

CPC #53-18

A

Mary Did NOT NEED HER

WORLD TURNED UPSIDE DOWN.

LOOSING HER GREAT AMBERCARE

HOSPICE GROUP!

BECAUSE OF STANDARD

OPERATING PROCEDURE

VIOLATIONS by: officers WGV,

#3498 and MCB #5508

OFFICERS ALSO VIOLATED

WRITTEN HOSPICE DIRECTIVES

for Mary! ALSO OVERRULING

Mary's MEDICAL NURSE ON

SCENE 3 HOURS BEFORE APD

TO BE PLACED IN PATIENT'S HOME OR FACILITY CHART



ambercare

HOSPICE

**THIS PATIENT IS ON AMBERCARE HOSPICE**

**DO NOT CALL 911**

**\*UNLESS PATIENT IS "FULL CODE" STATUS\***



**CALL AMBERCARE  
505-244-0046**

Please contact Ambercare **PRIOR** to arranging any change(s) in care:  
Examples:

- Emergency Room Visits
- Ambulance Transport
- New Treatments and Therapies

**\*Failure to notify hospice of changes in care could result in patient liability for billing.\***

Please contact and inform Ambercare Hospice immediately regarding any significant changes in condition, status, or death - **24 hours a day, 7 days a week.**

(over)

**Patient Name:** \_\_\_\_\_

**Hospice RN:** \_\_\_\_\_

**Attending Physician:** Camila Jaramillo, MD

In the event that you cannot reach Ambercare staff at the direct number provided above, please call the answering service at (575) 523-3820 or the back-up after-hours number (505) 710-8826.

B

ARRIVED! MARY WAS IN NO  
DANGER! Mary lost her TRUSTED  
Dr., NURSES, CHAPLIAN and SOCIAL  
WORKER!

OFFICERS VIOLATED SOP -

2-19-7, F+K pg.4 2-19-5 A

pg.8 2-19-7 [6] 6 pg.10, 2-19-7 A.1+2

2-19-[6]-B pg.11 AND 4-25-4

a., b., i, ii, +iii pg5. PLUS about  
20 MORE! (See attachments).

Mary WAS IN NO MENTAL  
Condition to MAKE MEDICAL  
DECISIONS FOR HERSELF!

ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-19

Effective: 11/29/17 Review Due: 11/29/18 Replaces: 11/01/16

**F. Crisis Intervention Team (CIT) Program**

A community-based program that includes members of the Department's crisis intervention section (including crisis intervention unit clinicians) and Department personnel who are not clinicians but who are trained in handling and de-escalating interactions between law enforcement and members of the public affected by behavioral health disorders or behavioral health crises.

**G. Crisis Intervention Unit Clinicians (CIC)**

Crisis Intervention Clinicians are qualified mental health professionals who provide evaluations, general psychological assessments, crisis intervention, dangerousness assessments, safety planning, and referrals for individuals in the community living with behavioral health disorders who come into contact with the Department.

**H. Crisis Outreach and Support Team (COAST)**

Civilian employees supervised by a Department Sergeant. COAST enhances the CIT program by providing crisis intervention, access to mental health services, and education in response to police referrals. COAST is assigned to the Criminal Investigations Bureau (CIB)/Crisis Intervention Section.

**I. De-escalate**

An officer's actions to attempt to calm a situation or to prevent a situation from escalating into a physical confrontation or injury, by using verbal and non-verbal techniques, including active listening skills, tone of voice, announcement of actions, body posture, personal space, eye contact, and empathy and compassion to promote officer and individual safety.

**J. Disengagement**

An officer's decision, to discontinue contact after attempts to engage with an individual in behavioral health crisis.

**K. Enhanced Crisis Intervention Team (ECIT)**

Specially-trained Field Services Bureau officers who function within their patrol teams as specialists to handle calls involving individuals affected by a behavioral health disorder or experiencing a behavioral health crisis.

Mobile Crisis Teams (MCT) and ECIT officers are selected for special mental health crisis intervention training with demonstrated skills and abilities in crisis de-escalation.

ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-19

Effective: 11/29/17 Review Due: 11/29/18 Replaces: 11/01/16

- c. Current training requirements for department personnel are described below.  
Ref (2-19-12)
- C. Sustaining elements are activities directed at program growth and response for the needs of the community. They include:
1. Evaluation and research by CIS members in current practices and approaches to behavioral health disorders and behavioral health crises;
  2. In-service training for CITO's and Emergency Communications Center employees at least every two years;
  3. Advanced in-service training for ECITs at least every two years, and;
  4. Recognition and honors for officers who excel and/or have positive outcomes in interactions with individuals exhibiting behavioral health disorder or crisis.

2-19-5 Recognizing Behavioral Health Disorders

- A. When responding to an incident, officers should consider whether the person may be in behavioral health crisis.
- B. Only a trained mental health professional can diagnose behavioral health issues, mental disorders, or illness. Officers and Emergency Communications Center employees do not diagnose an individual's mental health condition. However, they apply their training to recognize behaviors and conduct that indicate the person may be affected by a behavioral health disorder or is in behavioral health crisis and to adapt police responses accordingly.
- C. Officers and Emergency Communications Center employees should consider that someone may be in behavioral health crisis due to behavioral disorders or distress, impairment from alcohol or psychoactive drugs, or may have a hearing impairment, deafness, dementia, autism, or physical injury and tailor their response accordingly.
- D. A telecommunication employee will apply his/her training and experience to identify calls that indicates the subject may be affected by a behavioral health disorder or a behavioral health crisis, and if so, will dispatch an ECIT officer or MCT, when appropriate and available.
- E. If Emergency Communications Center employees receive a call indicating the person may be in a behavioral health crisis, Emergency Communications Center employees will (when available) determine whether it would be beneficial to transfer the call to the New Mexico Crisis and Access Line. If so, Communications will call 1-(855)-NMCISIS (622-7474) and collaborate with the Crisis Line personnel to help respond to the call if appropriate and available.

5-7

ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-19

Effective: 11/29/17 Review Due: 11/29/18 Replaces: 11/01/16

2-19-7 Response

7 A. In responding to an individual experiencing a behavioral health crisis, an officer will attempt to de-escalate and calm the situation if feasible, until a supervisor or ECIT or MCT arrives to control the scene and direct operations.

1. ECIT, MCT, or CIU will take the lead in interacting with individuals in a behavioral health crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek input from ECIT, MCT or CIU on strategies for de-escalating, calming and resolving the crisis, when it is safe.

6 2. The responding officer will request a backup officer whenever the individual will be taken into custody (either for booking or for emergency mental health evaluation). The officer should specifically request an ECIT officer or MCT as backup, unless the officer is an ECIT officer.

3. Officers should take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening tone and manner when approaching or conversing with the individual. Where possible, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally, and there is no need to rush or force the situation.

4. Officers should move slowly and do not excite or agitate the person. Provide reassurance that the police are there to help and that the person will be provided with appropriate care, assistance and resources.

5. Officers should communicate clearly and calmly. If possible, speak slowly and use a low tone of voice. Express concern for the person's feelings, and allow the person to share feelings without expressing judgment.

6. Where possible, officers should gather information from acquaintances or family members. Attempt to find out the nature of the crisis the individual is experiencing. Request professional assistance, if available and appropriate, to assist in communicating with and calming the person.

Officers should have talked to Laurie HOSPICE SUPERVISOR - for Mary

7. Officers should not threaten the individual with arrest or physical harm, as this may create additional fright, stress, and potential aggression.

8. Officers should avoid topics that seem to agitate the person, and guide the conversation away from areas that cause stress or agitation and towards topics that seem to ease the situation.

ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-19

Effective: 11/29/17 Review Due: 11/29/18 Replaces: 11/01/16

9. Officers should always be truthful. If the person senses deception, he or she may withdraw in distrust, become hypersensitive, or retaliate in anger. If an individual is experiencing delusions and/or hallucinations and asks the officer to validate them, statements such as, "I am not seeing what you are seeing, but I believe that you are seeing them," are recommended. Validating and/or participating in the individual's delusion or hallucination is not advised.

10. Officers should offer to connect individuals to mental health service agencies, or provide transportation to the hospital.

6

B. Officers will complete an original incident report where required (e.g. there are charges filed, a CIU referral, or transport to the hospital). Regardless of whether an incident report is required, officers will complete a CIT contact sheet for any dispatch in which the subject's behavior indicates a behavioral health disorder or behavioral health crisis.

6

C. Non-engagement or Disengagement to Dispatched Calls for Service

1. If a supervisor determines, after consulting with ECIT or a mental health professional, that a person exhibiting behavioral health disorder or behavioral health crisis is not a threat to others and that further interaction with the individual will result in an undue safety risk to the person, the public, or officers, they should disengage. A supervisor will notify a lieutenant of this decision and will coordinate with CIU to contact the person at a different time or under different circumstances. A police report and/or CIT contact sheet will be generated documenting the following elements:

- a. Details of the call;
- b. Reasons for disengagement;
- c. Actions taken to deescalate the situation;
- d. Actions taken to promote safety;
- e. Follow-up plans and referrals made; and
- f. Flagged address for a safety bulletin.

2. The word "disengagement" will be placed in the incident summary line of the report or CIT contact sheet.

3. If the subject is barricaded, the officers will follow the additional procedures set forth in the Hostage, Suicidal/Barricaded Subject, and Tactical Threat Assessment SOP.

ALBUQUERQUE POLICE DEPARTMENT  
FIELD SERVICES ORDERS

SOP 4-25

Effective: 4/25/18 Review Due: 4/25/19 Replaces: 1/14/16

Additionally; the officer will supply sufficient remarks in the "added remarks" to justify the change in the status of the call.

4. Encountering and Assisting Individuals with Behavioral Health Issues on a DV Call SOP 2-19 (Response to Behavioral Health Issues) applies to investigations and responses in cases involving Domestic Violence or Abuse. The steps outlined below are not intended to supersede the provisions of SOP 2-19, and in the event of any inconsistency, the provisions of SOP 2-19 control.
  - a. All Officers who respond to domestic disturbance calls must familiarize themselves with SOP 2-19: Response to Behavioral Health Issues.
  - b. If an officer is called to a domestic disturbance and is informed by dispatch or discovers through investigation that the individual whose behavior, criminal or otherwise, appears to stem from a behavior health disorder, the Officer shall:
    - i. immediately call for assistance from an Enhanced Crisis Intervention Team (eCIT) officer;
    - ii. if the situation is determined to be a crisis, request a Mobile Crisis Team (MCT);
    - iii. while waiting for eCIT officer, MCT, or supervisor to arrive, Officers shall de-escalate and calm the situation as much as possible: see SOP 2-19-7;
    - iv. if a MCT is not available and the Officer believes the individual to be a danger to themselves or others, the Officer may transport the individual to UNMH or another available mental health evaluation facility. See SOP 2-19-8; NMSA 43-1-10; and
    - v. officers shall reasonably accommodate the disabilities of an individual who either has a behavioral health disorder, or is perceived to have a behavioral health disorder.
  - c. Officers shall not transport an individual whose behavior, criminal or otherwise, appears to stem from a behavioral health disorder, to MDC or PTC solely for the purpose of getting mental health treatment for the person. Mental health evaluation and treatment facilities may be used for that purpose.
  - d. An arrest or charge is not necessary to transport the individual to UNMH or other mental health treatment or evaluation facility if the individual who has or appears to have a behavioral health disorder or who is experiencing a behavioral health crisis presents a likelihood of serious harm to himself/herself or others, including danger to himself/herself due to grave passive neglect, and that immediate detention is necessary to prevent such harm (NMSA 1978 §43-1-10).



C

Officer #3498 CONTRADICTED

HIMSELF 3 TIMES in police

report! Lines 7-12 LPnes 18+19

and Lines 27+28 (See Attachment).

ON Mary's mental condition

It was ALSO 16 DAYS before

approving officer S.V. #2696

signed this police report! Why?

2-16-1 Policy Violated! This police

report WAS NOT EFFECIENT NOR

RELIABLE! 14 MISTAKES!

I am meeting TREMENDOUS

RESISTANCE FROM THE CPOA OFFICE!

And have since DAY 1!

OCCURRENCE DATE(S)		DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT				ORI NO.	CASE NO.	PAGE	OF																							
ON	OR BETWEEN							NM 0010100	170112999		2																							
MM/DD/YYYY	MM/DD/YYYY	MM/DD/YYYY		AGENCY/COUNTY				DISTRICT NO.	INCIDENT NO.		NO. OF UNITS INV																							
11-12-2017	11-19-2017	11-19-2017		ALBUQUERQUE POLICE DEPARTMENT				533	173230661																									
TIME	DAY OF WEEK	TIME	DAY OF WEEK	TIME	DAY OF WEEK	ADDRESS/LOCATION OF INCIDENT			CITY	ZIP																								
0800	SUN	1600	SUN	1630	SUN	11618 RIVIERA RD NE			ALBUQUERQUE	87111																								
OFFENSE	APPL. ON	OFFENSE / INCIDENT			STATUTE OR ORDINANCE			REL. MSO	ATTEMPTED	COMPLETED	UCR OFFENSE CODE	CRIMINAL ACTIVITY CODE	LOCAT CODE	WEAPON CODE	OFFENSE(S) SUSPECTED OF																			
		1. Incident			INCIDENT					X				20		ALCOHOL	DRUG	COMP	UNK															
		2.																																
		3.																																
SUBJECTS (VICTIMS / SUSPECTS / PERSONS / BUSINESSES)	APPL. ON	PERSON CODES	VIC-VICTIM	OT-OTHER	SUS-SUSPECT	ARR-ARRESTEE	TYPE CODES			INJURY CODES			A-OVERSE			S-BURNS																		
		INT	I	N																														
		1-NAME (LAST, FIRST, MIDDLE)			SOCIAL SECURITY NO.			DOB			AGE (RANGE)			SEX			RACE																	
		PARSONS MARY						1934						F			W																	
		STREET ADDRESS			APT. NO.			RES. PHONE			HEIGHT			WEIGHT			HAIR			EYES			ETHNICITY			ADD. ABILITY								
		11618 RIVIERA RD NE									5' 04"			140			WHI			BRO			N											
		CITY			STATE			ZIP			BUS. PHONE			VICTIM OF OFF. NO.			VICTIM OF SUSP. NO.			REL.			VICTIM OF SUSP. NO.			REL.			VICTIM OF SUSP. NO.			REL.		
		ALBUQUERQUE			NM			87111																										
		EMAIL			EMPLOYER/SCHOOL AND ADDRESS			SUSPECT OF OFFENSE NO.			ARRESTED FOR OFFENSE NO.			GANG AFFILIATION																				
		ALIAS / NICKNAME			MARKS, SCARS, TATTOOS			CLOTHING DESCRIPTION			ARMED WITH WEAPON CODE																							
	DRIVER'S LICENSE NO.			D.L. STATE			ARREST / CITATION NO.			F.B.I. NO.			S.I.D. NO.			NIC NO.			RES. STATUS															
				NM															R															
				2-NAME (LAST, FIRST, MIDDLE)			SOCIAL SECURITY NO.			DOB			AGE (RANGE)			SEX			RACE															
				PARSONS. JEFFERY						1980			57.			M			W															
	STREET ADDRESS			APT. NO.			RES. PHONE			HEIGHT			WEIGHT			HAIR			EYES			ETHNICITY			ADD. ABILITY									
	11618 RIVIERA RD NE						(505) 325-5174			5' 06"			140			BRO			XXX			N												
	CITY			STATE			ZIP			BUS. PHONE			VICTIM OF OFF. NO.			VICTIM OF SUSP. NO.			REL.			VICTIM OF SUSP. NO.			REL.			VICTIM OF SUSP. NO.			REL.			
	ALBUQUERQUE			NM			87111																											
	EMAIL			EMPLOYER/SCHOOL AND ADDRESS			SUSPECT OF OFFENSE NO.			ARRESTED FOR OFFENSE NO.			GANG AFFILIATION																					
	ALIAS / NICKNAME			MARKS, SCARS, TATTOOS			CLOTHING DESCRIPTION			ARMED WITH WEAPON CODE																								
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				3-NAME (LAST, FIRST, MIDDLE)			SOCIAL SECURITY NO.			DOB			AGE (RANGE)			SEX			RACE															
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	STREET ADDRESS			APT. NO.			RES. PHONE			HEIGHT			WEIGHT			HAIR			EYES			ETHNICITY			ADD. ABILITY									
	UNK						(720) 400-5574												N															
	CITY			STATE			ZIP			BUS. PHONE			VICTIM OF OFF. NO.			VICTIM OF SUSP. NO.			REL.			VICTIM OF SUSP. NO.			REL.			VICTIM OF SUSP. NO.			REL.			
	ALBUQUERQUE			NM			87111																											
	EMAIL			EMPLOYER/SCHOOL AND ADDRESS			SUSPECT OF OFFENSE NO.			ARRESTED FOR OFFENSE NO.			GANG AFFILIATION																					
	ALIAS / NICKNAME			MARKS, SCARS, TATTOOS			CLOTHING DESCRIPTION			ARMED WITH WEAPON CODE																								
	DRIVER'S LICENSE NO.			D.L. STATE			ARREST / CITATION NO.			F.B.I. NO.			S.I.D. NO.			NIC NO.			RES. STATUS															
																			N															
VEHICLE	APPL. ON	VEHICLE TYPE	ACC-TRAFFIC ACCIDENT	EVD-EVIDENCE	OUT-OUTSIDE RECOVERY, OTHER AGENCY SEIZED AND RECOVERED			VEHICLE TYPE			1-AUTO			4-CAMPER/RV			7-ATV			U-UNKNOWN														
			BRI-BURNED/ARSON	FCN-FIELD CONTACT/RECOVERED	SEZ-SEIZED	TOW-TOWED				2-TRUCK/VAN			8-BUS			8-SNOWMOBILES																		
			DMG-DAMAGED/VANDALIZED	IMP-IMPOUNDED	REL-RELEASED TO OWNER/IN-STOLEN	VEH-VEHICLE'S VEH				3-MOTORCYCLE			8-OTHER																					
			EMV-EMBEZZLED	LET-LOST	RPO-REPOSSESSION	SUS-SUSPECT	WNT-WANT/WARRANT ON OWNER																											
		YEAR	MAKE	MODEL	BODY STYLE	LICENSE NO.	LC.YEAR	LC.STATE	TOP COLOR	BTM COLOR	VALUE/DAMAGE EST.																							
		REGISTERED OWNER'S NAME				VIN				DISTINGUISHING FEATURES / VISIBLE DAMAGE																								
	ADDRESS				TOW TO / BY				NIC NO.																									
	AGENCY OPTIONAL USE				TOWED FROM				<input type="checkbox"/> OWNER NOTIFIED				DATE RECOVERED			TIME RECOVERED																		

PROPERTY STATUS	OTH-OTHER	OPD-REPOSSESSION	APD-RECOVERED OUTSIDE	AGENCY STOLEN	PROPERTY	RECOVERED	NON-RECOVERED	NON-FILE CONTACT	ARM-ARMED/UNARMED	SWP-SAFEPERSON										
	STN-STOLEN & RECOVERED	EVI-EVIDENCE	LET-LOST	RECOVERED	DAMAGED	PROPERTY	RECOVERED	NON-FILE CONTACT	RED-RECEIVED	SWP-OBSERVED										
PROPERTY TYPE	1-CLUMP/PLANT	1-STRUCTURE	1-NON-SERIALIZED JEWELRY	1-BICYCLE	1-CAMERA/PHOTO EQUIPMENT	1-DATA PROCESSING EQUIPMENT	1-FURNITURE AND FURNISHINGS	1-GAMING EQUIPMENT	1-HOUR/HOLD APPLIANCE/HOUSEWARE	1-IDENTIFICATION ITEMS	1-SPECIAL DOCUMENTS/FOOD STAMPS	1-KEEPER AND COLLECTIBLES	1-LIVESTOCK	1-MANUAL INSTRUMENTS	1-NON-SERIALIZED PROPERTY (JEWELRY NOT INC.)	1-TOOL CHEMICALS	1-VEHICLE EQUIPMENT	1-WELL DRILLING EQUIPMENT	1-OTHER (NONE OF THE ABOVE)	1-RECREATION GOLF
	2-DRUGS	2-FOOD/LIQUID/CONSUMABLE	2-CLOTHING/PLNS	2-CAT/MOTOR VEHICLE/AIRCRAFT	2-AUTO ACCESSORIES	2-CONSTRUCTION MACHINERY	2-SCIENCE, NEGOTIABLE ITEMS	2-ARMOR	2-COCAINE	2-HEROIN	2-MARIJUANA	2-OTHER NARCOTICS	2-PCP	2-OTHER HALLOUCINENS	2-MOTHER	2-N-BARBITURATES	2-OTHER DRUGS	2-OTHER DRUGS	2-UNKNOWN	2-OVER 3 TYPES
DRUG TYPE																				
FIELD UNIT OF MEASURE	DU-DOZAGE UNITS/ITEMS	FL-FLUID OUNCE	GL-GALLON	GM-GRAM	KG-KILOGRAM	LB-POUND	LT-LITER	ML-MILLILITER	NU-NUMBER OF PLANTS	OZ-OUNCE										
PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)										
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MEAS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIG NO.												
PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)										
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MEAS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIG NO.												
PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)										
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MEAS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIG NO.												
PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)										
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MEAS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIG NO.												

UNOFFICIAL COPY

M. C. EVENT CODES: (AGENCY OPTIONAL USE)

ON NOVEMBER 19, 2017 AN INCIDENT REPORT WAS FILED FOR MARY PARSONS AT 11616 RIVIERA RD NE.

SYNOPSIS

NARRATIVE

1 On November 19, 2017 at approximately 1530 hours I was dispatched to 11616 Riviera Rd NE reference an  
 2 unknown Domestic Incident. Remarks were from a 3rd party caller from out of State, identified only as Megan.  
 3  
 4 Upon arrival on scene officers contacted Jeffery Parsons who is the owner of the listed residence. Officers  
 5 located Mary Parsons in a rear bedroom. Mary is bed ridden.  
 6  
 7 Upon attempting to speak with Mary she was unable to explain what or how I could assist her, but was talking  
 8 about everything except how I could assist her. Mary eventually contacted a family member, identified only as  
 9 Megan, over the phone. Megan began to say Mary did not feel safe at the residence because Jeffery was not  
 10 caring for her. Megan said Jeffery was not providing her correct medications, allowing her to be transported to  
 11 the ER, if needed. Megan continued to say Jeffery was verbally abusive towards Mary. Megan eventually said  
 12 Mary wanted to be transported to Presbyterian ER for medical treatment.  
 13  
 14 \*\*It shall be noted upon my arrival on scene two (2) employees from Amber Care were on scene and were  
 15 attempting to assist Mary but Mary was once again not providing any information to the employees (who were  
 16 not identified.)  
 17  
 18 It was determined Mary was capable of making her own decisions and was transported to the ER for further  
 19 treatment.

CERT. / STATUS

<input type="checkbox"/> WILL PROSECUTE/TESTIFY SHOULD THE OFFENDER BE ARRESTED?		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE?		COMPLAINANT / VICTIM CERTIFICATION SIGNATURE X		DATE	
REPORTING OFFICER (PRINT) VELASQUEZ, WILLIAM		RANK P1C	I.D. NO P3498	DATE 11-19-2017	DETECTIVE FOLLOW-UP OFFICER / REFERRED TO		I.D. NO	DATE
ASSISTING OFFICER (PRINT)		RANK	I.D. NO	DATE	PROCESSED BY		DATE	DATA ENTRY PERSON
APPROVING OFFICER (PRINT) VIGIL, STUART		RANK	I.D. NO P2898	DATE 12-04-2017	INCIDENT STATUS <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> MENTALLY ILL <input type="checkbox"/> CHILD <input type="checkbox"/> EXCEPT CODE		DATE	
DISTRIBUTION <input type="checkbox"/> IA <input type="checkbox"/> SE <input type="checkbox"/> VA <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> FTHL <input type="checkbox"/> DAL <input type="checkbox"/> CACU <input type="checkbox"/> OTHER <input type="checkbox"/> NW		CASES CLEARED BY THIS ARREST CASE NO.		CASE NO.		REV. 3/84		

70

OCCURRENCE DATE(S)		DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT		ORI NO. NM 0010100	CASE NO. 170112888	PAGE 2	OF 2
ON OR BETWEEN				AGENCY/COUNTY		DISTRICT NO.	INCIDENT NO.	SEARCHED	INDEXED
MMDD/YYYY	MMDD/YYYY	MMDD/YYYY		ALBUQUERQUE POLICE DEPARTMENT		833	173230881		NO. OF UNITS
11-12-2017	11-18-2017	11-19-2017		ADDRESS/LOCATION OF INCIDENT					
TIME	DAY OF WEEK	TIME	DAY OF WEEK	TIME	DAY OF WEEK	ADDRESS/LOCATION OF INCIDENT		CITY	ZIP
0800	SUN	1500	SUN	1630	SUN	11818 RIVERA RD NE		ALBUQUERQUE	87111

20

21 Jeffery stated his mother was not happy with his care he has provided for the last seven (7) years. Jeffery said he

22 was not his mother guardian and was only helping his mother who lives with him at his residence.

23

24 \*\*It shall be noted Mary's room appeared to be clean and in order. I observed no signs of injuries nor were any

25 injuries reported by Mary.\*\*

26

27 At this point due to the unknown mental status of Mary this report was forwarded to Adult Protection for further

28 review.

29

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①

Jeff Parson ; son of Mary

Thank you for your help!

The preponderance of evidence is  
OVERWHELMING that APD officers  
had NO IDEA what to do in a  
Hospice Situation!

As the 50 EXAMPLES in my  
appeal showed.

Mary's AMBERCARE HOSPICE WRITTEN  
DIRECTIVES were VIOLATED!

Hospice Medical Staff were on  
scene 3 HOURS before APD arrived.

②

And officer 3498 overruled Hospice staff: That Many NOT be transported to hospital.

Despite my 20 Requests for officers to call Laurie; Mary's Hospice Supervisor.

And the ACTUAL REQUEST of Laurie to talk to APD, was Rejected by officer

5508, Laurie said Yes to talk to police.

These officers VIOLATED MANY

SOP's.

④

Police report contained 14 MISTAKES,  
Lies + Slander!

Contrary to the CPOA FINDINGS  
pg 5. The 14 mistakes were NOT "de

minimis errors". These only EXPOSE the

Misfeasance and Incompetence of

officers 3498 and 5508.

How many mistakes does it take  
according to director Harness to affect  
the outcome of a police call? <sup>#</sup> ?

All 14 MISTAKES and SOP Violations

DYD EFFECT Mary's life and mine!

⑤

The CPOA has violated, many Policy and procedures and Code of Ordinances as shown in the Findings/

This process HAS NOT BEEN IMPARTIAL, INDEPENDENT or FAIR! The bias is showing EVERY STEP OF THE WAY.

Including the Mayor's office + Chief's office.

(Please, See Call Logs) and City attorney's office.

Mary had only been home 3 DAYS

from 2 strokes and 60 DAYS hospitals and rehab.

APD TOOK UNVARIFIED ALLEGATIONS



⑥

from an UNRELIABLE SOURCE!

OVER THE PHONE 2000 MILES AWAY. ○

Megan the 911 Caller is a victim of  
who is Megan  
domestic violence and Post TRAUMATIC  
STRESS DISORDER!

APD DID NOT QUESTION or Vette

Megan on EYEWITNESS ACCOUNT or

FIRST HAND KNOWLEDGE!

This was an ABUSE OF POWER! ○

APD came into a hospice situation

like a HERD OF ELEPHANTS! ○

Violating Mary's HOSPICE WRITTEN

DIRECTIVES. OVERRULING HOSPICE

(7)

STAFF. APD DID NOT INFORM me  
of the ALLEGATIONS AGAINST ME! ALL FALSE!

Mary was an AMBERCARE PATIENT  
while she was still in Genesis Bee  
Canyon Rehab, for 45 DAYS!

In the police report 3498 wrote:  
(occurrence dates of 11-12 through 11-19)

Mary was still in the rehab until  
11-16. (See, police report)

Megan had NOT SEEN her grandmother  
for 1½ years.

Yet, I the 40 YEAR CAREGIVER of  
my mom was DETAINED and

⑧

PRESUMED GUILTY! And not 1 question from ABQ Fire Dept or ABQ Ambulance was addressed to me!

Because; I was being detained by officer 5508!

Rusty: hospice nurse was with Mary for 3 hours Sat the 18<sup>th</sup> when mom

was in a TIA - mini stroke all day.

Sunday the 19<sup>th</sup> Mary woke up incoherent

confused and paranoid when Megan was

talking to Mary on the PHONE!

Laurie Mary's HOSPICE SUPERVISOR

gave me her cell number. And REQUEST-

ED APD call Her Upon Their Arrival!

Despite MY 20 REQUESTS for APD TO

CALL Laurie They would Not!

9

When I begged my way back into my home. Officer 3498 ORDERED ME TO SIT ON THE COUCH! This also contradicts the CPOA Findings!

I then asked my sister to bring me Laurie's number. Officer 5508

**INTERCEPTED** Laurie's number and Did NOT want me to contact Laurie.

(Please watch 5508 Lapel Video) **60 TO 9A** →

**9** → **FOUR TIMES** in my 4/16

interview with CPOA investigator

Diane McDermott; Diane stated "Laurie

said she DID NOT NEED TO SPEAK

9)A

I offered the phone to officer MCB  
5508 when Laurie said yes to talk to  
police. 5508 REFUSED TO TALK TO LAURIE  
Saying "I'm not I'm not primary  
officer! She would have to talk to our  
primary officer". (Please, see pg 40 + watch lapel video)

Officer violated SOP 2-19-7 [6] b.

Officer 3498 Violated 4-7-6 B.1. a. + 2,  
Outside Referrals.

Adult Protective Services did NOT receive police  
report. (See, police report line 27+28)

Officer was NEGLIGENT of his obligation  
to ensure APS receives the referral + follow up  
is conducted! If Mary was in Danga the  
officer FAILED TO PROTECT HER!

This is Unacceptable Incompetence from APD.

Back to 9

40

Trish?: You can never prepare as much  
as you try. Barlow: Ah ha. Trish: You like  
a drink of water or anything? Barlow:  
I'm ok. Thank you though. Jeff:(IA)

(Background noise in clerks office)

Barlow: I'm not, I'm not PRIMARY  
OFFICER! She would HAVE TO  
SPEAK TO OUR PRIMARY OFFICER!

NO!  
to  
Laurie

Jeff:(IA) Francisco: (Sitting next to  
Jeff talking to Laurie AMBERCARE  
Hospice Supervisor) I sitting next  
to Jeff. Jeff:(IA) Francisco:(IA) If  
you don't mind calling Bill, oh thank



ALBUQUERQUE POLICE DEPARTMENT  
FIELD SERVICES BUREAU ORDERS

SOP 4-7

Effective: 12/27/16 Review Due: 12/27/17 Replaces: XX/XX/XX

4-7-6 Procedures

A. Community Partnerships

1. Partnerships shall be both formal and informal mechanisms to establish trust with the community, exchange information, and improve quality of life for our citizens.
2. Local businesses and nonprofit organizations can be important partners in the Department's community policing initiatives and should be carefully selected to encourage innovative crime reduction measures.
3. All community partnerships shall be tasked with solving complex issues and the Department shall support their problem-solving efforts.
4. Information received as a result of a partnership and other data shall be recorded daily by the officer responsible for the area in which the community partner is located.

B. Outside Referrals

Violated by Velasquez

1. In the event the officer encounters a situation in which a referral is required, the officer shall notify the appropriate unit or external agency for an appropriate response. Such incidents may include but are not limited to:
  - a. Child/elderly abuse
  - b. Drug houses
  - c. Code violations
2. Such referrals to outside units or agencies in no way lessen the officer's obligation to ensure that the agency receives the referral and follow up is conducted.

Officer #3498  
DID NOT FOLLOW UP!

C. Preliminary and Follow-up Strategies

1. Once an area of need is identified through personal observation, citizen concern, or community partners, the PACT officers shall immediately document the community issue.
2. The PACT Sergeant shall coordinate the assistance of field officers and PACT officers in the implementation of the strategy.
3. The response may require an initial saturation of multiple resources until a satisfactory outcome is achieved. Once a satisfactory outcome is achieved, regular oversight shall be maintained to deter recurrence.
4. All responses to the issue and activities conducted shall be documented and kept in the unit's file for a minimum of 3 years.

⑩

TO OFFICERS! (Please, listen to inter-

view CD and see attachment of written

record pages 27, 28, 29, & 34)

Diana Completely OMITTED LAURIE

SAYING YES!

CPOA director Ed Harness ALSO

OMITTED LAURIE SAYING YES;

during the NOV 8<sup>th</sup> POB meeting!

(Please, watch DVD recording)

These OMISSIONS EXPOSE THE

BIAS OF THE CPOA PROCESS!

ABQ. Code of Ordinances Part 1: CPOA

9-4-1-2 Purpose (A) + (C) were



(27)

own destiny and if she doesn't want food, doesn't want water, doesn't want to take her medicine, don't force her. Let her run her own - Diame: Ok, right. Now ahm Laurie it sounds like

on the lapel. Ahm she said she DID NOT NEED TO SPEAK TO OFFICERS; once you finally talked to her. Because ahm she would tell them the same info that staff did? Is this something

you recall? Jeff: I didn't hear

that part. Diane OK. Jeff: I didn't  
hear that part at all. Diane: OK.

Jeff: My voice, my voice is very  
mute on these lapel cameras. I  
have a hard time even hearing  
myself and the other people usually

too. Other than the officer when it  
close to the microphone. Diane: Ah ha,

ok. Yea there was that phone  
conversation when you did, speaking

to to Laurie. I mean yea to  
Laurie. Ahm that she had said.

I could hear that loud enough

(29)

on the phone, you had it away  
from your ear. So it was a you  
know it was loud enough. Jeff:

SHE SAID WHAT NOW? Diane:

She was saying (( THAT SHE DID  
NOT NEED TO SPEAK TO OFFICERS! ))

(Please; See + Listen + o Barlow  
now: Carpenter. Lapel Video)

(Laurie said YES when I asked  
her if she wanted to talk to the  
Police!) (When Barlow refused to  
talk to Laurie). (Then) Laurie moved  
on to talk to Francisco; Amhercare  
social worker setting next to me.

Diane completely LEFT OUT;

Laurie saying

YES!

(33)

DO INVESTIGATIVE WORK.

There just there to provide  
scene assistance scene security.

But if there is something to be  
gained investigatively THAT WOULD

BE THE PRIMARY OFFICER. So, in

that sense, yes. Jeff: Yes, what?

Diane: That she wouldn't be the

one talking to the person! Jeff:

So WHY WOULDN'T SHE GET OFFICER

VELASQUEZ? SINCE HE WAS

THE PRIMARY? Diane: Well

again, so LAURIE HAD SAID

(34)

THAT SHE DIDN'T EVEN  
NEED TO SPEAK TO THEM!!

"I COULD HEAR THAT  
LOUDLY ON THE PHONE!"

(Please watch + listen to

Barlow-Carpenter lapel video -

copy provided in my COPA

compliant, # CPC 53-18. Laurie

SAID (YES) TO TALK TO POLICE!

(11)

NOT FULFILLED (Please, see attachment)

ALSO 9-4-1-6 CPOA Administrative  
Office (1) WAS NOT DONE!

Also there were many things that  
were NOT FOLLOWED in the Civilian  
Police Oversight Agency Policies  
and Procedures. (Please, see attachment).

I requested through IPRA Complaints  
on officers. 693 pages \$346<sup>50</sup>; 3498

has 6 complaints, 5508 has 2 complaints. ①

My Complaint was missing VITAL  
pages, I requested through IPRA. I  
have yet to receive those, Ed did  
send me my notification page, later.

(12)

Diane McDermott's statements are  
TOTALLY OPPOSITE OF THE WAY  
THIS HOSPICE SITUATION WAS  
CONDUCTED BY APD officers!

Diane stated: "In general officers just  
want to talk to people at the SCENE!

They DON'T really care what some-  
one has to say over the PHONE!"

Well that why they wouldn't want  
to talk to Laurie!" (Please, see written  
record, pg. 99 attachment and listen to  
CD).

VERY IMPORTANT!

(99)

Diane: But I'll just tell you  
IN GENERAL OFFICERS JUST  
WANT TO TALK TO THE PEOPLE  
AT THE SCENE!

THEY DON'T REALLY CARE  
WHAT SOMEONE HAS TO  
SAY OVER THE PHONE!

Jeff: EXACTLY. Diane: SO.

Jeff EXACTLY. Diane: WELL,  
THAT WHY THEY WOULDN'T  
WANT TO TALK TO LAURIE!

Jeff: There was two American staff  
there; Francisco and Jessica.



(13)

Yet officer 3498 REFUSED TO INTERVIEW ME! Stating "WE HAVE ANOTHER FAMILY MEMBER ON THE PHONE!" The officer asked Megan advice! "What do we want to do?" (Please watch Unredacted Lapcl video of 3498).

Yet officers REFUSED 20 REQUESTS TO Call Laurie. And REJECTED Laurie's REQUEST TO TALK TO POLICE!

LAURIE SAID YES!

Yet Megan was making MEDICAL DECISIONS FOR MY MOTHER MARY

Megan

(14)

OVER THE PHONE!

(Please, see police report, line 11 + 12)

This complaint is now about  
2,300 pages 7 agencies + 3 city  
counselors, + around 50 IPRA REQUESTS.

ALL this COULD HAVE BEEN AVOIDED  
IF OFFICERS HAD FOLLOWED SOP's  
and USED COMMON SENCE! The  
MISFEASANCE and INCOMPTENCY of  
the officers is UNACCEPTABLE!

Main color is WRONG on police  
Report; 1 of 14 MISTAKES, Lies  
and SLANDER. NO WONDER officers

(15)

VIOLATED about 35 SOP's

IN THIS HOSPICE SITUATION

Please see CPOA FINDINGS pg. 213  
(See attachment)

These pages are FULL OF CONTRA-  
DICTIONS And LIES! Officer WGV,

#3498 OVERRULED AMBERCARE

MEDICAL NURSE! Many LOST HER

GREAT AMBERCARE HOSPICE SERVICE

GROUP!

# SOP Violations

1-1-4D 19 officers Lied  
2-19 F + K pg.4 2-19-4 B, b pg.7  
2-19-5 A BC pg.8. 2-19-6-A, 3 pg.9  
2-19-7 A, 1 2-19-7-[6] 2, 3 + 6 pg.10  
2-19-[6], E, pg.11 4-7-6 B, 1 a + 2  
4-25 a, b, i, ii + iii pg.5 4-25-3 pg.2-  
A, 1, a, b, c. 3-13-2 pg.1 3-13-3 pg.1 B, 1,  
2-16-2 E, 1 pg.3 3-14 3-14-3 C -  
Stuart Vigil #2696 was negligent 16  
DAYS Sign off police report pg.2  
3-11 3-12-2 pg.1 2-8 2-8-7 E, 1,  
pg.5 see attachments. Next shift NOT  
8 days Uploading!

Mission Statement, Vision Statement  
+ Core Statements Violated by #3498  
+ 5508.

2-96 E 1, 2 + 3 pg.3

2-19-7 A, 1 + 2

2-16-1 Policy Efficient + reliable. NOT!

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

A) The CPOA reviewed Standard Operating General Order 1-1-4D14 regarding Officer V's conduct, which states:

*Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.*

Mr. Parsons described Officer V's conduct as "high-handed" and clearly expressing officers were in charge. Officer V treated him as if he was a criminal, guilty, and a "cold blooded axe murderer" without justification or explanation. He deserved an explanation of his niece's allegations so that he could defend himself. Mr. Parsons accused both officers of overruling the Ambercare staff and Ambercare directives. Officer V did not question any of the Ambercare staff for information. Officer V called for an ambulance despite recommendation that she not be sent to the hospital. Officer V ignored a written directive in his mother's room that Ambercare be consulted before calling 911. Officer V coached his mother into going to the hospital. Officer V made false statements to the paramedics about him. Officer V stood over him as if he were an armed gangster. When his mother was being transported, he asked his mother for a kiss goodbye. Officer V took it upon himself to say no, when his mother said yes. Mr. Parsons stated if officers had contacted the Ambercare supervisor, his mother's transport to the hospital would have been avoided.

Officer V stated that as he spoke to Mrs. Parsons, she was not making a lot of sense so he had everyone leave the room so she could concentrate on communicating with him. Mrs. Parsons did have difficulty expressing what she wanted, but she was clear in saying she wanted out of the house and away from "those two" before they killed her. Officer V denied he coached Mrs. Parsons into going to the hospital, Mr. Parsons' sister already expressed going to the hospital was her mother's desire. Mr. Parsons' sister stated that her mother did not trust her or Mr. Parsons and she only trusted Megan, Mrs. Parsons' granddaughter. Mrs. Parsons agreed with her granddaughter who helped articulate what her grandmother wanted. His understanding was that no one was authorized to speak for Mrs. Parsons so it did not matter what others said, to include the medical staff present, Mrs. Parsons wanted out of the house. He called for an ambulance to assess Mrs. Parsons. He agreed the Ambercare nurse might have said she did not think Mrs. Parsons needed the hospital, but it was not up to the nurse, it was up to Mrs. Parsons. Officer V did not consider talking to the Ambercare supervisor, Laurie, because according to everyone Mrs. Parsons made her own medical decisions. (Mrs) Parsons' sister said her mother wanted out of the house, away from Mr. Parsons, and did not feel safe. Officer V had not seen the Ambercare written directive Mr. Parsons mentioned in his complaint, but it would not have changed his actions. The situation boiled down to who had guardianship. The rescue personnel decided to transport Mrs. Parsons. Officer V did not go into detail about the allegations Mr. Parsons' niece made because he could not properly interview her over the phone, therefore, he was not going to interview Mr. Parsons about those allegations. Mrs. Parsons herself did not make specific allegations of threats or harm. He did not treat the call as a criminal situation or act upon Megan's allegations. If he had treated it as a criminal call, he would have put Mr. Parsons as a suspect on the report and interviewed him. He did not see evidence of abuse or neglect in the home, but felt a referral to APS was appropriate for possible resource assistance. Mrs. Parsons had expressed she did not want to be in the home, but it was likely that was where she would be returning. Officer V agreed he misspoke when he said to the paramedics that Mr. Parsons was not the

Mary was in NO mental condition to make medical decisions for herself!  
Velasquez DID ACT UPON Megan's Allegations!

caregiver, when he meant Mr. Parsons was not the guardian over his mother. He received the information, just not from Mr. Parsons. When Mr. Parsons asked for a goodbye kiss and Mrs. Parsons said twice "goodbye" very firmly, Officer V took her response to be a "no" and that she wanted to be left alone by both of them, which is why he told Mr. Parsons "that was a no." When Mrs. Parsons then said yes, he did not stop Mr. Parsons.

The lapel videos showed both Mr. Parsons and his sister stated their mother made her own medical decisions, there was no legal guardianship or power of attorney over their mother, and she could go where she wanted. The lapel videos showed Mr. Parsons' sister and Mr. Parsons both expressed early on in the call that Mrs. Parsons wanted to go to the hospital/ER. Mr. Parsons agreed in the interview as well that no one had legal authority over his mother and that the nurse from Ambercare that was there the previous day said for his mother to decide her own destiny. The lapel video showed Officer V had conversations with the nurse from Ambercare. The Ambercare nurse did say that she did not think Mrs. Parsons needed the hospital, but had not assessed Mrs. Parsons' vitals yet. The lapel video showed Mrs. Parsons was in agreement with her granddaughter as to what she wanted, which was transport out of the home to a hospital. The video showed Officer V informed the paramedics Mr. Parsons was not the caregiver. This was a mistake as Officer V explained his intended word was guardian. The video showed Officer V told the paramedics information he learned during the call. Mr. Parsons clearly disagrees with the veracity of the statements from his niece, but the statements were passed onto the paramedics to aid in their understanding of why they were there. The videos showed that Mr. Parsons' sister asked their mother if she would give her and Mr. Parsons a goodbye kiss. Mrs. Parsons responded, "Goodbye" and Mr. Parsons' sister left her side without kissing her. Mr. Parsons asked if he could have a kiss goodbye twice and Mrs. Parsons again responded, "Goodbye." That was when Officer V said that was a no. Mrs. Parsons then delayed in saying yes and Mr. Parsons was not prevented from approaching his mother and giving her a kiss. The videos showed Mr. Parsons was apologetic to the officers and appreciative of the officers at various stages of the call. Mr. Parsons did not take the opportunity to ask questions when Officer V asked.

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

B) The CPOA reviewed Standard Operating General Order 1-13-3B3b regarding Officer V's conduct, which states:

*Officers shall abide by the following principles: b. Make only those arrests, searches, and seizures which they know or should know are lawful and do so in accordance with related departmental procedures.*

Mr. Parsons claimed Officer V "immediately" and "forcefully" ordered him to step out of his home. He portrayed the encounter as being "roughed up" and "pushed outside" although agreed he was not physically touched. He was with Officer B until Officer V returned outside and he asked Officer V to go inside due to it being cold. Officer V reluctantly allowed him inside, but ordered him to sit on the couch. Officer V never explained why he was detained in the cold. Mr. Parsons said Officer V stood over him and in his face. Mr. Parsons complained it was clear to him if he moved from the sofa he would be in

**PART 1: CIVILIAN POLICE OVERSIGHT AGENCY****§ 9-4-1-1 SHORT TITLE.**

Sections 9-4-1-1 through 9-4-1-14 may be cited as the Police Oversight Ordinance.

(Ord. 2014-019)

**§ 9-4-1-2 PURPOSE.**

The purpose of §§ 9-4-1-1 through 9-4-1-14 is to:

Violated! Velasquez + Carpenter Lied.

(A) Foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians; WAS NOT DONE

(B) Ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque;

(C) Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints; WAS NOT DONE

(D) Gather and analyze data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals; and

(E) Provide policy guidance to the City Council, the Mayor and the Chief of Police.

(Ord. 2014-019)

**§ 9-4-1-3 LEGISLATIVE FINDINGS.**

(A) The City of Albuquerque deserves a highly professional well trained Police Department; however, an effective oversight function has not yet evolved to the satisfaction of the community's needs.

(B) In 1996 the City Council initiated a process to independently review the City's mechanisms of police oversight since the system had not been independently evaluated since 1988. As a result of that process, the City Council abolished the then existing Public Safety Advisory Board, and in lieu thereof established the current Police Oversight Commission (POC).

(C) In 2013 the City Council initiated a new process aimed at evaluating potential improvements to the POC and its processes by establishing an Ad Hoc Police Oversight Task Force (POTF). The POTF evaluated the City's current system, studied oversight options, held three Town Hall Meetings to receive input from the public, and presented their final recommendations.

(D) On April 10, 2014, the City also received findings from the United States Department of Justice that in part concluded that the City's external oversight system contributed to overall systemic problems with the Police Department's use of force in encounters with civilians.

(E) The Council understands that a properly conceived and functioning police oversight system is necessary to promote accountability of the police officers and protect the rights of civilians, and finds that adopting the recommendations of the POTF will advance these goals and will help respond to the shortcomings identified by the Department of Justice,

(F) The Council hereby abolishes the POC and replaces it with a Civilian Police Oversight Agency as prescribed by this Article.

(Ord. 2014-019)

**§ 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.**

There is hereby created a Civilian Police Oversight Agency (the "CPOA") as an independent agency of City Government, not part

circumstances to APD and the police officer involved.

(3)

(b) APD shall provide POB members, the Director, and CPOA staff with reasonable access to APD premises, files, documents, reports and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. However, any material protected from disclosure by law shall remain within the custody and control of APD at all times and will be handled in accordance with the applicable legal restrictions.

(c) All complaints filed by police officers will be investigated by Internal Affairs. Internal Affairs shall provide a weekly update to the Director on all open internal investigations. The Director's investigation report and findings shall indicate whether within the past year there were any IA investigations or supervisor generated complaints against the officer(s) involved in the incident being investigated or that are otherwise relevant to the subject matter of the investigation, the general nature of the prior investigations or complaints, and whether they resulted in any discipline. Redacted personnel records including those of the Internal Affairs Unit shall be made available to the POB on demand.

(d) Information that is covered by *Garrity* will be treated as confidential to the extent permitted by law and may only be reviewed by members of the POB by application in writing, and by majority vote of the POB. If the POB votes to review *Garrity* material, members of the POB may only do so on APD property. The POB may not remove or make copies of such statements. If the POB desires to discuss the specific content of statements protected by *Garrity*, such discussion will occur only in closed session as permitted under the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1(H)(2). The POB shall only summarize conclusions reached after a review of a *Garrity* statement, but shall not disclose the statement. The POB shall maintain the confidentiality of any *Garrity* material or records that are made confidential to the extent permitted by law and is subject to the same penalties as the custodian of those records for violating confidentiality requirements. In addition to any other penalty, any POB member or other person who violates the confidentiality provisions of this section shall be removed from the POB, and shall be subject to prosecution for a misdemeanor subject to the penalty provisions set forth in § 1-1-99. This provision shall apply to all aspects of the POB's work.

(e) *Mediation First*. Whenever possible, and as further described in § 9-4-1-6(C)(3) of this ordinance, mediation should be the first option for resolution of civilian police complaints.

(f) *POB Audits; Access to Files*. The POB may, by majority vote, perform an annual audit, or direct that an audit be formed, on a random sample

of up to 10% of individual civilian police complaint investigations involving allegations of use of force, or in exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases the POB may, by a vote of two-thirds (2/3) of the members of the POB, perform an audit, or direct that an audit be performed, on any individual Citizen Police Complaint Investigation completed by the Administrative Office. For purposes of its audit function, the POB shall have full access to investigation files and may subpoena such documents and witnesses as relevant to its audit function.

(g) *Disciplinary Recommendations*. The POB may, in its discretion, recommend officer discipline from the Chart of Sanctions for investigations that result in sustained civilian police complaints; and may also recommend discipline based on any findings that result from review of internal affairs investigations of officer involved shootings and serious uses of force. Imposition of the recommended discipline is at the discretion of the Chief of Police, but if the Chief of Police does not follow the disciplinary recommendation of the POB, the Chief of Police shall respond in writing, within 30 days, with the reason as to why the recommended discipline was not imposed.

(4) *Reports to Mayor & Council*. The CPOA shall submit a semi-annual written report to the Mayor and City Council according to § 9-4-1-10 herein. The CPOA Executive Director shall provide a quarterly oral report to the City Council at a regular or special meeting.

(5) *CPOA Policy Recommendations*. The CPOA shall engage in a long-term planning process through which it identifies major problems or trends, evaluates the efficacy of existing law enforcement practices in dealing with the same, and establishes a program of resulting policy suggestions and studies each year. The CPOA's policy recommendation process shall be as follows:

(a) The POB shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.

(b) The Chief of Police shall respond in writing within 45 days to any such policy recommendations by the CPOA, and indicate whether they will be followed through standard operating procedures or should be adopted as policy by the City Council, or explain any reasons why such policy recommendations will not be followed or should not be adopted.



5

- (e) Internal Affairs training;
- (f) Training provided to APD officers on use of force, including a review and familiarization with all APD policies relating to use of force, and including policies related to APD's internal review of force incidents;
- (g) Equity and Cultural Sensitivity training;
- (h) Training on the 2014 DOJ Settlement Agreement with the City of Albuquerque (or any subsequent agreements), and Findings Letter of April 10, 2014 (or any subsequent findings letters);
- (i) Training on this Police Oversight Ordinance;
- (j) Training on state and local laws regarding public meetings and the conduct of public officials; and
- (k) A briefing that identifies and explains the curriculum of all training received or to be received by APD officers, including any outside training not provided by the city.

(3) *Required On-Going Training.* POB members shall be provided with eight hours of annual training on any changes in law, policy, or training in the areas outlined under subsection (2) above, as well as developments in the implementation of the 2014 DOJ Settlement Agreement (or any subsequent agreements) until such time as the terms of the agreement are satisfied. POB members shall also participate in at least two police ride-alongs for every six-months of service on the POB.

(4) *Recommended Training.* POB members are encouraged to attend conferences and workshops relating to police oversight, such as the annual NACOLE conference at city expense depending on budget availability.

(G) *Chair.* The POB shall elect one of its members as the Chairperson and one as Vice-Chairperson, who shall each hold office for one year and until their successors are elected. No officer shall be eligible to immediately succeed himself or herself in the same office. Officers shall be elected in the month of March of each calendar year or upon vacancy of an office to fill the remaining term.

(H) *Subcommittees.* The POB may appoint such subcommittees as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through 9-4-1-14, provided that, membership on such subcommittees shall be limited to POB members.

D) *Meetings.* The POB shall conduct regularly scheduled public meetings in compliance with the New Mexico Open Meetings Act, with a prepared agenda that is distributed in advance to the Mayor, City Council, Police Chief, and City Attorney. Each POB meeting will begin with public comments. Only the regularly scheduled monthly meetings and special meetings held pursuant to submission of petitions will be televised live on the appropriate government access channel. All other meetings of the POB shall be videotaped and aired on the appropriate government access channel; however, there is no requirement for providing live television coverage.

1. *Public Comment.* The POB shall allow general public comment at each of its meetings, and the POB shall also allow comment on each of its agenda items other than Citizen Police Complaints. The complainant or complainant's authorized representative in a Citizen Police Complaint will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.

(Ord. 2014-019; Am. Ord. 2015-006; Am. Ord. 2016-013)

§ 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

9-4-0-6 Violated

(A) The staff and administration of the CPOA shall be directed by the CPOA Executive Director (the "Director").

(B) In addition to any other duties expressed or implied by this ordinance the Director shall:

(1) Independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendation for review by the POB; WAS NOT DONE!

(2) Review and monitor all Internal Affairs investigations and other administrative investigations related to officer involved shooting investigations and serious uses of force investigations. The Director shall prepare and submit findings and recommendations to POB relating to officer involved shootings and serious uses of force, and shall report on general trends and issues identified through monitoring or auditing of Internal Affairs;

(3) Provide staffing to the Police Oversight Board and ensure that the duties and responsibilities of the CPOA are executed in an efficient manner, and manage the day to day operations of the CPOA.

(F) The Director shall play an active public role in the community, and whenever possible, provide appropriate outreach to the community, publicize the civilian complaint process, and identify locations within the community that are suitable for civilians to file complaints in a non-police environment.

(G) The Director shall be provided the necessary professional and/or clerical employees for the effective staffing of the Administrative Office, and shall prescribe the duties of these staff members. Such professional and clerical employees will be classified city employees. All CPOA staff with investigative duties shall be professional investigators trained in professional investigation techniques and practices.

*Diane McDermott Training records*

(H) The Director shall report directly to the POB and lead the Administrative Office; independently investigate or supervise all investigations of civilian complaints, audit all IA investigations of complaints, recommend and participate in mediation of certain complaints, and supervise all CPOA staff.

(Ord. 2014-019; Am. Ord. 2016-013)

#### § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS, SELECTION, RETENTION AND EVALUATION.

(A) Qualifications for the position of Director shall minimally include the requirement of a law degree and experience in criminal investigations.

(B) The Director will be a full-time contractual city employee to be selected, removed, or reviewed as follows:

(1) The POB, through CPOA staff, shall accept applications from candidates. The POB shall review the applications and interview candidates, and submit to the City Council a ranked list of the three candidates that it finds to be the best qualified to be the Director and the City Council shall appoint the Director from the three by majority vote. The POB's recommendation to Council shall be based on the candidates' integrity, capability for strong management and abilities in investigations, law, management analysis, public administration, criminal justice administration or other closely related fields.

(2) In lieu of recommending three candidates to the Council, the POB may recommend to the Council the reconfirmation of the incumbent Director. Should the Council decline to reconfirm the incumbent Director, the Council President shall notify the POB that it needs to provide the Council with three alternate candidates pursuant to the provisions of subsection (B)(1). Should the Director not be reconfirmed, the current Director may continue to serve in the same capacity until a new Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director of its choosing by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months.

(3) The term of the Director shall be for three years. Once confirmed, the Director may be removed only upon: 1) a recommendation of removal to the City Council by the affirmative vote of two-thirds of the members of the POB; and 2) acceptance of the POB's recommendation by a simple majority vote of the City Council.

(C) The POB shall annually review the performance of the Director taking into consideration the obligations and duties prescribed by this ordinance and the performance of the Administrative Office.

(Ord. 2014-019; Am. Ord. 2015-006)

#### § 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

(A) Any person claiming to be aggrieved by actions of the Police may file a written complaint against the department or any of its officers. The POB shall submit rules and regulations governing civilian complaint procedures to the City Council for approval, including rules and regulations relative to time limits, notice and other measures to insure impartial review of civilians' complaints against members of the police department. Anonymous complaints shall be accepted.

(B) In cooperation with the POB, the Mayor shall designate civilian city staff to receive written civilian complaints at various locations throughout the city. The Police Department may also receive written complaints. The party who receives the complaint shall immediately transmit all civilian complaints for further investigation to the Director.

(C) After the investigation of a civilian complaint is completed, the Director shall analyze all relevant and material circumstances, facts and evidence gathered under the investigation. For each investigation, the Director shall prepare investigation reports with

(F) Identification of any matters that may necessitate the City Council's consideration of legislative amendments to this Police Oversight Ordinance; and

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(G) The amount of time that the POB dedicated to the policy activities prescribed by § 9-4-1-4(C)(5) relative to its other activities over the past quarter.

(Ord. 2014-019)

#### **§ 9-4-1-11 EVALUATION.**

Contingent upon funding, in the first six months of 2016 and at least every four years thereafter, from adoption of §§ 9-4-1-1 through 9-4-1-14, the City Council shall issue a Request for Proposal for an independent consultant to undertake a complete evaluation and analysis of the entire police oversight process, and recommend any necessary changes or amendments that would appropriately improve the process.

(Ord. 2014-019)

#### **§ 9-4-1-12 SPECIAL MEETINGS.**

On the petition of 1,000 or more civilians in the City of Albuquerque filed in the Office of the City Clerk, the POB shall hold a special meeting for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners. Copies of the petition shall be filed with the POB by the City Clerk. Notice of such meeting shall be given in the same manner as notice is given for other meetings of the POB and shall comply with the State Open Meetings Act.

(Ord. 2014-019)

#### **§ 9-4-1-13 CONFIDENTIALITY.**

The POB hearing process shall be open to the public to the extent legally possible so that it does not conflict with state or federal law. However, upon the opinion of the CPOA Attorney that the law permits such action, some of the details of the investigations of the Director, or the designated independent investigator, shall become privileged and confidential. The details of investigations should not be open to the public subject to the opinion of the CPOA Attorney and the Director. Compelled statements given to the Director, or the designated independent investigator, will not be made public. The Director may summarize conclusions reached from a compelled statement for the report to the POB and the Chief of Police, and in the public record letter sent to the complainant. Nothing in this ordinance affects the ability of APD to use a compelled statement in a disciplinary proceeding.

(Ord. 2014-019; Am. Ord. 2016-013)

#### **§ 9-4-1-14 MANDATORY COOPERATION AGREEMENT.**

The City Council believes that full participation and cooperation of all parties involved is essential to the success of the new police oversight process, and that APD hereby agrees and understands that its full cooperation is necessary, hereby agrees to mandate that its officers provide honest and truthful responses to all questions by the Director, CPOA staff or the designated independent investigator. If any officer refuses to answer the questions proposed to him or her by the Director, CPOA staff, or the independent investigator, he or she may be subject to termination or disciplinary action at the discretion of the Chief of Police. Compelled statements given to the Director, CPOA staff or the designated independent investigator, by a police officer will be used only for the Director's investigation and the closed session review of the investigation file by the POB, if any. The actual statement will remain confidential and will not be included in a final report. The Director may summarize conclusions reached from a compelled statement for the investigation report and in the public record letter to the complainant.

(Ord. 2014-019)

# Civilian Police Oversight Agency Policies and Procedures

(adopted \_\_/\_\_/2015)

## ARTICLE I -- PURPOSE

1. Recognizing that a properly conceived and functioning police oversight system is necessary to promote accountability of police officers and protect the rights of citizens, the City Council adopted the Police Oversight Ordinance, § 9-4-1-1 to 9-4-1-14. Officers Lied!
2. Through the Police Oversight Ordinance, the City Council created the Civilian Police Oversight Agency ("CPOA") as an independent agency of City Government, not part of either the City Administration or City Council. The CPOA is overseen by the Police Oversight Board ("POB") and operates through an Administrative Office. The Executive Director of the CPOA leads the Administrative Office and reports to the POB.
3. These policies and procedures set forth the structure of the CPOA and the manner in which it will operate. The policies and procedures may be supplemented by office policies the POB may approve related to internal operations of the Administrative Office.

## ARTICLE II -- MEETINGS

1. Regular Meetings. The POB will hold regular monthly meetings, which it currently schedules at 5:00 p.m. on the second Thursday of every month in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.
2. Special Meetings. Special meetings may be called by the Chairperson or a majority of the members upon three days notice. On the petition of 1,000 or more civilians in the City of Albuquerque, the POB also shall hold a special meeting for the purpose of responding to the petition, and hearing and inquiring into matters identified therein as the petitioners' concern.
3. Emergency Meetings. Notwithstanding any provision contained in these policies and procedures, the Chairperson may, in the event of an emergency, call with whatever notice is possible under the circumstances, a meeting of the POB to consider any matter. "Emergency" for the purpose of this section refers to unforeseen circumstances that, if not addressed immediately by the POB, will likely result in injury or damage to persons or property or substantial financial loss to the City and/or the CPOA specifically. Within ten days of taking action on an emergency matter, the POB shall report to the New Mexico Attorney General's Office the action taken and the circumstances creating the emergency, unless a state or national emergency has been declared.
4. Open Meetings. Except as may otherwise be provided in the Constitution of the State of New Mexico or the Open Meetings Act, all meetings of a quorum of members of the POB held for the purpose of formulating public policy, discussing public business or taking any

causes a disruption. Upon a second or continued disruption, the Chairperson or presiding Board member will ask that person to leave the Chambers, and, if necessary, will ask that security escort that person out of the Chambers. Such removal from the Council Chambers or Committee Room will be effective for the remainder of that meeting. If continued disruptions occur, the Chairperson or presiding Board member may recess the meeting until order is restored, and, if necessary, may clear the Chambers or Committee Room of persons participating in the disturbance.

### **ARTICLE III – ORGANIZATION OF THE POLICE OVERSIGHT BOARD**

1. **Election of Chairperson and Vice-Chairperson.** The POB shall elect one of its members as the Chairperson and one as the Vice-Chairperson. No officer shall be eligible to immediately succeed himself or herself in the same office. The POB shall select the Chairperson and Vice-Chairperson at the first meeting in the month of March of each calendar year or upon vacancy of an office to fill the remaining term. The Chairperson and Vice-Chairperson shall serve at the pleasure of the POB until March 1st of the next year or until their successors have been selected.

2. **Powers and Duties of the Chairperson and Vice-Chairperson.**

A. The Chairperson shall:

- (1) Call the POB to order and, upon a quorum being present, proceed to business;
- (2) Preserve order and decorum and, during POB meetings, have general direction of the Vincent E. Griego Chambers or any location where the meeting is held;
- (3) Have the responsibility for preparation of the agenda and dissemination of the agenda with the public notice for the meeting;
- (4) Decide all questions of order, subject to a Board member's right to appeal to the POB as a whole;
- (5) Have the right to speak, as other Board members, on general questions from his or her chair;
- (6) Vote upon all questions in the same manner as other Board members;
- (7) Announce the result promptly on the completion of every vote;

G. A subcommittee may be designated to review civilian police complaints and related matters. Any subcommittee designated responsibility for reviewing civilian police complaints may recommend that specific complaint cases be placed as a consent agenda item for a POB meeting. At such meeting, any Board member may request that a complaint case on the consent agenda be removed and placed instead on the non-consent agenda.

H. The policies and procedures of the POB apply to all subcommittees, except as otherwise provided and except that subcommittees may establish their own time limitations for witnesses addressing the subcommittee and for debate by members of the subcommittee, and except that notice to the public, including an agenda, shall be given for any regular or special meeting of a quorum of the members of any subcommittee.

4. **Conflicts of Interest.** A Board member shall withdraw from any proceeding in which he or she has a direct or indirect conflict of interest, or does not believe he or she can provide a fair and impartial hearing. Board members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.

5. **Removal of Members.** Any POB member may be removed for cause by a two-thirds vote of either the POB or the City Council. The appointment of any POB member who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the POB reports such absence to the City Clerk. The City Clerk shall notify any member whose appointment has automatically terminated and report to the City Council that a vacancy exists requiring an appointment for the length of the unexpired term.

6. **Orientation and Training.** Upon appointment, POB members shall complete an orientation and training consisting of the following:

A. **Required Orientation:** Prior to participating in any POB meetings, newly appointed members must first:

- (1) Be trained by the CPOA staff or CPOA legal counsel on CPOA and Albuquerque Police Department ("APD") rules, policies, and procedures; and
- (2) Attend at least one POB meeting as an observer.

B. **Required Training.** Each POB member shall complete a training program within the first six months of the member's appointment that consists, at a minimum, of the following:

- (1) **Completion of the APD Civilian Police Academy.** For purposes of this training requirement, APD may offer an abbreviated, two-day

conducting misconduct investigations within the latter of one year of the operational date of the DOJ Settlement Agreement or one year of hire. CPOA investigators also shall receive at least eight hours of training each year thereafter. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

7. **CPOA Staff.** CPOA employees shall staff, coordinate, and provide technical support for all scheduled POB meetings, publicize all findings and reports, recommendations, and/or suggested policy changes. The POB also may consult with CPOA staff for relevant information that will aid the POB in its work.

8. **Executive Director**

A. Selection and removal of the Executive Director shall be governed by the Police Oversight Ordinance.

B. In the event of the prolonged absence of the Executive Director, or during a period after the Executive Director has ended contractual obligations with the City and a temporary appointment has not yet been completed, complaints will be assigned to CPOA investigators subject to the Chairperson's direction, including with regard to determining any need for outside independent investigators. In such circumstances, CPOA investigators shall continue preparing proposed findings and recommendations for civilian complaints. The Chairperson may designate an acting Executive Director for purposes of presenting civilian complaints to the POB during any such period of time.

C. The POB shall annually review the performance of the CPOA Executive Director taking into consideration the obligations and duties prescribed by the Police Oversight Ordinance and the performance of the CPOA Administrative Office.

9. **Independent Counsel.** The CPOA may retain or employ independent legal counsel on a contractual basis to advise and represent the CPOA. If so retained, the CPOA's legal counsel shall represent the CPOA in the courts, and shall advise the CPOA as to any legal matters relating to the Police Oversight Ordinance and the CPOA's duties, responsibilities, and procedures except for CPOA personnel matters, which shall remain under the authority of the City Attorney's Office.

10. **Indemnification of CPOA Staff and POB.** The City shall hold harmless, indemnify, and defend the Executive Director, CPOA staff, and POB members when liability is sought for conduct allegedly committed within the scope of the relevant individual's duties, responsibilities, and service to the CPOA. This shall include providing the impacted individual with legal representation including, where appropriate, outside counsel.

**ARTICLE IV- PROCEDURES**

1. **General Rules.** Any matter not covered by these rules shall be governed



6. **Motions.** No motions shall be entertained or debated until announced by the Chairperson, and every motion shall be seconded prior to debate.

7. **Debate.**

A. Any Board member wishing to speak, debate, make a motion, submit a report, or conduct other business shall address the Chairperson and shall not proceed further until recognized by the Chairperson.

B. If two or more Board members seek recognition at the same time, the Chairperson shall name the one who shall speak first.

C. The Board member who sponsors a motion shall have the privilege of opening and closing debate. A Board member may direct an inquiry and receive a response without yielding the floor.

D. No Board member shall be permitted to speak more than once on any motion until every Board member desiring to be heard has been allowed to speak. Nor shall any Board member except the sponsor of the motion speak more than a total of ten minutes on any motion.

E. No Board member shall be interrupted when speaking, nor shall any motion be in order until the Board member has concluded.

F. No question shall be asked of the Board member except those directed through the Chairperson with the consent of the Board member.

8. **Voting.**

A. Voting shall be in the form of "Yes" or "No." Any action on a question is lost by a tie vote. Every Board member who is within the room shall vote upon each question, except those who have disqualified themselves due to a conflict of interest.

B. A Board member shall be allowed to change his or her vote but only before the result has been announced.

C. A Board member may request to vote by telephone or other similar device when a medical or emergency situation exists. Such voting can only take place upon the approval of the Chairperson and provided that the Board member can be heard on a speaker to enable the POB and the public to determine when the Board member is speaking and casting a vote.



investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the POB. The Executive Director shall oversee, monitor and review all investigations and findings prepared for complaints assigned to staff or an outside investigator. For all investigations, the Executive Director shall make recommendations and give advice to the POB regarding APD policies and procedures as the Executive Director deems advisable.

D. All civilian complaints filed with other offices within the City authorized to accept civilian complaints, including the APD, shall be referred by the recipient to the Executive Director for investigation within three business days of receipt.

E. The Executive Director shall ensure that the investigation of all civilian complaints filed with the CPOA begin immediately after the complaints are filed and proceed as expeditiously as possible. The Executive Director shall be prepared to brief the POB on the status of any investigations that were not, or are not on track to be, completed in sufficient time for the POB to make disciplinary recommendations in advance of the deadline for the Chief of Police ("Chief") to impose discipline.

F. The Executive Director shall ensure that investigations of civilian complaints are as thorough as necessary to reach reliable and complete findings, and are objective, fair, impartial, and free from political influence. In addition to other information and evidence the CPOA obtains through investigation, investigators shall review records provided by the City that reflect:

- (1) the complete disciplinary history of the officers involved in incidents under review;
- (2) where their inclusion will aid the investigation, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
- (3) all APD policies and training; and
- (4) where their inclusion will aid the investigation, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.

G. After the investigation of a civilian complaint is completed, the Executive Director shall analyze all relevant and material circumstances, facts and evidence that investigators gathered during the investigation. The Executive Director shall then prepare investigation reports with proposed findings and recommendations for each investigation, and submit them to the POB for its review and consideration.

Chair Waites did not know of my Complaint

H. The Executive Director shall explicitly identify and recommend to the POB one of the following dispositions for each allegation of misconduct in a civilian complaint:

and asked me if I filed a complaint with CPOA 2015.9.10 I said yes sir and with 4 other agencies! why did Chair Waites NOT KNOW of Complaint # CPC53-18

investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer and transfer the investigation to the Internal Affairs Bureau.

L. The Executive Director, CPOA staff, and POB members may file complaints against APD personnel pursuant to the Police Oversight Ordinance as any other citizen. Such complaints shall be addressed as follows:

- (1) Any Board member who is a complainant or witness for a civilian police complaint shall be recused from participating in any findings, votes, or recommendations concerning the complaint.
- (2) Where a member of the CPOA staff is a complainant or witness for a civilian police complaint, the Executive Director shall retain an independent outside investigator to investigate the complaint. Absent a conflict of interest that precludes forming a quorum, the POB will process and decide the complaint in the same manner it decides other civilian complaints. If there is a conflict of interest that precludes forming a quorum, the POB will refer the investigative file to the Chief for his consideration of possible discipline.
- (3) If the Executive Director is a complainant or witness for a civilian police complaint, or if the Executive Director otherwise determines that a conflict precludes the Executive Director from participating in the investigation and presentation of a civilian police complaint to the POB, an independent investigator shall perform the functions of the Executive Director for purposes of that complaint.

2. **Serious Uses of Force and Officer Involved Shootings.**

A. The Executive Director shall receive all APD reports of serious uses of force (as defined in DOJ Settlement Agreement) and officer involved shootings. The Executive Director shall timely review these materials and assign them for investigation or review by the investigative staff.

B. The Executive Director will oversee, monitor, and review all investigations or reviews of serious uses of force and officer-involved shootings, and make findings for each. All findings will be made available to the public on the CPOA website.

C. Before taking action related to a serious use of force or officer involved shooting, the Executive Director shall confer with the relevant prosecuting agency and/or federal law enforcement agency to assess the likelihood of an officer being criminally prosecuted based on the incident. The Executive Director may delay or decline to proceed with any action related to a serious use of force or officer involved shooting until completion of the criminal investigation unless, after consultation with the prosecuting agency, the Executive Director

A. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by POB members, CPOA investigative staff, and the Executive Director upon reasonable notice.

B. The POB may issue subpoenas on its own initiative. When the POB issues a subpoena, a showing of relevance is not required and an appeal need not be pending.

C. The subpoena shall be issued by the City Clerk's Office and signed by the Chair or his/her designee.

D. Any applicable witness and travel fees and costs associated with service of process shall be paid by the CPOA.

5. POB Review.

A. The POB shall review the proposed findings and recommendations the Executive Director prepares, and shall by majority vote of members present:

- (1) Approve the findings and recommendations as proposed;
- (2) Approve other findings and recommendations as the POB determines are supported by the investigation file;
- (3) Defer action on the matter to allow for further investigation or analysis by the Executive Director. ?  
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B. The full investigation file shall be available to the POB for its review subject to the limitations on access and confidentiality set forth in Article VII below.

C. In reviewing completed investigations, the POB shall assess and document whether:

- (1) the incident suggests that APD should revise strategies and tactics; and
- (2) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures.

D. For civilian complaints, the Executive Director shall prepare and submit a public record letter to the civilian complainant, with a copy to the Chief, that outlines the findings and recommendations the POB approved. The Executive Director shall transmit that letter the next business day following the meeting during which the POB took action on the complaint.

E. Unless the civilian complainant requests a hearing, within 30 days of receipt of the decision of the POB, the Chief shall notify the POB and the original civilian complainant of

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- (4) 10 minutes for the CPOA Executive Director or designee
- (5) 5 minutes for the complainant or representative

The POB may combine separate appeals of the same action, in which case each appeal will receive an equal share of the complainant's time. The Chairperson shall indicate in advance the division of time. The parties shall decide on the speakers to use the time.

H. New evidence may be accepted by the POB during the hearing on a request for reconsideration. Whether to accept new evidence a party proffers is left to the discretion of the POB, and the POB may decide to rely on the evidence on the record. If the POB decides that additional evidence is necessary and appropriate for the proper disposition of the request for reconsideration, it may accept the evidence offered during the hearing or require the CPOA Executive Director to obtain such evidence for future presentation. New evidence which could have been put in the record during previous investigations or hearings is not favored for introduction during a hearing on a request for reconsideration. New evidence that clarifies evidence already in the record may be allowed. New evidence offered to contradict evidence in the record may be allowed if such evidence appears convincing and is material to the proper disposition of a complaint.

New Evidence SOP Violati  
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I. Board members may ask questions at any time of any witness present. When a Board member asks questions, the time limits set forth above are stayed until questioning is completed.

J. With regard to any request for reconsideration that has been filed with and is pending before the POB:

- (1) No Board member shall communicate outside a hearing with the complainant or the complainant's representative.
- (2) No Board member shall knowingly communicate with a member of the public or an organization about the subject of the request for reconsideration. Information and correspondence that is not in the record at the time the request for reconsideration is submitted only may be considered in making a decision if it is accepted as new evidence as set forth above.
- (3) No Board member shall conduct their own investigations or add their own evidence to the record regarding any hearings on requests for reconsideration.
- (4) Any correspondence regarding the subject of a request for reconsideration that is an ex parte communication and is inadvertently received by a Board member shall be delivered to the CPOA Executive Director and be available for review by the complainant.

New Evidence

imposed.

Adopt?

10. **Audits.** The POB may, by majority vote, perform an annual audit, or direct that an audit be performed, on a random sample of up to 10% of individual civilian police complaint investigations involving allegations of use of force. In exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases, the POB may, by a vote of two-thirds of the members of the POB, perform an audit, or direct that an audit be performed, on any individual civilian police complaint investigation by the CPOA.

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11. **Policy Recommendations.**

A. The Executive Director will regularly provide reports updating the POB on the results of the CPOA's long-term planning process. Through the long-term planning process, the CPOA will identify major problems or trends, evaluate the efficacy of existing law enforcement practices in dealing with the same, and establish a program of resulting policy suggestions and studies each year. The POB shall review and analyze policy suggestions, analysis, studies, and trend data the CPOA has collected or developed supplemented by such additional data and information it obtains directly or instructs the CPOA to collect.

B. By majority vote, the POB will recommend policies related to programs and procedures or other matters relating to APD.

C. The Chief must respond to any policy recommendations from the CPOA in writing within forty-five (45) days. The Chief's response must indicate whether the APD will follow the recommendations through standing operating procedures, whether the recommendations should be adopted as policy by the City Council, or whether the Department will not follow any of the policy recommendations and any reasons why they will not be followed.

D. The POB must dedicate a majority of its time to policy recommendations.

12. **Monitoring.**

A. The Executive Director shall monitor and periodically report to the POB on claims of excessive force. This shall include regularly reporting to the POB on APD-related settlements in excess of \$25,000.

B. The CPOA shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.

C. The CPOA shall conduct an annual review of APD's policies against retaliation and the implementation of those policies. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and supervisors' performance in addressing and preventing retaliation. The CPOA shall coordinate this review with Internal Affairs, which is responsible

**ARTICLE VII – CONFIDENTIALITY AND ACCESS TO INVESTIGATION MATERIALS**

**1. POB Hearings.**

A. The POB hearing process shall be open to the public to the extent legally possible so that it does not conflict with state or federal law.

B. The CPOA's attorney may designate details of investigations privileged or confidential when the law so requires. who?

C. Compelled statements given to the Executive Director or a designated independent investigator will not be made public.

D. The Executive Director may summarize conclusions reached from a compelled statement for the report to the POB and the Chief, and in the public record letter sent to the complainant.

E. Nothing in these policies and procedures or the Police Oversight Ordinance affects the APD's ability to use a compelled statement in a disciplinary proceeding.

**2. POB Access to Investigation Materials.**

A. Redacted personnel records for APD personnel, including those of the Internal Affairs Unit, shall be made available to the POB on demand.

B. Information that could be construed to be covered by *Garrity v. New Jersey*, 385 U.S. 493, 500 (1967) will be made available to the POB on application submitted in writing pursuant to a majority vote of the POB. Where the POB votes to review such material, it shall do so only in a closed session to the extent permitted under the New Mexico Open Meetings Act.

B. The POB shall maintain the confidentiality of any *Garrity* material or records that are made confidential by law. The POB is subject to the same penalties as the custodian of those records for violating confidentiality requirements. In addition to any other penalty, any POB member or other person who violates his or her confidentiality obligations shall be removed from the POB and shall be subject to prosecution for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.



12. The individual's request to stop recording should be documented with the OBRD. In the event that it is not reasonably possible to record the individual's request with the OBRD, Department personnel shall document the request via the CAD system or a report.

**N/A** 13. During tactical activations, tactical units may turn off their OBRDs during planning and decision-making.

*Due to the extended duration of tactical activations and in order to conserve battery life, tactical units may turn off their OBRDs when not conducting directed action, based on the information available to the officer at that time. OBRDs shall be activated during directed action, which may elicit a response from the subject.*

**7** C. Training Requirements

All Department personnel who are authorized to use OBRDs must complete mandatory training to familiarize themselves with the devices and with Departmental procedures prior to using them. Department personnel shall receive periodic refresher training on updated technology, policies, and the benefits of the devices.

**5-6** D. Viewing, Accessing, and Sharing OBRD Recordings

1. Department personnel will be assigned access to the digital storage application appropriate to their rank and duties.
2. Department personnel may review their own OBRD recordings to assist quality and accuracy in their reports and for investigatory interviews. For specific procedures involving an officer-involved shooting, see the guidelines in SOP 7-3 – Force Investigation Team (FIT).
3. Department personnel may view, download, redact, and share OBRD recordings only for legitimate law enforcement purposes and for authorized administrative review purposes.
4. Department personnel will not delete OBRD recordings unless deletion is consistent with this policy and SOP 2-73 - Submission of Evidence, Confiscated Property, and Found Items.
5. All recordings shall be shared digitally via the Department's digital storage application unless otherwise approved by the Department.

**7** E. Management of OBRD Recordings

1. All Department personnel shall upload recordings to the Department's digital storage application prior to the end of the Department personnel's subsequent shift. *Not 15 DAYS LATER!*

7 PRA Request # 18-6370

Invoice #  
11-6-18

## ORIGINAL REQUEST

Please provide SOP's and procedure and TIME LINE for uploading evidence from AXON Lapel cameras to city server: from the time of the incident on the corresponding POLICE REPORT. In the 434 pages; of EVIDENCE AUDIT TRIALS officer William G. Velasquez #P 3498 and Megan Barlow Carpenter #5508 took as much as 15 days to UPLOAD EVIDENCE using AXON application. Is this in COMPLIANCE with SOP's

Case #170112999  
Incident #173230661





**ALBUQUERQUE POLICE DEPARTMENT**  
**Albuquerque, NM, US**



Document generated: 02 Oct 2018 - 10:54:55 -08:00 by Barraza, Nyvia(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0098271	Device Type	Axon Flex
Categories	120 Day Deletion Evidence	Device Name	X78006365
Title	AXON Flex Video 2017-10-08 0955	Serial Number	X78006365
Checksum	Sha2- ab1846b6c77aa6e259f87aef828e59703b4861b609b62517a775e275ed635e9c		
Record Start	08 Oct 2017 09:55:02		
Uploaded	22 Oct 2017 08:43:26	Usage	
Uploader	VELASQUEZ, WILLIAM (Badge ID: 3498)		
Unique ID	882C816EAD5E49D6939B4FE9921142CA	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	02 Oct 2018 10:54:55

14 days

#	Date	Time	User	Activity
1	22 Oct 2017	08:43:26 (-08:00)	VELASQUEZ, WILLIAM (Badge ID: 3498) Username: WVELASQUEZ User ID: ab25e33184214b65b7ecd4e5575e6e4a	Category '120 Day Deletion' Added Deletion is still scheduled for 05 Feb 2018 08:55:02 (-07:00)
2	22 Oct 2017	08:43:26 (-08:00)	System	Retention Level Updated Deletion is now scheduled for 05 Feb 2018 08:55:02 (-07:00)
3	22 Oct 2017	08:43:26 (-08:00)	System	Evidence Record Created
4	06 Dec 2017	17:48:14 (-07:00)	System	Category 'Evidence' Added Deletion is now unscheduled
5	06 Dec 2017	17:48:14 (-07:00)	System	Retention Level Updated Deletion is now unscheduled
6	08 Dec 2017	17:48:14 (-07:00)	System	External ID Updated to '17-0098271'
7	08 Dec 2017	17:48:14 (-07:00)	System	Tag 'C533' Added



**ALBUQUERQUE POLICE DEPARTMENT**  
**Albuquerque, NM, US**



Document generated: 04 Oct 2018 - 11:28:07 -08:00 by Barreza, Nyvia(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0101862	Device Type	Axon Flex
Categories	Misdemeanor Evidence	Device Name	X78016591
Title	AXON Flex Video 2017-10-18 1448	Serial Number	X78016591
		Other	Axon Flex
Checksum	Sha2- 4e634f98dc84368904291d340fb1de27adb243481e0ca632a53 169d9b1f5a708		
Record Start	18 Oct 2017 14:48:14	Usage	6 days
Uploaded	24 Oct 2017 08:14:33		
Uploader	CARPENTER, MEGAN (Badge ID: 5508)		
Unique ID	D8E3C91B814A487895943E9572259B07	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	04 Oct 2018 11:28:07

#	Date	Time	User	Activity
1	24 Oct 2017	08:14:33 (-08:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	External ID '17-0101862' added
2	24 Oct 2017	08:14:34 (-08:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	Category 'Misdemeanor' Added Deletion is now unscheduled
3	24 Oct 2017	08:14:34 (-08:00)	System	Evidence Record Created
4	24 Oct 2017	08:14:34 (-08:00)	System	GPS Tag Added
5	08 Dec 2017	18:57:57 (-07:00)	System	Tag 'C623' Added
6	08 Dec 2017	18:57:57 (-07:00)	System	Category 'Evidence' Added Deletion is now unscheduled



**ALBUQUERQUE POLICE DEPARTMENT**  
**Albuquerque, NM, US**



Document generated: 04 Oct 2018 - 11:29:31 -06:00 by Barraza, Nyvia(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0101516	Device Type	Axon Flex
Categories	Misdemeanor Evidence	Device Name	X78016591
Title	AXON Flex Video 2017-10-17 1604	Serial Number	X78016591
		Other	Axon Flex
Checksum	Sha2- 78b260828eeb43010b95ab73b3677a36204a99f366f40464741 1757d6f8427c7		
Record Start	17 Oct 2017 16:04:04	Usage	5 days
Uploaded	22 Oct 2017 16:42:05		
Uploader	CARPENTER, MEGAN (Badge ID: 5508)		
Unique ID	78C1712883AD42BEBA2DF4105C0EC9DB	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	04 Oct 2018 11:29:31

#	Date	Time	User	Activity
1	22 Oct 2017	16:42:05 (-06:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	External ID '17-0101516' added
2	22 Oct 2017	16:42:05 (-06:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	Category 'Misdemeanor' Added Deletion is now unscheduled
3	22 Oct 2017	16:42:05 (-06:00)	System	Evidence Record Created
4	09 Nov 2017	10:04:36 (-07:00)	Minchow, Michelle (Badge ID: E36868) Username: E36868 User ID: 54ceb37a2c3e4df79dda9b77d6991b34	Evidence Record Added to Case '17-0101516' Deletion is now unscheduled
5	08 Nov 2017	10:05:28 (-07:00)	Minchow, Michelle (Badge ID: E36868) Username: E36868 User ID: 54ceb37a2c3e4df79dda9b77d6991b34	Evidence copy created at agency 2nd Judicial District (NM) Attorney's Office
6	17 Nov 2017	08:56:16 (-07:00)	Minchow, Michelle (Badge ID: E36868) Username: E36868 User ID: 54ceb37a2c3e4df79dda9b77d6991b34	Evidence Record Added to Case '17-0101516'
7	17 Nov 2017	08:56:47 (-07:00)	Minchow, Michelle (Badge ID: E36868) Username: E36868 User ID: 54ceb37a2c3e4df79dda9b77d6991b34	Evidence copy created at agency 2nd Judicial District (NM) Attorney's Office
8	08 Dec 2017	17:02:19 (-07:00)	System	Category 'Evidence' Added Deletion is now unscheduled
9	08 Dec 2017	17:02:19 (-07:00)	System	Tag 'C523' Added



**ALBUQUERQUE POLICE DEPARTMENT**  
**Albuquerque, NM, US**



Document generated: 04 Oct 2018 - 11:35:11 -06:00 by Barraza, Nyvia(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0011088	Device Type	Axon Flex
Categories	Misdemeanor	Device Name	X78016591
Title	AXON Flex Video 2017-02-02 0331	Serial Number	X78016591
		Other	Axon Flex
Checksum	Sha2- 2266f8eef0f118aeba0f03f85220b2cdb83f61b7f30ec68eef5288 933507faeb		
Record Start	02 Feb 2017 03:31:18	Usage	13 days
Uploaded	15 Oct 2017 07:48:58		
Uploader	CARPENTER, MEGAN (Badge ID: 5508)		
Unique ID	2EF1C8A141F24FB7B3017F2F7581D4C5	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	04 Oct 2018 11:35:11

#	Date	Time	User	Activity
1	15 Oct 2017	07:48:58 (-06:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	Category 'Misdemeanor' Added Deletion is now unscheduled
2	15 Oct 2017	07:48:58 (-06:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	External ID '17-0011088' added
3	15 Oct 2017	07:48:58 (-06:00)	System	Evidence Record Created



**ALBUQUERQUE POLICE DEPARTMENT**  
**Albuquerque, NM, US**



Document generated: 04 Oct 2018 - 10:09:39 -06:00 by Barraza, Nyvia(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0110960	Device Type	Axon Body 2
Categories	Evidence	Device Name	X81196333
Title	AXON Body 2 Video 2017-11-13 1638	Serial Number	X81196333
		Other	Axon Body 2
Checksum	Sha2- 98df71500cad90a77c3b0b72aa3fe3c57225b3b5fab7fdbcae20 4f67225efdfc		
Record Start	13 Nov 2017 16:36:38		
Uploaded	19 Nov 2017 14:40:09	Usage	
Uploader	CARPENTER, MEGAN (Badge ID: 5508)		
Unique ID	49CF7C1D65DD4DE8A234FD1DA5CB768C	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	04 Oct 2018 10:09:39

6 days

#	Date	Time	User	Activity
1	13 Nov 2017	16:36:38 (-07:00)	System	Recording started due to event button press
2	13 Nov 2017	16:40:48 (-07:00)	System	Recording stopped due to event button hold
3	13 Nov 2017	17:11:23 (-07:00)	System	Evidence accessed using Axon application
4	13 Nov 2017	17:11:43 (-07:00)	System	External ID '17-0110960' added to video metadata using Axon application
5	13 Nov 2017	17:11:43 (-07:00)	System	Category 'Evidence' added to video metadata using Axon application
6	19 Nov 2017	14:37:09 (-07:00)	System	Evidence successfully uploaded using Axon application
7	19 Nov 2017	14:40:09 (-07:00)	System	Evidence automatically deleted from camera after successful upload using Axon application
8	19 Nov 2017	14:40:09 (-07:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	External ID '17-0110960' added
9	19 Nov 2017	14:40:09 (-07:00)	CARPENTER, MEGAN (Badge ID: 5508) Username: mcarpenter Email: mcarpenter@cabq.gov User ID: 517FEF4D75374DB887C2AE905206370A	Category 'Evidence' Added Deletion is now unscheduled
10	19 Nov 2017	14:40:09 (-07:00)	System	Evidence Record Created
11	19 Dec 2017	14:07:27 (-07:00)	Minchow, Michelle (Badge ID: E36868) Username: E36868 User ID: 54ceb37e2c3e4d7f9dde9b77d6891b34	Evidence Record Added to Case '17-0110960'
12	19 Dec 2017	14:08:10 (-07:00)	Minchow, Michelle (Badge ID: E36868) Username: E36868 User ID: 54ceb37e2c3e4d7f9dde9b77d6891b34	Evidence copy created at agency 2nd Judicial District (NM) Attorney's Office



**ALBUQUERQUE POLICE DEPARTMENT**  
 Albuquerque, NM, US



Document generated: 01 Oct 2018 - 14:08:14 -06:00 by Barraza, Nyvia(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0111286	Device Type	Axon Body 2
Categories	Evidence	Device Name	X81193478
Title	AXON Body 2 Video 2017-11-14 1528	Serial Number	X81193478
		Other	Axon Body 2
Checksum	Sha2- 1ed80eb51eabf8367335ea540e35caf3c70d08124f25a61d31fc 4fea563d045e	Usage	8 days
Record Start	14 Nov 2017 15:28:08		
Uploaded	22 Nov 2017 09:57:14		
Uploader	VELASQUEZ, WILLIAM (Badge ID: 3498)		
Unique ID	DB57B8AE7AD349C7A3BE53DE7D58E62B	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	01 Oct 2018 14:08:14

#	Date	Time	User	Activity
1	14 Nov 2017	15:28:08 (-07:00)	System	Recording started due to event button press
2	14 Nov 2017	15:30:38 (-07:00)	System	Recording stopped due to camera power down
3	22 Nov 2017	09:55:17 (-07:00)	System	Evidence successfully uploaded using Axon application
4	22 Nov 2017	09:57:13 (-07:00)	System	Evidence automatically deleted from camera after successful upload using Axon application
5	22 Nov 2017	09:57:14 (-07:00)	System	Retention Level Updated Deletion is now scheduled for 14 Mar 2018 16:28:08 (-06:00)
6	22 Nov 2017	09:57:14 (-07:00)	System	Evidence Record Created
7	28 Nov 2017	08:24:30 (-07:00)	System	Retention Level Updated Deletion is now unscheduled
8	28 Nov 2017	08:24:30 (-07:00)	System	Category 'Evidence' Added Deletion is now unscheduled
9	28 Nov 2017	08:24:30 (-07:00)	System	External ID Updated to '17-0111286'
10	28 Nov 2017	08:24:30 (-07:00)	System	Tag 'C533' Added

m x 9 incident # Case # 170112990



ALBUQUERQUE POLICE DEPARTMENT  
Albuquerque, NM, US



Document generated: 04 Oct 2018 - 10:05:37 -08:00 by Barraza, Nyvia(6353)

EVIDENCE AUDIT TRAIL

Evidence		Source	
Evidence ID	17-0112999	Device Type	Axon Body 2
Categories	Evidence	Device Name	X81194865
Title	AXON Body 2 Video 2017-11-19 1512	Serial Number	X81194865
		Other	Axon Body 2
Checksum	Sha2- 734fbcc477f160ad82aa2a20fa1a8c41c1320c5ebc60de696d6a 0bf0719de3e0		
Record Start	19 Nov 2017 15:12:42		
Uploaded	21 Nov 2017 16:08:00	Usage	2 days
Uploader	CARPENTER, MEGAN (Badge ID: 5508)		
Unique ID	82F6654E55A94CA580211DF8B22221D6	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	04 Oct 2018 10:05:37

#	Date	Time	User	Activity
1	19 Nov 2017	15:12:42 (-07:00)	System	Recording started due to event button press
2	19 Nov 2017	15:51:28 (-07:00)	System	Recording stopped due to event button hold
3	21 Nov 2017	15:31:42 (-07:00)	System	Evidence successfully uploaded using Axon application
4	21 Nov 2017	15:34:03 (-07:00)	System	Evidence successfully uploaded using Axon application
5	21 Nov 2017	16:08:59 (-07:00)	System	Evidence automatically deleted from camera after successful upload using Axon application
6	21 Nov 2017	18:09:00 (-07:00)	System	Retention Level Updated Deletion is now scheduled for 19 Mar 2018 16:12:42 (-08:00)
7	21 Nov 2017	18:08:00 (-07:00)	System	Evidence Record Created
8	21 Nov 2017	17:18:06 (-07:00)	System	Category 'Evidence' Added Deletion is now unscheduled
9	21 Nov 2017	17:18:06 (-07:00)	System	Tag 'C523' Added
10	21 Nov 2017	17:18:06 (-07:00)	System	Retention Level Updated Deletion is now unscheduled
11	21 Nov 2017	17:18:06 (-07:00)	System	External ID Updated to '17-0112999'

C 523

My Incident 170112999  
Case #



ALBUQUERQUE POLICE DEPARTMENT  
Albuquerque, NM, US



Document generated: 01 Oct 2018 - 14:05:36 -08:00 by Barraza, Nyvia(8353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0112999	Device Type	Axon Body 2
Categories	Evidence	Device Name	X81193478
Title	AXON Body 2 Video 2017-11-19 1512	Serial Number	X81193478
		Other	Axon Body 2
CheckSum	Sha2- 91edbd72c5ac53052b128db64922594224838933f4a03990ecc 2964b8ecba437		
Record Start	19 Nov 2017 15:12:51	Usage	3 days
Uploaded	22 Nov 2017 12:08:45		
Uploader	VELASQUEZ, WILLIAM (Badge ID: 3498)		
Unique ID	1CA30C352B3D4E529AEDD60C2DEF26DB	Page views	
		File downloads	
		Video playbacks	
		Last Viewed Or Downloaded On	01 Oct 2018 14:05:36

#	Date	Time	User	Activity
1	19 Nov 2017	15:12:51 (-07:00)	System	Recording started due to event button press
2	19 Nov 2017	15:52:01 (-07:00)	System	Recording stopped due to camera power down
3	22 Nov 2017	11:32:05 (-07:00)	System	Evidence successfully uploaded using Axon application
4	22 Nov 2017	12:06:44 (-07:00)	System	Evidence automatically deleted from camera after successful upload using Axon application
5	22 Nov 2017	12:08:45 (-07:00)	System	Retention Level Updated Deletion is now scheduled for 19 Mar 2018 16:12:51 (-08:00)
6	22 Nov 2017	12:08:45 (-07:00)	System	Evidence Record Created
7	22 Nov 2017	18:40:31 (-07:00)	System	External ID Updated to '17-0112999'
8	22 Nov 2017	18:40:31 (-07:00)	System	Category 'Evidence' Added Deletion is now unscheduled
9	22 Nov 2017	16:40:31 (-07:00)	System	Retention Level Updated Deletion is now unscheduled
10	22 Nov 2017	18:40:31 (-07:00)	System	Tag 'C533' Added

C 533





**ALBUQUERQUE POLICE DEPARTMENT**  
Albuquerque, NM, US



Document generated: 02 Oct 2018 - 11:48:24 -08:00 by Barraza, Nyria(6353)

**EVIDENCE AUDIT TRAIL**

Evidence		Source	
Evidence ID	17-0078088	Device Type	Axon Flex
Categories	Evidence	Device Name	X78008365
Title	AXON Flex Video 2017-08-07 2009	Serial Number	X78008365
		Other	Axon Flex
CheckSum	Sha2- 902e44147071ce2d9159b44a9329d03b80de8b58b39c8ffe672 639f667f814d	Usage	8 days
Record Start	07 Aug 2017 20:08:28		
Uploaded	15 Aug 2017 15:04:22		
Uploader	VELASQUEZ, WILLIAM (Badge ID: 3498)		
Unique ID	8ED5AF388BCD4258A7A5C1A1E205CD76	Page views	3
		File downloads	7
		Video playbacks	2
		Last Viewed Or Downloaded On	02 Oct 2018 11:48:24

#	Date	Time	User	Activity
1	15 Aug 2017	15:04:22 (-08:00)	VELASQUEZ, WILLIAM (Badge ID: 3498) Username: WVELASQUEZ Email: wvelasquez@cabq.gov User ID: AB25E33184214B65B7ECD4E5575E6E4A	External ID '17-0078088' added
2	15 Aug 2017	15:04:22 (-08:00)	VELASQUEZ, WILLIAM (Badge ID: 3498) Username: WVELASQUEZ Email: wvelasquez@cabq.gov User ID: AB25E33184214B65B7ECD4E5575E6E4A	Category 'Felony' Added Deletion is now unscheduled
3	15 Aug 2017	15:04:22 (-08:00)	System	Evidence Record Created
4	18 Aug 2017	11:25:21 (-08:00)	Espinoza, Celina (Badge ID: e35761) Username: cespinoza User ID: 0be6569c3bf44b6ba42fadf159628c8d	Evidence Record Accessed. Client IP Address: 143.120.145.74
5	18 Aug 2017	11:25:22 (-08:00)	Espinoza, Celina (Badge ID: e35761) Username: cespinoza User ID: 0be6569c3bf44b6ba42fadf159628c8d	Media File Buffered by System at Page Load. Client IP 143.120.145.74
6	18 Aug 2017	11:25:27 (-08:00)	Espinoza, Celina (Badge ID: e35761) Username: cespinoza User ID: 0be6569c3bf44b6ba42fadf159628c8d	Evidence Record Streamed. Client IP Address: 143.120.145.74
7	23 Aug 2017	12:59:53 (-08:00)	Pino, Dolores (Badge ID: X01805) Username: X01805 User ID: 8a7eb2de6fa2486d965deefaaed8de9	Evidence Record Accessed. Client IP Address: 143.120.140.79
8	23 Aug 2017	12:59:54 (-08:00)	Pino, Dolores (Badge ID: X01805) Username: X01805 User ID: 8a7eb2de6fa2486d965deefaaed8de9	Media File Buffered by System at Page Load. Client IP 143.120.140.79
9	23 Aug 2017	13:01:07 (-08:00)	Pino, Dolores (Badge ID: X01805) Username: X01805 User ID: 8a7eb2de6fa2486d965deefaaed8de9	Evidence Record Streamed. Client IP Address: 143.120.140.79

← Steeline 30



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

2-8-7 E.2  
Pg 6

SOP 2-8

Effective: 6/2/17 Review Due: 6/2/18 Replaces: 4/28/16

2. In the event the uploading of recordings extends beyond the subsequent scheduled shift, immediate supervisors may authorize overtime or compensatory time and shall notify the watch commander of this via email.
3. Department personnel shall ensure that recordings are properly categorized and accessible. Recordings shall be classified according to (1) type of incident or event captured in the footage, (2) date, (3) time, and (4) Department personnel.
4. Department personnel, including both primary and back-up officers, shall submit all digital media recorded in accordance with this policy and defined as evidence, in the following manner:
  - a. Enter the case number in the following format:  
For 'AP151234567,' enter as '15-1234567.'
  - b. Choose a category from the presented list.
  - c. Make an electronic tag into the designated evidence system.
  - d. Add the entry into the property section of the report.
5. Department personnel shall add the "120 Day Delete" category to non-evidentiary recordings that are uploaded or imported into the Department's digital storage application.
6. If the initial category chosen was a mistake or if additional information justifies re-categorizing a recording, Department personnel will re-categorize recordings as appropriate.
7. Evidentiary recording will be maintained by APD, based on the statute of limitations or until the case is resolved.

6-7

F. Duties of Personnel

1. Department personnel shall take these actions regarding OBRDs:
  - a. Ensure that OBRDs assigned to them are functioning properly at the beginning and end of each shift, according to the manufacturer instructions.
    - i. Department personnel shall report immediately any improperly functioning equipment to a supervisor.
    - ii. Department personnel shall not be responsible for verified equipment failure during an incident if the OBRD had no signs of functioning improperly prior to the incident.
  - b. Articulate on an OBRD recording or in writing their reasoning for not activating their OBRD before required incidents, for not recording the entire contact, or for interrupting the recording. Department personnel shall document why a recording was not made, was interrupted, or was stopped.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

2-8-7E2  
Pg 6

SOP 2-8

Effective: 6/2/17 Review Due: 6/2/18 Replaces: 4/28/16

2. In the event the uploading of recordings extends beyond the subsequent scheduled shift, immediate supervisors may authorize overtime or compensatory time and shall notify the watch commander of this via email.
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For 'AP151234567,' enter as '15-1234567.'
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6-7

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    - ii. Department personnel shall not be responsible for verified equipment failure during an incident if the OBRD had no signs of functioning improperly prior to the incident.
  - b. Articulate on an OBRD recording or in writing their reasoning for not activating their OBRD before required incidents, for not recording the entire contact, or for interrupting the recording. Department personnel shall document why a recording was not made, was interrupted, or was stopped.

ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-19

Effective: 11/29/17 Review Due: 11/29/18 Replaces: 11/01/16

2-19-7 Response

7

A. In responding to an individual experiencing a behavioral health crisis, an officer will attempt to de-escalate and calm the situation if feasible, until a supervisor or ECIT or MCT arrives to control the scene and direct operations.

6

1. ECIT, MCT, or CIU will take the lead in interacting with individuals in a behavioral health crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek input from ECIT, MCT or CIU on strategies for de-escalating, calming and resolving the crisis, when it is safe.
2. The responding officer will request a backup officer whenever the individual will be taken into custody (either for booking or for emergency mental health evaluation). The officer should specifically request an ECIT officer or MCT as backup, unless the officer is an ECIT officer.
3. Officers should take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening tone and manner when approaching or conversing with the individual. Where possible, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally, and there is no need to rush or force the situation.
4. Officers should move slowly and do not excite or agitate the person. Provide reassurance that the police are there to help and that the person will be provided with appropriate care, assistance and resources.
5. Officers should communicate clearly and calmly. If possible, speak slowly and use a low tone of voice. Express concern for the person's feelings, and allow the person to share feelings without expressing judgment.
6. Where possible, officers should gather information from acquaintances or family members. Attempt to find out the nature of the crisis the individual is experiencing. Request professional assistance, if available and appropriate, to assist in communicating with and calming the person.
7. Officers should not threaten the individual with arrest or physical harm, as this may create additional fright, stress, and potential aggression.
8. Officers should avoid topics that seem to agitate the person, and guide the conversation away from areas that cause stress or agitation and towards topics that seem to ease the situation.

ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-19

Effective: 11/29/17 Review Due: 11/29/18 Replaces: 11/01/16

2-19-7 Response

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A. In responding to an individual experiencing a behavioral health crisis, an officer will attempt to de-escalate and calm the situation if feasible, until a supervisor or ECIT or MCT arrives to control the scene and direct operations.

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1. ECIT, MCT, or CIU will take the lead in interacting with individuals in a behavioral health crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek input from ECIT, MCT or CIU on strategies for de-escalating, calming and resolving the crisis, when it is safe.
2. The responding officer will request a backup officer whenever the individual will be taken into custody (either for booking or for emergency mental health evaluation). The officer should specifically request an ECIT officer or MCT as backup, unless the officer is an ECIT officer.
3. Officers should take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening tone and manner when approaching or conversing with the individual. Where possible, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally, and there is no need to rush or force the situation.
4. Officers should move slowly and do not excite or agitate the person. Provide reassurance that the police are there to help and that the person will be provided with appropriate care, assistance and resources.
5. Officers should communicate clearly and calmly. If possible, speak slowly and use a low tone of voice. Express concern for the person's feelings, and allow the person to share feelings without expressing judgment.
6. Where possible, officers should gather information from acquaintances or family members. Attempt to find out the nature of the crisis the individual is experiencing. Request professional assistance, if available and appropriate, to assist in communicating with and calming the person.
7. Officers should not threaten the individual with arrest or physical harm, as this may create additional fright, stress, and potential aggression.
8. Officers should avoid topics that seem to agitate the person, and guide the conversation away from areas that cause stress or agitation and towards topics that seem to ease the situation.