

## 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>, 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](mailto: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](mailto: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-oversight-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**
  - 1. **City Attorney** – Esteban Aguilar Jr. presented his report.
- 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>

**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 3<sup>rd</sup> 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**

**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**

**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**

**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.**

**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:

DocuSigned by:

Dr. William J. Kass

Dr. William Kass, Chair  
Civilian Police Oversight Agency Board

December 10, 2020

Date

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

## Attachments

- CPOA OCT 30, 2020  
- CITY COUNCILORS  
- COUNTY COMMISSIONERS

FROM GERALDINE AMATI

71

TO  
WHO TRIED  
BLOW THE WHISTLE ABOUT TRAFFICKING  
AND CHY WHEN GOT HIJACKED TO doing  
FR # 100.116.309  
R. - B

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 <sup>REPORT FROM ME</sup> MAN <sup>ABOUT A</sup> WHOSE  
LIFE IS IN MORTAL  
DANGER INCARCERATED IN

MDC E7

NO ONE SEEMED

THE BIT 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

508 431

September 29, 2020

APD / IPRA

TO: City Council  
CPDA Board  
County Commission

FROM

communication

TO

employee  
Home  
KAW LIBRARY  
2770935 Reference

dine Amato,

September 23, 2020, we received your request 20-6791, to inspect certain records. Although we are acknowledging this request by this correspondence, we have determined your request is "excessively burdensome" and my office respectfully requests an "additional reasonable period of time" to complete the request. NMSA 1978, § 14-2-10, We have deemed your request "excessively 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 your request sooner. However, some requests may take 45-60 days.

NMSA 1978 § 14-2-10

Request:

Requested by EDW: Ms. Amato wants to know if the City has an index or guide to reading ten codes. She also wants to know if we are able to find the stolen gun report that was filed for her. She thinks the report number is 202620474. She wants to know if serial numbers were recorded. She also called 911 and wants a copy of the interaction with the police officer who was called out. 911 call was on Wednesday September 16. Officer [redacted] was dispatched. Man number 5931.

rely,

REFUSED TO TAKE CRIMINAL COMPLAINT #5931  
"STOLEN GUNS" REPORTS

Barraza  
Specialist for APD/IPRA Supervisor

LAST TIME REPORTED  
FRIDAY SEPT 18TH 2020

BUQUE city clerk  
BUQUE

409-9997 (22 call)  
2-55931  
(8 call)  
NP adm to  
EN CAR  
PORT WHICH  
IT FILED NEITHER.

TO  
L STATED BY PHONE THAT HE DID NOT FILE THE SERIAL #S OF THE TWO STOLEN REVOLVERS.  
#6793  
LEXUS 2000 RY 300 VIN #JTJ64F1046Y01451  
198

November 2 2020  
Herrodine Amato

BACKUP PHONE

PREEMPTED BY ALL MY PAST EXPERIENCES SINCE JULY

AND I APPEAR AS HAS BEEN AT THE LOCATION.

APD CHIEF and/or Deputy Chief(s); ABO 2  
 City Councilors; 3 Mayor Keller OR and  
 Mayoral Aids; 1 Citizen Police Oversight  
 Agency's HR HARNESS OR BOARD MEMBERS  
 APD Internal Affairs DITY Scott DC POLICE  
 NO ONE IN CITY GOVT TO  
 DATE HAS PROVIDED ME WITH A  
 CITY AGENT TO REVIEW WITH  
 ME THE SEVERAL "POLICE" REPORTS  
 THAT NEVER GOT FILED AT ALL OR  
 FILED GROSSLY INACCURATELY SO  
 THAT THE REFERENCED REPORTS  
 MAY BE "ON FILE" IN APD's/IRRA  
 RECORDS WITH THE CITY CLERK'S  
 OFFICE, DESPITE THE MALFEASANCE  
 OF APD's SE AREA COMMAND. BECHZ  
 I STILL RESIDE WITHIN SE AREA  
 COMMAND I REMAIN SUBJECT TO  
 HARRASSMENTS THAT I HAVE NO  
 MINIMAL REMEDY NOR RECOURSE  
 IN AT LEAST BEING FREE TO HAVE  
 A "REPORT ON RECORD" THAT MIGHT  
 BE ACCESSED IN CASE OF FURTHER  
 (FUTURE) PROBLEMS. RECENTLY I  
 HAVE ENDURED VERBAL ASSAULT AND  
 INTERFERENCE WITH MY U.S. POSTAL  
 MAIL SERVICE BY A MEAN SPIRITED  
 POSTAL EMPLOYEE AT THE CORNELL  
 STREET USPS OFFICE. THE OPTION OF  
 GIVING A "REPORT" TO APD HAS BEEN

ADDRESS 2019

AND I APPEAR AS HAS BEEN AT THE LOCATION.

APD Internal Affairs DITY Scott DC POLICE

FOR EXAMPLE

with works behind the counter

①

**POLICE OVERSIGHT BOARD**

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION  
STATISTICAL DATA FOR THE MONTH OF **October 2020****

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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

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**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**

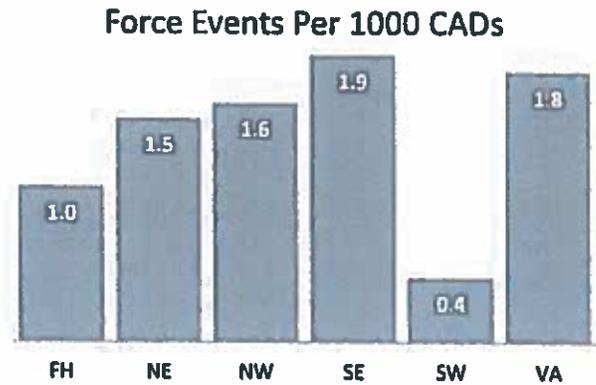
**I-564-20: Rules of Conduct- Written Reprimand /On and Off Duty Conduct- Written Reprimand**

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**Civilian Police Oversight Agency Board**  
**INTERNAL AFFAIRS FORCE DIVISION**  
**STATISTICAL DATA FOR THE MONTH OF OCTOBER 2020**

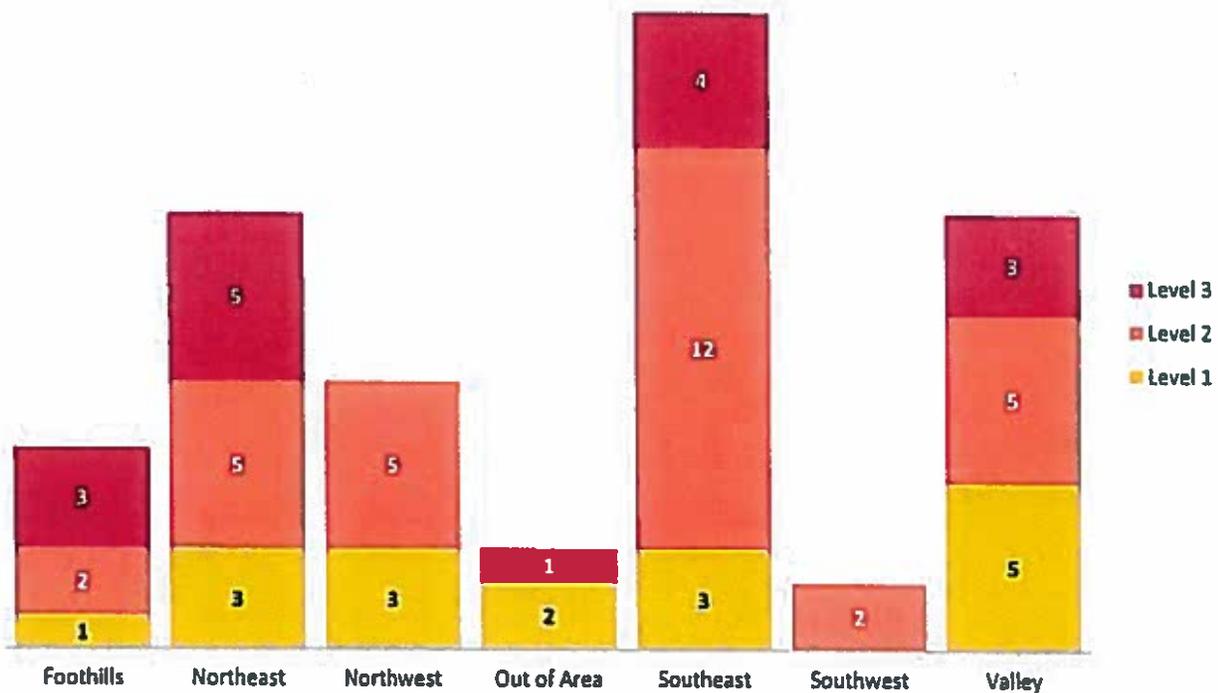
**INCIDENT AREA COMMAND**

	Level 1	Level 2	Level 3	Grand Total
Foothills	1	2	3	6
Northeast	3	5	5	13
Northwest	3	5		8
Out of Area	2		1	3
Southeast	3	12	4	19
Southwest		2		2
Valley	5	5	3	13
<b>Grand Total</b>	<b>17</b>	<b>31</b>	<b>16</b>	<b>64</b>



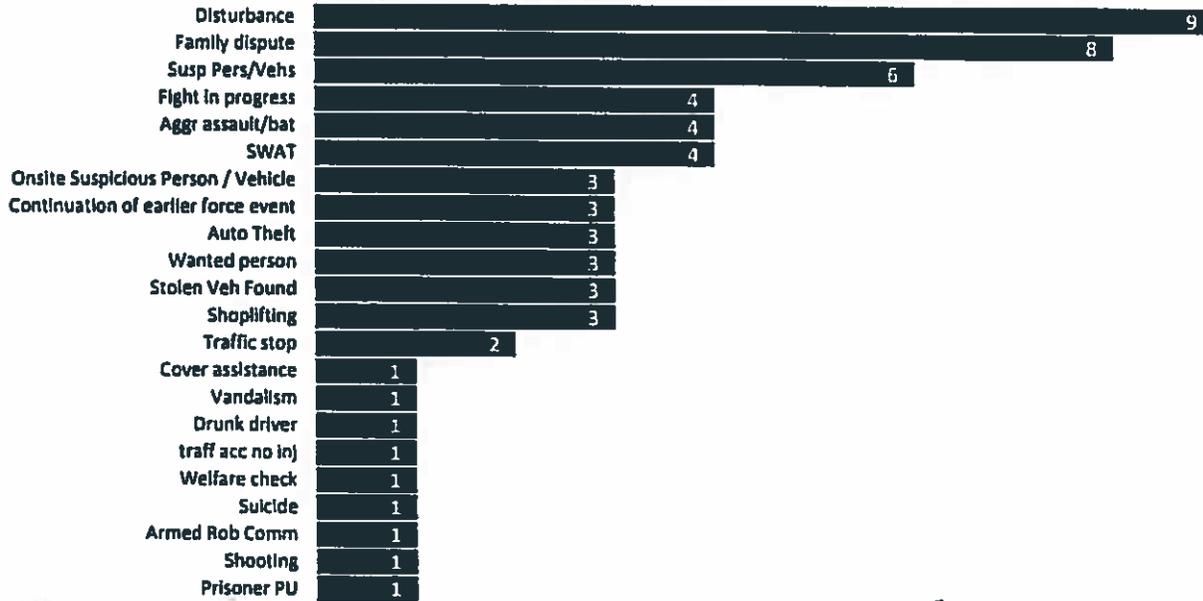
Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. If one event involves both a force event and a tactical activation, the event is categorized as a force event for this report. These counts are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

**October 2020 Force Events**

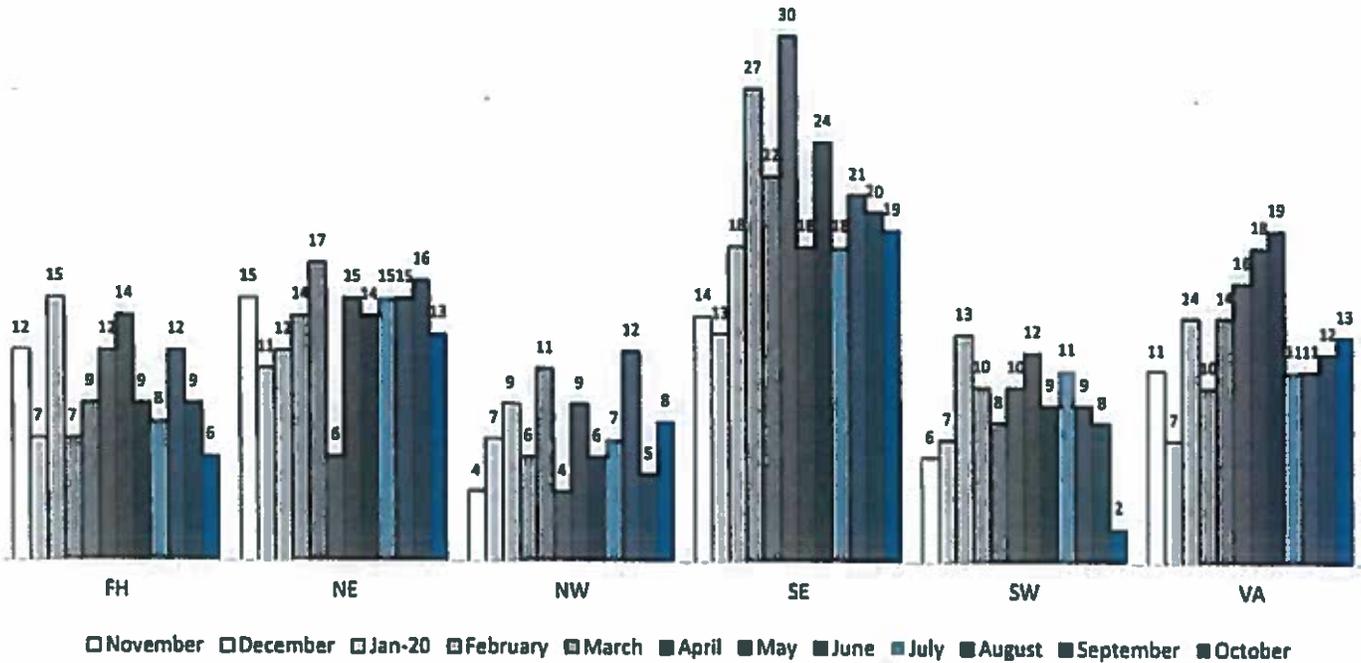


**Civilian Police Oversight Agency Board**  
**INTERNAL AFFAIRS FORCE DIVISION**  
**STATISTICAL DATA FOR THE MONTH OF OCTOBER 2020**

**Call Types Associated with October 2020 Force Events**



**Twelve Months of Force Data**



## **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.**
  - o 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
  - o 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
  - o Foothills: 1 resignation, 1 possible resignation
  - o South East: 1 resignation
  - o 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**

### **CPOA Board – Case Review Subcommittee Report**

The Case Review Committee met via Zoom on October 27, 2020. The 3<sup>rd</sup> 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*

*Chantal M. Galloway    Doug Mitchell*

**Edward Harness, Executive Director**

*Tara Armijo-Prewitt*

*Eric Nixon*

**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.

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov) 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**

*Advancing Constitutional Policing &  
Accountability for APD and the  
Albuquerque Community*

# 3rd Quarter 2020 Case Review Audit

Board for the Civilian Police Oversight Agency,  
Albuquerque, NM

## Table of Contents

<b>Introduction of CPC 147-20</b> .....	<b>3</b>
<b>Audit of CPC 147-20</b> .....	<b>4</b>
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
<b>Introduction of CPC 155-20</b> .....	<b>8</b>
<b>Audit of CPC 155-20</b> .....	<b>9</b>
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

<b>Introduction of CPC 169-20</b> .....	<b>13</b>
<b>Audit of CPC 169-20</b> .....	<b>14</b>
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
<b>Board Action</b> .....	<b>18</b>
<b>Attachments</b> .....	<b>19</b>
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

**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 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**

<b><u>Components of Investigative File Reviewed</u></b>	<b>Y</b>	<b>N</b>	<b>Not Applicable</b>
Table of Contents			X
CPOA Director's Final Recommendation Form			X
APD Recommendation Form			X
Investigative Report			X
Conclusions and Recommended Investigator Findings w/SOP			X
Original Citizen Complaint	X		
Computer Aided Dispatch			X
Police Report(s)			X
Lapel Video(s)			X
Citizen(s) Interview Recording--Complainant(s) and Witness(es)	X		
APD Employee(s) Interview Recording			X
Finding Letter	X		
Communication to Citizen(s) and APD Employee(s) (Aside from Findings Letter)	X		
Other Materials-Not Typical (Photos, Medical Reports, OMI Property Sheets, etc.)			X
Other Materials – Inter/Intra Department Communication			X
911/Non-Emergency/Dispatch Recordings			X
Recordings and Materials from Other Sources-Not Typical (Citizen Provided Materials, Surveillance Videos, Social Media Posts, etc.)			X

**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**

- None

**Concerns Raised with Policy**

- None

**Concerns Raised with Administrative Process or Product**

- **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**

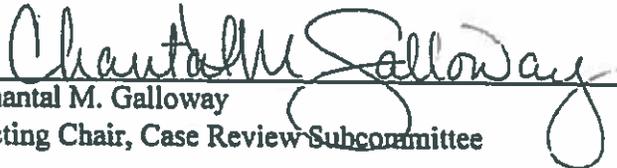
**Findings of the Audit Committee**

**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

11/12/2020  
Date

**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**

<b><u>Components of Investigative File Reviewed</u></b>	<b>Y</b>	<b>N</b>	<b>Not Applicable</b>
Table of Contents			X
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Original Citizen Complaint	X		
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Police Report(s)	X		
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Citizen(s) Interview Recording--Complainant(s) and Witness(es)			X
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Communication to Citizen(s) and APD Employee(s) (Aside from Findings Letter)			X
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Other Materials -- Inter/Intra Department Communication	X		
911/Non-Emergency/Dispatch Recordings			X
Recordings and Materials from Other Sources-Not Typical (Citizen Provided Materials, Surveillance Videos, Social Media Posts, etc.)			X

**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**

- **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.**
  
- **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**

- **None**

**Concerns Raised with Administrative Process or Product**

- **None**

**Conclusion**

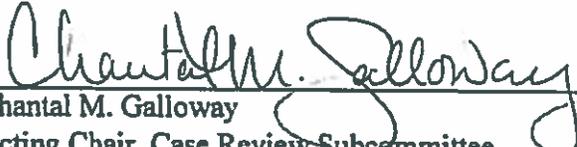
**Findings of the Audit Committee**

**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

**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

<b><u>Components of Investigative File Reviewed</u></b>	<b>Y</b>	<b>N</b>	<b>Not Applicable</b>
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Police Report(s)			X
Lapel Video(s)			X
Citizen(s) Interview Recording--Complainant(s) and Witness(es)			X
APD Employee(s) Interview Recording			X
Finding Letter	X		
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Other Materials – Inter/Intra Department Communication			X
911/Non-Emergency/Dispatch Recordings			X
Recordings and Materials from Other Sources-Not Typical (Citizen Provided Materials, Surveillance Videos, Social Media Posts, etc.)			X

**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**

- None

**Concerns Raised with Policy**

- None

**Concerns Raised with Administrative Process or Product**

- None

**Conclusion**

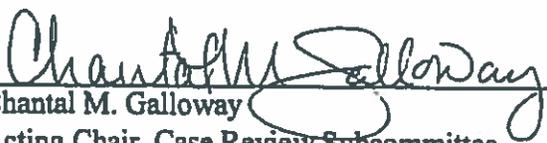
**Findings of the Audit Committee**

**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

11/12/2020  
Date

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

Date

## **ATTACHMENTS**

Intake # 21-420  
Intake Due Date 3-24-2020

Official Use ONLY: Date/Time Received: \_\_\_\_\_ Received by: \_\_\_\_\_ CPC #: 147-20 Assigned to: \_\_\_\_\_  
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) 659-8331

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) *Hacked Email and*  
*we have been harassed over and over with all*  
*that is being forwarded all over the neighborhood I even been*  
*stole it. I have in the same damn month even called*  
*911 and no one came "out"*

Information about you:  
First: B Last: G Middle: E  
Home: \_\_\_\_\_ Cell/Work ( ) \_\_\_\_\_ Best time to Call? \_\_\_\_\_  
Email: \_\_\_\_\_ Preferred Language: English Date of Birth: \_\_\_\_\_  
Street: \_\_\_\_\_ Apt: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Information about the incident:  
Date: 2/18/19 Time: 2:00 AM / PM \_\_\_\_\_  
Address/Location: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Information about the Albuquerque Police Department employee(s) involved:  
Name: \_\_\_\_\_ Mar./I.D.#: \_\_\_\_\_  
Name: \_\_\_\_\_ Mar./I.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: Me Phone: \_\_\_\_\_

Additional Witness:  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Street \_\_\_\_\_ Apt. \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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.

They break into our house... [Handwritten text describing an incident]

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 Expressed: Male / Female / Transgender / Other

Sexual Orientation: Heterosexual / Homosexual / Bisexual / Asexual / Other

Race: Asian / Black / Mixed Race / Native American / Pacific Islander / 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 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 file a complaint, it 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

# CITY OF ALBUQUERQUE



## 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*

*Erle 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

NO Item 1293 R G submitted a written complaint concerning issues with R I S family. Mr. G i 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.

Albuquerque

### II. INVESTIGATION

NM 87103 The CPOA Investigator had CADs attempt to find any call for service in that area on that date. According to CADs nothing was found.

www.cbq.gov Mr. G i 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



Edward Harness Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

Intake # 88-420 -  
Intake Due Date 4/10/20

From: [Redacted]  
Sent: Sunday, March 15, 2020 8:03 AM  
To: Civilian Police Oversight Agency  
Subject: Concern

Good Morning,

My name is B D [Redacted] 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 complainants. 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 me 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. [Redacted] and M. P. [Redacted]

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 D [Redacted]

-----  
This message has been analyzed by Deep Discovery Email Inspector.

# CITY OF ALBUQUERQUE



## 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*

*Cathryn Starr*

*Edward Harness, Executive Director*

August 14, 2020

Via Email

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

PO Box 1293  
Albuquerque  
NM 87103  
www.cabq.gov

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: 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.

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

- A) 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,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) 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. 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**

Official Use ONLY. Date/Time Received: \_\_\_\_\_ Received by: \_\_\_\_\_ CPC #: 169-20 Assigned to: D. L. ...

Albuquerque Police Department Complaint or Commendation Form



RECEIVED CPDA  
JUN 26 20 PM 1:32

This form must be delivered to the CPOA office via the following ways:  
Hand-Delivered: Plaza Del Sol Building, 600 2nd St. NW Room B13, 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) 659-8331

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 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)

To find out why I was profited by officer.

Information about you:

First: D. Last: J. Middle: D.  
Home: \_\_\_\_\_ Cell/Work: \_\_\_\_\_ Best time to Call? 10-11 AM  
Email: \_\_\_\_\_ Preferred Language: Engl. Date of Birth: \_\_\_\_\_  
Street: \_\_\_\_\_ Apt: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

Information about the incident:

Date: 6/25/2000 Time: 1-3 AM/PM  
Address/Location: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

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

Name: \_\_\_\_\_ Mar/I.D. #: \_\_\_\_\_  
Name: \_\_\_\_\_ Mar/I.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: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

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.

I was walking my dog <sup>(on a leash)</sup> to the mailbox at the end of my street when a white blond officer in his late 20s to early 30s stopped his car and told me I had to get in immediately and wasn't allowed out.

I was wearing black and am mixed race black & 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  No

Sex/Gender Expression:  Male  Female  Transgender/ Other: \_\_\_\_\_

Sexual Orientation:  Heterosexual  Homosexual  Bisexual  Asexual/ Other \_\_\_\_\_

Race: Asian/Black  Mixed Race  Native American/ Pacific Islander/ White/ Other \_\_\_\_\_

Ethnicity: Hispanic/ Non-Hispanic

Do you have a Mental Illness?  Yes  No Depression Anxiety

Do you struggle with homelessness?  Yes  No

Were you homeless at the time of the incident?  Yes  No

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 file a complaint, it is unlawful and against APD Policies for anyone to retaliate against me for the filing of this complaint.

Signature \_\_\_\_\_

Date

6/15/20

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 08/11/2016 by CPDA

# CITY OF ALBUQUERQUE



**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*

*Cathryn Starr*

*Edward Harness, Executive Director*

September 11, 2020  
Via Certified Mail  
7018 1130 0002 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**

PO Box 1293      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.  
Albuquerque

**II. INVESTIGATION**

NM 87103      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      ' 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      grandmother understood the complaint would be closed for lack of identifying information for the officer.  
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**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. Ji  
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 Harnack, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police



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*Eric Nixon*

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.

PO Box 1293

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.

Albuquerque

NM 87103

**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

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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 12<sup>th</sup> 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