Civilian Police Oversight Agency Board

Thursday, November 12, 2020 – 5:00 p.m.
By Video Conference

**Members Present:**
Dr. William Kass, Chair
Eric Olivas, Vice Chair
Tara Armijo-Prewitt
Chantal M. Galloway
Doug Mitchell
Eric Nixon

**Members Absent:**

**Others Present:**
Edward Harness, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Tina Gooch, Atty
Harold Medina Interim Chief, APD
Esteban Aguilar Jr., City Atty
Lindsay Van Meter, Asst. City Atty
Melissa Kountz, Asst. City Atty
Chris Sylvan, City Council

Attendance: In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, November 12, 2020 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: [https://www.cabq.gov/culturalservices/govtv](https://www.cabq.gov/culturalservices/govtv), or on YouTube at: [https://www.cabq.gov/cpoa/events/copy_of_cpoa-board-meeting-1](https://www.cabq.gov/cpoa/events/copy_of_cpoa-board-meeting-1). (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA’s website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, November 9, 2020 at [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa).

The CPOA Board will take general public comment and comment on the meeting’s specific agenda items in written form via email through 4:00 pm on Thursday, November 12, 2020. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.
Meeting Minutes

I. Welcome and call to order. Chair Dr. Kass called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:02 p.m.

II. Mission Statement. Chair Dr. Kass read the Civilian Police Oversight Agency Board’s mission statement.

III. Approval of the Agenda
   a. Motion. Motion by Vice Chair Olivas to approve the agenda as drafted.
      Roll call vote taken. Motion passed.
      For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

IV. Public Comments
   a. Geraldine Amato (see attached)

V. Review and Approval of Minutes. For more information about minutes from prior CPOA Board meetings, please visit our website here:
   http://www.cabq.gov/cpoa/police-overight-board/pob-agenda-meeting-minutes
   a. Approval of Minutes from October 26, 2020
      1. Copies of draft minutes from the October 26, 2020 Civilian Police Oversight Agency Board meeting were distributed to each Board Member electronically.
      2. Motion. Motion by Member Galloway to approve the minutes as drafted. Roll call vote taken. Motion passed.
      For: 5 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Kass
      Abstain: 1 - Olivas

VI. Reports from City Departments
   a. APD
      1. Interim Chief Harold Medina – Chief Harold Medina gave a report on the direction of APD moving forward and department staffing.
      2. APD Internal Affairs - Professional Standards Division submitted Statistical Data report for the month of October 2020. (see attached)
      3. APD Internal Affairs - Force Division submitted Statistical Data report for the month of October 2020. (see attached)
b. City Council  
   1. City Council Representative – Chris Sylvan presented his report.

c. Mayor's Office  

d. City Attorney  
   1. Assistant City Attorney – Lindsay Van Meter presented her report.

e. CPC  
   1. Executive Director – Director Harness presented his report.

f. APOA  
   1. There was no report.

g. Public Safety Committee  
   1. Public Safety Representative – Chris Sylvan presented his report.

h. CPOA  
   1. Executive Director – Edward Harness presented his report.

VII. Hearing on Requests for Reconsiderations  
    a. None.

VIII. Review of Cases: The CPOA's findings in each case listed on the agenda have been reviewed and approved by the CPOA Board. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens are located at [http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings](http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings)  
    a. Administratively Closed Cases  
       097-20  
       1. Motion. Motion by Member Mitchell to accept CPC 097-20 administratively closed case as amended. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass  

2. Motion. A second motion by Vice Chair Olivas to amend CPC 097-20 findings letter to include that the issue has been referred to the Policy and Procedure Review Subcommittee for further study. Roll call vote taken. Motion passed.
For: 5 - Armijo-Prewitt, Galloway, Nixon, Olivas, Kass
Against: 1 - Mitchell
   b. Unfounded
      139-20
      1. Motion. Motion by Member Mitchell to accept CPC 139-20
         unfounded case as presented. Roll call vote taken. Motion passed.
For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass
IX. Serious Use of Force Cases/Officer Involved Shooting
   a. None.

X. Reports from Subcommittees
   a. Community Outreach Subcommittee – Chantal Galloway
      1. Met October 27, 2020 at 3:00 p.m. (video conference)
      2. Member Galloway submitted a Community Outreach Subcommittee
         written report. (see attached)
      3. Next meeting December 15, 2020 at 3:00 p.m.
   b. Policy and Procedure Review Subcommittee – Dr. William Kass
      1. Met November 5, 2020 at 4:30 pm (video conference)
      2. Chair Dr. Kass submitted a Policy and Procedure Review
         Subcommittee written report. (see attached)
      3. Next meeting December 3, 2020 at 4:30 p.m.
   c. Case Review Subcommittee – Chantal Galloway
      1. Met October 27, 2020 at 4:30 p.m. (video conference)
      2. Member Galloway submitted a Case Review Subcommittee written
         report. (see attached)
      3. Member Galloway announced that Member Nixon was elected as
         Chair of the Case Review Subcommittee.
      4. Next meeting January 26, 2021 at 4:30 p.m.
   d. Personnel Subcommittee – Eric Olivas
      1. Next meeting November 30, 2020 at 3:00 p.m.
XI. Discussion and Possible Action

a. Memorial - Ad Hoc Work Group

1. Motion. Motion by Vice Chair Olivas to table the Memorial – Ad Hoc Work Group to the next regularly scheduled CPOA Board meeting. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

b. Chief Qualifications Recommendation

1. Motion. Motion by Chair Dr. Kass to accept the Chief Qualification Recommendation letter as amended. Roll call vote taken. Motion passed. (see attached)

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

2. Motion. A second motion by Vice Chair Olivas to amend the letter and strike the words “of contract renewal” from the last sentence. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

c. CRC Audit Report

1. Motion. Motion by Member Galloway to approve the 3rd Quarter CRC Audit Findings and Report as presented. Roll call vote. Motion passed. (see attached)

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

d. IMR-12

1. CPOA Board’s attorney will present an appeal evaluation process at the next regular scheduled CPOA Board meeting for approval.

e. CPOA Board Changes to CASA

1. Motion. Motion by Member Galloway to refer any recommended CASA changes to Policy and Procedure subcommittee to navigate. CPOA Board members must submit any input by December 3, 2020 to the subcommittee. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass
f. **Letter to City Council President Davis**

1. **Motion.** Motion by Member Galloway to issue the proposed letter to Council President Davis requesting that the CPOA and the Board have more participation in the recruitment/selection process for new Board members. Roll call vote taken. Motion passed. *(see attached)*

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

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**g. Amici Letter due November 17, 2020**

1. **Motion.** Motion by Member Galloway to delegate the Board’s Counsel, Chair Dr. Kass and Executive Director Harness to submit a letter to the Court and Parties that covers three points; CPOA Board member vacancies, CPOA budget to be tied to a specific percentage of APD’s budget; and the desire to participate more fully in any changes to the CASA. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

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**h. December 4, 2020 Court Hearing**

1. **Motion.** Motion by Member Galloway to authorize Board Counsel, Chair Dr. Kass and Executive Director Harness to attend the December 4, 2020 Court Hearing and to be available to address the Court. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

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**i. Facilitated Meeting**

1. A facilitated meeting with the CPOA and the Board will be held on December 3, 2020 at 6:00 p.m.
XII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

1. Executive Director

i. Motion. Motion by Chair Dr. Kass to take a member by member vote to move into closed session for the limited purpose of discussing a personnel matter. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

--- Meeting on Personnel matters began at 7:42 p.m. and the meeting reconvened at 9:15 p.m. ---

ii. Motion. Motion by Chair Dr. Kass to reconvene into open session. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

iii. Motion. A second motion by Chair Dr. Kass that the Board Chair and the Personnel Subcommittee Chair proceed pursuant to the will of the Board as discussed in closed session. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

iv. Motion. Final motion by Chair Dr. Kass that no matters other than personnel matters were discussed in closed session. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

XIII. Other Business

a. Member Armijo-Prewitt inquired on the status of subpoena’d witnesses.

Civilian Police Oversight Agency Board
Minutes – November 12, 2020
Page 7
XIV. Adjournment.

a. **Motion.** A motion was made by Member Mitchell to adjourn the meeting. Roll call vote taken. Motion passed.

For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass

b. The meeting adjourned at 9:19 p.m.
APPROVED:

Dr. William Kass, Chair
Civilian Police Oversight Agency Board

CC: Julian Moya, City Council Staff
    Ethan Watson, City Clerk
    Pat Davis, City Council President (via email)

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

December 10, 2020
Date
Today, after spending almost two hours on the phone trying to connect with someone who would respectfully listen and respond in a meaningful way to a man whose life is in mortal danger incarcerated in MDC E7, no one seemed interested and no one returned my calls. Interestingly, I could connect with absolutely no one in the sheriff's office who claims to have any oversight of Shenanigans within MDC. In fact, I was relayed to no one in the sheriff's office to consult with or talk to even.
September 23, 2020, we received your request 20-6791, to inspect certain records. Although acknowledging this request by this correspondence, we have determined your request is essentially burdensome and my office respectfully requests an "additional reasonable period" to complete the request. NMSA 1978, § 14-2-10. We have deemed your request essentially burdensome because at this time various City offices are closed or functioning at reduced capacity. We are working to fulfill requests where possible and may be able to fulfill request sooner. However, some requests may take 45-60 days.

NMSA 1978 § 14-2-10

Initial Request:

Ms. Amato wants to know if the City has an index or guide to reading ten codes, so wants to know if we are able to find the stolen gun report that was filed for her. She thinks serial number is 202620474. She wants to know if serial numbers were recorded on the call 911 and that the police officer who was called out, 911 call was dispatched. Man number 5931.

 duties,

Barraza
Specialist for APD/IPRA Supervisor

40 9.997 (22 cal)
59731
55931
BY PHONE "HE DID NOT FILE THE SERIAL # OF THE TWO STOLEN REVOLVERS,

Lexus 2000
Vin # J+64H1

RX 300
046 Y0145/98
November 2, 2020

[A Signature]

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INTERNAL CASES FOR THE MONTH OF October 2020
Total Internal Cases Completed in the month of September-9

10 completed cases (sent out to the area command)

1. IA Cases opened in the month of October 2020: 17
2. Area Command IA cases opened for the month of October 2020: 58
3. Pending IA Cases for the month of October 2020: 17
4. Internal Cases Mediated: 0

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN October 2020

I-264-20: Using the OBRD- suspension 4 hours/On-Duty Conduct-suspension 4 hour

I-318-20: Mental Health Evaluation-Training/Response to Behavioral Health Issues-15 hour suspension/

I-423-20: On Duty Conduct-Written Reprimand

I-443-20: Daily Staffing and Briefing-8 hour suspension

I-508-20: Department Property- Written Reprimand

I-564-20: Rules of Conduct- Written Reprimand/On and Off Duty Conduct- Written Reprimand
Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF OCTOBER 2020

INCIDENT AREA COMMAND

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<th>Level 2</th>
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<th>Grand Total</th>
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<tr>
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<tr>
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<td>Valley</td>
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<td>16</td>
<td>64</td>
</tr>
</tbody>
</table>

Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. If one event involves both a force event and a tactical activation, the event is categorized as a force event for this report. These counts are not considered final as investigations are continuously updated.

October 2020 Force Events

[Bar chart showing force events per 1000 CADs by area and level]
CPOA Board – Outreach Subcommittee Report

The Outreach committee met via Zoom on October 27, 2020. Director Harness provided an update on the following topics:

- CPC Liaison and Assistant positions.
  - An offer has been made and accepted for the CPC Liaison position. Director Harness expects that individual to come on board by the end of November
  - The Assistant position originally had 112 applicants. City HR prescreened those applicants and Director Harness has been provided those applications which meet the requirements for the position. The new CPC Liaison will be tasked with narrowing the pool down to candidate who will be offered the opportunity to interview for the position.

- The following CPCs have received council member resignations
  - Foothills: 1 resignation, 1 possible resignation
  - South East: 1 resignation
  - North West: 1 resignation

- The agency is working on a tracking system for policy recommendations that come out of the CPCs

Other items of interest include:

- Amanda introduced a one page interactive PDF summarizing the history, work, and funding source for the CPOA. Minor recommendations were made by the committee, but it is a good source of information for Agency/Board outreach efforts.

- Amanda provided a Board Source Media Policy tool with good information on drafting a Media policy. Member Nixon will draft a proposal and the committee will (Hopefully) have something to submit by the November Board meeting.

- No new meetings have occurred or been scheduled with City Council members and CPOAB members.

- The committee is kicking around an idea to come up with a plan around greeting cards acknowledging Board/Agency birthdays, illness/hospitalizations, family member deaths, as well as milestone achievements for stakeholders including community partners. The Agency has recused themselves from any sort of implementation of a possible outreach program like this so, if the Board decides to do this, we will designate a board member/position and determine a funding source (likely annual contributions from members).

The next meeting of the Outreach Subcommittee will be held via Zoom on December 15, 2020 at 3:00 PM unless anything urgent comes up between now and then necessitating a meeting of the committee.
Policy and Procedures Review Subcommittee Report

PnP Meeting 5 Nov 2020

Discussion items:

- SOP 3-52 review meeting with OPA personnel scheduled for 19 Nov, wjk to represent the PnP
- Overtime Policy – PnP watching this policy.

    SOP 3-20 presented at OPA on 10/21 and discussed at PnP.

    Recognized recent release of Special Orders 20-83 and 20-85 which affect the extensively
    revised wop 3-20.

    Extensive discussion on Chief’s Overtime program.

- Canine Policy – CASA policy

    Discussion regarding SOP 1-64 and SOP 2-23 recent presentation at PPRB

- Interview and Interrogations SOP 2-68 – CASA, PnP monitoring

    Wjk attended Training Committee meeting on 10/14 and represented the PnP position to
    continue to monitor this policy and recognize that training plays a significant role in interactions with
    individuals. PnP Requested more information on implicit bias training. Established communications
    between Training Academy and PnP.

Follow-up:

- SOP 1-1 Personnel code of conduct. PnP/CPOA staff discussed frequency of this policy being
  cited in complaints. Discussed relationship with Chief’s overtime program and use-of-force.

- SOP 2-73 referred from 10/6 POB meeting regarding return of homeless property, especially the
  destructive effect of losing an ID.

- SOP 2-19 Response to behavioral health. Recognition that Lt. Dietzel is drafting a Certificate of
  Evaluation used to identify individuals at risk to self or others. CPOA Lead Investigator Diane
  McDermott is following this issue.

- SOP 2-98 Gunshot Detection system. More information on this program was requested and
  received from Commander Art Sanchez. Data analyst Ali Abbasi is following this program.

PPRB action:

POB representative to the PPRB wjk voted to advance these policies. No further
recommendation have been made.
SOP 1-10 Peer support
SOP 2-68 Interviews and interrogations
SOP 2-23 Use of Canine K-9 Unit
Policy and Procedures Review Subcommittee Report

**OPA activities**

**OPA 10/7**
- 1-1 Personnel Code of Conduct presented by Commander Cori Lowe
- 3-13 Officer's Duties presented by Commander Cori Lowe
- 1-15 (currently 5-2) Air Support Unit presented by Sgt. Will Taylor
- 1-35 (formerly 5-8) Crime Scene Specialists Unit presented by Lt. Matthew McElroy
- 2-1 Uniforms presented by Det. Robert Carlson
- 2-47 Crashes Involving Police Vehicles presented by Lt. Nick Wheeler

15 day comment 10/08
- 1-1, 1-35, 2-47, 2-67, 3-13, 20-77

**PPRB 10/8**
- 1-10 Peer support – Approved for 30 day recommendations
- 2-68 Interviews and Interrogations - Approved for 30 day recommendations

**OPA 10/21**
- 1-3 Grooming Standards presented by Timothy Espinosa
- 1-28 (currently 4-3) Downtown Unit presented by Commander Joshua Brown and Lt. Matthew Tinney
- 1-56 (currently 6-12) Horse Mounted Unit presented by Sgt. Thomas Ivie
- 3-20 Overtime, Compensatory Time, and Work Shift Designation presented by Lt. Jim Edison

15 day comment 10/22
- 1-3, 1-28, 1-56, 2-67, 3-20

**PPRB 10/28**
- SOP 2-23 Use of Canine K-9) Unit Commander Arturo Sanchez Approved for 30 day recommendations
- N/A Problem-Oriented Policing (POP) Projects Form Commander Arturo Sanchez Approved for 30 day recommendations
- N/A CIT Contact Sheet Lt. Matthew Dietzel Approved for 30 day recommendations

**OPA 11/04**
- 2-37 (Currently 4-16) Meal Breaks presented by Commander Yara Not presented
- 2-84 Body Cavity and Strip Searches presented by Sgt. Gerard Bartlett -
- 2-105 (Currently 4-26) Destruction/Capture of Animals presented by Commander Espinosa
- 3-29 (Currently 4-12) Issuance and Use of Area Command Equipment presented by Commander Espinosa
- 3-12 Awards and Recognition presented by Sgt. Chandler Huston

20201112 PnP report to POB.docx
CPOA Board – Case Review Subcommittee Report

The Case Review Committee met via Zoom on October 27, 2020. The 3rd Quarter Audit was discussed and the Audit Report finalized for full Board approval at the November Board meeting.

We also elected member Eric Nixon as chair of the CRC committee for the remainder of this term. He takes over for Member Galloway who has been the interim chair following Member Leonard Waites resignation from the Board earlier this year.

The Case Review Subcommittee is scheduled to meet next via Zoom on January 26, 2020 at 4:30 PM.
CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board
Dr. William J. Kass, Chair    Eric Olivas, Vice Chair    Tara Armijo-Prewitt
Chantal M. Galloway    Doug Mitchell    Eric Nixon
Edward Harness, Executive Director

SUBJECT: Recommendation for Qualifications for the Chief of Police

Dear Mayor and City Councilors,

The Civilian Police Oversight Agency in accordance with City of Albuquerque City Ordinance Sec. 9-4-1-4 (5) which mandates: "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, analyzes and evaluates data (including APD raw data), innovative practices, national trends, and police best practices, and establishes a program of resulting policy suggestions, recommendations, and studies each year. ..."

After a careful review of the best practices and national trends for the selection of the Chief of Police, the Civilian Police Oversight Agency developed recommendations for the qualifications and evaluation of the chief that should be instituted.

The recommended qualifications and evaluation developed by the CPOA are below:

1. Certified law enforcement officer.
2. Progressive experience over at least 10 years with an additional 5 years of command level experience.
3. Master’s degree from an accredited college or university preferred; bachelor’s degree required.
4. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in the prohibition of possession of a firearm.
5. Advanced Certification from the New Mexico Law Enforcement Academy or equivalent required, or ability to acquire within one year of hired date.
6. Completion of a law enforcement management program (e.g. FBI National Academy, PERF Senior Management Institute, Northwestern Police Staff and Command) required, or ability to acquire within one year of hired date.

Evaluation for the chief of police:

1. The mayor performs a written evaluation of the Chief of Police performance of duties annually and submits it to city council for consideration.

Thank you for your time and consideration of this recommendation. By implementing a thoughtful informed practice for hiring and evaluating the chief of police the Mayor and the City Council will be strengthening the Albuquerque Police Department for years to come.

Sincerely,

Dr. William J. Kass, Chair
Civilian Police Oversight Agency Board

www.cabq.gov
3rd Quarter 2020 Case Review Audit

Board for the Civilian Police Oversight Agency, Albuquerque, NM
Table of Contents

Introduction of CPC 147-20 ................................................................. 3
Audit of CPC 147-20 ........................................................................... 4
  Overview ......................................................................................... 4-5
  Discussion ....................................................................................... 6
    Concerns Raised with Findings ...................................................... 6
      Director’s Response ................................................................. 6
    Concerns Raised with Policy ....................................................... 6
      Director’s Response ................................................................. 6
    Concerns Raised with Administrative Process or Product ............ 6
Conclusion ....................................................................................... 7
  Findings of the Audit Committee .................................................... 7
  Recommendation of the Committee to the Board ......................... 7
    Vote ......................................................................................... 7
  Certification by Case Review Committee Chair ............................ 7
Introduction of CPC 155-20 ............................................................. 8
Audit of CPC 155-20 ........................................................................ 9
  Overview ....................................................................................... 9-10
  Discussion ..................................................................................... 11
Conclusion ..................................................................................... 12
  Findings of the Audit Committee .................................................. 12
  Recommendation of the Committee to the Board ....................... 12
    Vote ......................................................................................... 12
  Certification by Case Review Committee Chair .......................... 12
Introduction of CPC 169-20 ................................................................................................. 13
Audit of CPC 169-20 ........................................................................................................ 14
  Overview ..................................................................................................................... 14-15
  Discussion .................................................................................................................. 16
  Conclusion .................................................................................................................. 17
    Findings of the Audit Committee ........................................................................... 17
    Recommendation of the Committee to the Board ............................................... 17
    Vote ......................................................................................................................... 17
    Certification by Case Review Committee Chair ................................................... 17
Board Action ................................................................................................................ 18
Attachments .................................................................................................................. 19
  CPC 147-20 ............................................................................................................... 20
    Citizen Complaint ................................................................................................... 20-21
    Findings Letter ....................................................................................................... 22-24
  CPC 155-20 ............................................................................................................... 25
    Citizen Complaint ................................................................................................... 25
    Signed Findings Letter ............................................................................................ 26-28
  CPC 169-20 ............................................................................................................... 29
    Citizen Complaint ................................................................................................... 29-30
    Signed Findings Letter ............................................................................................ 31-32
INTRODUCTION

Date Complaint Was Received: March 2020

Date Complaint Was Assigned to an Investigator: June 3, 2020

Date of Draft Findings Letter: July 15, 2020

Date Approved by Board: August 13, 2020

Date of Final Findings Letter: August 14, 2020

Synopsis of Complaint: R. G. submitted a written complaint concerning issues with K. S.'s family. Mr. G. wrote, "They break into our house, forward our mail, break into cars, hack email accounts, stalk us, spy on us, sexually harass us, sell drugs." The only thing he mentioned about police is that he has called 911 and no one responded. His complaint form provided a date of 12/18/19 and an address.

Original Findings:

1. Administratively Closed
   - Not enough information to identify the officer or locate the incident.
Overview

**Date of Case Selection for Audit:** September 28, 2020

**Date Audit Was Completed:** October 27, 2020

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<td>CFOA Director’s Final Recommendation Form</td>
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Other Materials Reviewed Not Included in the Agency File

1. None

Members Participating in Audit

1. Tara Armijo-Prewitt
2. Chantal M. Galloway
3. Eric Nixon
4. Ed Harness
5. Diane McDermott

Attachments

- CPC 147-20 Citizen Complaint (exhibit)
- CPC 147-20 Signed Letter to Citizen of Administratively Closed Finding (exhibit)
Discussion

Concerns Raised with Findings
  o None

Concerns Raised with Policy
  o None

Concerns Raised with Administrative Process or Product
  o Lack of follow through with regards to the draft proposal that was to be presented at the September 2020 CPOA Board meeting.
    • During the Second Quarter Audit, Director Harness noted that the complaints received by the Agency per the CASA needs to be revisited. Definitions as to what are appropriate complaints for the CPOA and what is appropriate for APD supervisors to handle internally need to be addressed.
    • Director Harness will draft a proposal for which complaints are appropriate for mediation and present it to the Board at the November Board meeting. Director Harness’ recommendations for the expansion of investigation timelines as well as a limitation on the amount of time a complainant has to file a complaint was submitted to CMDR Lowe via email on 10/27/2020.
Conclusion

Findings of the Audit Committee
None

Recommendations
None

The Audit Committee unanimously agreed on the above findings and recommendations at the October 27, 2020 Case Review Subcommittee meeting.

Chantal M. Galloway
Acting Chair, Case Review Subcommittee

[Signature]

Date: 11/12/2020
INTRODUCTION

Date Complaint Was Received: March 15, 2020

Date Complaint Was Assigned to an Investigator: May 1, 2020

Date of Draft Findings Letter: July 15, 2020

Date Approved by Board: August 13, 2020

Date of Final Findings Letter: August 14, 2020

Synopsis of Complaint: B | D submitted an emailed complaint regarding his observation that Officer P looked unhappy while standing in the background with Officer R. Mr. D wrote he was near the police car when Officer P approached. He smiled and spoke to start to introduce himself, but Mr. D claimed Officer P looked him up and down with no smile, said nothing, and got into the patrol car to use the computer. Mr. D wrote he was offended because it made him feel beneath the officer. Officer P spoke to hotel staff and it appeared to Mr. D that the officer was going through the motions. Mr. D later asked the hotel staff if Officer P was polite and the staff said he was.

Original Findings:

1. Administratively Closed
   * Mr. D was not involved in the call for service and filed the complaint based on his perception of the officer's expression and the officer's lack of acknowledgement of him while on a call. The available evidence showed Officer P was professional with the victim and the hotel staff. Mr. D written complaint stated the hotel staff considered Officer P polite. The complaint should be administratively closed as there was no violation of any SOP.
Overview

Date of Case Selection for Audit: September 28, 2020

Date Audit Was Completed: October 27, 2020

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Members Participating in Audit
1. Tara Armijo-Prewitt
2. Chantal M. Galloway
3. Eric Nixon
4. Ed Harness
5. Diane McDermott

Attachments
- CPC 155-20 Citizen Complaint (exhibit)
- CPC 155-20 Signed Letter to Citizen of Administratively Closed Finding (exhibit)
Discussion

Concerns Raised with Findings
  o The CAD was reviewed, the lapel was reviewed; what else needed to occur to come to a finding of Unfounded/Exonerated rather than Admin Closed? An interview with Officer P? If so, why not do that?
    ▪ Because the complainant had no direct interaction with Officer P., there is no policy that could have been violated. As such, there is appropriate finding and Administratively Closed is the best dispensation.

  o The CASA provides for third party complaints. The complainant does not need to be involved in the call for service, so this cannot be a reason to Administratively Close a complaint, correct?
    ▪ Some minor language tweaks could have been made to clarify the merits of this particular complaint, but it was not intended to communicate that a third party could not file a complaint.

Concerns Raised with Policy
  o None

Concerns Raised with Administrative Process or Product
  o None
Conclusion

Findings of the Audit Committee
None

Recommendations
None

The Audit Committee unanimously agreed on the above findings and recommendations at the October 27, 2020 Case Review Subcommittee meeting.

Chantal M. Galloway
Acting Chair, Case Review Subcommittee

11/17/2020
Date
INTRODUCTION

Date Complaint Was Filed: June 15, 2020

Date Complaint Was Received: June 26, 2020

Date Complaint Was Assigned to an Investigator: August 13, 2020

Date of Draft Findings Letter: August 18, 2020

Date Approved by Board: September 10, 2020

Date of Final Findings Letter: September 11, 2020

Synopsis of Complaint: A. J submitted a written complaint concerning an incident he stated occurred on June 25, 2020. Mr. J wrote when he was walking his dog to the mailbox at the end of his street a “white, blonde officer in his 20s to early 30s” stopped his car and told him he had to go immediately and was not allowed out. Mr. J believed he was being racially profiled.

Original Findings:

2. Administratively Closed
   • There was not enough information to identify the officer
Overview

Date of Case Selection for Audit: September 28, 2020

Date Audit Was Completed: October 27, 2020

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Members Participating in Audit
6. Tara Armijo-Prewitt
7. Chantal M. Galloway
8. Eric Nixon
9. Ed Harness
10. Diane McDermott

Attachments
- CPC 169-20 Citizen Complaint (exhibit)
- CPC 169-20 Signed Letter to Citizen of Administratively Closed Finding (exhibit)
Discussion

Concerns Raised with Findings
  o None

Concerns Raised with Policy
  o None

Concerns Raised with Administrative Process or Product
  o None
Conclusion

Findings of the Audit Committee
None

Recommendations
None

The Audit Committee unanimously agreed on the above findings and recommendations at the October 27, 2020 Case Review Subcommittee meeting.

Chantal M. Galloway
Acting Chair, Case Review Subcommittee

Date 11/12/2020
The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 147-20.

Vote For:
Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 155-20.

Vote For:
Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 169-20.

Vote For:
Vote Against:

Dr. William Kass
Chair, Civilian Police Oversight Agency Board

17 Nov 2020
Albuquerque Police Department Complaint or Commendation Form

This form must be delivered to the CPOA office via the following ways:
Hand-Delivered: Plaza Del Sol Building, 600 2nd St. NW Room 813, Albuquerque, NM 87102
Office: 505-924-3770
Fax: 505-924-3775
Email: cpoa@cabq.gov
Mail: CPOA, P.O. Box 1293
Albuquerque, NM 87103
TTY (800) 659-8333

Please complete as much information as possible below. The CPOA only accepts complaints and commendations for the Albuquerque Police Department (APD). You may file this form anonymously; however, keep in mind that an anonymous complaint is extremely difficult to investigate.

In order to make sure your accessibility needs are being met, such as sign language interpretation or help completing this form; please contact the CPOA at 505-924-3770.

I want to file a Complaint ☐ Commendation ☐ Interested in Mediation? ☐ Yes ☐ No ☐ I need more information ☐

What outcome are you seeking? (Please describe what happened on the back of this page) [Handwritten: He was been pushed over and over with a car]

Mail being scattered all over the neighborhood. I even being sick and flu in the same damn month even called [Handwritten: He out.]

Information about you:
First: [Handwritten: K] Last: [Handwritten: E]
Home: [Handwritten: Cell/Work] ☐ Best time to Call?
Email: [Handwritten: K]
Street: [Handwritten: ]
City: [Handwritten: ] State: [Handwritten: ] Zip Code: ☐

Information about the Incident:
Date: [Handwritten: 2/1/19]
Time: [Handwritten: 2:00 PM]
Address/Location:
Information about the Albuquerque Police Department employee(s) Involved:
Name: [Handwritten: ]

Are you submitting this form for someone else? ☐ Yes ☐ No
Did you witness this incident? ☐ Yes ☐ No
Name of the person you are submitting this form for:
Name: [Handwritten: ] Phone: ☐

Additional Witness:
Name: [Handwritten: ] Phone: ☐
Address: [Handwritten: ]
STATEMENT

Briefly summarize what happened (attach additional pages or documents if needed).
It is important to provide as much information as possible describing the incident in full detail including:
location, date, time, officer/employee(s) involved, and witnesses.
If names are not known, please include a detailed description of the officer(s) involved.

Optional: The Department of Justice and the Civilian Police Oversight Agency are requesting this information for statistical purposes. It is optional to answer these demographic questions. We value your participation; please help our Agency track any biases or trends within the Albuquerque Police Department.

Do you speak and understand English? Yes ☐ No ☐
Sex/Gender Expression: Male/ Female/ Transgender/ Other: ______
Sexual Orientation: Heterosexual/ Homosexual/ Bisexual/ Asexual/ Other: ______
Race: Asian/ Black/ Native American/ Pacific Islander/ Hispanic/ White/ Other: ______
Ethnicity: Hispanic/ Non-Hispanic

Do you have a Mental Illness? Yes ☐ No ☐
Do you struggle with homelessness? Yes ☐ No ☐
Were you homeless at the time of the incident? Yes ☐ No ☐

If you wish to submit this form anonymously, please type "ANONYMOUS" on the signature line.
I acknowledge that the information provided in this statement is true and factual to the best of my knowledge and will become public record once filed.
I understand that a complaint, if false, is unlawful and against APD Policies for anyone to retaliate against me for the filing of this complaint.

Signature: ____________________________ Date: ________________

OFFICE USE ONLY: APD Personnel who receive misconduct complaints must notify a supervisor immediately. Supervisor shall submit complaint to Internal Affairs by the end of the shift following the shift in which the complaint was received.

APD Supervisor Signature: ____________________________ Date: ________________ Time Received: ________________ AM / PM

REVISED 11 10 2018 by CPDA
CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board
Dr. William J. Katz, Chair    Eric Olivas, Vice-Chair
Tara Armijo-Previtt    Chantal M. Galloway    Doug Mitchell
Eric Nixon    Cathryn Starr
Edward Harness, Executive Director

August 14, 2020
Via Certified Mail
7018 1130 0002 3429 1620

Re: CPC #147-20

Dear Mr. G,

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 3, 2020, regarding an incident that occurred on or about December 18, 2019.

I. THE COMPLAINT

On November 23, 2019, Mr. G submitted a written complaint concerning issues with his family. Mr. G wrote, "They break into our house, forward our mail, break into cars, hack email accounts, stalk us, spy on us, sexually harass us, sell drugs." The only thing he mentioned about police is that he has called 911 and no one responded. His complaint form provided a date of 12/18/19 and an address.

II. INVESTIGATION

The CPOA Investigator had CADs attempt to find any call for service in that area on that date. According to CADs nothing was found.

Mr. G’s phone number on the complaint was invalid and his email was illegible so a certified letter was sent to him. Mr. G responded and left a valid number on voicemail. The CPOA Investigator contacted Mr. G to see if he had more information to provide. Mr. G said he was shot at and called 911, but police did not respond. Mr. G then spoke about the problems he has had with a former neighbor. Mr. G said this neighbor had the same officer respond to all of it and therefore nothing was being done. He said it was the same officer that did not respond to his call to police about the shooting. He said he has been trying to get help in dealing with this family, but this officer has protected them. When asked who the officer was Mr. G said he has heard different names and provided a list of common first names. Mr. G did not know the name of the officer or have a car number. He said the same officer arrested him, but he did not have the dates.
Letter to Mr. G:
August 14, 2020
Page 2

The CPOA Investigator reviewed the NM courts records for Mr. G to try and determine an arrest date. There were no recent cases. The older cases were all involving different officers and none seemed to fit the brief description he provided. Mr. G said in email he would provide the arrest date and the information about the officer the next day. The CPOA Investigator sent an email about ten days later as a follow-up. About a week later Mr. G left another voicemail stating he had dates, but he did not provide them on the message. The CPOA Investigator sent another follow-up email, but Mr. G did not respond. During the conversation and in email Mr. G had been informed he could refile his complaint once he had more information.

III. CONCLUSION
The CPOA has made the decision to ADMINISTRATIVELY CLOSE the complaint, as there was not enough information to identify the officer or locate the incident.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

You have the right to appeal this decision.
If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,

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

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque’s Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.
Letter to Mr. G
August 14, 2020
Page 3

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

Sincerely,
The Civilian Police Oversight Agency by

[Signature]
Edward Hames, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police
Good Morning,

My name is B.J. and I am the Police Chief and Public Safety Director of a community in the Des Moines, Iowa area visiting your city.

This morning at 7:20 a.m. Unit T52 was responding to a vehicle break in at our hotel. It was a two person unit.

I observed the officers enter the lobby and the female officer speak with the elderly complainant. She was professional, polite and showed caring for their issue. I was impressed. The male stood in the background looking unhappy. My thought was he was the field training officer.

They went with the couple to look at the vehicle outside.

A short time later I went outside to check my vehicle. The APD car was parked near it and I took a photo for my vacation album. As I was doing this the male officer walked back to the patrol vehicle. I smiled and spoke to him jokingly to start to introduce myself and he looked up and down with no smile said nothing unlocked the car and got in to use the computer. I was offended by the interaction as it made me feel beneath him.

I went back into the lobby and observed him come in and obtain information from the front desk staff. He did not smile and appeared to be going through the motions. I asked the staff if he was polite and they said yes.

The front desk provided me the incident report number of 200023686 and officer names of T. R and M. P.

Please consider this a formal commendation for the female officer and a formal complaint on the male officer.

If you have any further questions do not hesitate to contact me at the number or email below.

A follow up email will be sent to the Chief of Police.

B.J.

----------------------------------------------------------------------------------------------------

This message has been analyzed by Deep Discovery Email Inspector.
Re: CPC #155-20

Dear Mr. D,

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 1, 2020, regarding an incident that occurred on March 15, 2020.

I. THE COMPLAINT

Mr. D submitted an emailed complaint regarding his observation that Officer P looked unhappy while standing in the background with Officer R. Mr. D wrote he was near the police car when Officer P approached. He smiled and spoke to start to introduce himself, but Mr. D claimed Officer P looked him up and down with no smile, said nothing, and got into the patrol car to use the computer. Mr. D wrote he was offended because it made him feel beneath the officer. Officer P spoke to hotel staff and it appeared to Mr. D that the officer was going through the motions. Mr. D later asked the hotel staff if Officer P was polite and the staff said he was.

II. INVESTIGATION

The CPOA Investigator reviewed the lapel videos from the incident. An elderly couple called police regarding the theft of items from their vehicle in the hotel parking lot. Officers P and R responded with Officer R doing most of the talking. Mr. D sat several feet away having breakfast while the officers were at the front desk. Officer R’s video caught a few glimpses of Officer P and he did not have an obvious expression on his face at those times. The officers and the couple were in the lobby very briefly. The video showed Officer P was professional and engaged with the couple while they were at their vehicle discussing the incident. Officer P left Officer R and the couple to input some information into the computer. As Officer P approached the patrol car, Mr. D said something to Officer P from approximately thirty-five to forty feet away. The video did not capture what Mr. D said other than it ended with “you guys.” Mr. D said nothing additional when Officer P was closer or passed him. Officer P did not say anything, did not pause, and got in his car to use the computer for the call. He completed his task and returned to Officer R and the couple. The video showed Officer P then
Letter to Mr. D
August 14, 2020
Page 2

approached the front desk and asked about camera access. Mr. D. was in the lobby looking at his phone. Officer P concluded his business with the hotel staff, thanked them, and left.

Mr. D. was not interviewed as his complaint expressed how he felt and the lapel videos covered the full extent of the officer's conduct with the victims and Mr. D.

III. CONCLUSION
The CPOA has made the decision to ADMINISTRATIVELY CLOSE the complaint, as Mr. D. was not involved in the call for service and filed the complaint based on his perception of the officer's expression and the officer's lack of acknowledgement of him while on a call. The available evidence showed Officer P was professional with the victim and the hotel staff. Mr. D.'s written complaint stated the hotel staff considered Officer P polite. The complaint should be administratively closed as there was no violation of any SOP.

You have the right to appeal this decision.

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

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If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.
Letter to Mr. D.  
August 14, 2020  
Page 3  

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police
Albuquerque Police Department Complaint or Commendation Form

Please complete as much information as possible below. The CPOA only accepts complaints and commendations for the Albuquerque Police Department. In order to make sure your accessibility needs are being met, such as sign language interpreters or help completing this form, please contact the CPOA at 505-924-3770.

I want to file a: [ ] Complaint  [ ] Commendation  [ ] Interested In Mediation? [ ] Yes  [ ] No  [ ] I need more information

What outcome are you seeking? (Please describe what happened on the back of this page)

To find out why I was profiled by officer

Information about:

First: ___________________ Last: ___________________ Middle: ___________________

Home: ___________________ Cell/Work: ___________________ Best time to Cali?: 10-10am

Email: ___________________ Preferred Language: ___________________ Date of Birth: ___________________

Street: ___________________ Apt: ___________________

City: ___________________ State: ___________________ Zip Code: ___________________

Information about the Incident:

Date: 01/25/2020  Time: 1:30 AM

Address/Location: ___________________ Apt: ___________________

Information about the Albuquerque Police Department employee(s) involved:

Name: ___________________ Man/A.D.: ___________________

Name: ___________________ Man/A.D.: ___________________

Are you submitting this form for someone else? [ ] Yes  [ ] No

Did you witness this incident? [ ] Yes  [ ] No

Name of the person you are submitting this form for: ___________________ Phone: ___________________

Additional Witness:

Name: ___________________ Phone: ___________________

Address: ___________________ Apt: ___________________

_________________________ __________________________
STATEMENT

Briefly summarize what happened (attach additional pages or documents if needed). It is important to provide as much information as possible describing the incident in full detail including location, date, time, officer(s) involved, and witnesses. If names are not known, please include a detailed description of the officer(s) involved.

I was walking my dog to the mailbox at 12:00 on my street. When a white blond officer in his late 20s stopped his car and asked me to get out immediately and wasn't allowed out.

I was wearing black and am mixed race black and white and believe I was being racially profiled.

Optional: The Department of Justice and the Civilian Police Oversight Agency are requesting this information for statistical purposes. It is optional to answer these demographic questions. We value your participation; please help our Agency track any biases or trends within the Albuquerque Police Department.

Do you speak and understand English? Yes ☑️
Name/Gender/Ethnicity: [Redacted]
Sex: [Redacted]
Marital Status: [Redacted]
Race: [Redacted]
Ethnicity: Hispanic
Do you have a Mental Health? No ☐️
Do you struggle with homelessness? Yes ☑️
Were you homeless at the time of the incident? Yes ☑️

The information provided in this statement is true and factual to the best of my knowledge and will become public record once filed.
I understand I may be required to appear in the Civilian Police Oversight Agency office for an interview or to provide other investigative assistance, as necessary.
I understand that if I have a complaint, it is unlawful and against APO Policies for anyone to retaliate against me for the filing of this complaint.

Signature: [Redacted]
Date: 6/13/20

OFFICE USE ONLY: APO Personnel who receive misconduct complaints must notify a supervisor immediately. Supervisor shall submit complaint to Internal Affairs by the end of the shift following the shift in which the complaint was received

APD Supervisor Signature: [Redacted]
Date: [Redacted]
Time Received: [Redacted] AM / PM

Revised 03/12/2021 by CPCOL
CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board
Dr. William J. Kass, Chair Eric Olivas, Vice-Chair
Tara Armijo-Previtt Chantal M. Galloway Doug Mitchell
Eric Nixon Cathryn Starr
Edward Harness, Executive Director

September 11, 2020
Via Certified Mail
7018 11300002 3429 1248

Re: CPC #169-20

Dear Mr. J,

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 13, 2020, regarding an incident that occurred on or about June 25, 2020.

I. THE COMPLAINT

Alexander J. submitted a written complaint concerning an incident he stated occurred on June 25, 2020. Mr. J. wrote when he was walking his dog to the mailbox at the end of his street a "white, blonde officer in his 20s to early 30s" stopped his car and told him he had to go immediately and was not allowed out. Mr. J. believed he was being racially profiled.

II. INVESTIGATION

The CPOA Investigator called Mr. J. and spoke to his grandmother regarding the incident. Mr. Jones' grandmother was well aware of the complaint. Since Mr. J. stated it occurred in Rio Rancho the possibility was it was a Rio Rancho officer. However, Mr. J.'s grandmother said it was an APD officer, but she and her grandson did not have any identifying information such as a license plate or a car number. She explained she and her grandson have been working with an APD supervisor on her various concerns. The supervisor advised her additional identifying information would be needed to investigate the specific situation. The CPOA Investigator advised her of the same thing. Mr. J. and his grandmother understood the complaint would be closed for lack of identifying information for the officer.

III. CONCLUSION

The CPOA has made the decision to ADMINISTRATIVELY CLOSE the complaint, as there was not enough information to identify the officer.
Letter to Mr. J.
September 11, 2020
Page 2

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harnesq, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police
November 12, 2020

Council President Davis,

In September, the Civilian Police Oversight Board (CPOAB) issued a letter to all members of City Council (Council) with three requests. The first of those requests discussed the need to improve the recruitment (and retention) process for Board members. Specifically, we asked that Council work proactively with the CPOAB to proactively recruit and fill vacancies. Since that letter was sent to Council, the Board has had no response from Council and no efforts have been made that we are aware of to work cooperatively with the CPOAB.

The idea for Council staff to work in collaboration with the CPOAB is not new. The Independent Monitoring Team highlighted the need for a full complement of the Board and encouraged the City to work with the CPOAB and consider it’s input regarding the qualification of applicants.

5/1/2019 IMR-9: There have been indications that POB’s role in the oversight process and the reform process of the CASA is not being taken seriously enough by the City. The POB consists of 9 members, all of whom are needed to keep current with its challenging workload and tasks of the Board and its sub-committees. Three POB vacancies occurred in 2018, (March 2018; June 2018; and September 2018). None of these vacancies had been filled by the end of this IMR period (January 31, 2019). The monitoring team has learned that, after the close of this reporting period, three candidates have been selected to fill these vacancies and were to be presented to City Council for approval at its February 2019 meeting. Without reflecting on the qualifications of the candidates or their desire and commitment to serve, we have learned that the selection process was seriously wanting. No formal interview of the candidates took place before selection. There was no input from the POB or CPOA as to the background and qualifications of the three candidates, or for any applicants for that matter. It appears that they were selected solely from the information provided on their November 2017 website.
applications, pending an appropriate background check. Since these events occurred outside of this reporting period, they do not affect compliance levels for this report. We do however, encourage the City to pay careful attention to the requirements of the CASA when vetting and selecting new POB members.

4.7.256a POB vacancies must be promptly filled. The City should consider carefully POB/CPOA input regarding the qualifications of applicants for vacant POB positions.

10/31/2019 IMR-10: As we noted in IMR 9, the CPOA Board needs to be at full strength. Previously there were 3 openings and the Executive Director was without a working contract. We were encouraged to learn that this monitoring period 2 of the 3 vacancies were filled and the Executive Director now is working under a renewed contract.

4.7.256a: CPOA Board vacancies must be promptly filled. City Council must implement an ongoing and serious screening process that considers CPOA and Board input regarding the qualifications of applicants for vacant Board positions.

5/3/2020 IMR-11: As we have noted since IMR 9, the CPOA Board needs to be at full strength. We were encouraged to learn that this monitoring period the Board has seven of nine positions actively filled, and an additional applicant is in the vetting process. Once that applicant is actively participating, eight of the nine positions will be filled. The monitoring team expect that the Board will be at full strength by the end of the 12th monitoring period.

11/1/2020 IMR-12: Monitor’s Note: CPOA Board vacancies need to be promptly filled. The City should continue its diligent and ongoing screening process that considers CPOA and Board input regarding the qualifications of applicants for vacant Board positions.

For most of the last two and a half years, there have been three vacancies. At the monthly meetings of the CPOAB, the Board inquires about the status of filling the vacancies that have existed since March of 2018. There have been several meetings with Council members and Council staff to try and brainstorm a solution to this problem. Unfortunately, there has been no resolution. Mr. Moya indicated several months back that there was not an issue of having enough applicants to choose from. In fact, he reported to the Board that there were more than 70 applicants available to be screened and vetted.
We have made some initial strides in the retention process for new Board members. The Outreach subcommittee of the Board along with the Executive Director of the Civilian Police Oversight Agency have met with all five of the newest appointees to the Board to provide them with more information regarding the requirements and amount of time a member of this body must commit to in order to fully serve. We recently lost one of those members due to health reasons, but the other four have proven to be strong additions to the Board.

President Davis, somewhere in the process, there is a breakdown in the efforts to fill the existing vacancies, as well as anticipate new Board vacancies that will inevitably occur, in a timely manner. The CPOAB respectfully, but urgently, requests that we be included in the process to select Board candidates at every point in the process. We request that City Council direct Council Staff to participate in a meeting with members of the CPOAB and the CPOA Executive Director before the Board meets again on December 10, 2020 in order to begin the process of developing a more robust recruitment process.

We look forward to working with Council on improving this critical function of the Oversight process.

Respectfully,

Civilian Police Oversight Agency Board