

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchel

Eric Nixon

Edward Harness, Executive Director

BOARD AGENDA

Thursday, January 14, 2021 – 5:00 p.m.

Attendance: In response to the Governor's declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, January 14, 2021 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <http://www.cabq.gov/cpoa/events/cpoa-board-meeting-january-14-2021>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

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

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, January 11, 2021 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Thursday, January 14, 2021. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

I. Welcome and call to order

II. Mission Statement – *Dr. William Kass, Chair*

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*

III. Approval of the Agenda

IV. Public Comments

V. Review and Approval of Minutes from December 10, 2020

VI. Reports from City Departments

- a. APD
- b. City Council
- c. Mayor's Office
- d. City Attorney
- e. CPC
- f. APOA
- g. Public Safety Committee
- h. CPOA – *Edward Harness, Executive Director*

VII. Hearing on Requests for Reconsiderations

VIII. Review of Cases:

a. Administratively Closed Cases

177-20	197-20	243-20	269-20	276-20
282-20	284-20	301-20	302-20	319-20

b. Unfounded

220-20	245-20	275-20	305-20
--------	--------	--------	--------

c. Unfounded and Exonerated

222-20	223-20
--------	--------

IX. Serious Use of Force Cases/Officer Involved Shooting

- a. 19-0070442
- b. 19-0075407
- c. 19-0089586 and 19-0089628
- d. 19-0093619

X. Reports from Subcommittees

- a. Community Outreach Subcommittee – *Chantal Galloway*
 - 1. Met December 15, 2020 at 12:30 p.m. (video conference)
 - 2. Next meeting January 26, 2021 at 3:00 p.m.
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 - 1. Met January 7, 2021 at 4:30 pm (video conference)
 - 2. Next meeting February 4, 2021 at 4:30 p.m.
- c. Case Review Subcommittee – *Eric Nixon*
 - 1. Met October 27, 2020 at 4:30 p.m. (video conference)
 - 2. Next meeting January 26, 2021 at 4:30 p.m.
- d. Personnel Subcommittee – *Eric Olivas*
 - 1. December 28, 2020 at 3:00 p.m. (video conference)
 - 2. Next meeting January 25, 2021 at 3:00 p.m.

XI. Discussion and Possible Action

- a. Memorial – Ad Hoc Work Group
- b. CPOA Board Changes to CASA
- c. Board Member Reviews
- d. Independent Monitoring Team Request for NACOLE Report
- e. Robert Rules of Order Training

XII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

- a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
 - 1. Executive Director Evaluation
- b. 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)
 - 1. *Becerra v. City of Albuquerque et al.*, 20-CV-1260-GJF

XIII. Other Business

XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on February 11, 2021 at 5:00 p.m.*

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice-Chair*

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Certified Mail

7020 1810 0000 6296 6626

Re: CPC #177-20

Dear Mr. R _____:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on September 1, 2020, regarding an incident that occurred on August 22, 2020.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

Mr. R _____ filed his complaint written in Spanish. His complaint was sent for translation services, but there was a significant delay in receiving the response back. The translation was received back November 20, 2020. Mr. R _____'s complaint form stated his preferred language was English. In his complaint he wrote that he noticed an officer in his unit smoking and playing with his peach. He wrote he snuck behind the officer and wrote about a sexual escapade. His outcome desired was that he wanted both officers to go on a vacation with him. Mr. R _____ provided a date of incident, a CAD number, and officers' names that were on the CAD he identified.

www.cabq.gov

II. INVESTIGATION

The CPOA Investigator obtained the CAD and reviewed it. The CAD documented that Mr. R _____ called police and reported that a former friend stole items from him when the friend assisted him in moving. The CAD provided information both about Mr. R _____'s history and the person he accused of taking property.

The CPOA Investigator watched the lapel videos associated with the CAD he provided. Mr. R _____ called police because he wanted officers to go to the home of an individual who lived nearby and ask for personal property back. Mr. R _____ told officers he reported to officers about a month ago that he claimed this individual stole his property. Officers asked him how they could help him today. He wanted officers to obtain a search warrant to retrieve his property. Officers explained that was not something they could do in the current situation, but said they would contact the

individual and ask for the property. The lapel videos showed the individual stated he worked with Mr. R a long time ago and did not have any property. Officers informed Mr. R he would have to go a civil route if he wished to pursue the incident. Mr. R asked for a ride, which he was given. Mr. R joked on the ride and the situation ended positively.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the CAD Mr. R provided did not match the circumstances he described in his complaint. Mr. R's complaint did not have any complaint about Standard Operating Procedures and instead described an event that did not occur.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

To file

Anonymous

Re: CPC #197-20

Dear Anonymous:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on September 29, 2020, regarding an incident that occurred on September 5, 2020.

I. THE COMPLAINT

An anonymous complainant observed a vehicle, later determined to be assigned to Officer W, pull into a business closely followed by a civilian vehicle. The complainant claimed the officer was using his vehicle for personal use. The citizen also said that the officer exceeded the speed limit at least by two miles per hour when he paced the vehicle. He also wrote the vehicle drove under the speed limit. The complainant also wrote about various news incidents and complained APD has not changed.

II. INVESTIGATION

This citizen did not know if the officer was on personal business or official business. APD policy does allow for officers to use their patrol car for limited personal business. The level of speed the complainant identified would not be a violation of policy. The citizen filed general commentary.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not provide evidence that policies had been violated. The complaint was forwarded to the supervisor for possible discussion and general information.

You have the right to appeal this decision.

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

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

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

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

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



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Email

Re: CPC #243-20

Dear Mr. D

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on October 30, 2020, regarding an incident that occurred on unspecified dates in October 2020.

I. THE COMPLAINT

B D sent an email to the Director of Council Services about an experience with someone working security at St. Martin's Hospitality Homeless Shelter. The Director of Council Services reached out to the CPOA. Mr. D wrote the person allegedly threatened individuals with violence at the shelter. Mr. D described the person. Mr. D claimed the person harassed individuals and that the person claimed to be an APD officer.

II. INVESTIGATION

The CPOA Investigator contacted Chief's Overtime to determine which employees had been worked the St. Martin's assignment for the month of October. There were two employees that worked that assignment and clearly did not match the physical description Mr. D provided.

The CPOA Investigator contacted St. Martin's and the Supervisor confirmed there were two possible employees that were contract guards that matched the physical description Mr. D provided. The supervisor stated that Mr. D should either call the main line and ask for the Supervisor or ask for the Human Resources Director instead. He could also contact the Director, J E The main line is :
or their email is

The CPOA Investigator emailed Mr. D to ask for more details and confirm the month he had these experiences. Mr. D did not respond to the email.

III. CONCLUSION

Letter to Mr. D
January 15, 2021
Page 2

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. Based on the information provided it appears the complaint involves contract security employed by the shelter and not APD personnel.

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

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to be 'E. Harness', with a stylized flourish at the end.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Email

Re: CPC #269-20

Dear Ms. R, Ms. J, and Mr. J:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 7, 2020, regarding incidents that occurred in April 2020.

I. THE COMPLAINT

Three different family members of Sgt. R filed complaints regarding Sgt. R seeing his children during the Covid pandemic. Ms. R listed out the possible accommodations she was willing to make to allow Sgt. R to virtually see their children. She complained that Sgt. R instead fought her in court and the Judge ruled that he had rights to see his children. Ms. R wrote that other at-risk individuals made alternatives and she alleged Sgt. R was being selfish. Ms. R wrote her desired outcome was for the children to remain with her during the pandemic restrictions, which would be contrary to the court issued custody order. Ms. J the grandmother to the children, complained about Sgt. R's refusal to grant her daughter custody of the children during the pandemic. Mr. J, Ms. R's brother, also expressed concerns about Sgt. R's activities and provided information about the city's cautions regarding the virus. Mr. J also provided some pictures of Sgt. R's activities, which he claimed put the children at risk because they were out of the house.

II. INVESTIGATION

The CPOA Investigator reviewed the complaints and the information provided. According to the complaints the family felt Sgt. R should give up his opportunity to see his children in person and utilize only virtual sources of contact until the pandemic risk was over or lessened. The family complained instead Sgt. R took Ms. R to court to enforce the custody order. According to Ms. R, the Judge

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

maintained the custody order and that Sgt. R was entitled to see his children in person. The CPOA has no jurisdiction to interfere with a custody arrangement. There is no standard operating procedure or special order that says APD personnel must forgo seeing their children during the pandemic due to risk of exposure.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the CPOA has no authority to override a court approved custody agreement.

You have the right to appeal this decision.

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

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

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

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

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. R , Ms. J , and Mr. J
January 15, 2021
Page 3

Sincerely,
The Civilian Police Oversight Agency by

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

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice-Chair*

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Email

Re: CPC #282-20

Dear Mr. V

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 13, 2020 regarding an incident that occurred on or about August 13, 2019.

I. THE COMPLAINT

Mr. L filed a complaint about being followed unnecessarily. He provided three different intersections. The date he provided was in 2019, but since it was the same day he filed it could have been 2020.

II. INVESTIGATION

The CPOA Investigator attempted to contact Mr. V via email in order to obtain more information and to confirm the date. Mr. V did not respond.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Mr. V did not provide enough information or accurate information in order to determine who he alleged was following him.

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

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Letter to Mr. V
January 15, 2021
Page 2

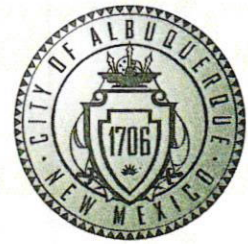
Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to be 'EH' with a stylized flourish.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021
Via Certified Mail
7018 1130 0002 3429 1668

Re: CPC #284-20

Dear Mr. J :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 23, 2020, regarding ongoing incidents from 2001 to 2020.

I. THE COMPLAINT

Mr. J submitted a written complaint listing out various incidents that have occurred at his home with his neighbor and his neighbor's family. Mr. J listed out several detectives that have been involved in his case over the years.

II. INVESTIGATION

The CPOA Investigator reviewed the complaint to understand Mr. J's complaints against APD personnel. The written complaint did not have much detail concerning the detectives' actions and what his concerns were.

The CPOA Investigator spoke to Mr. J on the phone regarding his complaint. The CPOA Investigator explained what scope the Agency provided and investigated. Mr. J explained his intention for filing the complaint was primarily to let someone know what had been going on with the situation in his neighborhood. Mr. J did mention that Detective B said he would file a report about damage to his truck, but had not yet. However, he had already communicated with a sergeant who said that he would take care of the paperwork. The CPOA Investigator asked Mr. J what resolution he would like with his complaint and Mr. J said he did not have a complaint with APD personnel at this time. He wished to withdraw the complaint.

The CPOA Investigator reached out to the sergeant. The sergeant explained Mr. J was improperly referred to him, but Mr. J's issues were being handled by Detective R. The CPOA Investigator talked to Detective R who said he was Mr.

J is point of contact for ongoing issues with his neighbor. Detective R would handle any reports Mr. J needed filed.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Mr. J wished to withdraw his complaint and had no current issues with APD. Mr. J was aware of the process if he needed assistance in the future.

You have the right to appeal this decision.

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

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

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

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

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. J
January 15, 2021
Page 3

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to be 'EH' or similar initials, written in a cursive style.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Certified Mail

7020 1810 0000 6296 6602

Re: CPC #301-20

Dear Ms. F :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on December 1, 2020, regarding an incident that occurred on or about August 13, 2020.

I. THE COMPLAINT

Ms. F submitted an online complaint regarding the actions of code enforcement and BCSO. Ms. F alleged these agencies forced their way into her home without a warrant and harassed her and her children. She reported physical force was used causing her to have a heart attack and be in the hospital. The property was searched without explanation and the officer pointed a firearm at her child. She said her husband was arrested and then she was arrested. Her children were on a 48 hour hold with CYFD.

II. INVESTIGATION

Ms. F stated in her complaint it was BCSO. The CPOA Investigator confirmed her address also is in BCSO jurisdiction. The employee names she listed are not Albuquerque Police Department employees. The NM Courts information also does not have any APD employees listed. The CPOA Investigator emailed Ms. F to confirm if there was any information that APD had anything to do with the incident. The email also provided the link on how to file a complaint with BCSO.

<http://www.bernalillocountysheriff.com/compliance-office/how-do-i-file-a-complaint-.aspx> . Ms. F never responded to the email.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed the incident was not within the jurisdiction of APD and did not involve APD personnel.

You have the right to appeal this decision.

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

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

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

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

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



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt Chantal M. Galloway

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

January 15, 2021

Via Email

Re: CPC #302-20

Dear Ms. G:

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

I. THE COMPLAINT

Ms. G submitted an online complaint regarding the actions of Albuquerque Department officers regarding how a deceased individual was left uncovered at the scene of a fatal traffic accident. Ms. G expressed how disturbing it was and that it did not show the individual dignity.

II. INVESTIGATION

The CPOA Investigator reviewed the SOPs and did not locate a SOP that addressed the concern. The CPOA Investigator reached out to the Commander of the Traffic Unit to inquire about the issue. The Commander confirmed there was no SOP regarding the issue. The Commander stated that generally Albuquerque Fire or the ambulance teams typically cover the body with a blanket, but if they do not then the police do not have the jurisdiction to force them. The Commander explained they attempt to use their vehicles and perimeters to block views, but it is not always possible. In general, he mentioned coverings, if present, might be removed by a crime scene specialist or OMI for a time as well. The Commander stated that officers can get warming blankets from property, but if one is used it is up to the officer to obtain a replacement. There is not a policy that dictates how quickly an officer should obtain a replacement. He advised he would have his motor officers have some on hand, but they can be up to an hour to respond and he would not have the authority to make sure all field officers conform to having the blankets readily available.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there is no standard operating procedure to address this issue. However, the recommendation will be made to the Policy and Procedures subcommittee of the Civilian Police Oversight Board for possible review and policy creation.

You have the right to appeal this decision.

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

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

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

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

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

A handwritten signature in blue ink, appearing to read 'E. Harness', is written over the printed name.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021
Via Certified Mail
7018 1130 0002 3429 1675

Re: CPC #319-20

Dear Mr. H

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on April 16, 2020, regarding an incident that occurred on March 5, 2019.

PO Box 1293

I. THE COMPLAINT

Albuquerque

D H submitted a written complaint about an accident that happened about a year ago. Mr. H alleged a construction accident was actually an attempt on his life by a former employee. He was severely injured in the accident and in a coma for weeks. Mr. H wrote about problems he had with this employee and his business. His complaint was that officers did not investigate the accident.

NM 87103

II. INVESTIGATION

www.cabq.gov

The CPOA Investigator reviewed the police report and the lapel videos from the accident. Mr. H was unable to provide any information due to his injury so officers took statements from the others on scene. The report was written up as an accident and a crime scene specialist documented the scene with photos. The report made no indications of suspicious activity.

Since the report mentioned OSHA, the CPOA Investigator contacted OSHA to inquire about a possible investigation. The representative at OSHA informed the investigator they would not investigate a situation unless a death occurred. They did not investigate this incident because all parties lived.

The CPOA Investigator contacted Mr. H to learn more about his complaint and determine why he felt the officers should have done more investigation at the time. Mr. H originally believed the situation was just a serious accident. However, many things occurred with his former employee since the accident that made him suspect otherwise. Mr. H saw the police report notated that a crime scene

investigator was called so he thought that meant the officers saw something suspicious. So, when nothing more occurred he believed the officers were deficient in their investigation. Mr. H said some things on the police report did not make sense to him. The CPOA Investigator explained police procedure and corrected some of his assumptions. The CPOA Investigator went over the report with him in detail. Some things he recalled that were confusing to him were not in the police report so he was not sure what document he saw those things in. Mr. H agreed he had not contacted the police department since the incident to express his concerns about his former employee. Mr. H understood the police department treated the situation as an accident. Mr. H was provided with information on how to have the additional information looked into.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Mr. H now understood how his accident had been handled and understood the officer's actions. He did not have further complaint at this time.

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

You have the right to appeal this decision.

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

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

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

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative

Letter to Mr. H
January 15, 2021
Page 3

Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

A handwritten signature in blue ink, appearing to be 'EH' with a stylized flourish.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Certified Mail

7020 1810 0000 6296 6633

Re: CPC # 220-20

Dear Mr. V:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 16, 2020, regarding an incident that occurred on October 10, 2020. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

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.

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 AND INVESTIGATION

On 10/12/2020, CPOA received a complaint from Mr. G V; who stated that Officer L had a pellet gun, restrained him, threw him to the ground and officers almost tased Mr. V. Mr. V reported the officers put their hand on his shoulder really hard. Mr. V reported that his whole body was really numb and he felt his leg was either sprained or broken.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police reports, lapel videos, and statements from Officer L, Sergeant T and Mr.

V's parents. Several attempts were made to contact Mr. V; however, Mr. V did not return CPOA Investigator's calls or voicemails.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-52-4F1a, which states:

1. Officers shall only use force to achieve a lawful objective. Officer are authorized to use force: a. To effect a lawful arrest or detention of a person;

Mr. G: V reported Officer L had a pellet gun, restrained him, threw him to the ground and officers almost tased Mr. V. Mr. V reported the officers put their hand on his shoulder really hard. Mr. V reported that his whole body was really numb and he felt his leg was either sprained or broken.

During the interview with Officer L, he stated Sergeant T asked Mr. V to sit down on the sidewalk in which he refused. Mr. V then started to flail his arms about and to Officer L it looked like Mr. V was not only flailing his arms but it also looked like Mr. V was trying to strike at Sergeant T. Officer L stated in that event, he was not going to permit that to happen. Officer L went to an escort position, grabbed onto Mr. V's right wrist and right elbow in which Mr. V started yelling not to touch him, also stating he would sit down. Mr. V then went to a seated position on his own and at that time Officer L let go of him. CPOA Investigator asked Officer L about the "pellet gun," Officer L stated on the initial information Sergeant T and Officer S were trying to stop Mr. V who was a good block and a half away from where Officer L was currently at. Officer L stated he exited his vehicle with the 40 mm launcher in which he is certified on which is an additional less than lethal ammunition they have available to utilize. Officer L stated with that been said, as he exited his patrol vehicle Sergeant T had seen him from where he was at and stated (via radio) it would agitate Mr. V even more. At that point Officer L went back to his patrol vehicle, put the 40 mm launcher away and drove around to the location they were all at. Officer L stated at no point was the 40 mm launcher ever pointed at Mr. V. Officer L stated at no point was Mr. V thrown to the ground and no taser was ever presented during this interaction. CPOA Investigator asked about the allegation where officer put their hand on his shoulder "really hard," which Officer L denied that allegation occurred. CPOA Investigator asked if anything occurred during the incident where Mr. V may have obtained serious injury per the complaint, Officer L denied this allegation, stating after the incident Mr. V stood up, walked down the street and was able to play basketball with Sergeant T for a bit.

Interviews from Officer S and Sergeant T corroborated Officer L's statement.

During the interview with Mr. G V (G V's father.) Mr. G V z stated that Gabe was Autistic. CPOA Investigator asked Mr. G V if G e had complained of any injuries from the incident in question. Mr. Greg V stated "oh God, no." Mr. C V stated G did not say anything about the incident until about 10:30 that night. Mr. G V stated G was not bruised, harmed and nothing was broken. Mr. G V stated C is healthy as can be and he has never seen an injury from the police on Gabe from the different interactions Gabe has had with them. Mr. G V stated he would not hesitate to call CPOA if the police were harming or harassing G , but that is far from the case.

The lapel video showed Officer L parked his vehicle and pulled out his 40 mm launcher. An unidentified male, drove up and asked if he could talk to the Officer about Mr. V Male informed Officer that Mr. V is very Autistic. Mr. V is currently not in Officer L's video; therefore, it is unknown Mr. V's location while Officer L had his 40 mm. Sergeant T informed Officer L via radio that his 40, will agitate Mr. V. Officer L returned to his vehicle and put the 40mm launcher away and drives towards Mr. V and the other officers. Officer L parked his vehicle and walked towards Mr. V and the other officers. Both Officer L and Sergeant T walk towards Mr. V and that is when Mr. V began screaming and flailing his arms. Officer L grabbed Mr. V's right wrist and elbow while Sergeant T grabbed his left wrist and elbow. Eventually Mr. V sat down on his own and officers released him.

Per the video, at no time during the incident was Mr. V handcuffed, thrown to the ground, almost tased, or did any of the officers ever touch his shoulder. Per the video, at no time did Officer L approach Mr. V with the 40 mm launcher and never raised the 40 mm launcher from pointing at the ground. Mr. V denied medical attention, walked several blocks back to the park and played a game of basketball with Sergeant T, not showing any signs of pain or injury.

Per the video, officers used Low-Level Control Tactics which are defined as: Physical interactions meant to guide and/or control an individual that do not constitute a reportable use of force. Low-level control tactics include, but are not limited to:

- Escort techniques, touching, use of control holds, or handcuffing an individual with no or minimal resistance (e.g., tensing of arm muscles or turning or pulling away that does not escalate to a reportable use of force) which does not cause pain and is not reasonably likely to cause pain or injury; and
- Using hands or equipment to stop, push back, separate, or escort a person in a manner that does not cause pain, and is not reasonably likely to cause any pain or injury.

The CPOA finds Officer L's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT T's CONDUCT

The CPOA reviewed Standard Operating Procedural Order 2-52-4F1a, which states:

1. Officers shall only use force to achieve a lawful objective. Officer are authorized to use force: a. To effect a lawful arrest or detention of a person;

Mr. G : V : reported Officer L had a pellet gun, restrained him, threw him to the ground and officers almost tased Mr. V :. Mr. V : reported the officers put their hand on his shoulder really hard. Mr. V : reported that his whole body was really numb and he felt his leg was either sprained or broken.

During the interview with Sergeant T, he stated Officer S indicated over the radio that Mr. V : was not listening to him and was just walking away from him. Officer S was just kind of following Mr. V : in his vehicle providing an updated description of where Mr. V : current location was. Sergeant T stated he arrived in the area and began trying to talk to Mr. V :, at first, he was very unsuccessful. Sergeant T stated they walked back and forth, up and down the street trying to get Mr. V : to stop. Sergeant T stated he did identify himself as a police officer, stating Mr. V : was not free to go, indicating that Sergeant T needed to speak with him and it was really important that he did so. Sergeant T stated at this point they needed to identify Mr. V :, wanting to advise him of the circumstances and the allegations that were made against him. Sergeant T continued to try and de-escalate Mr. V :, continued to try and speak with him. Mr. V : continued to walk away from officers, indicating he was afraid of police as he knew the police were going to shoot him. Sergeant T stated he continued to advise over the radio what was going on as they continued to try and de-escalate the situation. Sergeant T stated it grew to the point where Officer L stepped outside of his vehicle with his 40 mm less lethal option and that was what Mr. V : interpreted as a pellet gun. Sergeant T stated that did certainly get Mr. V : more agitated, based on his reaction Sergeant T instructed Officer L to put the 40mm away in which he did back into his police cruiser. CPOA Investigator asked if Officer L ever pointed the gun at Mr. V :, Sergeant Trebitowski stated no, as Officer L was about 60-70 yards away. Mr. V : appeared to just see Officer L holding it. Officer L then approached them on foot, Mr. V : then began to pace back and forth. Sergeant T stated the decision was made that they were going to try and secure Mr. V : at the least restrictive way as Sergeant T had been speaking with Mr. V : for approximately 40 minutes, he could certainly tell that Mr. V : was not comprehending the scenario. Sergeant T stated Officer L and himself, kind of closed in on Mr. V : as he was backing towards a residence. Sergeant T stated it was at that time Mr. V : began to (Sergeant T made an arm movement

gesture via zoom video which indicated how Mr. V was flailing his arms.) Officer L was able to get Mr. V's right arm and Sergeant T was able to get his left arm. Sergeant T stated at no point was there any pain compliance or at any point did Mr. V complain of any pain. Mr. V did not offer any active resistance and did not pull away, struggle or fight. Once his arms were secured in front of him, he just sat down on his own. Sergeant T stated Mr. V was not taken to the ground as he sat on his own accord. Sergeant T stated in reference to the allegation, Mr. V did not complain of pain, there were no visible injuries and that was relatively it. Sergeant T stated Officer S was able to further de-escalate Mr. V and further explain the situation continuing to build his trust. Sergeant T confirmed he did give Mr. V candy and Mr. V appeared grateful. Sergeant T stated at this point they were able to get Mr. V to stand as they deemed the situation safe as they were able to get his information. Sergeant T stated they continued to build rapport with Mr. V, talked about basketball, then walked a few blocks back to Rotary Park where they played basketball together. Sergeant T stated all three officers completed reports indicated the low level control tactic used, detailing use of force did not occur. CPOA Investigator asked about the allegations of Officers almost tasing Mr. V. Sergeant T denied this allegation stating all their tasers remained holstered the entire time. Sergeant T stated Mr. V shoulder was not grabbed during the incident. CPOA Investigator asked if anything occurred that would make Mr. V body feel numb and his leg to feel sprained or broken, per the complaint. Sergeant T denied this allegation stating Mr. V stood up, walked three blocks and they were able to play basketball together after the incident.

Interviews from Officer S and Officer L corroborated Sergeant T's statement.

During the interview with Mr. G V (G V's father,) Mr. G V stated that Gabe was Autistic. CPOA Investigator asked Mr. Greg V if Gabe had complained of any injuries from the incident in question. Mr. Greg V stated "oh God, no." Mr. C V stated G did not say anything about the incident until about 10:30 that night. Mr. G V stated G was not bruised, harmed and nothing was broken. Mr. G V stated G gets the attention, everyone comes and that is what he looking for. Mr. G V stated G is healthy as can be and he has never seen an injury from the police on G from the different interactions G has had with them. Mr. G V stated the police have pretty much been hands off and they might have had to put hands on in that instance because Gabe may have been out of control. Mr. G V stated he would not hesitate to call CPOA if the police were harming or harassing G but that is far from the case.

The lapel video showed Sergeant T arrived on scene and tried to speak with Mr. V. Mr. V continued to walk away from officers. Sergeant T walked up and down the streets following Mr. V for approximately 10 minutes asking Mr. V to stop and talk to them. Sergeant T informed Mr. V

that they just want to hear his side of the story. Sergeant T got on his radio and informed Officer L that his 40 may agitate Mr. V. Sergeant T informed Mr. V that they just want to make sure he is safe and they needed to identify him. Sergeant T informed Mr. V that they were not there to hurt him. Both Officer L and Sergeant T walked towards Mr. V and that is when Mr. V began screaming and flailing his arms. Officer L grabbed Mr. V's right wrist and elbow while Sergeant T grabbed his left wrist and elbow. Eventually Mr. V sat down on his own and officers released him. After Mr. V calmed down, he agreed to play some basketball with Sergeant T at the park.

Per the video, at no time during the incident was Mr. V handcuffed, thrown to the ground, almost tased, or did any of the officers ever touch his shoulder. Per the video, at no time did Officer L approach Mr. V with the 40 mm launcher and never raised the 40 mm launcher from pointing at the ground. Mr. V denied medical attention, walked several blocks back to the park and played a game of basketball with Sergeant T, not showing any signs of pain or injury.

Per the video, officers used Low-Level Control Tactics which are defined as: Physical interactions meant to guide and/or control an individual that do not constitute a reportable use of force. Low-level control tactics include, but are not limited to:

- a. Escort techniques, touching, use of control holds, or handcuffing an individual with no or minimal resistance (e.g., tensing of arm muscles or turning or pulling away that does not escalate to a reportable use of force) which does not cause pain and is not reasonably likely to cause pain or injury; and
- b. Using hands or equipment to stop, push back, separate, or escort a person in a manner that does not cause pain, and is not reasonably likely to cause any pain or injury.

The CPOA finds Sergeant T's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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 Civilian Police Oversight Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

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.

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

A handwritten signature in blue ink, appearing to read 'EH', is positioned above the printed name of the signatory.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Email

Re: CPC #245-20

Dear Mr. P G:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on September 1, 2020, regarding an incident that occurred on July 8, 2020. 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 AND INVESTIGATION

Mr. P -G wrote that he was headed back to his place of employment, Domino's Pizza. Mr. P -G ; wrote Officer J decided to pull him over despite several cars were "flying" past him. He wrote the officer pulled behind him at the light of Coors and Montano. Mr. P -G: wrote he pulled into the Walgreens parking lot, the officer honked, and then pulled in front of his work. Mr. P -G wrote the officer got out of his vehicle really fast and started yelling at him saying, "You need to pull over immediately when a cop is pulling you over." Mr. P -G complained the officer was not wearing a face mask and gave him a speeding citation. Mr. P -G: ; felt his ticket should be dismissed because the officer was breaking the law himself by not wearing a mask.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the complaint, the APD policies, the Computer Aided Dispatch (CAD), and the officer's lapel video. The complainant and officer were not interviewed since the lapel video covered the stop.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER J's CONDUCT

1. Did Officer J comply with Albuquerque Police Department General Order 1-1-4D15, which states:

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

Mr. P: -G alleged that Officer J yelled at him about pulling over immediately.

The review of the lapel video showed that the officer introduced himself and said politely when an officer was behind him he should pull over where it was safe and not make it back to his workplace. Mr. P: -G apologized. Mr. P: -G; could not provide a physical copy of his registration, but the officer did not cite him and verbally cautioned him he needed to have a copy in his vehicle. Officer J informed Mr. P: -G s he would receive a citation for speeding and asked if he wished to go to court or take the penalty assessment. Mr. P: -G s decided to take the penalty assessment. The entire stop took about five minutes.

The CPOA finds Officer J's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

Mr. P: -G; ' other allegation was that Officer J did not wear a face mask due to the pandemic. A special order (SO-38) was issued in May of 2020 regarding the wearing of face masks. The possible policy at issue would be a level 7 in these circumstances. Based on the clarity of the officer's voice and the reflection glimpses it is likely the officer was not wearing a face mask at this time. This issue is being **ADMINISTRATIVELY CLOSED** in compliance with the Court Approved Settlement Agreement (CASA) where the policy violations even if true are minor in nature. The failure of the officer to wear a face mask has no connection to the receipt of a speeding ticket. Mr. P: -G; elected not to go to court to challenge his ticket by accepting the penalty assessment.

The video was clear there were no additional SOP violations. The department has made reminders about wearing face masks after this incident occurred.

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.

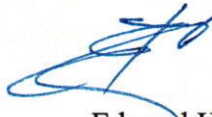
The Civilian Police Oversight Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

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.

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.

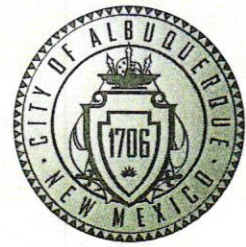
Sincerely,



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Certified Mail

7020 1810 0000 6926 6619

Re: CPC #275-20

Dear Mr. C:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 7, 2020, regarding an incident that occurred on August 20, 2020. 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 AND INVESTIGATION

Ms. C complained that she did not have her property and did not know what happened to it.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatch (CAD), the police report, the lapel videos from all the officers present, and an interview from Ms. C; facilitator. A message was left and an email sent to Ms. C offering her an opportunity to participate in the investigative process, but Ms. C did not respond.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-73-2L3f regarding PSA F's conduct, which states:

Objects or articles of a non-evidentiary nature may be left with the next of kin or secured at the scene at the time of the preliminary investigation...

Ms. C. wrote she was involved in an accident and the PSA retrieved her backpack from her workplace. When she contacted Evidence, they did not have her backpack.

The lapel videos showed PSA F retrieved her backpack from her workplace because she said her car insurance was in it. Ms. C. was in the ambulance and headed to the hospital. Ms. C. already had her wallet and cell phone with her. The video showed the back pack itself had various papers. Once PSA F looked for the insurance he left the backpack in the car along with several other items of her property. Per the policy PSA F secured her backpack at the scene. According to Ms. B, Ms. C. did not retrieve her car from the tow yard or obtain the report that had the tow in property sheet, which is why she did not know her backpack was in the car.

The CPOA finds PSA F's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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 Civilian Police Oversight Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

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.

Letter to Ms. C:
January 15, 2021
Page 3

Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

A handwritten signature in blue ink, appearing to read 'Ed Harness', is positioned above the printed name.

Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

To File

Anonymous

Re: CPC #305-20

Dear Anonymous:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 28, 2020, regarding an incident that occurred on October 14, 2020. 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 AND INVESTIGATION

The complainant wrote 911 was called and was told by the 911 Operator that their name would not be used and would remain anonymous. Several officers arrived. One officer kept saying their name over and over. The complainant claimed that they were in trouble with the whole family and feared for their safety.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatch (CAD), the police report, the 911 call recording, and lapel videos. The complainant was not interviewed since they filed anonymously.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE
STANDARD OPERATING PROCEDURES REGARDING OPERATOR S'
CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-1-4D1 regarding Operator S' conduct, which states:

Personnel will constantly, intelligently, and efficiently direct their best efforts to accomplish the purposes of the Department.

The complainant wrote that the 911 operator told her that her name would not be used and would remain anonymous. Several officers arrived and she alleged her name was used by an officer multiple times. She claimed that caused issues with her family. The complainant was not interviewed due to the complaint being filed anonymously.

The 911 call recording was from a woman reporting that her son's girlfriend, A. G., was outside the house screaming and honking. The woman reported Ms. G. was drunk and had more than one child in her car. They discussed the situation. At one point, Operator S asked the caller what her name was. The woman asked, "Are you going to tell her I called?" Operator S said no and that she would leave it anonymous. A review of the CAD showed that her name was never mentioned by the Operator. Much later in the CAD her name and her husband's name were listed by an officer as witnesses.

The lapel videos showed when officers arrived Ms. G. was just outside the caller's house. The complainant's husband was in the driveway with one of the minor children. Officer L arrived and asked to go into the house to check on the children and remove them from harm. A woman was on the phone with 911. Officer L asked her if she was the caller. He did not use her name. She said she wished to remain anonymous. Officer L explained it was going to be obvious who called and was the least of the problems. They were in the complainant's home, Ms. G. was their son's girlfriend, and they were grandparents to some of Ms. G.'s children. Officer L asked why she called police and she explained. They talked about the situation. When Officer W arrived, he contacted Ms. G. She said she and her boyfriend were having a little issue. She said "grandpa was tripping" about the situation. (The complainant's husband). Ms. G. clearly knew who the callers were before the officers arrived.

A lengthy investigation took place. Ms. G. was charged with DWI and a CYFD investigation commenced concerning the children. The police report was reviewed. The complainant and her husband provided statements to the police about what they witnessed concerning Ms. G. driving drunk and endangering the children. CYFD came to the complainant's residence to create a safety plan for the children since their son, who lived with them, was biological father to some of the children. The

complainant assumed the Operator revealed her information, which did not occur. The circumstances and the necessity of a CYFD investigation made the caller's identity known.

The CPOA finds Operator S' conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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.

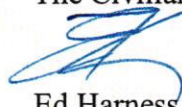
The Civilian Police Oversight Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

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.

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.

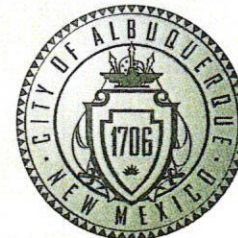
Sincerely,
The Civilian Police Oversight Agency by



Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Certified Mail

7018 1130 0002 3429 0203

Re: CPC# 222-20

Dear Mr. S:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 21, 2020, regarding an incident that occurred on October 18, 2020. 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 AND INVESTIGATION

On 10/19/2020, G. S. submitted a complaint against APD Officer C and Officer G. Mr. S. reported the officer went to his home with a court order and stated Mr. S. had to give his daughters to their mother. Mr. S. reported he explained to the officer that he spoke with his lawyer, the papers were not valid and that he never got served. Mr. S. reported the officer stated it was going to be bad on Mr. S. and the officer was going to write a report that Mr. S. refused to comply with the court. Mr. S. reported when he asked the officer if he received the paperwork from the court or the children's mother, the officer lied and stated the

court gave him the papers directly to serve. Mr. S reported because the officer intimidated him and made him feel something was going to happen, he was scared all night that he was going to be arrested or have his daughters taken away. Mr. S reported he started to have panic attacks because the officer lied and bullied him into giving his daughter to their mother.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report, lapel videos, NM Courts Website and interviews with Officer C and Officer G. Mr. S was not interviewed as he did not respond to the phone call, voicemail and email from the CPOA Investigator.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C's CONDUCT

A) The CPOA reviewed Standard Field Services Bureau Order 4-24-2G1.regarding Officer C's conduct, which states:

Officers responding to custody disputes where a Parenting Plan or Court Order regarding timesharing is in place will limit the response to restoring order between the parties. Officers will not order or force the removal of the child from the current custodial parent. Officers will advise the parties to seek legal advice on the matter and completely document the incident in a report.

Mr. S reported the officer went to his home with a court order and stated Mr. S had to give his daughters to their mother. Mr. S reported he explained to the officer that he spoke with his lawyer, the papers (court order) was not valid and that he never got served. Mr. S reported the officer stated he was going to write a report that Mr. S refused to comply with the court.

Mr. S was not interviewed as he did not respond to CPOA Investigator's phone call, voicemail and email.

During the interview with Officer C, he stated he was dispatched to the call in reference to a domestic dispute to assist in an escort, to escort children from their father to their mother. Officer C stated upon arrival, he spoke with the children's mother (J S) who handed him court documents which stated that she was supposed to receive her children earlier that day. Ms. S stated that the children's father (Mr. S) had not cooperated with the court order, so she called law enforcement for assistance to see if they could transfer the kids into her custody. Officer C stated he went and made contact with Mr. S and showed him the court documents. Officer C stated Mr. S was unwilling to give the kids over. Officer C stated he informed Mr. S that the incident would be documented (CPOA Investigator verified Officer C did complete an Incident Report.) Officer C stated in reference to the allegation if the paperwork was valid, he stated through his training

experience, he had seen a lot of these documents. Officer C stated the paperwork was properly signed, stamped and dated.

Per the Lapel Video, Officer C and Officer G walked to Mr. S's apartment. Mr. S answered the door and Officer C informed him about the court order. Mr. S stated he talked to his lawyer and that paperwork was not valid. Officer C asked Mr. S if he had his own copy of the paperwork, Mr. S stated he did not as he was not served. Mr. S asked when that paperwork was completed and Officer C stated the paperwork was dated 10/15/2020 at 10:46 am. Mr. S again stated that paperwork was not valid. Mr. S informed the officers that paperwork was not good and it was going to come back and bite them. Officer C stated all he was going off was what this (paperwork) said. Officer C asked Mr. S if he had any form of paperwork that he could give them, Mr. S stated he had nothing else to give them. Officer C informed Mr. S that everything he did was recorded and Mr. S stated that was fine. Officer C asked were the kids not going with their mother tonight? Mr. S stated not tonight. Officer C informed Mr. S that he would be writing a report which indicated that Mr. Sedillo was not willing to obey a court order, Mr. S stated ok.

A review of the New Mexico Courts website indicated on 10/15/2020 (The date Officer C stated the court order was issued, via lapel video) there was a DOMESTIC RELATIONS HEARING OFFICER REPORT AND NOTICE OF FILING. SUMMONS RETURN

There was evidence that Officer C presented Mr. S with paperwork. Based on the review of New Mexico Courts Website and the statement and lapel video from Officer C, there was no reason to believe the court order was not legitimate.

The CPOA finds Officer C's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating General Order 1-1-4D.14. regarding Officer C's conduct, which states:

Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions

Mr. S reported when he asked the officer if he received the paperwork from the court or the children's mother, the officer lied and stated the court gave him the papers directly to serve. Mr. S reported that the officer stated that this was going to be bad on Mr. S and that the Officer was going to write a report which indicated Mr. S refused to comply with the court. Mr. S reported because the officer intimidated him and made him feel something was going to happen, he was scared all night that he was going to be arrested or have his daughters taken

away. Mr. S stated he started to have panic attacks because the officer lied and bullied him into giving his daughter to their mother.

Mr. S was not interviewed as he did not respond to CPOA Investigators phone call, voicemail and email.

During the interview with Officer C, he stated in reference to the allegation where officers obtained the paperwork, Officer C stated Officer G informed Mr. S that they received the paperwork from the court. In reference to the allegation where the officer stated this was going to be bad on Mr. S. Officer C stated he asked if Mr. S was going to give him the kids, so Officer C could give them to their mother. Officer C stated when Mr. S stated no, he did inform Mr. S that he was going to document the incident and was going to state that Mr. S was unwilling to cooperate with the court order. Officer C stated he told Mr. S ultimately this can come back on him for not following a court order but did not state it was going to be bad for him. Officer C denied bullying or intimidating Mr. S at any time.

Per the Lapel Video, Officer C asked were the kids not going with their mother tonight? Mr. S stated not tonight. Officer C informed Mr. S that he would be writing a report which indicated that Mr. S was not willing to obey a court order. Mr. S stated ok. Officer C asked if Mr. S had a plan on when the children would be going with their mother. Mr. S stated once his lawyer went through the paperwork and it was all legit. Officer C stated he just wanted to let Mr. S know, regardless of what his lawyer said, this was a document of the state and just to let him know if he didn't cooperate with the document of the state that was ordered between them, it could come back to him ultimately. Mr. S stated that's fine. Mr. S stated his lawyer would look into it first thing in the morning. Officer C stated if Mr. S was not willing to give the kids, he would just document that Mr. S was unwilling to follow the court order. Mr. S asked for Officer C to document that Ms. S could pick them up tomorrow after Mr. S talked to his lawyer, Officer C stated he would. When the officers left the residence, a male, one apartment down, identified himself as the children's uncle asked if the paperwork was from Ms. S or the court. Officer C advised him to talk to Mr. S about it. Mr. S's brother stated that Ms. S has falsified documents like that before. Mr. S then asked if this was through the courts, when Officer G stated the court gave them that.

Per the Lapel Video, officers did not intimidate Mr. S at any time. Officer G informed Mr. S (not Officer C) that they received the paperwork from the court.

The CPOA finds Officer C's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur or did not involve the subject officer.

**III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE
STANDARD OPERATING PROCEDURES REGARDING OFFICER G's
CONDUCT**

A) The CPOA reviewed Standard Field Services Bureau Order 4-24-2G1.regarding Officer G's conduct, which states:

Officers responding to custody disputes where a Parenting Plan or Court Order regarding timesharing is in place will limit the response to restoring order between the parties. Officers will not order or force the removal of the child from the current custodial parent. Officers will advise the parties to seek legal advice on the matter and completely document the incident in a report.

Mr. S reported the officer went to his home with a court order and stated Mr. S had to give his daughters to their mother. Mr. S reported he explained to the officer that he spoke with his lawyer, the papers (court order) was not valid and that he never got served. Mr. S reported the officer stated he was going to write a report that Mr. S refused to comply with the court.

Mr. S was not interviewed as he did not respond to CPOA Investigator's phone call, voicemail and email.

During the interview with Officer G, he stated the incident in question was not his call. Officer G stated from what he could recall, he stayed in his car while Officer C spoke with a female and the female's mother. Officer G stated Officer C had some documents with him in which Officer G really didn't know what they were. Officer G stated they got to the apartment and knocked on Mr. S 's door, in which he answered. Officer G stated he did not do very much talking during this incident that he could recall as Officer C did most of the talking. Officer G stated Officer C informed Mr. S that they had the court order for Mr. S to give the children back to their mother. Officer G stated he never read the court order or had that much interaction with the children's mother before they went up to Mr. S 's apartment, therefore Officer G did not fully understand what all what happening.

Per the Lapel Video, Officer C and Officer G walked to Mr. S 's apartment. Mr. S answered the door and Officer C informed him about the court order. Mr. S stated he talked to his lawyer and that paperwork was not valid. Officer C asked Mr. S if he had his own copy of the paperwork, Mr. S stated he did not as he was not served. Mr. S asked when that paperwork was completed and Officer C stated the paperwork was dated 10/15/2020 at 10:46 am. Mr. S again stated that paperwork was not valid. Mr. S informed the officers that paperwork was not good and it was going to come back and bite them. Officer C stated all he was going off was what this(paperwork) said. Officer C asked Mr. S if he had any form of paperwork that he could give them, Mr. S stated he had nothing else to give them. Officer C informed Mr. S that everything he did was recorded and Mr. S stated that was fine. Officer C asked were the kids not going with

their mother tonight? Mr. S stated not tonight. Officer C informed Mr. S that he would be writing a report which indicated that Mr. Sedillo was not willing to obey a court order, Mr. S stated ok.

Officer G did not present Mr. S with any paperwork as per Officer G, this was not his call and he was serving as a backup officer.

The CPOA finds Officer G's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed Standard Operating General Order 1-1-4D.14. regarding Officer G's conduct, which states:

Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions

Mr. S stated when he asked the officer if he received the paperwork from the court or the children's mother, the officer lied and stated the court gave him the papers directly to serve. Mr. S reported that the officer stated that this was going to be bad on Mr. S and that the officer was going to write a report which stated Mr. S refused to comply with the court. Mr. S stated because the officer intimidated him and made him feel something was going to happen, he was scared all night that he was going to be arrested or have his daughters taken away. Mr. S stated he started to have panic attacks because the officer lied and bullied him into giving his daughter to their mother.

Mr. S was not interviewed as he did not respond to CPOA Investigators phone call, voicemail and email.

During the interview with Officer G, he could not recall Mr. S make a statement about where paperwork was received. Officer G stated he can't recall either of the officers inform Mr. S that they received the paperwork from the court. Officer G denied any allegations of officers intimidating Mr. S

During the interview with Officer C, he stated Officer G informed Mr. S they received the paperwork from the court. Officer C stated he did most of the speaking during the incident and the only thing Officer G did was tell them they received the paperwork from the state.

Per the Lapel Video, Officer C asked were the kids not going with their mother tonight? Mr. S stated not tonight. Officer C informed Mr. S that he would be writing a report which indicated that Mr. S was not willing to obey a court order. Mr. S stated ok. Officer C asked if Mr. S had a plan on when the children would be going with their mother. Mr. S stated once his lawyer went

through the paperwork and it was all legit. Officer C stated he just wanted to let Mr. S know, regardless of what his lawyer said, this was a document of the state and just to let him know if he didn't cooperate with the document of the state that was ordered between them, it could come back to him ultimately. Mr. S stated that's fine. Mr. S stated his lawyer would look into it first thing in the morning. Officer C stated if Mr. S was not willing to give the kids, he would just document that Mr. S was unwilling to follow the court order. Mr. S asked for Officer C to document that Ms. S could pick them up tomorrow after Mr. S talked to his lawyer, Officer C stated he would. When the officers left the residence, a male, one apartment down, identified himself as the children's uncle asked if the paperwork was from Ms. S or the court. Officer C advised him to talk to Mr. S about it. Mr. S's brother stated that Ms. S has falsified documents like that before. Mr. S then asked if this was through the courts, when Officer G stated the court gave them that.

Per the Lapel Video, officers did not intimidate Mr. S at any time. Although Officer C received the paperwork from Ms. S, Officer G did inform Mr. S that they received the paperwork from the court.

The CPOA finds Officer G's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

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 Civilian Police Oversight Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

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.

Letter to Mr. S
January 15, 2021
Page 8

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.

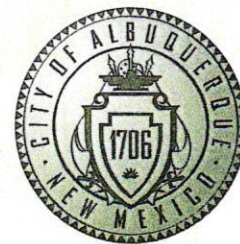
Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to be 'E. Harness', written in a cursive style.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair Eric Olivas, Vice-Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Edward Harness, Executive Director

January 15, 2021

Via Certified Mail

7018 1130 0002 3429 1699

Re: CPC #223-20

Dear Ms. S

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 21, 2020, regarding an incident that occurred on October 08, 2020. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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 AND INVESTIGATION

On 10/08/2020, M S submitted a complaint against APD Officer V. Ms. S reported she called APD to report that she had just been threatened with a bar and a gun. Ms. S reported when Officer V arrived he asked to go inside her apartment. Ms. S reported that as they got closer to her door, Officer V again stated let's go inside, raising his voice at Ms. S. Ms. S reported this made her really uncomfortable and Officer V then told her that he was not going to file the police report because she was not in compliance.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the CADs, lapel video, 911 recordings and interviews with Ms. Sanchez and Officer V.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding Officer V's conduct, which states:

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

Ms. S reported when Officer V arrived, he asked to go inside her apartment. Ms. S reported that as they got closer to her door, Officer V again stated let's go inside, raising his voice at Ms. S

During the interview with Ms. S, she stated the Officer raised his voice because she did not want to go into her apartment as she didn't feel she had to because the other officer was down stairs talking to the neighbors outside. Ms. S stated all of this was because she did not want to let him in the apartment. CPOA Investigator asked Ms. S if there was a specific reason she did not want Officer V in her apartment, Ms. S stated she was super germophobic because she had a weak immune system and she did not want her apartment compromised.

During the interview with Officer V, he stated he raised his voice because Ms. S did not want to listen, she did not want to go inside her apartment to discuss the situation, she wanted to continue to stay outside to be vocal and dramatize the situation. Officer V stated in his years of experience from conducting investigations that's the last thing they want, they want to avoid drama between people by going inside their home to talk secluded.

Per the Lapel Video, Officer V stated let's go to your apartment to get away from the drama outside. Ms. S then appeared to be looking over the staircase towards the neighbors (who were still outside as their apartment was located directly under Ms. S's apartment) for approximately two seconds stating she was outside, she was up here. Officer V then raised his voice stating let's go inside. Officer V stated they needed to go inside to find out what was going on as they did not need the drama outside.

The CPOA finds Officer V's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating Procedural Order 2-16-2C4 regarding Officer V's conduct, which states:

Any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting Unit.

Ms. S reported Officer V told her that he was not going to file the police report because she was not in compliance.

During the interview with Ms. S, CPOA Investigator asked her on two separate occasions if she ever told Officer V she no longer wanted to file a report. On both occasions, Ms. S denied telling Officer V that she no longer wanted to make a report.

During the interview with Officer V, he stated Ms. S told him she did not want to talk to him, that he did not need to be rude to her that way, or yell at her that way and stated that she had PTSD or something of that sort. Officer V stated he asked her if she still wanted to talk about it and asked if she wanted to tell him any information. Officer V stated Ms. S did not wish to talk to him at all.

Per the Lapel Video, Ms. S stated she wasn't going to invite Officer V into her apartment if he was going to give her attitude. Officer V stated they needed to go inside to find out what was going on as they did not need the drama outside. Ms. S stated if that was the case she did not need to do a report and if he was going to give her attitude, she did not need to file a police report. Officer V stated if you don't want the report that's fine and began walking downstairs towards the neighbors. Ms. S stated she guesses she don't need the report and will go a different route. Officer V got on a radio and stated to be advised Ms. S did not want to talk.

There is evidence which indicates on more than one occasion, Ms. S advises Officer V that she no longer wants to file a police report.

The CPOA finds Officer V's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

ADDITIONAL CONCERNS NOTED BY MS. S

During the interview with Ms. S, when asked if she ever filed a report, she stated no because she called 911 back (same day) and they advised she already had officers there and they were not going to send another one.

CPOA Investigator requested the recordings of the calls made by Ms. S to 911 on the date of the incident.

A review of the recorded phone call made to 911 by Ms. S. _____, (Post interaction with officer) Ms. S. _____ z does not ask Operator J to send another officer to take the report or does Operator J advise that they will not send another Officer.

This allegation will be **ADMINISTRATIVELY CLOSED** as Operator J no longer works with APD.

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 Civilian Police Oversight Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

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.

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.

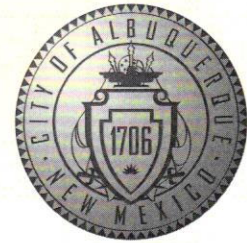
Sincerely,
The Civilian Police Oversight Agency by



Ed Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair

Eric Olivas, Vice Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Douglas Mitchell

Eric Nixon

Edward Harness, Executive Director

February 2, 2021

Harold Medina, Interim Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case # 19-0070442, IAFD Case # C2019-000068

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force and 2-54 Intermediate Weapons

My review of the evidence shows on August 2, 2019 the victim (Mr. T) contacted by officers of the Albuquerque Police Department because he was suspected of camping in a city park. During this contact it was discovered Mr. T had an outstanding warrant for his arrest. Mr. T was advised he was being placed under arrest. He fled officers on foot. Officer 1 used his Electronic Control Weapon (ECW) to keep him from avoiding arrest.

Officer 1 failed to give Mr. T a warning prior to deploying his ECW. APD policy states an officer shall issue a verbal warning prior to deployment of the weapon, to allow a subject to comply. Officer 1 did not issue a warning to Mr. T.

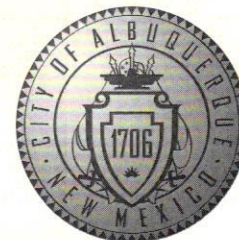
Finding: The CPOA finds Officer 1's conduct **SUSTAINED** where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur.

Recommendation: This violation is a Level 7 therefore I recommend a Verbal Reprimand for Officer 1.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair Eric Olivas, Vice Chair
Tara Armijo-Prewitt Chantal M. Galloway Douglas Mitchell
Eric Nixon
Edward Harness, Executive Director

February 2, 2021

Harold Medina, Interim Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case # 19-0075407, IAFD Case # C2019-000070

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

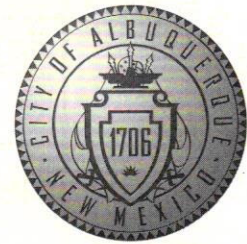
My review of the evidence shows on August 16, 2019 the victim “ ” was a barricaded subject. APD SWAT activation was called. Officer’s used public address announcements, and chemical munitions, to gain D ’s compliance. As he exited the dwelling, he failed to comply with officer’s directions. He began to walk away, it appeared to avoid arrest. Officer 1 deployed his K9 to apprehend D . The K9 made contact with D ’s arm and he was taken into custody. He was medically evaluated on scene, then transported for processing.

Finding: The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair Eric Olivas, Vice Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Douglas Mitchell

Eric Nixon

Edward Harness, Executive Director

February 2, 2021

Harold Medina, Interim Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case # 19-0089586, IAFD Case # C2019-000083

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit

My review of the evidence shows on September 28, 2019 the victim (Ms. E) was a barricaded subject. APD SWAT activation was called. Officer's used public address announcements, and chemical munitions to gain Ms. E.'s compliance. As she exited the dwelling, she failed to comply with officer's directions; fleeing back into the dwelling, it appeared to avoid arrest. Officer 1 shot Ms. E in the thigh with a 40mm sponge round. It was ineffective.

After a 5 hour standoff with no communication with Ms. E., Sergeant 1 deployed his K9 to apprehend Ms. E. The K9 made contact with Ms. E.'s arm and thigh. she was taken into custody. She was transported to UNM Hospital for treatment of her injuries.

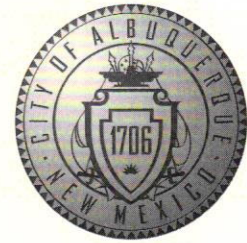
Finding: The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Finding: The CPOA finds Sergeant 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair Eric Olivas, Vice Chair

Tara Armijo-Prewitt

Chantal M. Galloway

Douglas Mitchell

Eric Nixon

Edward Harness, Executive Director

February 2, 2021

Harold Medina, Interim Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case # 19-0093619, IAFD Case # C2019-000084

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on September 20, 2019 the victim, N [REDACTED], was contacted by officers of the Albuquerque Police Department because he appeared asleep on the sidewalk of a local business. Officer 1 woke up N [REDACTED] and summoned medical attention. N [REDACTED] was uncooperative, so Officer 1 made the decision to place N [REDACTED] in handcuffs until the arrival of Albuquerque Fire and Rescue. After handcuffing N [REDACTED] continued resist, at one point attempting to headbutt Officer 1. At that point Officer 1 took N [REDACTED] to the ground, while handcuffed.

Finding: The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the

evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770