

## Civilian Police Oversight Agency Board

Thursday, September 10, 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:**

Cathryn Starr

**Others Present:**

Edward Harness, CPOA  
Katrina Sigala, CPOA  
Valerie Barela, CPOA  
Tina Gooch, Atty  
Lindsey Van Meter, Asst. City Atty  
Chris Sylvan, City Council  
Lt. Michael Meisinger, APD  
Philip Crump, City Facilitator  
Jocelyn Torres, City Facilitator

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, September 10, 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/cpoa-board-meeting-september-10-2020>. (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, September 7, 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, September 10, 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 5:03 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 Member Galloway 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 the Minutes from August 27, 2020**
    1. Copies of the draft minutes from the August 27, 2020 Civilian Police Oversight Agency Board meeting were distributed to each member electronically.
    2. **Motion.** A motion by Member Armijo-Prewitt to approve the minutes as drafted. Roll call vote taken. Motion passed.  
**For: 5 - Armijo-Prewitt, Galloway, Nixon, Olivas, Kass**  
**Abstain: 1 - Mitchell**
    3. **Motion.** A second motion by Member Armijo-Prewitt to amend the minutes to reflect Member Mitchell was not in attendance at the August 27, 2020 CPOA Board meeting. Roll call vote taken. Motion passed.  
**For: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass**

## **VI. Reports from City Departments**

### **a. APD**

1. **APD Internal Affairs** - Professional Standards Division submitted Statistical Data report for the month of August 2020 (*see attached*)
2. **APD Internal Affairs** – Force Division submitted Statistical Data report for the month of August 2020 (*see attached*)
3. **Training on Interviews and Interrogations** – Lieutenant Michael Meisinger with APD Training Academy gave a presentation on Interview and Interrogations officer training.

### **b. City Council**

1. **City Council Representative** – Chris Sylvan submitted a written report. (*see attached*)

### **c. Mayor's Office**

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

### **d. City Attorney**

1. **Assistant City Attorney** - Lindsay Van Meter presented her report.

### **2. City Facilitators**

- i. City Facilitators Philip Grump and Jocelyn Torres presented information on the CPOA Board team building project and mission.
- ii. The City Facilitators will hold 2 CPOA Board facilitated meetings via Zoom on September 17, 2020 at 6:00 p.m. and September 24, 2020 at 6:00 p.m. No board business will be discussed at this meeting.

### **e. CPC**

1. **Public Safety Analyst** – Director Harness gave a report.

### **f. APOA**

1. There was no report.

### **g. Public Safety Committee**

1. **Executive Director** – Director Harness gave a report.

### **h. CPOA**

1. **Executive Director** – Director Harness presented his report.

**\*\*\*Fifteen-minute break began at 6:55 p.m. and reconvened at 7:10 p.m.\*\*\***

**VII. Reports from Subcommittees**

**a. Community Outreach Subcommittee – *Chantal Galloway***

1. Met August 25, 2020 at 3:00 p.m. (video conference)

- i. Member Galloway submitted a Community Outreach Subcommittee written report (*see attached*)

2. Next meeting September 22, 2020 at 3:00 p.m.

**b. Policy and Procedure Review Subcommittee – *Dr. William Kass***

1. Met August 24, 2020 at 4:30 p.m. and September 3, 2020 at 4:30 p.m. (video conference)

- i. Chair Dr. Kass submitted a Policy and Procedure Review Subcommittee written report (*see attached*)

2. Next meeting October 1, 2020 at 4:30 p.m.

**c. Case Review Subcommittee – *Chantal Galloway***

1. Member Galloway submitted a Case Review Subcommittee written report (*see attached*)

2. Review of July 2020 Audit Cases

039-20      121-20

- i. 039-20 and 121-20 audit cases were discussed below in agenda item VIII.b.

3. Announcement of Audit Cases

- i. Case Review Subcommittee did not select cases for 3<sup>rd</sup> quarter audit.

4. Next meeting October 27, 2020 at 4:30 p.m.

**d. Personnel Subcommittee – *Eric Olivas***

1. Met August 20, 2020 at 9:00 a.m. and August 31, 2020 at 3:00 p.m. (video conference)

2. Vice Chair Olivas gave a verbal Personnel Subcommittee report.

3. Next meeting September 28, 2020 at 3:00 p.m.

**VIII. Discussion and Possible Action**

**a. July 2019 – December 2019 Semi-Annual Report**

**1.Motion.** Motion by Vice Chair Olivas to approve the 2019 Semi-Annual July thru December Report. Roll call vote taken. Motion passed.

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

**b. Review and Approval of Case Audits Findings and Report**

**1.Motion.** Motion by Member Galloway to approve the 2<sup>nd</sup> Quarter 2020 Case Audit Report. Roll call vote taken. Motion passed. *(see attached)*

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

**c. Follow-up on CACU Training - 2021 CPOA Board Meeting**

**1.Motion.** Motion by Member Galloway to invite APD Training Academy to provide updates every six months on areas of interest to the CPOA Board and/or Albuquerque Community starting with the February 2021 regular CPOA Board meeting. Roll call vote taken. Motion passed.

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

**d. Executive Director's Evaluation**

**1.Motion.** Motion by Vice Chair Olivas to table Executive Director's Evaluation to the next regular scheduled CPOA Board meeting. Roll call vote taken. Motion passed.

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

**e. Member Olivas proposed Letter to City Council**

**1.Motion.** Motion by Vice Chair Olivas to consider submitting the proposed letter as amended to City Council. 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 modify point number 3, beginning at the third sentence to read *“We urge the council to implement an analysis-based percentage funding model.”* and to add the following language at the end of the letter to read *“We look forward to providing additional information and to engaging in a dialogue about these matters.”* Roll call vote taken. Motion passed.

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

**f. Member Olivas proposed Memorial**

**1.Motion.** Motion by Vice Chair Olivas to consider adopting the amended proposed Memorial as a position of the CPOA Board to send to the City Council. Roll call vote taken. Motion failed. *(see attached)*

**For: 3 - Armijo-Prewitt, Galloway, Olivas**

**Against: 3 – Galloway, Nixon, Kass**

**2.Motion.** A second Motion by Vice Chair Olivas to amend the Memorial’s second bullet point to read as follows: *“To require the rapid public release of OBRD video footage after upload to the department data repository.”* And the third bullet point to read as follows: *“Restrict the imposition of arbitrary timelines on the resolution of complaints against officers that result in officer discipline and/or officer removal.”* Roll call vote taken. Motion passed.

**For: 4 - Armijo-Prewitt, Galloway, Nixon, Olivas**

**Against: 2 – Mitchell, Kass**

**3.Motion.** Motion by Member Galloway to take the amended Memorial letter and for the Chair to appoint two or three Board members to draft a new letter with the with the consultation of legal counsel and to present the letter at the next scheduled CPOA Board meeting. Roll call vote taken. Motion passed.

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

**4.Chair** Dr. Kass appointed Vice Chair Olivas, Member Galloway and Nixon to the Ad Hoc committee to work on the Memorial letter.

Civilian Police Oversight Agency Board

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**g. CPOA Policies and Procedures Modifications**

**1. Regarding Case Audits - Member Galloway Motion.**

- i. **Motion.** Motion by Member Galloway to amend the CPOA Board Policies and Procedures to read as follows: *“In the month of January, April, July and October, members of the CRC will:*
- 1. Utilize a randomizer tool to select a minimum of three cases or up to 10% of investigations whichever is greater, conducted by the agency in the previous quarter, and...”* Roll call vote taken.
- Motion passed.

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

**2. Regarding Conduct / Ethics – Chair Kass**

- i. **Motion.** Motion by Chair Dr. Kass to accept the Conduct and Ethics recommended changes by Dan Giaquinto, Monitor. Roll call vote taken. Motion passed.

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

**3. Regarding Access to Investigation Files – Member Armijo-Prewitt**

- i. **Motion.** Motion by Member Armijo-Prewitt to codify the CPOA Policies and Procedures on page 16 section (D.) to read as follows: *“As part of its review the full investigation file shall be made available to the Board for its review subject to the limitations on access and confidentiality set forth in Article VII below, along with the complaint, proposed findings and recommendations.”* Roll call vote taken. Motion passed.

**For: 4 - Armijo-Prewitt, Galloway, Nixon, Olivas**

**Against: 2 – Mitchell, Kass**

**4. Regarding Executive Director Evaluation – Member Olivas**

- i. Vice Chair Olivas tabled agenda item VIII.d.

**h. Closed Session Meeting - Member Galloway**

**1.Motion.** Motion by Member by Galloway to schedule a Special Meeting of the CPOA Board for the purpose of a closed session due to limited personnel issues on Thursday October 1, 2020 at 6:00 p.m. subject to the availability of GovTV and Closed Captioning. Roll call vote taken. Motion passed. Roll call vote taken. Motion passed.

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

**IX. 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 Case**

**169-20**

**1.Motion.** Motion by Member Mitchell to accept CPC 169-20 as drafted. Roll call vote taken. Motion passed.

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

**X. Request for Appeal**

**063-20**

**a. Motion.** Motion by Chair Dr. Kass to grant an appeal of CPC 063-20. Roll call vote taken. Motion failed.

**Against: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass**

**277-18**

**a. Motion.** Motion by Chair Dr. Kass to grant an appeal of CPC 277-18. Roll call vote taken. Motion failed.

**For: 3 – Armijo-Prewitt, Galloway, Nixon**

**Against: 3 – Mitchell, Olivas, Kass**



**175-14**

- a. Motion.** Motion by Chair Dr. Kass to grant an appeal of CPC 175-14.

Roll call vote taken. Motion failed.

**Against: 6 - Armijo-Prewitt, Galloway, Mitchell, Nixon, Olivas, Kass**

**XI. Other Business**

- a.** Member Armijo-Prewitt requested an update on Member Starr's Board status.
- b.** Member Galloway discussed appeal criteria.

**XII. Adjournment**

- a. Motion.** Motion to 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 11:03 p.m.

APPROVED:

DocuSigned by:

Dr. William J. Kass

Dr. William Kass, Chair  
Civilian Police Oversight Agency Board

October 6, 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

CPDA BOARD MONTHLY MEETING  
PUBLIC COMMENT SEPT 10 2020  
SUBMITTED BY GERARDINE AMATO 5052422328

MUNICIPAL CORPORATION'S SECURITY "FORCE"  
UNDER THE CURRENT AND ABSOLUTE  
PRIVATE INTERNATIONAL COMMERCIAL  
JURISDICTION VS. THE REPUBLIC'S (\*)

ESTABLISHMENT OF AN EXECUTIVE  
OFFICER IN THE SHERIFF, DIRECTLY  
ASSOCIATED WITH THE GENUINE  
COMMUNITY WITHIN THE MANTLE OF  
THE PRINCIPLE OF POPULAR SOVEREIGNTY

THIS NATION IS A COLONY OF THE  
INTERNATIONAL BANKSTER CARTEL  
BECAUSE THE OWNERS OF THE  
WORLD BANK WANT TO CONTROL  
ALL THE NATIONS OF THE  
WORLD UNDER A "CENTRAL"  
COMMAND, CONTROLLING THE  
WEALTH AND RESOURCES

IS FIRST, DEPRIVING FOLKS (\*)  
OF ANY MEANS TO RESIST  
TOTAL ENSLAVEMENT IS  
ESSENTIAL. (WHY 'RED FLAG'  
"LAWS" <sup>ETC.</sup> TO DISARM ANY  
POTENTIAL RESISTERS AND  
"BEHAVIORAL" "HEALTH IN-  
ITIAIVES <sup>ETC.</sup> TO NEUTRALIZE  
ANY DISSENTERS! BREAD AND  
CIRCUSES TO DISTRACT TURNING  
FOLKS AGAINST EACH OTHER  
MAKES CONQUEST EASIER ETC.  
ETC.

(\*)  
THE  
REPUBLIC  
DOES  
NOT  
EXIST

**POLICE OVERSIGHT BOARD**

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

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**INTERNAL CASES FOR THE MONTH OF August 2020**

Total Internal Cases Completed in the month of JULY

**6 completed cases (sent out to the area command)**

1. IA Cases opened in the month of August 2020: 14
  2. Area Command IA cases opened for the month of August 2020: 37
  3. Pending IA Cases for the month of August 2020: 15
  4. Internal Cases Mediated: 0
- 

**DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN August 2020**

**I-38-20: Supervisor Duties- 32 hour Suspension 16 Hours in abeyance**

**Conduct/Enforcing Laws- Termination**

**Enforcing Laws/Investigations/32 hour suspension 16 hours in abeyance**

**I-78-20: Pursuit/30 hour Suspension 15 hours in abeyance**

**Pursuit/20 hour suspension 10 hours in abeyance**

**I-310-20: EIRS Timeline/Written Reprimand**

**I-529-20: Unauthorized absence from work (more than 3 days)/Termination**

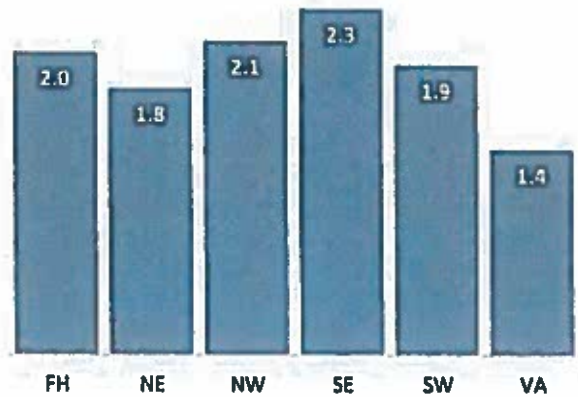
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**Civilian Police Oversight Agency Board**  
**INTERNAL AFFAIRS FORCE DIVISION**  
**STATISTICAL DATA FOR THE MONTH OF AUGUST 2020**

**INCIDENT AREA COMMAND**

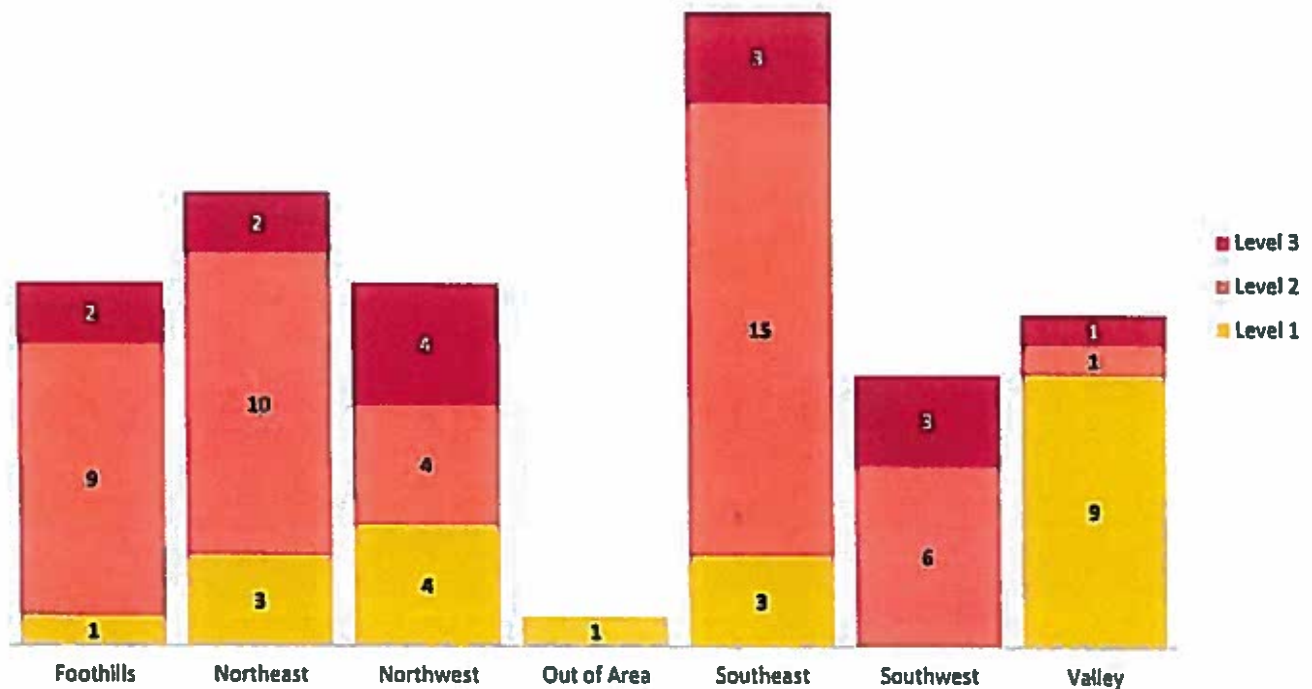
	Level 1	Level 2	Level 3	Grand Total
Foothills	1	9	2	12
Northeast	3	10	2	15
Northwest	4	4	4	12
Out of Area	1			1
Southeast	3	15	3	21
Southwest		6	3	9
Valley	9	1	1	11
<b>Grand Total</b>	<b>21</b>	<b>45</b>	<b>15</b>	<b>81</b>

**Force Events Per 1000 CADs**



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.

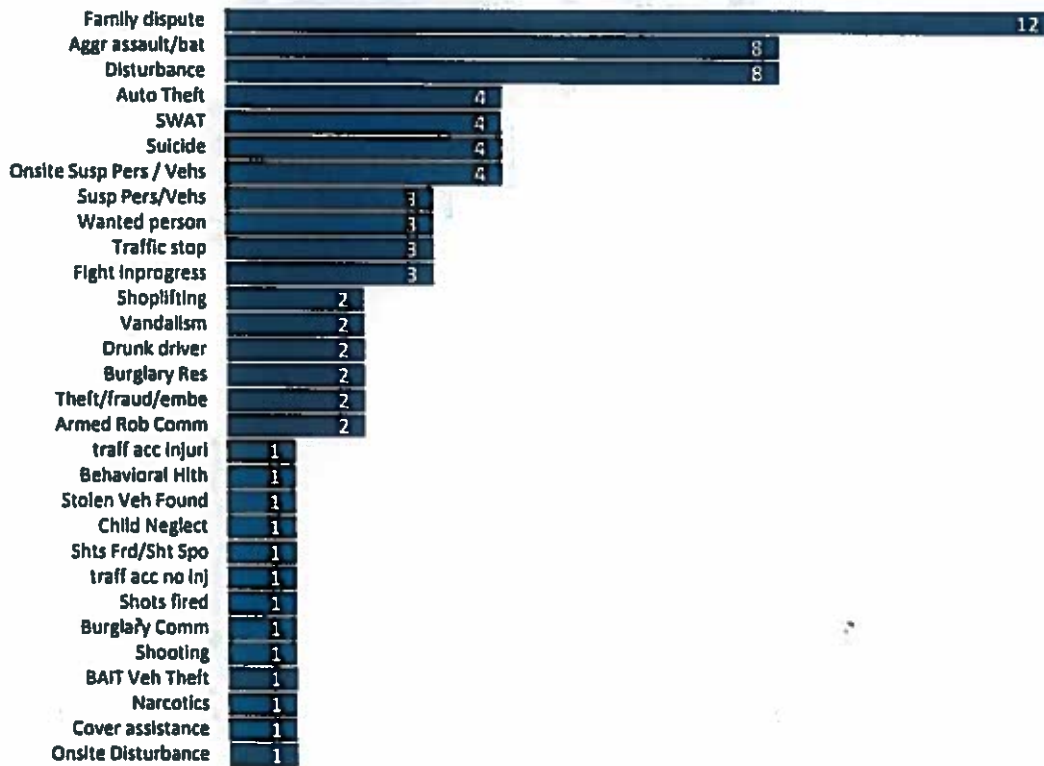
**August 2020 Force Events**



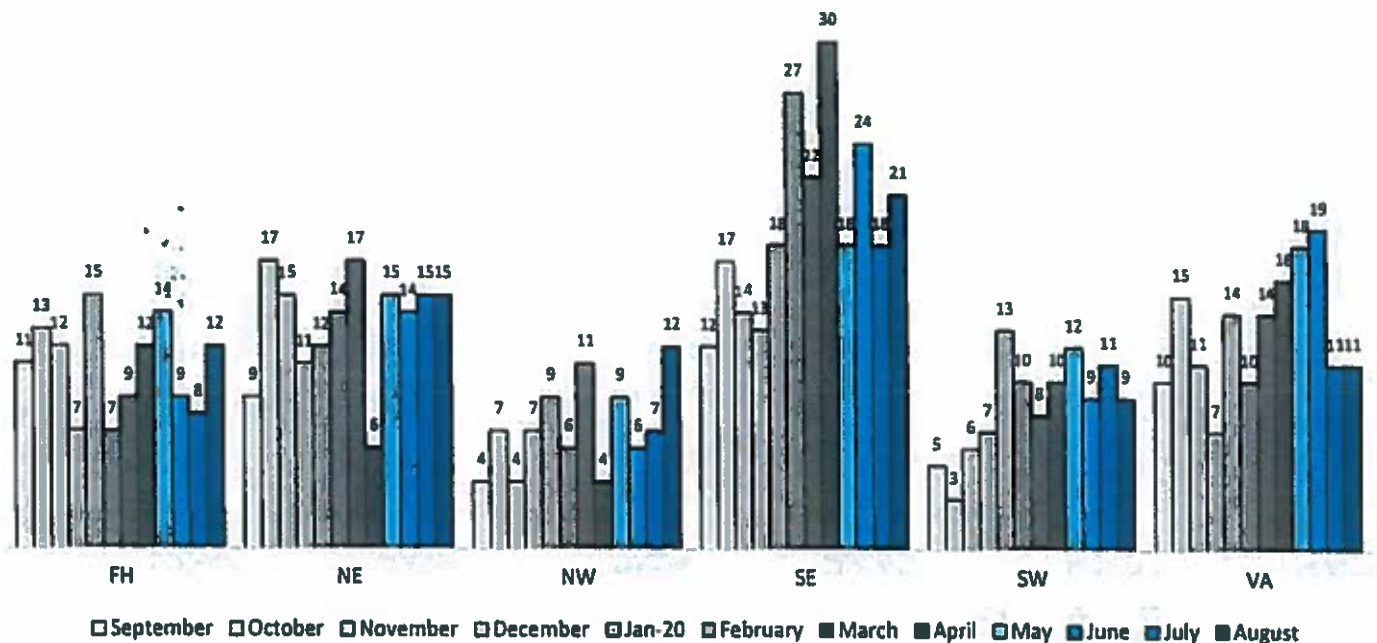


**Civilian Police Oversight Agency Board**  
**INTERNAL AFFAIRS FORCE DIVISION**  
**STATISTICAL DATA FOR THE MONTH OF AUGUST 2020**

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



**Twelve Months of Force Data**



**From:** Sylvan, Chris  
**Sent:** Thursday, September 10, 2020 6:32 PM  
**To:** Harness, Edward <[eharness@cabq.gov](mailto:eharness@cabq.gov)>  
**Subject:** Remarks

- Board is owed to appointments
- Application Review Committee met this week to review application
- By early next week the committee will have names to submit to the Councilors and your Outreach Committee.
- Looking at Oct. for the seating of the new board members
- If you want to make live public comment on the CPC Ordinance you need to sign up by Sept 18<sup>th</sup>. !5 people total...First come first serve.

Thank you Ed

Chris Sylvan  
Public Safety Policy Analyst  
Albuquerque City Council  
(505) 768-3105  
[csylvan@cabq.gov](mailto:csylvan@cabq.gov)  
[cabq.gov/council](http://cabq.gov/council)





## **CPOA Board – Outreach Subcommittee Report**

The Outreach committee met via Zoom on August 25, 2020. Director Harness was not in attendance as he was participating in the Public Safety Committee meeting scheduled for the same time. Community Engagement Specialist, Amanda Bustos, provided an update on the following topics:

- A new investigator has been hired and will be training with Diane and Erin.
- CPC Liaison and Assistant positions.
  - o All Liaison applications are in and in the process of review by the Council of Chairs.
  - o The Assistant position closed on 8/17/2020 and, as of the 25<sup>th</sup>, the CPOA was waiting to receive those applications.
- She recommended all members complete the Public Safety survey that is now available.
- CPC meetings are going well with regular participation numbers running around 40-45.
  - o Participation includes people outside of Albuquerque. Albuquerque CPCs have proven to be somewhat of a model for other municipalities.

Other items of interest include:

- Amanda is taking a first run at writing an executive summary of the Oversight and CPC paragraphs of the CASA to be used during Outreach events.
- Amanda will be looking into Media Policies already in existence within the City.
- Amanda and Ed will begin scheduling meetings between City Council members and CPOAB members.
  - o A discussion under this agenda item regarding topics to be covered with Councilors led to an inquiry by Member Mitchell about the cost of contracting the investigation of complaints to outside entities. This option had been looked at previously and deemed financially inefficient, but the request was made of the agency to provide the Board with a dollar figure for such work. The outsourcing of cases may be a viable option now given the low number of investigative staff at the Agency.

The next meeting of the Outreach Subcommittee will be held via Zoom on September 22, 2020 at 3:00 PM.

## **September Policy and Procedures Subcommittee Report**

### **3 Sep 2020 Policy and Procedures Subcommittee**

The PnP has decided to focus more on the OPA process to being tracking policies and making recommendations.

A white paper has been written and submitted to APD OPA to provide possible modifications to SOP 3-52 Policy Development Process. The changes to this policy focus on providing methods evaluation when policies are reviewed at OPA. These suggestions include APD providing information at the first policy review (OPA meeting) that can be used to assess the effectiveness of the policy. APD will be reviewing SOP 3-52 within the next month and will discuss the changes with the PnP representative.

SOP 1-46 Field Training and Evaluation – Operations manuals were received from APD.

SOP 2-68 related training will be presented at the 10 September meeting of the POB.

The training curriculum for the next Academy class was received from the training academy.

SOP 2-8 Recommendations were made, CPOAB approved and sent to APD and City recipients.

The following policies were presented at OPA and PPRB:

#### **5 Aug 2020 OPA**

SOP 1-27 Cold Case Unit

SOP 2-68 Interviews and interrogations

#### **17 Aug 2020 PPRB**

SOP 2-8 On-Body Recording Devices

26 Aug 2020 OPA

SOP 2-98 Gunshot Detection Device

#### **2 Sep 2020 PPRB**

Number Title Presented By

1-46 Field Training and Evaluation Program Lt. Christopher Patterson

1-53 Homicide Unit Lt. Scott Norris

1-81 Proactive Response Team Commander Timothy Espinosa

2-21 Apparent Natural Death/Suicide Lt. Matthew McElroy

2-50 Safety Review Board Sgt. Michael Loftis

2-66 Victim and Witness Assistance Lt. Scott Norris

N/A APD Resource Card Lt. Matthew Dietzel

N/A Domestic Violence Packet Lt. Scott Norris

N/A Resources and Information for Victims of Crime Lt. Scott Norris

#### **Published August 27:**

SOP 1-13 Armed Robbery Unit, SOP 2-13 Starchase Pursuit Management, SOP 2-35 Emergency Response Team

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

The Case Review Committee did not meet in the month of August as previously discussed. However, the results of the second quarter Audit is included in this month's CPOA Board packets.

Looking ahead, there were only six cases presented by the Agency for review by the Board during the third quarter of 2020. Currently, the Board approved language regarding Audits reads:

In the months of January, April, July and October, members of the CRC will:

1. Utilize a randomizer tool to select up to 10% of investigations conducted by the agency in the previous quarter, and
2. Review the investigative file and all pertinent evidence and report to the full Board their findings no later than the next quarterly interval.

The language “up to 10% of investigations conducted by the agency in the previous quarter [...]” poses somewhat of a problem. With only six cases before us, we cannot conduct a quarterly audit under our current policies and procedures.

For this, I suggest that we look to Counsel for guidance as to how to proceed. Questions for Counsel and Board consideration are:

1. Does the Board have the authority to amend our Policies and Procedures to allow for a minimum number of cases to be reviewed in the event there are fewer than 10 cases presented in any given quarter?
2. If so, what sample size should be selected as a minimum?
3. If we cannot select a minimum number of cases or should the Board choose not to, should the Board take action to forego a quarterly audit?

In any case, we will need to amend our Policies and Procedures to some variation of one of the following:

**MOTION:** To amend the CPOA Board Policies and Procedures to read as follows:

In the months of January, April, July and October, members of the CRC will:

1. Utilize a randomizer tool to select a minimum of \_\_\_\_\_ or up to 10% of investigations, whichever is greater, conducted by the agency in the previous quarter, and

**MOTION:** To amend the CPOA Board Policies and Procedures to read as follows:

In the months of January, April, July and October, members of the CRC will:

1. Utilize a randomizer tool to select up to 10% of investigations conducted by the agency in the previous quarter, and
2. Review the investigative file and all pertinent evidence and report to the full Board their findings no later than the next quarterly interval.
3. In the event that there are fewer than ten cases presented to the CPOA Board for review, the Board will take affirmative action to relieve the Case Review

**Committee from conducting the quarterly audit due to limitations on sample sizes.**

**The Case Review Subcommittee is scheduled to meet next via Zoom on October 27, 2020 at 4:30 PM. At this meeting, a committee chair will be selected.**

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

# **2nd Quarter 2020 Case Review Audit**

**Board for the Civilian Police Oversight Agency,  
Albuquerque, NM**

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**Date Complaint Was Received: September 20, 2019**

**Date of Draft Findings Letter: May 7, 2020**

**Date Approved by Board: May 21, 2020**

**Date of Final Findings Letter: May 22, 2020**

**Synopsis of Complaint:** Ms. S said she and her husband, B H., who is an Albuquerque Fire Department (AFD) firefighter, were at a show at Kiva Auditorium on September 19, 2019 when he went back to their car because he forgot his lighter. She followed a few seconds behind him and when she caught up to him in the parking lot there were 4-5 officers surrounding him. She complained the officers had thrown B up against their car and a female officer, Officer L., was yelling at him to "shut the (expletive) up" in a very loud, aggressive manner. She complained no one explained what was going on and just put B in handcuffs and placed him in the back of a patrol car. She said a male officer pulled her to the side and said they were conducting a domestic violence investigation. She told the officer she didn't understand, and the officer told her someone called 911 to report a male driver beating his female passenger at Tractor Brewing, and their vehicle and license plate matched the exact description. She complained Officer L. pulled her aside and questioned her and was the rudest officer and was extremely aggressive and kept telling her she was rude. She complained Officer L. was extremely unprofessional and aggressive and made her fear for her safety. She complained Officer L. made her feel stupid and as if she was the cause of the situation. She wants compensation for the unnecessary attention that was drawn to her and B and wants Officer L. to receive more training. (See original complaint for more information.)

**Original Findings:**

1. Findings and Conclusions Regarding Officer F.C.'s Conduct
  - SOP Reviewed: 1-1-4(D)(15)
  - UNFOUNDED
2. Findings and Conclusions Regarding Officer A.C.'s Conduct
  - SOP Reviewed: 1-1-4(D)(15)
  - UNFOUNDED
3. Findings and Conclusions Regarding Officer H.'s Conduct
  - SOP Reviewed: 1-1-4(D)(15)
  - UNFOUNDED
4. Findings and Conclusions Regarding Officer L.'s Conduct
  - SOP Reviewed: 1-1-4(D)(15)
  - EXONERATED



**Overview**

Date of Case Selection for Audit: June 11, 2020

Date Audit Was Completed: July 28, 2020

**Components of Investigative File Reviewed**

**Y N Not  
Applicable**

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) 4	X
Lapel Video(s) 9	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
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. SOP 1-1-4(D)(15)
2. SOP 2-8

**Members Participating in Audit**

1. Tara Armijo-Prewitt
2. Chantal M. Galloway
3. Eric Nixon
4. Ed Harness
5. Diane McDermott
6. Erin O'Neil

**Attachments**

- Include complaint (exhibit)
- Include findings letter (exhibit)
- SOPs reviewed

**Discussion****Concerns Raised with Findings**

- **Use of the Mute function on OBRD.** In this case, there were several instances where officers were muting their OBRD. This raised questions as to whether the use of Mute was within policy.
  - **Agency's Response:** When officers are talking amongst each other and not engaging directly with citizens, it is not required to have the audio recording function enabled. (SOP 2-8)
- **Level of professionalism demonstrated by Officer L.** In reviewing the nine lapel videos, the Committee Members agreed that Officer L.'s conduct was more aggressive than the situation warranted.
  - **Agency's Response:** The investigator that reviewed this case agreed that the behavior exhibited was likely a policy violation but that it was not observed upon the original review of lapel footage.

**Concerns Raised with Policy**

- **SOP 2-8 and the use of the Mute function.**
- **De-Escalation as a general philosophy within APD.**

**Concerns Raised with Administrative Process or Product**

- **Length of time between intake and investigation.**
  - Investigator McDermott will be assuming the role of Lead Investigator come August 1<sup>st</sup>. It will be her responsibility to correct the intake timeline.
  - 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 and present it to the Board at the September Board meeting. Previous attempts to do this was stalled at the Monitor level.
    - Advocacy for extended investigation timelines needs to be a priority of the Board during the Collective Bargaining Agreement negotiations.

**Conclusion****Findings of the Audit Committee**

- **Policy Violation Not Originally Identified**
  - Officer L.'s conduct was decided to have likely been a violation of SOP 1-1-4-D(15) which reads:

*Personnel will treat the public with respect, courtesy and professionalism at all times.*

**Recommendations**

- **SOP 2-8 and the use of the Mute function.**
  - It is the recommendation of the Case Review Committee that this policy be reviewed by the Policy and Procedure subcommittee for possible policy recommendations.
- **De-Escalation as a general philosophy within APD.**
  - There was quite a bit of discussion around de-escalation practices when the situation is NOT a use of force event. This is an area the Agency and Board should monitor for patterns.

The Audit Committee unanimously agreed on the above findings and recommendations at the July 28, 2020 Case Review Subcommittee meeting.

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Chantal M. Galloway  
Acting Chair, Case Review Subcommittee

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Date

**Date Complaint Was Received:** March 16, 2020

**Date of Draft Findings Letter:** May 6, 2020

**Date Approved by Board:** May 21, 2020

**Date of Final Findings Letter:** May 22, 2020

**Synopsis of Complaint:** P : Z submitted an online complaint regarding his allegations that officers charged him with crimes he did not commit or if he did certain things the charges would be dropped. In the body of his complaint he discussed things that occurred at a police station on Isleta. He provided the names of employees and referred to at least one of them as deputy. He did not provide specifics as to dates, times, or locations. At the time he filed the complaint he wrote he was incarcerated in Cibola County.

**Original Findings:**

1. Administratively Closed
  - Incident did not involve any members of Albuquerque Police Department

**Overview**

**Date of Case Selection for Audit: June 11, 2020**

**Date Audit Was Completed: July 28, 2020**

**Components of Investigative File Reviewed**

**Y N Not  
Applicable**

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) 4	X
Lapel Video(s) 9	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
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
6. Erin O'Neil

**Attachments**

- CPC 121-20 Citizen Complaint (exhibit)
- CPC 121-20 Signed Letter to Citizen of Administratively Closed Finding (exhibit)

**Discussion**

There were no areas of concern from the Case Review Committee with regards to CPC 121-20.



**Conclusion**

**Findings of the Audit Committee**

**None**

**Recommendations**

**None**

**The Audit Committee unanimously agreed on the above findings and recommendations at the July 28, 2020 Case Review Subcommittee meeting.**

\_\_\_\_\_  
Chantal M. Galloway  
Acting Chair, Case Review Subcommittee

\_\_\_\_\_  
Date

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 039-20.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 121-20.

Vote For:

Vote Against:

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Dr. William Kass  
Chair, Civilian Police Oversight Agency Board

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Date

## **ATTACHMENTS**

Entered 1/21/2020

Intake # 277-419  
Intake Due Date  
12-18-19

CPC039-2020

From: webmaster@cabq.gov@mailgun.org on behalf of webmaster@cabq.gov  
Sent: Friday, September 20, 2019 7:56 AM  
To: Civilian Police Oversight Agency  
Cc:  
Subject: ABQ Police Complaint or Consideration Form Submission

I Want to File A:  
Complaint  
Interested in Mediation?  
I need more information

First Name  
J  
Last Name  
S  
Middle Name  
Home Telephone

Cell or Work Telephone

Best Time to Call  
anytime  
Your E-Mail Address

Preferred Language  
English  
Date of Birth

Street Address

City  
State  
ZIP Code

Gender  
Female

Race  
Mixed Race

Ethnicity  
Hispanic

Sexual Orientation  
Heterosexual

Do You Have a Mental Illness?  
No

Do You Struggle with Homelessness?  
No

Were you homeless at the time of this incident?  
No

**Date & Time of the Incident**

Sep 19, 2019 09:30 PM

**Address or Location of the Incident**

City of Albuquerque private parking lot located on 4th and Marquette, approximate time was 9:30 pm or after

**Police Employee #1 - Name**

Police Employee #1 - ID or Badge Number

**Police Employee #2 - Name**

Police Employee #2 - ID or Badge Number

**Are You Submitting this Form for Someone Else?**

Yes

**Submitting for Someone Else - If "Yes"**

B · H

**Did You Witness this Incident?**

Yes

**Additional Witness****Statement**

My husband and I were attending the comedy show at Kiva Auditorium on the evening of 09/19/19. He had forgot his lighter in our vehicle so he ran back to the vehicle and I followed him. When I made my way to the parking lot a few seconds later I noticed that there were 4 or 5 officers surrounding my husband and they had him thrown up against our vehicle and a female officer was yelling at him to "shut the fuck up" in a very loud, aggressive manner. Nobody explained what was going on, all they did was throw him up against our vehicle and put him in handcuffs. After he was cuffed and placed in the back of the police vehicle and male officer pulled me to the side and said they are conducting a domestic violence investigation. I didn't understand why, and he explained that someone called in a vehicle matching the exact description of our vehicle and our license plate and said that a male driver was seen beating a female passenger at Tractor Brewing. We had not been at that location nor had any violence or altercations taken place. We were both extremely confused as to what was going on. The officers said they were searching my husband for weapons. They pulled me to the side and questioned me. The female officer was the rudest officer I have ever encountered in my life. She was extremely aggressive, kept telling me I was being rude and having attitude. I chose to remain silent because I felt if I said anything to her she may show excessive force towards me. She was screaming and yelling like a crazy person, drawing much more attention to the scene than need be. She kept saying that being that my husband was a firefighter he should know better and have more respect for officers. The other officers were much more calm but were insinuating something happened even though I clearly expressed to them that there was no incident. One of the officers that came on bike patrol asked another what the situation was and when it was explained to him, he looked at me and said "well this sounds like a suspicious situation" or something to that effect. After a few minutes a Sgt. arrived and interviewed my husband (never talked to me). It was a private conversation and according to my husband it was not recorded on body cam because the Sgt. told him he turned it off. Everything else was being recorded and the female officer in a very intimidating nature made sure to let me know that I'm not quite sure why she did that because all I was doing was standing there and trying to understand what was going on. The only name we were able to get was Sgt. F ( ) and a CAD #190086780. But I don't believe the Sgt. did anything wrong or at least according to my husband he was very calm and he explained the situation a lot better than the others did.

**What Outcome are you Seeking?**

I understand that an investigation was taking place but the nature of how it was brought to our attention was cruel and we were both blindsided by the accusations. I would like to see some disciplinary action taken against the female officer. She was extremely unprofessional. I thought to myself, if there really was a domestic violence situation the victim would not be comfortable speaking with her. She was very aggressive and made me feel as if I was doing something wrong. She made me fear for my safety, she

made me feel stupid, she made me feel as if I was causing the situation that I had no idea was even occurring. She needs more training if you are going to keep her as an officer. She needs to learn to be professional and sympathetic. If I had been a victim in this case, I would have never spoken to her. I prefer to have her fired and not working the streets of Albuquerque. I don't believe she has the best interest of our City in her professional view. I want someone to review the body cam that she so aggressively made sure to note was currently recording the situation. I want severe action taken against her. I want compensation for the unnecessary attention she drew to my husband and myself. I want action taken for the officers putting my husband in handcuffs when no crime had been committed and when no explanation had been given as to what was going on and I want action for them forcibly throwing him up against our vehicle without a reason. They acted as if he was resisting and screamed as if he was resisting but yet nobody took the time to explain to him why he was even being detained. This was an embarrassing incident for us both. I want someone to be held responsible for how they treated him and how they embarrassed him and I want disciplinary action and proof that it was taken. Especially against the female officer. She should not be representing the City of Albuquerque.

Electronic Signature

J S

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

Intake #  
Intake Due Date.

---

**From:** N P < >  
**Sent:** Friday, September 20, 2019 8:59 AM  
**To:** Civilian Police Oversight Agency  
**Subject:** CAD #19C086780

I have just filed a complaint for an incident that took place on 09/19/19 at approximately 9:30 pm at the parking lot located on 4th and Marquette. I would like to know how I can obtain a copy of the CAD report as well as the body cam footage.

Please let me know what steps I need to take.

Thank you,  
J S

\*\*\*\*\*  
This message has been analyzed by Deep Discovery Email Inspector.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-1

Effective: 11/14/17 Review Due: 11/14/18 Replaces: 12/01/16

6-7

- a. The supervisor, upon receiving notice of a prior conflicting order, bears the responsibility for resolving any such conflict.
  - b. After notifying the supervisor of the conflicting order, personnel will obey the second, or conflicting, order, unless instructed otherwise by the supervisor.
  - c. Personnel, however, will not obey any order that they know or should know would require them to commit any violation of Department or City policy or procedure or to violate any federal, state, or local law. If in doubt as to the legality of an order, personnel will request that the issuing supervisor clarify the order or personnel may confer with higher ranking authority.
12. Personnel will not recommend or suggest to the Department, Department members, or any private citizen, a contracting, employment, procurement, or retention of a particular product, service, or commercial activity.
- a. This includes, but is not limited to, recommending or suggesting an attorney, ambulance service, towing service, bondsman, or mortician.
  - b. However, this restriction does not apply to personal transactions involving nonofficial department business.
13. While on duty, personnel will not possess or distribute personal business cards or any forms of marketing or advertisement promoting personal business.
14. Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.
15. Personnel will treat the public with respect, courtesy and professionalism at all times.
16. Police officers and Department employees are expected to conduct themselves in a professional manner at all times. Personnel are discouraged from using any language that could be considered profane, derogatory, or disrespectful toward any person. In certain situations, profanity may be acceptable, subject to review on a case-by-case basis.
17. Personnel will obtain information from the public in an official, prompt, and courteous manner, and they will then act upon it in a proper and judicious manner within the scope of their duties. Personnel who use this information will take prompt, timely, and appropriate action.
18. Personnel will have an operating telephone in their residence(s), either a landline and/or a cell phone. Personnel will report any changes to telephone numbers or addresses to their supervisor and to the Personnel Management Division within two working days of the change.

1-7

- 19. Personnel will not alter, misrepresent, or make any false statement in any verbal or written report or in any other written document that has been completed in the course of their employment.



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

*Dr. William J. Kass, Chair*     *Eric Olivus, Vice Chair*

*Chantal M. Galloway*     *Doug Mitchell*

*Cathryn Starr*     *Leonard Wallis*

Edward Homess, Executive Director

*Tara Armijo-Prewitt*  
*Eric Ntran*

May 22, 2020  
Via Certified Mail  
7018 1130 0002 3-129 0302

Re: CPC #039-20

Dear Ms. S

Our office received the complaint you filed on September 20, 2019, against Albuquerque Police Department (APD) Officer F.C., Officer A.C., Officer H., and Officer L. for an incident that occurred on September 19, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

### LIFE COMPLAINT

Ms. S. said she and her husband, B. H., who is an Albuquerque Fire Department (AFD) firefighter, were at a show at Kiva Auditorium on September 19, 2019 when he went back to their car because he forgot his lighter. She followed a few seconds behind him and when she caught up to him in the parking lot there were 4-5 officers surrounding him. She complained the officers had thrown B. H. up against their car and a female officer, Officer L., was yelling at him to "shut the (expletive) up" in a very loud, aggressive manner. She complained no one explained what was going on and just put B. H. in handcuffs and placed him in the back of a patrol car. She said a male officer pulled her to the side and said they were conducting a domestic violence investigation. She told the officer she didn't understand and the officer told her someone called 911 to report a male driver beating his female passenger at Tractor Brewing, and their vehicle and license plate matched the exact description. She complained Officer L. pulled her aside and questioned her and was the rudest officer, and was extremely aggressive and kept telling her she was rude. She complained Officer L. was extremely unprofessional and aggressive and made her fear for her safety. She complained Officer L. made her feel stupid and as if she was the cause of the situation. She wants compensation for the unnecessary attention that was drawn to her and B. H. and wants Officer L. to receive more training. (See original complaint for more information.)

Letter to Ms. S.  
May 22, 2020  
Page 2

## II. THE INVESTIGATION

The CPOA investigator reviewed your complaint, the original police report, 3 supplemental reports and 9 lapel camera videos related to this incident.

The lapel video showed approximately 5 APD officers standing in a parking lot a short distance behind your vehicle just prior to making contact with your husband, B. as he stood at the driver's door of your vehicle. B. asked the officers what was going on and started to walk away, leaving the door standing open when the officers told him to stop. He refused, stating he did nothing wrong and the officers told him, again, to stop and said they were investigating a report of domestic violence so he couldn't walk away from them. He whistled and hollered over to you and told you to come to him and repeatedly asked you to record the interaction. Officer A.C. held B. hands behind his back and B., again, tried to walk away while still protesting that the officers couldn't do anything to him because he didn't do anything wrong. B. didn't comply when Officer A.C. repeatedly told him to separate his feet. Instead he asked what he was being accused of and that's when Officer L. yelled at him, "Hey! Listen! We have a job to do! Uh-uh. Uh-uh. We need to investigate so calm down!" B. continued to ask what he was being investigated for and a male officer said they were just trying to ask him some questions about a domestic violence incident and he started to walk away. Officer A.C. asked B. approximately 6 times to separate his feet before B. finally complied. As he was doing so, Officer L. said, "So relax, let us do our job." B. replied, "Okay. Yes. Go ahead." Officer L. said, "Thank you."

Officer A.C., placed B. in handcuffs because B. kept trying to walk away so Officer A.C. placed B. in the back of a squad car because B. refused to speak to the officers on scene and repeatedly asked to speak to a Sergeant (Sgt.). During this time, Officer A.C. also had to yell at B. to comply, in much the same way Officer L. did earlier. You complained that B. was placed in handcuffs when no crime had been committed; however, due to the allegations of domestic violence and the officer's need to investigate these allegations, and B.'s unwillingness to comply with Officer A.C.'s requests, he was placed in handcuffs to await the arrival of a Sgt..

Lapel video showed two male officers spoke with you and explained why they were there. One Officer told you police were called because a witness called APD to report a domestic violence incident wherein the female passenger was punched in the face, and your vehicle matched the description the witness provided. The officer told you they had to investigate those allegations and would let you both go if no evidence was found. You denied anything happened and the officers asked why B. was acting so aggressively then. A second officer explained the situation to you, again, and said, "That's not out of line, rude or harassing. Do you understand?" to which you replied, "Yeah."

Lapel video showed that at no time was B. thrown up against your vehicle as alleged in your complaint. Additionally, during the contact you and B. had with Officers, they repeatedly told you both why they detained him, which contradicts your statement that nobody explained what was going on. Lapel video showed Officer L. did not yell profanities at B. as you have alleged. You complained that Officer L. was very aggressive and kept

Letter to Ms. S  
 May 22, 2020  
 Page 3

telling you she was recording and you couldn't understand why. Lapel video showed B repeatedly ask you to record the interaction on your phone and told you not to comply with anything the officers asked of you, and as a result Officer L. and other officers told you and B they were recording the incident. You complained that Officer L. was extremely aggressive, and kept telling you that you were being rude and had an attitude. Lapel video showed Officer L. told you once that you were being rude with officers; however, she was not being extremely aggressive and had a limited interaction with you and during that time and acted similarly to her male counterparts.

Sgt. F. arrived on scene and spoke with B about the situation. B told Sgt. F. that you and he were at a show and all of a sudden a bunch of officer roll up and yell, "Get down! Get down! So he leans forward with his hands behind his back" B also claimed Officer L. was laughing about the situation and asked Sgt. F. to take care of it. B's statements to Sgt. F. contradict what lapel video showed happened upon B's initial contact with officers. Additionally, lapel video does not show Officer L. laughing about the situation as B alleged to Sgt. F. You and B were allowed to leave after speaking with Sgt. F. After speaking with you, Sgt. F. commented to the other officers that B smelled like booze.

Lapel video showed Officer L., Officer A.C. and another male officer making contact with the female witness from Tractor Brewing who reported the incident. This witness wanted to remain anonymous. She accurately described B and your truck and said she saw B punch a female 3 or 4 times in front of Tractor Brewing. She said the male was yelling at his female passenger and trying to pull her out of the car. The witness said one of her friends was going to ask the female to go with her and her friends but figured that if she was one of 'those' she probably wouldn't.

### III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER F.C.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

#### A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer F.C.'s conduct UNFOUNDED regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer F.C.'s Internal Affairs record and personnel records.

Letter to Ms. S  
May 22, 2020  
Page 4

**IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD  
OPERATING PROCEDURES REGARDING OFFICER A.C.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer A.C.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer A.C.'s Internal Affairs record and personnel records.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer H.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers

The complaint and these findings are made part of Officer H.'s Internal Affairs record and personnel records.

**VI. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD  
OPERATING PROCEDURES REGARDING OFFICER L.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA found that while Officer L. raised her voice to tell B to calm down, and told you that you were being rude, this officer was not the only officer to tell you that you were being rude nor was she the only officer to raise her voice at you or B. Officer L.'s voice and the other officers who raised their voices at you

Letter to Ms. S  
May 22, 2020  
Page 5

and B were within reason given the situation and were not identified as being extremely aggressive and they did not violate this SOP. The CPOA finds Officer L.'s conduct EXONERATED regarding allegations of violations of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

It should be noted that although there is a finding of EXONERATED regarding the aforementioned part of your complaint against Officer L., a finding of UNFOUNDED would be appropriate with regard to your complaint that Officer L. made you feel stupid and as if you were the cause of the situation because lapel video evidence does not support these allegations, as Officer L. does not specifically say this to you, nor did she say anything to you in this regard and the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer L.'s Internal Affairs record and personnel records.

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. S  
May 22, 2020  
Page 6

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  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

Intake # 86-420  
Intake Due Date 4/2/20

CPC 121-20

**From:** webmaster=cabq.gov@maligun.org on behalf of ISD WebMaster  
**Sent:** Monday, March 16, 2020 12:00 AM  
**To:** "Alton Police Oversight Agency"  
**Cc:**  
**Subject:** ABO Police Complaint or Commendation Form Submission

I Want to File A  
Complaint  
Interested in Mediation?  
I need more information  
First Name  
P  
Last Name  
7  
Middle Name  
Christopher  
Home Telephone  
  
Cell or Work Telephone  
Best Time to Call  
I am incarcerated at the moment in cubola  
Your E Mail Address  
Preferred Language  
English  
Date of Birth  
  
Street Address  
  
City  
State  
ZIP Code  
  
Gender  
Male  
Race  
White  
Ethnicity  
Hispanic  
Sexual Orientation  
Do You Have a Mental Illness?  
No  
Do You Struggle with Homelessness?  
No  
Were you homeless at the time of this incident?  
No  
Date & Time of the Incident  
Address or Location of the Incident



When this incident happen me and my ex wife where questioned and then they took mine and her DNA and they took are picture and the police ask me some questions they told me that if i gave them what they wanted they would let me go and all charges to the case i am in jail for know would be dropped they told me that they needed to took good and they needed to show something to there head chief and they would need for me to get them 14oz meth to them and when i did that all charges would be dropped and it was like if they never happened mind you my house was raided not finding but a 77 refuel and in the 3 raids i was not around because i dont live at the home they took me down to the police station that on isleta where they told me to get the 14oz and come back so i did i went looking and finally found out i am not a drug dealer but they had to women say i was so that why they raided the home where my ex wife lves thinking that what this women told them was true so after taking this drugs in December they issued out a arrest warrant and put that they had found the drugs in my home i dont know whats going on but i would need your help yes i have a past but i am one of the few people that do change there life around and do it for there family but yet again the courts and the officers know that they can do what ever they want 1 because of people bark round 2 because they are high educated then us and can do so and make us do things that we still get charged for not having nothing to do with it but being locked up your mentality is so must up that you get scared sometime not having nothing to do because that what happened when you get locked up and dling the time dove that you fall for it not knowing that his officers can get away with anything and you have nothing to show but your word and a video of the date and time when i went to the station to back me up never did i think of signing something before losing my life and freedom to this police officers i just need justice and for someone to hear me out please i am one of the few people that do change i have the officers names when this indecent happened i should not be here for something that i did not do the officers told mew if i did that and MAKE them look good i wouldnt be having to go throw this witch i should not have been going throw it in the first place i just need help and fro someone to hear me to thank you and you have a good rest of your day i have some paperwork that was field that day and the CASE# 9981

Police Employee #1 - Name

Deputy L

Police Employee #1 - ID or Badge Number

Detective G

Police Employee #2 - Name

F M

Police Employee #2 - ID or Badge Number

C L

Are You Submitting this Form for Someone Else?

No

Submitting for Someone Else - If "Yes"

Did You Witness this Incident?

Yes

Additional Witness

yes i was on the phone when this was taking place at the time P had called me when he went in to the station and i hear the hole thing and i recorded the hole thing but not having back my phone it was never recording and i was no help for him my name is J P Z soon to be wife please he need to be hear P. has been living with me at my home since November of 2018 yes he stil goes take his daughter to school and his ex wife to work because she dont have a car so that why they where thinking he lived there but P dose hang out and fix things around the house for his ex but he is a good man and he did change his life for the better but look where he his at now only because of police that he and get away with everything because they are POLICE i think that P is being hold with for nothing he did and hew need someone to hear him out and for them to see video of the station on that day and they will see Z. a there and with that it will put Z and 2 together and nothing that this people where talking about was true P i think deep inside that the people you should be looking at are the people that are telling on people that are not doing nothing but changing there life those arr the people doing the wrong and just want to do the time so they put incident people at risk and danger

Statement



I talk about the hola case on the other questions asked I am sorry but those tell you in full detail what happened that day and I will be a witness for this case to be dismissed and he get released because if police offer that can they go back on their word here we are think police officers are good people and all they do is protect us are the officers that don't care about theirs or saving and protecting

What Outcome are you Seeking?

my outcome is to be home with my kids this police officers told me that all charges would be dropped if I could come up with 14 or so that they could look good in front of their boss because they had went so far that they raided my ex wife house and put my 14 year old daughter in handcuffs and they did not find nothing close to what this people that told on me so they did not want to look bad and now look at me behind bars I just want them to keep their side of the deal like they said they would I don't have a court hearing I don't know nothing but the papers they have given me on top of all that they raided my house 2 more time finding and destroying the home my daughter lives in and leaving them homeless for almost 2 months I understand that police do their job for the safety but that be with bad guys people that are really doing things bad I was changing my life my other daughter lost her mom not to long ago and I needed to be there for her that was also why the change in my life because my daughter is very suicidal now that her mom is gone and now me here in jail don't make it any better all I want is for someone to hear me out I don't know why there is so many bad cops I don't think they should do that to people that are trying to do good for one just because of their past or people saying things that are not true just to get off of there on charges they never filed the other 2 raids but I have video of all of them and that will show as proof and the cameras at the islets office it will show you I was there for something I just don't remember if I signed anything I don't think I have any paper work on what they told me but I did have someone on the phone when all of this was told to me she is my only witness Please look in to this just with the record number it will tell you the date when this happened it was the same time same day as the DNA they took from me and my ex wife

Electronic Signature

P C Z

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# 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    Leonard Waites*

Edward Harness, Executive Director

May 23, 2020  
Via Certified Mail  
7018 1130 0002 3429 0296

Re: CPC #121-20

Dear Mr. Z

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 6, 2020, regarding an incident that occurred on an unspecified date

### I. THE COMPLAINT

**P Z** submitted an online complaint regarding his allegations that officers charged him with crimes he did not commit or if he did certain things the charges would be dropped. In the body of his complaint he discussed things that occurred at a police station on Isleta. He provided the names of employees and referred to at least one of them as deputy. He did not provide specifics as to dates, times, or locations. At the time he filed the complaint he wrote he was incarcerated in Cibola County.

### II. INVESTIGATION

The CPOA Investigator reviewed the NM court case details for Mr. Z on the website. There were no current cases that involved Albuquerque Police Department Officers. The names he provided in the complaint were not Albuquerque Police Department Officers. There is not an APD substation on Isleta, but there is a BCSO station on Isleta.

The CPOA Investigator spoke to Mr. Z's wife over the phone regarding the complaint. The CPOA Investigator explained to Mrs. Z that based on the information provided the complaint should be filed with the Bernalillo County Sheriff Department. She was provided with BCSO's Internal Affairs phone number.

Letter to Mr. Z  
May 22, 2020  
Page 2

**III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the CPOA does not have jurisdiction over BCSO.

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 Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police



## **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 10, 2020

To Council President Davis and Members of the Albuquerque City Council,

On behalf of the Civilian Police Oversight Agency Board (CPOAB), thank you for your service to our community and your support for transforming the Albuquerque Police Department into a national model of constitutional community policing. At the CPOAB we strive to further the cause of advancing constitutional policing here in Albuquerque.

We appreciate the recent efforts of the council, including the creation of the public safety committee. We fully support the recently introduced Community Policing Council (CPC) ordinance. The CPC's are a critical component of ensuring high quality community policing and offer an ideal opportunity to bring the police and the community together. Enshrining the CPC's into ordinance reaffirms the commitment of the city to foster positive and proactive communication between the APD and the public.

PO Box 1293

The CPOAB and the CPOA currently face several challenges that we would like to solicit the assistance of the city council to address:

Albuquerque

NM 87103

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

1. The recruitment and retention of board members remains a central challenge facing the board. The board has not been at full 9-member capacity in recent memory. In many cases, by the time a vacancy is filled, another occurs. We ask that the council work with the CPOAB to proactively recruit and fill vacancies.
2. The requirements board members are asked to meet per ordinance often hinder the ability of the board to attract and retain a diverse membership. The council should revisit some of these requirements to carefully weigh the need for an educated membership of the board with the need for a diverse board membership that reflects the diversity of our community.
3. The changes made to the CPOA budget process in the ordinance rewrite have not been beneficial for the agency and have resulted in exacerbating the backlog of cases with the agency. The agency needs additional investigators to complete high-quality investigations in compliance with timelines laid out in the ordinance. We urge the council to implement an analysis-based percentage funding model. The original police oversight ordinance tied the CPOA budget to the APD budget, and this process ensures that oversight can grow with the department. More

**importantly, tying the CPOA budget to the APD budget shows the commitment of the city council to treating civilian oversight as an equal and independent authority on constitutional policing in Albuquerque.**

**In the current social climate, it is critical that the city council reaffirm its commitment to civilian police oversight by properly resourcing the agency. Citizens deserve high-quality investigations of police complaints that are completed in a reasonable amount of time.**

**We appreciate the attention of the council to these matters and we look forward to working with the council to advance constitutional community policing in Albuquerque. We look forward to providing additional information and to engaging in a dialogue about these matters.**

**Thank you,  
Civilian Police Oversight Agency Board**

**We the Civilian Police Oversight Agency Board of the City of Albuquerque,**

**Urge the Chief of Police of the Albuquerque Police Department, The City Council of the City of Albuquerque, The Bernalillo County Commission, The Legislature of the State of New Mexico, The Mayor of the City of Albuquerque, and The Governor of the State of New Mexico,**

**To immediately take action to address the following issues:**

**-Special Independent Prosecutors must be the only deciding voice on whether to bring charges on any and all allegations of police misconduct, including but not limited to officer involved shootings.**

**-To require the public release of OBRD video footage within 48 hours of upload to the department data repository.**

**-Restrict the use of arbitration and the imposition of arbitrary timelines on the filing of complaints against officers that would result in officer discipline and/or removal.**

**These issues must be addressed immediately to ensure the fair and equitable imposition of justice for all members of our community regardless of race, religion, gender, socio-economic status, education level, or political persuasion.**

**-We the Civilian Police Oversight Agency Board of the City of Albuquerque**