

*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 cases received by the IRO

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

# Independent Review Office

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## CITY OF ALBUQUERQUE

Richard J. Berry  
Mayor

Robert J. Perry  
Chief Administrative Officer



# *Independent Review Office of the Police Oversight Commission 2013 Second Quarter Report (April - June)*

David Cameron  
**Chair**

Jonathan Siegel  
**Vice Chair**

Robin S. Hammer  
**Independent Review Officer**

### **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.*

## 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**

Paul A. Skotchdopole

**Independent Review Office Investigator**

Chris Davidson

**Independent Review Office 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

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During the Second Quarter, the POC met on  
April 11, 2013  
May 9, 2013  
June 13, 2013

## 2013 LONG-TERM PLANNING COMMITTEE (LTPC)

### MEMBERS

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

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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

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The LTPC held meetings during the Second Quarter 2013 on:

April 25, 2013  
May 23, 2013  
June 27, 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

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JONATHAN SIEGEL (CHAIR)  
DAVID CAMERON  
CARL FOSTER  
RICHARD SHINE

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

April 11, 2013  
May 9, 2013  
June 13, 2013

On April 11, 2013, Commissioner Richard Shine joined Public Outreach Committee as a member.

## EXECUTIVE SUMMARY

As Independent Review Officer, during the Second Quarter 2013, I continued to make improvements to the Independent Review Office (IRO) practices.

During the Second Quarter, most citizens filed their complaints against APD using the IRO's web-based complaint forms, which included the addition of electronic Signatures for Online Complaints through the IRO's website. Through my re-design of the IRO website, members of the public could also access online the APD Standard Operating Procedures (SOPs). The Albuquerque Police Department's SOPs are the rules which APD officers and employees must follow. My investigations into complaints compare APD employee's conduct to the SOP to determine if they followed the rules. By providing access to SOPs online, members of the public could better understand police procedures, as well as my Findings letters.

In addition to easier means to file complaints, I created an online method for members of the public to provide compliments to APD officers and employees. Through the creation of the Job-Well-Done form, which can be found on the IRO's website, members of the public were given an easy and convenient method to let an APD officer or employee know that someone appreciated their work. More than 40 members of the public provided praise to APD employees during the Second Quarter 2013.

In April 2013, the City Council passed a Resolution funding a new full-time position in the IRO office, a Management Analyst II position at the IRO's office. The City's Chief Administrative Officer, Rob Perry, had previously approved the creation of the position. The IRO's newly-hired Analyst began working in late April 2013. Immediately after the Analyst was hired, she and I began working to completely revise the IRO's Annual and Quarterly Report formats.

This revision of the IRO Quarterly and Annual Reports was a multi-month project. The project began with working with software developer Ed Longhi to develop an updated and revised version of the IRO's database. Without good data being collected, the Quarterly and Annual Reports could not have meaningful data to report. After months of long hours, Mr. Longhi created a new database system which tracks information about complaints filed by members of the public, Citizen Police Complaints (CPCs), as well as the IRO's review of Officer-Involved Shootings. This information in this Quarterly Report is based upon Mr. Longhi's database.

On May 20, 2013, City Councilors Trudy Jones and Brad Winters introduced legislation to suspend the operation of the POC pending a review of the city's police oversight process. On June 24, 2013, that bill failed to pass.

During the Second Quarter 2013, I regularly met with Chief Schultz to discuss APD policy and procedures. For example, after the issue arose in a CPC, at my suggestion, Chief Schultz sent out information to all APD officers regarding the SOP relating to resisting arrest. I also worked with Chief Schultz to begin a review of the Officer-Involved Shooting SOP.

The IRO and POC were very busy during the Second Quarter 2013. I look forward to making continued progress in police accountability and transparency.

## OFFICER-INVOLVED SHOOTINGS

In the Second 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-228-11** (reviewed by POC on April 15, 2013)

IRO Hammer gave a summary of the case in which Officer P., on August 30, 2011, discharged his weapon, shooting Mr. M. This case was received in the IRO office on February 15, 2012. The shooting occurred on August 30, 2011. The Multi-Jurisdictional Officer-Involved Police Shooting Team completed their investigation on January 19, 2012. The Albuquerque Police Department (APD) Internal Affairs Unit completed their review on February 6, 2012. The District Attorney's Office completed their criminal review on March 25, 2013.

On August 30, 2011, Detective J. of the Criminal Investigation Bureau received approval to implement a tactical operational plan to set up surveillance to attempt to apprehend a robbery suspect, Mr. M. Mr. M. had an outstanding arrest warrant for three separate armed robberies. On the day of the surveillance, detectives observed Mr. M. exit the house and retrieve a gym bag or duffle bag from an outside storage room, then headed west away from the house into the open field. Shortly thereafter, Detective L. identified the object in the gym bag Mr. M. was holding as a long gun or rifle. Detectives M. and L. identified themselves and directed Mr. M. to put down the bag and to put down the gun. When Mr. M. realized that he was being confronted by police, he raised the duffle bag and held it and the contents inside of it like one would hold a rifle. He refused to get on the ground and drop the bag containing the weapon. Detective M. asked Mr. M. to lower his weapon, but Mr. M. did not comply.

Because of Mr. M.'s direct threat to officers, officers called on the radio for SWAT officers to be dispatched to the scene to assist. Mr. M.'s girlfriend told the police that Mr. M. had purchased an AK-47 assault rifle the previous evening. Mr. M. raised the loaded AK-47 rifle towards Detectives M. and L. As Mr. M. raised the rifle, Officer P. believed that Detectives M., L., the girlfriend, and nearby residents were in immediate danger of death or great bodily harm. Officer P. fired his rifle at Mr. M. Mr. M. did not fall down immediately, and appeared to turn. Officer P. fired a second round, and Mr. M. fell to the ground. Mr. M. died at the scene from his gunshot wounds. After the shooting, officers obtained a search warrant and found luggage which contained men's clothing, toiletries, and ammunition identical to the type loaded in the AK-47. Officers seized Mr. M.'s AK-47 from the field and found a round in the chamber and a magazine loaded with 30 additional rounds.

IRO reviewed Officer P.'s actions and APD Procedural Order §2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order §1-04-4(D). The available evidence indicates that Officer P. used deadly force to protect other officers and civilians within shooting range of Mr. M. It appeared to Officer P. that Detectives and civilians were in imminent danger of being killed or seriously injured by Mr. M.'s firing his AK-47 rifle. Officer P.'s belief was reasonable. The available evidence also indicates that Officer P.'s actions in deploying in a concealed location to

assist in the SWAT response to a direct deadly threat to officers were consistent with the functions and objectives of the department. Officer P. maintained the standard of efficiency of the department.

IRO found that Officer P. complied with APD Procedural Order §2-52-3(B)(1), and APD Procedural Order §1-04-4(D)1. IRO recommends that Officer P.'s actions are **EXONERATED**, meaning that his actions as applied to this SOP were lawful and proper, and the shooting found justified.

#### **POLICE SHOOTING CASE I-29-12** (reviewed by POC on May 9, 2013)

IRO Hammer gave a summary of the case in which Officer W., on February 14, 2012, discharged her weapon, shooting a dog. This case was received in our office on May 15, 2012. The APD Internal Affairs Division completed their review on May 15, 2012. Officer P. shot at the dog, but missed the dog.

On February 14, 2012, at approximately 7:20 p.m., Officers O., W. and Sergeant P. responded to a domestic violence call at 1015 Walter SE. The person who called 911 Dispatch reported that they could hear a woman screaming and a man's fist hitting the woman. Officers could hear a woman inside the residence yelling. The area was dark. The only source of light was from within the home. While Officer O. was speaking to the man on the front porch, Sergeant P. and Officer W. entered the residence to check on the safety of the woman the 911-caller described. As Officer W. and Sergeant P. were entering the kitchen, Officer O. informed them that the man said the woman had run out the backdoor of the house because the woman had active warrants for her arrest. Officer W. and Sergeant P. continued through the kitchen toward the backyard to check on the safety of the woman. The officers could hear a dog barking in the dark backyard. Officer W. walked in front of Sergeant P. As Officer W. walked down the steps out the backdoor Sergeant P. saw that a medium-sized barking dog had charged at Officer W. Sergeant P. believed that the dog was going to bite Officer W. Sergeant P. fired her duty weapon at the dog. The dog retreated into its dog house a few feet away. Sergeant P. requested that an Albuquerque Animal Control employee be called out to check on the dog's well-being and for a Field Investigator to come photograph the scene. An Albuquerque Animal Control employee examined the dog. The dog did not sustain any injuries.

IRO reviewed Sergeant P.'s lapel camera and the photos of the incident. The lapel camera showed that the backyard area was dark. The officers' actions and the dog's angry bark were captured on the video. IRO reviewed Sergeant P.'s actions and APD Procedural Order §2-52-3(B)(1), Use of Deadly Force, and APD Procedural Order §1-04-4(D). The available evidence indicates that Sergeant P. used deadly force to protect Officer W. from being bit by a charging dog. Sergeant P.'s belief was reasonable. The available evidence also indicates that Sergeant P.'s actions in planning the entry into the house and her use of deadly force to protect herself and others were consistent with the functions and objectives of the department. Sergeant P. maintained the standard of efficiency of the department. IRO found that Sergeant P. complied with APD Procedural Order §2-52-3(B)(1), and APD Procedural Order §1-04-4(D)1. IRO recommends that Sergeant P.'s actions are **EXONERATED**, meaning that her 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 sent to:*

- IRO's website: [www.cabq.gov/iro](http://www.cabq.gov/iro)
- IRO office at Room 813, Plaza del Sol, 600 2<sup>nd</sup> Street NW (8<sup>th</sup> Floor)
- Mail completed complaint forms to: PO Box 1293, Albuquerque, NM 87103; or
- Any APD substation or facility

### COMPLAINT PROCESS

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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, 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.

# CITIZEN POLICE COMPLAINTS (CPCs) SECOND QUARTER 2013

SECOND QUARTER (APRIL-JUNE 2013)

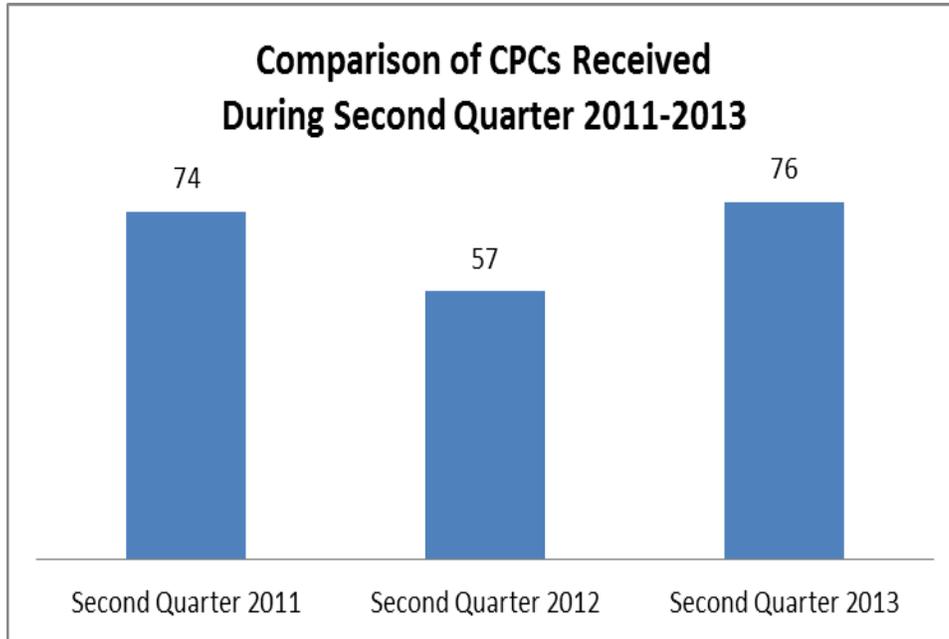


Figure 1: The IRO received a total of 76 Complaints in the Second Quarter 2013. This reflects a 9.5% increase in complaints on APD and its officers compared to 2012.

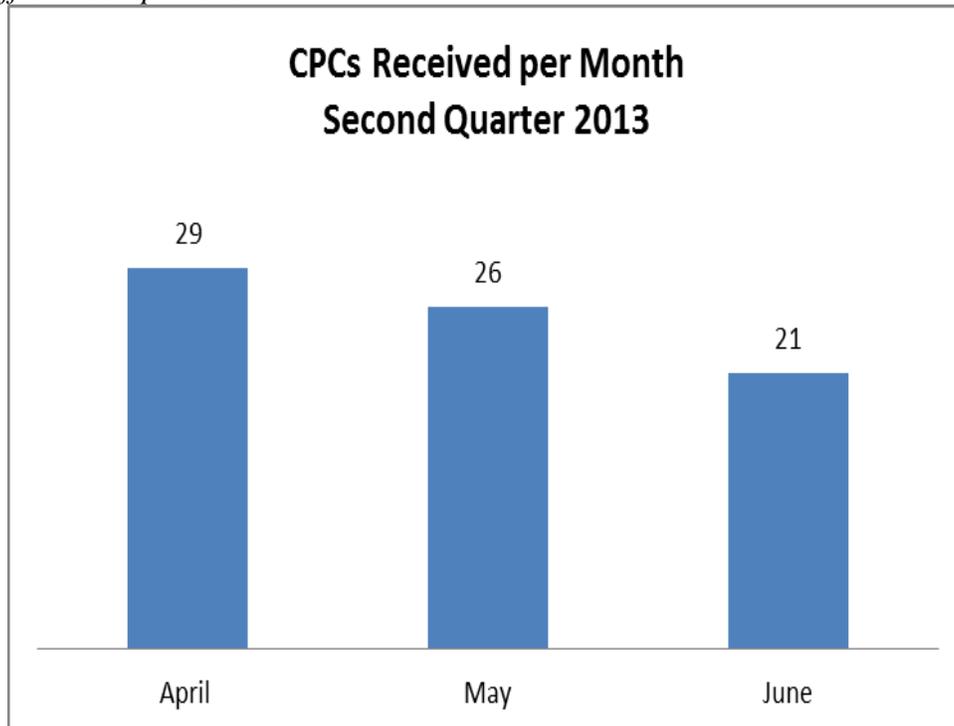


Figure 2: The IRO received the highest number of complaints in April during the Second Quarter 2013.

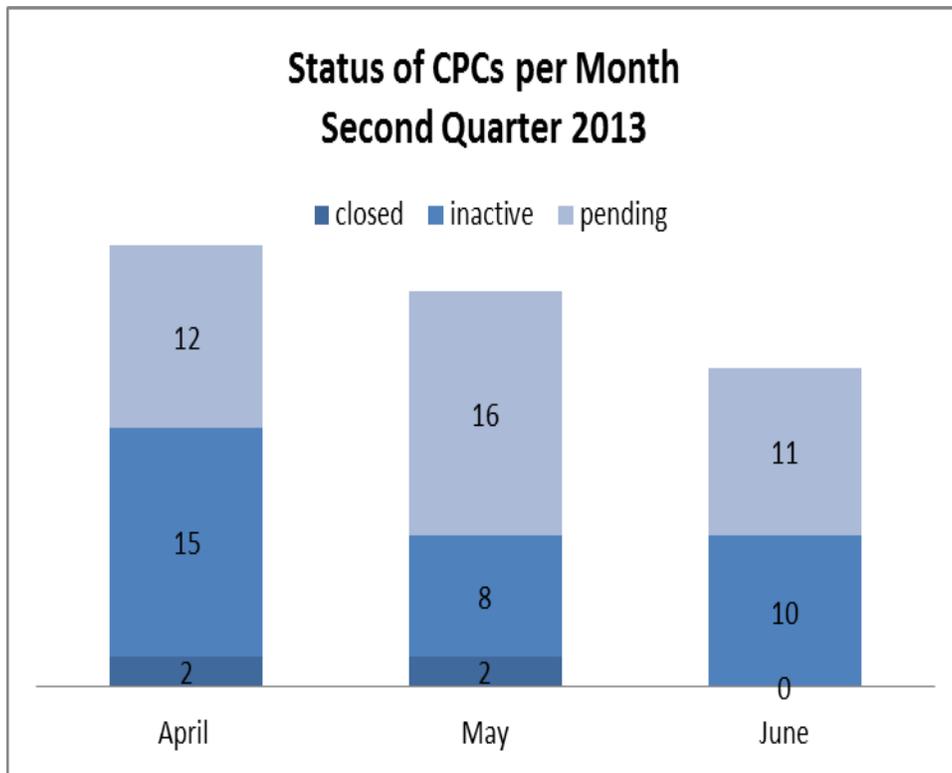


Figure 3: During the Second Quarter 2013, 76 CPCs were acted upon by the POC. The IRO inactivated 33 CPCs and closed 4 CPCs. There were 39 CPCs currently pending.

Status of cases does not include 2012 CPCs (64) actively investigated by the IRO and awaiting review by the Albuquerque Police Department Chain of Command.

## ALLEGED MISCONDUCT IN COMPLAINTS SECOND QUARTER 2013

The charts below describe the data associated with the date and time of day of the alleged misconduct contained in the complaints received during the Second Quarter 2013.

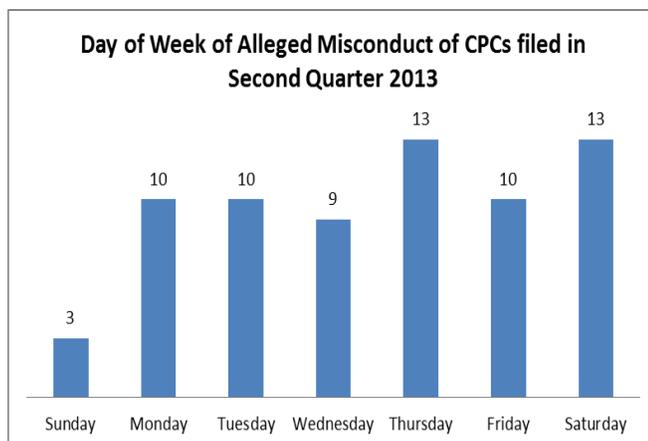


Figure 4: Sundays show slightly lower rates of alleged misconduct compared to infractions during Monday through Saturday. One incident did not provide the day of the occurrence.

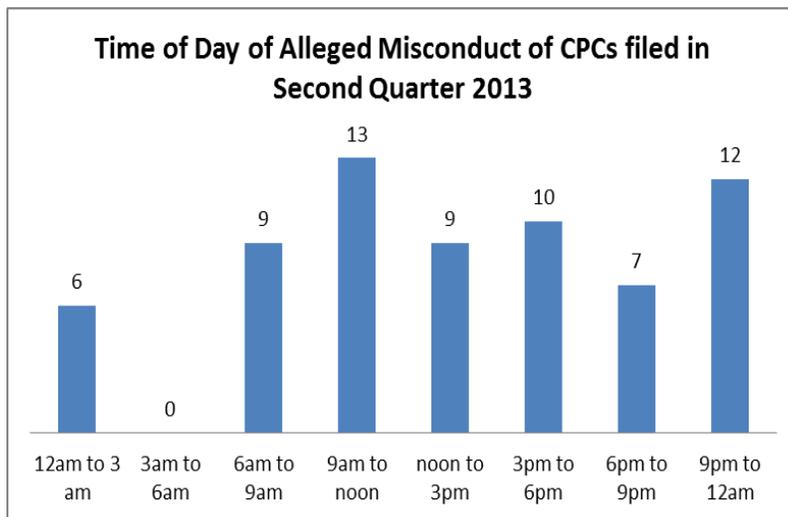


Figure 5: The highest number of complaints reported during the Second Quarter 2013 was alleged misconduct between the hours of 9 am to noon. There were three incidents that did not provide the time of occurrence.

## GEOGRAPHIC DISTRIBUTION OF COMPLAINTS

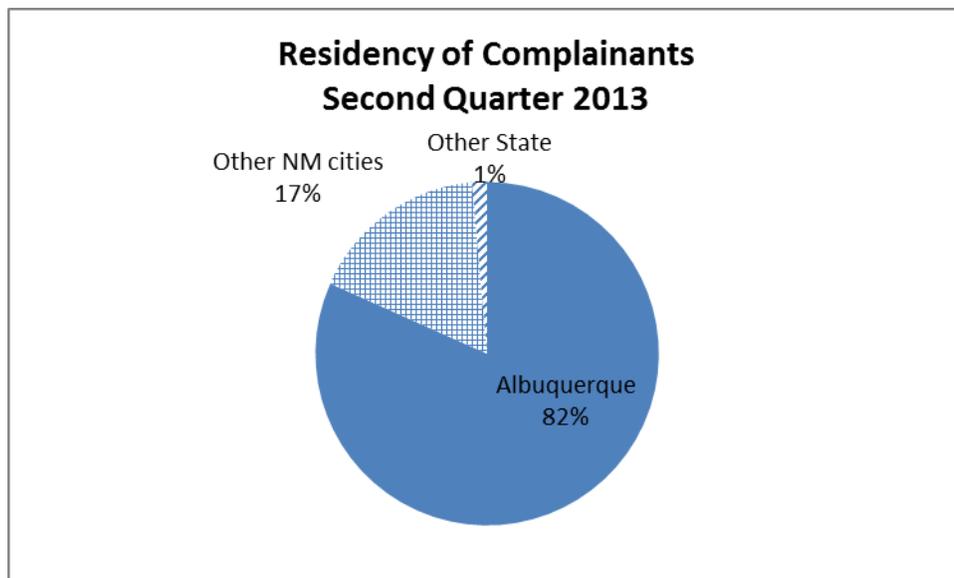


Figure 6: The IRO office received 71 complaints with addresses in Second Quarter 2013: 58 complainants were from Albuquerque residents; 12 complainants were residents of cities outside Albuquerque (Bernalillo-1; Los Lunas-2; Rio Rancho-5; Sandia Park-2; Socorro-1; and Yatahey-1); 1 complainant resides out of state (Michigan).

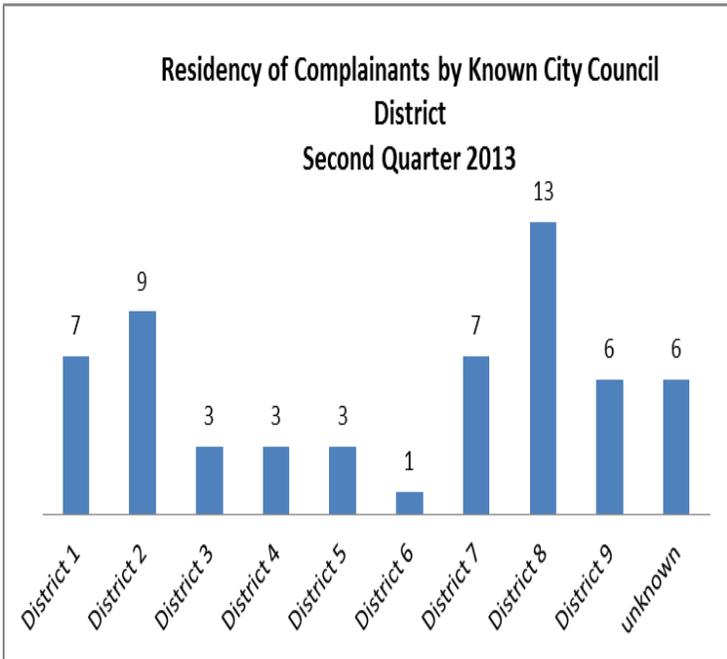


Figure 7: The IRO office received 58 complaints from Albuquerque residents, only 46 known City Council Districts. 2 complainants gave PO Boxes for addresses, while 6 addresses are unknown.

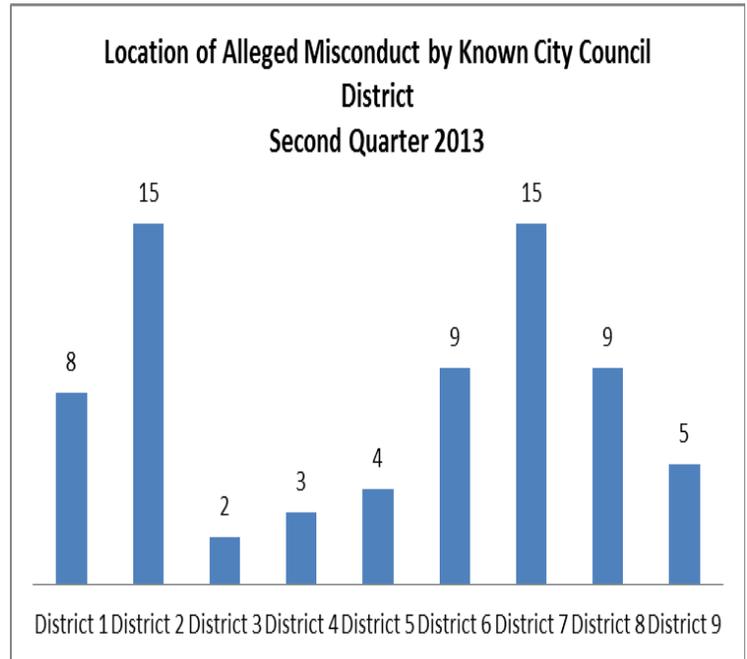


Figure 8: There were 70 known complaints with location of alleged misconduct during the Second Quarter 2013. District 2 and District 7 had the highest number of alleged misconduct.

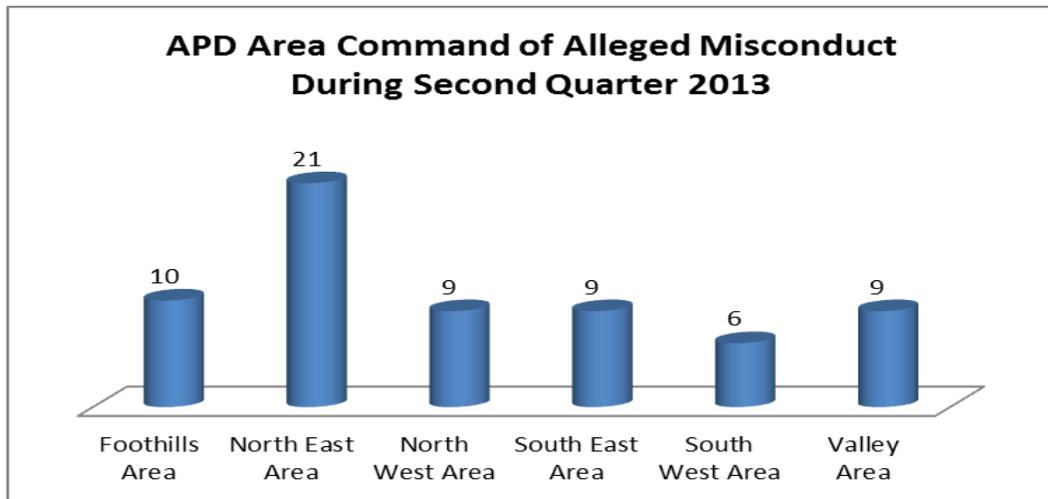


Figure 9: The IRO office received 64 complaints with identified APD Area command during the Second Quarter 2013. The highest number of alleged misconduct occurred in the area of the North East APD area command.

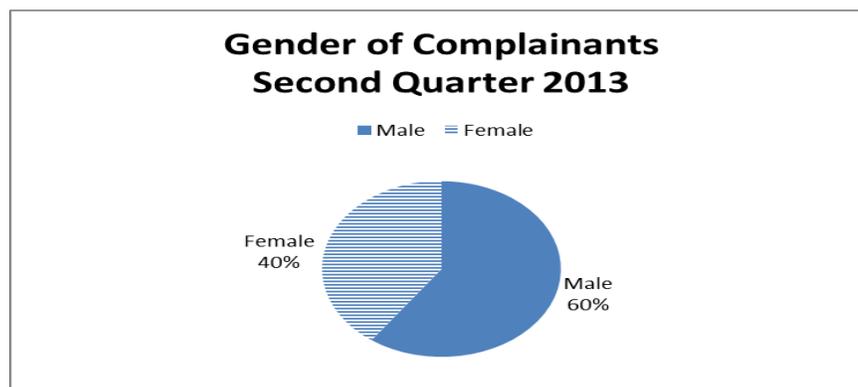
## CITY COUNCIL DISTRICTS

<i>District 1:</i>	Neighborhood Association: West Bluff; Taylor Ranch; Los Volcanes; Santa Fe Village; Tres Volcanes; Including Detention Center; Bernalillo County Metropolitan Court
<i>District 2:</i>	Neighborhood Association: South Broadway; West Park; Summit Park; Sycamore/University Neighborhood; Locations: Downtown Albuquerque; UNM Hospital; UNM Campus
<i>District 3:</i>	Neighborhood Association: Westgate Heights
<i>District 4:</i>	Neighborhood Association: Del Norte; Nor Este
<i>District 5:</i>	Neighborhood Association: Tuscany; Piedras Marcadas Locations: Cibola High School
<i>District 6:</i>	Neighborhood Association: South San Pedro; Southeast Heights Locations: Nob Hill; University area
<i>District 7:</i>	Neighborhood Association: Alta Monte; Bel-Air NHA Location: Uptown
<i>District 8:</i>	Neighborhood Association: Glenwood Hills
<i>District 9:</i>	Neighborhood Association: Sandia Vista

*Figure 10: The IRO office received 60 complaints with identified Council Districts and Neighborhood Association for the location of alleged misconduct during the Second Quarter 2013.*

## COMPLAINANT DEMOGRAPHICS

Of the 76 Citizen Police Complaints (CPCs) filed, a majority of complainants declared some or all of their demographic information during the Second Quarter 2013. The following graphs contain information on complainants retrieved from IRO MRIAD database.



*Figure 11: The IRO received complaints from 46 Males and 30 Females.*

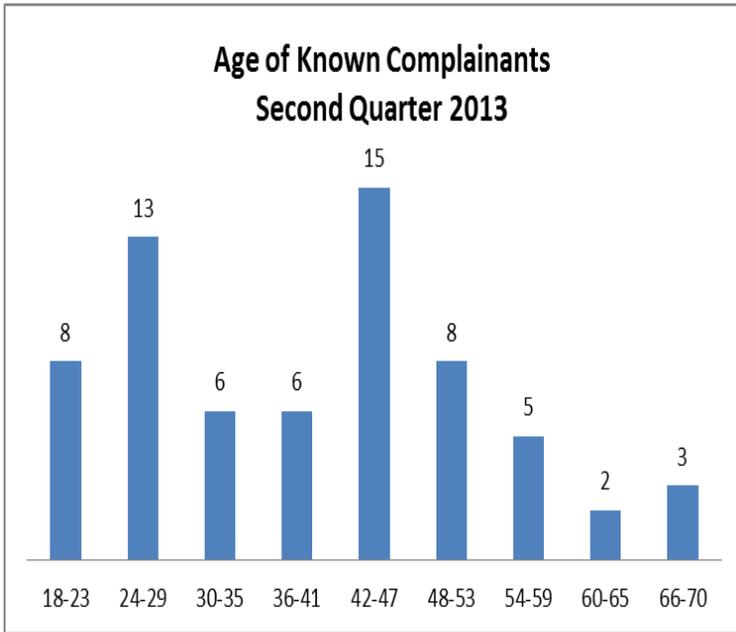


Figure 12: There were 66 complainants who provided their date of birth and age. During the Second Quarter 2013, majority of the complaints were made by complainants between the ages of 42-47.

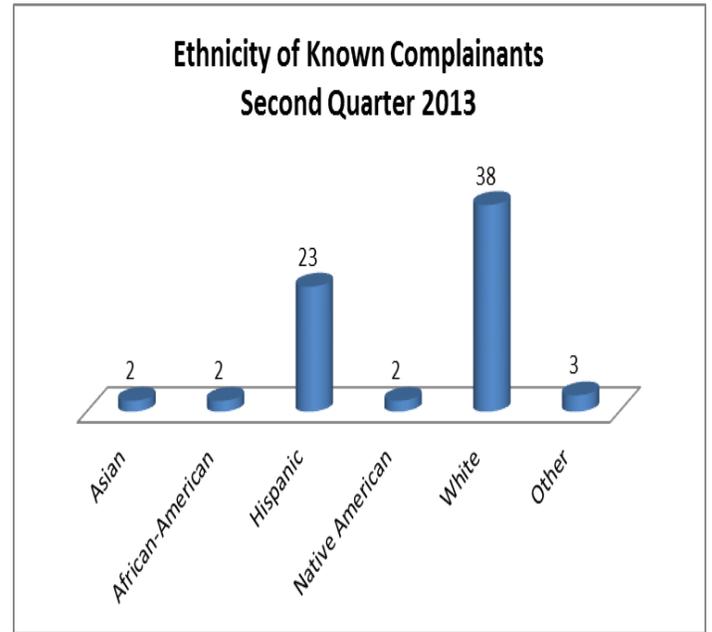


Figure 13: There were 70 complainants who provided ethnicity information. A majority of the complainants were from Whites and Hispanics.

## APD OFFICER DEMOGRAPHICS

During the Second Quarter 2013, 34 APD Officers and personnel were identified in closed cases. There can be more than one officer in a case. The graphs do not represent APD demographics as a whole.

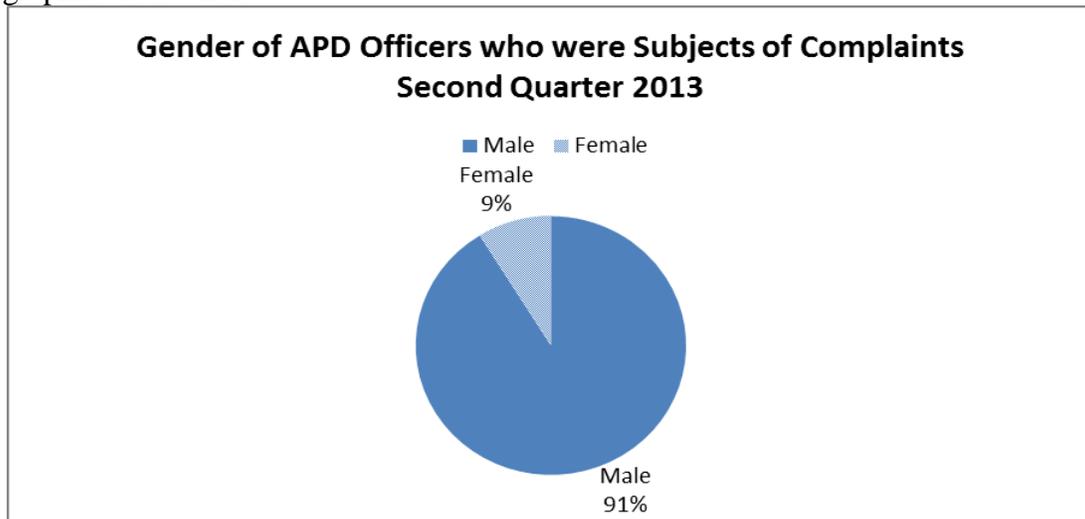


Figure 14: During the months of April-June, complainants were much more likely to make a complaint against male officers. The IRO received complaints on 31 male APD officers, and 3 female APD officers.

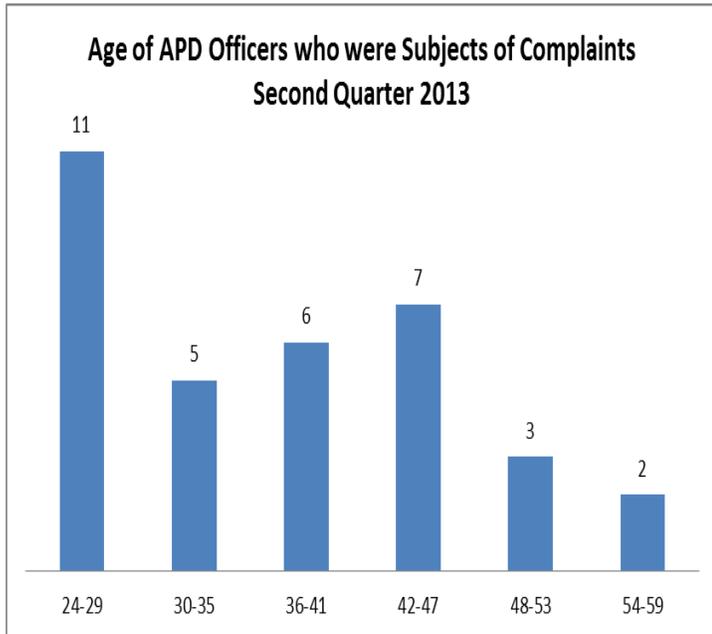


Figure 15: During the Second Quarter 2013, the most number of complaints were against officers who were between 24 and 29 years old.

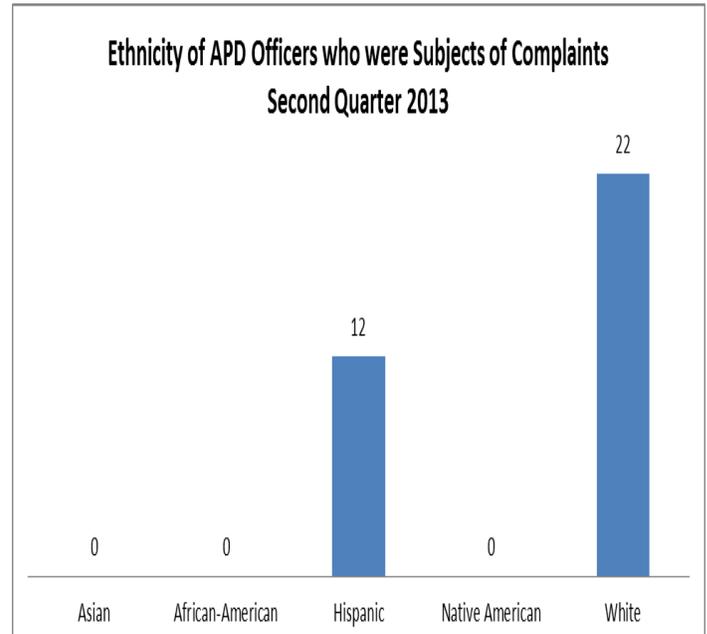


Figure 16: Of the 34 officers involved in complaints, the majority number of complaints were against officers who are Hispanic and White during the Second Quarter 2013.

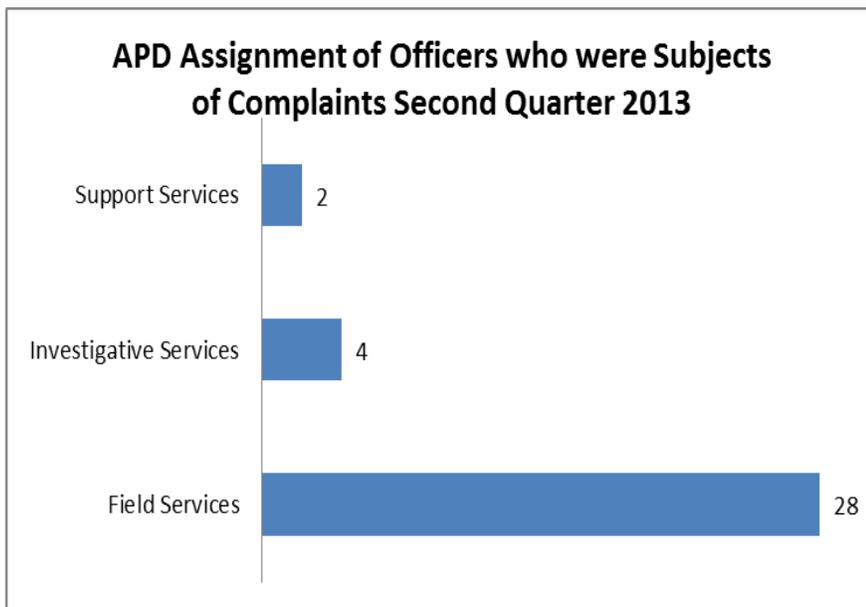


Figure 17: There were 34 APD personnel with complaints received by the IRO in Second Quarter 2013. There were 2 complaints involving officers in Support Services (Crime lab – 1; Tactical unit – 1); 4 complaints involving officers in Investigative Services (Crime Lab - 1; Criminal Investigations - 3); and 28 complaints involving officers in Field Services (Patrol).

Figure 18: There were 28 complaints received against officers in Field Services. During the Second Quarter 2013, complaints were most likely against officers in the North East area command, and least likely to be against officers in the South West Area Command.

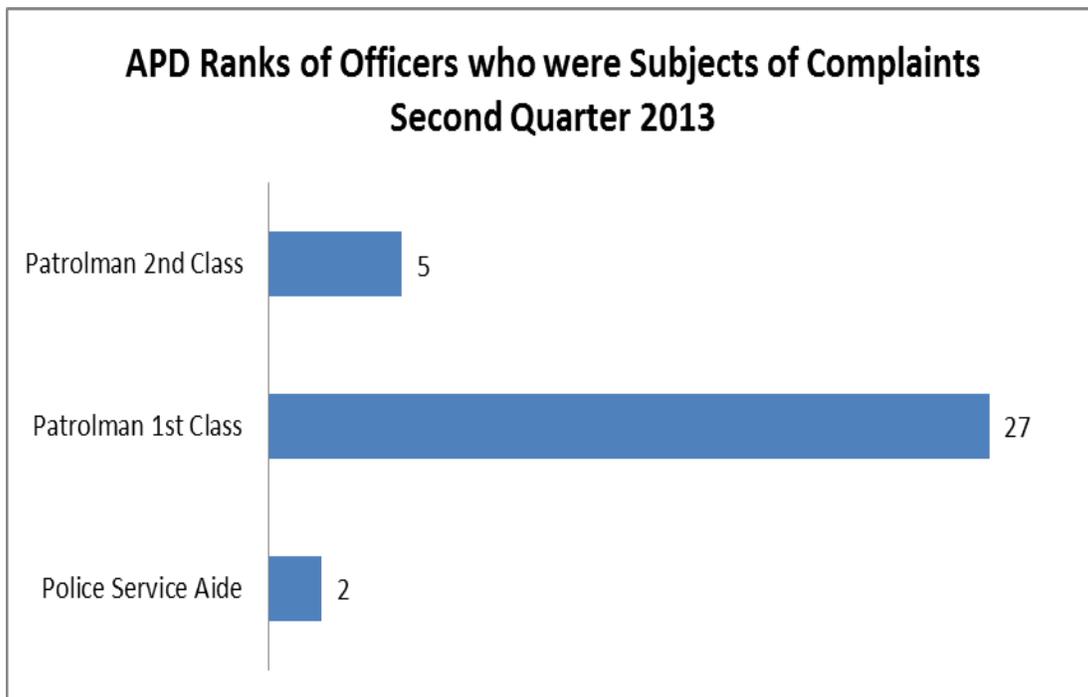
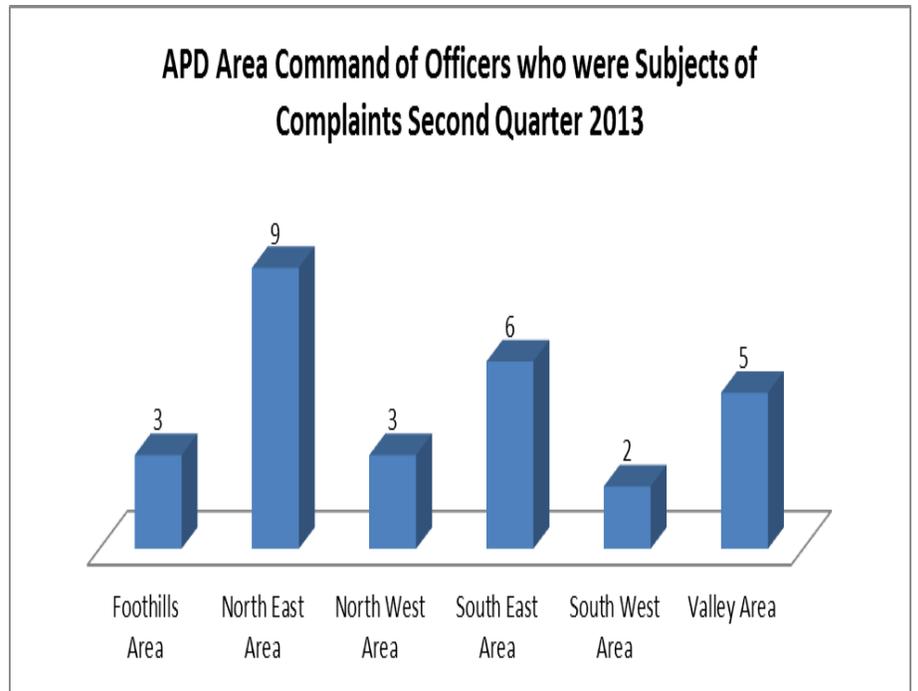


Figure 19: During the months of April-June, complainants were much more likely to file a complaint against a Patrolman First Class.

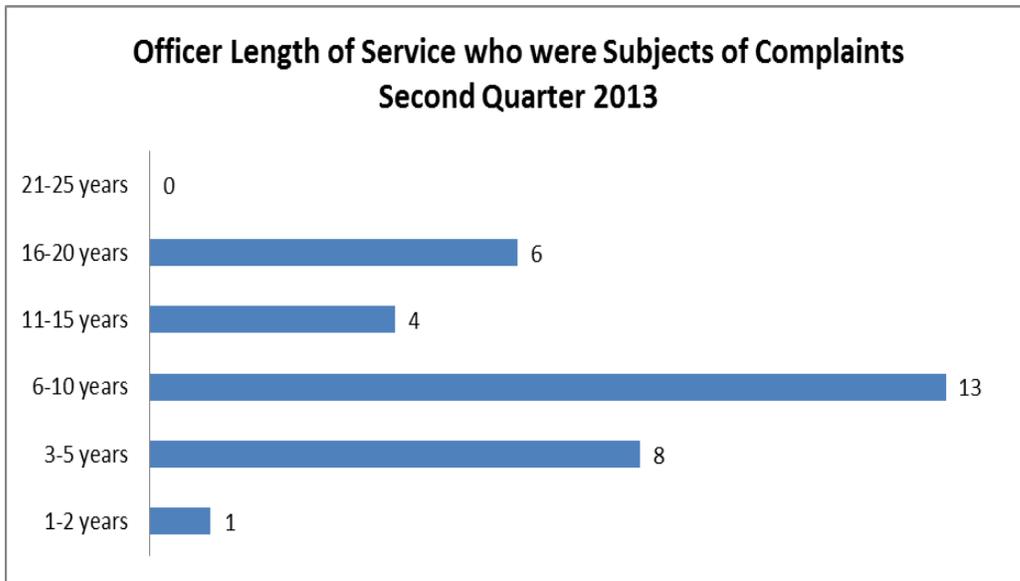


Figure 20: Range in years was based on the year hired by the Albuquerque Police Department and current year. During the Second Quarter 2013, complaints were most likely against officers with 6-10 years of service in APD.

## FINDINGS AND DISPOSITIONS

The IRO office received 76 Citizen Police Complaints (CPCs) during the Second Quarter 2013. Each IRO Investigator received an average of 26 CPCs per month between April-June 2013. APD Internal Affairs was assigned a total of 11 CPCs for investigation averaging approximately 4 CPCs per month.

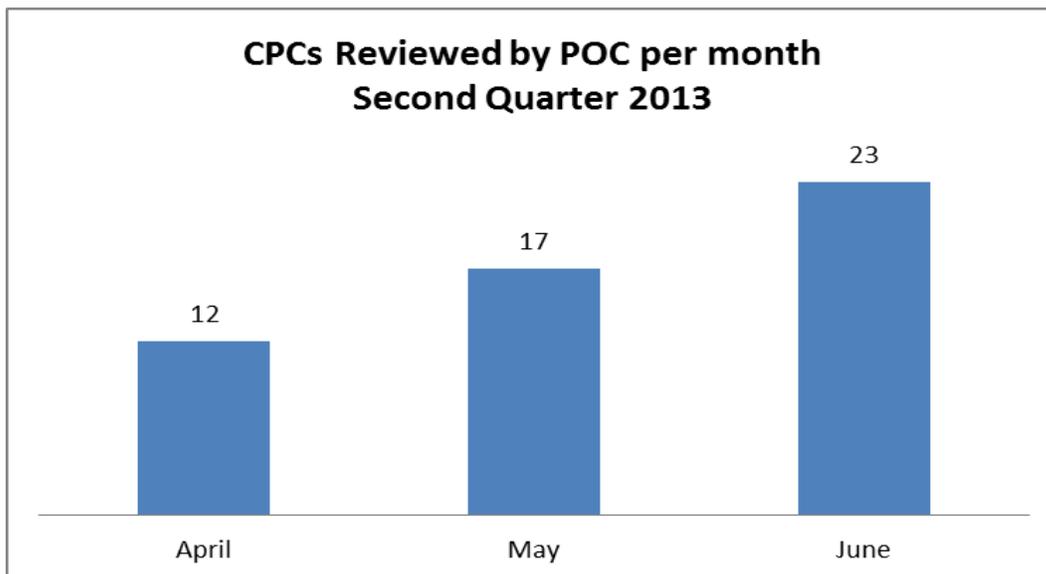


Figure 21: During the Second Quarter, the highest number of CPCs heard by the Police Oversight Commission was in June.

During the Second Quarter 2013, the Police Oversight Commission (POC) at its monthly meeting heard and reviewed a total of 52 CPCs, which included complaints filed in 2012. The IRO submitted an average of 17 CPCs per month to the POC. The Police Oversight Commission approved and reviewed 12 CPCs closed with findings and approved inactivation of 40 CPCs. Of the 52 CPCs heard and reviewed during the Second Quarter 2013, 12 CPCs were closed with findings. Of the 12 CPCs closed, there were 44 allegations of Standard Operating Procedures (SOPs) reviewed by the POC.

In addition, two (2) Officer-Involved Shootings were reviewed by the POC during the Second Quarter 2013.

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## INACTIVATION OF CPC CASES

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There were various reasons the IRO inactivated complaints after a preliminary investigation. When a case is inactivated, it means the case was resolved or closed without a full investigation. The reasons for inactivation included:

- **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**, 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 withdrawn**, 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**, the IRO did not have legal authority to investigate into the complaint;
- **Complaint referring to another agency**, the IRO determined Albuquerque Police Department did not employ an officer with the name provided in the complaint;
- **Frivolous complaint**, the allegations were neither a violation of SOP nor a criminal act, and the complaint was frivolous or filed for purposes of harassment;
- **General complaints**, 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**, the IRO received a complaint to conduct investigations into allegations 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.

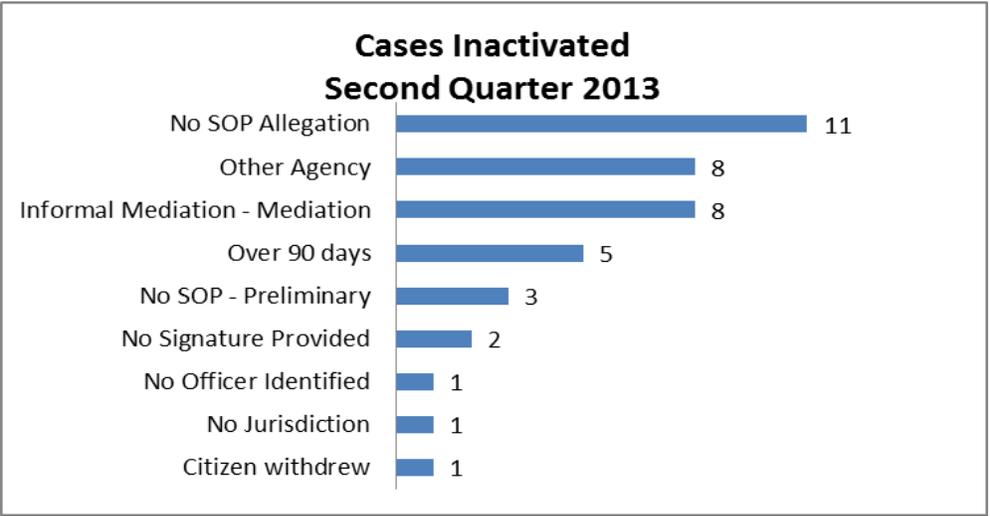


Figure 22: There were 40 complaints which were inactivated between April-June 2013.

### 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 a violation of an SOP as alleged.

**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 and/or was operating within the guidelines of the law or SOPs.

**Unfounded** – The allegation was based on false facts, the APD employee did not commit the alleged violation, or the incident did not occur as alleged.

**Inactivated** – See inactivation reasons explained above.



Figure 23: From April-June, there were a total of 44 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the POC.

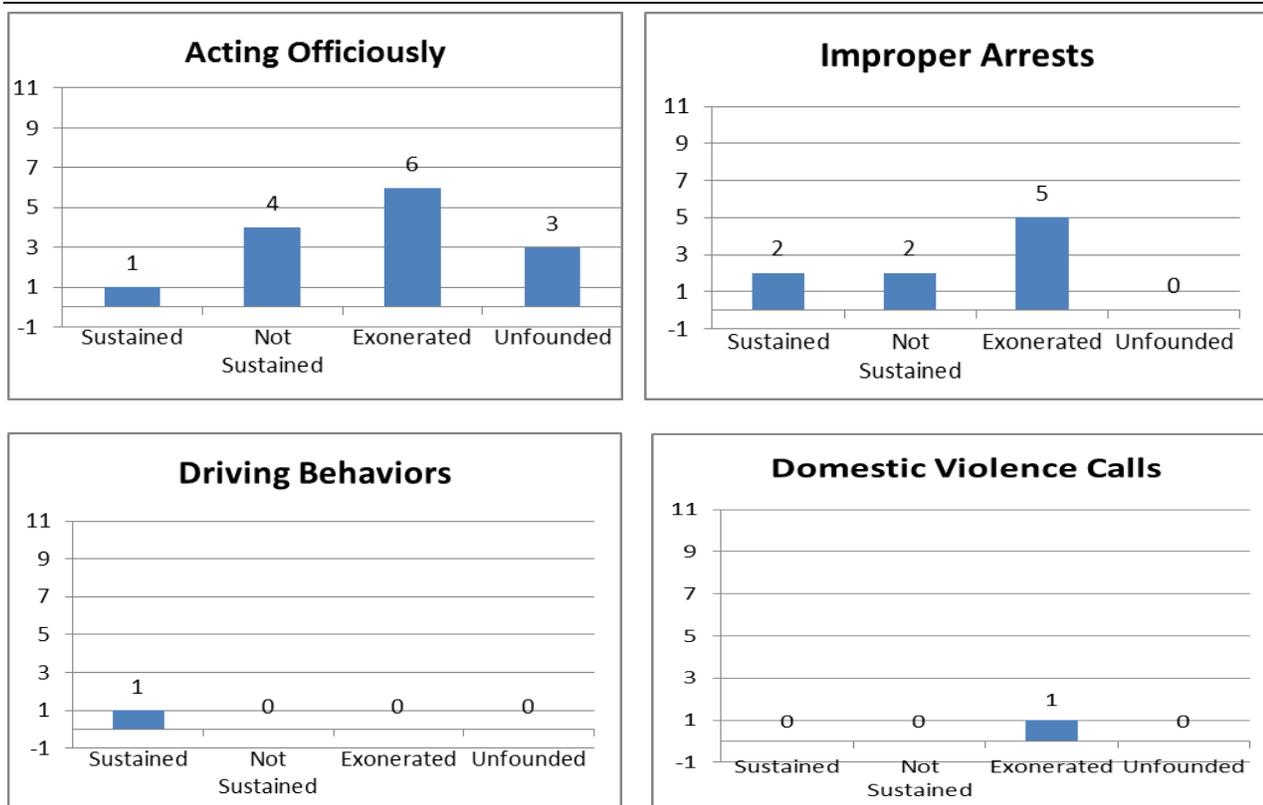
## TYPES OF ALLEGATIONS OF MISCONDUCT REVIEWED

The POC and IRO reviewed and made findings on 44 different Standard Operating Procedures (SOPs). These SOPs were categorized into ten broad types of conduct listed below.

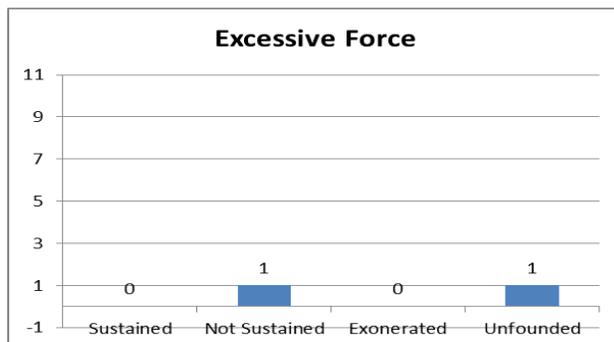
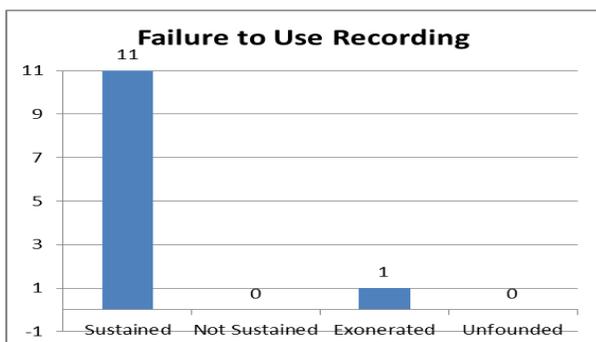
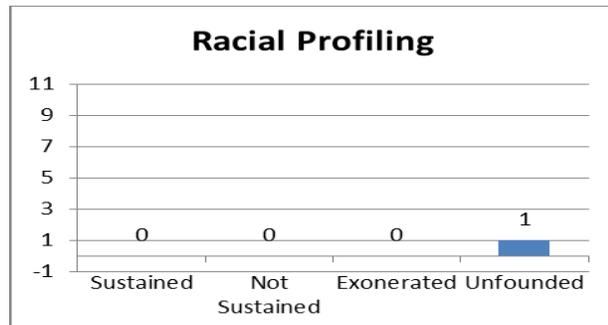
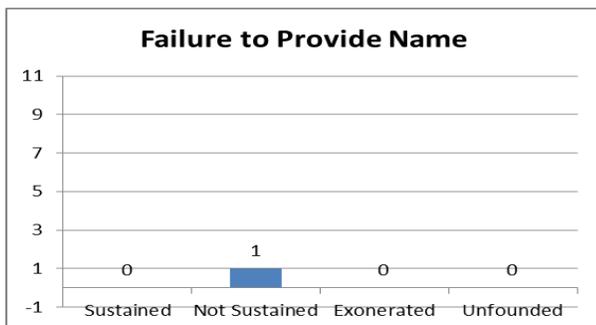
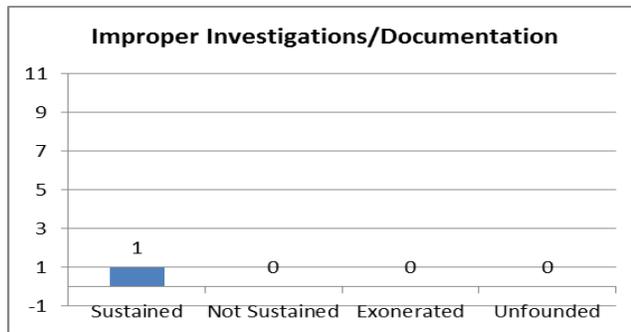
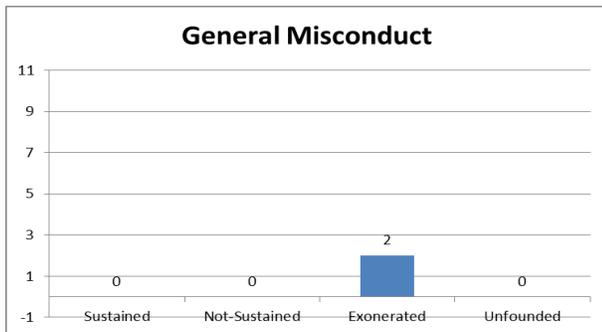


Figure 24: There were different 44 Standard Operating Procedures reviewed by the POC during the Second Quarter 2013 which were divided into ten types of conduct.

## FINDINGS REGARDING TYPES OF CONDUCT REVIEWED FOR VIOLATIONS OF STANDARD OPERATING PROCEDURES



## FINDINGS REGARDING TYPES OF CONDUCT REVIEWED FOR VIOLATIONS OF STANDARD OPERATING PROCEDURES



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

SOP Number	Chapter of SOP	Section of SOP Chapter	Description
1-04-4N; 1-04-1F; 1-04-4F	Acting Officiously	Personnel Code of Conduct	Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.
1-02-2B2	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.
1-04-6N	Driving Behaviors	Officer's Conduct	Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.
3-12	Domestic Violence	Domestic Violence	It is the policy of the Albuquerque Police Department to enforce laws dealing with domestic abuse and take appropriate action in cases involving domestic abuse.

1-04-1F 1-04-4A	General Conduct	Personnel Code of Conduct	1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.  4(A): Personnel shall constantly direct their best efforts to accomplish the functions of the department intelligently and efficiently.
2-24-3F1,2	Investigations Documentation	Preliminary and Follow up Criminal Investigations	APD policy requires proper investigation of 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 all constitutional requirements during criminal investigations, which include guarding against coercion or involuntary confessions and admission, failure to inform defendants of their rights, <i>et cetera</i> .
1-02-3A	Providing Name	Officer's Duties	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	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.
1-39-1A, 1-39-2A, 1-39-2B	Use of Recorders	Use of Tape/ Digital Recorders	1(A) Personnel will use issued tape/digital recorders to document the incidents. 2(A) All recordings listed, and/or contacts where an arrest was made will be tagged into Evidence, and listed on the report as being tagged.
2-52-7E2	Use of Force	Use of Force (Deadly and Non Deadly Force)	Review of officers' use of force, and requirements for reporting the use of force.

## APD DISCIPLINARY ACTIONS

Once the IRO makes a finding that an Albuquerque Police Department Officer has violated an SOP and the Chief of Police agrees with the finding, then the Chief of Police determines the appropriate discipline to impose. The Chief of Police has sole disciplinary authority over APD personnel for findings of SOP violations.

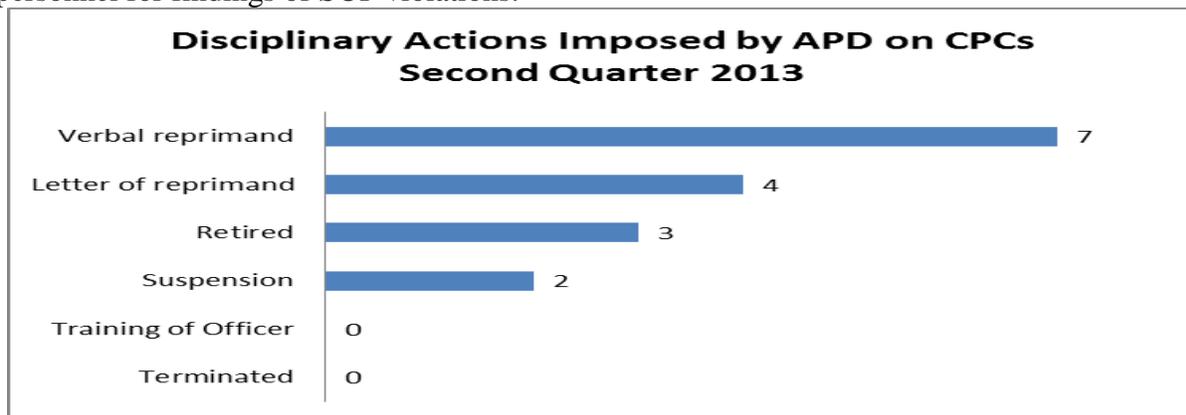


Figure 25: For the 16 SOP violations found to be sustained CPCs in the Second Quarter 2013, the APD Chief of Police imposed the disciplinary actions accordingly per officer and per SOP violation.

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

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:

*April 2013:* 42,121 dispatched calls for service; Received 18 Internal Complaints; Inactivated 0; Mediated 0; Completed 16; Sustained Cases 15; Exonerated 1; Pending 14. Discipline Imposed (Letters of Reprimand 12; Verbal Reprimand 0; 1 8-hour Suspension; 1 16-hour Suspension; 1 200-hour Suspension)

*May 2013:* 46,082 dispatched calls for service; Received 18 Internal Complaints; Inactivated 0; Mediated 0; Completed 16; Sustained Cases 13; Exonerated 1; Pending 14. Discipline Imposed (Letters of Reprimand 4; Verbal Reprimand 4; 1 8-hour Suspension; 1 32-hour Suspension; 1 100-hour Suspension; 1 120-hour Suspension; 2 Termination)

*June 2013:* 44,848 dispatched calls for service; Received 29 Internal Complaints; Inactivated 0; Mediated 0; Completed 33; Sustained Cases 32; Exonerated 1; Pending 10. Discipline Imposed (Letters of Reprimand 21; Verbal Reprimand 3; 1 8-hour suspension; 3 6-hour suspension; 1 100-hour suspension; 1 120-hour suspension; 1 Termination)

## **Citizen Police Complaints Reviewed Second Quarter 2013**

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention, and 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 officer's 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-2012-072** District: U NHA: Unknown Investigator: IRO

Complainant alleged that he was pulled over because he "flipped off" an officer. Complainant claims that the officer's conduct was threatening and antagonistic. He complains that he was passed by an APD police car and the driver of the police car was exceeding the speed limit and changed lanes without using a turn signal and cut off the Complainant.

An allegation of misconduct against the officer was Sustained for improper operation of his vehicle. The officer was exonerated of allegations of misconduct for his search and seizure. An allegation of misconduct was Not Sustained for acting officiously. An allegation of misconduct was Sustained for not making and/or keeping a belt or lapel tape of the incident.

**Findings:**

**Officer: A** **APD Area: NE**

**SOP:** 1-04-6N (Driving Behaviors)  
**IRO/Chief's Decision:** Agreed  
**SOP:** 1-02-2B2 (Arrests)  
**IRO/Chief's Decision:** Agreed  
**SOP:** 1-04-4N (Acting Officiously)  
**IRO/Chief's Decision:** Agreed  
**SOP:** 1-04-1F (General Conduct)  
**IRO/Chief's Decision:** Agreed  
**SOP:** 1-02-3A (Providing Name)  
**IRO/Chief's Decision:** Agreed  
**SOP:** 1-39-1A5 (Use of Belt Recorders)  
**IRO/Chief's Decision:** Agreed

**Finding:** Sustained  
**Disposition:** Verbal Reprimand  
**Finding:** Exonerated  
**Disposition:** None  
**Finding:** Not Sustained  
**Disposition:** None  
**Finding:** Not Sustained  
**Disposition:** None  
**Finding:** Not Sustained  
**Disposition:** None  
**Finding:** Sustained  
**Disposition:** Verbal Reprimand

**CPC-2012-090** District: 4 NHA: Del Norte Investigator: IRO

Complainant alleged misconduct against an officer for his action regarding a custodial interference investigation. Complainant stated officers tried and opened her daughter's apartment door without announcement or permission. When she spoke with the one officer, he was insistent about coming in without a warrant and tried to convince her he did not need one or could easily get one so she would comply. She felt the officers were unprofessional.

Allegations against the primary officer were Sustained regarding improper search and seizure. There was insufficient evidence to support the allegation of the officer's overall misconduct; this issue was found to be Not Sustained. An allegation against the primary officer of misconduct was Sustained for not utilizing the belt tape or lapel camera. The second officer was exonerated of misconduct for failing to use the belt tape.

**Findings:**

**Officer: A** **APD Area: FH**

**SOP:** 1-02-2B2 (Searches/Seizures)  
**IRO/Chief's Decision:** Agreed

**Finding:** Sustained  
**Disposition:** Retired

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

**Finding:** Not Sustained  
**Disposition:** None  
**Finding:** Sustained  
**Disposition:** Retired  
**Finding:** Sustained  
**Disposition:** Retired

**Officer:** B **APD Area:** NE

**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

**CPC-2012-118** District: 2 NHA: South Broadway

Investigator: IRO

Complainant claimed two officers arrived at her home and one of the officers talked down to her and her sister. Complainant alleged that the officers refused to listen to their side of the incident. The officers were rude and aggressive, and talked to them with sarcasm. Complainant explained that the incident was minor between her, her neighbor, and the neighbor's grandchildren, and didn't require police involvement.

**Findings:**

**Officer:** A **APD Area:** VA

**SOP:** 1-04-1F (Attitude)  
**IRO/Chief's Decision:** Agreed

**Finding:** Sustained  
**Disposition:** Verbal Reprimand

**Officer:** B **APD Area:** VA

**SOP:** 1-04-1F (Attitude)  
**IRO/Chief's Decision:** Agreed

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

**CPC-2012-126** District: 7 NHA: Mesa Village Subdivision

Investigator: IRO

Complainant claimed two officers arrived at her home and one of the officers talked down to her and reported that an APD officer arrived to the home of her 84-year-old mother in response to a call made earlier that day. Complainant encountered teenagers acting suspicious and called the police to make a report. Complainant alleged that the responding officer dismissed her suspicions and did not take a report.

**Findings:**

**Officer:** A **APD Area:** VA

**SOP:** 1-04-4O (Attitude)  
**IRO/Chief's Decision:** Agreed  
**SOP:** 1-05-6D (Report Writing Issues)  
**IRO/Chief's Decision:** Agreed

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

**CPC-2012-129** District: 2 NHA: West Park

Investigator: IRO

Complainants were upset that officers bothered them in their home at 1:30 a.m. on the date of incident. They did not understand why officers were there, other than to investigate some smell in the area. Both residents stated that despite their consent to allow officers to inspect their

home, they felt they did not have a choice. They also stated that the officers brought in two individuals dressed in civilian clothes and did not know what their purpose in the home was. Complainants feared later criminal activity from those individuals. Despite granting the officers access to their home and yard, Complainants stated the officers continued to shine lights in their yard after leaving.

The Sergeant was not sustained on the allegation of searches. Sergeant was exonerated on the allegation of ride-along. Sergeant was sustained on the allegation of belt/lapel use. Officer was not sustained on the allegation of searches. Officer was sustained on the allegation of belt tape use.

**Findings:**

**Officer: A    APD Area: SE**

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

**IRO/Chief's Decision:** Agreed

**SOP:** 2-12-1B (General Conduct)

**IRO/Chief's Decision:** Agreed

**SOP:** 1-39-1A9 (Use of Belt Recorders)

**IRO/Chief's Decision:** Agreed

**Finding:** Not Sustained

**Disposition:** None

**Finding:** Exonerated

**Disposition:** None

**Finding:** Sustained

**Disposition:** Verbal Reprimand

**Officer: B    APD Area: SE**

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

**IRO/Chief's Decision:** Unknown

**SOP:** 2-12-1H (General Conduct)

**IRO/Chief's Decision:** Unknown

**SOP:** 1-39-1A9 (Use of Belt Recorders)

**IRO/Chief's Decision:** Unknown

**Finding:** Not Sustained

**Disposition:** None

**Finding:** Exonerated

**Disposition:** None

**Finding:** Sustained

**Disposition:** Verbal Reprimand

**CPC-2012-145** District: 4    NHA: Unknown    Investigator: IA  
Complainant alleged that the officer was unprofessional during a traffic stop. Sergeant was unfounded on the allegation of misconduct.

**Findings:**

**Officer: A    APD Area: NE**

**SOP:** 1-04-1F (Acting Officially)

**IRO/Chief's Decision:** Agreed

**Finding:** Unfounded

**Disposition:** None

**CPC-2012-150** District: 3    NHA: Westgate Heights    Investigator: IRO  
Several officers responded to a home to investigate a battery. Complainant alleged that the investigation and the officers' conduct were improper. Complainant stated that her cousin had called APD to report that her son had been kicked by his father while in the home. Two officers were sent to the home and met with the cousin, the cousin's son, and the Complainant. The Complainant alleges that one of the officers asked inappropriate questions of the cousin and of the cousin's son. Complainant goes on to state that the officers arrested her cousin's boyfriend but then just drove him downtown and kicked him out of the car and told the man not to return to the home. She claims that the officers never told them that he was going to be released. The man then called her cousin at least 50 times telling her that he was coming back to her house.

Complainant believed that the officer gave her cousin inaccurate information about NM law. She goes on to cite the NM Statute relating to Domestic Violence and Domestic Violence arrests and she believes that the boyfriend should have been arrested and jailed for kicking the boy. She writes that the officer did not ask if the boy needed medical treatment. She alleges that the officer was inept at doing his job and that the man should have been arrested under the Domestic Violence laws and charged with child abuse.

The IRO reviewed the interviews with the Complainant, two officers, the police report, CAD report, and two officers' lapel camera videos. The IRO concluded after a review of all of the evidence that no SOP violations had occurred and the officers were Exonerated with respect to their conduct in this matter.

**Findings:**

**Officer: A    APD Area:**

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

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**Officer: B    APD Area: VA**

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

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**CPC-2012-153** District: 2    NHA: Downtown

Investigator: IRO

Complainant wrote about the conduct of an officer. Complainant was pulled over for an alleged traffic violation. Complainant was upset and disagreed that the officer pulled her over for talking on the cell phone and tail light being out. Complainant disagrees and assumed she was pulled over by the officer believing she was drunk since she was near downtown. While the officer wrote the citations, she yelled at the officer and got out of the car to check for her lights. Officer ordered her to get back in the car and if she refused, she would be arrested. Complainant protested and officer arrested her for Disorderly Conduct. The officer did not have his lapel camera on.

**Findings:**

**Officer: A    APD Area: VA**

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

**IRO/Chief's Decision:** Agreed

**SOP:** 1-39-1A2&A3 (Use of Belt Recorders)

**IRO/Chief's Decision:** Agreed

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

**IRO/Chief's Decision:** Agreed

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

**IRO/Chief's Decision:** Unknown

**Finding:** Not Sustained

**Disposition:** None

**Finding:** Sustained

**Disposition:** Suspension

**Finding:** Sustained

**Disposition:** Suspension

**Finding:** Not Sustained

**Disposition:** None

**CPC-2012-156** District: 1    NHA: West Bluff

Investigator: IA

Complainant alleged that his Ford truck was towed from a *cul de sac*, and wrote that his vehicle had been red-tagged and towed the next day. He claimed that the vehicle was not abandoned and APD officer violated SOP for towing his vehicle. After preliminary investigation, the evidence

showed the vehicle was red-tagged eight days before it was towed. The complaint was inactivated without additional investigation as the officer did not violate any Albuquerque Police Department Standard Operating Procedures (SOPs).

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2012-162** District: 2 NHA: Downtown

Investigator: IRO

The Complainant was pulled over at an APD DWI road block. The Complainant alleged the officer pulled him from the car and was aggressive towards him. He also alleged the officer was unprofessional during the incident.

Sergeant was unfounded on the allegation of animosity. Sergeant was unfounded on the allegation of use of force.

**Findings:**

**Officer: A** APD Area:

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

**Finding:** Unfounded

**IRO/Chief's Decision:** Agreed

**Disposition:** None

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

**Finding:** Unfounded

**IRO/Chief's Decision:** Agreed

**Disposition:** None

**CPC-2012-166** District: 1 NHA: Taylor Ranch

Investigator: IA

Complainant reported that he called APD to report a battery on him. Complainant claims that the officer failed to conduct an adequate investigation. Complainant also claimed he took offense to a comment the officer made about Mexicans and also claimed the police report was inaccurate. The Complainant alleged that the officer was not concerned that a battery was committed against him. The Complainant suggested that the officer was racially motivated in his lack of response because the Complainant is not Hispanic or the officer is friends with the assailant. He also claimed that the report submitted by the officer was not accurate and the officer did not obtain statements from witnesses on scene. He believed the officer did not take the necessary enforcement action for the incident.

Officer was exonerated on the allegation of conduct. Officer was sustained on the allegations of belt/lapel use and conducting a thorough investigation. Officer was unfounded on the allegation of being biased.

**Findings:**

**Officer: A** APD Area: FH

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

**Finding:** Exonerated

**IRO/Chief's Decision:** Agreed

**Disposition:** None

**SOP:** 2-24-3F1&2 (Investigations/Documentation)

**Finding:** Sustained

**IRO/Chief's Decision:** Agreed

**Disposition:** Letter of Reprimand

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

**Finding:** Sustained

**IRO/Chief's Decision:** Agreed

**Disposition:** Letter of Reprimand

**SOP:** 1-3-2C (Racial Profiling)

**Finding:** Unfounded

**IRO/Chief's Decision:** Agreed

**Disposition:** None

**CPC-2012-172** District: 5 NHA: Tuscany Investigator: IRO  
Albuquerque Police Department officers arrived to serve an arrest warrant on Complainant's son who lived at her residence. Complainant alleged the officers entered the home without permission. She complained APD officers entered her home without permission when serving an arrest warrant. Officers were exonerated on the allegation of searches. Officers were sustained on the allegation of belt/lapel use.

**Findings:**

**Officer: A** **APD Area: FH**

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

**IRO/Chief's Decision:** Agreed

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

**IRO/Chief's Decision:** Agreed

**Officer: B** **APD Area: NE**

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

**IRO/Chief's Decision:** Agreed

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

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**Finding:** Sustained

**Disposition:** Verbal Reprimand

**Finding:** Exonerated

**Disposition:** None

**Finding:** Sustained

**Disposition:** Verbal Reprimand

**CPC-2012-180** District: 2 NHA: Summit Park Investigator: IRO  
Complainant was picking up her son from school. She complained that alleged officer began screaming at her when crossing the street outside the crosswalk. She claimed that she was singled out and officer came up to her car window and treated her in an unprofessional manner.

**Findings:**

**Officer: A** **APD Area:**

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

**IRO/Chief's Decision:** Agreed

**Finding:** Unfounded

**Disposition:** None

**CPC-2012-187** District: 2 NHA: West Park Investigator: IRO  
Complainant had an altercation with his girlfriend and called APD. The Complainant alleged the officers were rude and unprofessional in how they dealt with the incident. Complainant believes the officer did not have the right to arrest his girlfriend for domestic violence. He alleged the officer only arrested his girlfriend because the officer's acting sergeant was present. Officer was exonerated on the arrest allegation. Officer was unfounded on the allegation of misconduct.

**Findings:**

**Officer: A** **APD Area: SE**

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

**IRO/Chief's Decision:** Agreed

**SOP:** 1-04-4F (Acting Officially)

**IRO/Chief's Decision:** Agreed

**Officer: B** **APD Area: SE**

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

**Finding:** Exonerated

**Disposition:** None

**Finding:** Exonerated

**Disposition:** None

**Finding:** Exonerated

**IRO/Chief's Decision:** Agreed

**Disposition:** None

**CPC 2012-196** District: 2 NHA: Barelas NHA

Investigator: IRO

Complainant alleged while distributing food to homeless people, she was approached by an APD officer and his Sergeant. She claims that the APD officer demanded to know if she had permission to be giving food to people. She listed allegations including officer refusing to provide identification, and rude conduct from the officer. After preliminary investigation, evidence gathered proved no SOP violation committed by responding APD officer or the Sergeant. The IRO requested that this case be inactivated for lack of SOP violations.

**Case Status:** Inactivated

**Inactivation Reason:** No SOP – Preliminary Investigation

**CPC-2012-208** District: 2 NHA: Unknown

Investigator: IRO

Complainant reported about an officer who stopped her teenage daughter and alleged that the officers stopped her daughter because she was African/American. The IRO conducted an extensive preliminary investigation to determine the identity of the officers involved. The IRO could not determine which, if any, APD officers were involved. The IRO requested the case be inactivated based on the lack of information to identify an officer.

**Case Status:** Inactivated

**Inactivation Reason:** No Officer Identified

**CPC-2012-243** District: 7 NHA: Alta Monte

Investigator: IRO

Complainant alleged that APD officers told her she could not report an incident of domestic violence because it had been too long since the incident. Complainant called to have police meet her at a bank near her address and told operator she wanted to make a report and have an escort to get custody of her daughter. Officer was exonerated on the allegation of taking a report. Officers were sustained on the allegation of belt/lapel use.

**Findings:**

**Officer: A** **APD Area: NE**

**SOP:** 3-12-6C (Domestic Violence Issues)

**IRO/Chief's Decision:** Agreed

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

**IRO/Chief's Decision:** Agreed

**Finding:** Exonerated

**Disposition:** None

**Finding:** Sustained

**Disposition:** Letter of Reprimand

**Officer: B** **APD Area: NE**

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

**IRO/Chief's Decision:** Agreed

**Finding:** Sustained

**Disposition:** Letter of Reprimand

**CPC-2012-245** District: 1 NHA: Detention Center

Investigator: IA

Complainant alleged that when she was released from jail, her cell phone was missing from her personal property and several phone calls to APD were unsuccessful in locating it. A preliminary investigation shows that the cell phone was placed with the personal property by APD. The IRO does not have jurisdiction over MDC officials. The IRO requested that this case be inactivated for no SOP violations and no jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2012-252** District: 1 NHA: Bernalillo County Metropolitan Court Investigator: IA  
Complainant alleged that an officer failed to appear at a DWI hearing. The IA Sergeant researched the case history and the officer's assignments on the days in question. The IA Sergeant learned that the officer was scheduled for a pre-trial interview on this case on October 29, 2012, at 10 a.m. The IA Sergeant researched the Computer Aided Dispatch (CAD) reports for the officer for that date and time. The IA Sergeant learned that the officer was dispatched to a call for service on October 29, 2012, from 9:40 a.m. until 10:31 a.m. The officer was working in the field at the time of the pre-trial interview. The IA Sergeant examined the CAD report for that day and time. The IA Sergeant learned that the officer was dispatched to a call from 12:27 p.m. until 1:32 p.m. on December 17, 2012. The officer's Sergeant then ordered the officer to respond to a second call for service at 1:34 p.m. until 5:06 p.m. on December 17, 2012. About 1:15 p.m. on December 17, 2012, the officer had contacted the APD Court Services Division and left a message that he was running late, but was on his way to court. However, the officer's Sergeant ordered the officer to take a second call, preventing him from appearing in court. IRO requested that this case be inactivated for no SOP violations.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-001** District: 1 NHA: Los Volcanes Investigator: IRO  
Complainant reported that she was a victim of a robbery and when she attempted to contact the assigned officer to provide additional information, the officer was not helpful. Complainant claimed that the APD officer failed to follow-up on an investigation for a robbery occurring on November 11, 2012. She alleged that the APD officer behaved inappropriately by failing to return the Complainant's phone calls regarding information she had about additional property stolen and other concerns. The officer's Lieutenant contacted the Complainant, answered her questions and listened to her concerns. The Complainant expressed satisfaction with how the complaint was handled. The IRO requested the case be inactivated for informal resolution.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-005** District: 1 NHA: Bernalillo County Metropolitan Court Investigator: IA  
Complainant expressed frustration that officers did not show up for court hearings regarding a Domestic Violence incident that occurred in 2012. Officers did not show up and Complainant stated that case was dismissed. The Sergeant 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 Sergeant spoke with the Supervisor of APD's Court Services Division. The Supervisor informed the Sergeant 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, reported that he was dispatched on a call, and could not appear in court. The Sergeant reviewed the Computer Aided Dispatch (CAD) report for the officer's activity at the date and time of the three court hearings. The Sergeant learned that the officer was on leave for a three-day period, which included the first court date. The Sergeant confirmed that the officer was dispatched on calls the other two court dates. The IA Sergeant phoned the Complainant to discuss the complaint. The Sergeant 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-2013-016** District: U NHA: Unknown

Investigator: IRO

Complainant claimed misconduct on an officer's response to an accident. Several officers responded to the accident. Additional family members arrived. Complainant alleged that her husband went to speak to the family involved in the accident, and one of the officers became very confrontational. She alleged that one of the officers yelled at her husband. The Complainant later communicated to the Lieutenant that she no longer wished to pursue the Complaint and did not want to be contacted any further. The husband was the actual aggrieved party in the complaint and contacted the officer. The husband was completely satisfied that the Lieutenant had discussed the situation with the officer. He desired that the Complaint be closed and no further investigation occurred. IRO requested this case be inactivated as the matter was resolved informally after a preliminary investigation.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-020** District: U NHA: Unknown

Investigator: IRO

Complainant reported about the manner of an investigation when he was arrested for DWI. Complainant claimed that he was stopped by an APD officer on February 10, 2013, for an alleged traffic violation. He stated that he did not violate any traffic laws and that he was not sure why he was pulled over. He admitted to having had two drinks prior to being stopped. A Driving While Intoxicated (DWI) officer was called to the scene. After a series of tests, including a portable breath test, he was subsequently arrested for DWI. He was taken to another location by the DWI officer, where he was advised of the Implied Consent Advisory Act and he took a breath test. He was under the impression that he would be given two tests to test for alcohol in his body, not just the one that he submitted to in order to determine his Blood Alcohol Content. He complained that he never got a second test. He complained that he was never advised of his Miranda Rights at any time while he was under arrest. He alleged that the officer made false statements on the paperwork that he originally gave. The IRO reviewed the police report and relevant law. The IRO determined that there were no SOP violations and requested the matter be inactivated.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC 2013-023** District: U NHA: Balloon Fiesta Park

Investigator: IRO

Complainant reported about the conduct of an officer while the Complainant was working as a security guard at the Balloon Fiesta Park. He claimed that he was approached by an officer in civilian clothes who asked him what he was doing. Complainant told the officer, who then accused him of being dressed as a thug and claimed others would view him as a car-jacker. The officer also proceeded to insult his vehicle by calling it "crappy." Complainant believed the officer profiled him. He did not want a supervisor to contact him and was satisfied with the IRO

Investigator discussing the complaint with the officer's supervisor. IRO requested this case be inactivated as the matter was resolved informally.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-026** District: U NHA: Unknown

Investigator: IRO

Complainant alleged that the Albuquerque Police Department continues to use tow companies who have engaged in dishonest and deceptive practices. He is frustrated of APD's continued use of those tow companies by the Albuquerque Police Department. He cited that he had a specific case wherein a towing company had stolen personal items worth thousands of dollars from him. Upon preliminary questions to the Complainant, IRO investigator found Complainant had an incident with a Bernalillo County Sheriff deputy responding to a towing incident Complainant was involved in. IRO requested this case be inactivated because the IRO has no jurisdiction over the tow company.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-031** District: U NHA: Unknown

Investigator: IA

Complainant reported about the manner in which a traffic stop was conducted on the highway in Albuquerque. Complainant alleged that an officer conducted a traffic stop on Interstate 25 in an unsafe manner. The Internal Affairs Sergeant reviewed the officer's roster for the Albuquerque Police Department and determined that APD did not employ an officer with the name provided in the complaint. The Internal Affairs Sergeant looked at court records and determined the officer involved is a New Mexico State Police officer. The Internal Affairs Sergeant contacted the Complainant and suggested they call the New Mexico State Police to file the complaint with that agency. The IRO determined that the officer being complained about was from another agency. The IRO requested the case be inactivated due to lack of jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-034** District: U, NHA: Isleta Casino/Indian Land/Los Padillas Investigator: IRO

Complainant and his wife observed an APD officer speeding and tailgating other drivers as the officer drove from Isleta Casino north on Interstate 25. Complaint was forwarded to the officer's Sergeant and informed him of complaint, the Complainant agreed to resolve and mediated informally. The IRO requested that this case be inactivated as informally resolved.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-036** District: U NHA: Unknown

Investigator: IRO

Complainant alleged that an APD officer was speeding and driving aggressively. Complainant agreed that the IRO Investigator would contact the supervisor to resolve the matter with the supervisor. The officer's supervisor contacted the Complainant, answered questions, and agreed to speak with the officer. The IRO requested that the case be inactivated through informal resolution.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-037** District: 9 NHA: Sandia Vista

Investigator: IRO

Complainant alleged that an APD officer came to her house with her adult daughter. She alleged

the officer did not conduct himself in a professional manner. She wrote that her daughter, her husband and children had lived with her, but moved out suddenly. She wrote that she tried to speak to the officer's Lieutenant without success. The APD officer accompanied Complainant's adult daughter to the Complainant's home to retrieve her pets. The officer's Lieutenant contacted the Complainant, answered her questions and listened to her concerns. The Complainant expressed satisfaction with how the complaint was handled. The IRO requested the case be inactivated for informal resolution.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-038** District: 6 NHA: South San Pedro

Investigator: IRO

Complainant claimed that her boyfriend was stopped for a traffic violation near her home. She had given her boyfriend a prescription pill bottle almost full of Oxycodone pills, a controlled substance, to take home for safe keeping. The officer who stopped her boyfriend allegedly told her that because the pill bottle had her name on it, the bottle of pills would be returned to her. The first officer called a Driving While Intoxicated (DWI) Officer to the scene. The DWI Officer confiscated the pills. She complained that she had tried to get the pills returned, to no avail. She alleged that the seized pills were not in evidence and requested an explanation as to what had happened to the seized pills. The Complainant was dissatisfied about an officer seizing a narcotic prescription. IRO requested this case be inactivated after a preliminary investigation for no SOP violations.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-042** District: U NHA: Unknown

Investigator: IRO

Complainant wrote that he tried several times to resolve his issues but has not obtained any resolution to his concerns. He wrote that he contacted the Sergeant in charge but never heard from him. He wrote that he was never told to make a formal complaint within a specific time limit. He inquired whether the time limit for making a complaint could be tolled or waived. The Complainant alleges conduct of an officer which occurred greater than 90 days prior to the date of the Complaint. The IRO requested that the case be inactivated for being over the 90-day time limit.

**Case Status:** Inactivated

**Inactivation Reason:** Over 90 Days

**CPC-2013-043** District: 6 NHA: Silver Hill

Investigator: IRO

Complainant reported about the way a homeless man was being treated while being arrested by APD. Complainant alleges that she had left a restaurant at Central and Yale and had given a homeless man some food to eat. Before the man could eat the food, two APD officers approached the man and arrested him. She felt that the arrest wasn't necessary because the man was just asking for food and that the man should have just been asked to move rather than being arrested. The man had been asked to leave but refused to do so. The calling establishment requested that the man be cited for refusing to leave the premises. The report shows that the officers contacted the man and determined that he was intoxicated and the officers did not arrest the man but instead took him to a local detox facility. Complainant was glad to hear that the man had not been arrested but instead had been taken to a detox facility instead. Preliminary

investigation showed the man was not arrested but simply transported to a detoxification program. Because there were no SOP violations, the IRO requested that the case be inactivated.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-045** District: U NHA: Unknown

Investigator: IRO

Complainant reported about a Facebook post by an officer. After a preliminary investigation, the Complainant requested her complaint be withdrawn. IRO requested this complaint be inactivated.

**Case Status:** Inactivated

**Inactivation Reason:** Citizen Withdrew Complaint

**CPC-2013-047** District: 5 NHA: Piedras Marcadas

Investigator: IRO

Complainant reported the actions of a Lieutenant during an investigation of a traffic collision in which her granddaughter was killed. A preliminary investigation revealed the Lieutenant was employed by the Bernalillo County Sheriff's Department. The IRO requested that this case be inactivated for lack of jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2013-048** District: 5 NHA: Cibola High School

Investigator: IRO

Complainant alleged that officer was harassing and accusatory during an incident at the child's school. A preliminary investigation revealed the officer is not employed by APD but is employed by APS. The IRO requested that this case be inactivated for lack of jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-049** District: 2 NHA: Sycamore/University

Investigator: IRO

Complainant participated in a parade for Martin Luther King Jr. During the parade Complainant observed an APD officer stop and take a picture. Complainant was upset and wanted to know why pictures are being taken at the parade. After preliminary investigation, complaint was inactivated for lack of SOP violation. There is no evidence that the photograph was actually taken and used in any unlawful or unethical way. A preliminary investigation revealed that the description of the officer that the Complainant provided did not match any of the motorcycle officers' descriptions. The IRO requested that this case be inactivated for no violations of SOP.

**Case Status:** Inactivated

**Inactivation Reason:** Preliminary Investigation--No SOP

**CPC-2013-054** District: 5 NHA: NW APD Substation

Investigator: IRO

Complainant reported that a woman with whom he had problems with filed a false police report to an APD officer on August 30, 2012. He alleged the officer failed to conduct any follow-up investigation and that the officer filed charges against him based on the complaint the woman had made. Complainant claimed that he had evidence to prove his innocence. He indicated that he did not find out about the charges that had been filed until September 20, 2012. The Complainant alleged that an officer made a false police report. The IRO requested this case be inactivated because the complaint was filed greater than 90 days after the alleged incident, therefore, the IRO lacked jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Over 90 Days

**CPC-2013-060** District: 2 NHA: Downtown Investigator: IRO  
Complainant reported about the misconduct of an officer. Complainant did not have a complaint against an APD officer but he did complain about the actions of a Department of Homeland Security Officer. He complained that on April 2, 2013, at about 1:00 p.m., the DHS Security Police Officer flashed his vehicle emergency lights at him and told him that pedestrians have the right-of-way in crosswalks. He questioned the authority of the DHS Security Police Officer to do that. Complainant wrote that he did not know where else to complain. After preliminary investigation, it was determined that the officer was not an APD officer. IRO requested this case be inactivated for lack of jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** No Jurisdiction

**CPC-2013-062** District: U NHA: Unknown Investigator: IRO  
Complainant claims to have been followed by members of the Bernalillo Police Department since 2009. The complaint indicated that he wanted to give up his citizenship and find another country. He did not make any allegations of any Standard Operating Procedure violations by members of the Albuquerque Police Department. The Complainant's allegation was about a member of the Bernalillo Police Department. IRO requested this case be inactivated for lack of jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-063** District: 5 NHA: Volcano Cliffs Investigator: IRO  
Complainant reported about speeding in his area and the response time from APD. He claims that he had been begging for some police support in the neighborhood for three years and that the police have never responded. He complained that people are driving on his street in excess of the speed limit and people are running stop signs that are posted there. He wrote that he had called to get someone out there to run radar and received no response from APD. IRO requests this case be inactivated for no SOP violations.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-068** District: 4 NHA: Nor Este Investigator: IRO  
Complainant mistakenly filed a report of his vehicle being broken into on our online police complaint reporting system. There was no complaint about the Albuquerque Police Department or any of its officers. Complainant was informed to report the crime to the telephone reporting unit or file the report online or contact APD for an officer to be dispatched to his home to take a police report. The IRO contacted the Complainant and gave the correct link for reporting a crime to APD. The IRO requested this case be inactivated for failure to cite any SOP violations.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC 2013-071** District: 6 NHA: Southeast Heights Investigator: IRO  
Complainant alleges that an APD officer did not accurately document the incident involving a traffic accident she was involved in. She complained that she was not at fault but the APD officer who responded to the crash listed her at fault and that he made false statements in his report. She tried to resolve the problem with the officer's supervisor but she was unsuccessful in getting the report changed. The last contact she had with the supervisor was on December 30,

2012. The Complainant disputes the police report as written. The IRO requested this case be inactivated because the complaint was filed greater than 90 days after the alleged incident, therefore, the IRO lacked jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Over 90 Days

**CPC-2013-072** District: 1 NHA: Santa Fe Village NHA

Investigator: IRO

Complainant alleged that his wife was not arrested and taken to jail for domestic violence. The officers determined that the wife was the primary aggressor and made the arrest. Prior to booking, the wife complained of chest pains and paramedics were contacted. Attempts to reach the Complainant for the status of wife's condition were unsuccessful. The complaint did not have any violation of Standard Operating Procedures of officers and was inactivated. Complainant claims that his wife was arrested but never booked into jail on domestic violence. A preliminary investigation revealed that a summons was issued for the wife. The IRO requested that this case be inactivated for no violations of SOP.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-073** District: 1 NHA: Tres Volcanes NHA

Investigator: IRO

Complainant reported that she was notified by the alarm company that the alarm had gone off at her home. Complainant called APD Dispatch back and was told that two police officers were at her home and that they cleared the home. The Complainant claims that the officer never responded, as she was sitting in her driveway. After a preliminary investigation, the IRO found that the officer was called off prior to arriving at the Complainant's residence. The IRO requested this case be inactivated for lack of SOP violations.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-074** District: 2 NHA: UNM Hospital

Investigator: IRO

Complainant alleged that officers arrived at UNM Hospital to harass the Complainant's father and uncle regarding a shooting incident. The Complainant felt belittled and disrespected. A preliminary investigation revealed the officer named is not employed by APD but is employed by UNM. The IRO requested that this case be inactivated for no jurisdiction. Complainant was referred to contact UNM Police Department for this complaint.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-076** District: 8 NHA: Osuna

Investigator: IRO

Complainant claims that officers gave two separate statements under oath. He complained that the APD officer who had arrested him for Driving While Intoxicated in 2011 made two statements under oath about the arrest. The officer made the first statement to Complainant's attorney in 2011. The officer made the second statement to Complainant's employer in August of 2012. He complained that the two statements differed and that the officer had either lied to his attorney in 2011 or to his employer in 2012. Complainant wrote that he is being disciplined by the employer based on the statement that the officer gave his employer in 2012. The IRO requested this case be inactivated because the complaint was filed greater than 90 days after the alleged incident, therefore, the IRO lacked jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Over 90 Days

**CPC-2013-077** District: 2 NHA: UNM campus Investigator: IRO  
Complainant reported that on April 19, 2013, there was an incident on campus dealing with a “suspicious package.” He complained that police officers blocked off an entire parking lot preventing hundreds of students from leaving or going to campus. He also complained that he had to stand in a parking lot for over an hour while the officers “took as long as possible” to deal with the situation. Complainant referred to the police actions as “completely ridiculous” and wrote that the police action was akin to detaining an innocent person with no probable cause. He alleged that the police infringed on his rights and treated innocent people like criminals. He claimed that he was detained by UNM police. IRO requests this case be inactivated for lack of jurisdiction.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-080** District: 6 NHA: Nob Hill / 7-11 store Investigator: IRO  
Complainant reported a theft of stolen beers from her business. She complained that the responding officers were rude and impatient. Officers were perceived to be bothered for being called in for a petty theft. Complainant claimed that an officer was snobby after being called to investigate a shoplifting of beer. The Complainant agreed to resolve the complaint via discussion with the officer's supervisor. The complaint was inactivated and a successful informal resolution was made.

**Case Status:** Inactivated

**Inactivation Reason:** Mediation--Supervisor Resolution

**CPC-2013-082** District: 8 NHA: Glenwood Hills Investigator: IRO  
Complainant filed his complaint on our online police complaint reporting system. There was no complaint about the Albuquerque Police Department or any of its officers. He complained that he and his wife were riding a bicycle and that they were almost struck by a City bus. He was referred to file a complaint with the transit department and he was grateful that we had called him back on the matter. The Complainant reported the actions of a City bus driver. The IRO requested this case be inactivated for lack of jurisdiction. The complaint was forwarded via inter-office mail to the transit department.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

**CPC-2013-086** District: 7 NHA: Uptown Progress Team Investigator: IRO  
Complainant claims that his wife was issued a Criminal Trespass warning on July 19, 2012. She had been at a local mall protesting a local store because they allegedly sold her a reconditioned phone and it was sold as new. The mall manager called the police and had the police issue his wife a Criminal Trespass warning not to return to the mall. He was concerned because the warnings have no expiration date on them and he felt that his wife should not have been barred from the mall as this was a free speech issue and not a property crime. His wife now desires to return to the mall and eat there and shop at some of the stores. He wanted to have APD stop using criminal trespass laws and shoplifting laws to protect corporate crime. He believed that the actions of APD were a sweeping application of a narrow law and it is being abused by

corporations. The IRO requested this case be inactivated because the complaint was filed greater than 90 days after the alleged incident, therefore, the IRO lacked jurisdiction

**Case Status:** Inactivated

**Inactivation Reason:** Over 90 Days

**CPC-2013-089** District: 2 NHA: University

Investigator: IRO

Complainant alleged that UNM Security and Police Officers entered Complainant's room and searched the room without a warrant. Complainant reported the officers were rude and acted unprofessional. The Complainant was arrested and jailed. The complaint did not involve APD officers and was inactivated. Complainant was referred to contact UNM Police Department.

**Case Status:** Inactivated

**Inactivation Reason:** Other Agency

**CPC-2013-093** District: 7 NHA: Bel-Air

Investigator: IRO

The Complainant was pulled over for a traffic stop and alleged the APD officer did not have a plausible reason to make a stop. Complainant was dissatisfied with the officer's reasoning for a registration check and Complainant wanted to look into the reason behind the stop. A preliminary investigation revealed that during a registration check the Complainant's insurance was expired. The IRO requested that this case be inactivated for no violations of SOP.

**Case Status:** Inactivated

**Inactivation Reason:** No Allegation of SOP

## APPEALS FILED AND HEARD DURING SECOND 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 Second Quarter, there were no appeals filed or heard.

## APD JOB-WELL-DONE COMMENDATIONS

City of Albuquerque residents also contacted 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, the IRO initiated a forum via the website for citizens to express praise and

acknowledgements to individual APD officers and the department. This web-based form to report a Job-Well-Done may be found at [www.cabq.gov/iro/report-a-job-well-done](http://www.cabq.gov/iro/report-a-job-well-done)

During the Second Quarter 2013, the Independent Review Officer received 40 Job-Well-Done submissions. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police for acknowledgement. The Chief then sent a letter of commendation to the named officer, along with the citizen's compliment. A copy of the compliment/Job-Well-Done submission was placed in the officer's personnel file.

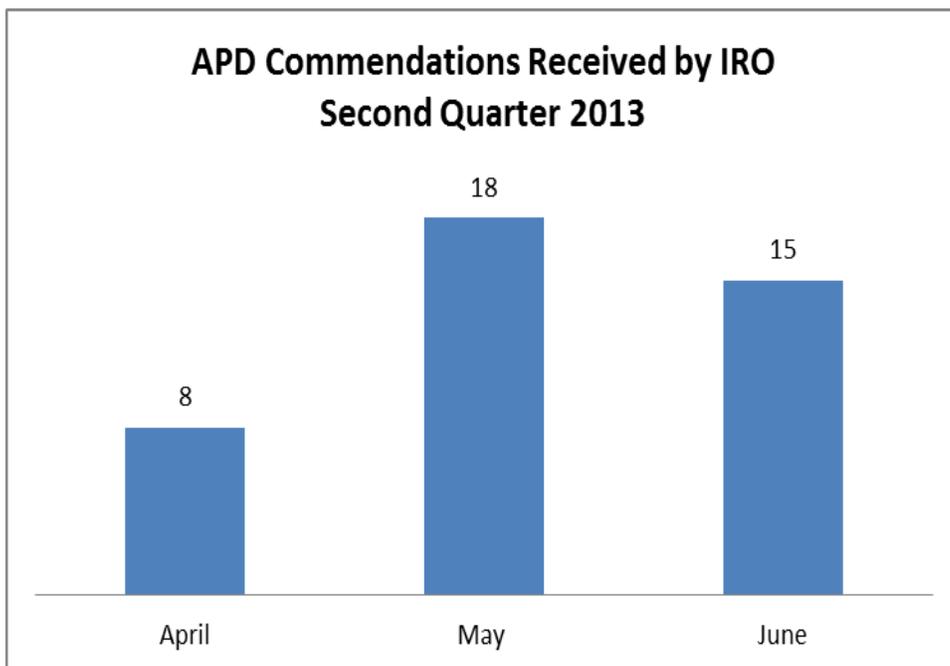


Figure 25: There were 41 praises and acknowledgements received from citizens during the Second Quarter 2013

### **JOB-WELL-DONE REPORTS RECEIVED DURING SECOND QUARTER 2013**

#### **JWD-2013-028**

Received by IRO: April 3, 2013

A citizen was appreciative of the officers who arrived at his home to help him move out after he was rudely evicted by his former landlord. The citizen described the officers as kind, respectful, and reasonable, despite his predicament. The officers made an effort to listen and evaluate the situation while keeping everyone calm.

#### **JWD-2013-029**

Received by IRO: April 5, 2013

A citizen wanted to extend a special thank-you to Officer T. and Officer F. for displaying kindness, patience, and empathy in an unfortunate situation. Citizen reported that during an argument and altercation with her brother, a recovering addict, the fight escalated to violence.

Citizen contacted dispatch, and was impressed with the quick response of the police. The citizen was also appreciative of the responding officers for the compassion and assistance provided during a stressful situation.

**JWD-2013-030**

Received by IRO: April 8, 2013

A citizen extends his warm gratitude to Sergeant W. The citizen, a manager at X-Ray Associates of New Mexico, reported that the cable line had been damaged when a truck hit the pole lines. The citizen was appreciative that the officer was quick to respond by stopping traffic, and was courteous and professional. The officer also informed the citizen of the situation and expressed concern for the company and the priority, as a medical facility, to continue to operate.

**JWD-2013-031**

Received by IRO: April 10, 2013

A citizen was appreciative to an APD dispatch employee for being polite and helpful after he called 242-COPS phone line for information.

**JWD-2013-032**

Received by IRO: April 14, 2013

A citizen was participating in a walk for the National Multiple Sclerosis Society. The citizen wanted to extend her appreciation for the APD officers who helped and for their presence in the event.

**JWD-2013-033**

Received by IRO: April 14, 2013

A business owner reported an incident at their drive-thru. The citizen was impressed with the quick response of the officers which resulted in the expedited arrest of the offender. The responding officers acted in a professional manner.

**JWD-2013-034**

Received by IRO: April 18, 2013

A citizen was involved in an accident. The citizen was appreciative that Officer R. made him and his wife feel relaxed in a very hectic situation. The officer was described as outstanding, professional, and provided them with the medical attention they needed.

**JWD-2013-035**

Received by IRO: May 2, 2013

A citizen was involved in a car accident. The citizen was grateful for the APD dispatch who answered his call. The APD dispatch was nice and polite, according to the citizen.

**JWD-2013-036**

Received by IRO: May 2, 2013

A citizen reported that an APD officer stopped by their church to check on a hang-up call made from their location. Citizen was appreciative that the APD officer was helpful and courteous during the encounter.

**JWD-2013-037**

Received by IRO: May 1, 2013

A citizen witnessed an incident between an officer and a neighbor of the apartment complex he resides in. Citizen observed the neighbor being detained on the street and questioned by the officer. The citizen also observed another uninvolved resident make numerous statements and threats to the officer about contacting the APD Internal Affairs. Despite the interruptions from the other resident, the citizen observed the APD officer manage the situation in a cool and

professional manner. The citizen commends the APD officer for maintaining a respectful demeanor and civil tone of voice in dealing with the situation. The citizen saw the other resident continue to rant about reporting the officer, and the citizen believed that the officer did not display any misconduct on his part, despite the taunt of the other resident. Citizen offered to be contacted as a witness on behalf of the officer in case a complaint is lodged against that officer.

**JWD-2013-038**

Received by IRO: May 10, 2013

A citizen was concerned for the dangerous drivers who pass through his neighborhood. The citizen later noticed APD officers' proactive approach in watching and taking notes and to block the turning lane and help alleviate the problem. The citizen also reported that during a later accident the officer blocked the turning lane to prevent drivers from using the lane and causing further accidents.

**JWD-2013-039**

Received by IRO: May 13, 2013

An employee at a law firm reported a woman wandering in their building. While concerned for the woman's safety and mental illness, the employee contacted 242-COPS. The citizen was grateful to the APD officers who responded promptly and was impressed by the display of patience they had with the woman.

**JWD-2013-040**

Received by IRO: May 15, 2013

A citizen reported to have accidentally struck a mentally ill pedestrian, who was in the company of the caregiver. The citizen was shocked and horrified with the incident and commends the three responding officers for evaluating the incident. The citizen was grateful that the officer called an ambulance to transfer her to the hospital and contacted the husband to inform him of the incident. The officers took the time to assess the problem, address the issue, and ensure the safety of the driver and pedestrian. The citizen was impressed with the level of professionalism, sound training, and experience of the APD officers who responded to the scene.

**JWD-2013-041**

Received by IRO: May 17, 2013

A citizen contacted the APD substation and was grateful to the APD officer who promptly returned the call. The citizen described the officer as being very well-spoken, patient, respectful, and helpful in answering her inquiries. She also added that the officer was patient, displayed genuine concern, knowledge, and demeanor which helped put her at ease. The citizen expressed appreciation to the officer and citizen felt respected and listened to.

**JWD-2013-042**

Received by IRO: May 21, 2013

A citizen commends APD Chief for the advice and expedited assistance in finding her niece. The citizen was grateful for the expedited service and professionalism from the leader of APD.

**JWD-2013-043**

Received by IRO: May 25, 2013

A citizen reported that an APD officer assisted in transferring her grandmother to a nursing facility. The officer was kind, patient, and understanding. The citizen appreciated his presence in helping with the situation.

**JWD-2013-044**

Received by IRO: May 27, 2013

A citizen was grateful that the arresting APD officer treated him with respect and fairness.

**JWD-2013-045**

Received by IRO: May 28, 2013

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

**JWD-2013-046**

Received by IRO: May 28, 2013

An Arkansas couple was bike riding on a trail and had flat tires. An APD officer offered to help and lend them a pump that was in his car. The citizens were appreciative for the officer going out of his way to offer assistance and provide information of shops to get the tires fixed. The friendliness of the officer left a positive impression and one that will be remembered.

**JWD-2013-047**

Received by IRO: June 4, 2013

A citizen reported a home burglary. The citizen was thankful to the responding officer who was extremely helpful, professional, and polite. The citizen was grateful that the officer provided thorough information of the investigation and follow-up contact.

**JWD-2013-048**

Received by IRO: June 12, 2013

A citizen was grateful to the crime analyst who was incredibly helpful, kind, and quick in providing the information needed.

**JWD-2013-049**

Received by IRO: June 13, 2013

A citizen saw the news and wanted to thank the APD officer for saving the lives of the people in a burning building.

**JWD-2013-050**

Received by IRO: June 20, 2013

A California resident wants to commend the APD officer who helped save the lives of people during a recent fire. A police officer himself, the citizen would like to extend his appreciation and pride to the officer for being an inspiration to all law enforcement officers.

**JWD-2013-051**

Received by IRO: June 21, 2013

A Magdalena resident expresses gratitude and thanks to the APD officers who helped get water to their town.

**JWD-2013-052**

Received by IRO: June 24, 2013

Two senior citizens had a vehicle stall in a busy intersection. An APD officer responded to their call for help and assisted the citizens. The officer positioned his car to ensure the citizen's safety and stayed with the couple until the tow truck arrived. The citizens were grateful for the kind and helpful assistance they received.

**JWD-2013-053**

Received by IRO: June 25, 2013

A citizen called to report that their home was broken into. The citizen was impressed that the APD officers showed up and made sure of the citizen's safety by checking the house before

allowing them to go in. The citizen was extremely grateful for the professional, polite, and cool-headed officers who responded to their call.

**JWD-2013-054**

Received by IRO: June 27, 2013

A citizen went to an APD substation to obtain a copy of the accident report on behalf of his 95-year-old blind and disabled father. Despite the first failed attempt, the citizen e-mailed and contacted the commander to explain the situation. With the help of the commander, the citizen was able to retrieve a copy of the report. The citizen was grateful that the commander expedited his request, and personally handled the report, and patiently explained the policy on releasing reports to a third person. The citizen was thankful the commander took the time out of her busy schedule to meet and explain to him why the report couldn't be released to him when he first requested.

**JWD-2013-072**

Received by IRO: April 20, 2013

A citizen was appreciative of the APD officers and their work.

**JWD-2013-074**

Received by IRO: May 17, 2013

A citizen reported meeting an APD officer with traffic division while counting kids and cars that use the crosswalks at Dennis Chavez Elementary School. The citizen described the officer as professional, courteous, and nice. The citizen recognizes the officer for such a great job and exemplified what an APD officer should be.

**JWD-2013-082**

Received by IRO: May 19, 2013

A citizen reported an incident at Walmart. The citizen could not make a call to police on the phone until he was home, and Officer D. met him at his home. The citizen was grateful for the positive attitude and for the positive interaction which left him with a good impression of APD. The citizen described Officer D. to be understanding and a great sense of humor.

**JWD-2013-091**

Received by IRO: May 17, 2013

A citizen acknowledges APD Chief for a job well done. The citizen was extremely pleased that everyone he meets from the department exhibits great professionalism and respect.

**JWD-2013-092**

Received by IRO: May 21, 2013

A citizen wrote to commend the APD officer who responded to a car accident involving his daughter. The citizen described the officer as kind and helpful. The citizen was extremely grateful for how the officer handled the situation. Despite the shock and stress of the situation, the officer helped ease the situation with his kindness and support.

**JWD-2013-093**

Received by IRO: May 27, 2013

A citizen expressed his heartfelt gratitude to the responding APD officer during an accident. The officer arrived within three minutes and was described as nice and professional. The officer made the citizen feel calm and safe while the accident was quickly taken care of.

**JWD-2013-098**

Received by IRO: May 31, 2013

A citizen wrote to express his gratitude to APD for doing a great job.

**JWD-2013-103**

Received by IRO: June 10, 2013

A citizen wanted to acknowledge Officer R. for getting rid of drug dealers in the area and wishes him well.

**JWD-2013-129**

Received by IRO: June 11, 2013

A citizen reported a loud banging on the garage door at her home. The citizen was thankful to the responding officer who came to her home. The APD officer was nice and went out of his way to hang around just to make sure it was safe.

**JWD-2013-130**

Received by IRO: June 20, 2013

A citizen wanted to thank Officer S. for the exemplary job in reporting a fraud complaint. The citizen was grateful that the officer was professional and helpful. The citizen was comforted by her friendly demeanor and changed her negative impression of APD as a whole.

**JWD-2013-131**

Received by IRO: June 29, 2013

A citizen witnessed APD officers responding to a scene. The officers showed compassion and the citizen was grateful to the officers who assisted the man in a vehicle.

**JWD-2013-132**

Received by IRO: June 29, 2013

A Magdalena resident expresses her appreciation to the APD officers who delivered drinking water to their community.

**JWD-2013-157**

Received by IRO: June 24, 2013

A citizen expresses his gratitude to the responding APD officer who assisted transporting her husband to the VA hospital from her home.

## **SUMMARY OF SECOND QUARTER 2013**

The Independent Review Office is currently making progress in database management and collection of data. Data gathered in closed cases is limited as the office strives to work on pending cases in 2012 and 2013. Types of complaints and Standard Operating Procedures can only be gathered in closed cases. Data was collected from attempts to identify the demographic information of complainants during the initial complaint intake, as well as through voluntary surveys, through written complaint and online.

The IRO obtained information on ethnicity, gender, and age for 74 complainants during the Second Quarter of 2013. We were not able to capture all demographic information of all complainants because some declined to disclose their information and the limited form of current e-mail submission of complaints. Not all complainants disclosed incident information, including City Council District or Neighborhood Association.

The IRO received significant response for APD commendations via the IRO website since inception. During the Second Quarter 2013, IRO received 40 praises for APD employees and the department.

The Independent Review Office received 76 complaints for the Second Quarter from April-June 2013. April had the highest number of complaints received in the Second Quarter. The IRO received an average of 26 complaints per month during the Second Quarter 2013. Each investigator is assigned at least 19 new Citizen Police Complaints per month. 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 9:00 a.m. to 12:00 noon. Complainants reported higher alleged misconduct located in City Council Districts 2 and 7. The office is currently making changes on database entry of incident information on all complaints.

The highest number of complaints received was from residents of City Council District 8. Complaints received in the Second Quarter include 58 complaints from Albuquerque residents, 12 complaints from complainants who live outside Albuquerque, and one complainant residing from another state. The highest number of complaints was received from male White citizens with the age range of 42-47 years old. Most complaints were received by e-mail and the number of unknown demographic information of complainants is attributed to the missing form in the website.

Complainants were most likely to file a report on White male Albuquerque Police Department officers with the age range of 24-29 years old. Most alleged misconduct involved officers in Field Services and Patrolman First Class rank with 6-10 years of service since date of hire. During the Second Quarter 2013, complaints were more likely filed on officers assigned in North East Area command.

The IRO presented 52 Citizen Police Complaints to the Police Oversight Commission during the Second Quarter 2013. This resulted in 40 inactivated cases and 12 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 12 CPCs closed, there were 44 allegations of Standard Operating Procedures (SOPs) reviewed by the POC. During the Second 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).

The IRO forwarded 11 cases to Internal Affairs for investigation during the Second Quarter 2013. In addition, the IRO presented two (2) Officer-Involved Shootings to the POC for their review during the Second Quarter 2013. The POC and IRO investigated, reviewed, made findings and approved findings for 128 separate complaints during the Second Quarter 2013 and received 41 Job-Well-Done Reports. Through their investigations and review of police practices and procedures, the IRO and POC remain dedicated to improving the Albuquerque Police Department.

