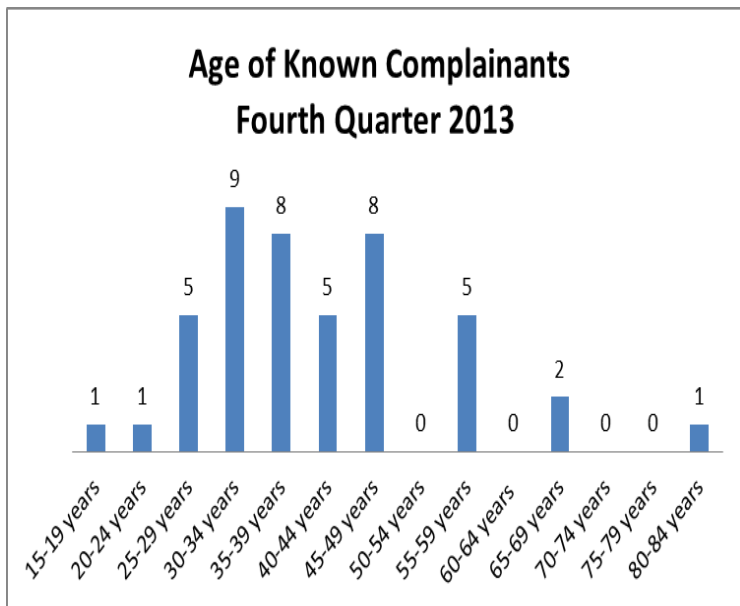


Figure 12: There were 45 complainants who provided their date of birth and age. During the Fourth Quarter 2013, majority of the complaints were made by complainants between the ages of 30-34.



Figure 13: There were 45 complainants who provided ethnicity information. White persons submitted a majority of the complaints during the Fourth Quarter.

APD OFFICER DEMOGRAPHICS

During the Fourth Quarter 2013, 46 APD Officers and personnel were identified in closed cases. Some cases involved more than one officer. The graphs do not represent APD demographics as a whole.

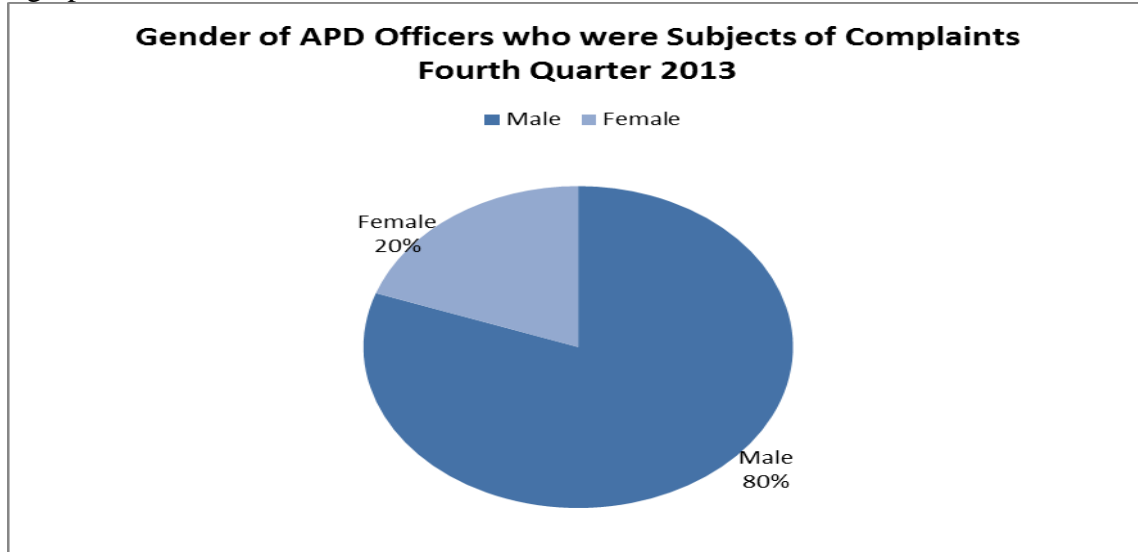


Figure 14: During the months of October-December, complainants were much more likely to make a complaint against male officers. The IRO received complaints about 37 male APD officers, and 9 female APD officers.

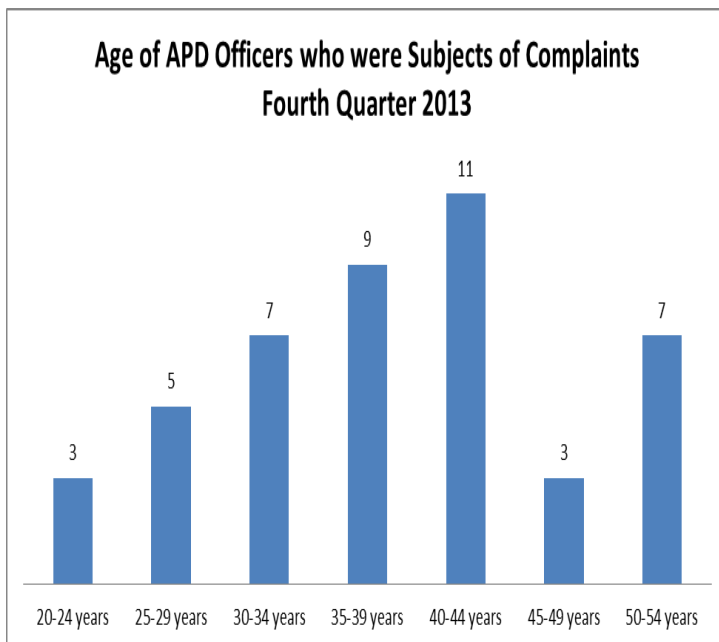


Figure 15: During the Fourth Quarter 2013, the most number of CPCs were against officers who were between 40 and 44 years old.

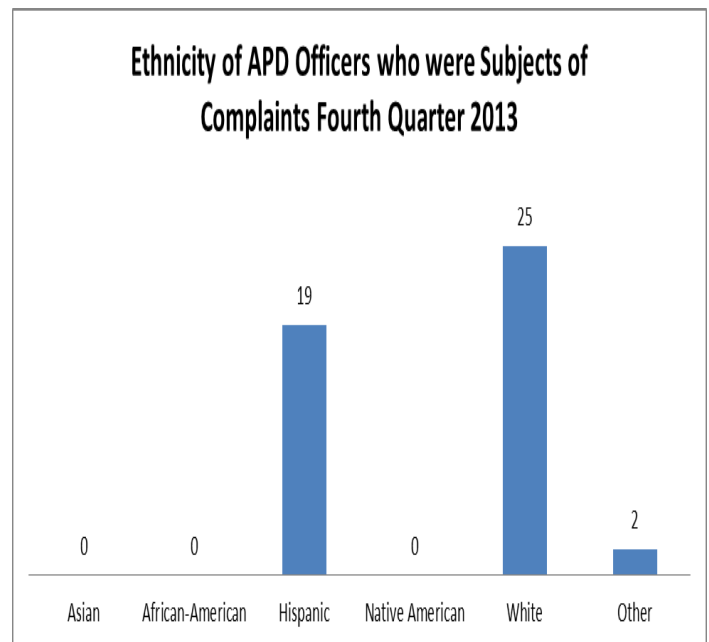


Figure 16: The majority number of CPCs were against White officers during the Fourth Quarter 2013.

APD Assignment of Officers who were Subjects of Complaints Fourth Quarter 2013

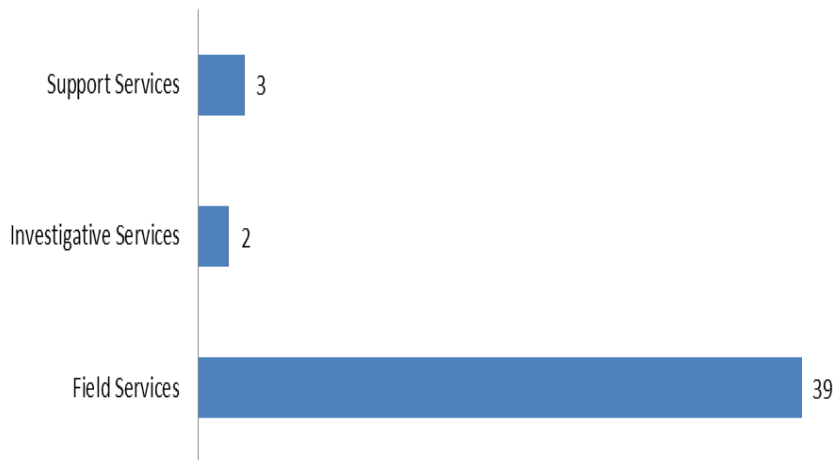


Figure 17: There were 46 APD personnel with complaints received by the IRO in Fourth Quarter 2013. There were 2 unknown APD assignments of officers, 3 CPCs involving officers in Support Services (Metro Court 3); 2 CPCs involving officers in Investigative Services (Gangs - 1; Juvenile - 1); and 39 CPCs involving officers in Field Services (Patrol).

APD Area Command of Officers who were Subjects of Complaints Fourth Quarter 2013

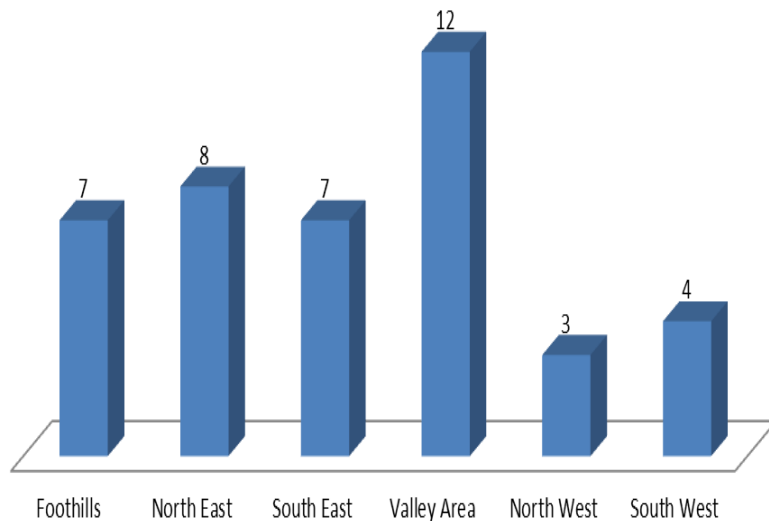


Figure 18: There were 39 CPCs received against officers in Field Services. During the Fourth Quarter 2013. Of these, complaints were most likely against officers in the Valley Area command, which includes the Downtown District.

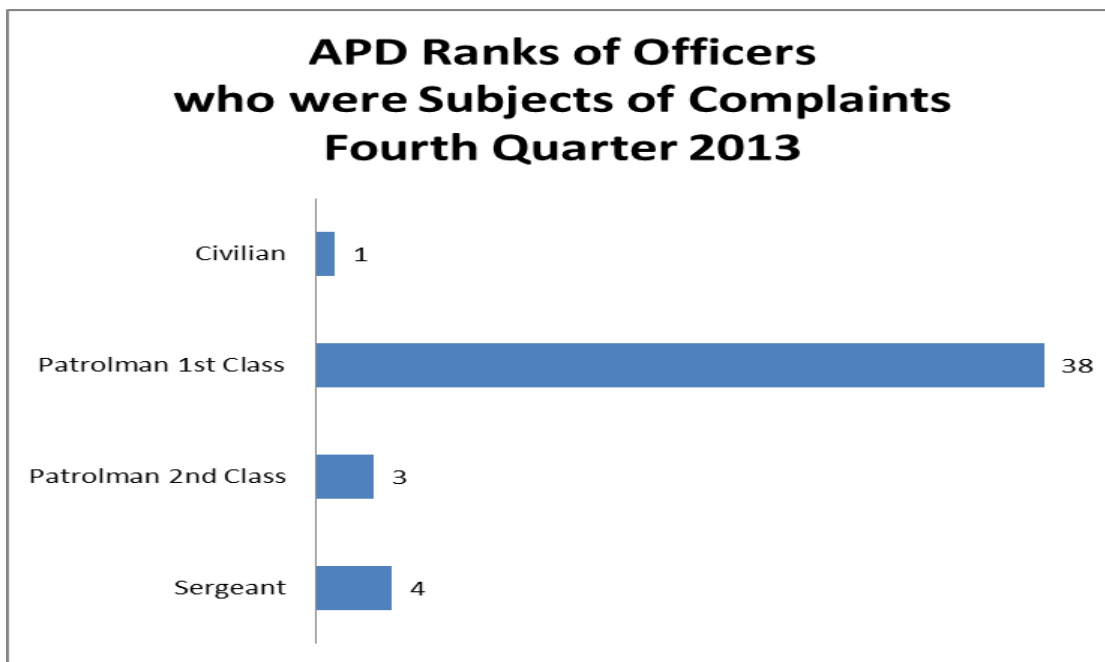


Figure 19: Complainants were much more likely to file a complaint against a Patrolman First Class.

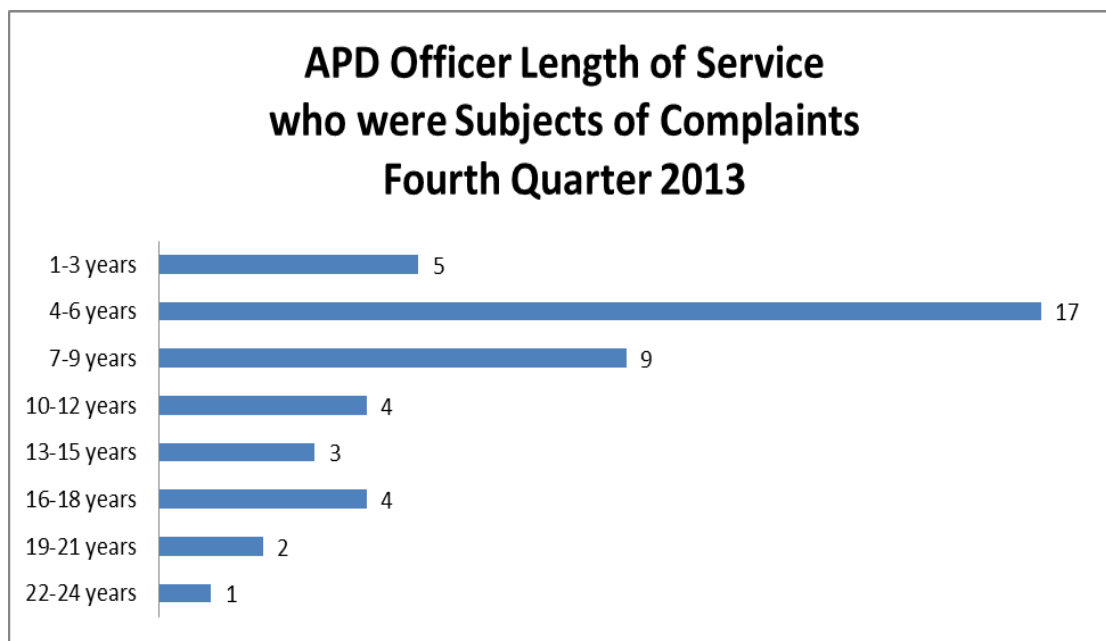


Figure 20: Range in years was based on the year hired by the Albuquerque Police Department and current year. During the Fourth Quarter 2013, complaints were most likely against officers with 4-6 years of service in APD.

FINDINGS AND DISPOSITIONS

The IRO office presented 71 CPCs for review to the Police Oversight Commission.

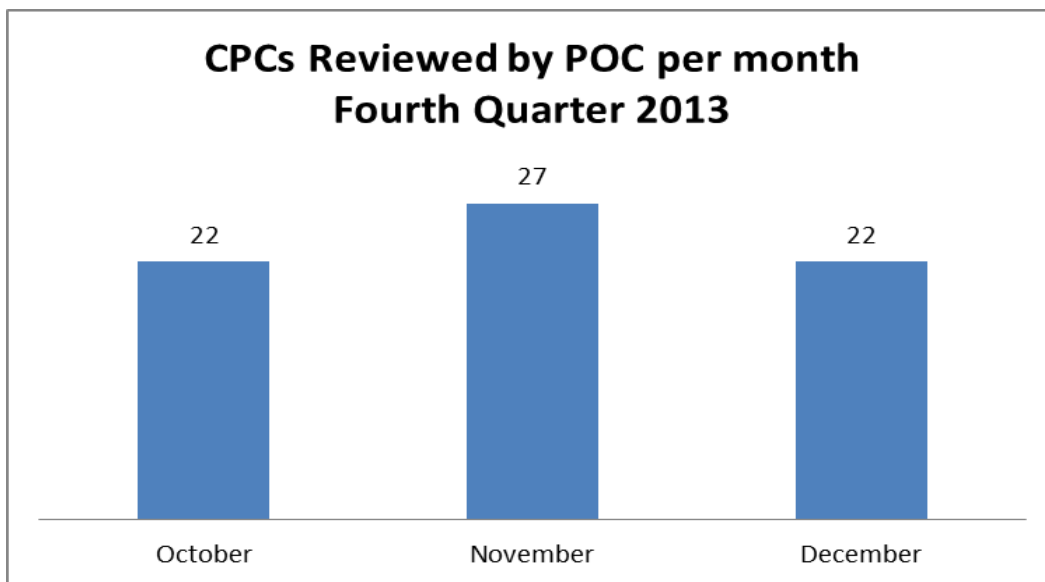


Figure 20: During the Fourth Quarter, the highest number of CPCs heard by the Police Oversight Commission was in November.

During the Fourth Quarter 2013, the Police Oversight Commission (POC) at its monthly meeting heard and reviewed a total of 71 CPCs, which included complaints filed in 2012. The IRO submitted an average of 17 CPCs per month to the POC. Of the 71 CPCs heard and reviewed during the Fourth Quarter 2013, there were 25 CPCs filed in 2012, and 46 CPCs filed in 2013.

The Police Oversight Commission reviewed 71 CPCs during the Fourth Quarter. POC approved inactivation of 37 CPCs and 34 CPCs closed with findings. Of the 34 CPCs closed with findings, there were 98 violations of Standard Operating Procedures reviewed.

In addition, the POC reviewed officer-involved shootings, non-concurrences, and appeals during the Fourth Quarter 2013. The POC heard two (4) appealed CPCs, two (2) CPCs were reviewed for non-concurrence, and two (2) Officer-Involved Shootings were reviewed by the POC.

There are various reasons for inactivation. Reasons include:

- Mediation (supervisor solution), where the complaint against the officer had been satisfactorily resolved in an informal manner with the help of the officer's supervisor
- Complaints filed over 90 days, where the IRO did not have legal authority to investigate into a complaint filed more than 90 days after the date of the incident
- Complaints without signature, any complaints received must be signed in order to be considered "valid." Without the signature, the IRO office cannot proceed with the investigation
- No SOP allegation, where the complaint did not allege any unprofessional behavior on the part of the officer(s)
- Complaints withdrawal, where the citizen did not wish to proceed with any further investigations
- Preliminary investigation did not find any SOP violation, where after IRO reviews the officers' actions and evidence indicated that the officers followed APD Standard Operating Procedures
- Complaints of unidentified officer, because the IRO cannot determine if the complaint mentioned any officers or identifiers to further investigate the case or cannot determine if the officers complained about are employed by the Albuquerque Police Department
- Complaints filed without IRO jurisdiction to investigate, because the IRO does not have legal authority to investigate into the complaint
- Complaint referring to another agency, where the IRO determined Albuquerque Police Department did not employ an officer with the name provided in the complaint
- Frivolous complaint, where the allegations were neither a violation of SOP nor a criminal act, but a complaint was frivolous or filed for purposes of harassment
- Incomprehensible complaints, where the IRO received generalized complaints about police, did not have a specific complaint of an officer(s), and what specific allegation complained about
- Criminal referral to Internal Affairs of APD, where the IRO received a complaint to conduct investigations into complaints of criminal actions by officers. These complaints were forwarded to the Albuquerque Police Department's Internal Affairs Unit for further investigation and possible referral to the Criminal Investigations Division for criminal investigation

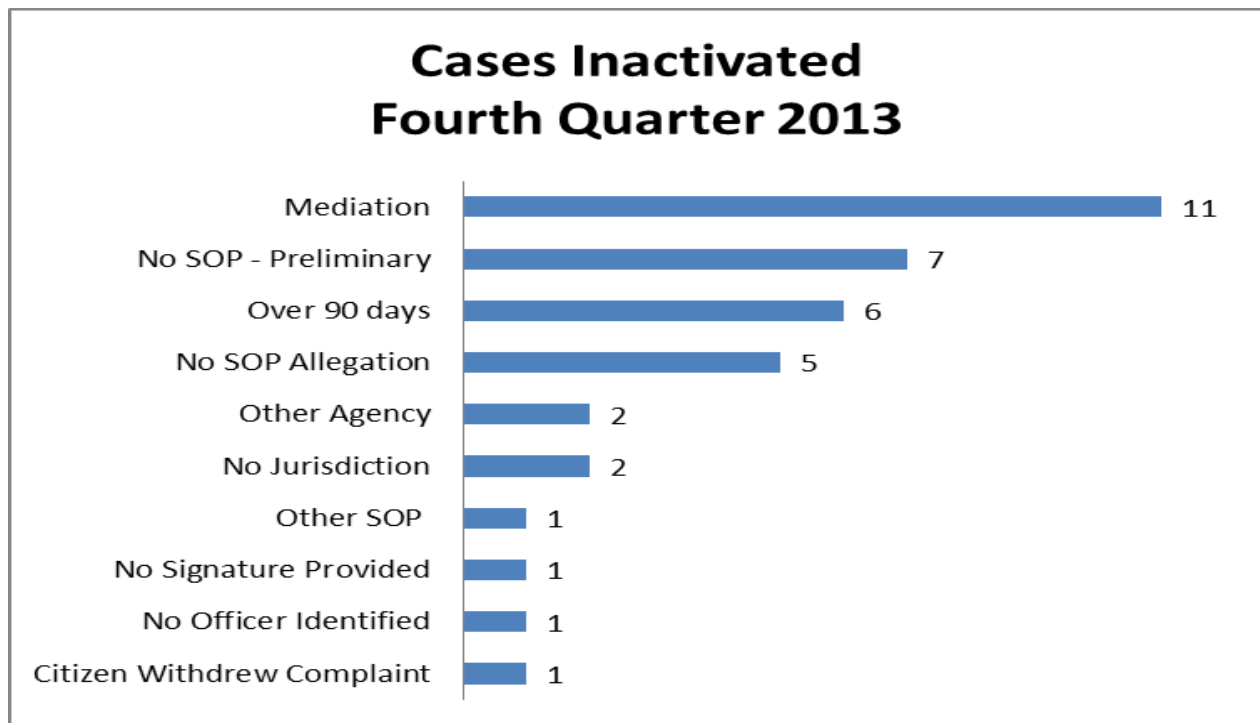


Figure 21: There were 37 complaints which were inactivated between October-December 2013.

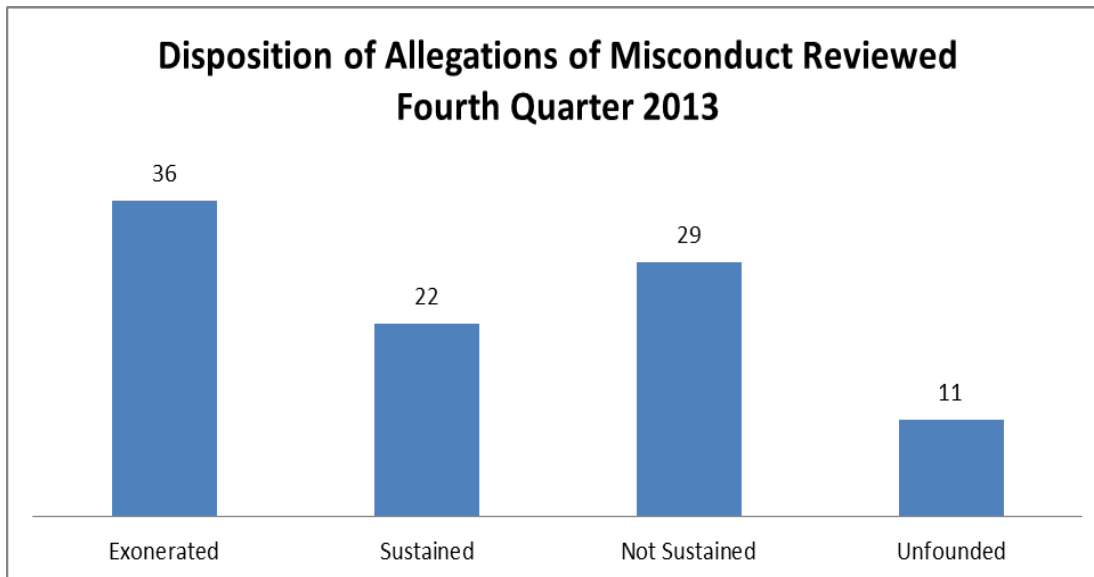
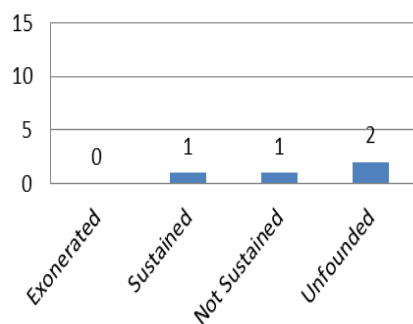


Figure 22: From October-December 2013, there were a total of 98 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the POC.

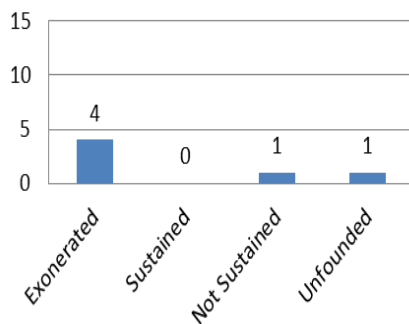


Figure 23: There were 98 violations of Standard Operating Procedures reviewed by the POC during the Fourth Quarter 2013. General Misconduct (The most common Standard Operating Procedure reviewed).

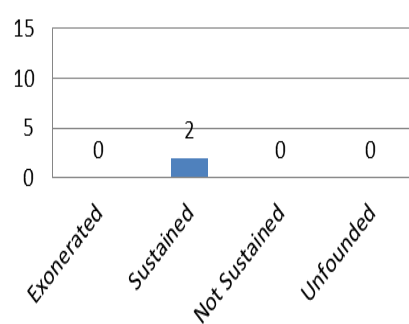
Acting Officially



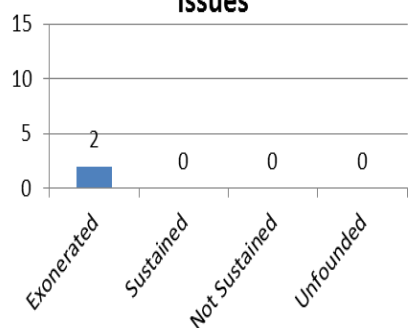
Excessive Use of Force



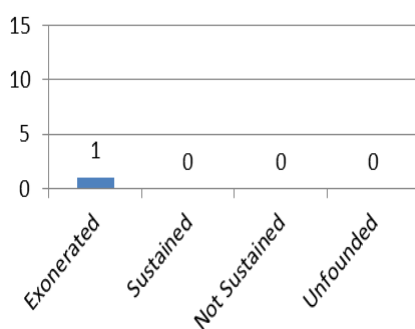
Untruthfulness



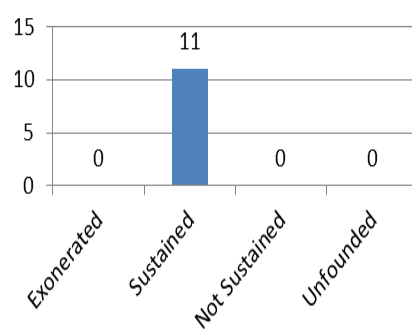
Failure to Investigate DWI Issues



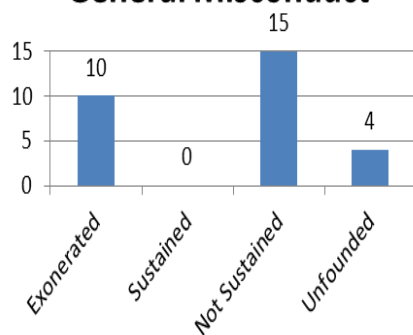
Failure to Provide Name



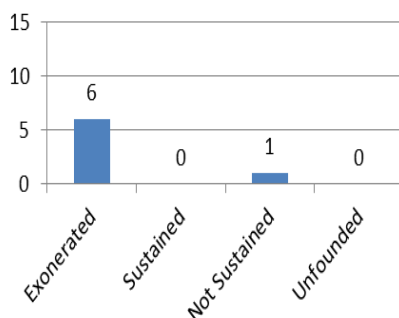
Failure to Use Recording



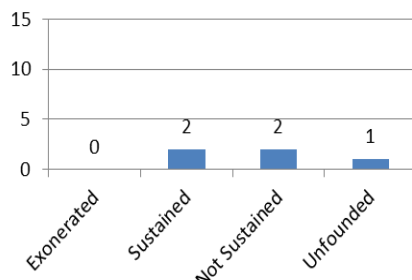
General Misconduct



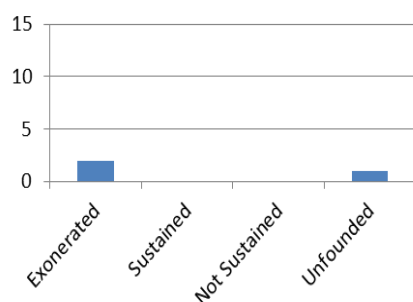
Improper Arrests



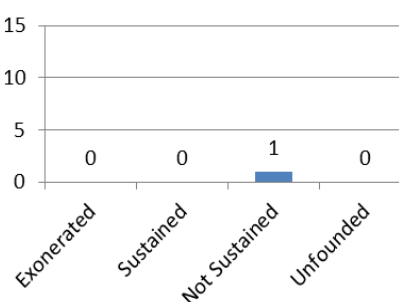
Improper Evidence Safekeeping



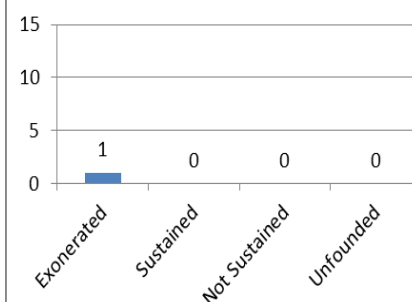
Improper Investigations / Documentation

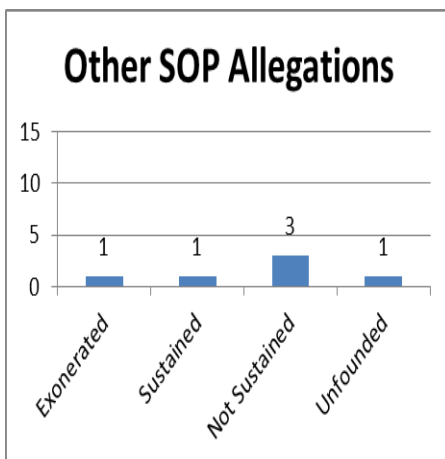
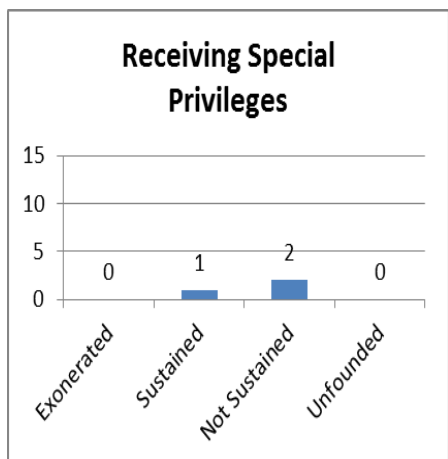
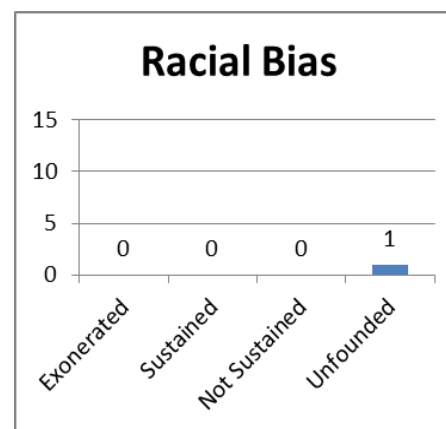
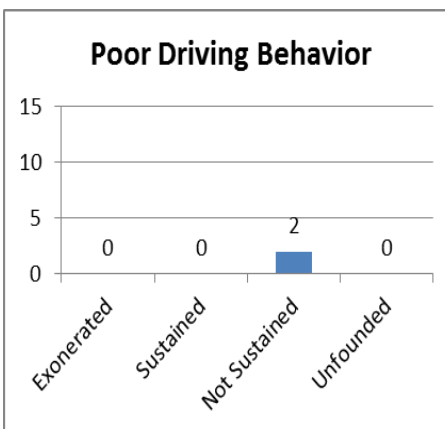
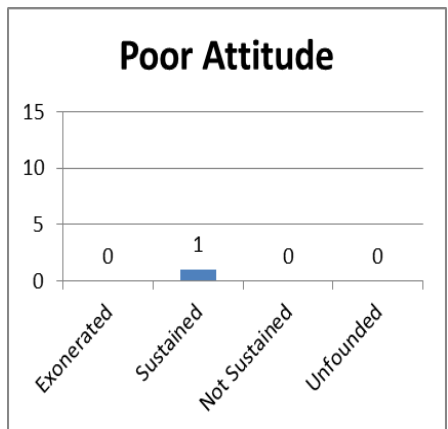
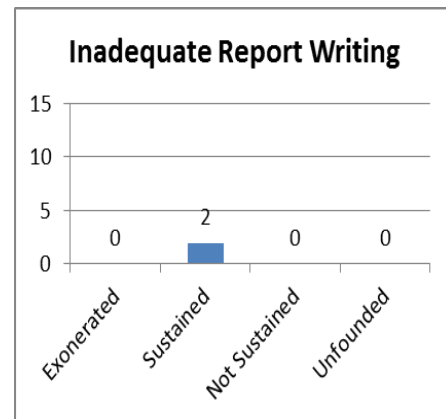
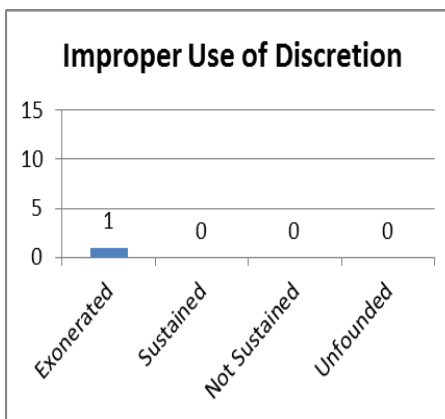
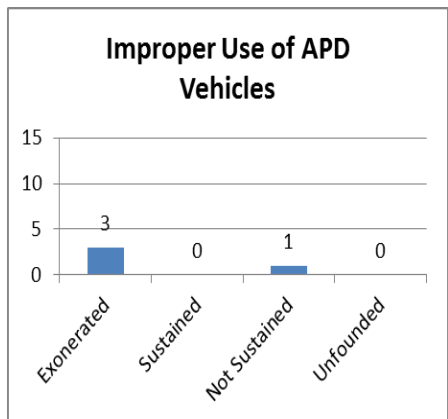
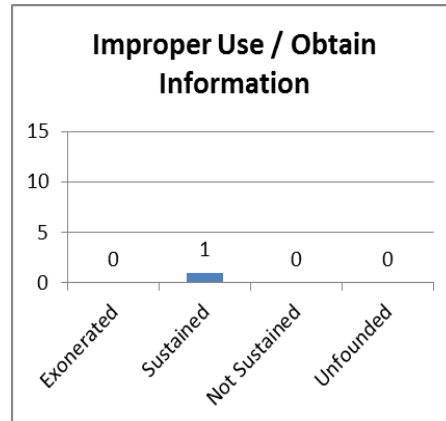
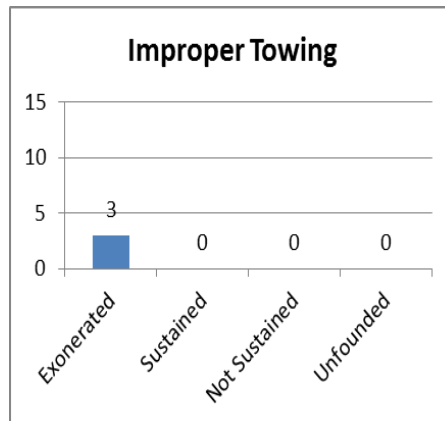
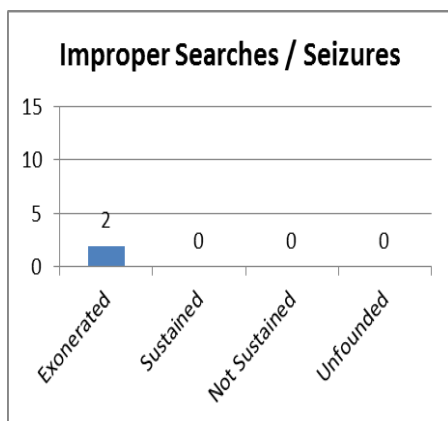


Improper Language / Gestures



Improper Restraints / Transportation





There are multiple Standard Operating Procedures reviewed and applied in Citizen Police Complaints during the Fourth Quarter 2013.

SOP #	Section	Chapter	Language of SOP
1-04-4N	Acting Officially	Personnel Code of Conduct	Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.
1-02-2B2; 2-14-16B3A	Arrests	Officer's Duties	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.
1-04-4O	Attitude	Officer's Conduct	Personnel of the Albuquerque Police Department are expected to follow a prescribed code of conduct and to act responsibly while on and off-duty. The Department holds its personnel accountable for all actions which reflect adversely on the department. 4O: Personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.
1-04-6N 1-19-10(I)	Driving Behaviors	Officer's Conduct	6N: Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation. 10(I): During vacations of five days or more when the employee will be out of the City of when an employee is on sick leave, or injury time for five days or more, the APD vehicle will be properly secured and parked to prevent damage to the vehicle and theft of its contents.
3-11-2A 3-11-1E	Driving While Intoxicated Investigations	DWI Investigations and Revoked/ Suspended License	It is the policy of the Albuquerque Police Department to apprehend, arrest, and assist in the efficient prosecution of persons who are found to be operating motor vehicle under the influence of intoxicating liquor, drugs, or driving a vehicle while their license is revoked or suspended for a previous DWI violation. 2A: Check for prior convictions. A. Any person arrested for driving while Under the Influence (DWI) must have their prior conviction record checked to determine if the person has prior DWI convictions. 1E: Initial Contact with DWI suspects & Investigative Responsibility. Handcuffs are to be placed on the violator behind the back and double locked. The violator is to be placed into the rear seat of the patrol car and further secured with a seatbelt.
2-08-1 2-08-12	Evidence Safekeeping	Submission of Evidence, Confiscated Property, and Found Items	1: Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers. Officers will tag all found, safekeeping and evidence items using the Officer Input Module (OIM) evidence accounting tracking system. A supervisor's signature is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM system outages. 12: It is the responsibility of the officer who collects the evidence to tag, package, and send such items to other agencies for examination, if required. The Criminalistics Section will assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.

SOP #	Section	Chapter	Language of SOP
1-04-1F 1-04-4A 1-04-1G1	General Conduct	Personnel Code of Conduct	<p>1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.</p> <p>4(A): Personnel shall constantly direct their best efforts to accomplish the functions of the department intelligently and efficiently.</p> <p>1(G)1: Conduct unbecoming an officer or employee shall include:</p> <ol style="list-style-type: none"> 1. That which could bring the department into disrepute;
2-24-3F5 2-24-3F2&5 2-24-3F	Investigations Documentation	Preliminary and Follow up Criminal Investigations	<p>Department policy is to investigate misdemeanor and felonious criminal activity. It is the responsibility of both uniformed officers, and officers assigned to specialized units to carry out investigations in a thorough, efficient, and timely manner. Department personnel will assure compliance with any and all constitutional requirements during criminal investigations which include guarding against coercion or involuntary confessions and admission, failure to inform defendants of their rights, deprivation of counsel, pretrial publicity, et cetera.</p> <p>3F: Steps to be followed in conducting Preliminary investigations:</p> <ol style="list-style-type: none"> 1. Observe all conditions, events, and remarks 2. Locate, identify, and interview witnesses, victims, and suspect(s) 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected. 4. Effect the arrest of the suspect. 5. Report the incident fully and accurately.
1-04-4P	Language/ Gestures	Personnel Code of Conduct	4P: Personnel shall not use coarse, violent, profane, or insolent language or gestures.
1-02-3A	Providing Name	Officer's Duties	3A: Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity.
1-03-2C	Racial Profiling	Biased Based Policing	2C: Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.
1-04-6H 1-04-9F2	Receiving Special Privileges	Personnel Code of Conduct	<p>Albuquerque Police Department personnel will not give special consideration, privilege, or professional courtesy to other Albuquerque Police Department personnel or to personnel from other law enforcement agencies when such personnel are alleged to be involved in a violation of any law.</p> <p>6H: Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminate only</p> <p>9F: Personnel shall not use their official position or official identification card or badge to solicit:</p> <ol style="list-style-type: none"> 1. For personal or financial gain, 2. To obtain privileges not otherwise available to them except in the performance of duty, or 3. To avoid consequences of illegal acts.

SOP #	Section	Chapter	Language of SOP
1-05-08	Report Writing Issues	Reports and Records	<p>6(D): 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.</p> <p>6(I): Personnel of the department will write reports on: Discharge a firearm other than training or recreation. Takes an action that results in or is alleged to have resulted in injury or death of another person. Applies force through the use of lethal or less-lethal weapons; or Applies weaponless physical force at a level as defined by the agency. Points his/her firearm directly at a subject to de-escalate a situation (this does not include the use of the "low-ready" position). A use of force form is not required.</p>
2-19-3A	Restraints/Transportation	Prisoner Transport Unit	<p>Managing Disorderly Prisoners: All APD Transport Officers and Police Officers working at the Prisoner Transport Center will follow procedures under the departmental Use of Force SOP 2-52 including the following section specific to the Prisoner Transport Center: <i>G7a: Use of Protective Head Gear</i> Prisoners exhibiting behaviors and actions that would be harmful to themselves through a head injury will require that a helmet or protective head gear are used. Head gear will not be used as a punitive or corrective measure to manage any verbally disorderly or belligerent prisoner.</p>
2-17-12B	Searches/Seizures	Officer's Duties	<p>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. It is the policy of the Albuquerque Police Department to recover stolen property and prosecute offenders through the enforcement of the state statutes and city ordinances regulating pawnshops, secondhand dealers, junk dealers, and recycle centers.</p> <p>B(1)D: When property is seized, the hold will be removed from the hold book and the article will be removed from NCIC. Before seizing the property the detective will verify all possible description (make, brand, colors, styles, serial numbers, caliber, model numbers, markings, and owner applied numbers). Items seized will also include property that has been identified as evidence pertaining to the prosecution of a criminal case, and items which have been identified through investigation as having been stolen.</p>
2-48-2D1C 2-48-3E 2-48-2A	Towing	Towing and Wrecker Services	<p>Department policy is to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property</p>
1-04-4W	Truthfulness	Officer's Duties	<p>Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.</p>

SOP #	Section	Chapter	Language of SOP
1-37-7B	Use / Obtainment of Information	Use of Computer Systems	It is the policy of the Albuquerque Police Department to implement the City of Albuquerque's "Employee Code of Conduct" as published by the Mayor, and City Instruction #51, regarding automated systems to maintain proper licensing restrictions and requirements. To centralize and coordinate all automation efforts that include, but are not limited to, the effective acquisition and implementation of all computer systems, system applications and hardware components, under the direction of the Technical Assistance Section structure.
1-19-9B 1-19-10C 1-19-10(I)1	Use of APD Vehicles	Police Vehicles	Department policy is to provide for the maintenance, inspection, and issuance of all Department vehicles, and to control the parking of vehicles at the Law Enforcement Center.
1-39-1A, 1-39-2A, 1-39-2B 1-39-2C	Use of Belt Recorders	Use of Tape/ Digital Recorders	<p>1(A): Personnel will use issued tape/digital recorders to document the incidents.</p> <p>2(A): All recordings listed, and/or contacts where an arrest was made will be tagged into Evidence, and will be listed on the report as being tagged.</p> <p>2(B): All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.</p> <p>1(F): Procedures for use of the hand held video recorder: The video recorder will be used to record all instances where a planned use of force or a planned physical management of a prisoner is necessary. The video camera will also be used when additional restraints, a spit sock, or protective head gear is applied to a prisoner.</p>
2-52-2 2-52-2A	Use of Force	Use of Force (Deadly and Non Deadly Force)	Will ensure that copies of all documents concerning all Use of Force incidents are submitted to the Department's Legal Advisor as outlined.
2-11-3 2-17-10 2-47-1B1 1-44-1A&B3	Other SOP Allegations	<p>2-11: Hospital Procedures and Rules</p> <p>2-17: Search and Seizure Without a Warrant</p> <p>2-47: Traffic Stop Procedures</p> <p>1-44: Social Network Policy</p>	<p>2-11-3: Suspects Under Arrest in Need of Medical Attention, the suspect will be taken to an Albuquerque Hospital by the arresting officer prior to booking</p> <p>2-17-10: Search and Seizure without a warrant Community Caretaker: any land or building immediately adjacent to a dwelling which is directly connected or in close proximity.</p> <p>2-47-1: Traffic Stop Procedures: Upon observing a moving traffic violation, the officer will effect contact with the violator ... B1: If a citation is to be issued, officers will: explain all options to the driver/violator....</p> <p>1-44-1: Free Speech A. As public employees, department personnel are cautioned</p>

SOP #	Section	Chapter	Language of SOP
			<p>that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume their speech and related activity on social media sites reflect upon their office and this department. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal or civil proceedings. Department personnel are subject to discipline up to and including termination for violations of these provisions.</p> <p>B. When using social media, department personnel should be mindful that their speech becomes a part of the worldwide electronic domain. Therefore, adherence to the department's Code of Conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:</p> <p>3. Speech which could bring the department into disrepute or which impairs the mission of the department and/or the ability of department personnel to perform their duties.</p>

ACKNOWLEDGEMENTS OF AN APD JOB WELL DONE

City of Albuquerque residents also contact the Independent Review Office to express gratitude or commend APD employees for acts of service or response to a particular incident. These commendations were received in the form of phone calls, letters, e-mail messages and numerous face-to-face comments of appreciation. Beginning January 2013, IRO Robin Hammer initiated the Job Well Done Report, a form submitted via the website for citizens to express praises and acknowledgements to APD officers and the department, the Job Well Done Report.

During the Fourth Quarter 2013, the Independent Review Officer received 57 Job-Well-Done (JWD) Reports. The IRO forwarded all Job-Well-Done reports to the Albuquerque Police Department (APD) Chief of Police for acknowledgment. The Albuquerque Police Department gave a copy of each JWD to the APD employee's supervisor and employee. (see narratives on page 57-65)

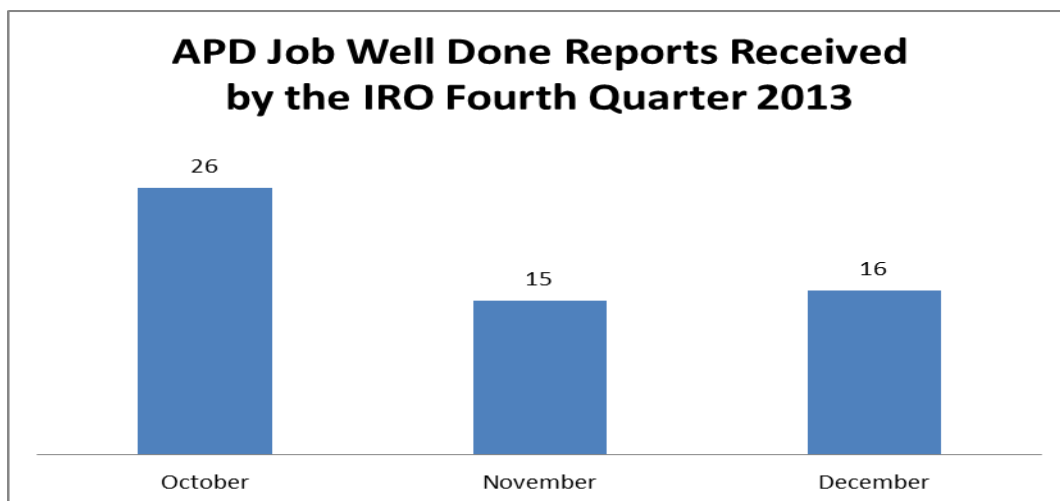


Figure 24: There were 57 praises and acknowledgements received from citizens during the Fourth Quarter 2013. A summary of each of the Job Well Done Reports is found on pages

APD DISCIPLINARY ACTIONS

Albuquerque Police Department Officers with Sustained findings of Standard Operating Procedures. Violations are referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO and the POC.

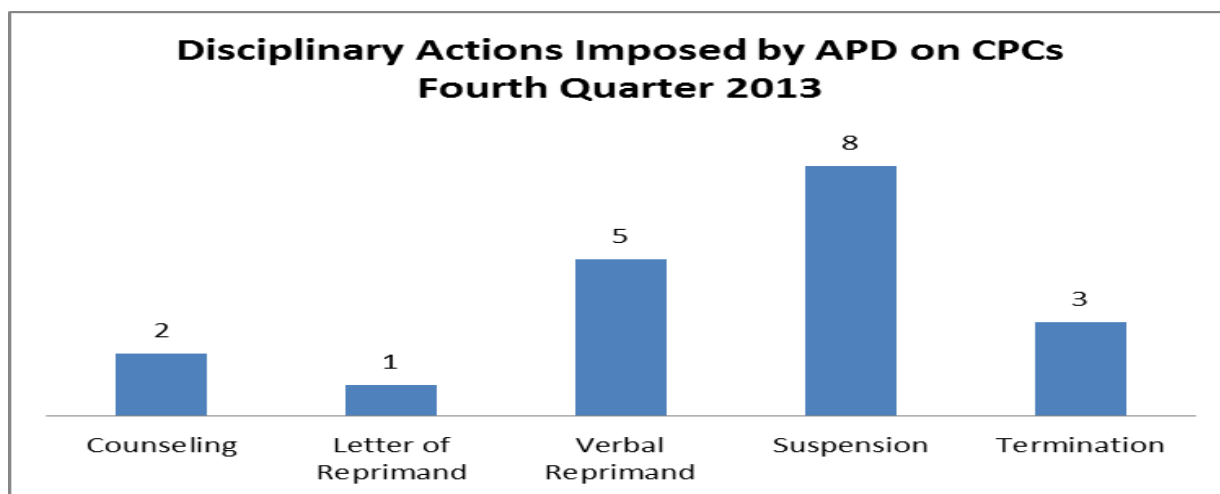


Figure 25: Above represent the discipline imposed for the 19 SOP violations found to be sustained CPCs in the Fourth Quarter 2013.

APD Internal Affairs Department Report to the POC, Including All Discipline Imposed Against APD Employees in Third Quarter

In addition, the Internal Affairs Division of the Albuquerque Police Department investigated cases within the department. Internal Affairs of Albuquerque Police Department attends Police Oversight Commission meetings and reported Internal Affairs cases as follows:

October 2013: 34,657 dispatched calls for service; Received 18 Internal Complaints; Inactivated 1; Mediated 0; Completed 15; Sustained Cases 13; Exonerated 2; Pending 13.
Discipline Imposed (Letters of Reprimand 7; Verbal Reprimand 3; 1 16-hour Suspension;
2 20-hour Suspension)

November 2013: 38,443 dispatched calls for service; Received 15 Internal Complaints; Inactivated 2; Mediated 0; Completed 5; Exonerated 1; Pending 11.
Discipline Imposed (Letters of Reprimand 1; Verbal Reprimand 1; 1 40-hour Suspension;
1 Termination)

December 2013: 38,842 dispatched calls for service; Received 22 Internal Complaints; Inactivated 1; Mediated 0; Completed 10; Sustained Cases 10; Pending 18.
Discipline Imposed (Letters of Reprimand 4; Verbal Reprimand 2; 2 8-hour suspension;
1 24-hour suspension; 1 120-hour suspension)

Citizen Police Complaints Reviewed **Fourth Quarter 2013**

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention, and maintenance of order in the community.

In order to carry out their duties and responsibilities, the police are empowered with legal authority. To achieve success, the Department must win and retain the confidence and respect of the citizens it serves. Police officers do not act for themselves, but for the public. To that end, it is necessary to create and maintain a system through which the Department can be effectively directed and controlled. Written directives have been incorporated into Standard Operating Procedures (SOPs) to guide and direct department personnel in the performance of their duties. Violations of these provisions may result in disciplinary charges against personnel.

Standard Operating Procedures are defined as written orders by the Chief of Police or a bureau, division, or section commander to define policy and direct procedures for specific situations or events.

The following section lists each of the Citizen Police Complaints (CPCs) received for this specific quarter, all of the CPCs received year-to-date.

Each CPC entry is formatted with the CPC number, the complainant's City Council District, the complainant's Neighborhood Association (NHA), the investigating organization (Independent Review Office or Internal Affairs), a brief synopsis of the complaint, the current case status, followed by each of the officers involved in the complaint, including their assigned APD area. The officers' actual names have been omitted, and for any given complaint, are referred to using alphabetic letters (A-Z). Within each officer listing is the SOP number involved, the SOP's general category, the case finding, the Chief/IRO Decision, and the case disposition. For any SOP non-concurrence between the Chief and IRO, additional levels of commentary relative to the POC, Chief, and CAO are listed.

CPC-2012-087 District: 7 NHA: Highland

Investigator: IA

Complainant was traveling on his motorcycle southbound Louisiana Boulevard NE from Lomas Boulevard NE when a marked APD vehicle allegedly veered into his lane coming within inches of hitting him. The marked unit then returned back to the lane it came from, and then drove off at a high rate of speed. The IA Investigator reviewed the complaint, police reports, and statements from the Complainant, the officer, APD Court Services employees, and APD Communications Center. There were no independent witnesses to prove or disprove the allegation against the officer and found the officer not sustained.

Case Status: Closed

Officer: A **APD Area: NW**

SOP: 1-19-10(I)1 (Driving Behaviors)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2012-122 District: 6 NHA: Sunport Municipal Addition

Investigator: IRO

Complainant alleged that an APD officer drove unsafely by cutting him off. Complainant claims that the officer also pulled him over without justification. He also alleged that the officer lied about probable cause, was aggressive and unprofessional with him during the stop. Complainant claims that officer was biased due to a previous family situation. He also believed that he was lied to regarding the backup officer as a supervisor.

The IRO Investigator reviewed the complaint, police reports, lapel video, and statements from the Complainant and the officer.

Case Status: Closed

Officer: A **APD Area: SE**

SOP: 1-04-6N (Driving Behaviors)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

SOP: 1-02-2B2 (Use of Discretion)

Finding: Exonerated

IRO/Chief's Decision: Agreed

Disposition: None

SOP: 1-04-1F (General Conduct)

Finding: Exonerated

IRO/Chief's Decision: Agreed

Disposition: None

SOP: 1-04-4N (Acting Officially)

Finding: Unfounded

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2012-144 District: 4 NHA: Vineyard Estates

Investigator: IRO

Complainant alleges that an APD officer arrived at his mother's home and awoke his 81-year-old

mother to answer the door regarding a prior incident. He complains that the officer was unprofessional and took an adversarial position with his mother and caused his mother distress. He believed that the officer's conduct caused his mother's blood pressure to rise and felt that his mother was verbally harassed.

The IRO Investigator reviewed the Complaint, lapel video, and statements from the Complainant and the officer. It was found that officer followed the law and SOP regarding his actions in this case.

Case Status: Closed

Officer: A **APD Area:** SE

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

CPC-2012-149 District: 9 NHA: Monterey Manor

Investigator: IRO

Complainant alleges that the Sergeant pulled him over based solely on the color of his skin and not for a valid traffic violation. Complainant claims that the Sergeant even put his hand on his gun handle while yelling at him.

The IA Investigator reviewed the complaint, the traffic citation, Computer Aided Dispatch report, lapel camera video, and statements from the Complainant and the officer.

Case Status: Closed

Officer: A **APD Area:** NE

SOP: 1-02-2B2 (Searches/Seizures)

IRO/Chief's Decision: Agreed

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 1-39-1A5 (Use of Belt Recorders)

IRO/Chief's Decision: Agreed

SOP: 1-03-2A (Racial Profiling)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Not Sustained

Disposition: None

Finding: Sustained

Disposition: Unknown

Finding: Unfounded

Disposition: None

CPC-2012-154 District: 6 NHA: South San Pedro

Investigator: IA

Complainant alleges that when he was released from custody, the APD officer did not return some of his property. He also complains that he suffers from a previous shoulder injury and when he was taken into custody and placed into handcuffs his shoulders were injured again. He asked to be taken to the hospital and officers refused to give him medical treatment.

The IA investigator interviewed the Complainant and all officers involved; reviewed the complaint, police reports, and statements.

Case Status: Closed

Officer: A **APD Area:** FH

SOP: 2-08-1 (Evidence Safekeeping)

IRO/Chief's Decision: Agreed

SOP: 2-11-3 (Other)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

Finding: Not Sustained

Disposition: None

Officer: B **APD Area:** NE

SOP: 2-08-1 (Evidence Safekeeping)

Finding: Unfounded

IRO/Chief's Decision: Agreed
SOP: 2-11-3 (Other)
IRO/Chief's Decision: Agreed

Disposition: None
Finding: Unfounded
Disposition: None

Officer: C **APD Area:** NE

SOP: 2-08-1 (Evidence Safekeeping)
IRO/Chief's Decision: Agreed
SOP: 2-11-3 (Other)
IRO/Chief's Decision: Agreed

Finding: Not Sustained
Disposition: None
Finding: Not Sustained
Disposition: None

CPC-2012-163 District: 1 NHA: Vista Magnifica

Investigator: IA

Complainant alleges that APD officer touched him inappropriately during a pat-down prior to conducting field sobriety tests and that he received injuries to his wrists and thumbs due to being handcuffed for an extensive period of time at the Prison Transport Center. Complainant claims that the officer arrested him on private property and made an arrest without a warrant.

The IA Sergeant reviewed the complaint, the police report, the Computer Aided Dispatch (CAD) report, the officer's lapel video of the arrest, the APD Transport Unit Prisoner Movement Log, and statements from the Complainant and the officers involved. Investigation revealed that the Complainant was operating a vehicle that did not have an ignition interlock device installed and Complainant's license was suspended. The allegation of a violation on conduct was lawful or proper. There is no evidence to support the Complainant's claim on neither sexual assault nor inappropriate conduct in handcuffing and transport to MDC.

Case Status: Closed

Officer: A **APD Area:** FH

SOP: 1-02-2B2 (Arrests)
IRO/Chief's Decision: Agreed
SOP: 2-17-12B (Searches/Seizures)
IRO/Chief's Decision: Agreed
SOP: 2-19-3A (Restraints and Transportation)
IRO/Chief's Decision: Agreed

Finding: Exonerated
Disposition: None
Finding: Exonerated
Disposition: None
Finding: Exonerated
Disposition: None

CPC-2012-168 District: 2 NHA: Downtown

Investigator: IRO

Complainant claims that APD officers on bicycle have approached her and harassed her while waiting for the bus. Complainant alleges that the officers threatened to take away her baby and claims that officers have intimidated her on occasion.

The IRO Investigator reviewed the complaint, and statements from Complainant and officers. The Alvarado Transportation Center was also visited and confirmed that the area is properly posted and prohibits loitering. There was no independent evidence that would have proved or disproved the allegation and officers were not required to record the contact in this case.

Case Status: Closed

Officer: A **APD Area:** VA

SOP: 1-04-1F (General Conduct)
IRO/Chief's Decision: Agreed

Finding: Not Sustained
Disposition: None

Officer: B APD Area: VA

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

CPC-2012-170 District: 6 NHA: South San Pedro

Investigator: IRO

Complainant alleges that the arresting officer took \$200 cash that he had in his possession at the time of his arrest. Complaint has been forwarded to the Albuquerque Police Department's Internal Affairs Unit for further investigation and possible referral to the Criminal Investigations Division for criminal investigation.

Case Status: Closed

Officer: A APD Area: SE

SOP: 1-04-4A (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Unfounded

Disposition: None

Officer: B APD Area: SE

SOP: 1-04-4A (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Unfounded

Disposition: None

Officer: C APD Area: SE

SOP: 1-04-4A (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

CPC-2012-177 District: 1 NHA: Vista Grande NHA

Investigator: IA

Complainant alleged that officer called his girlfriend regarding a custody dispute. Complainant claims that officer called his girlfriend names, and threatened him during a phone call. Complainant also alleges that officer has been stalking his girlfriend and has used profanity to his girlfriend in front of their son. He also claims that officer used his power and police computer to find out information about him (i.e. vehicle information and any criminal record).

The IA investigator reviewed the complaint, police reports, and statements. Complainant failed to show for interviews scheduled. Investigator interviewed the officer who denied the allegations. NCIC review of officer's inquiries did not reveal any requested information about the Complainant through the police computer system. IA noted that complaint was filed on the officer after the Complainant had been arrested for a traffic violation and possession of marijuana and paraphernalia.

Case Status: Closed

Officer: A APD Area: SE

SOP: 1-04-1G1 (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

SOP: 1-04-9F2 (Receiving Special Privileges)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

CPC-2012-204 District: 2 NHA: Wells Park

Investigator: IRO

Complainant claims that her car was driven by her son, who has a suspended license. The officer towed the car and threatened to take the Complainant to jail for allowing her son to drive with a

suspended license. The IA Investigator reviewed the complaint, lapel camera video, police reports, and statements from the Complainant and the officer.

Case Status: Closed

Officer: A **APD Area:** NW

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 2-48-2D1C (Towing)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

CPC-2012-209 District: 2 NHA: Rio Grande

Investigator: IA

Complainant alleges that Officer was dispatched in reference to her vehicle being involved in a hit/run incident. She reported that the officer appeared rude and unprofessional. She claims that the officer did not assess the damages to her vehicle and his attitude appeared to be bothered and agitated. The IA Investigator reviewed the complaint, police reports, the Computer Aided Dispatch (CAD) printout of the call, and the officer's lapel video.

Case Status: Closed

Officer: A **APD Area:** VA

SOP: 1-04-4O (Attitude)

IRO/Chief's Decision: Agreed

Finding: Sustained

Disposition: None

CPC-2012-210 District: 2 NHA: Downtown

Investigator: IRO

Complainant claims that he observed an Albuquerque Police Department marked patrol car parked and left running without any supervision in the middle of the driveway/pedestrian walkway of the parking lot at 600 2nd Street NW in Albuquerque, New Mexico. Complainant alleged that the patrol car had neither a temporary or permanent license plate displayed. Complainant observed an officer and male civilian walking towards the patrol car. Complainant asked the officer about the missing license plate and alleged that officer stated her Temporary Tag expired and she did not yet get a permanent one.

IRO Investigator reviewed the complaint, lapel video, interviewed the officer, NM Motor Vehicle Division, and contacted the Complainant for additional information. Complainant stated he did not have additional information. The evidence shows that the officer did contact Fleet Services and told them that the temporary tag had expired on her issued police car and that she did not have a license plate. The officer was unable to obtain a license plate for her vehicle at that time because one was not available due to a backlog at the State of New Mexico Motor Vehicle Division. Within days of this complaint the City received the license plates it had applied for and the plates were issued. The evidence in this case shows that officer was professional in her dealings with the Complainant.

Case Status: Closed

Officer: A **APD Area:** VA

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 1-19-9B (Use of APD Vehicles)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

CPC-2012-215 District: 9 NHA: East Central Business Investigator: IA

Complainant reported that her son was involved in a vehicle crash as a passenger with his girlfriend. Complainant arrived on the scene to pick up her son. During the incident, Complainant claims the officer was rude to her during the contact and would not allow her to retrieve the insurance information of the other party.

The IA Investigator reviewed the complaint, police reports, statements, the lapel video, the CAD, and found that since the Complainant was not involved in the accident and was only there to pick up her son, it was not appropriate to give the Complainant any information at the scene. The allegation of a violation of this SOP against officer was Not Sustained, did not have sufficient evidence to prove or disprove the allegation concerning the officer's conduct.

Case Status: Closed

Officer: A **APD Area:** SE

SOP: 1-04-1F (General Conduct)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2012-220 District: U NHA: Unknown Investigator: IA

Complainant alleges that he observed APD officer speeding while driving a marked police truck pulling police trailer. The IA Investigator interviewed the Complainant and officers. The officer stated that he was driving back from Las Vegas, Nevada, to Albuquerque, NM, to attend motorcycle training. Officer denied speeding and explained that trailers had a history of "blow-outs" and would not operate the truck over the speed limit. There is insufficient evidence to prove or disprove the allegations concerning the officer's conduct.

Case Status: Closed

Officer: A **APD Area:**

SOP: 1-19-10C (Use of APD Vehicles)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2012-224 District: 2 NHA: Downtown Investigator: IA

Complainant alleges that he was picking up trash in an area when he was approached by two APD officers and was told to leave. The Complainant was a homeless individual and was reported to be panhandling in the area. The Complainant believed the officers did not have any right to have him leave the area. The IA Investigator conducted an interview with the officer. Investigation revealed that upon being contacted by a security guard about an aggressive panhandler, officer approached the Complainant who was seated nearby.

Case Status: Closed

Officer: A **APD Area:** VA

SOP: 1-04-4A (General Conduct)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

Officer: B **APD Area:** VA

SOP: 1-04-4A (General Conduct)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2012-226 District: 9 NHA: Gallagher Addition Investigator: IA

Complainant reported that responding officers arrived after an incident between him and his girlfriend. Complainant also reported that there was an argument, and admitted to being

intoxicated. Upon arrival of the officers, Complainant claims he was at a park under a tree sleeping and was in possession of a duffle bag strapped around his shoulders. Complainant was booked and transported to MDC and claims that the officers made him take off his bag. Upon release, Complainant alleges his duffle bag was never turned into the property or evidence room by the officers. Complainant also claims that attempted efforts to contact the officers and supervisor were unsuccessful. The IA Investigator reviewed the complaint, police reports, lapel video, the Computer Aided Dispatch (CAD), and statements from the Complainant and the officers.

Case Status: Closed

Officer: A **APD Area: FH**

SOP: 2-08-1 (Evidence Safekeeping)

IRO/Chief's Decision: Agreed

SOP: 1-04-4W (Truthfulness)

IRO/Chief's Decision: Agreed

SOP: 11-36 (Report Writing Issues)

IRO/Chief's Decision: Agreed

Finding: Sustained

Disposition: Suspension

Finding: Sustained

Disposition: Suspension

Finding: Sustained

Disposition: Suspension

Officer: B **APD Area: FH**

SOP: 1-39-2B (Use of Belt Recorders)

IRO/Chief's Decision: Agreed

Officer: C **APD Area: VA**

SOP: 2-14-16B3A (Arrests)

IRO/Chief's Decision: Agreed

Finding: Sustained

Disposition: Letter of Reprimand

Finding: Not Sustained

Disposition: None

CPC-2012-234 District: 8 NHA: San Gabriel Area

Investigator: IA

Complainant alleged that APD officer initiated a traffic stop as he was traveling north on Eubank Blvd. Complainant stopped in a parking lot and engaged in a phone call to his attorney. APD officer ordered the Complainant to get off the phone and provide documentation to officer and Complainant declined officer's demands and stated that he was talking to his attorney. Complainant claims that unnecessary force was applied and he was detained by the officer without cause. The IA Investigator reviewed the complaint, police report, statements, the CAD printout, and the lapel videos. The IA Investigator also reviewed the APD SOP related to the allegations.

Case Status: Closed

Officer: A **APD Area: SE**

SOP: 2-52-2 (Use of Force)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

CPC-2012-248 District: 7 NHA: Alta Monte

Investigator: IA

Complainant, the Church Administrator for First Unitarian Church, stated that the Church had been broken into several times in a several-week timespan. The Albuquerque Police Department had responded several times, and had dusted for fingerprints. Complainant reported that the custodian spotted the same intruder in the sanctuary building and called 911. The intruder fled before police arrived, but a backpack was left behind and was turned over to the officer. The

Church's Associate Minister spoke with the responding officers and requested that the officers search the backpack to see if some of the Church's stolen property was in the backpack. Complainant alleged that the officers agreed to search the backpack, but did not do so in her presence. Complainant also called to follow up on the incident, and was informed that no police report had been submitted, and that no backpack was documented as being in evidence. The IA Investigator conducted the investigation and reviewed the complaint, the police report, statements, and the CAD (Computer Aided Dispatch).

Case Status: Closed

Officer: A **APD Area:** NE

SOP: 1-39-2B (Use of Belt Recorders)

Finding: Sustained

IRO/Chief's Decision: Agreed

Disposition: Suspension

SOP: 2-08-2 (Evidence Safekeeping)

Finding: Sustained

IRO/Chief's Decision: Agreed

Disposition: Suspension

SOP: 1-05-8 (Report Writing Issues)

Finding: Sustained

IRO/Chief's Decision: Agreed

Disposition: Suspension

CPC-2012-250 District: 6 NHA: La Mesa

Investigator: IA

Complainant alleged that after an argument with a manager at Cooperage Restaurant about a bill, she left and called 911. APD officers arrived at her home and Complainant alleged that officer threatened to arrest her if she did not sign a criminal trespass notification for the Cooperage Restaurant. Complainant claims that the APD officer treated her like a criminal and did not take into consideration her side of the story. The IA Investigator reviewed the complaint, police reports, the Computer Aided Dispatch (CAD), the lapel camera video, and statements from the Complainant and the officer.

Case Status: Closed

Officer: A **APD Area:** SE

SOP: 2-24-3F2&5 (Investigations/Documentation)

Finding: Unfounded

IRO/Chief's Decision: Agreed

Disposition: None

SOP: 1-04-1F (General Conduct)

Finding: Unfounded

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2013-002 District: 1 NHA: Ladera Heights

Investigator: IA

Complainant alleges that APD officer was tailgating her for three blocks, yelled at her on public announcement system to use her signal, pulled her over, and began yelling at her. She stated the officer was very rude with her during the traffic stop. The IA Investigator interviewed the Complainant and the officer, and reviewed the lapel video of the incident. The video depicted the Complainant exiting her vehicle and stepping back to officer's motorcycle. The initial contact was not recorded and could not provide sufficient evidence to prove or disprove the allegations of violation of the SOP by the officer.

Case Status: Closed

Officer: A **APD Area:** NW

SOP: 1-04-1F (General Conduct)

Finding: Not Sustained

IRO/Chief's Decision: Agreed

Disposition: None

SOP: 1-39-2C (Use of Belt Recorders)

Finding: Sustained

IRO/Chief's Decision: Agreed

Disposition: None

CPC-2013-005 District: 1 NHA: Bernalillo County Metropolitan Court Investigator: IA
Complainant expressed frustration that officers did not show up for court hearing regarding a Domestic Violence incident that occurred in 2012. Officers did not show up and Complainant stated that case was dismissed. The IA Investigator researched the officer's location during the date and time of the three court hearings. If an officer is scheduled for court and cannot make it, it is the practice for an officer to alert the Court Services Division so that they can alert the court staff. The IA Investigator spoke with the Supervisor of APD's Court Services Division. The Supervisor informed the IA Investigator that on the first court date, the officer did not call in to report he could not be in court. On the two subsequent court dates, the officer called Court Services and reported that he was dispatched on a call, and could not appear in court. The IA Investigator reviewed the Computer Aided Dispatch (CAD) report for the officer's activity at the date and time of the three court hearings. The IA Investigator learned that the officer was on leave for a three-day period, which included the first court date. The IA Investigator confirmed that the officer was dispatched on calls the other two court dates. The IA Investigator phoned the Complainant to discuss the complaint but did not receive a return phone call from the Complainant. A review of Court records of the criminal case revealed that the officer re-filed the case in Metro Court on February 27, 2013. The records also indicated that the criminal defendant pled guilty to a criminal charge in the case on April 22, 2013. The case is awaiting sentencing. After preliminary investigation, the complaint was determined to not have any SOP violation and the case was inactivated. IRO requested this case be inactivated for no SOP violations.

Case Status: Inactivated

Inactivation Reason: No Allegation of SOP

CPC-2013-024 District: 5 NHA: Ventana Ranch Investigator: IRO
Complainant alleges that an APD Sergeant filed a police report against her son with APS over an incident that occurred in the classroom. The report was later forwarded to Juvenile Probation and Parole Officer (JPPO) and a felony case was opened against her eight-year-old son. The IRO investigator reviewed the official and approved version of the APS police report involved, APD Interoffice Correspondence from APS officer, and the JPPO Notice of Preliminary Inquiry. The evidence showed the officer acted officiously in that he did not allow the APS Police and JPPO and schools to handle the matter. The evidence also showed that officer used his official position to obtain a copy of the report. Officer was on duty, identified himself as a police officer to access the unapproved report on his thumb drive.

Case Status: Closed

Officer: A **APD Area: SW**

SOP: 1-04-4N (Acting Officiously)

Finding: Sustained

IRO/Chief's Decision: Agreed

Disposition: Suspension

SOP: 1-04-9F2 (Receiving Special Privileges)

Finding: Sustained

IRO/Chief's Decision: Agreed

Disposition: Suspension

CPC-2013-030 District: 1 NHA: North Valley Area Investigator: IRO
Complainant claims that he was pulled over by an APD officer for speeding and lights were turning on and off by itself. The officer accused him of driving under the influence and gave

him a sobriety test. Complainant alleges that officer forcefully removed him from his vehicle and used profanity towards him. He alleges that he was pushed and struck in his genitals. Complainant believes that officer had an angry and demeaning attitude and that he should never have been arrested. The IRO Investigator interviewed the Complainant and the officer. The IRO Investigator also reviewed the police report and a partial lapel video of the traffic stop.

Case Status: Closed

Officer: A **APD Area:** NE

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 1-04-4P (Language/Gestures)

IRO/Chief's Decision: Agreed

SOP: 2-52-2A (Use of Force)

IRO/Chief's Decision: Agreed

SOP: 1-39-2A&B (Use of Belt Recorders)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

Finding: Not Sustained

Disposition: None

Finding: Not Sustained

Disposition: None

Finding: Sustained

Disposition: Verbal Reprimand

CPC-2013-051 District: 2 NHA: West Side Addition

Investigator: IRO

Complainant alleges that the mother of his children is the daughter of an APD Detective. He complained that the mother of his children sent him a text message that she was not going to allow the children to be around him and his current girlfriend because they had criminal charges pending against them. When he questioned where she got the information that there were criminal charges pending, she replied that her father, the APD Detective, was the one who had told her. Complainant claims that the APD Detective had no business looking up his information and passing it on to family for personal reasons. He complained that the information that was put out was damaging to his reputation. IRO Investigator attempted to contact Complainant and was unsuccessful. Investigation was conducted on allegation contained in the written complaint. Officer denied accessing any records containing confidential information on the Complainant or his girlfriend.

Case Status: Closed

Officer: A **APD Area:** SW

SOP: 1-04-6H (Receiving Special Privileges)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

CPC-2013-052 District: 3 NHA: Anderson Heights

Investigator: IRO

Complainant called APD to have an officer observe an unidentified citizen parked on landscaping in front of his residence. The officer approached a different residence upon arrival before the officer headed to the Complainant's residence. During a conversation with the officer, Complainant felt that the officer was hostile in stance and demeanor and was making comments which seemed like intimidation. The IRO Investigator reviewed the CAD reports, MDV registration records, lapel video, the complaint, and statements from the Complainant and officer. The lapel video recording showed no indication that officer knew anyone at the residence on a personal basis. Recording also showed that officer conducted a professional and courteous investigation and did not appear demeaning or hostile.

Case Status: Closed

Officer: A **APD Area:** FH

SOP: 1-04-4N (Acting Officially)

IRO/Chief's Decision: Agreed

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Unfounded

Disposition: None

Finding: Exonerated

Disposition: None

CPC-2013-055 District: 5 NHA: Ventana Ranch

Investigator: IRO

Complainant stated a Detective from Crimes Against Children Unit of the Albuquerque Police Department contacted her due to allegations of abuse against one of her sons. She stated the only people that knew her son had an injury were her mother and an APD officer. She felt the officer used her authority as a police officer to maliciously call CACU and the Children Youth and Families Division to begin a false investigation against her. She also complains that officer was involved in running a blog, "The Eye on Albuquerque," which posts disparaging remarks against the Albuquerque Police Department and the Albuquerque Mayor's office. She stated she had witnessed the officer accessing the computer with administrative rights to the blog and approved posts from people responding to the blog. Complainant also alleged that a roster of officers' names and phone numbers was sent to the Paul Heh for Mayor Campaign from an inside source of the Albuquerque Police Department and that information being made public concerned her. The IRO Investigator reviewed the complaint, APD duty logs, the alleged postings on the *Eye on Albuquerque* blog website, Computer Forensic evidence from the APD-issued computer of the officer, and statements from the Complainant and the officer.

Case Status: Closed

Officer: A

APD Area: VA

SOP: 1-04-4N (Acting Officially)

IRO/Chief's Decision: Agreed

SOP: 1-04-4W (Truthfulness)

IRO/Chief's Decision: Agreed

SOP: 1-37-7B (Use/Obtainment of Information)

IRO/Chief's Decision: Agreed

SOP: 1-44-1A&B3 (Other)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

Finding: Sustained

Disposition: Terminated

Finding: Sustained

Disposition: Terminated

Finding: Sustained

Disposition: Terminated

CPC-2013-069 District: 2 NHA: Huning Castle

Investigator: IRO

Complainant alleged that he had just left a downtown bar at closing time and was bumped into by a young man. Words were exchanged and his friends had to prevent a physical altercation from ensuing between him and the young man. The police arrived and were told that the situation was under control and that his friends were just trying to get him to the car. The young man followed Complainant yelling threats and the police also followed. Complainant then verbally expressed his opinion of the Albuquerque Police Department which the officers found insulting. The officers ran after him and grabbed him and threw him up against a wall and then threw him to the ground. He complained that the officers used excessive force during the arrest and that he was injured. He complained he was never told why he was arrested. The IRO Investigator reviewed the complaint, police reports, two lapel videos, one belt tape, photos of the Complainant at the Prisoner Transport Center, and interviewed the officers. Numerous attempts

were made by the IRO Investigator to contact the Complainant and he did not respond. All of the allegations contained in the written complaint were fully investigated.

Case Status: Closed

Officer: A **APD Area:** SE

SOP: 1-02-2B2 (Arrests)

IRO/Chief's Decision: Agreed

SOP: 2-52-2A (Use of Force)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

Officer: B **APD Area:** SE

SOP: 1-02-2B2 (Arrests)

IRO/Chief's Decision: Agreed

SOP: 2-52-2A (Use of Force)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

CPC-2013-088 District: 1 NHA: Ladera West

Investigator: IRO

Complainant alleged that he approached behind a truck quickly, hoping to make the light in order to turn left. The driver looked angrily at him, and he apologized. At the stop sign he encountered the driver again and received an angry glare. The driver then pulled into his driveway where there was a police car, and he stopped at his destination. The driver of the truck angrily approached him and confronted him about his driving. The driver indicated he was an officer because he said he had better not see him driving while he was on patrol. The officer also said he had better not come back to his neighborhood. He felt threatened. The IRO Investigator reviewed the complaint, the police report, and the statements of the Complainant and the officer. Police Oversight Commission did not agree with the findings of the Independent Review Officer and the APD Chief.

Case Status: Closed (Non-Concurrence)

Officer: A **APD Area:** SE

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

CPC-2013-100 District: 2 NHA: Santa Barbara Martineztown

Investigator: IRO

Complainant wrote that he had one beer three hours prior to leaving the Marble Brewery. He drove himself and his friend from the brewery around midnight and noticed an officer following him. A few blocks later the officers pulled him over. He claimed it was wrong to be followed from a bar until he supposedly did something wrong. He wrote he had never been stopped by police before and when he must have performed poorly on the test he was handcuffed, which he thought was wrong. The officers stranded his friend when they towed his car. When his breath test yielded low results one of the officers became angry and demeaning. The same officer was opposed to giving him a ride home when he explained he was new to the city and had no one to call. After he was released he was told to sign a citation that said he failed to maintain his lane, but he disagreed. He also wrote about other concerns of the tow yard outside the jurisdiction of the IRO. The IRO Investigator reviewed the complaint, the police report, the lapel videos, and

the statements of the Complainant and the officer. There was no video at the Prisoner Transport Unit.

Case Status: Closed

Officer: A **APD Area:** NE

SOP: 1-02-2B2 (Arrests)

IRO/Chief's Decision: Agreed

SOP: 3-11-2A (DWI Investigations)

IRO/Chief's Decision: Agreed

SOP: 1-02-3A (Providing Name)

IRO/Chief's Decision: Agreed

SOP: 2-48-3E (Towing)

IRO/Chief's Decision: Agreed

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 1-39-2B (Use of Belt Recorders)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

Finding: Not Sustained

Disposition: None

Finding: Sustained

Disposition: Verbal Reprimand

CPC-2013-106 District: 2 NHA: Los Griegos

Investigator: IRO

Complainant claims that she discovered her car had been broken into at her home and that important papers had been taken during the burglary. She called APD to report the incident. She complained that the officer who responded to the call wore dark sunglasses and spoke to her in an aggressive manner.

The IRO Investigator reviewed the complaint, the police report, and interviewed the officer. The IRO Investigator made attempts to interview the Complainant but the phone number provided in the complaint and in her police report was a non-working number. The IRO also sent the Complainant an e-mail requesting an interview and did not receive any response.

Case Status: Closed

Officer: A **APD Area:** NW

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 1-39-2B (Use of Belt Recorders)

IRO/Chief's Decision: Agreed

Finding: Not Sustained

Disposition: None

Finding: Sustained

Disposition: Verbal Reprimand

CPC-2013-109 District: 9 NHA: Towne Park Plaza

Investigator: IRO

Complainant claims that on May 25, 2013, two APD officers apprehended her for shoplifting from a local Walmart store. She complained that as she left the store one of the officers grabbed her right forearm with such force that he bruised her. She complained that while she was being detained the officers laughed at her. The IRO Investigator reviewed the complaint, the police report, the lapel camera video recording, the *Walmart* surveillance video of the apprehension and processing (it did not have audio), statements of the Complainant and the officers, and the *Walmart* Loss Prevention Officer.

Case Status: Closed

Officer: A **APD Area:** FH

SOP: 1-04-1F (General Conduct)

Finding: Not Sustained

IRO/Chief's Decision: Agreed
SOP: 1-39-2B2 (Use of Belt Recorders)
IRO/Chief's Decision: Agreed

Disposition: None
Finding: Sustained
Disposition: Verbal Reprimand

Officer: B **APD Area:** NE

SOP: 1-04-1F (General Conduct)
IRO/Chief's Decision: Agreed
SOP: 2-52-2A (Use of Force)
IRO/Chief's Decision: Agreed
SOP: 1-39-1A (Use of Belt Recorders)
IRO/Chief's Decision: Agreed

Finding: Not Sustained
Disposition: None
Finding: Exonerated
Disposition: None
Finding: Sustained
Disposition: Counseling

CPC-2013-118 District: 2 NHA: Wilson No 2 Investigator: IA
Complainant reported that he observed an officer driving on I-25 switching lanes without signaling and was talking on a cell phone while driving. IA investigator determined that the said location is not within the city limits of Albuquerque and no state or county law which prohibits speaking on a cell phone while driving. Officer's Sergeant spoke with the officer about the importance of always obeying traffic laws, except when responding to a call or exceptions permitted by law or SOP. Officer understands and the driving allegation was resolved informally.

Case Status: Inactivated **Inactivation Reason:** Mediation--Informal Resolution

CPC-2013-133 District: 2 NHA: Spruce Park NHA Investigator: IRO
Complainant wrote that between June 5, 2013, and June 14, 2013, the Police Service Aide (PSA) who took her accident report told her the report would be available at the substation two days later. Complainant claims that officer also said he could fax the report to the Socorro Police Department where she lived. However, when Complainant went to the substation the woman at the front desk was very rude, said the report would not be ready for two weeks and denied her the opportunity to talk to anyone else about it. Her husband called and spoke to the PSA who originally took the report. The PSA did not know why the report was not given, but said he would leave a copy up front. She drove from Socorro to get the report, but no one could find it. The PSA was already off duty. She called and left messages for the PSA, but the PSA never returned the messages. The various times she called, she reached the same woman at the front desk who was increasingly rude each time and refused to fax the police report to Socorro. On their third trip, they finally received the report. The IRO investigator reviewed the complaint, the police report, and contacted the Complainant about possible resolutions to the complaint. The Complainant's husband was not available to recount the specifics of the contact to the civilian employee and the Complainant decided an informal resolution with the supervisor was an appropriate way to resolve her concerns.

Case Status: Inactivated **Inactivation Reason:** Mediation--Informal Resolution

CPC-2013-134 District: 7 NHA: North Eastern Association Investigator: IA
Complainant reported that he observed an officer driving erratically changing lanes, and speeding using the police vehicle. Complainant also reported that the officers were turning the sirens on and off to cut around people in traffic on westbound Eubank near Indian School and

believed that he was abusing the use of vehicle. The IA Sergeant reviewed the Computer Aided Dispatch (CAD) report for the vehicle listed in the Complainant's complaint and report showed that officer was dispatched on a call in the NE area and later responded to a suspicious situation at Eubank and Southern Southeast. The investigator did not find credible evidence that officer was driving the car in the complaint at the location named by the Complainant.

Case Status: Inactivated

Inactivation Reason: No Allegation of SOP

CPC-2013-139 District: 2 NHA: Raynolds Addition - Downtown Investigator: IRO
Complainant reported an accident/auto burglary and the APD officer arrived to investigate the accident. Complainant claims that the officer also diverted another officer from responding to the scene. She reported that when she requested a field investigation unit, the officer insisted that the damage was less than \$1,000 and does not need to call an FI. She felt that officer failed to fully investigate the incident and when she had an estimate completed, the damages exceeded the \$1,000 damages the police estimated. The IRO Investigator discussed the possible resolutions to the complaint with the Complainant. Complainant decided to pursue informal resolution. The Officer's Sergeant reviewed the lapel recorder and complaint. Sergeant observed that officer was professional and courteous, contrary to the Complainant's initial complaint. Sergeant contacted the Complainant to discuss the incident with the officer and offered to be a point of contact for anything further.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-140 District: 2 NHA: Los Griegos Investigator: IA
Complainant alleges that during a custody exchange, officer walked up to him and questioned why he was in the area. Complainant claims that officer has threatened and harassed him on several occasions. The IRO investigator inactivated this case since officer is now deceased.

Case Status: Inactivated

Inactivation Reason: Other

CPC-2013-162 District: 5 NHA: Santa Barbara Martineztown Investigator: IRO
Complainant claims that an officer threatened to put him in jail during a traffic citation. The IRO Investigator interviewed the Complainant and reviewed the lapel video. The video showed the Complainant asking several times for the officer to give him a warning citation. The IRO contacted officer's Sergeant/supervisor concerning an informal resolution.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-163 District: 4 NHA: Del Norte Investigator: IRO
Complainant alleged that officer responded to a potential vandalism. She claims that the officer's narratives in the report did not provide pertinent information regarding the incident and made it useless for her to file any insurance claim. She also claims he was condescending and was not professional. The IRO Investigator interviewed the Complainant and reviewed the police report. Complainant stated that she did not want to make a big deal out of her complaint and stated that she just wanted to bring the problems to someone's attention to help her with the report. Complainant requested that her complaint be handled informally and would be satisfied if she could speak with the officer's supervisor. The officer's supervisor, Lieutenant, advised the Complainant that he would speak to the officer about the officer's condescending approach and Complainant was pleased with the options provided to her.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-170 District: 8 NHA: Holiday Park Unit 7

Investigator: IA

Complainant claims that two APD officers came to her house responding to a dispatched call for police assistance with her son. Complainant alleges that a former Bernalillo County employee had told her that he knew that APD officers had been to her home. Complainant alleged that the two APD officers were in contact with the Bernalillo County employee, and allegedly improperly conveyed the fact that the officers had been at her home. The IA investigator reviewed the police report and interviewed the Complainant. After review, the Complainant agreed that there was no credible evidence that the two APD officers had violated SOP or had contacted the said Bernalillo County employee, and the case was inactivated.

Case Status: Inactivated

Inactivation Reason: No Allegation of SOP

CPC-2013-173 District: U NHA: Summit Park NHA

Investigator: IA

Complainant reported an incident involving a victim of a drive-by shooting in the Summit Park neighborhood. Complainant alleges that the police did not request video footage from the Real Time Crime Center and was not assigned to investigators until two days after. Complainant believes that the investigators requested the footage and was not able to get it because it was already deleted. Complainant proposed a change in the SOPs pertaining to video footage from the Real Time Crime Center.

The IA Investigator spoke with the Real Time Crime Center (RTCC) Sergeant and was informed that APD had no cameras stationed near the Summit Park Neighborhood. The Sergeant stated that APD maintains a website to show the location of the APD cameras and also stated that the RTCC does not store archived video footage. APD has an SOP which stated that if the RTCC has captured relevant information, it will provide real-time information to the field officers who are responding to high risk calls for service. If the officer deems it relevant to their investigation, RTCC will then download the video for the primary officer. Complainant was dissatisfied and believed the current SOP was inadequate. The IA Investigator provided the name and phone number of the Chair of APD's Policy and Procedure Committee responsible for suggesting SOP changes to the Chief of Police. The IA Investigator also forwarded the complaint to the Chief of Police and the Commander who oversees the Policy and Procedure Committee.

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-175 District: 8 NHA: Snowheights Addition

Investigator: IRO

Complainant alleges that APD officers are harassing and unwelcome in her home. She has made a complaint against a neighbor and did not appreciate officers badgering her instead. Complainant claims that a detective from the Crisis Intervention Team (CIT) called her a liar by making false statements against her and wants disciplinary action taken against the detective's Lieutenant for letting the detective handle her case.

The IRO Investigator spoke to the Complainant about her complaint and explained that she did not have to speak with the police if she did not want to. The IRO Investigator explained that the police were trying to help her with her issues that she had been having with her neighbor, but that she did not have to accept that help if she did not want to. The IRO Investigator explained to her that the IRO office reviewed all of her complaints and that it would be reviewed and

assigned for investigation if warranted. Complainant did not sign the complaint, and the IRO does not have jurisdiction to investigate the complaint any further.

Case Status: Inactivated

Inactivation Reason: No Signature Provided

CPC-2013-180 District: 2 NHA: North Valley Area

Investigator: IRO

Complainant reported that their vehicle has been towed for no insurance. Complainant alleges that officer accused them of stealing the vehicle and had trouble retrieving the vehicle back.

The IRO Investigator contacted the Complainant and Complainant expressed her frustration for not knowing where their motorcycle was being kept, what the status of the investigation was, and whether or not towing and storage fees were accruing on the motorcycle. Complainant stated that she really just wanted to have her questions answered. The IRO Investigator reviewed the police report, NM State Law 66-3-507(B), and the statement of the Complainant and the detective. Detective explained that the motorcycle in question had been tampered with and had been working with an investigator from National Insurance Crime Bureau (NICB). Detective believed the Complainants were innocent victims in the case and purchased the vehicle that should have not been sold in the first place. The investigation was ongoing and detective contacted the Complainant to answer all the inquiries she had. Complainant contacted the IRO Investigator and expressed their satisfaction for resolving their complaint.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-183 District: 5 NHA: St. Joseph West Mesa Hosp. Paradise Hts. Investigator: IA

Complainant alleges that a radar speed trap was set up between Unser and Universe. Complainant claims that while traveling west a female APD officer jumped into oncoming traffic to pull over a suspected speeder. Complainant believes that the officer drove recklessly and almost caused an accident. Complainant alleges that officer glared at them and was frustrated for the driving behavior of the officer in an attempt to pull over a speeder.

The IA Investigator reviewed police records and determined the officers were executing a traffic tactical plan on the date and time of the location mentioned. The officers' supervisor was contacted and discussed how the officer could change their tactics to avoid placing themselves and others in danger. The IA investigator contacted the Complainant and informed him of the supervisor's actions with the officers. Complainant agreed and was satisfied with the informal resolution to his complaint.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-187 District: 2 NHA: Westside/Atrisco Grant

Investigator: IRO

Complainant claims that officers forced themselves in the front door and pointed their gun at her and the people in her household. She reported the officers claimed to be searching for her ex-husband and an unidentified woman using her name. She claims that officer used excessive force which resulted in one of her daughters being taken to the ER the following day. Complainant alleged that her daughter had a ruptured appendix due to the incident. She also claims that the entry has caused her inconvenience to fix her door in her apartment. She requested a report and was not able to receive any documentation of the incident and was provided a number that is no longer in service.

The IRO Investigator learned that the officers who were at the Complainant's home were part of a Federal Task Force. The officers were looking for a wanted person at the Complainant's home.

The APD officer assigned to a Federal Bureau of Investigation (FBI) Task Force explained that the officers went to serve an arrest warrant on the Complainant's ex-husband. The APD officer stated that he was only an assisting officer and was there as back-up. The IRO Investigator could not investigate further since the complaint was filed beyond the 90-day time limit, however, advised the Complainant to file her complaint with the local FBI office. Complainant thanked the IRO Investigator for the information and understood the office had no jurisdiction to investigate.

Case Status: Inactivated

Inactivation Reason: Over 90 Days

CPC-2013-191 District: 2 NHA: APD Evidence

Investigator: IA

Complainant alleges that someone from APD informed his friend to surrender a firearm. When the Complainant requested the firearm back from the evidence locker, the gun could not be located. He claims that the firearm was retrieved from his home without a warrant and without his authorization.

The IA Investigator interviewed the Complainant and the officer, and reviewed CAD (Computer Aided Dispatch) report. Investigation revealed that officer transported the Complainant to the hospital because of threats allegedly made to his mother and friend. The APD officer tagged the Complainant's firearm into evidence for safekeeping. Interview of the Complainant leads to a possible neighbor dispute and no SOP violations or misconduct from APD employees can be found. Complaint is in conjunction to CPC 2013-203.

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-193 District: U NHA: Unknown

Investigator: IRO

Complainant alleges excessive force and violation of civil rights during a traffic stop. Complainant lives in Spring Valley, NY, and made a complaint on an officer of a Clarkstown, New York, Police Officer. The IRO Investigator contacted Clarkstown PD and forwarded the complaint.

Case Status: Inactivated

Inactivation Reason: No Jurisdiction – Other Agency

CPC-2013-194 District: 2 NHA: Historic Old Town Property Owners

Investigator: IRO

Complainant alleges that a detective arrived at his place of business to harass and intimidate him about a civil matter. Complainant claims that the detective used his position and authority to negotiate items on someone's behalf.

The IA Investigator interviewed the Complainant and the officer. Investigation revealed that officer was investigating the Complainant for fraud and forgery based on a complaint. After preliminary investigation, officer determined that case was a civil matter and there was insufficient evidence for any criminal charges and case was closed, no charges were filed on the Complainant. IA Investigator discussed the finding with the Complainant who was satisfied with the investigation. Complainant was relieved that he was no longer the target of a criminal investigation and requested to withdraw the complaint.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-195 District: 2 NHA: Sycamore / University Subdivision

Investigator: IRO

Complainant alleges that an animal welfare officer arrived at his home to claim a cat that does not belong to him. He was issued an animal license violation and warrant. The IRO Investigator

contacted and forwarded the complaint to the Captain of the City of Albuquerque's Animal Welfare Department.

Case Status: Inactivated

Inactivation Reason: No Jurisdiction

CPC-2013-196 District: 7 NHA: Coronado Mall Substation Investigator: IA
Complainant alleges that an unmarked car was speeding at an intersection, failed to use turn signals, and provided this information to the Coronado APD substation and was ignored. He also claims the officers he was complaining about showed up to the station. Complainant believed that he was followed by the APD officer to the station.

The IA Investigator interviewed the officer and reviewed the complaint. Investigation revealed that the Complainant followed the officer to the substation. The APD officer acknowledged being northbound on Louisiana heading to the Coronado substation. The officer's supervisor discussed the importance of adhering to all traffic laws and recommended a non-documented counseling. Complainant agreed to informal mediation and was satisfied with the resolution of his complaint.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-199 District: 7 NHA: Netherwood Park Investigator: IRO
Complainant claims that she observed her husband's stolen car and followed the car. Upon arrival at US Postal Service, she called to report the incident and dialed 911 to speak to an operator. Complainant alleges that the operator was dismissive and didn't attempt any police response despite the details she provided during the phone call.

After preliminary investigation, the IRO contacted the Complainant about an informal resolution with the supervisor. Supervisor addressed Complainant's concerns and explained the misunderstandings. Supervisor played the tape of the call, and supervisor said she would coach the dispatcher on ways to better handle the call. Complainant agreed and was satisfied with the resolution.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-200 District: 1 NHA: Taylor Ranch Investigator: IA
Complainant claims that a police car passed him going westbound on Paseo del Norte just before the Coors exit, which is a 55 mph zone, doing 80 mph in a 60 mph zone with two other civilian cars doing the same felony speed. On his complaint, he described that one car was in front of the police car and one was behind. Complainant alleges that the police officer did not pull over the speeders and did not have his emergency lights on. Complainant also was frustrated that without the GPS in police cars, he claims that the 911 operator, Internal Affairs, and APD could not help him without having the police car number or plate number to assist.

The IA and Accounting Commander of APD's Professional Accountability Division spoke with the Complainant and Complainant could not provide identifying information (i.e. vehicle number) to investigate the complaint further.

Case Status: Inactivated

Inactivation Reason: No Officer Identified

CPC-2013-203 District: 2 NHA: APD Evidence Investigator: IA
Complainant claims that he attempted to retrieve his gun from APD Evidence department and

was informed that the gun will be held for a year and forfeited. He alleges that APD is violating his constitutional right and demands his firearm back.

The IA Investigator interviewed the Complainant and the officer, and reviewed CAD (Computer Aided Dispatch) report. Investigation revealed that officer transported the Complainant to the hospital because of threats allegedly made to his mother and friend, and the officer tagged the Complainant's firearm into evidence for safekeeping. Interview of the Complainant leads to a possible neighbor dispute and no SOP violations or misconduct from APD employees can be found. This complaint is in conjunction with CPC 2013-191

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-204 District: 2 NHA: Alvarado Gardens

Investigator: IA

Complainant claims that the responding officers were acting disinterested for reporting her home to be burglarized.

The IA Investigator pulled the call history for the two officers responding to the incident. Report showed that the officers followed up with the information provided by the Complainant. Complainant requested to drop the formal complaint, and handle the complaint informally noting the shortage of personnel to investigate the burglaries in her neighborhood. Investigator provided the number to the Crime Prevention Specialist and arranged for officer to attend her Neighborhood Association meeting; Complainant was satisfied with the resolution to her complaint.

Case Status: Inactivated

Inactivation Reason: Mediation--Informal Resolution

CPC-2013-205 District: 2 NHA: Downtown

Investigator: IRO

Complainant claims SOP violations by an officer and recording was not conducted on a citizen's arrest around June 2013 by an officer.

The IRO Investigator could not investigate since the complaint was filed after 90 days from the date of the incident. However, the officer contacted the IRO investigator in response to notification of the complaint and informed the IRO that he did record the incident and lapel video is with the Chief's office pending litigation.

Case Status: Inactivated

Inactivation Reason: Over 90 Days

CPC-2013-206 District: 6 NHA: Victory Hills

Investigator: IRO

Complainant claims that he ran out of gas on Walker Street around 2 p.m. and was picked up by his girlfriend to get gas. Within the hours he was gone, his car was towed. He alleges that the officers towed it but could not locate the vehicle.

The IRO Investigator contacted the Complainant and Complainant had stated that he located the vehicle at the APD impound lot after he filed the complaint. Complainant requested to withdraw the complaint since the Complainant's vehicle was returned to him and was not charged fees.

Case Status: Inactivated

Inactivation Reason: Citizen Withdrew Complaint

CPC-2013-208 District: 2 NHA: Barelax NHA

Investigator: IRO

Complainant claims that the officer did not report accurately on the police report about his arrest and feels that he has been harassed by the officer and his partner on a constant basis.

The IRO reviewed the preliminary investigation and found the officers charged the Complainant with the applicable law in his arrest and Complainant did not provide enough information to investigate harassment by the officers.

Case Status: Inactivated

Inactivation Reason: No Allegation of SOP

CPC-2013-210 District: U NHA: Unknown

Investigator: IRO

Complainant claims that officer showed up to his business and accused him of possessing laptop and I-pad that another individual has stolen. Complainant alleges that the officer wanted a confession from him. He also claims he felt harassed and violated by the officer's questions. Complainant is referring to a detective with the BCSO.

Case Status: Inactivated

Inactivation Reason: Other Agency

CPC-2013-211 District: 2 NHA: Downtown

Investigator: IRO

Complainant reported that a potential predator committed a crime against his 11-year-old daughter. The responding officer did not provide much assistance and the Complainant claims he had to re-file the incident with another officer. Complainant alleges that the first responding officer dismissed his claims and did not act until the next officer was involved.

The IRO Investigator researched the date of the incident and the date of occurrence and found that incident was beyond the 90-day time frame to investigate further.

Case Status: Inactivated

Inactivation Reason: Over 90 Days

CPC-2013-215 District: 9 NHA: Horne Development Addition

Investigator: IA

Complainant alleged that an APD officer wrote a traffic accident report which falsely accused him of causing the accident. Complainant claims that a camera in a Target Store on Lomas Northeast has the accident captured on video.

The IA Investigator reviewed the police report, and the statements of the Complainant and the officer. The IA Investigator explained that the APD officer observed the accident via video. Complainant became irate and cursed the investigator and hung up. Complainant did not specify allegations on officers.

Case Status: Inactivated

Inactivation Reason: No Allegation of SOP

CPC-2013-216 District: 2 NHA: Downtown

Investigator: IRO

Complainant claims that he has been subjected to various adverse police actions over the last 50 years. Complainant complained about the actions of the Nevada Highway Patrol in 1979, the actions of the APD and a local health care facility in 2011, the actions of the Fraternal Order of Police (FOP) over the last 40 years, and the actions of the Internal Revenue Services (IRS). Complainant alleges that over the last 20 years in Albuquerque, he has been hounded by an aggressive police infrastructure and that the dealings with APD have been "unpleasant and threatening." Complainant also wrote that in 2007 APD demanded that he give them Power of Attorney and they destroyed his personal papers. Lastly, Complainant wrote that on June 27, 2013, at a local library, he suspected that an uptight policeman was seated across from him and that the policeman suddenly got up and walked away.

The IRO Investigator reviewed the complaint and the alleged incidents were beyond the 90-day time frame to investigate further.

Case Status: Inactivated

Inactivation Reason: Over 90 Days

CPC-2013-219 District: 2 NHA: Bernalillo County Metro Court Investigator: IA
Complainant claims that he received a ticket for Jaywalking and was in the courtroom. Complainant alleges the officer accused him of being high and requested a doctor's note for the prescription medication he is taking. Complainant claims that an officer slammed him and took his medicine. Complainant claims that the medicine treats his PTSD, mood disorder, anxiety, ADHD, and schizophrenia. Complainant is inquiring about prescription medication for PTSD and depression and would like the IRO to contact his doctor to assist him in getting replacement drugs.

The IA investigator reviewed police records and contacted the private security company at Metropolitan Court, Metro Court Protection. The Metro Court Sergeant said that the Complainant had been transported from the courthouse by Albuquerque Ambulance to UNM Hospital for a drug overdose on October 16, 2013. The report revealed that Complainant was having trouble standing and went to sit outside the courtroom and lost consciousness. Sergeant did not confiscate or see anyone else confiscate any medication. Video showed that Complainant did not leave any property behind at the courthouse nor did the officers use force against the Complainant.

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-227 District: 3 NHA: Valley Gardens Investigator: IA
Complainant alleged that undercover officers were unlawfully following her and preventing her from being identified by covering up their license plate. Complainant claims that undercover officers have followed her and searched her stranded car while she went to get gas. She believed that the battery was drained in her car by the time she came back due to the unauthorized search. She alleges that she and her six-year-old were stranded in an undisclosed location. She also believed that officers are harassing her due to her associations. She claims that officers are illegally searching without a warrant. Complainant claims that she is a recovering addict and the incident could cause her to relapse into substance abuse.

The IA Investigator interviewed the Complainant and called the Sergeants of all of the investigative teams within APD who conduct mobile and stationary surveillance. The APD Sergeants denied any surveillance operations on the Complainant. Complainant stated that she thinks the officers could be Bernalillo County Sheriff Deputies. Complainant further acknowledges that she only saw government plates and unsure if the individuals following her were police officers. Complaint is in conjunction with CPC 2013-229.

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-228 District: 9 NHA: Embudo Canyon NHA Investigator: IRO
Complainant claims that as he left a friend's house on his motorcycle, he was stopped by APD officers and ordered at gunpoint to get off his motorcycle. Complainant was armed and had his weapon showing. He was handcuffed and detained in a police car. Complainant alleges that a female police officer took pictures of him, the patches on his clothing, and his tattoos. Complainant stated that he was questioned about his gang affiliation. Complainant stated that

the officer asked about a recent shooting that took place in Albuquerque and he told the person who was questioning him that he had no knowledge of what happened during that shooting incident. Complainant claims he was un-handcuffed but he was not free to leave. Complainant wrote that two other officers questioned him. Complainant alleges that he was detained for an hour-and-a-half and was eventually let go.

The IRO Investigator researched the matter and determined that the incident occurred 92 calendar days prior to the complaint.

Case Status: Inactivated

Inactivation Reason: Over 90 Days

CPC-2013-229 District: 9 NHA: Canyon Acres

Investigator: IA

Complainant is a homeless person and claims that undercover officers have followed her and searched her stranded car and her room without a search warrant. She alleges that the battery was drained in her car due to the unauthorized search. She alleges that officers are harassing her due to her associations. She claims that officers are illegally searching without a warrant, following her, conducting surveillance and videotaping her, and following her by helicopter. She believes that officers are driving her to relapse back to her addiction.

The IA Investigator interviewed the Complainant and called the Sergeants of all of the investigative teams within APD who conduct mobile and stationary surveillance. The APD Sergeants denied any surveillance operations on the Complainant. Complainant stated that she thinks the officers could be Bernalillo County Sheriff Deputies. Complainant further acknowledges that she only saw government plates and unsure if the individuals following her were police officers. Complaint is in conjunction with CPC 2013-227.

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-231 District: 4 NHA: Alameda North Valley

Investigator: IRO

Complainant alleges that he was arrested for Domestic Violence because the officer did not conduct a full investigation into the incident. Complainant claims that on August 14, 2013, he and a friend got involved in an argument and the police were called. He complained that as a result of racial profiling, the caller's past and present relationship with several Albuquerque Police Department (APD) officers, including a past high-ranking officer, that he was arrested without probable cause. He complained that there was no evidence to support the charges and the officer who arrested him lacked proper training. Complainant requested a complete review of the case. The IRO Investigator researched the matter and determined that the incident occurred on August 14, 2013. The complaint was received 92 calendar days after the incident.

Case Status: Inactivated

Inactivation Reason: Over 90 Days

CPC-2013-233 District: 7 NHA: Pueblo Alto

Investigator: IA

Complainant wrote that she loaned her car to her cousins while attending college classes that day. While her cousins were in possession of the Complainant's car, Complainant alleged that APD officers rammed her car, causing it to be severely damaged. The car was towed and Complainant is seeking financial assistance to repair her car.

The IA Investigator spoke to the Complainant and was informed that the Complainant did not have a complaint against any police officers involved in the incident, as she was not present. Complainant indicated her purpose was to request the City of Albuquerque to pay for the damage

to her car. The IA Investigator provided the name and contact information of the Risk Management adjuster assigned to investigate her claim.

Case Status: Inactivated

Inactivation Reason: Preliminary Investigation--No SOP

CPC-2013-234 District: 6 NHA: Sunport Airport

Investigator: IRO

Complainant alleges that during an incident at the Sunport Airport, the staff and an officer approached him to intimidate him and his family. Complainant claims that the officer did not look into the matter and made assumptions instead to treat him like a criminal.

The IRO Investigator contacted the Complainant and explained that the Independent Review Office has no jurisdiction to investigate complaints made against Albuquerque Aviation Police Department officers. The IRO Investigator also advised that the complaint will be forwarded to the Chief of the Albuquerque Aviation Police for follow-up. The Albuquerque Aviation Police Department Police Chief acknowledged receipt of the complaint.

Case Status: Inactivated

Inactivation Reason: Other Agency

APPEALS FILED AND HEARD DURING FOURTH QUARTER

Under Section 9-4-1-9(A), of the POC Ordinance, a citizen who has filed a complaint and who is dissatisfied with the findings of the IRO may appeal that decision to the POC within ten business days of receipt of the public record letter. Upon appeal, the POC may modify or change the findings and/or recommendations of the IRO and may make further recommendations to the Chief regarding the findings and/or recommendations and any discipline imposed by the Chief or proposed by the Chief. Within 20 days of receipt of the appellate decision of the POC, the Chief shall notify the POC and the original citizen complainant of his decision in this matter in writing, by certified mail.

During the Fourth Quarter, the POC heard three citizen appeal cases. On October 8, 2013, the POC heard and in a unanimous vote denied the appeal in *CPC 2012-147*. On December 12, 2013, the POC heard the appeal in *CPC 2012-239*. Four Commissioners voted in favor of granting the appeal in the case, two Commissioners voted in favor of maintaining the IRO's findings, and one Commissioner recused himself. Also on December 12, the POC heard the appeal in *CPC 2012-259*. The appeal was denied in that case. Below are detailed summaries of the three appeal cases heard during the Fourth Quarter 2013.

CPC-2012-147 District: 6 NHA: Highland Business

Investigator: IRO

Complainant alleges that during dinner, APD officers arrived at her home. When she opened the door, officers entered the living room and did not ask permission to enter. She claims the officer did not explain their purpose for being at her home and began to question her. Complainant stated she was scared and shaken and cried when the officers left the home. APD officers, having realized they were in the wrong home, never apologized for barging in her home.

Officer: A APD Area: SE

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Officer: B APD Area: SW

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 1-39-2A (Use of Belt Recorders)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Sustained

Disposition: Verbal Reprimand

Officer: C APD Area: SE

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

SOP: 2-17-10 (Other)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

Finding: Exonerated

Disposition: None

Officer: D APD Area: SW

SOP: 1-04-1F (General Conduct)

IRO/Chief's Decision: Agreed

Finding: Exonerated

Disposition: None

On October 8, 2013, the Complainants each gave a synopsis of the case. They alleged that four APD officers ordered one of them to open her door. They alleged that one officer grabbed his firearm, which frightened the Complainant. APD IA Lieutenant presented the lapel video of three of the officers that were present during the incident. IRO Hammer gave a synopsis of the case informing the Commission that someone had called 911 to report a suicide. The caller gave the wrong address. IRO Hammer demonstrated what the officer was doing, not pulling or grabbing his Taser but resting his hand on top. After two minutes and fifty seconds, the officers realized they were at the wrong house and left the residence. Commissioner Shine moved to uphold the findings of CPC 147-12 and deny the appeal. Passed.

For: 7 – Cameron, Siegel, Barela, Barker, Foster, Peterson, Shine

CPC-2012-239 District: 5 NHA: Cottonwood Mall

Investigator: IRO

Complainant claims that he observed APD Mobile Command Post parked in the fire lane at the Cottonwood Mall. He complained that parking the Command Post there was a violation of the law since he did not observe the police engaged in any type of emergency response to the location. He alleges that APD is not exempt from parking laws. IRO investigator contacted Complainant who declined any further interviews. IRO Investigator viewed the recording (YouTube Video) showing the APD Command Post parked in the fire lane at the Cottonwood Mall. It also showed that there was ample room for any fire trucks responding to the location to park. **Case Status:** Closed (Appealed)

Officer: A

APD Area: NW

SOP: 1-19-10I1 (Use of APD Vehicles)

Finding: Exonerated

IRO/Chief's Decision: Agreed

Disposition: None

On December 12, 2013, the Complainant gave a synopsis of the case. Complainant alleged that an APD vehicle was parked in a fire lane for several weeks at a local mall. APD IA Lieutenant presented a synopsis and informed the commission that proper permission was given to APD and a tactical plan was put in place. IRO Hammer gave a synopsis of the case and the tactical plan used in parking the APD vehicle in the fire lane. Complainant gave a rebuttal and reiterated the Albuquerque City Code for parking violations. Commission Shine moved to grant the appeal and reject the IRO letter. Passed.

For: 4 – Barela, Barker, Peterson, Shine

Against: 2 – Cameron, Foster

Recused: 1 – Siegel

CPC-2012-259 District: 2 NHA: Downtown

Investigator: IRO

Complainant alleges that on September 19, 2012, he observed an Albuquerque Police Department unmarked vehicle parked in the Police Vehicle Only parking area. Complainant claims the vehicle had no permanent plate or temporary tag visible. Complainant also claims that the officer stated he was exempt due to the vehicle being an unmarked undercover vehicle. Complainant declined to be interviewed by the IRO Investigator. IRO investigator reviewed complaint, officer's statement, and found that officer's conduct was lawful or proper.

Case Status: Closed (Appealed)

Officer: A **APD Area: VA**

SOP: 1-04-1F (General Conduct)

Finding: Exonerated

IRO/Chief's Decision: Agreed

Disposition: None

SOP: 1-19-9B (Use of APD Vehicles)

Finding: Exonerated

IRO/Chief's Decision: Agreed

Disposition: None

On December 12, 2013, the Complainant gave a synopsis of the case. Complainant alleged that an APD officer was using a department-issued vehicle without the proper temporary tags or permanent G license plate. APD IA Lieutenant informed the Commission that it is common practice for undercover vehicles to violate the law and operate department-issued vehicles without the proper tags or plates. IRO Hammer gave a synopsis of the case and cited New Mexico Supreme Court versus Mosley and cited State versus Vallejos. Complainant gave a rebuttal and informed the Commission that he did not see in the record that the officer was working in an undercover capacity. Commission Barker moved to uphold the findings of the IRO and deny the appeal. The motion failed and ended in a tie vote. Under Robert's Rules of Order, with a tie vote, the IRO's findings were upheld.

For: 3 – Cameron, Barker, Foster

Against: 3 – Barela, Peterson, Shine
Recused: 1 – Siegel

Job-Well-Done Reports Received This Quarter

During the months of October–December 2013, Independent Review Officer (IRO) Robin Hammer received 57 **Job-Well-Done (JWD) Reports**. For the year 2013, the IRO received 166 Job-Well-Done Reports. The IRO forwarded all Job-Well-Done Reports to the Albuquerque Police Department (APD) Chief of Police for acknowledgment. The Albuquerque Police Department gave a copy of each JWD to the APD employee's supervisor and employee.

JWD-2013-012

Received by IRO: December 14, 2013

A citizen was involved in a traffic accident and at the time she could not coherently explain what happened because she was in shock and injured. After the accident, she contacted Officer L. to explain what happened. Officer L. took the time to file a supplemental report explaining the citizen's view of the events. The citizen was appreciative of the officer's professionalism in taking the time to assure that her account was considered.

JWD-2013-071

Received by IRO: October 23, 2013

A citizen was lost while hiking in the Bosque and called the 911 operator. The citizen described the operator as kind, helpful, patient, and very professional. The citizen was also appreciative of the responding APD officers who were very helpful, professional and kind to drive her back to her car.

JWD-2013-077

Received by IRO: December 18, 2013

A citizen reported that the recreational vehicle (RV) they owned was impounded. The citizen explained that Officer T. was very helpful when they needed to get the prescription medications for the citizen's girlfriend out of the RV. The citizen appreciated that the officer was very professional and understanding.

JWD-2013-078

Received by IRO: October 1, 2013

A Florida resident was touched to see the news story on the compassionate kindness of an APD officer. The citizen would like to compliment the officer for his actions and thank him for the positive role model he displays to members of the public safety team(s).

JWD-2013-079

Received by IRO: October 1, 2013

A citizen wanted to extend her appreciation for an APD detective, a neighbor. The citizen reported to receive an HOA notice about weeds in the front yard. In consideration of her illness, that APD detective volunteered to help her pull the weeds in her yard. The citizen appreciates the time and physical toll it saved her from doing it alone. The citizen appreciated the kindness of this officer and described the good and caring neighbor he was. She is grateful to have him in her neighborhood.

JWD-2013-080

Received by IRO: October 1, 2013

A citizen reported seeing the news about an APD officer's humanity towards a grandmother with six children. Citizen would like to extend the compliment for the honorable man the officer is.

JWD-2013-081

Received by IRO: October 1, 2013

A California resident logged on the website and found out that one of the officers did an act of kindness. The citizen was referring to the APD officer's effort to use his own money to buy groceries for an elderly woman and her grandchildren. The news brought a refreshing and honorable light to police who are often reported to have poor, uncaring, and abusive behavior.

JWD-2013-083

Received by IRO: October 1, 2013

A Delaware resident saw the news about APD Officer M. who spent his own money for groceries for an elderly woman. Citizen reported to be a Military Police for 20 years and was touched by the act of kindness and offered to help any way he can. The citizen also reported to be a disabled veteran and felt pride for the APD officer, APD department, and a fantastic Chief of Police APD has.

JWD-2013-084

Received by IRO: October 1, 2013

An Oklahoma resident extends his appreciation for Americans like APD Officer M. The citizen is elated to hear about the generosity of the officer and how this officer showed patriotism.

JWD-2013-085

Received by IRO: October 2, 2013

A Texas resident reported to have hosted a teen driver safety workshop. As a Public Affairs person for AAA Texas and New Mexico, he greatly appreciated the DWI APD officers who attended the event. The citizen described the APD officers' outstanding participation and appreciated the real life stories shared about the field, personal stories, and the law enforcement perspective. The citizen added that the officers' participation enhanced the program and was welcomed by the attendees who appreciated the officers' dedication and commitment.

JWD-2013-086

Received by IRO: October 2, 2013

An Illinois resident reported seeing the news about APD Officer M. who spent his own money for groceries for an elderly woman. The citizen was impressed with the perfect example this officer showed as one who serves and protects.

JWD-2013-087

Received by IRO: October 3, 2013

A citizen spoke with two APD officers at the Tramway/Montgomery substation about delivering food to needy families on Thanksgiving Day. The citizen described the officers to be helpful and directed her to a contact person who could help.

JWD-2013-088

Received by IRO: October 4, 2013

A British citizen was watching a TV program about police officers and realized a new-found appreciation for police officers and the challenges they face. The citizen highly commends the professionalism officers have to protect the community.

JWD-2013-089

Received by IRO: October 4, 2013

A citizen is an employee at New Mexico Clinical Research and Osteoporosis Center and reported that the staff parks on Tijeras located on a busy intersection. The citizen observed that APD officers have been situated to direct traffic and assist the staff. The citizen expresses the appreciation to the APD officers who helped ensure safety in the area.

JWD-2013-090

Received by IRO: October 4, 2013

A citizen contacted 242-COPS and requested that an officer drive by and check on their home. Citizen was out with her husband while the babysitter was at home. The babysitter reported to have heard dogs barking and loud noises at the home. The citizen was grateful to the responding APD officer who searched the home and waited until the citizen and husband came home. The babysitter was appreciative that the officer made sure she felt safe and for going above and beyond his duty.

JWD-2013-094

Received by IRO: October 8, 2013

A citizen contacted the police to search for his mother-in-law, who has severe dementia and who wandered off. Citizen was grateful for the response from APD officers and the number of APD officers who responded. The citizen wanted to express his heartfelt gratitude to the officers for finding his mother-in-law and for the APD officers' strong and caring response.

JWD-2013-095

Received by IRO: October 8, 2013

A Pie Town resident complimented APD Officer M. for helping the elderly grandmother and her family.

JWD-2013-096

Received by IRO: October 9, 2013

A Taos resident was impressed at the APD officer who responded to his incident involving a hit-and-run. The citizen described the officer to be extremely helpful and provided the citizen with as much information as possible for the police report.

JWD-2013-097

Received by IRO: October 9, 2013

A citizen called the police to report the loud parties in the apartment next door. The citizen appreciates that APD responded within 15 minutes and talked to the neighbors.

JWD-2013-099

Received by IRO: October 16, 2013

A citizen was involved in an accident on I-25. The citizen was grateful that the APD officer arrived in a timely manner and described the officer to be friendly, courteous, and helpful.

JWD-2013-100

Received by IRO: October 18, 2013

A citizen was in a bike lane and expressed his gratitude to the APD officer who pulled to the side of a busy road and turned his emergency lights on to ensure his safety. The citizen was thankful that the officer took the time to wait and clear the bike lane so the citizen could pass.

JWD-2013-101

Received by IRO: October 21, 2013

A citizen reported that he had accidentally struck a dog on I-25 and contacted a 911 operator. The citizen was grateful that the responding APD officer was professional, helpful, and reassuring.

JWD-2013-102

Received by IRO: October 21, 2013

A Colorado resident called the non-emergency number and requested a welfare check on her brother, who resides in Albuquerque. The citizen reported the suicidal tone and messages she noticed. The citizen was impressed with the operator's diligent response and the compassion to ask questions in order to send APD officers into her brother's home. Citizen was thankful that her brother was brought to the hospital as a result and the citizen was updated on her brother's whereabouts.

JWD-2013-104

Received by IRO: October 27, 2013

A couple expressed their gratitude to the service of APD officers during an officer-involved shooting incident on Montano. These citizens expressed their gratitude and appreciation for APD Chief of Police's honesty and demeanor during questions.

JWD-2013-105

Received by IRO: October 28, 2013

A citizen had received a traffic citation. Citizen was grateful for the APD officer who was described as professional, courteous, and respectful. Citizen applauds the officer's demeanor at the court appearance as well and credits the department for gaining his trust.

JWD-2013-106

Received by IRO: October 29, 2013

A couple expressed their appreciation for APD officers and interim Police Chief for doing a good job. The couple moved from Lexington, Kentucky, and expressed how impressed they are with the services of the department.

JWD-2013-107

Received by IRO: October 29, 2013

A couple reported to have witnessed the police chase and officer-involved shooting on Montano on October 26, 2013. The couple was at the gas station with other patrons when APD officers secured and contained the area. The couple was deeply grateful and thankful for the officers who kept them calm and out of harm's way. The couple was inspired and appreciated the courtesy and professionalism of the officers despite the stressful circumstances.

JWD-2013-108

Received by IRO: October 31, 2013

A citizen was appreciative of the investigating officer who responded to an attempted burglary of his neighbor. The officer reviewed the surveillance camera of the citizen and was able to apprehend the burglar in another residential area.

JWD-2013-109

Received by IRO: November 1, 2013

A citizen reported to see two young men running from her elderly neighbor's home and provided the information to APD. The responding officers were polite and professional. The detective also took the time to update the citizen on the status of the perpetrators. The detective was described as respectful and honorable, and was impressed that he was an ex-Marine, who continues to serve his country.

JWD-2013-110

Received by IRO: November 2, 2013

A citizen reported that his wife and eight-year-old granddaughter were in a car accident. The citizen was extremely grateful to the emergency crew that handled the accident. The APD officer on scene was described as professional, calm, courteous, and knowledgeable. The citizen felt fortunate for the officer's service and is grateful that this officer allowed him to follow the ambulance to the hospital.

JWD-2013-111

Received by IRO: November 2, 2013

A couple was grateful to the APD chaplain and officers who responded to their daughter's home. Citizen reported that their son-in-law committed suicide and the responding APD officers were caring, compassionate, and understanding.

JWD-2013-112

Received by IRO: November 6, 2013

A citizen wrote to commend three APD officers for the professionalism and willingness to assist him with a criminal complaint of potential fraud. The efforts of the officers resulted in the indictment of the offender and the citizen is grateful for the officers who showed concern and readiness to listen to his complaint. Citizen was impressed with the APD officers and their service that the department should be proud of. The citizen felt that the officers represented a high level of competence, reliability, and commitment to their duties.

JWD-2013-113

Received by IRO: November 10, 2013

A citizen expressed his heartfelt gratitude on behalf of the Singing Arrow Community Center staff and students to APD.

JWD-2013-114

Received by IRO: November 17, 2013

A citizen was impressed to see that the APD officers responding to a call were knowledgeable. The citizen reported to be responding to a patient who passed out in her car and reported to work for Albuquerque Ambulance. The citizen appreciates the officers' response and thoughtfulness for the patient's condition. The citizen reported that the APD officers willingly assisted in getting the patient out of her car and into the ambulance unit.

JWD-2013-115

Received by IRO: November 19, 2013

A citizen participated in a ride-along with an APD officer. The citizen described the experience was impressionable and left an impact for her to join the department. The citizen expressed her heartfelt gratitude that the officer was encouraging and knowledgeable, and that the officer was able to answer all her questions.

JWD-2013-116

Received by IRO: November 19, 2013

An Iowa resident reported that his son (a disabled veteran) was a victim of fraud. The citizen reported that his son and wife live in Albuquerque and had a house guest, who may have taken advantage of his son's condition. APD was called and the officer assigned to the case was very gracious, professional, and patient. The citizen was grateful that the APD officer treated his son with respect and understood his condition.

JWD-2013-117

Received by IRO: November 19, 2013

A Canadian resident expressed his support for the police department despite the negative news portrayed in the media.

JWD-2013-118

Received by IRO: November 21, 2013

A citizen appreciated APD and the officer who responded to three calls during his ride-along. The citizen observed the officer's professional and courteous manner on every call. The citizen commends the officer's dedication to the Albuquerque community.

JWD-2013-119

Received by IRO: November 22, 2013

A citizen reported that a Commander in the Southeast Area Command was helpful and was readily available for the business owners in the area. The citizen feels fortunate that the Commander was very caring and provides excellent service despite the challenges in the area. The citizen appreciates that the Commander takes the time to listen to their concerns and assists with solutions to their issues.

JWD-2013-120

Received by IRO: November 25, 2013

A citizen expresses his gratitude to the entire police department for their service. The citizen reported to be a victim of auto theft on November 9, 2013. Citizen appreciates that the vehicle was recovered on November 22, 2013, and respects the officers for their commitment to their duties. Citizen understands the scrutiny and criticism from the media and other groups, and would like to express his respect and appreciation for APD instead.

JWD-2013-121

Received by IRO: November 26, 2013

A citizen reported suspicious activity in his area and called the non-emergency line to report. The responding patrol officer visited the location and the citizen appreciates the immediate response to his request.

JWD-2013-122

Received by IRO: November 26, 2013

A citizen witnessed an APD officer assist a homeless man retrieve crutches from the middle of a busy street. The citizen is a reporter and commends that this officer took the time to serve the community and appreciates the kindness of the officer.

JWD-2013-123

Received by IRO: November 27, 2013

A citizen reported to have accidentally entered the wrong mailing address (neighbor's) in an online order. The citizen had difficulty tracking the package and requesting the neighbor's assistance. He later called APD, and the responding officer was described to be extremely friendly and kind. The citizen felt that the officer listened to his needs. The officer explained that the citizen can file a report but may not be able to retrieve the package. The citizen reported that the officer later came back and was able to locate the package. The citizen was extremely happy and humbled that the officer was nice and polite. In addition, the citizen commends the officer who went above and beyond his duties.

JWD-2013-124

Received by IRO: December 3, 2013

A citizen reported that 911 dispatched a Crisis Intervention Team (CIT) to their son's home. The citizen explained that the officers did a wonderful job of helping calm down their son after their

mentally ill son "went off." The citizen described how the officers deescalated the situation and transported their son without injury to another location. The citizen could not remember the officers' names but particularly wanted to thank the young woman who talked with her and for handling the situation with sympathy and professionalism. The citizen wrote, "Many thanks to APD for adopting CIT training!"

JWD-2013-125

Received by IRO: December 9, 2013

A citizen expressed his gratitude to Officer M. for being professional and her effective response regarding a vandalism incident.

JWD-2013-126

Received by IRO: December 9, 2013

A citizen brought his 70-year-old neighbor to the Valley substation to make a police report on a civil matter. The citizen expressed his appreciation to Officer S. for taking the police report and for being patient, professional, and helpful with the neighbor.

JWD-2013-127

Received by IRO: December 10, 2013

A citizen received an alert from the security company for an alarm set off in her place of business on Thanksgiving Day. Officer B. responded to the call. The citizen described how Officer B. cleared the building and stayed with the citizen while she boarded up the window to make sure that the person didn't return. The citizen reported that Officer B. even hammered in the pickets to the back fence. The citizen wrote that Officer B. was polite and very patient while explaining the procedures and how to prevent another incident. The citizen appreciated that Officer B. was professional and made her feel safe.

JWD-2013-128

Received by IRO: December 12, 2013

A citizen wrote that Detective M. of APD's Narcotics Unit helped the citizen's elderly mother by addressing a problem neighbor in the Westgate neighborhood. The citizen reported that an officer took all the information over the phone, and within two hours, Detective M. was there in person to stop the drug dealing. The citizen expressed his appreciation for Detective M., who makes this a better city.

JWD-2013-158

Received by IRO: December 19, 2013

A citizen saw the evening news report about Lieutenant R. The citizen wanted to thank Lieutenant R., who rescued a dog left outside at night. The citizen expressed her gratitude and said to keep up the good work.

JWD-2013-159

Received by IRO: December 20, 2013

A citizen was extremely appreciative of Officers C. and B. for going out of their way to help him. The citizen reported that officers tried to help him get his car started and when they could not, they gave him a ride home.

JWD-2013-160

Received by IRO: December 23, 2013

A citizen reported that she was involved in a violent crime in September of 2013. He wanted to compliment APD for locating the murder suspect. The citizen stated that he now "feels happy because now his friend is resting at peace." He further wrote, "Thanks APD, it is a big relief."

JWD-2013-161

Received by IRO: December 26, 2013

A Nebraska resident expressed heartfelt gratitude to APD after watching a television news story about the eight APD officers who bought presents for the Rudolph family. Criminals had stolen the Rudolph family's Christmas presents from under their Christmas tree, prior to Christmas. The eight APD officers purchased replacement gifts with their own money and delivered the wrapped presents to the Randolph family.

JWD-2013-162

Received by IRO: December 26, 2013

A Pennsylvania resident who saw the video of eight APD officers who saved Christmas for the Melva Randolph family wanted to say thank you to the officers.

JWD-2013-163

A Texas resident was touched after watching the news report of the eight APD officers who bought presents for the Randolph family.

JWD-2013-164

Received by IRO: December 26, 2013

A Nevada resident wanted to thank the APD officers for what they did for the little girl and her mom (the Randolph family).

JWD-2013-165

Received by IRO: December 26, 2013

A Colorado resident was impressed with the acts of kindness by the eight APD officers who bought presents for the Randolph family.

JWD-2013-166

Received by IRO: December 27, 2013

A citizen reported that he was issued a citation by Officer P. at Manzano High School. The citizen wanted to notify Officer P.'s commanding officers that he was extremely polite, courteous, professional and thorough during the encounter. The citizen wrote that despite the citation, Officer P. left an extremely positive impression of the Albuquerque Police Department.

SUMMARY OF FOURTH QUARTER 2013

The Independent Review Office received 54 complaints for the Fourth Quarter from October-December 2013. December had the highest number of complaints received in the Fourth Quarter. The IRO received an average of 11 complaints per month during the Fourth Quarter 2013. Each investigator is assigned at least 16 new Citizen Police Complaints per month. The IRO has forwarded 24 CPCs to IA investigators. The office diligently investigates pending cases received in 2012 and 2013.

Based on data collected, complainants most likely reported alleged misconduct of APD officers as occurring midweek and from 12:00 noon to 3:00 p.m. Complainants reported higher alleged misconduct located in City Council District 2 and 9. The highest number of complaints received was from residents of City Council District 2.

Complaints received in the Fourth Quarter include 45 complaints from Albuquerque residents, five complaints from complainants who live outside Albuquerque, and two complainants residing from another state. The highest number of complaints was received from female White citizens with the age range of 30-34 years old.

Complainants were most likely to file a report on male White Albuquerque Police Department officers with the age range of 40-44 years old. Most alleged misconduct involved officers in Field Services and Patrolman First Class rank with 4-6 years of service since date of hire. During the Fourth Quarter 2013, complaints were more likely filed on officers assigned in the Valley Area command.

The IRO presented 71 Citizen Police Complaints to the Police Oversight Commission during the Fourth Quarter 2013. This resulted in 37 inactivated cases and 34 closed cases with findings, which included complaints filed in 2012. The IRO submitted an average of 17 CPCs per month to the POC.

Of the 34 CPCs closed, there were 98 allegations of Standard Operating Procedures (SOPs) reviewed by the POC. During the Fourth Quarter, IRO and IA Investigators are most likely to investigate alleged APD SOP violations on Officer Conduct (1-04) and Use of Recording (1-39). Of the 37 CPCs inactivated, the highest number of inactivation were informally resolved and mediated.

In addition, the IRO also presented two (2) Officer-Involved Shootings, three (3) appealed CPCs, and two (2) non-concurrences and were reviewed by the POC during the Fourth Quarter 2013.