

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair* *Chantal M. Galloway, Vice Chair*
Eric H. Cruz *Joanne Fine* *Dr. William J. Kass*
James A. Larson *Valerie St. John* *Chelsea Van Deventer*
Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA – Amended

Wednesday, May 16, 2018 – 5:00 PM
Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance – Valerie St. John**
- III. Mission Statement – Leonard Waites**

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- IV. Approval of the Agenda**
 - a. To include a vote to suspend Article IV, Section 5A of the POB Policy and Procedures.**
- V. Public Comments**
- VI. Review and Approval of Minutes**
- VII. Discussion: None**
- VIII. Consent Agenda Cases:**
 - a. Administratively Closed Cases**

164-17	212-17	213-17	003-18	024-18
031-18	036-18	051-18	058-18	065-18
067-18	070-18	071-18	072-18	075-18
080-18	081-18	082-18	086-18	088-18
091-18	092-18	093-18	094-18	096-18
097-18				
 - b. Cases Investigated**

040-18	054-18	061-18		
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- IX. Non-Consent Agenda:**

228-17	063-18	069-18	084-18	090-18
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- X. Non-Concurrence Cases: None**
- XI. Serious Use of Force/Officer Involved Shooting Cases: None**

- XII. POB's Review of Garrity Materials: None**
- XIII. Reports from Subcommittees**
- a. Community Outreach Subcommittee – *Chantal Galloway***
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
 - I. Use of Force Policies**
 - II. Further Amending the Ordinance**
 - 1. Make semiannual reports, annual reports**
 - 2. Discussion around changing the rule that the chair and vice-chair cannot secede themselves**
 - 3. Updating the Ordinance further**
 - 4. Other**
 - III. Exit interview to Chief**
 - c. Case review Subcommittee – *Valerie St. John***
 - d. Personnel Subcommittee – *Eric Cruz***
 - 1. Update on search for new Legal Counsel**
- XIV. Reports from City Staff**
- a. APD**
 - I. Discussion on 2-52, 2-53, 2-54 and 2-55**
 - b. City Council**
 - c. Mayor's Office**
 - d. City Attorney**
 - e. CPOA – *Edward Harness, Executive Director***
 - I. Update on Data Analysis Contract with UNM**
- XV. Meeting with Counsel re: Pending Litigation or Personnel Issues:**
- Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues**
- a. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and**
 - b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**
- XVI. Other Business**
- XVII. Adjournment- *Next Regularly scheduled POB meeting will be on June 14, 2018 at 5 p.m. in the Vincent E. Griego Chambers.***

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC # 164-17

Dear _____ :

September 21, 2017 we received your complaint.

I. THE COMPLAINT

You submitted a complaint in regards to Officer F. responding to a call placed by the realtor listing the home next door to you. You stated Officer F. came to speak with you at which time he explained he was there because the caller stated you were being aggressive towards him (the realtor) and others that had come on the property. You stated Officer F. told you he wasn't arresting you or pressing criminal charges because you were talking to him. You stated this comment shocked you because you hadn't done anything illegal or criminal. You wrote Officer F. demonstrated he was not interested in helping you with your concerns or issue. You stated Officer F. accused you of changing your story and warned you that everything was being recorded. You also wrote Officer F. offered suggestions of steps to take but they were not viable options. You stated in your complaint that Officer F. made reference to the fact that the realtor was nicely dressed and drove a Mercedes and that he judged and discriminated against you because you drive a 2001 Dodge pickup that needs paint and that you own a modest home in the North Valley.

In conclusion you write that Officer F. dismissed your questions and concerns, threatened you with arrest and criminal charges when he had no authority to do so.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the entire lapel video of Officer F., which was recorded in full showing Officer F.'s contact with the realtor and you. Officer F. was dispatched to the home next door to you in which the realtor called stating you were being aggressive towards a yard cleaner, another real estate agent and home buyer prospects. When Officer F. made contact with you he informed you several times why he was called to the scene that day. Officer F. clearly stated that because he was not there at the time of the incident and was not "just taking sides" was the reason he was not citing or arresting anyone.

You stated Officer F. was not interested in your concerns or issues. Officer F. spent 37 minutes listening, understanding and politely explaining to you what legal options you have in regards to your concerns and issues about the property. Officer F. never dismissed your questions or concerns and never "threatened" you with arrest. You also stated Officer F. referenced the dress and vehicle of the realtor and discriminated against you because of the vehicle you drive. In fact, Officer F. never mentioned how the realtor was dressed or the vehicle he drove during the conversation, you stated that information to Officer F. Officer F. responded with "I am not here to judge anyone, as a matter of fact, judging a book by its cover in my job gets officers killed". Officer F. referenced how he has dealt with some very bad people and just by looking at them you would not think they would harm anyone and that is the reason he does not judge people by how they look or dress, after you alleged Officer F. was judging and discriminating.

III. CONCLUSION

Officer F. spent almost an hour listening, empathizing, understanding and offering viable options on how to resolve the issues and concerns you brought to his attention. Officer F. was polite and courteous throughout the entire contact and there was absolutely no misconduct. Your complaint is being Administratively closed due to the issues regarding your complaint do not violate any Standard Operating Procedure of the Albuquerque Police Department. Administratively closed complaints may be re-opened if additional information becomes available. The entire lapel video recording can be made available to you through an Inspection of Public Records Act request if you would like to review the contact Officer F. had with you.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. William J. Kass

Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2017

Re: CPC #212-17

Dear :

On November 7, 2017 we received a complaint from you concerning Officer M. of the Albuquerque Police Department (APD). The incident you complained of occurred on September 5, 2017 at about 8:30 AM.

I. THE COMPLAINT

You wrote in your complaint that you had gone to eat breakfast at a local establishment when Officer M. approached your car and asked you to step out. He asked you if you had been drinking and you told the officer that the last time you had anything to drink was about 8 hours earlier. The officer called you a cab and told you that you were probably drunk but he did not give you any tests to prove that you were drunk. You did not say what you were charged with but you went to trial prior to filing your complaint. You alleged the officer lied in court and you didn't think the officer was going to even show up. You stated that you felt the officer violated your civil rights and you were thinking about filing a tort claim.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. The investigator obtained a copy of the police report, a copy of the Computer Assisted Dispatch (CAD) report, and a copy of the Court Case detail. The investigator reviewed those documents.

The police and the CAD report showed that Officer M. was on patrol when he was flagged down by the manager of the restaurant. The Manager told the officer that you had driven through the drive thru and ordered food and that you were heavily intoxicated. The Manager

reported that after you got your food, you returned to your car where you went to sleep in the back seat of your car.

When Officer M. approached the car, the officer found you asleep in the back seat. The officer noted that you were in fact, heavily intoxicated, and that initially you made incoherent statements. The officer had you get out of the car and he noted that you were unsteady on your feet. The officer found an empty 1.75 liter bottle of Evan Williams Bourbon Whiskey on the passenger floorboard of your car. The officer noted you had slurred speech, bloodshot watery eyes, and an odor of an alcoholic beverage coming from your person. Instead of arresting you, the officer asked you to call someone to come pick you up and you argued that you were sober enough to drive.

When the officer stepped away to write you a citation for having an open container of alcohol in your vehicle, you got in the driver seat of the car and pressed on the brake but you couldn't drive away because the keys were in the back seat of the car. The officer escorted you out of the car until the taxi could get there and pick you up. You were issued the citation and your car was secured at the scene.

A review of the court case showed that you were convicted at trial on the charge on November 1, 2017. You filed your complaint 6 days later.

III. CONCLUSION

You complained that the officer committed perjury because he lied in court. Perjury is a criminal offense. Our agency has no jurisdiction to conduct criminal investigations. If you believe the officer committed perjury, you can consult with the District Attorney's Office to see if they want to pursue the matter. Furthermore, for the APD to conduct perjury investigations, the complaint must be brought by a judicial officer and not a criminal defendant. The available evidence in the case, which included the officer's lapel video recording of the incident, shows, by more than a preponderance that you were intoxicated when Officer M. contacted you. You were later convicted of the offense by a Judge. There appears to be no policy violation committed by Officer M. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints can be re-opened if additional information becomes available.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Anonymous

Re: CPC #213-17

Dear Anonymous:

On November 17, 2017 we received 3 emailed complaints from you concerning Officer J. and Officer G. of the Albuquerque Police Department (APD). The incidents you complained of occurred on March 7, 2016 and March 30, 2017.

I. THE COMPLAINT

You wrote in your complaint that Officer J has poor investigative skills, poor comprehension skills, and poor manners. You claimed that Officer J. was “white trash” and said that he spit on your mother’s driveway. You felt that Officer J. seems partial to members of the AFD and maybe he has sexual interests and wants to impress the guys. You want officers to do their jobs correctly and provide actual public safety. In a second complaint you wrote that APD and AFD are too close and there seems to be a heavy need to impress male co-workers instead of doing the actual job correctly. You alleged the police favor firefighters in Albuquerque. In your third complaint, you stated that Officer G. seems to think that gunshots, threats, trespassing, and stalking are acceptable behaviors from firemen. You say that the officer “threatened” you because he made the statement, “Things are going to get worse.” You said that Officer G. was of no help because the person committing the crimes is an AFD Firefighter. You wrote, “If you men are so into impressing other male co-workers that you cannot do your job correctly. You should be interested in doing a good job, not making another man think you are cool and one of the guys.”

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. All three of your complaints are anonymous and they lack any identifying information except the address of the incident and the Officer’s names. The investigator obtained copies of

two police reports related to the complaint and spoke informally with Officer J.. The investigator learned that you have had an ongoing dispute with your neighbor, who is an AFD Firefighter for over two years.

According to Officer G.'s report that he filed for you on March 7, 2016, you got into a dispute with your neighbor because he was burning leaves in his backyard. The leaf burning was allowed that day by ordinance. You denied calling the police. You acknowledged that you have a longstanding dispute with your neighbor and have filed a Restraining Order against him. You told the officer that there have been numerous instances where your neighbor has tried to provoke you into a physical altercation. You said that you have file complaints with the Fire Department and you complained to the Chief of Police as well. The officer explained to both you and your neighbor that he would write a report and document what he was told by both parties. That report accurately reflects what was reported to Officer G. on that day.

According to Officer J.'s report filed on March 30, 2017, your neighbor called the police to report that you were standing on your balcony yelling profanities at your neighbor. Around that same time, you called the police to anonymously report that your neighbor was constantly using a brick saw and was refusing to take the saw in the garage and use it there. You asked the police to come by and tell the neighbor to quiet down. You did not request police contact.

Officer J. arrived and spoke with your neighbor. He reported that you started yelling profanities at him while he was doing yardwork. You allegedly called your neighbor a "mother f***er" while he was using his brick saw in his backyard. A records check revealed three previous calls where you had exhibited similar behavior and you shined a bright light at your neighbor's house. Your neighbor said that you have been using an air horn to annoy and terrorize him at night. The officer determined that your neighbor could lawfully use his brick saw in his own backyard during the day. Your neighbor's daughter also told the officer that you had placed a bright floodlight on your property and you pointed that floodlight at her window. Officer J. also spoke with you and you confirmed having problems with your neighbor. You had been to court with your neighbor over his alleged behavior but you described the court process as a joke. You stated that you were annoyed and you said you could not understand why your neighbor could not use his brick saw inside the garage. You said the noise from the brick saw annoyed you. You also told the officer that you had plans on moving away. You said that you had been loud in the backyard and that you installed cameras on your house. You could not tell the officer why the cameras you installed were installed on your balcony pointed right at your neighbor's house. Based on the officer's investigation he issued a criminal summons for you for intentionally harassing and terrorizing your neighbor.

The CPOA Investigator reviewed the Court Case detail of your case. You entered the pre-adjudication diversion program at Metro Court and you complied with the conditions set forth by the court. In exchange, the charges were dismissed on November 14, 2017. That just happened to be the same day you filed these three complaints against Officer J. and Officer G..

III. CONCLUSION

You complained anonymously and we respect your wish to remain anonymous. The investigation showed though, that Officer J. and Officer G. reported and acted on what they were told. Your allegation that Officer J. is "white trash" and that he is sexually attracted to your neighbor, is nothing more than insulting name calling and an attempt to besmirch the reputation of the officer who criminally charged you. The fact that you filed the complaint against the officers the very day that your charges were dismissed, suggest that the complaints were filed to retaliate against the officers who, through investigation, proved to have conducted themselves professionally and courteously as they are required to do. The available evidence in the case, which included the Officer G.'s lapel video recording of the incident proves that. There appears to be no policy violation committed by Officer J. or Officer G., but even if there was, the policy violation(s) would be minor. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints can be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Harness", written over a horizontal line.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #003-18

Dear Ms. :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on January 18, 2018, regarding an incident that occurred on or about December 27, 2017.

I. THE COMPLAINT

S A submitted an online complaint regarding her allegations that officers did not file a report, did not talk to a victim of an accident, and did not cite the person responsible for the accident.

II. INVESTIGATION

The CPOA Investigator reviewed several videos tagged for this incident and the police report written for the incident. The videos showed that at least some of the group was intoxicated while riding their bicycles in the bus only A.R.T. lane. Officers spoke to the members of the group that were inconsistent in what they observed. The videos also showed that some of the members argued about their right to ride bicycles where they desired. The riders complained that officers were not taking their statements, but when the officers tried, the riders went off on other topics and did not stick to the alleged accident. Based on all the statements the officers determined there was no physical contact between the bicyclist and a vehicle, driven by a security guard.

The CPOA Investigator attempted to interview the complainant, but she did not call or show for her first appointment. The CPOA Investigator called her a second time to reschedule and she did not call or show up for that additional appointment. She agreed to have others in the group contact the CPOA, but none ever did. The complainant claimed there was no police report, which is untrue as a police report was filed. The complainant stated none of the officers talked to the person involved in the crash, which is untrue as the report showed attempts were made to talk to the person, but the person did not wish to cooperate. The complainant complained the security guard did not receive a ticket, which was true because no one provided information of a violation of law and the bicyclists agreed the security guard did not hit their friend.

Letter to Ms.
May 17, 2018
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no evidence to minimally substantiation to the allegations.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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

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Dr. William J. Kass

Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #024-18

Dear Mr. _____:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 1, 2018, regarding an incident that occurred on or about February 20, 2018.

I. THE COMPLAINT

Sgt. T submitted a written complaint on behalf of A _____ A _____ to Internal Affairs. Mr. A _____ only alleged at that time that Officer W called him a sex offender and tried to choke him while in the back of the police car.

II. INVESTIGATION

The CPOA Investigator pulled Evidence and started to investigate the complaint. A second complaint was filed with additional allegations, which the CPOA Investigator learned about when Detective K advised he had a complaint involving the same citizen for the same incident. CPC 045-18 was opened due to having some criminal allegations, which were not in CPC 024-18. CPC 024-18 will be closed as being duplicative and IA will investigate CPC 045-18 both criminally and administratively.

III. CONCLUSION

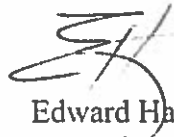
The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as being duplicative to CPC 045-18, which will be investigated both criminally and administratively.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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.

**Letter to Mr.
May 17, 2018
Page 2**

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'E. Harness', written over a faint circular stamp or watermark.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. William J. Kass

Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #031-18

Dear Ms.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 1, 2018, regarding an incident that occurred on June 30, 2014.

I. THE COMPLAINT

Ms. W submitted a written complaint in 2018 for a traffic accident that occurred June 30, 2014. Ms. W wrote that Officer H incorrectly documented her version of the accident. Ms. W claimed she was incorrectly found at fault for the accident. She filed a supplemental report to provide the corrections. Ms. W spoke to Officer H days after the accident and Officer H claimed he accurately reported what he understood. Officer H stated the witnesses also reported what he documented. Ms. W claimed her insurance company told her one of the witnesses agreed with her version, not Officer H's version. Her insurance company told her the other witness, an off duty officer, could not be reached. Ms. W stated her desire was to have officers have recording devices that would allow officers to report statements accurately.

II. INVESTIGATION

The CPOA Investigator reviewed the complaint and the accident report. In the accident report supplemental Ms. W filed, she wrote she turned left onto Rose Ave. because two cars stopped on Rio Grande, but she forgot about the third lane. According to Officer H's report, Ms. W told him that she was waved through by a driver in lane one, but did not see the second driver until it was too late. Officer H's narrative stated the witnesses reported Ms. W in vehicle one, made a left hand turn into the path of vehicle two who had the green light.

The CPOA cannot change police reports. Ms. W took the steps to file a supplemental report, which is part of the official report. Officer H wrote a contributing factor was driver inattention, failed to yield right of way while making a left turn. There is no disagreement that Ms. W was making a left turn. The insurance companies conduct their own investigation into how to assign fault. Ms. W desired outcome is that a policy exist about recording

Letter to Ms.
May 17, 2018
Page 2

statements. An existing policy prescribes when officers use their assigned on-body recording devices, which has changed several times, from when the accident took place. There was no additional evidence other than the police report to review in this case.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no additional evidence to review given the length of time from the incident to filing. The outcome desired is for a policy to exist, which it does.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

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Dr. William J. Kass

Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #036-18

Dear Mr. _____:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 1, 2018, regarding an incident that occurred on or about February 7, 2018.

I. THE COMPLAINT

Mr. _____ submitted a written complaint regarding an incident on behalf of _____ Mr. _____ assists international students and Mr. _____ had been in the United States for about a month when Mr. _____ had an experience that caused him to call 911. An unknown man knocked on Mr. _____ door late at night. After a few minutes, Mr. _____ looked out his window. He observed the man sitting in a car, who when he noticed Mr. _____ he got out of his car, took an object out of his car that Mr. _____ thought was some kind of weapon, and approached the door again. Mr. _____ feared for his safety and called 911. The Operator asked Mr. _____ several questions about the man, which he could not answer. Eventually, Mr. _____ looked out the window and saw the person was gone. The Operator decided not to dispatch officers nor did the Operator log the call. Mr. _____ filed the complaint regarding the lack of response.

II. INVESTIGATION

The CPOA Investigator forwarded the complaint to the Communications Director to review and resolve informally. The Communications Director contacted Mr. _____ after reviewing the phone call he placed to 911. The Communications Director expressed her concerns about how the call was handled to Mr. _____ The Communications Director assessed there was confusion on the part of the Operator, but explained it was the responsibility of the Operator to clarify. The Communications Director provided Mr. _____ assurances that his use of 911 was proper. She explained options to Mr. _____ for future issues should they occur and how she would correct the issue arising from this call. The Communications Director explained to Mr. _____ her conversation with Mr. _____ and Mr. _____ was comfortable with how she resolved the complaint.

Letter to Mr.
May 17, 2018
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the supervisor to Communications was able to review the call, explain the situation to the complainant, and take appropriate action for correction. The complaint was informally resolved through the supervisor.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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 Harless, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Dr. William J. Kass

Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #051-18

Dear Ms. N:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 5, 2018, regarding an incident that occurred on February 4, 2018.

I. THE COMPLAINT

Ms. N. submitted an online complaint about her experience with APD officers while downtown, particularly as an Uber driver. She specifically complained about an encounter she had with Officer B. She attempted to pick up a passenger at the curb. While waiting there she described Officer B as banging on her window, being angry, and aggressively telling her she was in front of a fire hydrant. Ms. N. claimed Officer B called her a liar and disparaged Uber drivers.

II. INVESTIGATION

The CPOA Investigator reviewed the lapel video and Officer B's contact with Ms. N. which was thirty-seven seconds. Officer B was standing by while EMTs assessed a highly intoxicated individual. A white SUV stopped halfway between the driving lane and the curb. The curb was yellow and there was a fire hydrant nearby. Officer B walked to the passenger side and knocked on the window with his flashlight. He told Ms. N. she could not stop and stand there, as there was a fire hydrant. Ms. N.'s comments were too quiet to be heard, but Officer B responded, "Regardless if you are Uber or not, you cannot stop and stand. I've watched you, you've been stopped here." Ms. N. pulled away at that time.

The CPOA Investigator referred the complaint to the North Valley Commander, who is overall the supervisor over the Downtown area. The North Valley Commander reviewed the complaint. Officer B is specifically under the Traffic unit so the complaint was also forwarded to the Traffic Commander. The Traffic Commander had Officer B's direct supervisor discuss different approaches that could have been taken when contacting Ms. N. as well as the relevant SOPs. The situation was addressed during the coaching session.

Letter to Ms.
May 17, 2018
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been informally resolved by the appropriate supervisors.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

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Dr. William J. Kass

Chelsea Van Deventer

May 17, 2018

To the file

Re: CPC #058-18

Dear Ms. _____ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 7, 2018, regarding an incident that occurred on or about March 2, 2018.

I. THE COMPLAINT

J W _____ submitted an online complaint regarding Officer H. Ms. W _____ claimed ever since Officer H appeared on the television during the State of the Union Address Officer H threatened her. She claimed Officer H watched her, harassed her, threatened her, and drove around her neighborhood looking for her. Ms. W _____ said it was hard for the officer to leave her alone and talked about his “psychotic outbursts of uncontrollable anger.” Ms. W _____ wrote all of this, but also wrote that she has never met Officer H.

II. INVESTIGATION

The CPOA Investigator reviewed Ms. W _____ complaint, which did not make sense that she lived in Rio Rancho yet felt the officer always watching and searching for her. In addition, that she claimed the officer was stalking her, but she never met him. The CPOA Investigator spoke to Ms. W _____ to get more information. Ms. W _____ repeated that this alleged stalking occurred when she first saw him on the television. Ms. W _____ had been “feeling” that he was angry with her. She had been “hearing” comments that she did not properly support him even though he also lived in Rio Rancho. She “heard” these comments from Officer H and that she knows he is stalking her. Ms. W _____ repeatedly said these statements were senses that she had, but she never had actual contact with the officer. Ms. W _____ also talked about how Officer H’s wife and she watched the same television program at the same time and how this angered Officer H and he blamed her. This was all through feeling and sensation, not personal contact. Ms. W _____ said Officer H frequently woke her up at 4 a.m. searching for her and looking to torment her. Ms. W _____ said she “saw” Officer H get dressed for work, leave his home, and drive in the city searching for her. She said that Officer H got inside her head. She has called Rio Rancho police and APD about these allegations. The CPOA Investigator clarified that all of Ms. W _____

Letter to Ms.
May 17, 2018
Page 2

complaints were based on sensations or feelings and that she never had actual contact with Officer H or any personal observation of him, which she agreed.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no minimal substantiation to the complaint. It was confirmed with the complainant that no physical contact or observation occurred by Ms. W and all of her complaints were based on feelings, sensations, and that Officer H was in her head. The CPOA Investigator explained to Ms. W that the CPOA could not investigate sensations or feelings, and only investigate actual contacts. Ms. W understood and was satisfied with the explanation. Ms. W did not want to provide additional contact information so the letter is part of the file.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC # 065-18

Dear Ms.

On March 20, 2018 we received your complaint concerning Detective B. of the Albuquerque Police Department (APD). The incident you complained of occurred on January 18, 2018. You brought in a second complaint on March 26, 2018 requesting additional investigation into an incident that occurred in 2013. You stated that the second complaint you brought in was related to the first.

I. THE COMPLAINT

You wrote in your complaint that on January 18, 2018, you were taken against your will to a hospital for a mental health evaluation. You alleged that while you were at the hospital, you were subjected to inhumane treatment and intimidated into staying in an acute psychiatric unit for no reason at all. You stated that you were warning them of what you had been told. You believed that Detective B. told hospital staff that you were on meth. Five men held you down and cut off your bra. You were tied down and you believe that you were tied down because of what Detective B. told the hospital staff. You asked that your civil rights be re-instated. You said that you are a private citizen and no one should be subjected to the brutality that you endured at the hospital.

In your second complaint, you demanded full investigation into Detective H.'s 2013 investigation into your daughters being raped. You alleged that your thoughts had been ignored. You wrote in your complaint that you wanted to know why Detective H. was unwilling to discuss your daughters' rape investigation. You believe that Detective H. charged you out of personal reasons and you called it a vendetta. You claim your daughters' statements were coerced. You demanded an answer of why you were forced into the hospital on 1/18/18 and you stated that you did not display threats.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. The Investigator obtained a copy of the police report filed when you were taken into custody against your will and the Investigator also reviewed the officer's lapel videos. The Investigator also reviewed your court cases regarding the allegations of child abuse that had been made against you.

The investigation revealed that for whatever reason, you have threatened Detective H. on more than one occasion. Detective H. is a Detective in the Crimes Against Children Unit and in 2013 he worked a case concerning your daughters. Your children were 5 years old at the time. You were indicted by a Grand Jury on nine felony counts that included Criminal Sexual Penetration of a Child, Criminal Sexual Contact of a Minor, Child Abuse, and Bribery of a Witness. The case was dismissed by the prosecutor without prejudice on 3/18/2016. The notes as to why the case was dismissed indicated that the District Attorney's Office was unable to locate and interview key witnesses so they had to dismiss it. On December 19, 2017, you left a message on Detective H.'s voicemail and you told him, "I know that you know that I've been under surveillance for a lotta years and that you're directly tied into this whole f***ing mess. I know you are, I know that f***ing D.A. was. It's on." Detective H. filed a report indicating that he believes that you are capable of carrying out your threat and he is in fear for his physical safety.

Detective B. is a Crisis Intervention Detective. On January 18, 2018, just about 30 days after you threatened Detective H., you went to APD and you inquired as to where Detective H. worked. You went to the Family Advocacy Center and asked to see him. Detective H., Detective B., and a Mobile Crisis Team Clinician came out to the lobby to speak with you. You started yelling and screaming and you were agitated. You said that you felt that you were a danger to yourself, a danger to others, and a "danger especially to you Detective H." you raised your finger and pointed it in Detective H.'s face. You made the statement that while you were waiting to see everyone that you heard voices coming from an upper corner of the room. Your actions, as revealed in the video, showed you were agitated in your physical movements, that you would go from calm to frustration and anger and when the Clinician attempted to get you to sit down and talk with her, you refused. Detective B. believed that you posed a threat to Detective H. and to yourself. Your words and your actions constitute evidence that prove that Detective B. had reasonable grounds to believe that as a result of a mental disorder, you presented a likelihood of serious harm to yourself or another. When a police officer has reasonable grounds to believe that, then immediate detention and evaluation are allowed under NM State Law and APD Standard Operating Procedure.

We have no jurisdiction to investigate your allegations against hospital staff.

As to the supplemental complaint you filed, there is no evidence whatsoever to minimally substantiate your claim that this was some sort of personal vendetta on Detective H.'s behalf.

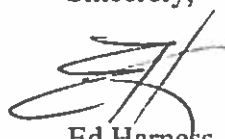
Detective H. received the case. He investigated it. He wrote his report and presented his findings to the District Attorney. It was the District Attorney who presented your case to a Grand Jury of independent citizens who listened to the evidence and then returned an

indictment on you. The Grand Jury found there was probable cause to believe you had committed the alleged offenses. You were appointed an Attorney to represent you. You claimed in your meeting the Family Advocacy Center that the Attorney was not helping you any longer and would not provide files to you and you can't afford a copy of the police reports. Your case was dismissed without prejudice meaning that it can be re-filed. Detective H. cannot legally discuss the case with you when you have been appointed counsel to represent you. You have failed to present any evidence to substantiate your claim that Detective H. has a personal vendetta against you.

III. CONCLUSION

The evidence reviewed showed that your detention on January 18, 2018, for an emergency mental health evaluation was warranted and necessary. The detention is allowed by State Law and APD policy. There is no evidence available to help our office minimally substantiate your claim that Detective H. has some sort of personal vendetta against you. Since your detention was within department policy and since there is no evidence to minimally substantiate your other allegation, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints can be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Harness', is written over a horizontal line.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #067-18

Dear Mr. [REDACTED]:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 21, 2018, regarding an incident that occurred on or about December 7, 2017.

I. THE COMPLAINT

Mr. [REDACTED] submitted a written complaint concerning an incident he stated occurred on December 7, 2017. Mr. [REDACTED] wrote when he parked his vehicle a UNM officer and an APD officer approached him while he was in his car. Mr. [REDACTED] wrote the UNM officer pointed a firearm at him while the APD officer stood by and watched. Mr. [REDACTED] wrote the officers plotted to kill him.

II. INVESTIGATION

The CPOA Investigator had CADs attempt to find any call for service in that area. Mr. [REDACTED] had not written any address location, but had mentioned Third Street neighbors were witnesses so the CPOA Investigator had a search conducted of Third Street. CADs located a call for service about an hour earlier than his stated time, but it did not involve UNM and did not match the description of his event. I contacted UNM police and UNM confirmed there were no joint operations that day with APD and that UNM officers were not on Third Street.

The CPOA Investigator spoke to Mr. [REDACTED] on the phone regarding his complaint in order to try to get more information. Mr. [REDACTED] said he was near the courthouse on Third. Mr. [REDACTED] said a UNM officer was behind him and pointed a weapon at him. Mr. [REDACTED] said an APD officer was parked in front of him and had his door open watching the UNM officer. Mr. [REDACTED] said the APD officer laughed at him. Mr. [REDACTED] could not provide unit numbers or any details to assist in identifying the officers. Mr. [REDACTED] understood an investigation could not be completed, but he could refile if 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.

Letter to Mr.
May 17, 2018
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.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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.

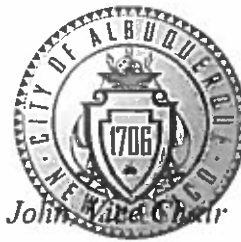
Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

Via Certified Mail

Re: CPC #070-18

Dear Ms. :

Our office received the complaint you filed on March 13, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and after conducting a preliminary investigation determined that the address involved in the incident about which you are complaining does not fall within the Albuquerque Police Department's jurisdiction. Rather, this address falls under the jurisdiction of the Bernalillo County Sheriff's Office (BCSO).

The CPOA does not have jurisdiction to investigate complaints against BCSO Deputies or employees; therefore we have made the decision to **ADMINISTRATIVELY CLOSE** your complaint.

Please contact the BCSO for information regarding their process for filing complaints against their Deputies and/or employees.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

May 17, 2018

Via Email

Re: CPC #071-18

Dear Mr.

On March 21, 2018, the Civilian Police Oversight Agency (CPOA) received your Complaint regarding an Albuquerque Police Department (APD) officer's driving.

I. COMPLAINT

You said that on March 21, 2018, you were traveling northbound on Highway 47, approaching the I-25 on ramp, when you were passed by APD unit [redacted], with license plate [redacted]. You complained that the vehicle was in the left lane and at the last minute, without using a signal, merged across all lanes of traffic to get into the right lane to make the exit onto I-25. You complained this action caused a commercial truck you were following to rapidly hit its brakes, which caused you to hit your brakes, too. You complained the officer wasn't going anywhere important as their emergency equipment was not engaged.

II. INVESTIGATION

A CPOA Investigator was assigned to investigate this complaint and learned Officer F. was assigned to the vehicle about which you complained. The Investigator forwarded the complaint to Commander G. regarding the driving behavior of Officer F.. Commander G. delegated the task to Sergeant (Sgt.) H. to investigate.

Sgt. H. investigated the complaint and spoke with Officer F., who had no recollection of this alleged conduct but is familiar with this stretch of road as he lives in Valencia County. Sgt. H. reminded Officer F. of his responsibilities when driving a fully marked police vehicle and that as police officers they are always in the public eye and need to lead by example when driving. Officer F. agreed and was receptive to the counseling. Sgt. H. said Officer F. has worked for him for over a year and this is the first complaint of any kind received for Officer. F.

Letter to Mr.
May 17, 2017
Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been informally resolved as previously stated.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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.

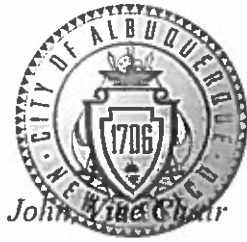
Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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James A. Larson

Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #072-18

Dear Ms.

Our office received the complaint you filed on March 23, 2018 against Albuquerque Police Department (APD) Officer J., regarding an incident which occurred on March 22, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. V complained that on March 22, 2018 at approximately 8:15 PM, Officer J. consistently rang her doorbell, pounded on her front wrought iron screen door and front window, without identifying himself. She complained this startled her because it was late and his actions were aggressive. About 3 minutes later, Officer J. and her son's former girlfriend, Ms. N., opened her side gate and walked into her enclosed back porch and Officer J. yelled "police officer", so she opened the door for them. Officer J. explained to Ms. V that Ms. N. wanted to retrieve her personal property and she tried to explain to him that Ms. N. is a former tenant, against whom she has a civil summons for failure to pay rent. She complained Officer J. didn't want to hear her side of the story, that he mocked her, and was very

condescending and disrespectful towards her. She complained that after Officer J. and Ms. N. left they stood about 15 feet from her front door and talked for about 15 minutes and this terrified her. Ms. V said her son arrived on scene shortly thereafter and asked Officer J. to write a police report and complained Officer J. refused to write a report because this is a civil issue. (See Ms. V complaint for more details.)

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, five CADS reports from several police responses to your residence, an incident report dated March 26, 2018, and Officer J.'s lapel camera recordings. The evidence showed Officer J. met with Ms. N. at a nearby location, before going to your residence and learned that she needed personal belongings from your residence. According to Ms. N. she had very recently vacated the premises but needed the rest of her and her daughter's belongings. Officer J. attempted to contact you before calling Ms. N. to the scene and allowing her to retrieve her belongings. As such, he rang your door bell several times, knocked on your wrought iron screen door and knocked on your front window while loudly stating, "Police Department!" When you didn't come to the door, he told Ms. N. to come to the residence and she tried to open the front screen door but the locks had been changed. Once, again, Officer J. rang the doorbell, knocked on the screen door and the front window and announced, "Police Department" loudly but still didn't get a response, so they went to the backyard to see if her keys worked on the back door. When they got to the backdoor they saw you inside on the phone so Officer J. yelled, "Police Department! APD!" twice before you came to the door. He identified himself as soon as the door opened and explained why he was there with Ms. N. You refused to allow her in to get her belongings and after speaking with you about that and speaking with Ms. N. about paying you what she owed you, he essentially told you he can't force you to allow her in as it was a civil issue. Officer J. and Ms. N. then left walked away and went out front where Officer J. explained that it was a civil issue. Officer J. was professional in dealing with you and Ms. N..

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed the allegations in your written complaint were inaccurate, and could not minimally substantiate your allegations against Officer J., who did not violate any APD SOP violations.

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.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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.

**Letter to Ms.
May 17, 2018
Page 3**

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

May 17, 2018

Via email

Re: CPC #075-18

Dear Mr.

Our office received the complaint you filed on March 27, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the Albuquerque Police Department (APD) Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Albuquerque

NM 87103

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, and the CPOA's investigation and findings.

www.cabq.gov

I. THE COMPLAINT

Mr. P said he is a homeless veteran who lives in his car and claimed he was irradiated by cell jamming technology when deployed in the military and this has affected his health. He said he was parked near Los Arboles and Graceland when APD Officer G. approached him and told him the neighbors were upset because Mr. P had been parked on the roadway for 3 days. He said he did not break any laws and wasn't parked illegally. He complained about the struggles of being homeless. (See original complaint for more details.)

II. THE INVESTIGATION

Letter to Mr.
May 17, 2018
Page 2

A CPOA Investigator reviewed your complaint and tried to contact you to obtain more information about your complaint because your complaint doesn't state any allegations against Officer G.; however, you have not responded to the Investigator's request.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to lack of information.

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.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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 Hafness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC # 080-18

Dear Ms. .

March 28, 2018 we received your complaint.

I. THE COMPLAINT

You submitted a complaint in regards to treatment you received at Kaseman Hospital.

PO Box 1293

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator has determined, based on your complaint, that the issue involves care you received at the hospital. The Investigator understood you were taken there for a personal matter by the Albuquerque Police Department, however no violations of Albuquerque Police Department Standard Operating Procedures occurred.


Albuquerque

NM 87103

III. CONCLUSION

www.cabq.gov

Your complaint is being Administratively closed due to the issues regarding your complaint do not violate Standard Operating Procedure of the Albuquerque Police Department. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC # 081-18

Dear Mrs

March 20, 2018 we received your complaint.

I. THE COMPLAINT

You submitted a complaint in regards to APD employee Mrs. F. Your complaint details issues regarding your daughter and the son of Mrs. F. and that you and Mrs. F. have always had a difficult relationship due to each other's children being in a relationship.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator has determined, based on your complaint, that the issue is a civil matter between your daughter and Mrs. F.'s son that has been going on since 2005. The investigator also determined that your daughter filed a complaint in 2016 regarding some of the same issues you complained of and that investigation was administratively closed.

III. CONCLUSION

Your complaint is being Administratively closed due to the issues being a civil matter that have no pertinence to Mrs. F.'s job at APD and that your complaint is duplicative in nature as referenced by a complaint your daughter filed. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Harness', written over a horizontal line.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC #082-18

Dear Mr. :

On March 29, 2018 we received a complaint from you concerning Officer S. of the Albuquerque Police Department (APD). The incident you complained of occurred on March 13, 2016 at about 11:30 PM.

I. THE COMPLAINT

The only thing you wrote in your complaint was "Perjury and Misconduct. I informed the officer this was a hate crime." You attached a statement that said that it breaks your heart to say that the officers whom wrote this police report did not let the truth be known. The police report, you alleged was misleading and false and dishonest. You stated that the attack was a racial hate crime attack and you were assaulted without provocation.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. The investigator obtained a copy of the police report and reviewed it. The attack that you referred to occurred two years ago at the Caravan East Nightclub. That establishment no longer exists. The report showed that Officer S., who was not the reporting officer, and Officer B., responded to the VA hospital where you were being treated after being punched in the face at the nightclub. You lost a tooth as a result of being hit in the face. You told the officers that you had asked a woman to dance and that her father came up and punched you in the face. You told the officers that you did not know the name of the woman nor did you know the name of the man who hit you but you did tell the officers that the man was Hispanic.

After speaking with you, the officers went to the Caravan Nightclub hoping to identify the person who hit you and to look for any evidence that may help them to determine what happened there. They spoke with an employee who said that he saw you raise a cane towards the man who hit you before he hit you, and that's when the man punched you. The employee at the club told the officers that you and the other people were escorted off the premises. The employee did not know the name of the man who hit you. There was also no video footage of the incident.

III. CONCLUSION

You complained about perjury and misconduct. Perjury is a criminal offense and occurs when someone lies under oath such as in court. Our agency has no jurisdiction to conduct criminal investigations. Furthermore, there is no evidence to suggest that either officer committed perjury, because no one was arrested, charged, or prosecuted in your case. The officers would have never filed a sworn document or testified in court on the matter so they did not commit perjury. The police report accurately represents what you told the officers that night and what they did to try to identify the person who punched you in the face. They reported that you are an African American and the person who hit you was Hispanic. Proving the man hit you simply because you are African American, would have required at the minimum an identification of the man who hit you. He was gone when the officers arrived so there was no way to identify who he was. There was no misconduct by the officers. If you believe that something was wrong with the report or if you now have more information such as whom the man was, you can file a supplemental report with any officer of the APD. Original police reports cannot be altered or changed by State Law and APD Standard Operating Procedure. Because there was no Perjury and because any policy violation by the responding officers would be minor violations at best, we are administratively closing your complaint and no further investigation will be conducted. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Harness', with a stylized flourish at the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

May 17, 2018

Via email

Re: CPC #086-18

Dear Mr.

Our office received the complaint you filed on June 27, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and contacted you regarding the incident. During that telephone conversation, you told the Investigator you wanted to withdraw your complaint. At your request, we have **ADMINISTRATIVELY CLOSED** your complaint.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.

Executive Director

(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Joanne Fine

James A. Larson

Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #088-18

Dear Ms

PO Box 1293

Albuquerque

NM 87103

Our office received the complaint you filed on October 13, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and contacted you regarding the incident. During that telephone conversation, you told the Investigator you wanted to withdraw your complaint. At your request, we have **ADMINISTRATIVELY CLOSED** your complaint.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

www.cabq.gov

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #091-18

Dear Mr.

Our office received the complaint you filed on April 6, 2018 against Albuquerque Police Department (APD) Officers S. and R., regarding an incident which occurred on April 5, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

www.cabq.gov

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. G said two unknown female officers came by his house after a hit and run suspect's license plate came back as being registered to his address. He complained the officers asked him to leave his residence and acted as though he was being handcuffed and frisked him before asking him any questions, or telling him why they were there. He complained the officers did not provide their names, that they performed poorly and that they lacked professionalism. He wanted additional training for the officers.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, the accident report and the officer's lapel camera video recordings. The evidence identified the two officers as Officer S. and Officer R. The evidence showed the officers responded to your residence in search of a suspect's vehicle, which was involved in a hit and run accident earlier in the day. The lapel video showed Officer R. contacted you at your front door and identified herself and told you they were there because your address was listed as the address of a hit and run vehicle. Officer R. asked you to step onto your front porch and told you she was going to pat you down for weapons so that she could comfortably talk to you, to which you responded okay as you complied with her request. The lapel videos showed Officer R. spoke with you about the accident and why they were there and Officer S. stood nearby. The videos showed Officers R. and S. were polite and professional throughout their brief contact with you.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed the allegations in your written complaint were inaccurate, and Officers S. and R. did not violate any APD SOP violations.

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.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #092-18

Dear Mr.

Our office received the complaint you filed on April 12, 2018 against Albuquerque Police Department (APD) Officer J.. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Albuquerque

NM 87103

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, and the CPOA's investigation and findings.

www.cabq.gov

I. THE COMPLAINT

Mr. K complained he was not allowed to complete a Domestic Violence (DV) report, wherein he was the victim. (See original complaint for more details.)

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint, a copy of the incident report and the CADS report. The evidence showed that Officer J. was not the primary APD officer who responded to the incident, nor did he write a report regarding the alleged incident. The report taken was one that did not involve a DV situation; rather it was an alleged altercation between you and

Letter to Mr
May 17, 2018
Page 2

an unknown security guard. Your complaint doesn't state any specific allegations against Officer J. or any other APD officers.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to lack of jurisdiction. Our office only has jurisdiction to investigate complaints against APD officers and employees.

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.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

May 17, 2018

Via email

Re: CPC #093-18

Dear Ms.

Our office received the complaint you filed on April 16, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and attempted to contact you at phone number listed on your complaint but has been unable to contact you to obtain more information about the incident(s) about which you are complaining. Your complaint is unclear; however, it appears it happened in the Truth or Consequences Police Department's jurisdiction.

PO Box 1293

Albuquerque

NM 87103

The CPOA does not have jurisdiction to investigate complaints against Truth or Consequences Police Department officers or employees; therefore we have made the decision to **ADMINISTRATIVELY CLOSE** your complaint.

Please contact Truth or Consequences Police Department for information regarding their process for filing complaints against their officers and/or employees.

www.cabq.gov

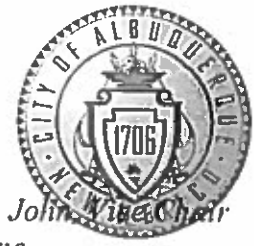
If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

May 17, 2018

To file

Re: CPC #094-18

Dear Ms. Ross:

Our office received the complaint you filed on April 16, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and after discussing the incident, about which you are complaining, with you, learned that your complaint is against an Albuquerque Public Schools (APS) Police Department officer.

PO Box 1293

The CPOA does not have jurisdiction to investigate complaints against APS officers or employees; therefore we have made the decision to **ADMINISTRATIVELY CLOSE** your complaint.

Albuquerque

Please contact APS for information regarding their process for filing complaints against their officers and/or employees.

NM 87103

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

www.cabq.gov

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC # 096-18

Dear Mr.

On April 4, 2018 we received your complaint concerning the Records Division of the Albuquerque Police Department (APD). The incident you complained of occurred on September 1, 2017.

I. THE COMPLAINT

You filled out a complaint form and attached a copy of your background check that was completed by an employee of the APD. That is all the information your complaint contained.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint is unable to conduct any investigation into the matter because you didn't say what you are complaining about.

III. CONCLUSION

There is not enough information contained in your complaint to conduct an investigation into the matter. Because of the lack of information provided, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints can be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Harness', written over a horizontal line.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Re: CPC # 097-18

Dear Ms. L:

On April 16, 2018 we received your complaint concerning unknown officers of the Albuquerque Police Department (APD). The incident you complained of occurred on April 14, 2017.

I. THE COMPLAINT

You complained that using police officers to direct traffic and control intersection lights for private churches is an improper use of taxpayer's money. You believe that if the church wishes to have traffic help when it lets out, then it should be required to pay for it privately. You wanted no more publicly funded taxed paid police being assigned traffic duty for private organizations. You want the City to charge a fee to cover the wages and cost of all personnel involved.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint determined that the practice you complained of is allowed by APD policy. The Church or Churches involved do in fact pay the City of Albuquerque a fee that covers the wages and costs of all personnel involved in such duties.

III. CONCLUSION

There is no violation of APD policy. Because the Churches do pay a fee that covers the wages and costs of all personnel involved, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints can be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Harness', written over a faint horizontal line.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Joanne Fine

James A. Larson

Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #040-18

Dear Mr.

Our office received the complaint you filed on February 3, 2018 against Albuquerque Police Department (APD) Officer C., Officer D., Officer M. and Sergeant (Sgt.) T. regarding an incident at your home on February 3, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. A B , said that on February 3, 2018, at an unknown time, he received a phone call from an APD dispatcher who told him that his out-of-state ex-girlfriend, called APD stating he had been shot. The dispatcher asked Mr. B his address so APD officers could check on him to make sure he was okay. Mr. B complained that he gave the dispatcher his address and said he was fine and that this was bullshit that his ex-girlfriend could do this to him and make him go through this just by making a phone call. He complained that when APD officers arrived they told him to come out with his hands up and all of his neighbors saw this. He complained that when opened the door, the officers rushed

him, knocked him to the floor, stepped on him, and kicked and punched him. He complained that after the officers searched his home and held him at gunpoint, with two rifles pointing at him, he demanded they leave, and on their way out one officer spit on him as Mr. B sat on the floor.

NOTE: Mr. B could not identify any of the officers; however, his complaints about them were all the same and the Investigator's findings for each Officer and the Sgt. are identical and therefore combined in the statements below.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C.'S CONDUCT, OFFICER D.'S CONDUCT, OFFICER M.'S CONDUCT AND SGT. T.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the written complaint, the CADS report, and lapel videos.

A) The CPOA reviewed APD SOP 2-52-4(H)(2), which states:

2-52-4 USE OF FORCE REQUIREMENTS

H. Lawful Objectives

- 2. Any use of force, to include a show of force, shall be done only as objectively reasonable to accomplish a lawful police objective.***

Mr. A B, complained that Officer C., Officer D., Officer M. and Sgt. T. told him to come out with his hands up and all of his neighbors saw this. He complained that when he opened the door, Officer C., Officer D., Officer M. and Sgt. T. rushed him, knocked him to the floor, stepped on him, and kicked and punched him. He complained that after Officer C., Officer D., Officer M. and Sgt. T. searched his home and held him at gunpoint, with rifles pointing at him, he demanded Officer C., Officer D., Officer M. and Sgt. T. leave, and on his way out Officer C., Officer D., Officer M. and Sgt. T. spit on him as Mr. B sat on the floor.

The CADS report and lapel videos were reviewed and showed Officer C., Officer D., Officer M. and Sgt. T. responded to Mr. B residence and upon their arrival, asked him to open the door with both hands visible and when he opened the door, Mr. B was lying on the ground and crying out in pain. Officer C., Officer D., Officer M. and Sgt. T. asked him what was wrong and he began cursing at them. They told him they received a call he had been shot, and he cursed at them again and said he hadn't been shot. He sat up next to the front door was moaning loudly in pain and holding his left arm, when one officer asked if he had weapons on him and patted down his upper body. He told Officer C., Officer D., Officer M. and Sgt. T. his back and left arm and left leg hurt. Officer C., Officer D., Officer M. and Sgt. T. told him rescue personnel were on the way and they assumed he wanted to be checked out, and he

responded with an affirmative head nod as he leaned his forehead against a door. They asked him for more information about his pain to which he responded with more cursing and then told them he wasn't talking and told them to go away. He started cursing more and yelled at them to get out of his house and repeatedly refused rescue. Lapel video showed Officer C., Officer D., Officer M. and Sgt. T. did not rush him, knock him to the floor, kick or punch him, hold him at gunpoint, or spit on him as he left the residence. Officer C., Officer D., Officer M. and Sgt. T. did not violate any APD SOPS as alleged in the complaint, and Mr. Beattie's allegations were found to be fabricated and untruthful.

The CPOA finds Officer C.'s, Officer D.'s, Officer M.'s and Sgt. T.'s conduct **UNFOUNDED** regarding the allegation of a violation 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.

Your complaint and these findings are made part of Officer C.'s, Officer D.'s, Officer M.'s and Sgt. T.'s Internal Affairs records.

You have the right to appeal this decision.

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

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

2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the city's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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.

Letter to Mr. .
May 17, 2018
Page 4

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'EH', is positioned above the typed name.

Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Valerie St. John, Vice Chair

Joanne Fine

James A. Larson

Edward Harness, Executive Director

May 17, 2018

Via email

Anonymous

Re: CPC #054-18

Dear Anonymous:

Our office received the complaint you filed on March 1, 2018 against Albuquerque Police Department (APD) Officer V. regarding an incident at _____, on February 10, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Albuquerque

NM 87103

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

www.cabq.gov

I. THE COMPLAINT

An anonymous complainant said that on February 10, 2018 at approximately 1930 hours, they saw a marked APD patrol vehicle, _____, parked in front of an establishment located at _____ along with motorcycles and other vehicles. Anonymous said that inside there was a large gathering of people wearing Punishers Motorcycle Club/Gang jackets and clothing, and it appeared it was "biker church." Anonymous found it alarming that an APD officer would participate as a Motorcycle Club/Gang member and complained they are abusing their take-home police vehicle privileges.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the written complaint, and interviews.

A) The CPOA reviewed APD SOP 2-5-3(K)(8), which states:

2-5-3 USE OF POLICE VEHICLES - PROCEDURES

K. Assigned Take-Home Vehicle Program

- 8. Off-duty employees are not authorized to use their take-home vehicle for conveyance to and from non-APD part-time employment, or non-duty related functions. Off-duty employees shall use their take-home vehicle in a professional manner. Department personnel may use their take home vehicle for conveyance to and from physical training.***

Anonymous complained Officer V. was abusing his take-home police vehicle privileges.

The aforementioned evidence showed Officer V. drove his marked patrol vehicle to the establishment after completing an overtime shift and before going home. Officer V. said he was setting up a delivery of Girl Scout cookies to the Veteran's Hospital and said it was out of convenience that he stopped at the establishment before he went home. He said he understood that this action was against APD SOP.

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

Your complaint and these findings are made part of Officer V.'s Internal Affairs records.

You have the right to appeal this decision.

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

The POB 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 POB were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,

Letter to Anonymous

May 17, 2018

Page 3

- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the city's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. William J. Kass

Chelsea Van Deventer

Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #061-18

Dear Ms.

Our office received the complaint you filed against PSA D. of the Albuquerque Police Department (APD) regarding an incident that occurred on March 7, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the complaint. The CPOA thoroughly and impartially investigated the complaint.

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. W complained that her hot air balloon trailer that was parked in front of her house was towed by PSA D.. She wrote that she has been parking the trailer there for the last 12 years without incident. She claimed that she was not given notice and she thought the trailer had been stolen. When she went to claim her trailer at the tow yard and the tow truck driver told her that he knew the trailer wasn't abandoned when he went to tow it, but the PSA was belligerent with the driver. Ms. W looked at PSA D.'s Facebook page and she found it to be offensive. The PSA was in a picture holding a rifle and the PSA had a picture posted up of him wearing a "gangster wanna be" hoodie. Ms. W wrote that what PSA D. did does not instill the public's faith in APD and that or show much confidence in APD's ability to communicate positively with the public. Ms. W wanted to be reimbursed for the cost of getting her trailer back. She also wanted to warn us that PSA D. is a catastrophe

waiting to happen and that he does not project a positive image of the APD or public service personnel.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING PSA D.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), applicable City Ordinances, the Complaint, The Computer Assisted Dispatch (CAD) reports, the police report, an interview with Ms. W. [REDACTED], and an interview with PSA D..

A) The CPOA reviewed Standard Operating Procedure 2-48-2 G 2 and 4 regarding APD PSA D.'s conduct, which states:

Before placing an abandoned vehicle sticker on the vehicle...2) The Officer/PSA will make a stolen vehicle inquiry and attempt to contact the owner...4) If the owner cannot be contacted,...officers will fill out an Abandoned Vehicle Notification Form (PD-3060) and place an abandoned vehicle sticker on the vehicle. Abandoned Vehicle Notification Forms will be forwarded to Records and then mailed to registered owners.

In researching the matter, the Red Tag states:

If this vehicle is not removed within seven consecutive days from the date this notification tag was affixed, this vehicle will be towed and stored at the owner's expense.

The Red tag was affixed on 03/01/18 at 1:33 PM. Seven consecutive days from that date would have been 03/08/18 at 1:33 PM, not 03/07/18.

03/01-03/02 = day 1
03/02-03/03 = day 2
03/03-03/04 = day 3
03/04-03/05 = day 4
03/05-03/06 = day 5
03/06-03/07 = day 6
03/07-03/08 = day 7

The vehicle was towed on the 6th day and not the seventh day as is required by the notice. In most cases, maybe it wouldn't have mattered. In this case though, Ms. W. [REDACTED] returned from her vacation late at night and slept well into the next day, which was the day the trailer was towed. Had Ms. W. [REDACTED] had the extra day, she may have seen the notice and addressed it had the PSA waited the proper amount of time before towing it.

The SOP further requires that before placing a red tag on the vehicle the Officer/PSA is to run a stolen vehicle inquiry which the PSA said that he did, **and** "attempt to contact the owner". In this case the PSA admitted that he did not attempt to contact the owner because he didn't want a confrontation and he felt that the red tag was an attempt to contact the owner.

The investigation showed also that PSA D. failed to fill out and forward to APD Records an "Abandoned Vehicle Notification Form" (PD-3060). That form, based on investigation, is still in use and is still required by SOP. That form gives a citizen notice that their property is about to be seized and instructs the citizen how to respond to the notice. That too may have made a difference in this case. Records would have mailed the form to Ms. W. notifying her that the vehicle had been red tagged as abandoned.

PSA D. failed to follow policy in that he failed to attempt to contact the owner when he admitted that the trailer was registered to the house in front of which it sat. He failed to fill out and forward PD-3060, and he towed the vehicle a day early.

The CPOA Investigator viewed PSA D.'s Facebook page. The page does show PSA D. holding a rifle and armed with what appears to be a handgun. The page states on it, "Glorified Meter Maid" but there is no reference to APD anywhere on the page. There are pictures of PSA D. in hoodies in many of the pictures but none that indicate "gangster wanna be attire". It should be noted that the first time the page was viewed by the CPOA Investigator around the 21 of March, there was one picture of PSA D. wearing a hoodie with a bandanna over his face but that picture had been since removed. Even with the pictures mentioned, PSA D. did not violate APD's Social Media policy.

The CPOA find PSA D.'s conduct to be **Sustained**, where the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

The CPOA reviewed Standard Operating Procedure 1-22-2 A 2b regarding APD PSA D.'s conduct, which states in part:

Rules. Free Speech. When using social media Department Personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct (SOP General Orders Section 1-1) is required for the personal use of social media. In particular, Department Personnel are prohibited from the following:...Speech which could bring the Department into disrepute or which impairs the mission of the Department and/or the ability of Department Personnel to perform their duties.

As stated above, the CPOA Investigator viewed PSA D.'s Facebook page. The page does show PSA D. holding a rifle and armed with what appears to be a handgun. The page states on it, "Glorified Meter Maid" but there is no reference to APD anywhere on the page. There are pictures of PSA D. In civilian attire in hoodies in many of the pictures but none that indicate "gangster wanna be attire". Pictures are considered Speech for purposes of the First Amendment. Hoodies are common attire for people. It should be noted that the first time the page was viewed around the 21 of March, 2018, there was one picture of PSA D. wearing a hoodie with a bandanna over his face but that picture had been since removed. Even with the pictures mentioned, PSA D. did not violate APD's Social Media policy. The pictures posted on PSA D. page do not bring the Department into disrepute, and they clearly do not impair the mission of the department or the ability of Department personnel to perform their duties.

The CPOA finds PSA D.'s conduct to be **Exonerated**, where the investigation determined by a preponderance of the evidence that the alleged conduct, posting of pictures wearing hoodies, did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of PSA D.'s Internal Affairs file.

You have the right to appeal this decision.

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

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

2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and submitted within 30 days of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/survey>.

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



Ed Harness, Esq.
Executive Director

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Chelsea Van Deventer

Edward Harness, Executive Director

April 6, 2018

Re: CPC # 063-18

Dear Ms _____ :

On March 15, 2018 we received your e-mailed complaint concerning Sergeant G. of the Albuquerque Police Department (APD). The incident you complained of you said occurred on February 26, 2018 but it actually occurred on December 2, 2017 at 3:45 PM.

I. THE COMPLAINT

You wrote in your complaint that your son's girlfriend was driving you home from a casino because you had had a couple of drinks. You wrote that you were driving down 2nd Street and you stopped at a park so you could work out (you're a boxer) and so your son's girlfriend could meet up with your son. You saw APD officers arresting someone in the middle of the street and you drove around them. You said that your son's girlfriend turned off the ignition and handed you the keys. You got out of the car and your son's girlfriend waved to the cops and they waved back. Your son and his girlfriend then left. You jogged around the park and the started stretching and shadow boxing when you were approached by Sergeant G.. You said that Sergeant G. told you, "Your stance is off. You need to strengthen your buttocks." You wrote that the comment made you feel uncomfortable so you asked him to turn on his lapel camera. You write that the Sergeant told you to spit out your gum because he smelled alcohol and when you refused he told you to spit out your gum, "right f***ing now!". You were told to put your hands on his car and you did. You were then surrounded by 5-6 officers. You alleged that Sergeant G. then patted you down and while doing so he felt your buttocks and then he moved his hand up, put it under your shirt and bra and he felt your breast. He then brought his hand down between your legs and felt your vagina. You asked him to make sure he was recording and he assured you he was. Sergeant G. then told you to blow into "the thing" and it showed you were under the legal limit. Sergeant G. then arrested you for aggravated DWI. You wrote that you were taken to a nurse and told to blow again and that got the same result that you were under the legal limit. You denied that you were driving the car that day and that you got out of the car on the passenger side so you couldn't have been

driving. When you were taken to jail, they told you that you should stay for a while. You felt that comment was inappropriate. You wrote in your complaint that you want justice and you don't want that Sergeant to ever do that again.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. The Investigator obtained a copy of the police reports filed in your case and reviewed them.

The police reports indicate that on 12/02/2017 at about 3:45 PM, Sergeant G., Officer A., and Officer G., were at the park located at 2nd Street and McKnight and one of the officers had just finished taking a man into custody who had been brandishing a large knife. The man was also wanted on a warrant. All of the police reports indicate that you were driving your car, by yourself, and you drove by the officers. The officers described you and what you were wearing and all stated that they saw you driving the car. Your radio was playing loudly. You stared at the officers as you drove by so Sergeant G. waved to you. You then pulled your car over, parking partially in the street. You got out of your car and walked over to the grassy area of the park and started shadow boxing. You left your car running and left the radio playing loudly as you shadow boxed. Sergeant G. approached you to speak with you about leaving your vehicle running, and he commented on your fighting technique. You exhibited poor balance, your speech was slurred, and you had bloodshot watery eyes. Sergeant G. smelled a very strong odor of an alcoholic beverage coming from your facial area. When he asked you how much you had to drink, you said "too much" and you told the Sergeant that you were too drunk to drive. When he asked you to submit to Field Sobriety Tests you argued with him. You said that a friend was driving your car. You refused to submit to the sobriety tests so the Sergeant placed you under arrest for DWI. You were handcuffed and Sergeant G. double locked your handcuffs and checked them for proper fitment. You were then placed in Officer A.'s police car.

You were transported to the Prisoner Transport Center where you were read the NM Implied Consent Advisory Statement and you gave one sample of your breath. Your test result was .11 which is over the .08 legal limit in NM. Your driver's license was expired and you were booked for Aggravated DWI and No Driver's License. Sergeant G.'s video was uploaded as evidence.

Officer A. reported that he saw you driving as well. You waved as you drove by and the officers waved back. You stopped your car, got out, and gave the officers a double peace sign and then you started boxing and kicking at the air. Sergeant G. went to check on you, found you were intoxicated, and arrested you. He wrote that you were loud and disruptive throughout the process.

The Police Service Aide who towed your car found a large knife in your car as well as a bottle that contained a small amount of methadone. The knife and the bottle of methadone were tagged into evidence.

The CPOA Investigator reviewed all three of the officer's lapel videos and found all of your allegations made in your complaint to be false.

III. CONCLUSION

You wrote in your complaint that the incident took place on February 26, 2018. That was false. The incident occurred on December 2, 2017. You wrote that your son's girlfriend was driving you. That is a false statement. The lapel videos showed you exit your car from the driver's side. You were alone. No one was with you. You said your son's girlfriend turned off the ignition and handed you the keys. That is false. The lapel video showed your car was parked and running and the keys were in the ignition. You removed the keys yourself. You did not jog around the park. That was a false statement. Sergeant G. never told you, "Your stance is off. Tighten up your buttocks." That was a false statement. The video showed he said, "Those are some mean moves." You said that Sergeant G. told you to spit out your gum, "right f***ing now!" That was a false accusation. The video showed Sergeant G. never used any profanity with you. You alleged you were surrounded by 5-6 officers. That is a false accusation. There were exactly three officers on scene. One had a prisoner and was a significant distance away from you. Only Sergeant G. and Officer A. dealt with you. The video proves that. You then alleged the most serious thing of all. You alleged that Sergeant G. pat searched you and he felt your buttocks, that he reached under your shirt and touched your breast and then he touched your vagina. He then arrested you. That is a lie. Sergeant G.'s lapel video showed you were not told to put your hands on the car and you were arrested and handcuffed in the street. The lapel camera video from Sergeant G. and the lapel Camera Video from Officer G. from a different angle showed you were handcuffed and placed up against the Sergeant's car when you started to pull away. You were then immediately put into the back of Officer A.'s car. You did not get touched inappropriately as you alleged. You said that you blew into a "thing" that showed you were under the legal limit and then the Sergeant then walked behind a wall to talk to another officer and told you to blow again. That is pure fabrication on your part. Nothing like that happened at the scene. The lapel video proved that. You alleged that you were taken to a nurse and told to blow again. That is not true. You were taken to the prisoner transport center. There was no nurse. That is shown in the video. You claim that when you did blow into a machine, the result showed you were under the legal limit. That is also untrue. Your test result showed you had a blood alcohol content of .11 which is over the legal limit. You said that you exited the passenger side of the car. That too was a lie. The lapel video showed you get out of your car on the driver's side. A review of your court case shows that you are disputing the allegations and you have recently been jailed for failure to comply with your conditions of release.

The preliminary investigation into your complaint revealed clear and convincing evidence that none of the allegations you made in your complaint are true. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints can be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Harness', written over a faint horizontal line.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

May 17, 2018

To file

Anonymous

Re: CPC #069-18

Dear Anonymous:

Our office received the complaints you filed on February 21, and March 9, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and contacted you regarding the incident. During that telephone conversation, you told the Investigator you wanted to withdraw your complaints. At your request, we have **ADMINISTRATIVELY CLOSED** your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Sincerely,

The Civilian Police Oversight Agency by

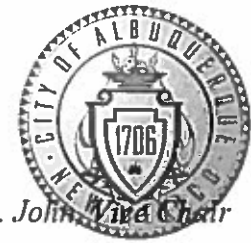
Edward Harness, Esq.

Executive Director

(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

May 17, 2018

Via Certified Mail

Re: CPC #084-18

Dear Ms.

Our office received the complaint you filed on March 28, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Upon completion of the investigation the CPOA determined, based on a preponderance of the evidence, whether or not the Albuquerque Police Department (APD) Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. W said she was visiting Albuquerque and traveling on Central Avenue, in her vehicle, when she was struck by another vehicle. She said the other driver appeared to be intoxicated and eventually drove away and she reported this information to the dispatcher. She complained that APD officers never responded to the accident scene and, ultimately, she filed an accident report at a substation. She felt this was unprofessional on the part of APD and doesn't trust APD to come to her rescue in the future. She is seeing rightful compensation. (See original complaint for more details.)

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and spoke with you over the phone regarding your complaint. You voiced your concerns about the lack of police response to your vehicle accident, and said that as a result of this inaction, the involved insurance companies found you and the other driver equally responsible (i.e. 50%) for the accident and your vehicle is still inoperable and in Albuquerque. The Investigator understood your frustration with the situation and explained the issues APD has with its limited number of police officers and the repercussions as a result of this.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because there were no violations of APD SOPs.

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.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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

CIVILIAN POLICE OVERSIGHT AGENCY

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Dr. William J. Kass

Chelsea Van Deventer

May 17, 2018

Via Certified Mail

Re: CPC #090-18

Dear Ms.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on April 17, 2018, regarding an incident that occurred on or about July 19, 2016.

I. THE COMPLAINT

Ms. M _ L _ submitted an online complaint and a risk management claim. The CPOA Investigator reviewed both documents. The car had been towed and according to Ms. M _ L _ an employee at the tow yard told her that the detective said the customer (Ms. M _ L _ , would be mad because the tires were shot out by APD. Ms. M _ L _ wrote the tires were only four years old, there was a scratch above the bumper, and she had to pay a tow bill. Ms. M _ L _ wrote the same detective asked for her car key and said he would have to break the car window if she did not provide the key. It was at that time she learned her son had been arrested and the car she lent her son was towed. Based on her complaints and her conversations with CPOA staff, her complaint involved compensation for damages and alleged the violation of SOP was that damage to her vehicle was improper. She also claimed difficulty in getting reports.

II. INVESTIGATION

The CPOA Investigator contacted the Risk Management adjuster assigned to her claim. The adjuster informed the CPOA Investigator the highlights of his investigation as well as the justification of why Risk Management denied Ms. M _ L _ claim for compensation. The adjuster explained APD received a call because Ms. M _ L _ son pulled a gun on a neighbor. The call for service turned into a SWAT standoff since he barricaded himself in the residence. The car in question was parked directly in front of the door of the residence. SWAT decided to disable the vehicle so her son would not be able to flee the scene and endanger other people or officers. SWAT sent in the ROOK, which is a SWAT vehicle, to cut the tires. After several more hours, Ms. M _ L _ son was taken into custody. A search warrant was obtained and police found multiple weapons in the car and in the home, many of them

Letter to Ms.
May 17, 2018
Page 2

strategically placed. Risk Management denied the claim because there was no negligence on the part of the police; they did what was necessary to conduct the arrest for the charges from that day as well as outstanding felony warrants. Risk Management advised Ms. M L the reasons for the denial of the claim. Ms.M L has called Risk Management numerous times asking that the decision for compensation be changed, but they are firm on their decision. The adjuster saw no violations of policy or wrongdoing by police as part of his investigation, which contributed to his decision to deny the claim. As to her concern about a police report, the police report number is 16-0066353, which can be obtained through APD Records or an Inspection of Public Records request.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint alleges the damages were improper and that the complainant deserved compensation. The CPOA has no role in determining compensation for damages when police use authorized tactics to prevent endangerment to others.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

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