

Civilian Police Oversight Agency

600 2nd NW Room 813 Albuquerque NM 87102

P.O. Box 1293 Albuquerque NM 87103

Phone: (505) 924-3770 Fax: (505) 924-3775

www.cabq.gov/cpoa

CITY OF ALBUQUERQUE

Richard J. Berry
Mayor

Robert J. Perry
Chief Administrative Officer

Civilian Police Oversight Agency 2016 Semi Annual Report



Mission Statement

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

Edward Harness, Esq.

Executive Director

Beth Mohr

Police Oversight Board Chair

Leonard Waites

Police Oversight Board Vice Chair

TABLE OF CONTENTS

I. Civilian Police Oversight Agency (CPOA)	3
A. Staff	3
B. Creation of the CPOA.....	3
C. Progress of the CPOA and the Settlement Agreement	5
D. Duties and Responsibilities of the Executive Director	6
E. CPOA Staff	7
II. Police Oversight Board (POB)	8
A. Members.....	8
B. Police Oversight Board Duties.....	10
D. POB Meetings	10
E. POB Subcommittees.....	11
III. Officer Involved Shootings (OIS)	12
A. Officer Involved Shootings <i>Reviewed</i> in 2016.....	12
IV. Serious Use of Force Complaints	13
V. Citizen Police Complaints (CPC)	13
A. CPC Investigation and Review Procedure.....	14
B. Complaint Disposition Standards.....	14
C. Overview of Complaints.....	16
D. CPC 2016 Data and Statistics.....	17
D. Received CPC’s 2016 Data and Statistics.....	18
E. Findings and Dispositions of Complaints Completed in 2016.....	32
F. Non-concurrences Regarding 2016 CPC Findings.....	52
VI. Albuquerque Police Department	52
A. Discipline Imposed.....	52
C. Reports of APD Jobs Well Done.....	54

I. CIVILIAN POLICE OVERSIGHT AGENCY

STAFF

Edward Harness, Esq.
Executive Director

Chris Davidson
Investigator

Erin E. O'Neil
Investigator

Amanda Bustos
Community Engagement Specialist

Paul A. Skotchdopole
Assistant Lead Investigator

Diane L. McDermott
Investigator

Michelle D. Contreras
Senior Administrative Assistant

Miriam Verploegh
Data Analyst

CREATION OF THE CIVILIAN POLICE OVERSIGHT AGENCY

On August 18, 2014, City Council passed legislation, which suspended the Police Oversight Commission (POC), [Ordinance O-14-15](#). This legislation became effective on September 5, 2014.

On September 18, 2014, the City Council passed amendments to the [Police Oversight Ordinance](#) through Ordinance O-14-13. On October 6, 2014, Mayor Richard J. Berry signed the legislation. The new amendments replaced the prior Police Oversight Commission and the Independent Review Office with the Civilian Police Oversight Agency, one body consisting of the Police Oversight Board, the CPOA Executive Director, and the CPOA Administrative Office.

Under the amended Police Oversight Ordinance, [City Council](#) is responsible for selecting and confirming nine members of a Police Oversight Board (POB). The amended Ordinance made several changes to the existing Civilian Police Oversight system. These changes to the Police Oversight process included change from two independent bodies, the former Independent Review Office and Police Oversight Commission, into a one-body system, the Civilian Police Oversight Agency (CPOA). The CPOA consists of a Council-appointed Board which oversees an Executive Director. The Executive Director manages the day-to-day operations of the CPOA's Administrative Office. The CPOA must also:

- Physically be located outside of City Hall

- Manage its own budget - Minimum Budget: ½% of APD Budget (±750k/yr)
- May Hire its own Contract Legal Counsel
- Fulfill its duty to:
 - Perform Community Outreach
 - Promote Accountability within APD
 - Investigate Citizen Complaints
 - Make APD Policy Recommendations

The Police Oversight Board (POB) consists of nine At-Large, Council-appointed members, who are representative of the City as a whole. The Board Members may be removed for cause by 2/3 vote of either the Council or POB. Members will hold three-year, staggered terms. The amended Ordinance increased training requirements. The Board is tasked with, among other things, developing policy recommendations and reviewing Citizen Police Complaint Investigations.

The CPOA's Executive Director is required to hold a law degree and have experience in investigations. City Council appoints the Executive Director upon recommendation from the POB. The position has a three-year term. The Executive Director leads the Administrative Office and reviews Citizen Police Complaint investigations. He or she reports to the POB. City Council may remove the Executive Director upon recommendation of 2/3 of POB.

The Executive Director also prepares and submits recommended findings in officer involved shooting cases to the POB for their approval. The Executive Director has access to any APD information or documents that are relevant to a civilian's complaint, or to an issue, which is ongoing at the CPOA. The Ordinance also requires the Executive Director to play an active public role in the community, and whenever possible, provide appropriate outreach to the community to publicize the civilian complaint process.

Under the amended Ordinance, the CPOA is staffed with classified City employees who provide staff support to the POB. The CPOA staff performs all administrative functions of the Agency. The CPOA staff is required to receive and investigate all Citizen Police Complaints and to review and monitor APD Internal Affairs. The CPOA creates semi-annual reports, which include general trends and issues at APD.

The Amended Ordinance also changed the process for reviewing Civilian Police Complaints against the Albuquerque Police Department:

1. A person may file a [Complaint](#) against the Albuquerque Police Department (APD) via the internet or in writing.
2. The Civilian Police Oversight Agency (CPOA) will open a case and assign it to an investigator. The assigned investigator will interview witnesses, obtain evidence, and interview the APD officers involved.
3. The CPOA will mediate Complaints, whenever appropriate and agreed upon by the parties.
4. If the Complaint is not mediated, the CPOA Investigators will conduct a full investigation.
5. Once the investigation of the Complaint is completed, the Executive Director of the CPOA will review the Complaint and results of the investigation to determine if there are any violations of Albuquerque Police Department Standard Operating Procedures. Standard Operating Procedures are the Police Department's rules regulating police and employee actions and conduct.

6. The Executive Director of the CPOA will draft a letter indicating his conclusions and findings, which the POB will accept, reject, or modify. The Executive Director may send the completed investigation to the Department in order to meet discipline deadlines.
7. The members of the Police Oversight Board (POB) will review the Complaint and approve the Executive Director's findings and conclusions.
8. After the POB has approved the Executive Director's findings, the CPOA will send the findings to the person who filed the Complaint via Certified Mail and to the Albuquerque Police Department.
9. The person who filed the Complaint may appeal the POB's findings.

The Civilian Police Oversight Agency can only recommend discipline. The Chief of Police retains sole authority to impose discipline to an Albuquerque Police Department employee for violations of the Albuquerque Police Department Standard Operating Procedures. The person who filed the Complaint may appeal the POB's findings and the Chief's disciplinary findings.

The Civilian Police Oversight Agency does not conduct criminal investigations.

Progress of the CPOA and the Settlement Agreement

On April 10, 2014, the Department of Justice (DOJ) issued a [Findings Letter](#) regarding the Albuquerque Police Department (APD). The DOJ found that there was reasonable cause to believe that APD engaged in a pattern or practice of use of excessive force, including deadly force, in violation of the Fourth Amendment. The DOJ further determined that structural and systemic deficiencies contributed to the use of unreasonable force.

On November 10, 2014, the City of Albuquerque (City) and the Department of Justice (DOJ) submitted a proposed [Settlement Agreement](#) to resolve the matter of United States v. City of Albuquerque.

Key elements of the Settlement Agreement include:

1. Use of Force- policy reforms, reporting, reviewing and investigating
2. Additional Training- for use of force situations, crisis intervention, and Field Officers
3. Staffing and Accountability- including additional accountability measures and a Monitor
4. Recruiting, Selection, and Promotions- adding layers of evaluations into the promotion process
5. Community Engagement and Oversight
6. Implementation/Compliance Timeline

The Agreement also requires the CPOA to accept and investigate anonymous complaints, and complaints regardless of the timeframe of when the allegations occurred.

DUTIES AND RESPONSIBILITIES OF CPOA EXECUTIVE DIRECTOR

Under the amended Ordinance, the Executive Director reports directly to the Police Oversight Board. The CPOA Executive Director's duties are as follows:

- (1) Independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the POB;
- (2) Review and monitor all Internal Affairs investigations including but not limited to officer involved shooting investigations. The Director shall prepare and submit findings and recommendations to the POB relating to officer involved shootings, 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.
- (4) The CPOA will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its employees.
- (5) The Director shall independently investigate and make findings and recommendations for review by the POB for such civilian complaints, or assign them for independent investigation by CPOA staff or an outside independent investigator. If assigned to staff or an outside investigator, the Director shall oversee, monitor, and review all such investigations and findings for each.
- (6) All findings relating to civilian complaints and police shootings shall be forwarded to the POB for its review and approval. For all investigations, the Director shall make recommendations and give advice regarding Police Department policies and procedures to the POB, as the Director deems advisable.
- (7) The Director shall report directly to the POB and lead the CPOA; 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.

CPOA EXECUTIVE DIRECTOR

EDWARD HARNESS, ESQ. was selected as the top candidate by the POB for the Executive Director position, and confirmed by the City Council as Executive Director of CPOA in September of 2015.

Edward Harness is a graduate of Marquette University Law School. He completed his undergraduate degree in Management of Criminal Justice Operation at Concordia University, where he graduated Cum Laude. As a private practice attorney, focused on consumer rights and advocacy, Mr. Harness was

recognized as one of Milwaukee's Top Rated Attorneys 2012 – 2015. He also served as a Police Commissioner 2007 – 2015.

Prior to attending law school Mr. Harness was a City of Milwaukee Police Officer, and served in the U.S. Army as a Military Policeman.

CPOA STAFF

PAUL SKOTCHDOPOLE (ASSISTANT LEAD INVESTIGATOR): Paul Skotchdopole has been a Civilian Police Oversight Investigator for 9 years. Over that time, Paul has conducted over 700 administrative investigations into alleged police misconduct. Paul has 28 years of experience in conducting administrative investigations. Paul retired from law enforcement after serving almost twenty-one years. He started his law enforcement career as a Campus Security Officer at New Mexico State University in 1981, and later joined the Albuquerque Police Department in 1982 serving in the capacity of a Police Service Aide. In 1983, he became a Police Officer with the Las Vegas, NM Police Department where he served over 16 years in progressively responsible positions, leaving in 1999 as the Deputy Chief of Police. In 1999, Paul became Chief of Police in Belen, NM where he served for over 3 years, before retiring in 2003. During his tenure as a police officer, Paul conducted numerous Internal Affairs Investigations.

Paul was a General Police Adjunct Instructor at the New Mexico Law Enforcement Academy for many years, he has over 1000 hours of advanced training, and he holds an Executive Level Certificate of Training from the New Mexico Law Enforcement Academy. He also holds a Bachelor of Arts degree in Criminology with a Minor in Political Science from New Mexico Highlands University. Paul is a Certified Practitioner of Oversight (CPO), a Less Lethal Use of Force Instructor, and a certified paralegal.

DIANE MCDERMOTT (INVESTIGATOR): Ms. McDermott has been with the former Independent Review Office and current Civilian Police Oversight Agency since November of 2006. Ms. McDermott is a Certified Practitioner of Oversight (CPO) issued by the National Association for Civilian Oversight of Law Enforcement (NACOLE). Ms. McDermott completed additional certifications in interviewing and interrogations, mediation, online investigations, constitutional policing, use of Tasers, and Officer Street Survival. Prior to her position with the CPOA, Ms. McDermott worked in both public and private sectors as an investigator, manager, and trainer. Ms. McDermott earned Bachelor of Arts degrees in Psychology and Criminology from the University of New Mexico and a Master of Arts degree in Security Management from Webster University. Ms. McDermott is a certified paralegal.

CHRISTOPHER DAVIDSON (INVESTIGATOR): Chris Davidson started his Investigation career as an Internal Investigator for one of the largest financial institutions in the country in 1997. Chris continued in Investigations becoming part of Private Industry Organized Crime Investigations. During that time Chris had the opportunity to further his investigative knowledge by training and partnering with some of the best Law Enforcement agencies in the country, including the FBI, ATF, United States Postal Service, United States Secret Service and local and national police departments.

Chris was an integral part of establishing Albuquerque Retail Assets Protection Association, which combined the Police Department, Retailers, Construction, and Hotel/Motel industry to fight organized crime. Chris was one of four civilians selected to the local USSS Financial Crimes Task Force.

Chris also served in the United States Navy and deployed during Operation Desert Storm and Operation Desert Watch. Chris joined the CPOA in February of 2013.

ERIN O'NEIL (INVESTIGATOR): Erin O'Neil has a diverse background, which includes Telecommunications Project Management, Staff Management, and Crime Scene Investigation. Erin began her Investigations career in 2005 as a Forensic Evidence Technician with a law enforcement agency in Southern California. She moved to Colorado in 2008 to advance her career in Crime Scene Investigation and worked as a Crime Scene Analyst for a local agency in the Denver Metro area before becoming a Crime Scene Supervisor at the Denver Police Department Crime Lab.

Erin has an A.S. in Forensic Technology from Grossmont College and a Bachelor of Science in Criminology from Regis University. Erin is a U.S. Marine Corps veteran. She joined the CPOA in January 2015.

AMANDA BUSTOS (COMMUNITY ENGAGEMENT SPECIALIST): Born and raised in Albuquerque, NM, a graduate from New Mexico Highlands University and the University of New Mexico, Amanda Bustos joined the Civilian Police Oversight Agency as the Community Engagement Specialist in 2015. With a Master's degree in Social Work: Government Non-Profit Management and an undergraduate degree in Family Studies and Spanish, Mrs. Bustos brings diversity in experience and education to the team. Dedicated to serving her community, Amanda recently moved back from Los Angeles, CA and is eager to help develop and shape the community engagement component for the Agency.

MIRIAM VERPLOEGH (DATA ANALYST): Miriam received her B.A. in Sociology from Smith College in Northampton, Massachusetts and her M.A. and Ph.D. in Sociology from the University of Iowa. Miriam's experience working as a Research Associate, Program Manager, and College Faculty Member has given her a comprehensive background in qualitative and quantitative research and analysis, data collection, general administration, and project management. Miriam is excited to bring her expertise and knowledge to work for the Civilian Police Oversight Agency.

MICHELLE CONTRERAS (SENIOR ADMINISTRATIVE ASSISTANT): Born and raised in Albuquerque, New Mexico, Ms. Contreras obtained her Associate of Applied Science Degree in the field of Administrative Assistant in 1998. Ms. Contreras previously worked for the Metropolitan Court and Albuquerque District Attorney's Office for a combined experience of 18 years before joining the Civilian Police Oversight Agency in June 2014. In December 2015, Ms. Contreras graduated from the City of Albuquerque Public Service University's Pre-Management Development Program where she obtained a management certificate.

II. POLICE OVERSIGHT BOARD

POLICE OVERSIGHT BOARD MEMBERS

Dr. Susanne B. Brown - Dr. Susanne Brown is a retired physician. Dr. Brown has worked with numerous community organizations including: Healthcare for the Homeless, APS Board of Education, Enlace, Albuquerque Community Foundation, the Indian Health Service, Voices for Children, Juvenile Justice Advisory Committee. She currently volunteers with the BioPark as a docent for the Botanic Garden. Dr. Brown's experience in the community and experience working for the State Legislature as a legislative analyst will be an asset to the POB.

Eric H. Cruz - Mr. Eric Cruz is currently the Acquisition Program Manager at Kirtland Air Force Base. Mr. Cruz's unique set of knowledge, skills, and abilities can be an asset to the POB. They include: program management experience of setting and executing goals, working in a government setting, working with a team to achieve common goals, working in groups with dissenting opinions, education and training in leadership and communication skills. He is a resident of an area of Albuquerque that has high police activity.

Joanne Fine - Ms. Joanne Fine has served as a member of the APD Public Safety Partnership for several years, which worked on creating partnerships between the community and APD. Ms. Fine also served as Project Director for developing and opening the Family Advocacy Center, which is a partnership between APD and United Way that serves victims of interpersonal violence. Her experience in developing the Family Advocacy Center provided her with the opportunity to work with human service providers, the courts, the DA's office, underserved communities, and law enforcement, which can be an asset to the POB.

Carlotta Garcia - Ms. Carlotta A. Garcia is currently the Director of the Department of Health's Office of Health Equity. Ms. Garcia's interest in serving on the POB comes from her experience working with at risk and culturally and linguistically distinct communities and from her position as Director of Health Equity. Improvements that Ms. Garcia would like to work on is to ensure that the POB's work is informed and driven by data to the greatest extent possible.

Dr. Lisa M. Orick-Martinez - Dr. Lisa M. Orick-Martinez is currently a professor of Communications Studies at CNM and a member of the Albuquerque Community Emergency Response Team (CERT). Dr. Orick-Martinez's interest stems from her education, training, and familiarity with chain of command, small group communication. As a social scientist she understands the importance of reaching an informed decision. Dr. Orick-Martinez is particularly interested in improving communication between APD and the Albuquerque community.

Beth Mohr - Ms. Beth Mohr is currently a Forensic Accountant and Investigator, Managing Partner at McHard Accounting Consulting. Ms. Mohr is a retired San Diego Police Officer; she's a former Investigator for the Independent Review Office in Albuquerque; and she's a concerned community member. She has a clear understanding of complex data sets, crime data, citizen complaint data and use of force data, and how each of these contribute to a lack of trust between the community and the police. Ms. Mohr Master's Thesis at UNM's School of Public Administration focused on achieving lasting outcomes in the implementation of civilian oversight.

Rev. Dr. David Z. Ring III - Dr. David Z. Ring III is a retired Pastor from United Methodist Church and a retired Electrical Engineer from Sandia National Labs. Dr. Ring III is a former Police Chaplin in Odessa, TX and Los Alamos, NM and upon returning to Albuquerque, he wanted to be involved in serving the City and APD. Dr. Ring III believes the POB presents a unique opportunity to serve his community in a new and challenging way.

Leonard Waites - Mr. Leonard Waites is a lifelong resident of Albuquerque, which drives his interest in serving on the POB. Mr. Waites wants to ensure the safety of the City and assist in making the POB a fair and impartial system for the citizens of Albuquerque and the Albuquerque Police Department. Mr. Waites is a member of the NAACP and previously served on the Police Oversight Task Force. His areas of interest include mending the relationship between the community and police department and building a relationship between the Board and Chief of Police, as it will be important to correcting and implementing policies and procedures.

POLICE OVERSIGHT BOARD DUTIES

The Police Oversight Board (POB) is tasked with the following functions:

1. Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
2. Oversee the full investigation of civilian complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
3. Continue cooperation with APD and solicit public input by holding regularly scheduled public meetings;
4. Review all work of the CPOA with respect to quality, thoroughness, and impartiality of investigations;
5. Submit all findings to the Chief of Police;
6. 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.

POLICE OVERSIGHT BOARD MEETINGS

The regular meetings of the Police Oversight Board (POB) for the City of Albuquerque were held in accordance with the New Mexico Open Meetings Act (NMSA 1978), Section 10-5-1 through 10-15-4.

Meetings were open to the public and held in the City Council/Commission Chambers, Albuquerque/Bernalillo County Government Center. During the year 2016, the POB held meetings on:

January 14, 2016
February 11, 2016
March 10, 2016
April 14, 2016

April 5, 2016
May 17, 2016
June 9, 2016

POLICE OVERSIGHT SUBCOMMITTEES CASE REVIEW SUBCOMMITTEE

MEMBERS

LEONARD WAITES (CHAIR)
JOANNE FINE

The Case Review Subcommittee held meetings on:

January 5, 2016	April 12, 2016
January 26, 2016	May 3, 2016
February 9, 2016	June 2, 2016
March 1, 2016	

The Case Review Subcommittee reviews Civilian Complaints alongside the CPOA Executive Director.

COMMUNITY OUTREACH SUBCOMMITTEE

MEMBERS

LEONARD WAITES (CHAIR)
DR. DAVID RING III

The Community Outreach Subcommittee held meetings on:

January 11, 2016	February 29, 2016
January 25, 2016	March 31, 2016

Members of the Outreach Committee discuss community outreach and engagement efforts.

POLICY AND PROCEDURE SUBCOMMITTEE

MEMBERS

DR. SUSANNE BROWN (CHAIR)
BETH MOHR

The Policy and Procedure Subcommittee held meetings on:

January 19, 2016	April 19, 2016
February 16, 2016	May 26, 2016
March 15, 2016	

The Policy and Procedure Subcommittee reviews APD's policies and procedures and makes recommendations on changes to ensure that compliance and consistency align with the CPOA's Mission.

III. OFFICER-INVOLVED SHOOTINGS

Officer-Involved Shootings Reviewed in 2016

In 2016, one officer-involved shooting case was presented to the Police Oversight Board.

Police Shooting I-48-15

On January 9, 2015 members of Albuquerque Police Department's Special Investigations Division/Narcotics decided to conduct a buy bust operation. The operation would include two (2) undercover officers, Det. HG and Det. JG. There were four (4) other members of this Narcotics team. Det. HG had a target she'd been in contact with over the past 24 hours. This target was going to supply \$50-60 worth of methamphetamine. The buy was to take place in the Western Skies corridor. Det. HG agreed to drive to a location to meet the seller. Once the buy took place, in accordance with the briefing plan, the team drove away from the buy location. Det. HG pulled the 2007 Lexus into the McDonald's parking lot. Lt. B pulled in directly behind the Lexus in front of, a fully briefed, and team member's vehicle. Lt. B approached the 2007 4 door Lexus with his weapon in a low ready position. He used his left hand to open the rear driver's side door. From 1 ½ to 2 feet he observed the occupant of the seat directly behind the driver holding a handgun. The handgun was pointed towards the opposite side of the vehicle. Members of the arrest team were approaching the vehicle from the rear on the opposite side. Lt. B yelled "gun, gun, gun" and one second later, according to the lapel video, he began firing his weapon into the driver's side rear of the 2007 Lexus. Lt. B retreated from the vehicle while firing his weapon, a .45 cal. handgun. He emptied the first magazine and reloaded his weapon. 17 seconds after he began firing into the vehicle he realized the occupant of the vehicle holding the gun he observed was Det. JG. He'd fired 7 or 8 rounds into the vehicle.

The CPOA finds Lt B.'s conduct SUSTAINED regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

IV. SERIOUS USE OF FORCE COMPLAINTS

In the first half of 2016, The CPOA reviewed 2 serious use of force cases in the first half of 2016. Serious Use of Force is defined as 1) all uses of lethal force by an APD officer; 2) all critical firearm discharges by an APD officer; 3) all uses of force by an APD officer resulting in serious physical injury or requiring hospitalization; 4) all head, neck, and throat strikes with an object or neck holds; 5) all uses of force by an APD officer resulting in a loss of consciousness; 6) all canine bites; 7) more than two applications of an ECW on an individual during a single interaction...8) any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and 9) more than three strikes with a baton.

C2016-000003: On January 14, 2016, Officers A and B were dispatched to a restaurant in reference to an Audible Alarm Call. While waiting for K9 Units to arrive, Officers behind the restaurant advised that the male exited the back door on three separate occasions before going back inside the business. Officers advised that the male was wearing a Black Hoodie and had his face covered with a bandana. Officers moved to the rear of the business where he contacted a male, by the back door. The individual was taken into custody and sustained dog bite injuries to his right lower leg and left hand. The individual was triaged by AFD Rescue and ultimately transported for treatment.

C2016-000001: On January 7, 2016, Officers A and B were dispatched in reference to two male subjects breaking into a semi-trailer parked in the loading dock behind a business. After giving several announcements, one subject, exited the trailer. The subject was taken into custody without incident. The individual advised that there was another subject inside the trailer. Officers continued to give verbal commands to the subject inside the trailer, advising him to exit with his hands clear. They received no response. The subject refused to exit the trailer and K9 Officer A sent his PSD into the trailer where the second subject was contacted. Stewart was taken into custody and complained of dog bite injuries to his left shoulder and upper left arm. He was triaged by Rescue and ultimately transported to University of New Mexico Hospital for treatment.

V. CITIZEN POLICE COMPLAINTS (CPCs)

Any person may file a written complaint against APD officers or employees. The CPOA website contains an electronic complaint form. Written forms are obtainable at the CPOA office, libraries, community centers, and all APD substations or facilities.

Written Complaints were submitted to:

- CPOA’s website: www.cabq.gov/cpoa
- CPOA office at Room 813, Plaza del Sol, 600 2nd Street NW (8th Floor)
- PO Box 1293, Albuquerque, NM 87103;
- Any APD substation or facility; or
- Any APD officer on duty

CPC INVESTIGATION AND REVIEW PROCEDURE

1. When the Executive Director (Director) receives a written complaint, the complaint is entered into the CPOA’s case management database and assigned a Citizen Police Complaint (CPC) number.
2. The Director reviews the complaint for jurisdiction and then assigns the case to a CPOA investigator.
3. The Investigator interviews the complainant, obtains evidence, and conducts a Garrity interview of the target officer.
4. Upon completion of the investigation, the Director reviews the investigation for thoroughness, impartiality, and fairness.
5. The Director makes proposed findings and conclusions based on the evidence developed in the investigation as to whether the alleged misconduct violates the rules governing APD employees’ conduct called Standard Operating Procedures (SOPs). All findings are based on a preponderance of the evidence. The preponderance is based on the more convincing evidence and its probable truth or accuracy, not the quantity of evidence (to be able to show one side’s contention is more likely true than the other). The Director writes a draft letter to the person who filed the complaint, outlining his findings and conclusions.
6. APD Chain of Command reviews the findings of the Director prior to POB review only to ensure timeliness to impose discipline under the Union Contract. (90 days).
7. POB Board hears the complaint and approves or modifies findings, or remands for further investigation by the CPOA.
8. If the person who filed the complaint is dissatisfied with the findings, they may appeal the decision to the Police Oversight Board. Appeals are to be heard during POB’s monthly meetings, which are televised and open to the public.
9. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the CPOA.

COMPLAINT DISPOSITION STANDARDS

The Director makes findings regarding alleged misconduct based upon APD’s Standard Operating Procedures (SOPs). The Director bases his findings on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more

credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained. The Director makes the following types of findings:

Sustained – Where the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.

Not Sustained – Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

Exonerated – Where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

Unfounded – Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Sustained Violation Based on Original Complaint – Where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation;

Administratively Closed – Where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint

ADMINISTRATIVE CLOSING OF CITIZEN POLICE COMPLAINTS

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

Complaint withdrawal, where the citizen did not wish to proceed with any further investigation;

Complaints of unidentified officer, because the CPOA could not determine if the complaint mentioned any officers or identifiers to further investigate the case or could not determine if the officers complained about were employed by the Albuquerque Police Department;

Complaints filed without CPOA jurisdiction to investigate, because the CPOA did not have legal authority to investigate into the complaint;

Complaint referring to another agency, where the CPOA determined Albuquerque Police Department did not employ an officer with the name provided in the complaint;

Following the settlement agreement with the DOJ, the CPOA is now required to accept and investigate anonymous complaints and complaints regardless of the date of the alleged misconduct.

OVERVIEW OF COMPLAINTS

Since 2012, the Civilian Police Oversight Agency received an average of 123.4 Citizen Police Complaints (CPCs) in the first half of the year. The CPOA received 125 CPCs in the first half of 2016. This is a increase of almost 2 complaints compared to the average for the last 5 years.

The CPOA received an average of 20 complaints per month and resolved 252 CPCs in the first half of 2016. This resulted in 65 Administratively Closed cases and 187 closed cases with findings.

In the first half of 2016, female citizens filed more complaints than males. The highest number of complaints came from citizens who identified themselves as White or Hispanic. Most complaints were received through the CPOA website. White, male police officers received the highest number of complaints.

APD officers with Sustained findings of Standard Operating Procedure violations are referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the CPOA and the POB. Sustained investigation findings sometimes result in disciplinary actions and are made part of the officer's permanent record.

The Board and Agency are working diligently to review the backlog of cases pending for the CPOA which may increase the number of closed cases on average compared to other years.

In March 2016, the Agency hired a Data Analyst. This position is critical to the Board's duty to recommend policy and procedures to APD. The Board's objective is that those policies be evidence based and modeled on "best practices."

The Agency anticipates an increase in complaint volume, as a result of outreach efforts and the continued coverage in the media of the monitoring team and settlement agreement. Mediating some complaints should help ease the investigator's caseloads. The Agency will continue to work towards complete compliance with the settlement agreement. Additionally, the Agency will continue to collaborate with the Internal Affairs Division and the citizens of Albuquerque to fully and fairly investigate allegations of wrong doing by the Albuquerque Police Department.

Our goal is to facilitate meaningful law enforcement oversight in order to benefit all those affected by police conduct. The CPOA office will continue to work with stakeholders to address issues concerning police accountability and transparency at the Albuquerque Police Department. We hope that our endeavors strengthen community trust by giving citizens a voice during this time of change. We strive to assess and improve not only the oversight process, but the relationship between the public and the police force as a whole.

CITIZEN POLICE COMPLAINTS (CPCs) DATA & STATISTICS

FIRST HALF YEARLY STATISTICS	2012	2013	2014	2015	2016
Total Complaints Received	119	135	131	107	125
Inactivated/ Administratively Closed Complaints	73	66	62	20	65
Complaints Resolved after Full Investigations and Findings	57	25	58	21	187

Figure 1: Case Summary and Status of All Complaints Received and Complaints Investigated in the first half of 2016.

The number of complaints received by the Civilian Police Oversight Agency in the first half of 2016 reflected an increase of almost 2 complaints compared to the average of 123.4 over the past 5 years. In 2016, the CPOA received an average of 20.8 CPCs per month.

IMPORTANT INFORMATION CONCERNING THE STATISTICS BELOW

The statistics below are separated into two separate categories for purposes of clarity. The first section presents data regarding Complaints **RECEIVED** during the first half of 2016. The Director completed investigation and findings in 2016 for cases which were filed in 2015, as well as Complaints filed in 2014. This leads to the second category of information: Complaints which were **REVIEWED** in the first half of 2016. The REVIEWED category is further broken down into: 1) closed cases which have been fully investigated and 2) administratively closed cases which were not fully investigated for the reasons discussed below, which included informal resolution of the complaint, or the lack of jurisdiction to investigate the complaint.

RECEIVED CITIZEN POLICE COMPLAINTS (CPCs) DATA & STATISTICS

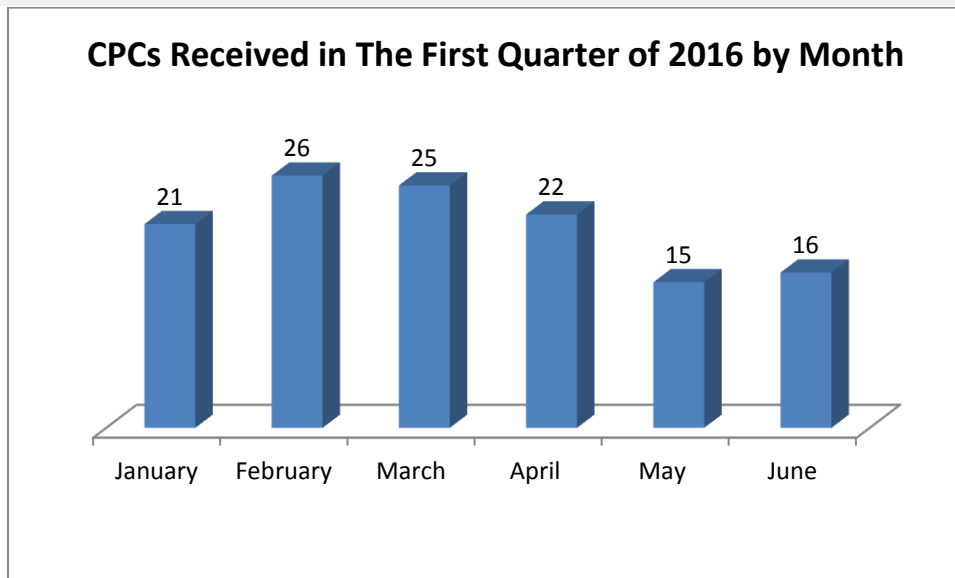


Figure 2: February and March show the highest number of alleged misconduct reported in the first half of 2016.

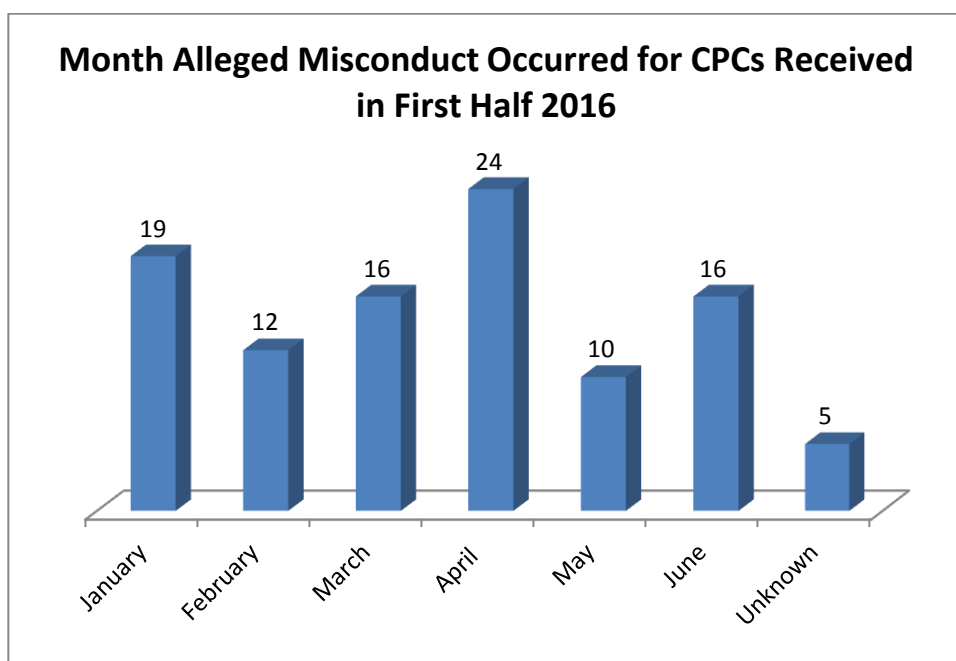


Figure 3: The most alleged misconduct occurred in April and January. Twenty-Seven complaints alleged misconduct before 2016 and for 5 CPC's the month of alleged misconduct is unknown.

GEOGRAPHIC DISTRIBUTION OF COMPLAINTS RECEIVED IN THE FIRST HALF OF 2016

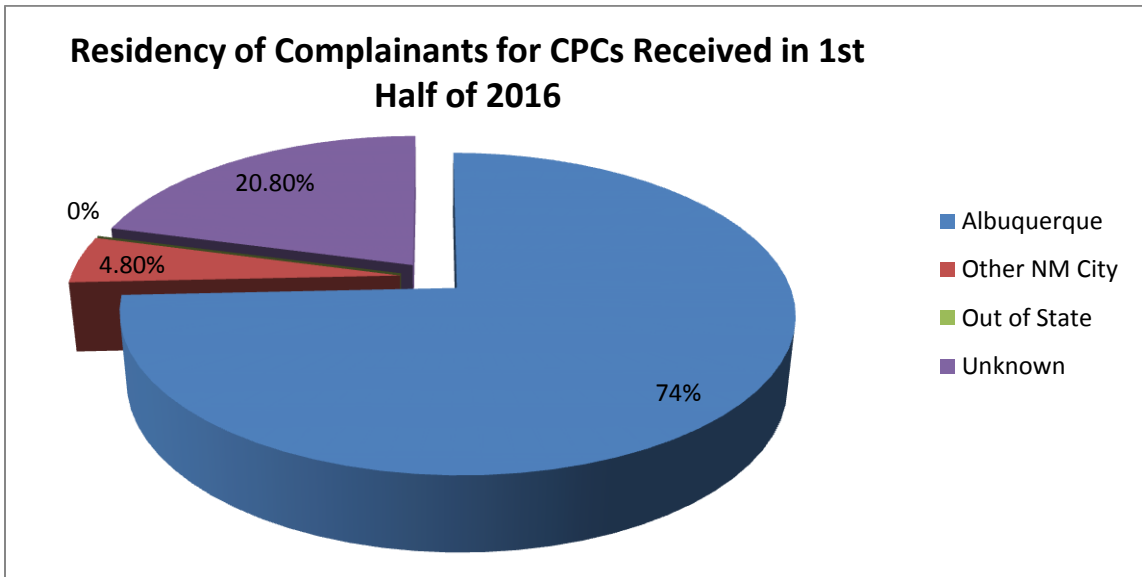


Figure 6: The CPOA office received 125 complaints in the First Half of 2016; 93 complainants were from Albuquerque residents; 6 complainants were residents of cities outside Albuquerque; 0 complainants were from out of state; and the residency for 26 Complainants is unknown.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2016

Of the 125 Citizen Police Complaints (CPCs) filed, a majority of complainants declared some or all of their demographic information in the first half of 2016.

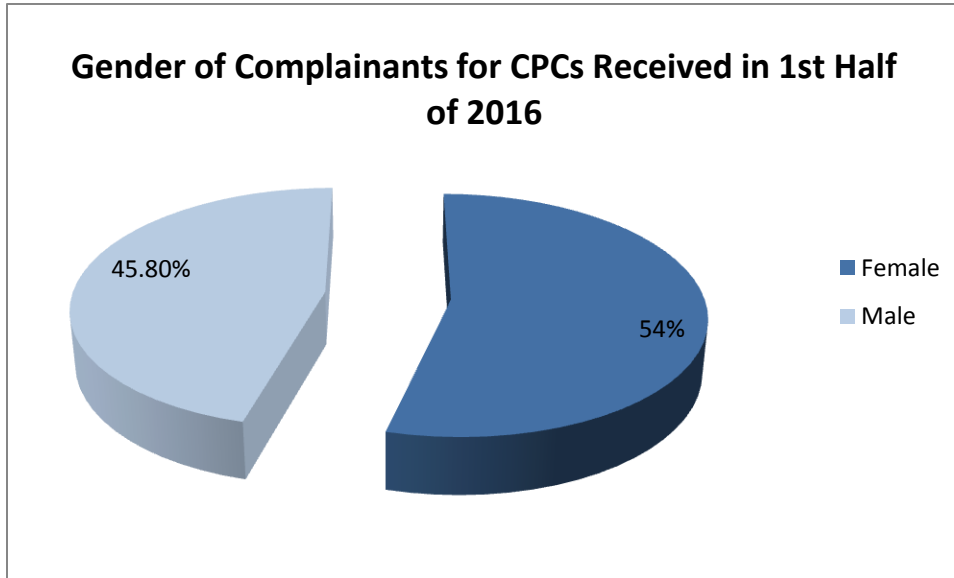


Figure 7: The CPOA received complaints from 44 Males and 53 Females. 28 complainant genders are unknown.

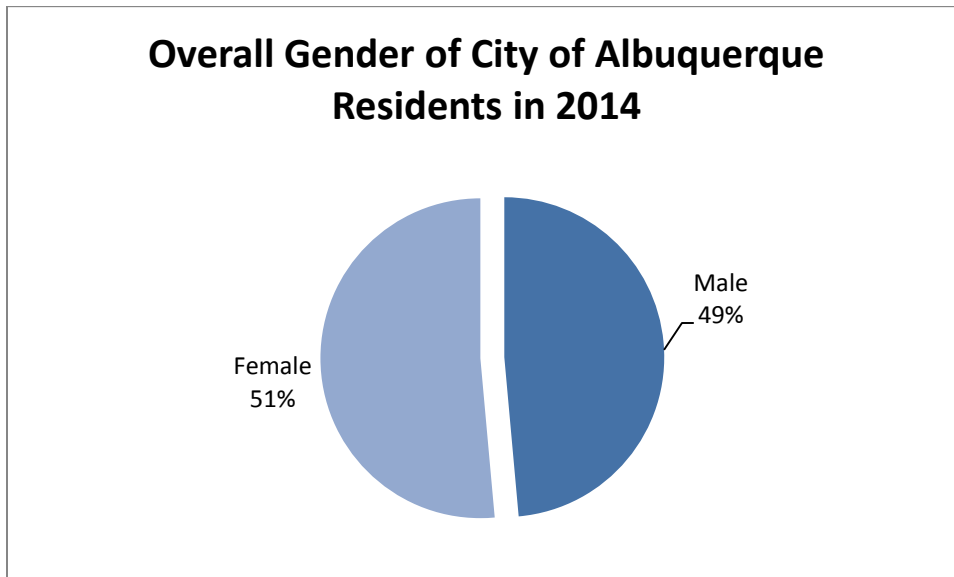


Figure 8: Based from total population, (545,852), Census from the U.S. Census Bureau, and NM Bureau of Business and Economic Research; DP-1-Geography-Albuquerque city, New Mexico.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2016

Department of Justice mandated changes to collected demographic information were made to the online complaint form on April 1, 2015 and to the paper complaint form on May 1, 2015. The Department of Justice requires that the CPOA keep statistics concerning mental illness, homelessness, and proficiency in the English language. Additionally, the DOJ has required the CPOA to keep statistics concerning the sexual orientation of complainants as well as track the manner in which the complaints were filed. It should be noted that this information might be seen as obtrusive and many complainants are reluctant to answer these questions, which may call into question the veracity of the data and its usefulness in shaping APD policy.

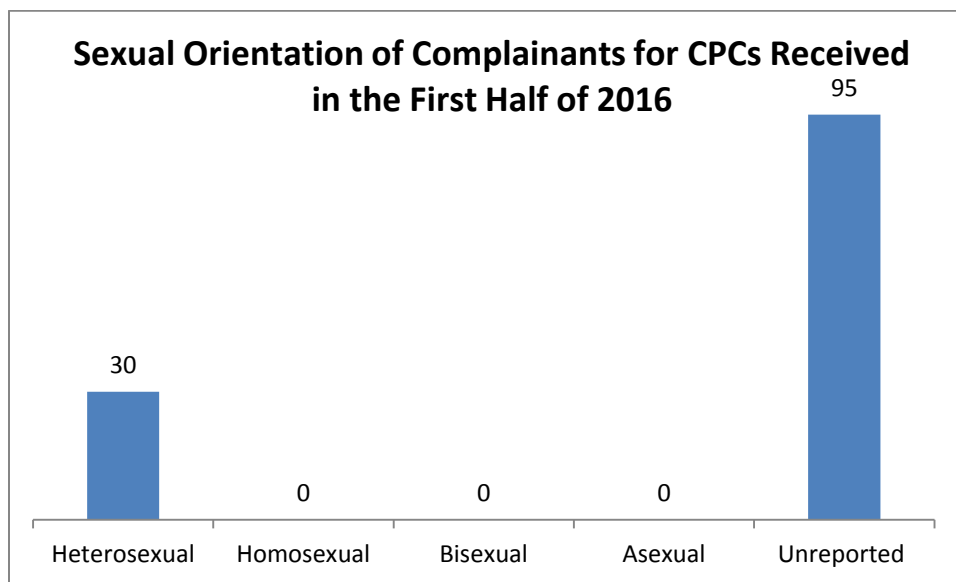


Figure 9: This table summarizes complainants who identified a specific sexual orientation.

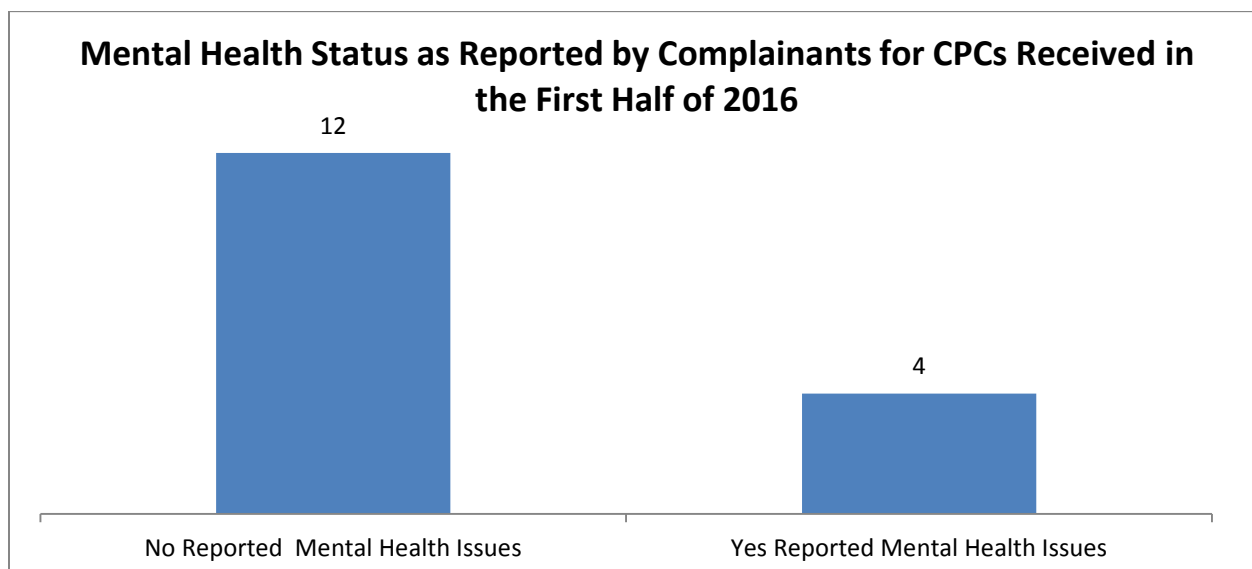


Figure 10: This table summarizes complainants who identified having a specific experience with mental health issues.

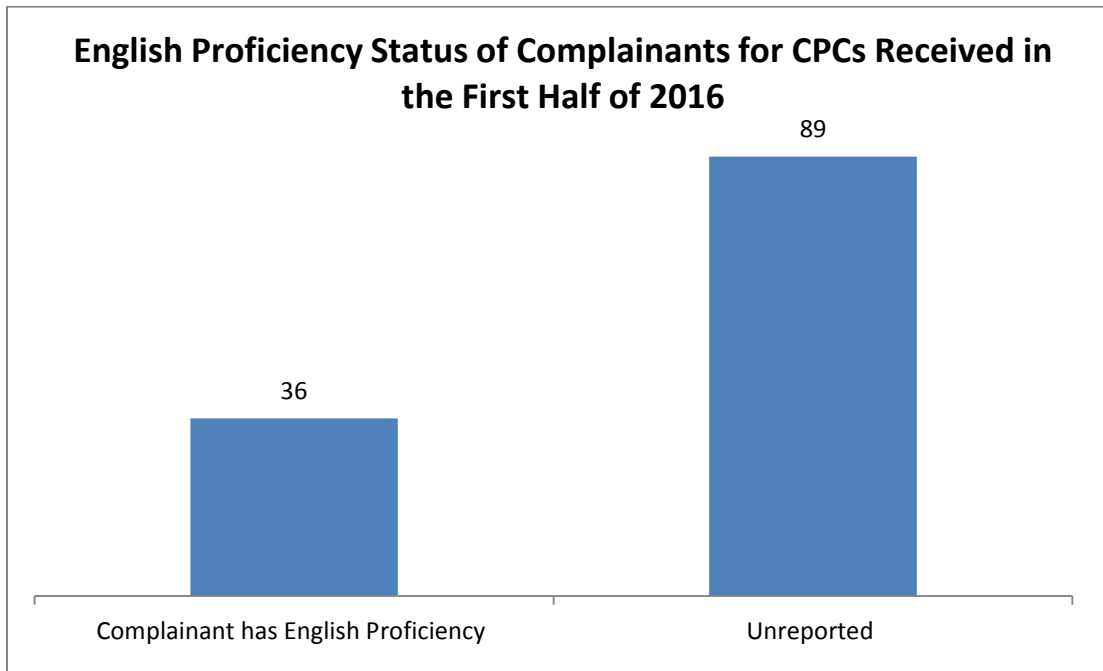


Figure 11: This table summarizes complainants who identified as having english proficiency.

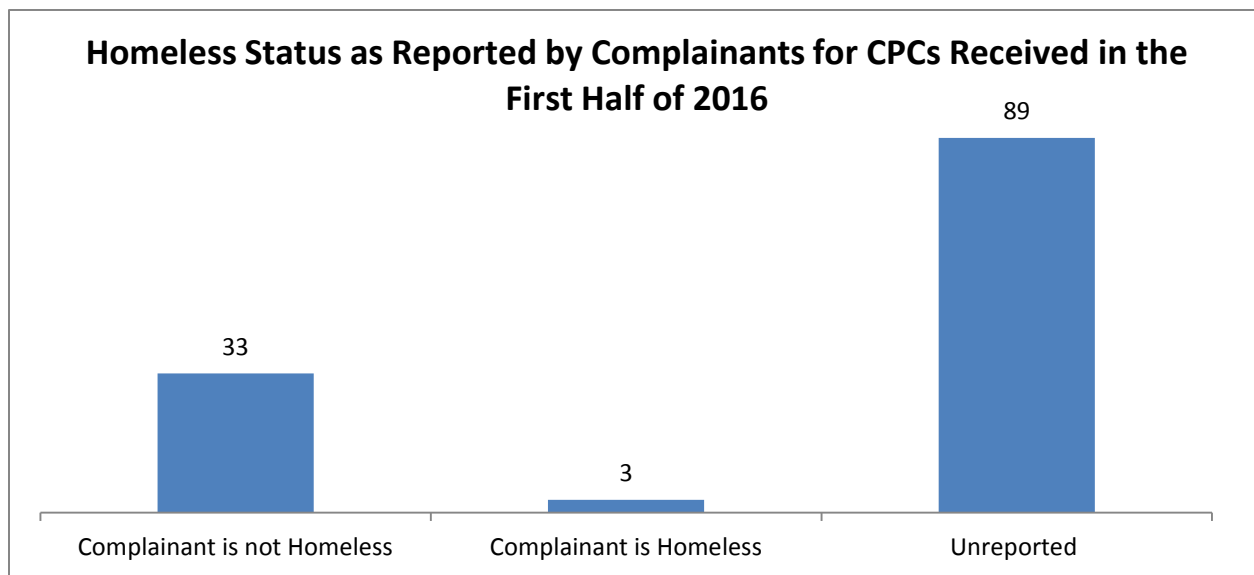


Figure 12: This table summarizes complainants who identified as being homeless or not.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2016

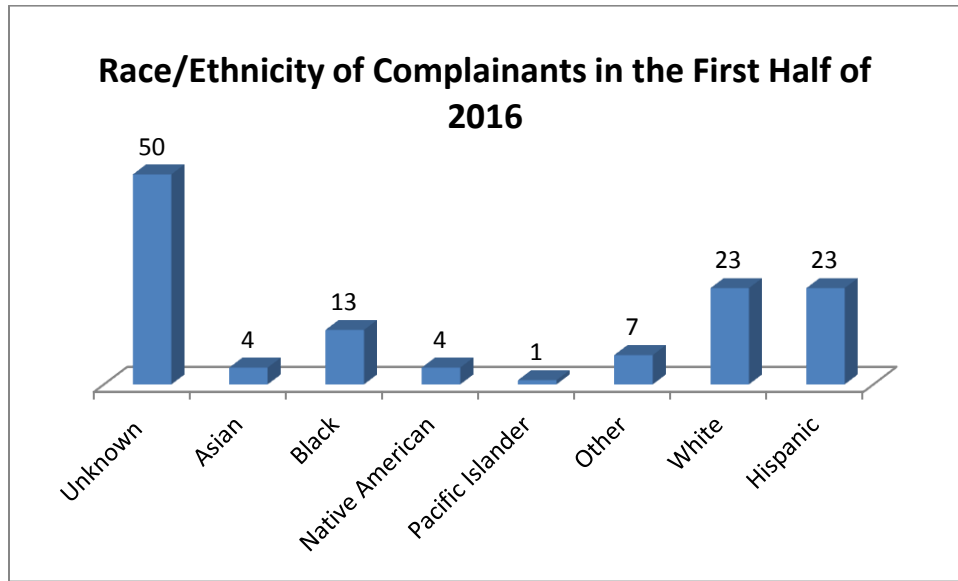


Figure 13: There were 75 complainants who provided ethnicity information.

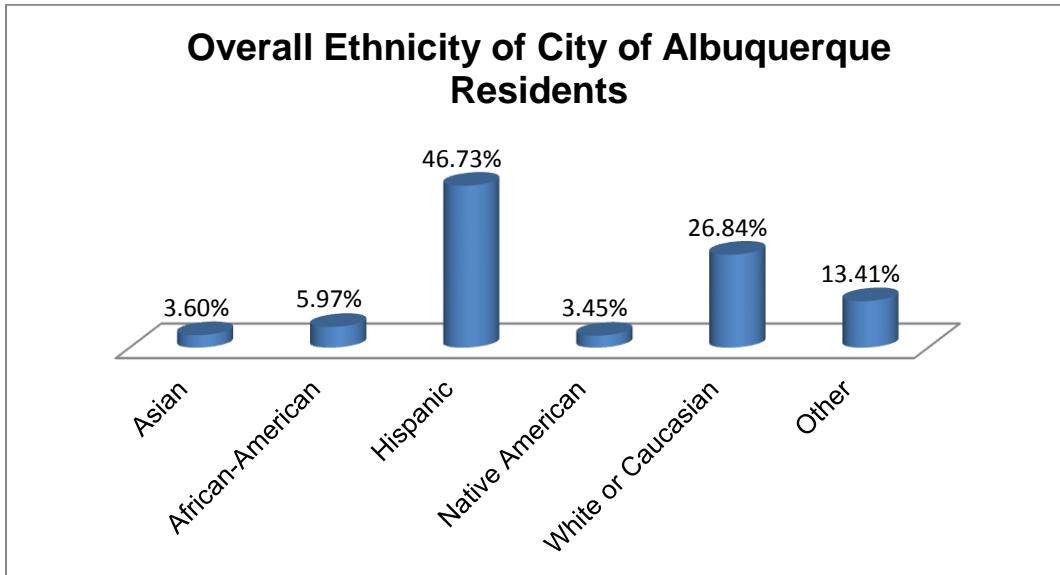


Figure 14: Numbers were based from City of Albuquerque total population (545,852), in 2010, Data from the U.S. Census Bureau, and NM Bureau of Business and Economic Research.

COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2016

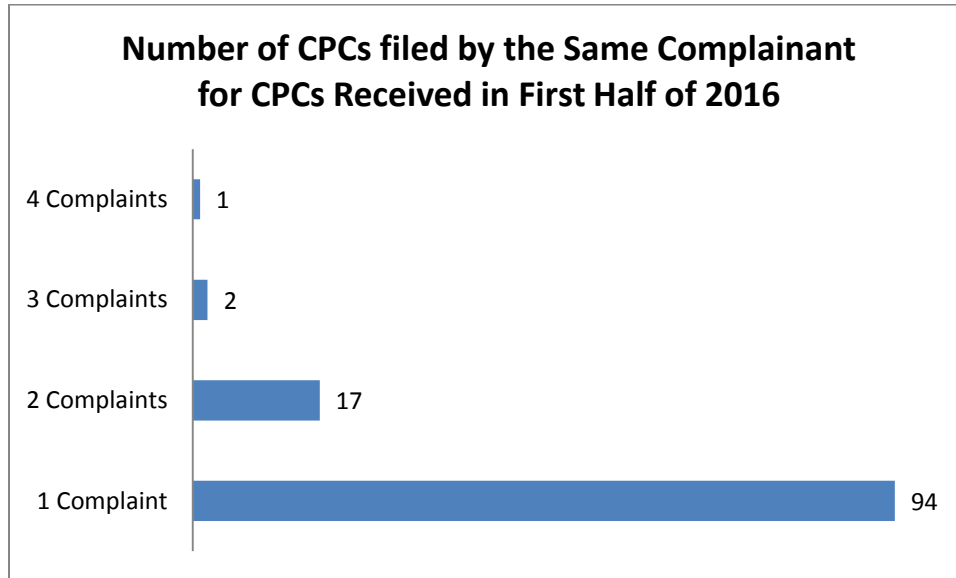
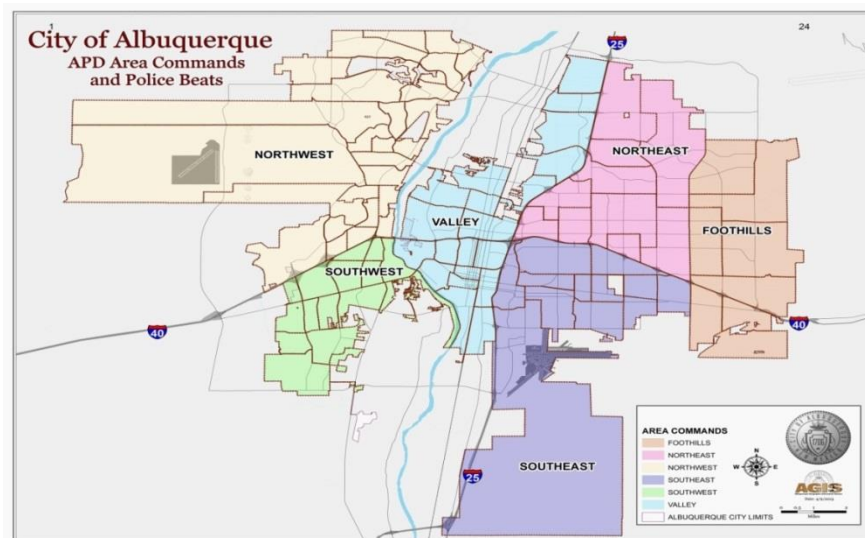


Figure 15: In 2016, 20 citizens filed more than one police complaints.

STATISTIC INFORMATION FOR COMPLAINTS COMPLETED IN THE FIRST HALF OF 2016

252 citizen complaints were completed between January and June of 2016.

ALBUQUERQUE POLICE AREA COMMANDS



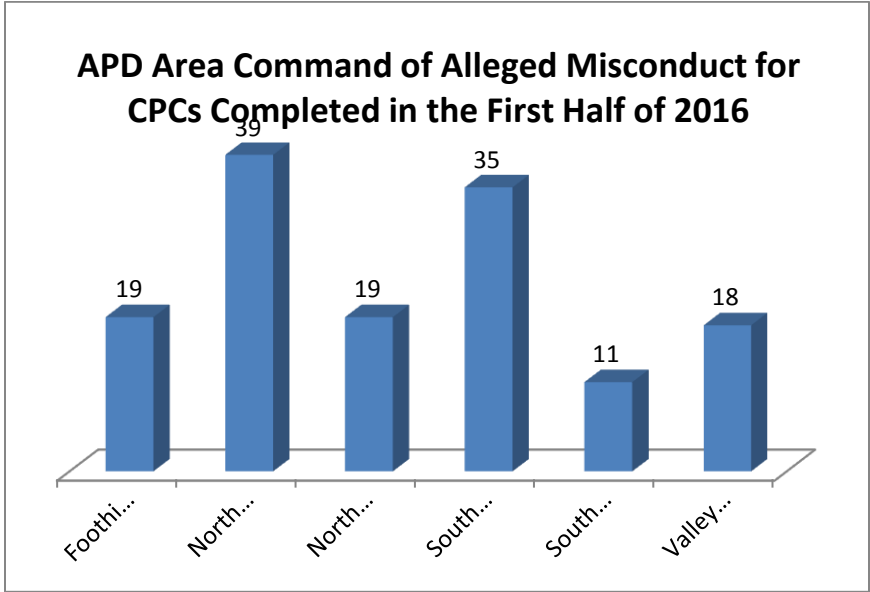
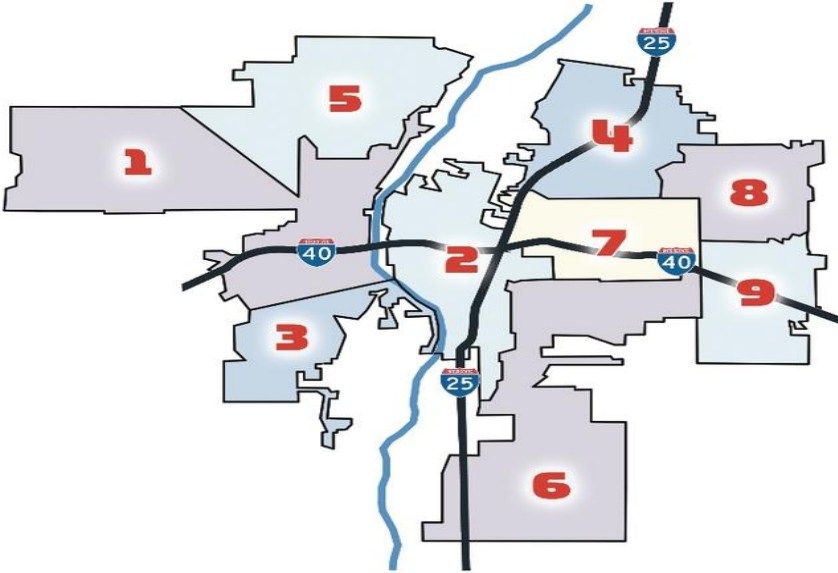


Figure 4: The CPOA office completed 141 complaints with an identified APD Area command in the first half of 2016. There were 111 complaints that had no area command identified. The area command may not have been identified for several reasons that might include but are not limited to issues where the CPCs with alleged misconduct of officers occurred in multiple locations, complaints about telephone conversations, complaints with an undetermined location, general complaints on APD, and complaints where no incident location was identified. The highest number of alleged misconduct in known areas occurred in the area of the Northeast area command.

ALBUQUERQUE CITY COUNCIL DISTRICTS



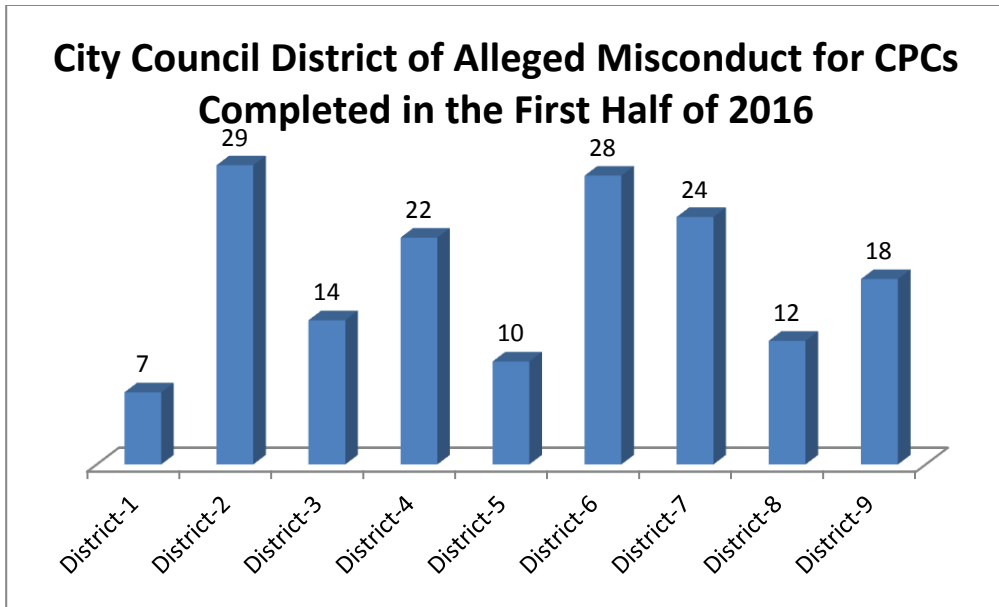


Figure 5: The CPOA office Completed 164 complaints with an identified APD Area command in the first half of 2016. 90 complaints did not have a known location of alleged misconduct. Unknown districts include complaints referring to phone encounters, unspecified incidents, addresses without district, or complaints without incident information.

NEIGHBORHOOD ASSOCIATIONS and LOCATIONS

In 2016, CPCs were received from persons living in the below listed neighborhood associations and locations. The neighborhood associations are categorized by City Council District.

<i>City Council District 1:</i>	Neighborhood Association: Los Volcanes; West Mesa; Ladera West; Taylor Ranch
<i>City Council District 2:</i>	Neighborhood Association: Barelvas; Silver Hill, Summit Park; Santa Barbara Martineztown; Raynolds Addition; Greater Gardner; Sycamore; Near North Valley; Downtown; Near North Valley
<i>City Council District 3:</i>	Neighborhood Association: Route 66 West; Westgate Heights
<i>City Council District 4:</i>	Neighborhood Association: Nor Este; Academy Acres North; Alameda North Valley
<i>City Council District 5:</i>	Neighborhood Association: Cottonwood;

<i>City Council District 6:</i>	Neighborhood Association: Highland Business; Nob Hill; Southeast Heights; Trumbull; La Mesa; South San Pedro; University Heights
<i>City Council District 7:</i>	Neighborhood Association: Quigley Park; Jerry Cline Park
<i>City Council District 8:</i>	Neighborhood Association: Pepper Tree Royal Oak; Comanche Foothills
<i>City Council District 9:</i>	Neighborhood Association: Singing Arrow; Princess Jeanne; Onate

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS COMPLETED IN THE FIRST HALF OF 2016

235 individual APD officers and employees were involved in the fully investigated cases in the first half of 2016. The following graphs represent the individual officers in each CPC.

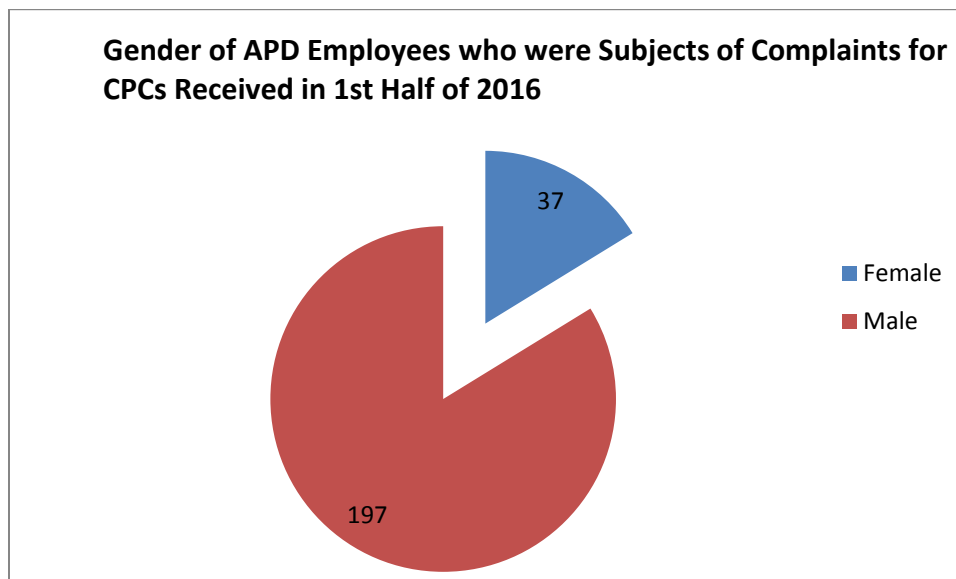


Figure 16: Male officers comprised 80% (96 total) of the officers named in resolved cases in the first half of 2016.

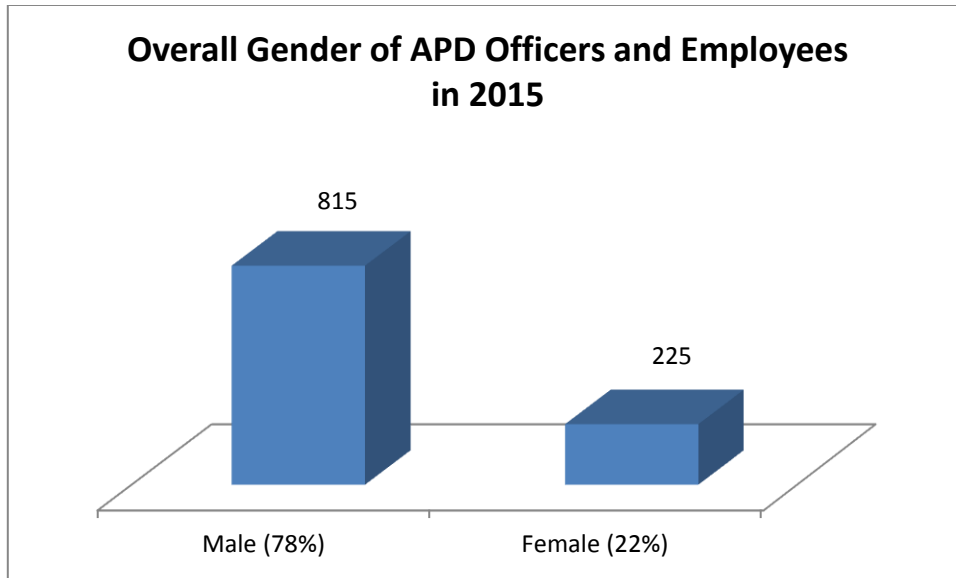


Figure 20: In 2015, APD personnel consisted of 78% males and 22% females. Of those, 25% of male employees received a complaint, while 14% of female employees received complaints. Statistics are based on estimates from the Albuquerque Police Department IAPRO Database.

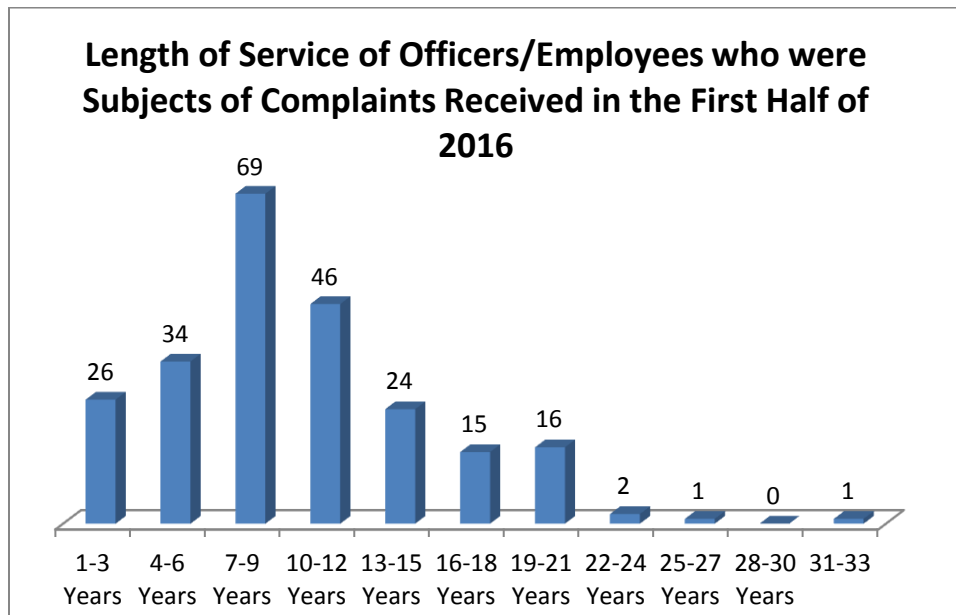


Figure 17: For cases resolved in the first half of 2016, officers with seven to nine years of experience were involved the most. One officer did not have data for length of service.

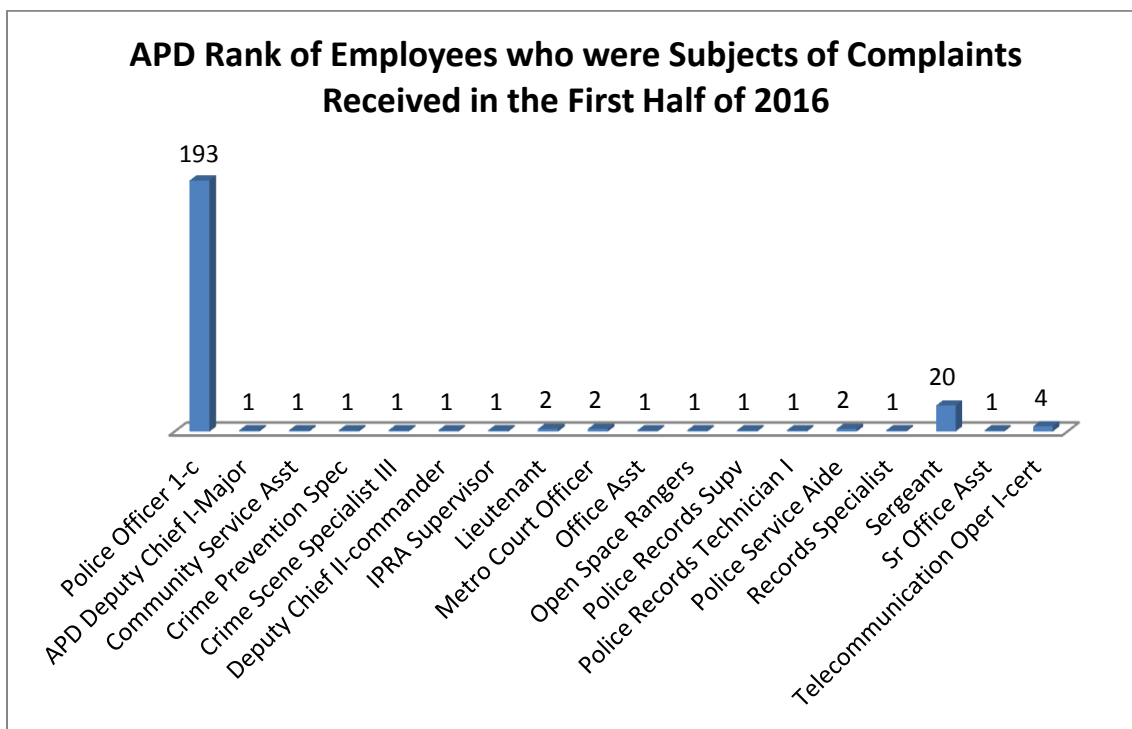
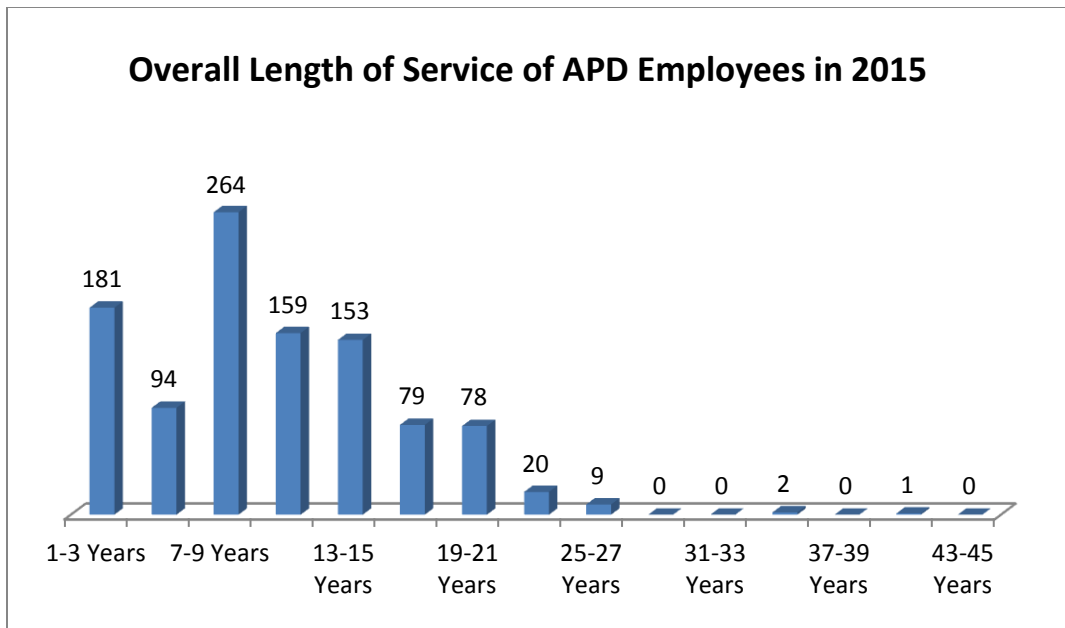


Figure 19: Private 1st class comprised the vast majority of the officers involved in cases resolved in the first half of 2016.

FINDINGS AND DISPOSITIONS OF COMPLAINTS COMPLETED IN THE FIRST HALF OF 2016

The CPOA made findings in 252 Citizen Police Complaints (Complaints or CPCs). This included findings in 187 CPCs with complete investigations. 65 complaints were administratively closed. The CPOA made findings in an average of 7 CPCs per month.

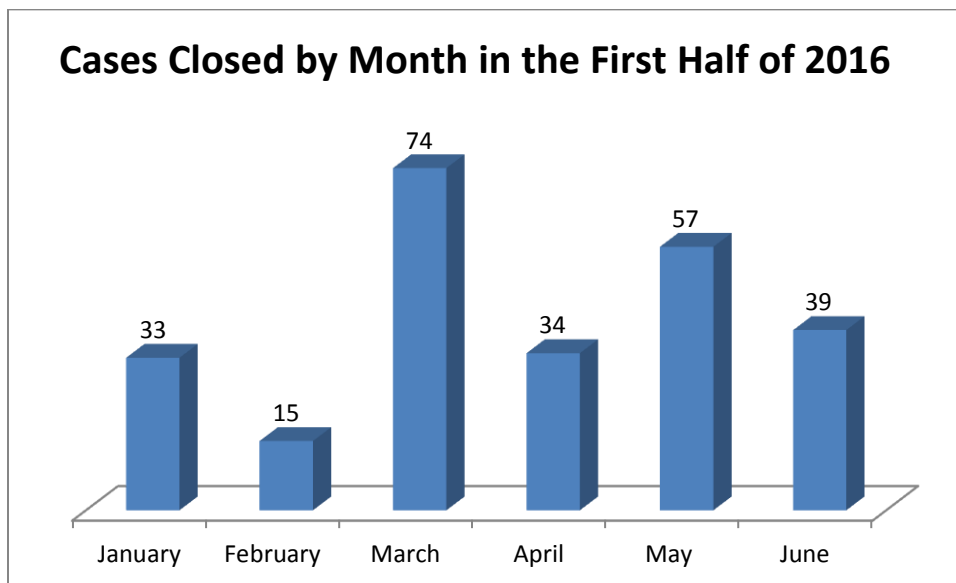


Figure 21: In the first half of 2016, the highest number of CPC findings was in March.

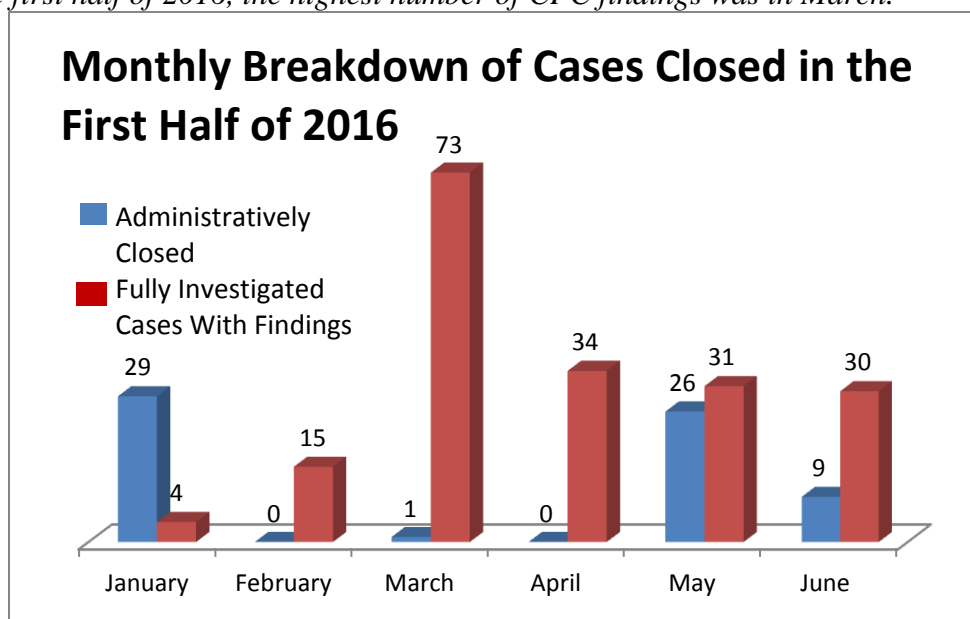


Figure 22: The CPOA resolved 252 cases in the first half of 2016: 187 were closed with findings, and 65 were administratively closed.

REASONS FOR ADMINISTRATIVE CLOSING OF A COMPLAINT

Mediation (Supervisor Solution)

The complaint against the officer has been satisfactorily resolved in an informal manner with the help of the officer's supervisor.

No SOP allegation

The complaint did not allege any unprofessional behavior on the part of the officer(s).

Complaint withdrawal

The citizen did not wish to proceed with any further investigations.

Preliminary investigation did not find any SOP violation

The CPOA reviewed the officer's actions and the evidence indicated that the officers followed APD Standard Operating Procedures.

Complaints of unidentified officer

The CPOA could not determine if the complaint mentioned any officers or identifiers to further investigate the case or could not determine if the officers complained about were employed by the Albuquerque Police Department.

Complaints filed without IRO jurisdiction to investigate

The CPOA does not have legal authority to investigate into the complaint.

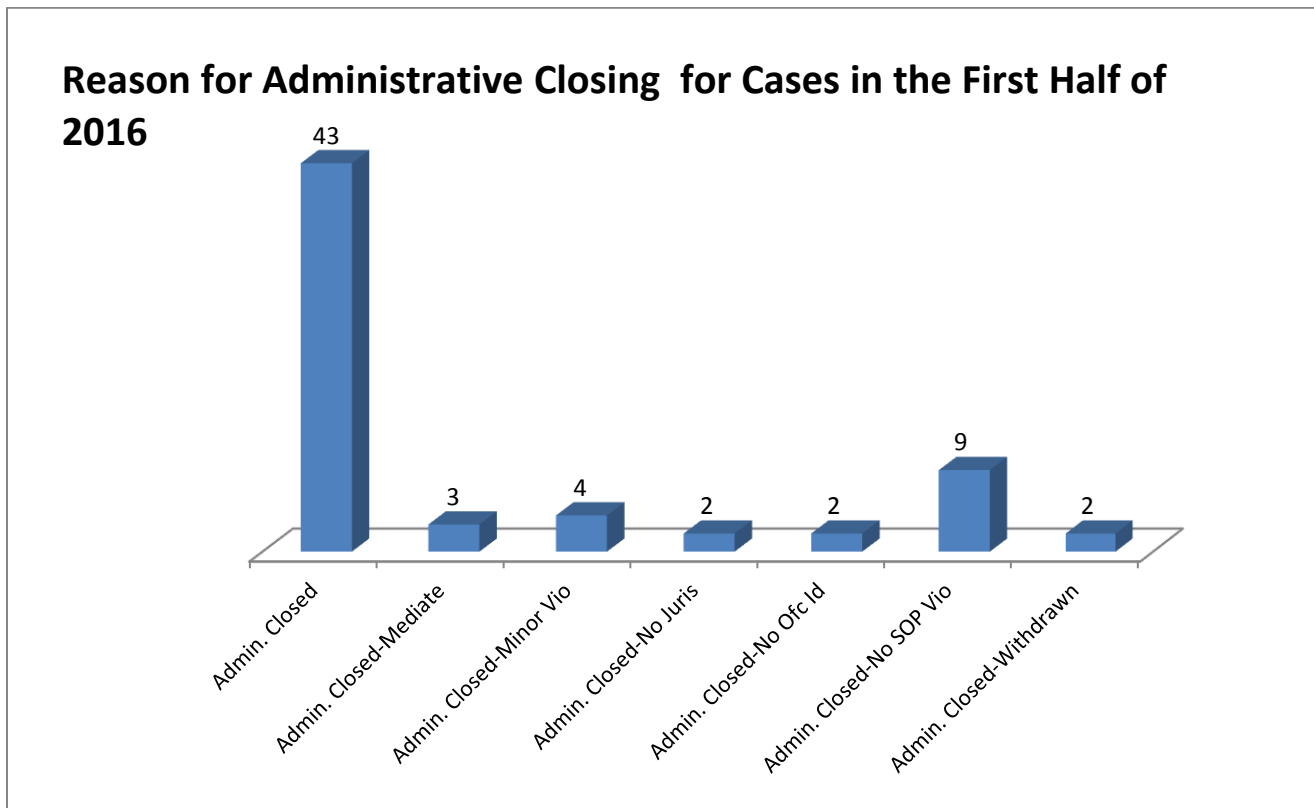


Figure 23: There were 65 complaints which were administratively closed in the first half of 2016.

APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RESOLVED IN THE FIRST HALF OF 2016

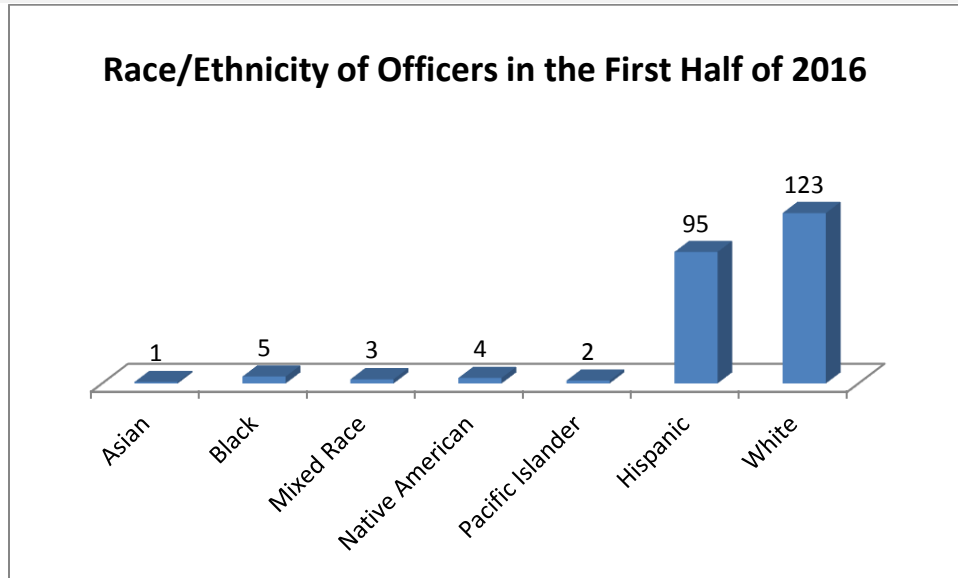


Figure 18: the majority of resolved complaints were made against officers who were white and hispanic. Two officers are missing race.

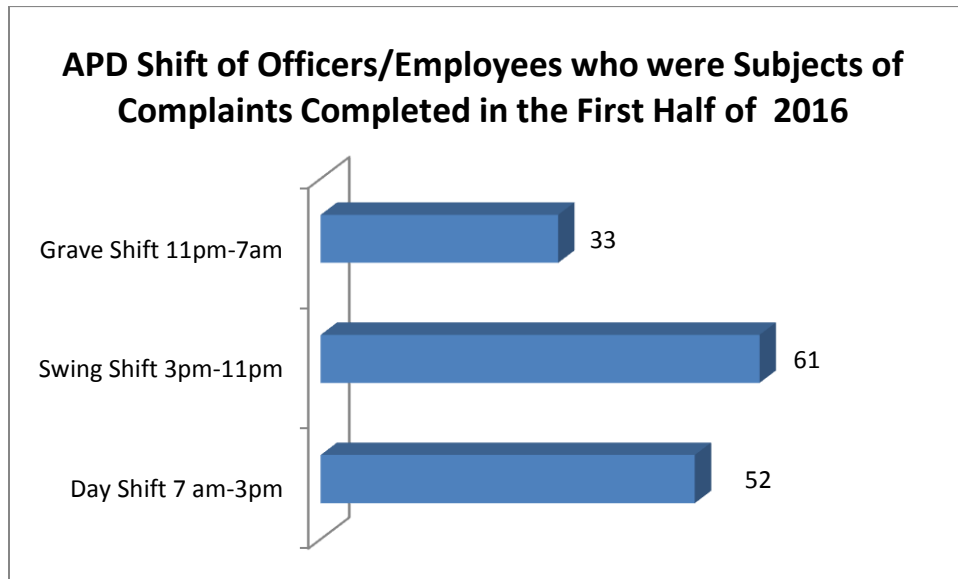


Figure 20: In the first half of 2016, most complaints were against APD officers working during the Swing shift, from 3:00pm to 11:00pm. 89 Officers did not have shift information.

CITIZEN POLICE COMPLAINTS (CPCs) REVIEWED IN 2016 WITH FULL INVESTIGATIONS AND FINDINGS

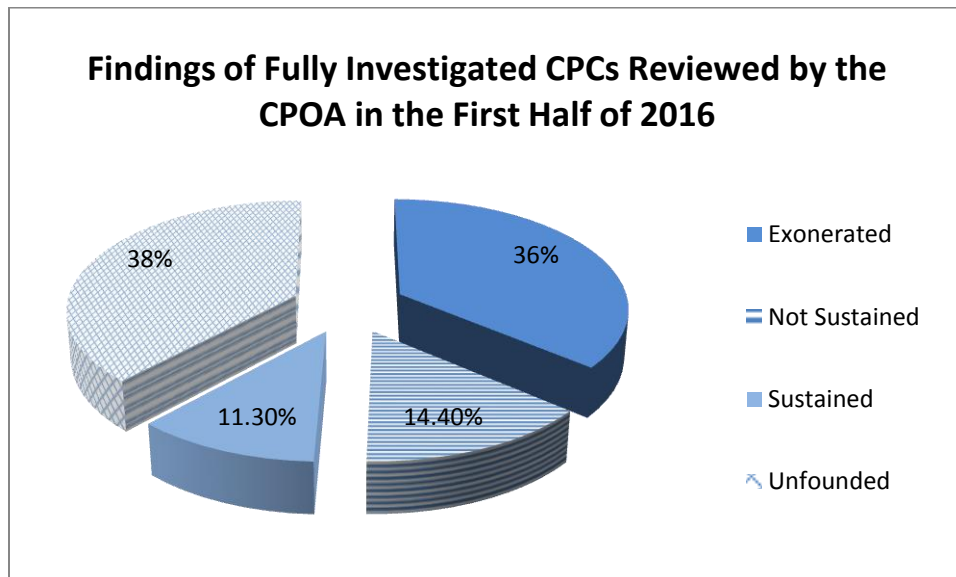


Figure 24: 188 allegations were exonerated, 75 were not sustained, 59 were sustained, and 198 were unfounded for a total of 520 allegations. The percentages are displayed above.

CPCs REVIEWED IN THE FIRST HALF OF 2016 WITH FULL INVESTIGATIONS AND FINDINGS

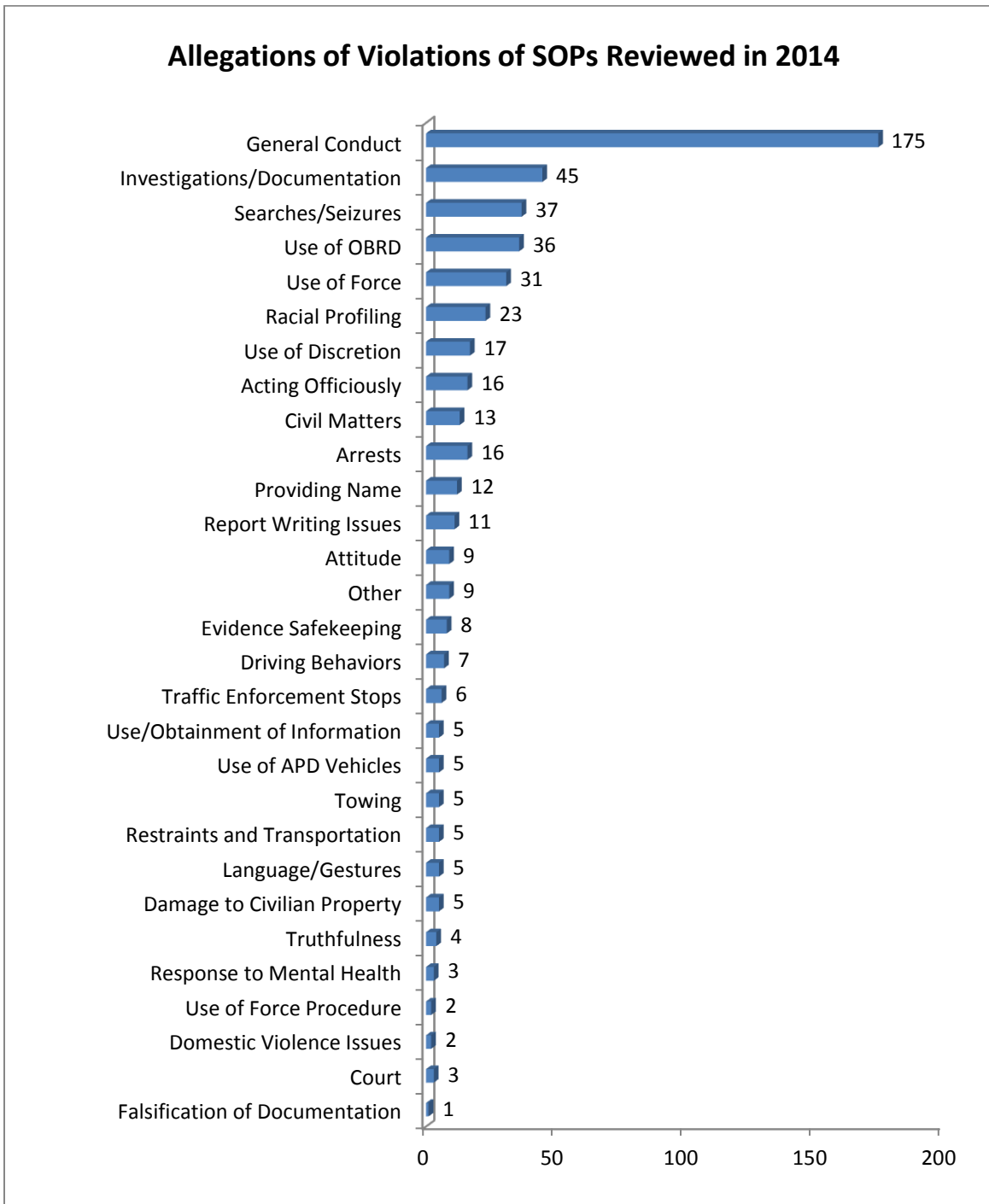
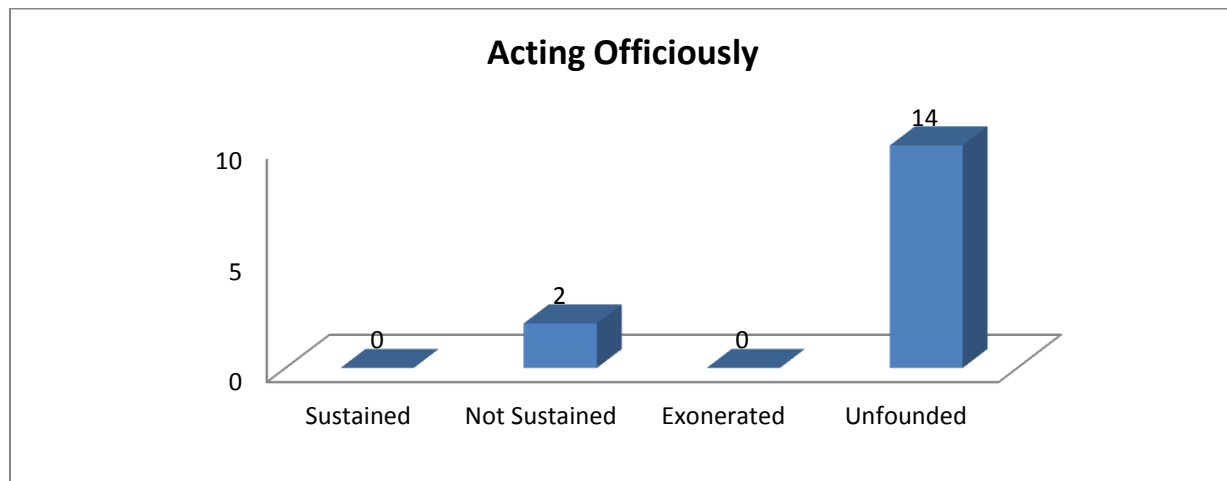


Figure 25: Overview of the type of complaints received and allegations investigated and reviewed by the Civilian Police Oversight Agency. Of the 520 allegations of violations of Standard Operating Procedures (SOPs) reviewed by the acting Executive Director and Police Oversight Board, the highest number of complaints received involved allegations concerning Conduct and Investigations.

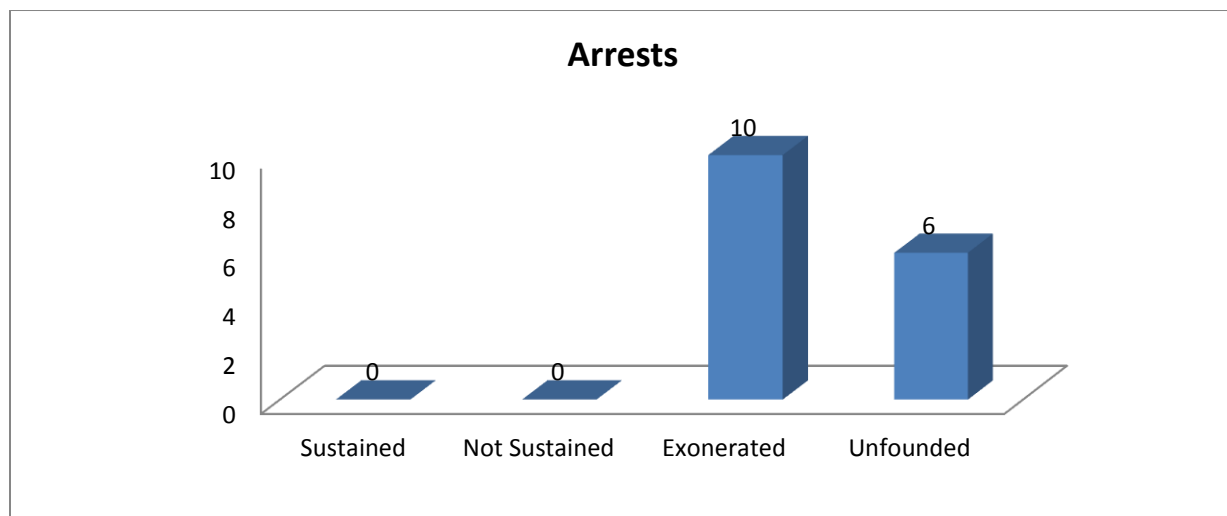
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN THE FIRST HALF OF 2016

The 181 fully investigated cases contained allegations of approximately 536 different SOP violations. Below are statistics concerning the specific types of allegations reviewed by the CPOA, along with descriptions of the relevant APD Standard Operating Procedures (SOPs). Unabridged versions of APD's SOPs are available at:

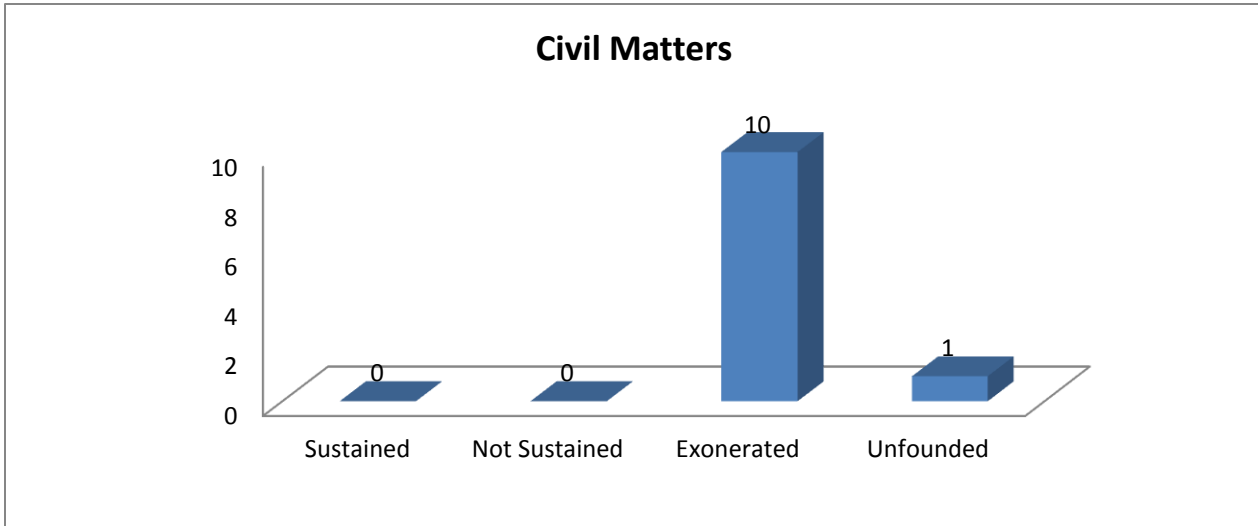
<http://www.cabq.gov/police/our-department/standard-operating-procedures>.



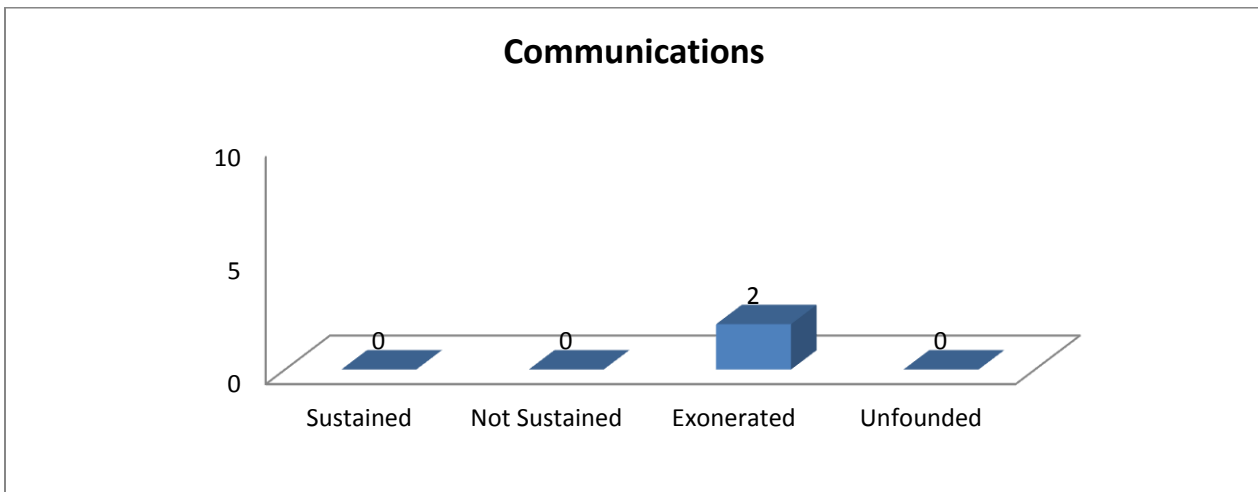
Acting Officiously: Standard Operating Procedure Section 1-04: Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.



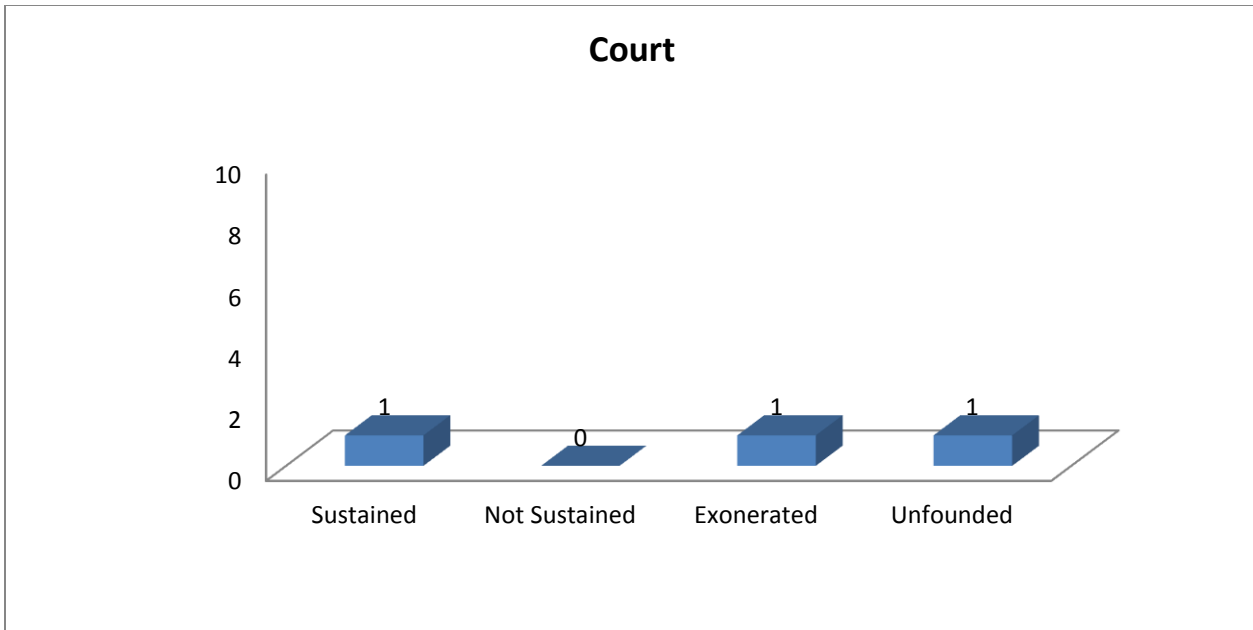
Arrests: Standard Operating Procedure Section 1-02: Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers will make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.



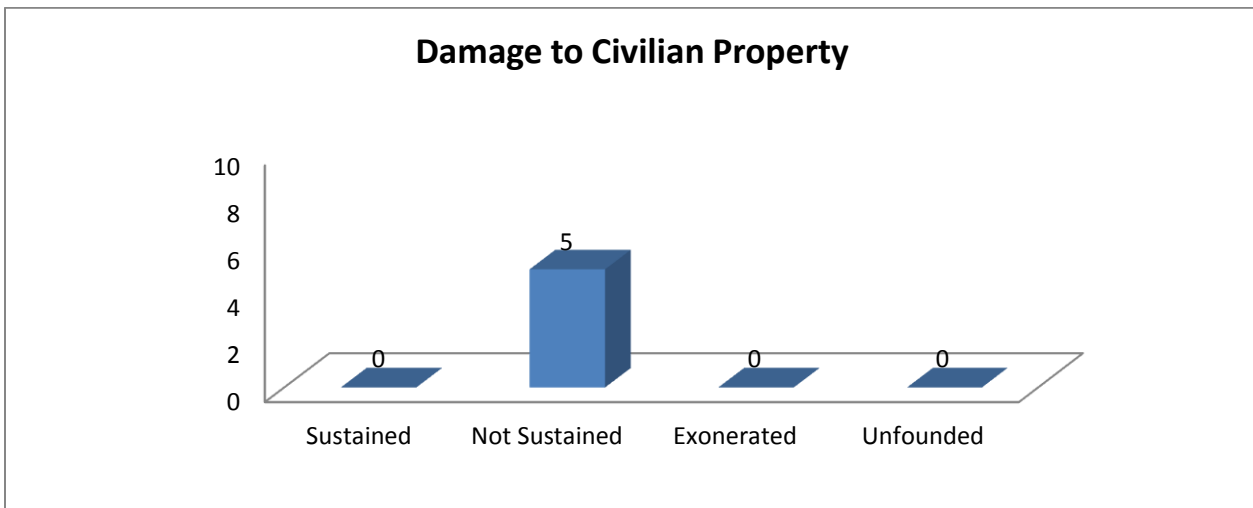
Civil Matters: Standard Operating Procedure Section 3-14: It is the policy of the Albuquerque Police Department to respond to calls involving civil disputes primarily for the purpose of restoring order.



Communications: Standard Operating Procedure Section 2-01: It is the policy of the Communications Division that personnel follow set rules, regulations, and act responsibly while on and off duty.

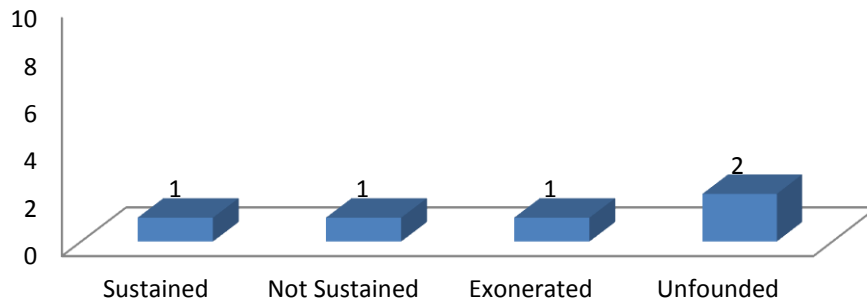


Court: Standard Operating Procedure Section 2-01: All personnel directed to appear in court, pre-trials, or MVD hearings must appear and be prepared to testify. A special court notice, posted court/MVD hearing notices, or subpoenas are considered an order to appear.



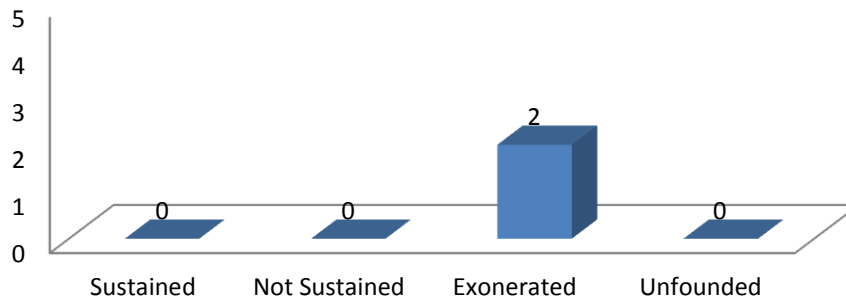
Damage to Civilian Property: Standard Operating Procedure 02-02: Department policy is to document damage to department or civilian property which occurs in the course of official duties.

Driving Behaviors

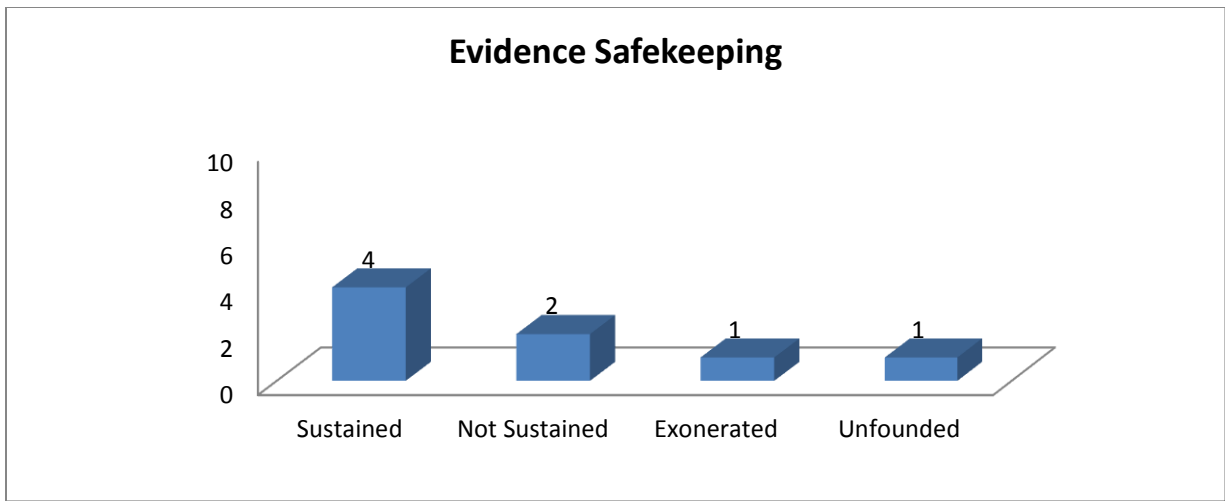


Driving Behaviors: Standard Operating Procedure Section 1-04: Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and department orders pertaining to such operation.

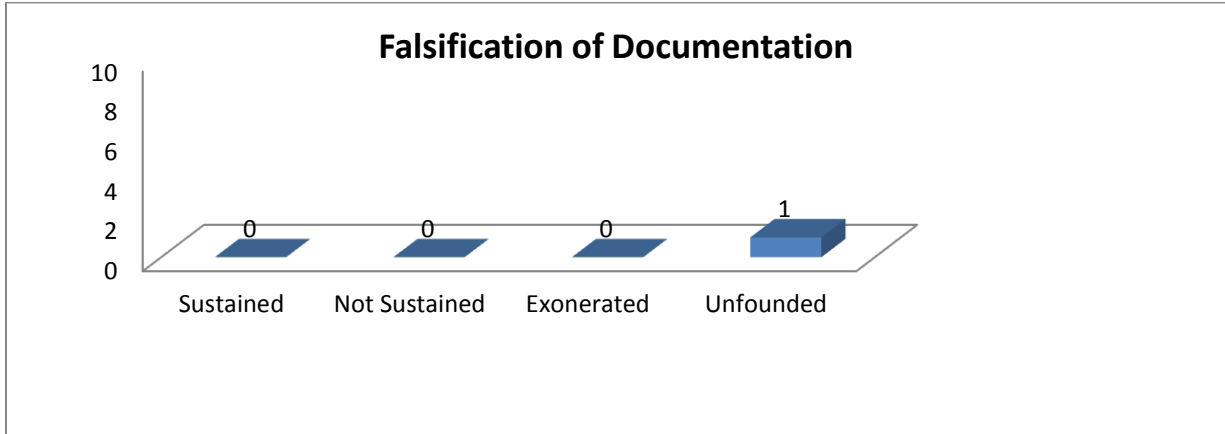
Domestic Violence Issues



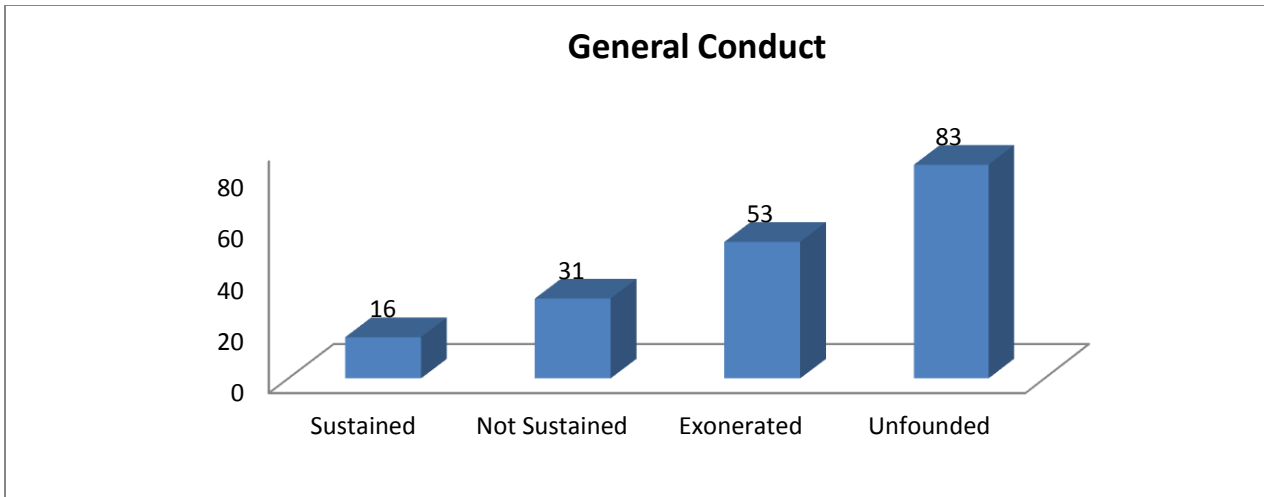
Domestic Violence: Standard Operating Procedure Section 3-12: It is the policy of the Department to enforce laws dealing with domestic abuse and to take appropriate action in cases involving domestic abuse.



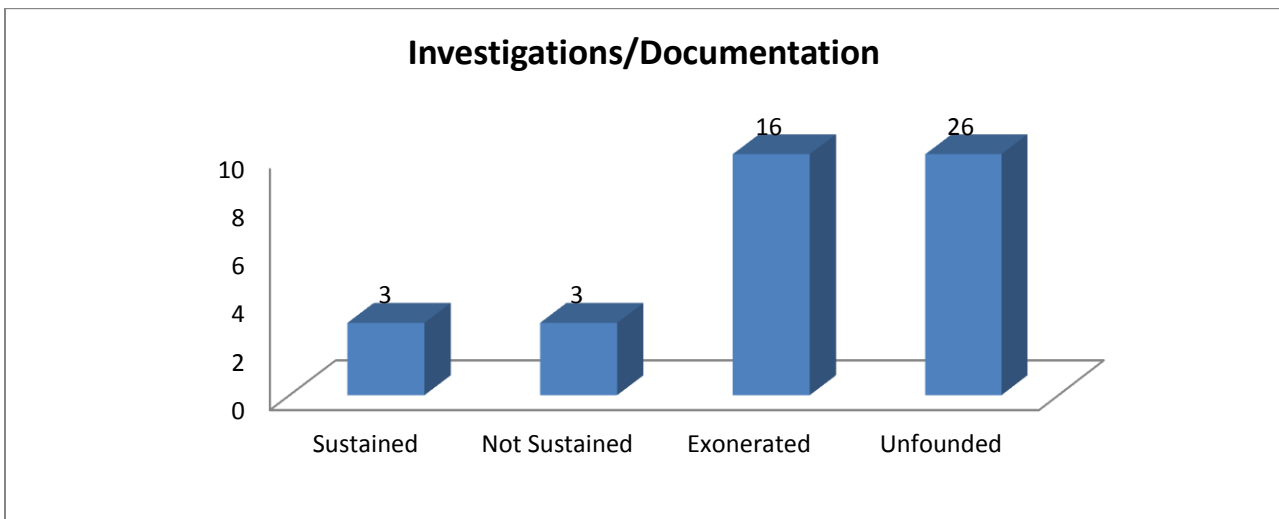
Evidence Safekeeping: Standard Operating Procedure Section 2-08: Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers.



Falsification of Documentation: Albuquerque Police Department General Order 1-04: Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document, which has been filled out in the course of their employment.

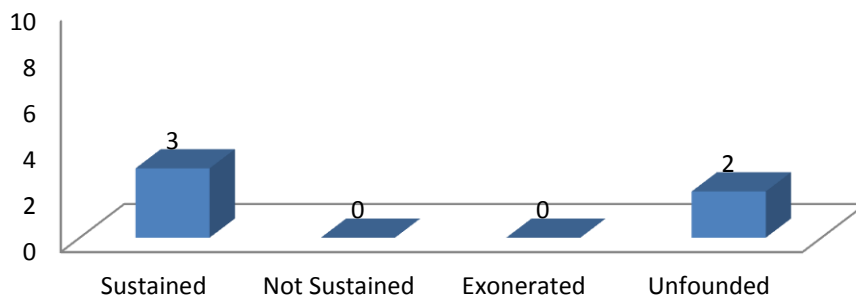


General Conduct: Standard Operating Procedure Section 1-04: Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department. Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the department;



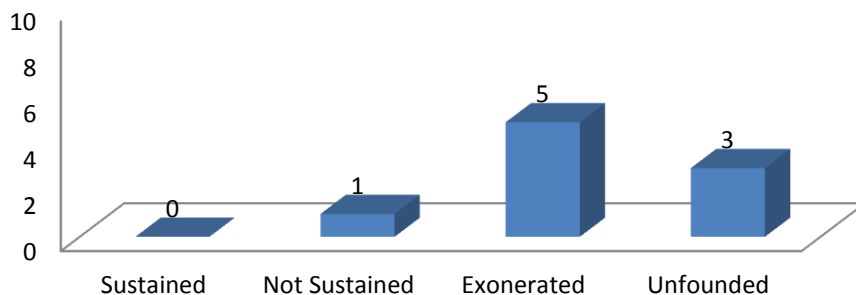
Investigation/Documentation: Standard Operating Procedure Section 2-24: It is the responsibility of both uniformed officers, and officers assigned to specialized units, to carry out investigations in a thorough, efficient, and timely manner.

Language/Gestures

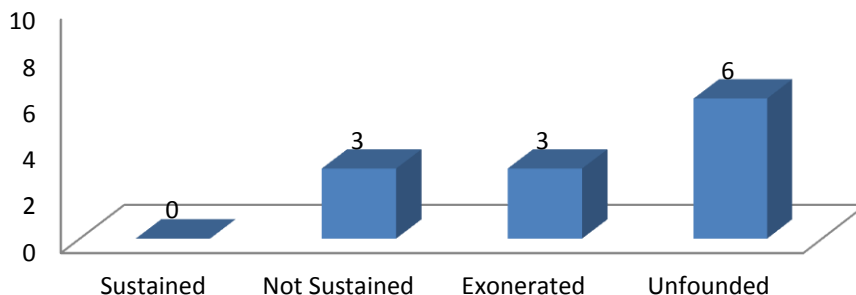


Language/Gestures: Standard Operating Procedure Section 1-04: Personnel shall not use coarse, violent, profane, or insolent language or gestures.

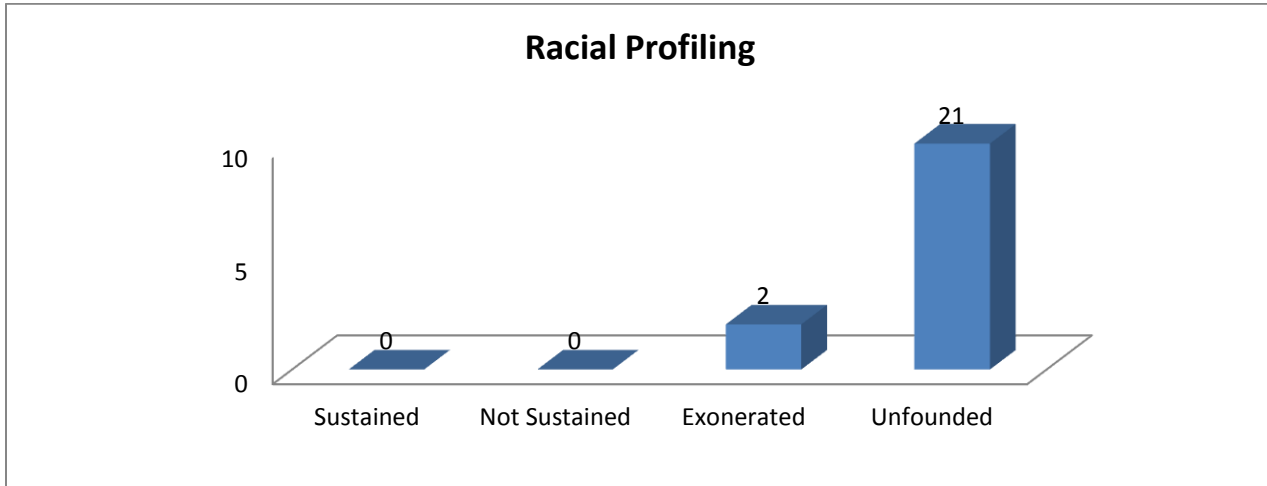
Other



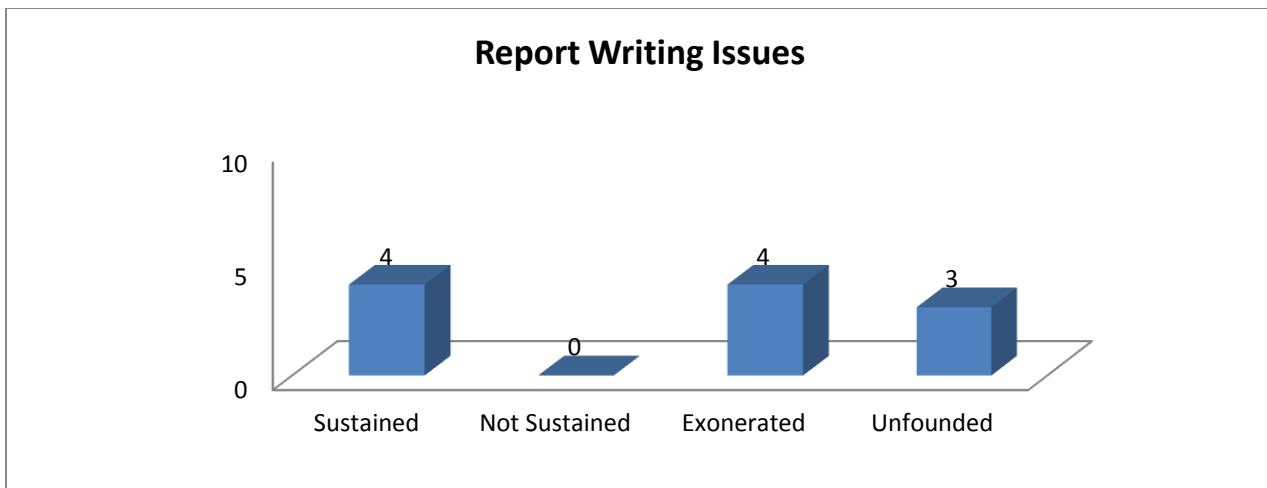
Providing Name



Providing Name: Standard Operating Procedure Section 1-02-3 A: Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity.

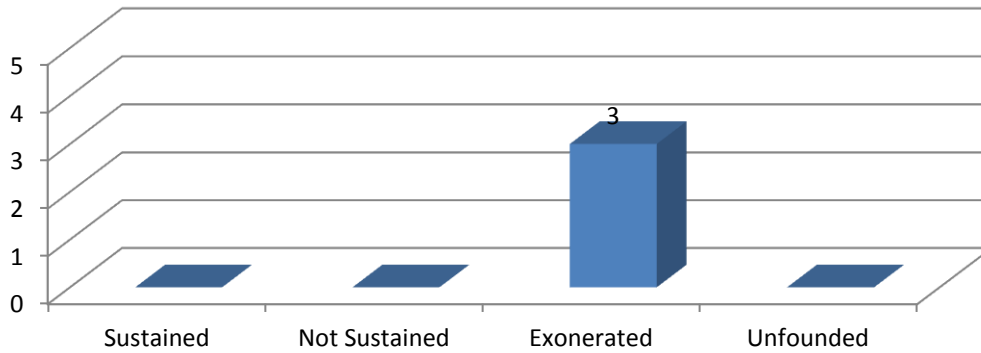


Racial Policing: Standard Operating Procedure Section 1-03-2: Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.



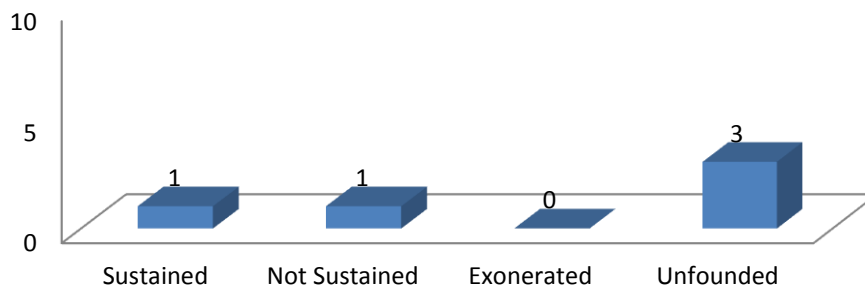
Report Writing Issues: Standard Operating Procedure Section 1-05: Any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report.

Response to Mental Illness

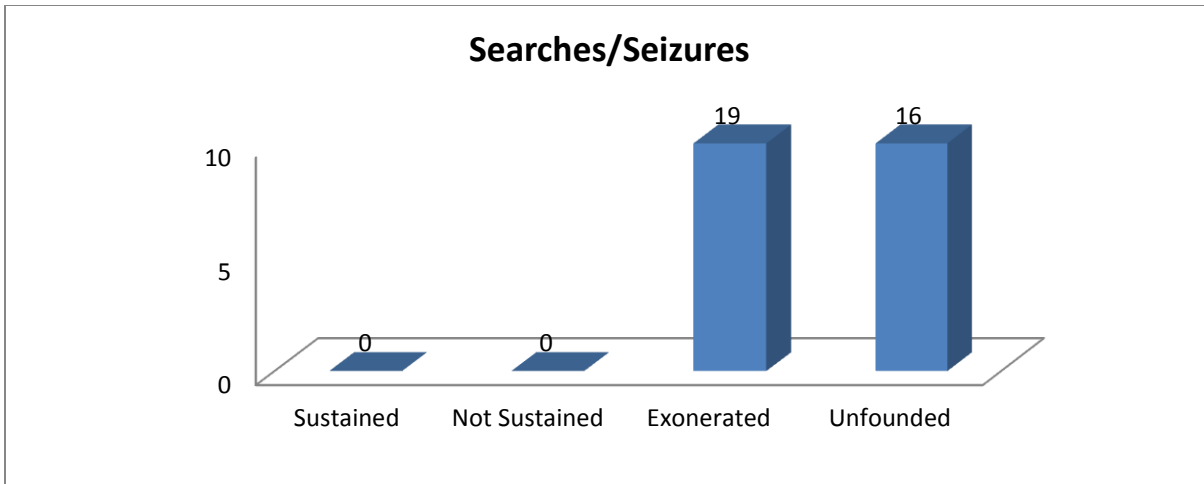


Response to Mental Health: Standard Operating Procedure Section 2-13: This policy establishes guidelines for assessing whether a person’s behavior or actions indicates an individual may be affected by a behavioral health disorder or a behavioral health crisis and for responding to that individual. It provides guidance, techniques, and resources so that contact with the person may be resolved in a constructive and compassionate manner.

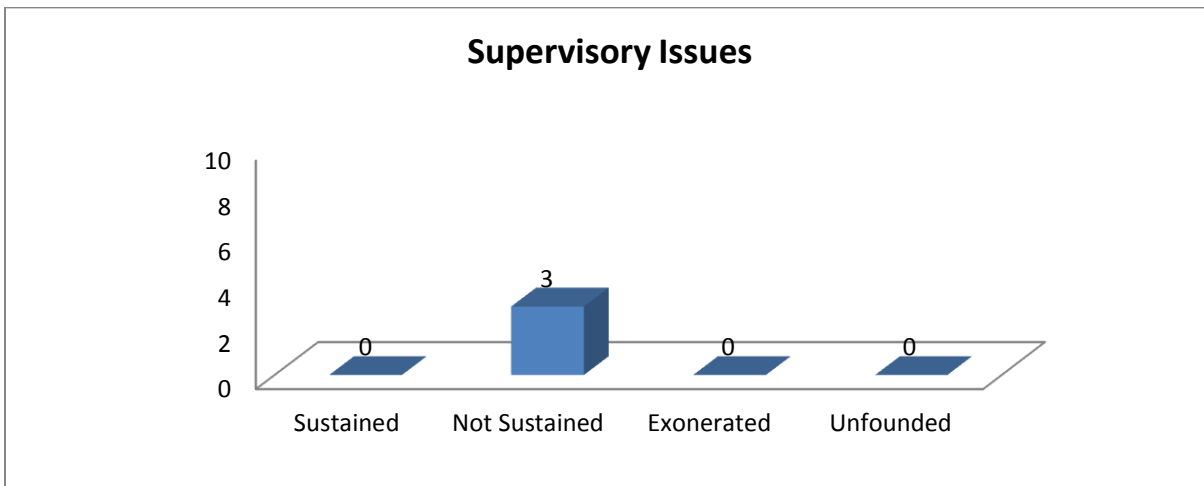
Restraints/Transportation



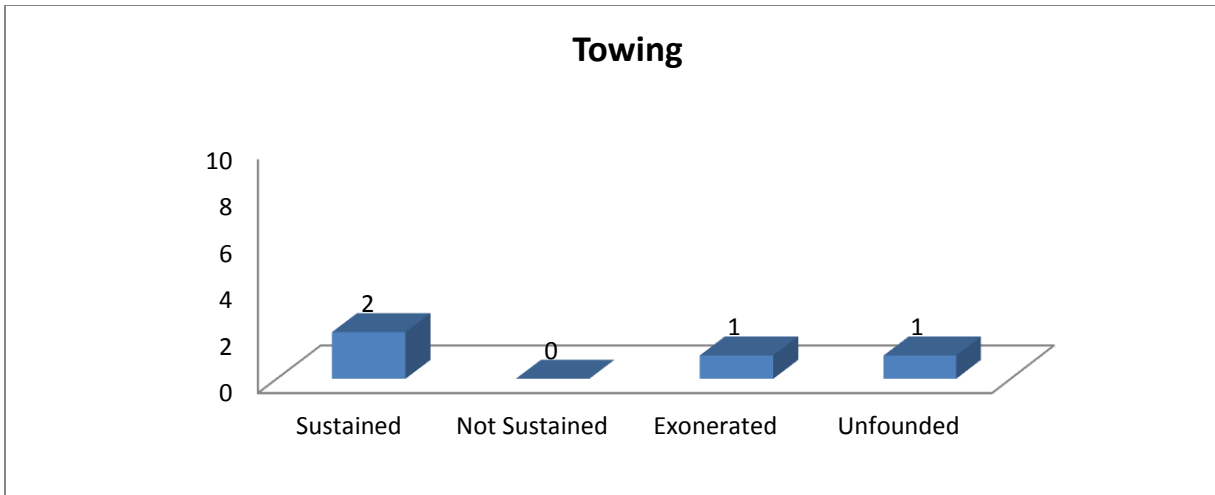
Restraints/Transportation: Standard Operating Procedure Section 2-19: All felony and misdemeanor prisoners and all persons in protective custody will be handcuffed behind their backs and remain so restrained while being transported to a detention or medical facility.



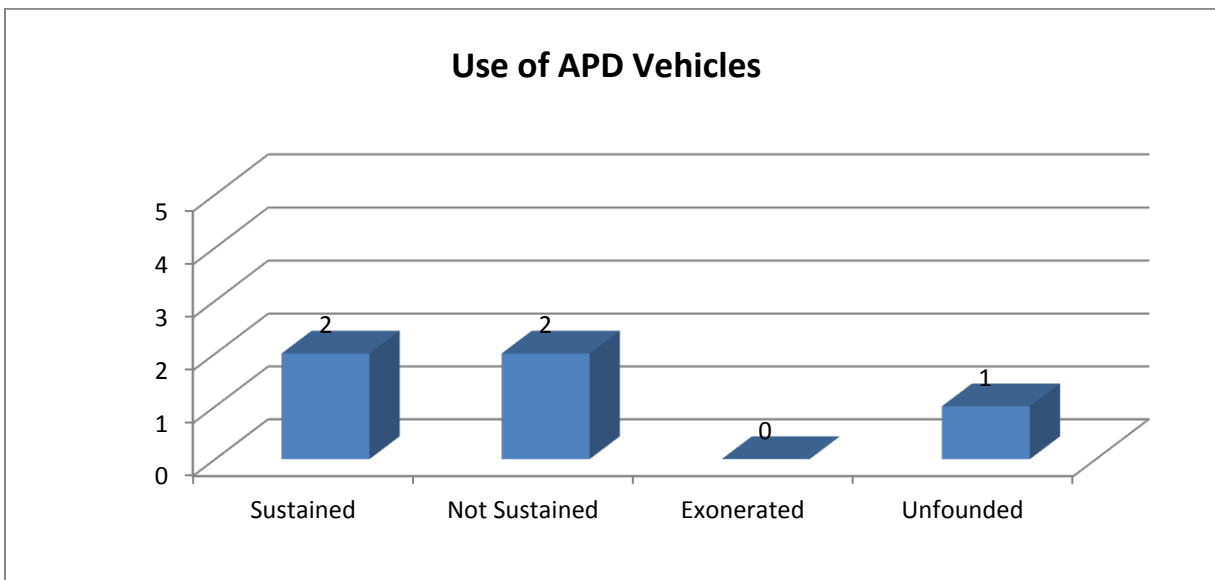
Searches/Seizures: Standard Operating Procedure Section 2-17: Department policy is to provide officers with guidelines to conduct searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.



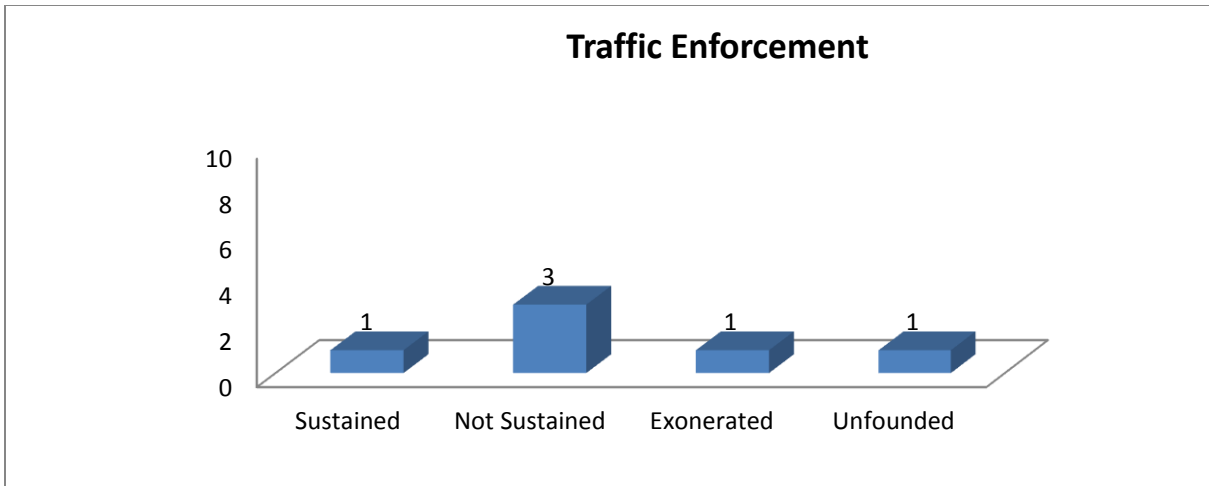
Supervisory Issues: Standard Operating Procedure 3-17: Superior Officers are responsible for ensuring that their subordinates comply with Department policies and procedures.



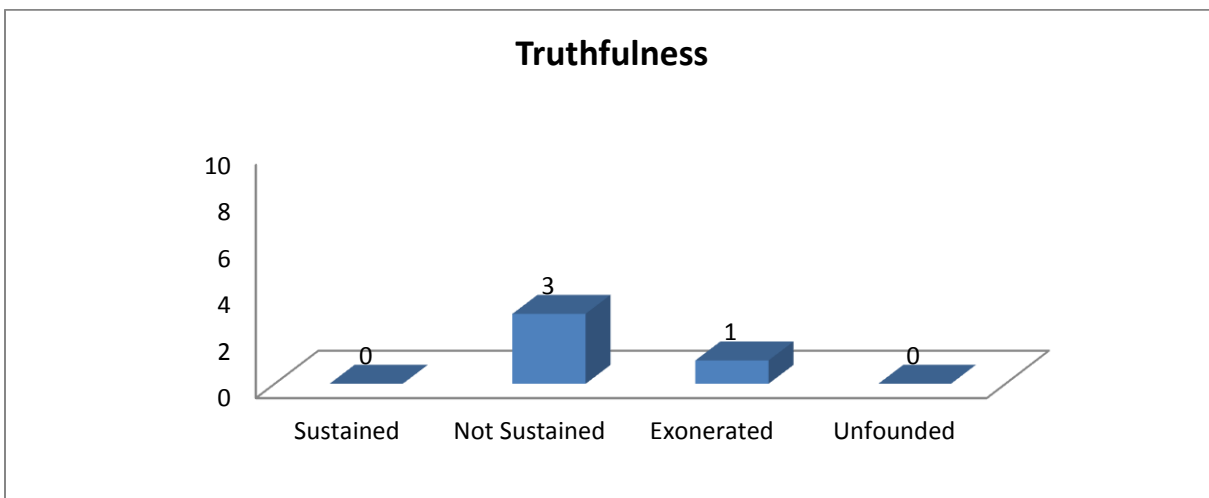
Towing: Standard Operating Procedure Section 2-48: Department policy is to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property.



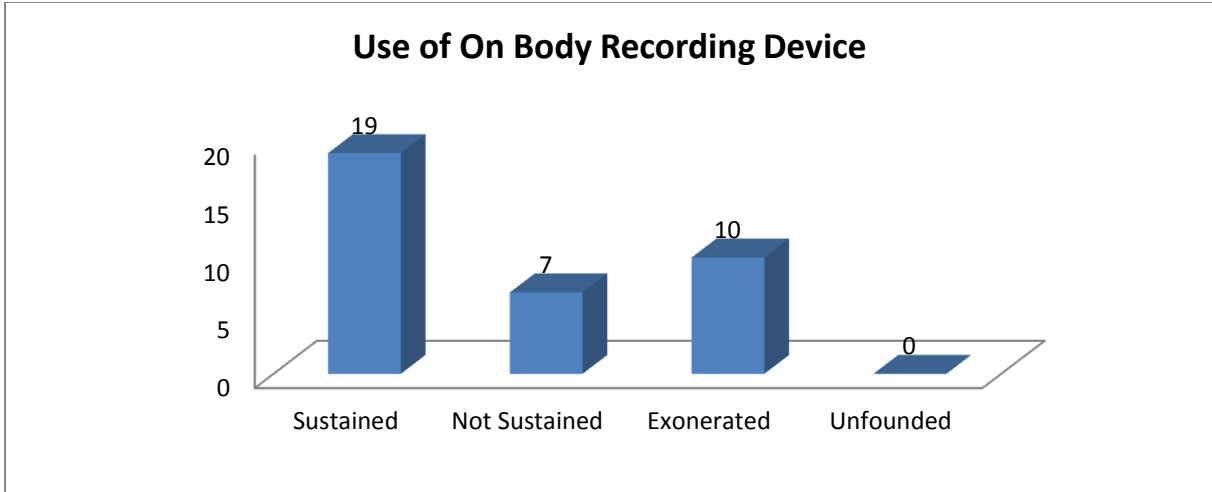
Improper Use of APD Vehicles: Standard Operating Procedure Section 1-19: Department policy is to provide for the maintenance, inspection and issuance of all Department vehicles, and to control the parking of vehicles at the Law Enforcement Center. Standard Operating Procedure Section 1-19-10: Department employees shall drive Department vehicles for official purposes only, providing they hold a city driver's license for that class of vehicle.



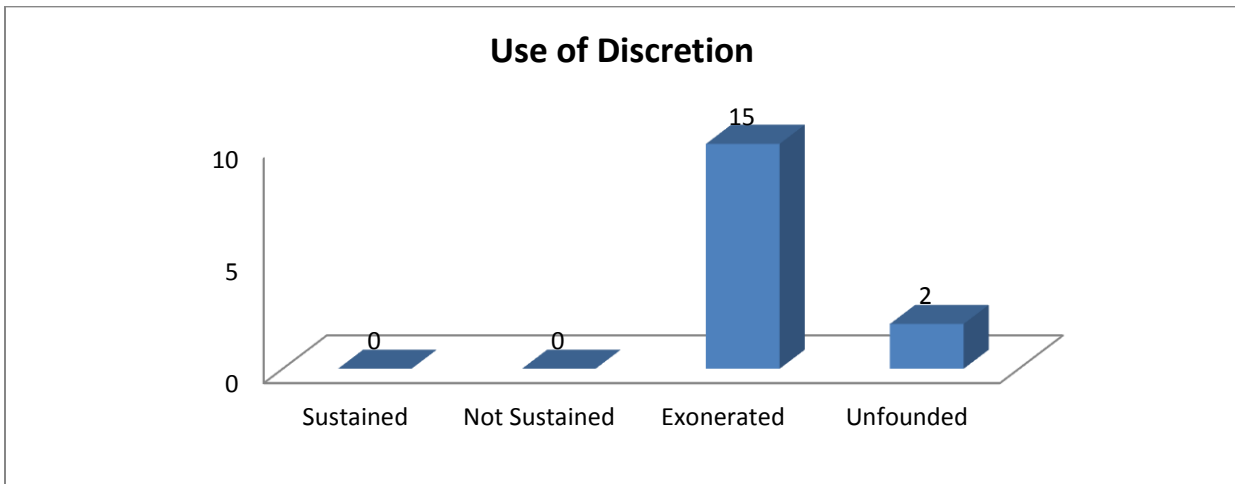
Traffic Enforcement: Standard Operating Procedure Section 2-18: Department Policy is to enforce the misdemeanor laws of the State of New Mexico and City of Albuquerque using traffic, misdemeanor, and parking citations whenever possible and appropriate.



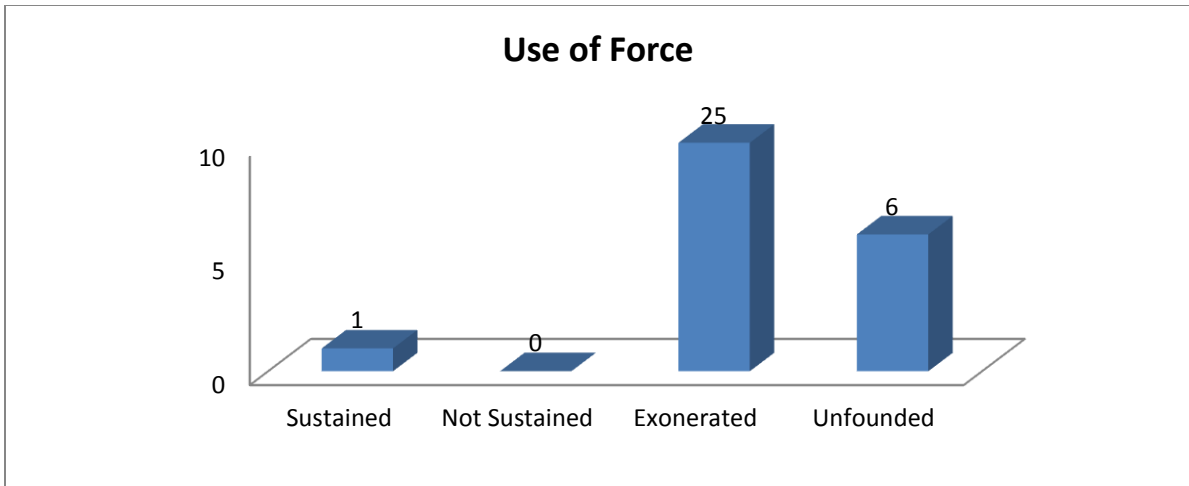
Truthfulness: Standard Operating Procedure Section 1-04: Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.



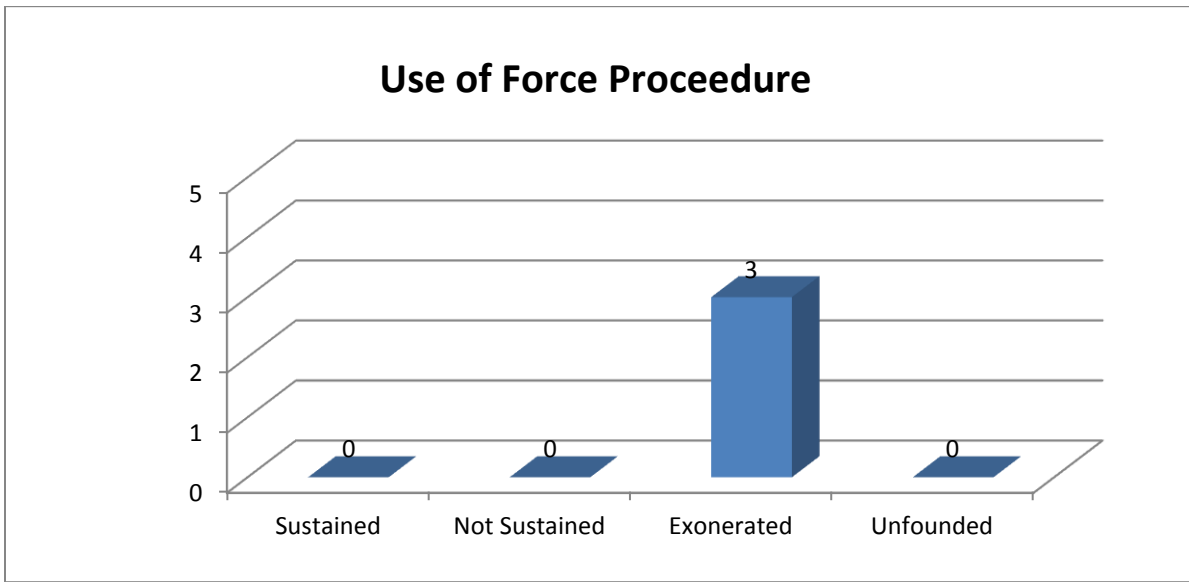
Use of on Body Recording Device: Standard Operating Procedure Section 1-39: All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop.



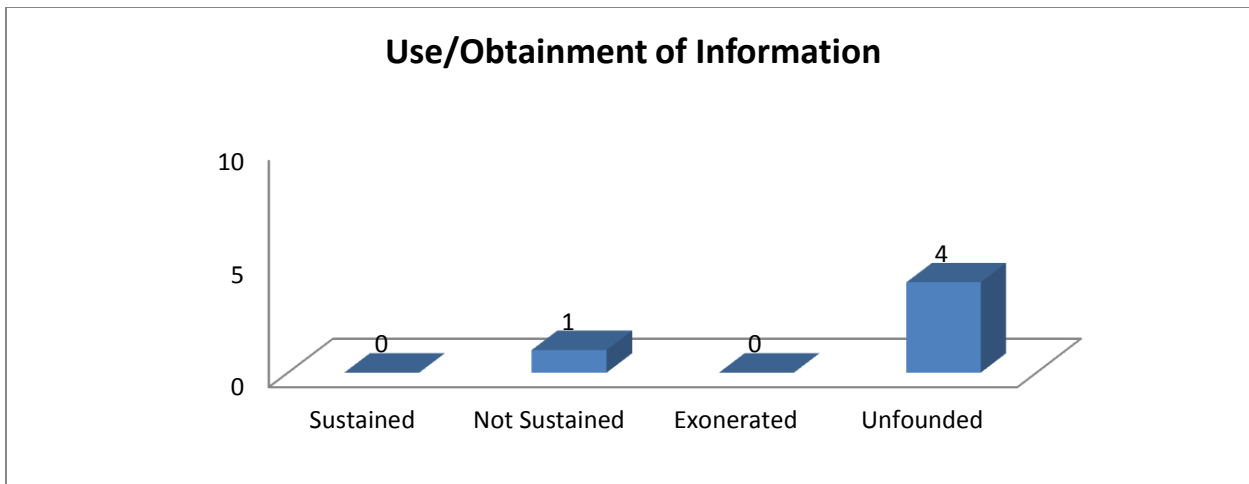
Improper Use of Discretion: Standard Operating Procedure Section 1-02: Officers shall use discretion during the performance of their law enforcement duties.



Use of Force: Standard Operating Procedure Section 2-52 Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.



Use of Force Procedure: Standard Operating Procedure Section 2-52 Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.



Improper Use/Obtainment of Information: Standard Operating Procedure Section 1-04: Personnel shall not use their official position or official identification card or badge to solicit or to obtain privileges not otherwise available to them except in the performance of duty.

V. ALBUQUERQUE POLICE DEPARTMENT

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

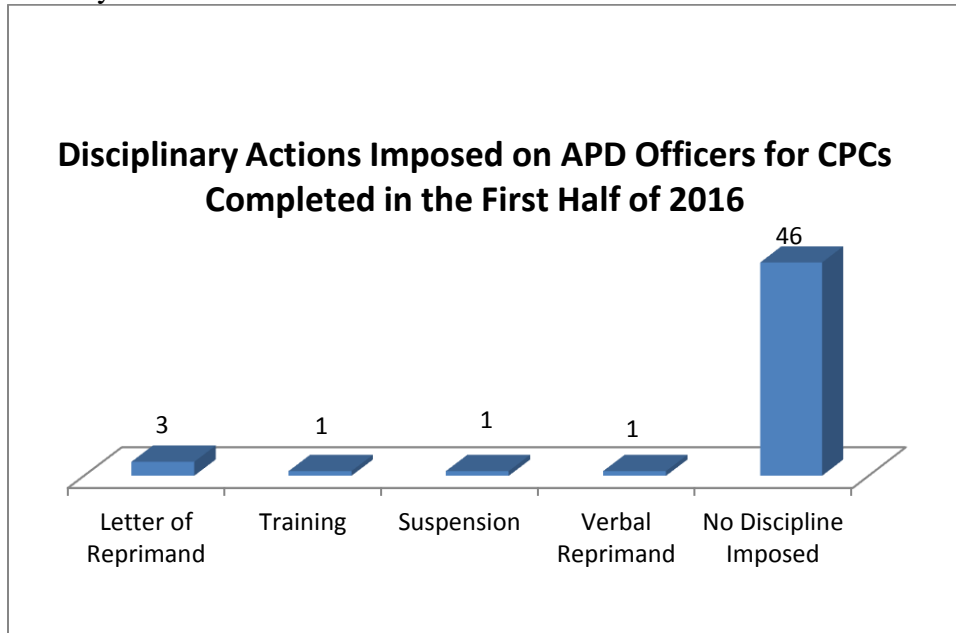


Figure 26: For the 52 sustained findings in the first half of 2016, the APD Chief of Police imposed the following disciplinary action. Some of the CPCs included sustained findings against more than one officer. The highest discipline imposed per officer is represented in the above graph.

NON-CONCURRENCES REGARDING 2016 CPC FINDINGS

In the first half of 2016 findings, there were a total of 14 cases containing 26 allegations in which the CPOA and the Chief of Police did not concur on the finding. The highest number of non-concurrences concerned the use of lapel cameras. In the 2015 findings, there were a total of 17 cases containing 26 allegations in which the CPOA and the Chief of Police did not concur on the finding.

File Number	ALLEGATION	Directive	APD FINDING	CPOA FINDING
CPC2015-000149	Acting Officiously	1-04-4 N	Not Sustained	Sustained
CPC2015-000149	Attitude	1-04-4 O	Not Sustained	Sustained
CPC2015-000149	Attitude	1-04-4 O	Not Sustained	Sustained
CPC2015-000160	Civil Matters	3-14-2 C	Exonerated	Sustained
CPC2015-000160	Civil Matters	3-14-2 C	Exonerated	Sustained
CPC2014-000207	Conduct	1-04-1F	Not Sustained	Exonerated
CPC2015-000045	General Conduct	1-04-1F	Exonerated	Sustained
CPC2015-000071	General Conduct	1-04-1 F	Not Sustained	Sustained

CPC2015-000116	General Conduct	1-04-1 F	Not Sustained	Sustained
CPC2014-000018	General Conduct	1-04-4B	Not Sustained	Sustained
CPC2015-000025	General Conduct	1-04-1F	Not Sustained	Sustained
CPC2015-000064	General Conduct	1-04-1F	Not Sustained	Sustained Sustained
CPC2016-000013	General Conduct	1-04-4B	Sustained	NBOOC
CPC2015-000085	General Conduct	1-04-1 (F)	Exonerated	Unfounded
CPC2014-000176	General Conduct	1-04-1F	Exonerated	Unfounded
CPC2015-000192	General Order	1-5-2C4	Exonerated	Exonerated
CPC2015-000149	Investigations/Documentation	2-24-3 A 5 f	Not Sustained	Sustained
CPC2016-000029	Investigations/Documentation	2-24-3 (A)(5)(f)	Sustained	Sustained NBOOC
CPC2014-000063	Other	1-02-2 B 1	Exonerated	Not Sustained
CPC2015-000071	Other	3-43-3 G	Not Sustained	Sustained
CPC2015-000160	Providing Name	1-02-3 A	Exonerated	Sustained
CPC2015-000160	Providing Name	1-02-3 A	Exonerated	Sustained
CPC2014-000176	Racial Profiling	1-03-2A	Exonerated	Unfounded
CPC2016-000029	Report Writing Issues	1-05-2 (C)(9)(e)	Sustained	Sustained NBOOC
CPC2016-000013	Restraints and Transportation	2-19-3F1	Sustained	Sustained NBOOC
CPC2015-000204	Searches/Seizures	2-17-3 (F)	Unfounded	Exonerated
CPC2015-000204	Searches/Seizures	2-17-3 (D)	Unfounded	Exonerated
CPC2015-000071	Supervisory Issues	3-18-2 D	Not Sustained	Sustained
CPC2015-000149	Supervisory Issues	3-18-3 G	Not Sustained	Sustained NBOOC
CPC2014-000014	Traffic Enforcement Stops	2-18-8 B	Not Sustained	Exonerated
CPC2015-000071	Traffic Enforcement Stops	1-02-2 B 2	Exonerated	Sustained
CPC2015-000116	Traffic Enforcement Stops	1-02-2 B	Not Sustained	Sustained
CPC2015-000149	Truthfulness	1-04-4 W	Not Sustained	Sustained
CPC2016-000027	Truthfulness	1-04-4 U	Not Sustained	Sustained
CPC2016-000013	Truthfulness	1-04-4W	Not Sustained	Sustained NBOOC
CPC2015-000053	Use of Belt Recorders	1-39-1 A	Exonerated	Sustained
CPC2015-000095	Use of Belt Recorders	1-39-2B	Exonerated	Sustained
CPC2015-000112	Use of Belt Recorders	1-39-2 A	Not Sustained	Sustained
CPC2015-000044	Use of Belt Recorders	1-39-1 (A)	Not Sustained	Sustained
CPC2014-000018	Use of Belt Recorders	1-39-2B	Not Sustained	Sustained
CPC2015-000036	Use of Belt Recorders	1-39-2B	Not Sustained	Sustained
CPC2015-000036	Use of Belt Recorders	1-39-2B	Not Sustained	Sustained
CPC2015-000014	Use of Discretion	1-02-2B	Exonerated	Sustained
CPC2016-000029	Use of Force	2-52-7 (B)	Sustained	Sustained NBOOC
CPC2016-000025	Use of OBRD	1-39-2C	Sustained	Sustained NBOOC

APD PRAISES AND ACKNOWLEDGEMENTS

City of Albuquerque residents also contact the CPOA to express gratitude or commend APD employees for acts of service or response to a particular incident. These commendations were received in the form of phone calls, letters, e-mail messages and numerous face-to-face comments of appreciation. Beginning in January 2013, the CPOA initiated a form via the website for citizens to express praises and acknowledgements to APD officers, employees, and the department as a whole. The CPOA received 93 Job Well Done responses in the first half of 2016. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police, for acknowledgement, and a letter of commendation was sent to the officer.

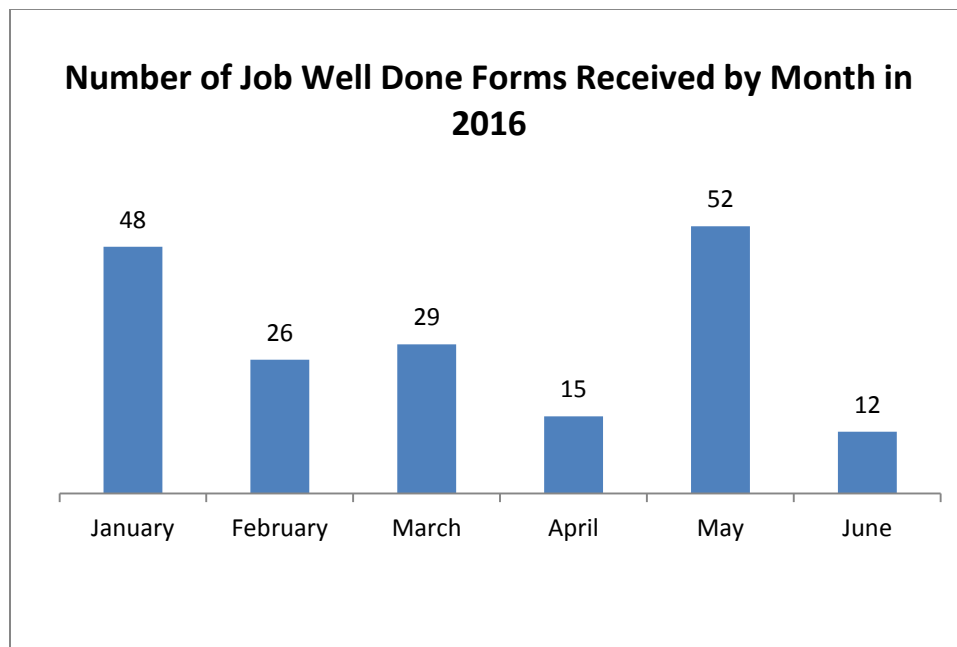


Figure 27: January had the most number of praises and acknowledgements received from citizens in the first half of 2016.