

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

BOARD AGENDA

Thursday, February 11, 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, February 11, 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:

<https://www.cabq.gov/cpoa/events/cpoa-board-meeting-february-11-2021>.

(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, February 8, 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, February 11, 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

- a. CPOA Board Minutes from January 14, 2021**
- b. Ad Hoc Committee Minutes from October 30, 2020**

VI. Reports from City Departments

- a. APD**
 - 1. IA Professional Standards Division**
 - 2. IA Force Division**
 - 3. APD Crash Review Board Presentation**
 - 4. APD Academy – Use of Force Training for 2021**
- 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**

112-20	128-20	133-20	137-20	150-20
163-20	167-20	241-20	260-20	276-20
299-20	320-20	322-20	003-21	014-21
- b. Unfounded**

099-20	101-20	325-20
---------------	---------------	---------------
- c. Unfounded and Not Sustained**

131-20

- d. Unfounded and Exonerated**

214-20	216-20
---------------	---------------
- e. Exonerated**

288-20

IX. Serious Use of Force Cases/Officer Involved Shooting

- a. 20-0004251
- b. 20-0006203
- c. 20-0007881
- d. 20-0008932
- e. 20-0009181
- f. 20-0010100
- g. 20-0011970/20-0011924
- h. 20-0027033/20-0027063

X. Reports from Subcommittees

- a. **Community Outreach Subcommittee – Chantal Galloway**
 - 1. Met January 26, 2021 at 3:00 p.m. (video conference)
 - 2. Next meeting February 23, 2021 at 3:00 p.m.
- b. **Policy and Procedure Review Subcommittee – Dr. William Kass**
 - 1. Met February 4, 2021 at 4:30 pm (video conference)
 - 2. Next meeting March 4, 2021 at 4:30 p.m.
- c. **Case Review Subcommittee – Eric Nixon**
 - 1. Review of December 2020 Audit Cases
097-20 160-20 225-20
 - 2. Met January 26, 2021 at 4:30 p.m. (video conference)
 - 3. Next April 27, 2021 at 4:30 p.m.
- d. **Personnel Subcommittee – Eric Olivas**
 - 1. Met January 25, 2021 at 3:00 p.m. (video conference)
 - 2. Met February 8, 2021, Special Meeting at 8:30 a.m. (video conference)
 - 3. Next meeting February 22, 2021 at 4:00 p.m.

XI. Discussion and Possible Action

- a. Draft January - June 2020 Semi-Annual Report
- b. Review and Approval of Case Audits Findings and Report
- c. CPOA Board Member Reviews
- d. Review Responsibility for Responses to CPOA Board Email
- e. Request for Training Academy Briefing on Interviews of Children and Victims of Domestic Violence
- f. Request for Access to Legal Counsel
- g. Developing a Process for Access to Level 3 Force Cases
- h. Stipulated Order Establishing an External Force Investigation Team – CASA

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

XIII. Other Business

a. CPOA Board Elections

b. PPRB Representative Appointment

XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on March 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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0845

Re: CPC #112-20

Dear Ms. S

Our office received the complaint you filed on February 17, 2020, against Albuquerque Police Department (APD) Officer B., for an incident, which occurred on January 28, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. S said that the morning of January 28, 2020, two different APD officers, in two different patrol cars were parked on the street looking at her 2003 Impala. A witness, Mr. R., went outside and Officer B. asked him who owned the Impala because the license plate on it was reported stolen. Officer B. told Mr. R. he was confiscating the stolen plate and gave him one day to move the Impala off the street. The vehicle was moved onto Mr. R.'s lawn and the following week another APD Officer told Mr. R. the car couldn't be on the lawn. Ms. S said she bought the Impala from Ms. D. who provided her with a title; however, MVD said the title is no longer current. Ms. D. has since moved to Wisconsin. Ms. S called 242-COPS, who informed her they looked up the plate and it is not stolen and said Officer B. doesn't work for APD. Ms. S wants to know why Officer B. was able to take her plate when he doesn't work for APD and she wants her car registered because she has all the paperwork.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report and original police report dated January 19, 2020 when the plate was reported stolen, and the CADS report and police report dated January 28, 2020 when Officer B. responded to your residence and retrieved the

plate. One lapel camera video recording from PSA II K. when he took the original report was also reviewed.

The evidence showed that on January 19, 2020, the victim, Mr. R. reported the license plate on his vehicle as stolen. PSA II K. took the report and entered the plate into NCIC as stolen that same day. The evidence also showed that on January 28, 2020, Officer B. located the stolen plate affixed to a gold Chevrolet sedan, which was still registered to Ms. D., and which you identified as belonging to you after purchasing it from Ms. D. The evidence shows that Officer B. confiscated the plate from your vehicle, entered it into NCIC as having been recovered and then forwarded it to the Valley Substation drop box for processing.

The evidence showed that Officer B. was and still is an APD officer, although the allegations claim otherwise. Additionally, your complaint states that you want your vehicle registered because you have all the paperwork. Registering vehicles is the responsibility of the vehicle owner and not APD. We recommend you contact the MVD to learn how to register your vehicle.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence shows that Officer B. didn't violate any APD SOPS when he recovered the stolen license plate from a vehicle to which it wasn't registered.

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
(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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0838

Re: CPC #133-20

Dear Mr. M :

Our office received the complaint you filed on March 16, 2020, against Albuquerque Police Department (APD) an unknown APD officer, for an incident, which occurred on March 16, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. M : complained that Mr. J called the police to report felony theft, felony damage to property and the police refused to come out and refused him a police report. Mr. M said APD officers should be held to full Justice Department standards for being investigate and punished for intentional failure to work with Albuquerque residents, or to aid them. He said he and Mr. J are filing with the Justice Department.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, a police report dated March 16, 2020 and three lapel camera video recordings. The evidence showed that Officer M. responded to a theft call wherein Mr. J claimed his catalytic converter was stolen off his truck by one of his neighbors in Apt. . Lapel video showed Officer M. contacted Mr. J and his girlfriend as they stood next to Mr. J's truck. Mr. J explained to Officer M. what happened and what his suspicions were about the neighbor stealing the converter from his vehicle. Mr. J showed Officer M. a catalytic converter sitting in the bed of the neighbor's truck that appeared to match the one belonging to Mr. J. Officer M. concurred with Mr. J's assessment and told him he would write a report for the felony theft and gave Mr. J the case number. Officer M. told Mr. J how he could obtain a copy of the report.

The report showed that Officer M. attempted to contact the neighbor in Apt. [redacted], but was unsuccessful. It also showed that the neighbor was not the registered owner of the vehicle that Mr. J [redacted] identified as belonging to the neighbor; therefore, Officer M. was unable to definitively identify this neighbor as the suspect. As a result of no suspect information, Officer M. was not able to charge any crimes at the time of the report.

The evidence showed that you were not present at the time of the incident, nor were you contacted by Officer M. during his contact with Mr. J [redacted]. The evidence showed Mr. J [redacted] did not give your name to Officer M. as a witness for the police report, nor are you listed on the CAD report. The evidence showed that an APD officer, Officer M., showed up and took a report, which is contrary to your allegations that APD refused to show up and refused to take a report. Lapel video showed Officer M. was professional and polite during the interaction with Mr. J [redacted] and his girlfriend, and subsequent interaction with an elderly woman in Apt. [redacted], when he interviewed her about the incident.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence shows that the evidence does not support your allegations. Additionally, the evidence shows that Officer M. did not violate any APD SOPs.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0227

Re: CPC #137-20

Dear Mr. T :

PO Box 1293

Albuquerque

Our office received the complaint you filed on March 24, 2020, against Albuquerque Police Department (APD) Officer W. for an incident that took place on August 16, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

NM 87103

www.cabq.gov

Mr. T said on August 9, 2019, he was evicted from his residence due to a foreclosure. A Sheriff's Deputy told Mr. T he could contact an employee of the property owner to retrieve all of his personal belongings, which he did on August 12, 2019, and when he entered his former residence he noticed several items had been stolen so he called APD to report the theft. Officer W. responded and Mr. T gave him all the information he had about the property owner and the employee who let him in the residence. Mr. T complained that Officer W. told him the property owner owned the property and as a result owned everything inside, which resulted in a closed case. Mr. T complained Officer W. did not conduct a proper investigation, did not inquire about it with a supervisor and prematurely closed the case, presumably because the property owner lied to him. Mr. T doesn't want to get Officer W. in trouble because he puts his life on the line everyday to protect us but he wants some sort of remedy. He said he is currently in negotiations with the company and he would appreciate anything he could use against the property owner.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, the police report and one lapel camera video recording. The evidence showed that Officer W. contacted you in front of your former residence, which had been foreclosed, and obtained information regarding theft of your property that had been left in the house. Lapel video showed Officer W. contacted the property owner to find out what may have happened to your property and she told him that you were given a notice on August 9, 2019 to remove your property prior to the Sheriff's Office posting a lock-out on the property on August 12, 2019. The owner also told Officer W. she had owned the property since April 2019 and gave you all that time to remove your personal belongings, and that as of the date of the lock-out, all remaining property within the house belonged to her. You were standing next to Officer W.'s open driver's side window when he made the call and you heard their conversation over speaker phone. After speaking with the owner, Officer W. called his supervisor for advice on how to proceed and he and the supervisor agreed that this was now a civil matter. Officer W. relayed what he and his supervisor talked about and gave you the case number. He suggested you contact an attorney as it's a civil matter and you said you already had but you weren't able to secure one because you didn't have the means to pay.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence does not support your allegations, and because Officer W. did not violate any APD SOPs.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

February 12, 2021

To file

Re: CPC #150-20

Dear Ms. R :

Our office received the complaint you filed on March 22, 2020, against an unknown Albuquerque Police Department (APD) officer for an incident that took place on March 21, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Ms. R said on her fourth call to the police she found that the police came and left. She called police regarding her friend/neighbor's son who was causing a disturbance by throwing their personal belongings outside their apartment, and ultimately throwing them in front of her house. He also hit her screen door and kitchen window and broke her property that was outside her front door. Ms. R complained she was told the police knocked on her neighbor's door and no one answered and since there was no longer a disturbance they left. She complained police made no attempt to go to her house to check on her well-being.

NM 87103

www.cabq.gov

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and the CADS report. The evidence showed that an anonymous female called to report the disturbance and told the operator they wanted to remain anonymous and they didn't want police to contact them.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence does not support your allegations, and because responding officers did not violate any APD SOPs.

Letter to Ms. R
February 12, 2021
Page 2

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0777

Re: CPC #163-20

Dear Mr. T :

Our office received the complaint you filed on April 3, 2020, regarding your request for reimbursement of items stolen from your vehicle during an auto burglary that took place on April 2, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. T said he parked his vehicle in the Convention Center Parking Garage located at 401 2nd Street NW and when he returned he saw his vehicle had been broken into and his valuables taken from inside the vehicle. He said both of the passenger windows of his vehicle were also broken as a result of the incident. He complained the parking garage wasn't secured with gates being down, or with security guards and he wants reimbursement for the cost of replacing the broken windows.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and the vehicle burglary report. The Investigator attempted to contact you via email and telephone but the email was returned as an invalid address and the telephone number is no longer in service. Had the Investigator been able to contact you, they would have suggested you contact City of Albuquerque Risk Management and your car insurance company to see if either could assist you with your request for reimbursement.

III. CONCLUSION

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

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 read 'EH' or similar initials, followed by a horizontal line.

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0760

Re: CPC #167-20

Dear Ms. K

Our office received the complaint you filed on March 30, 2020, against Albuquerque Police Department (APD) Officer A. for an incident that took place on March 27, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. K said she was standing the checkout line at Walmart when a group of young people standing behind her, who were not wearing masks, started making fun of those that were masks. They continued making fun of people and were getting loud so Ms. K loudly told them to stop making fun of others and that this (expletive) was serious and that people were dying of it. In response one of the teens yelled (expletive) at her and things got louder. She said a store manager and Officer A. came over and asked what was going on so she told them what happened. She complained Officer A. told her the group was practicing their "freedom of speech". She was shocked at this response and asked for Officer A.'s name and said she would report him. She complained he told her to go ahead because he's got it all on camera and then said goodnight as he waved his hand towards her and then towards the door. She complained that Officer A. should have asked the group to abide by the wishes of others, instead he condoned their actions.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and the CADS report. Officer A. recorded the incident; however, the video was automatically deleted after 120 days so the Investigator was not able to view it to refute or corroborate the allegations lodged against Officer A. Despite no video evidence, the Governor's mask mandate in New Mexico was not issued until

Letter to Ms. Ki
February 12, 2021
Page 2

May 16, 2020, which is after the aforementioned incident took place; therefore, the group with which you interacted wasn't required to wear masks during this incident with you.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the allegations cannot be minimally substantiated, and if the alleged misconduct did occur, the APD SOP violation would have been minor.

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 read 'Edward Harness', with a stylized flourish at the end.

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

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0739

Re: CPC #241-20

Dear Ms. B

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 11/04/2020 regarding incidents that occurred on or about 06/17/19, 07/29/19, 11/28/19 and 01/19/20.

I. THE COMPLAINT

PO Box 1293 Ms. B reported there were numerous hate crimes made against her because of her
Albuquerque snitch jacket. Ms. B reported the hate crimes had been committed by a group of
criminals that needed to be arrested and prosecuted. Ms. B reported physical evidence
was available as well as CI's in the area. Ms. B reported she would fully cooperate
with Law Enforcement against all who are involved.

II. INVESTIGATION

NM 87103 In the complaint, Ms. B did not have any specific complaints against any APD
Personnel. In her complaint, Ms. B did report different officer names, CAD numbers
and report numbers. CPOA Investigator reviewed the CADS and Reports listed in the
www.cabq.gov complaint. There was a total of four difference incidents where Ms. B either witnessed
or was a potential victim of an incident.

On 11/20/2020, CPOA Investigator called Ms. B reported phone number on two
separate occasions with no answer. CPOA Investigator left Ms. B a voicemail and
also emailed her requesting to talk about her complaint.

Ms. B did not reach back out to the CPOA Investigator.

If you have additional information about criminal activity, please call 242-2677

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as
there was not enough information to identify the complaint against 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.

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
(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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0722

Re: CPC #260-20

Dear Ms. C:

Our office received a complaint you filed on July 24, 2020 regarding your request for police to change or add accurate information to a police report from an incident that took place on November 04, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. Albuquerque Police Officers are not authorized to change original reports, so any additional information you would like to add, or any comments regarding accurate information that should have been included in an original report are done so through supplemental reports. A supplemental report can be filed by contacting the APD substation nearest you and telling them you would like to make a supplemental report to 19-0101481. At this time your complaint will be ADMINISTRATIVELY CLOSED and no further action taken by our office.

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,

Letter to Ms. C
February 12, 2021
Page 2

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

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 'Edward Harness', is positioned above the printed name.

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0715

Re: CPC #276-20

Dear Ms. 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 an incident that occurred on or about December 22, 2018.

I. THE COMPLAINT

T J submitted an online complaint regarding allegations that incidents have happened to her and nothing was being done about it. She provided a date of December 22, 2018 and two possible addresses.

II. INVESTIGATION

The CPOA Investigator requested information from APD Records based on what she provided. APD Records found an incident that occurred on December 28, 2018 that occurred at the address on Dickerson involving her. That incident was reviewed. Ms. J was staying with a friend and her ex-boyfriend came to the friend's apartment. The friend alleged Ms. J ex-boyfriend battered him. The way the call was originally described and treated it was coded as a home invasion. A second call of a similar nature occurred that same night. The facts Ms. J put in her complaint did not match anything about the incident that night. While watching the lapel videos for the incident, Ms. J did make mention of a battery that occurred a couple of weeks prior.

The CPOA Investigator had APD Records look for this possible situation to see if it matched her fact pattern better. APD Records searched from November 1, 2018 to December 28, 2018. Nothing additional was found involving her.

The CPOA Investigator emailed Ms. J asking for more information to be able to conduct the investigation. She did not respond to the email. Since Ms. J

complaint did make some mention of Grants, NM the CPOA Investigator did provide her a link in the email on how to file a complaint if her concern involved Grants police department personnel.

III. CONCLUSION

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

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

You have the right to appeal this decision.

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

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

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

The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,

The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,

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

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

Letter to Ms. J ;
February 12, 2021
Page 3

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

Sincerely,
The Civilian Police Oversight Agency by

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

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*

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0692

OS

Re: CPC #299-20

Dear Ms. R

:

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 unspecified dates of records requests.

I. THE COMPLAINT

PO Box 1293

Ms. R submitted online complaints regarding issues she has been having receiving records. Ms. R stated she has had several problems with APD and the FBI. Ms. R believed the employee assigned to provide her records was related to one of the officers with whom she has had prior contact.

Albuquerque

II. INVESTIGATION

NM 87103

The complaint she filed focused on the failure of the City of Albuquerque to provide her responsive records to her requests. The employee she named is not an Albuquerque Police Department employee, but works for the City Clerk's office. Ms. R

www.cabq.gov

' remedy would be to file a complaint with the City Clerk or to contact the NM Attorney General and file a complaint with their process regarding the lack of IPRA compliance. The website for this is: <https://www.nmag.gov/ipra.aspx>

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the CPOA does not have jurisdiction over the employee nor the IPRA process.

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 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
(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

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0685

Re: CPC #320-20

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 April 16, 2020, regarding an incident that occurred on or about March 8, 2019.

I. THE COMPLAINT

PO Box 1293 Ms. F submitted a written complaint about a year after the incident regarding her complaint that she reported her ID stolen to APD, but there was no report. Ms. F described that she left her wallet in someone's car and the person never returned it.

Albuquerque

II. INVESTIGATION

The CPOA Investigator had APD Records conduct a search for the date she provided.

NM 87103

Ms. F had filed multiple complaints around the same time so Records did a comprehensive search for all incidents involving Ms. F. A call or incident on the date she provided or for the type of incident Ms. F described in this complaint was not found.

www.cabq.gov

The below link may be appropriate for you to file your report online

<https://secure.coplogic.com/dors/en/filing/selectincidenttype?dynparam=1611955004083>

or search Albuquerque Police Department online police report in any internet browser.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to locate the incident.

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

You have the right to appeal this decision.

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

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

- 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
(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

February 12, 2021

Via Email

Re: CPC #322-20

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 September 28, 2020, regarding an incident that occurred on August 16, 2020.

I. THE COMPLAINT

Ms. S written complaint was based on the belief that the charging officer was not present at the situation involving her son. Ms. S wrote her son called police after his girlfriend, Mr. H hit him. He left the situation to avoid escalation. Even though he called police he decided not to pursue charges against his girlfriend. He also was concerned because he was on probation and believed officers would arrest him. Ms. S claimed Ms. H admitted to hitting her son and that it was her fault. She understood officers did not take any more information that night. Then weeks later an officer that was never present, according to Ms. F filed charges. Ms. S wrote about other incidents and problems her son has had with the police department, narcotics use, and his probation officer. Due to the issues with the probation officer Ms. S thought Officer K was somehow connected to the probation officer.

II. INVESTIGATION

The CPOA Investigator reviewed the police report, the Computer Aided Dispatch (CAD), and the lapel videos from the responding officers. Ms. H reported that her boyfriend, Mr. B, laid hands on her first by pushing her so she defended herself by swinging at him with her arm. Ms. H told the officers that her boyfriend was on probation and provided his identifying information. She provided her opinions of the cause of the conflict that night, which included narcotics use. Ms. H declined information on a restraining order that night. Officers advised her to not allow Mr. B back for the night. Mr. B was gone from the scene when officers arrived. A summons was issued.

The CPOA Investigator interviewed Ms. S over the phone regarding the complaint. At first Ms. S repeated that stated her son called police because his girlfriend struck him, but he received a summons for domestic violence. Ms. S said according to Ms. Herrera she looked at a picture online of Officer K and claimed that officer never responded to the call.

The CPOA Investigator explained to Ms. S there were lapel videos and a police report. The lapel videos showed Officer K and Officer C were present. They had masks on due to Covid, possibly explaining Ms. H's inaccurate identification claiming Officer K was not there. The CPOA Investigator explained to Ms. S that Ms. H made allegations of Mr. B being the aggressor and that her son had fled, hence the reason for the summons. Ms. S realized she received flawed information from Ms. H.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Ms. S wished to withdraw the complaint since she received inaccurate information, which was the basis of her complaint. Ms. S expressed appreciation the CPOA looked into the situation.

You have the right to appeal this decision.

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

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

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

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

Letter to Ms. S
February 12, 2021
Page 3

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

Sincerely,
The Civilian Police Oversight Agency by

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

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0173

Re: CPC #003-21

Dear Ms. D

On August 24, 2020 we received a complaint from you concerning Officer M. of the Albuquerque Police Department (APD) and Detective S., of an unknown agency about an incident that took place November 5, 2017.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

In your typed, two-page complaint you spoke of organized gang-stalking and harassment crimes by individuals and police surrounding the incident in November 2017. You alleged these people are using spyware and stingray against your phone since the incident. You complained that Officer M. and Det. S. didn't handle your case right from the beginning as your "character was defimated (sic) by APD" and your ex-boyfriend, who said "you were off your meds insinuating mental illness" you don't have. You said your ex-boyfriend used a laser to cause burns to your face and that since the police didn't get you medical attention for the November 2017 incident, you didn't need to inform them of being drugged and raped by at least three men, one of whom was your ex-boyfriend. You said that since you moved into a new apartment you are being stalked and harassed so you've sent picture evidence to your pastor who you have asked to buy all the evidence to try to preserve it from the perps on your phone. You said there is also illegal surveillance by perps going on and that it is obvious the cops are involved and they are the pivotal point of whether organized gang-stalking works or not. You said Amy has sent all your evidence and testimony to the United Nations and that you've contacted the FCC and the main postal investigator because of the illegal surveillances of your cell phone and interference with your mail. (See original complaint for more information.)

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to review your complaint. The CPOA Investigator assigned to your complaint reviewed the police report and CADS from the

November 5, 2017 incident. The Investigator attempted to contact you for clarification about your complaint but the email was returned as undeliverable because the email address was incorrect. The Investigator located another complaint you filed on May 22, 2018 regarding the same November 5, 2017 incident and that complaint was administratively closed.

II. CONCLUSION

Based on the investigation, we are unable to minimally substantiate your allegations against Officer M. and have no jurisdiction over Det. S. therefore we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

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.

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

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0784

Re: CPC #099-20

Dear Mr. S ,

Our office received the complaint you filed on January 21, 2020, against Albuquerque Police Department (APD) Officer C. regarding an incident which occurred on December 12, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

NM 87103

Mr. S said on 12-12-2019 at approximately 0555 hours Probation and Parole Officers (PPOs) B. and S.C., along with APD Officers, to include Officer B.C., conducted a zero-tolerance operation at his and his girlfriend's home. The operation began with a knock on his door and he allowed the officer in and sat on the couch. His girlfriend, S., was also asked to sit on the couch; however, his 9-year-old son was left in the bedroom that was being searched. When he asked the officer to allow his son with him in the living room they told him not now. S. also asked the officer to bring his son into the living room. Ultimately, Mr. S was arrested for a probation violation; however, the procedure of clearing the residence was not followed. Now his son doesn't trust law enforcement and is seeing a psychiatrist. The outcome Mr. S is seeking is accountability within the culture of law enforcement and monetary compensation "for emotional and so forth trauma inflicted."

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS, 4 lapel camera videos and Officer B.C.'s written report, and parole conditions on the website at <https://cd.nm.gov/divisions/probation-and-parole/>. The evidence showed that on December 12, 2019, Officer B.C. assisted PPOs as they conducted a zero-tolerance, random compliance check on several parolees throughout the Southeast and Foothills area commands. You were one of the parolees who was contacted that day. Upon Officer B.C.'s and PPOs arrival, you answered questions from PPOs B. and S.C. regarding your compliance with the conditions of your parole. You were asked to sit on the living room couch, while PPOs searched the residence. A condition of your parole is to "submit to warrantless searches of his person, residence, personal belongings and vehicle he is driving." As the PPOs searched the residence, Officer B.C. stood by in the living room with you and your girlfriend, S.. The PPO's search of your residence unveiled several containers of alcohol, which is in violation of your parole conditions wherein you "agree not to possess, purchase, consume, or be anywhere there is alcohol/intoxicating beverages available or being consumed." As a result of this violation, you were arrested and placed in handcuffs. Prior to being escorted out of the house by Officer B.C., you asked if you could kiss your son goodbye. Officer B.C. gave you this opportunity and escorted you to the bedroom where your son was sleeping. You had to say your son's name several times before he woke up. When he did, you apologized to him and told him, essentially, that you were being arrested because you had some alcohol in the house but it wasn't your fault and the crooked cops were taking you away from him. At that point, Officer B.C. led you out of the residence to his patrol car and transported you to the Metropolitan Detention Center (MDC).

Lapel videos don't show that you and S. asked for your son to be brought into the living room, or officers telling you not now. Lapel videos don't support your allegation that Officer B.C. conducted an improper protective sweep of your residence, as it was the PPOs who searched your residence, and not Officer B.C..

You allege that your son doesn't trust law enforcement and has had to seek psychiatric treatment as a result of this incident; however, lapel video shows you telling officers on scene that you spent the last few days with your son because he was taken by ambulance to Presbyterian Kaseman Hospital due to suicidal ideations.

The evidence does not show Officer B.C. violated any APD SOPs.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, the CADS, Officer B.C.'s written report and 4 lapel camera videos.

A) The CPOA reviewed APD SOP 2-71-2(H)

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

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

You have the right to appeal this decision.

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

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

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

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

Letter to Mr. S:
February 12, 2021
Page 4

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
(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

February 12, 2021

Via email

Re: CPC #101-20

Dear Mr. R :

Our office received the complaint you filed on April 9, 2020, against Albuquerque Police Department (APD) Aviation Officer C. regarding an incident which occurred on April 8, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. R stated: "Arrived at airport, attempted (with witnesses) to provide firearm to police (x2), Airline (x3), Securitas (x1) and TSA (x1) to be secured until flight but was refused. Flight was delayed and cancelled ground transportation trying get laptop from Santa Fe. Firearm was in case, obtained three TSA approved locks, secured cases, with no ammunition, attempted to provide case to police again but was refused. Fell asleep at carousel #7. Woken by four officers. Accused (me) of being intoxicated. No field sobriety tests or breathalyzer. Gave officers access to check and officers took firearm. Just want the firearm back, mailed to next destination." During your telephone interview with the CPOA Investigator, you wanted the seizure of your firearm also addressed in this investigation as you felt it was illegally seized.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, your telephone interview with the Investigator, Officer C.'s written report, the CADs, APD Aviation Police Standard Operating Procedures (SOPs), New Mexico Statute 30-7-4, and 5 lapel camera video recordings. The evidence showed that on April 8, 2020, APD Aviation Officer C. and three other officers approached you as you lay sleeping on a bench inside the airport baggage claim area. Lapel video showed a Gatorade bottle of clear liquid sideways in your hand and spilling out on the floor as an officer tried waking you. You were not responsive to verbal cues so the officer

shook your shoulder until you woke up. At first you didn't open your eyes and just gave a thumbs up to the officer as he pulled a large firearms case from under the bench and moved it to the next bench over. The officer continued to talk to you and identified himself as police. He asked if you were okay and if you had been drinking, to which you replied yes to both questions. The officer asked if there was a firearm in the large case and you said there was, to which the officer replied that's a problem because a person cannot be in possession of a firearm while intoxicated. You told the officers you would love for law enforcement to take possession of the firearm and gave him the keys to the locks on the case so they could look at it.

The evidence showed that you had been in the airport since the day before due to an extended flight delay, and officers had contacted you at that time with the same concerns of you being intoxicated while having a firearm. Lapel video showed that you appeared to be intoxicated as indicated by your slurred speech, unfocused eyes and instability while seated and talking with the officers. You repeatedly said you would rather have the officers take possession of your firearm and have someone send it to you at your next destination. The officers said they couldn't send it to you but that it could be held for you at safekeeping. The officers also warned you to stop drinking or you wouldn't be allowed to fly due to your intoxication. The officers said you could stay in the airport so long as you promised to stop drinking while waiting on your flight. You promised the officers you would stop drinking. As Officer C. was explaining, again, that he would take the firearm for safekeeping, which you had agreed to let him do, you told him you wouldn't allow them to take your property. This vacillation between wanting Officer C. to put your firearm into safekeeping and telling him he couldn't take your property went back and forth until the firearm was ultimately taken for safekeeping and you were left at the bench to wait for your flight.

The evidence showed that Officer C. legally seized your firearm under NM Stat § 30-7-4 (2016) Negligent use of a deadly weapon, which states, in part: Negligent use of a deadly weapon consists of: (2) carrying a firearm while under the influence of an intoxicant or narcotic, because it had been determined and agreed upon by you and Officer C. that you were, in fact, intoxicated and had your firearm in your possession. Officer C. explained that he was not going to cite or arrest you for the offense, but would just take the firearm for safekeeping and told you how to retrieve your property. He then booked your firearm into the APD Evidence Unit for safekeeping per APD Aviation SOP 2-5-3(b)(1). You told the Investigator that you have had frequent and direct contact with Mr. E. at the Evidence Unit regarding the plan to get your firearm sent to you and that you were very pleased with how amenable Mr. E. had been in this regard and that you no longer had a complaint about this.

The evidence and lapel videos showed all involved officers, including Officer C., treated you respectfully and professionally throughout the interaction and there were no violations of any APD Aviation Police SOPs, or New Mexico Statutes.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, your telephone interview with the Investigator, Officer C.'s written report, the CADs, APD Aviation Police (SOPs), New Mexico Statute 30-7-4, and 5 lapel camera video recordings.

- A) The CPOA reviewed NM Stat § 30-7-4(A)(2) Negligent use of a deadly weapon.

After a review of the evidence and this Statute, the CPOA was unable to find any violations of the Statute by Officer C..

- B) The CPOA reviewed APD Aviation Police SOP 2-5-3(b)(1)

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

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

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to be 'EH' or similar, written over a horizontal line.

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0678

Re: CPC #325-20

Dear Ms. A

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 an incident that occurred on June 28, 2020. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

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

www.cabq.gov

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

I. THE COMPLAINT AND INVESTIGATION

Ms. A called police to report she and her husband noticed a tent under the Tomasita walking bridge. There was a box filled with papers. One of the papers blew out and it was a check from the ESI electrical company. She called the non-emergency number to report individuals had checks from this company. She said the Operator was rude and unprofessional.

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), and the recorded phone call to police. Ms. Apodaca

nor the employee were interviewed because the recording of the call provided the information to establish a finding.

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

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

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

Ms. A wrote the Operator was unprofessional and rude. Ms. Apodaca wrote that she kept telling the Operator where they were at and what to look for. The Operator asked if she wanted to stay there and wait for officers. She told the Operator no because she did not want to put herself in harm's way. Ms. A wrote the Operator told her, "Well if it's not a priority to you it's not to us." Ms. A did not understand why the operator wanted to put them in danger.

A review of the recorded call between Ms. A and the Operator showed the Operator was trying to get a location in order to input it into the system. Ms. A kept saying there was no cross street to provide and Operator S could not get the system to recognize what Ms. A told her. Eventually, a landmark that was recognized by the system was revealed during the conversation and coordinates could be established. The Operator asked if she wanted to meet with officers. The Operator did not suggest she wait there with the individuals. The Operator did not make the statement that Ms. A attributed to her. The Operator said they would try to get officers out as soon as they could. Officers responded about thirty minutes after the call was initiated.

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

You have the right to appeal this decision.

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

The 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
(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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0326

Re: CPC #131-20

Dear Mr. G

Our office received the complaint you filed on March 8, 2020, against Albuquerque Police Department (APD) Officer B. regarding an incident which occurred on February 19, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. G said he called the police and when Officer B. arrived, he told her his concerns about the "gang element" above his apartment. He provided specific details of different issues he's had with the occupants of Apt and their guests, and the number of times he's called 242-COPS to report these issues. He complained that as he reported these issues to Officer B. she "police profiled" him when he was only reporting the illegal gang activity. He complained Officer B. fabricated and incorrectly stated other things on the report, such as saying he did not tell her about what medications he was on; however, he told her he takes aspirin and a cholesterol medication. He complained that Officer B. wrote in her report that, "D did say he stays in contact with his psychiatrist (sic)", which he said is defamation of character, and falsifying a legal document. He complained that Office B. did not need to add misleading, inaccurate, and falsifying information on her report and that it was very unprofessional of her to do so. He complained Officer B. logged the type of offense on the call as a Behavioral Health call, which is even more of a police profiling. He complained about additional inaccuracies on her report like she said he calls 242-COPS once a week when he said he calls daily. He said she provided accurate information when she stated "I asked D if he was having any thoughts of hurting himself or others and D I stated "No, I am fine." He said that is the only other line that should be permitted. See original complaint for more details.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS, 7 calls to/from APD's dispatch center, and Officer B.'s written report and lapel camera video. The lapel camera video showed Officer B. contact you after arriving on scene. You began by relaying your personal accomplishments and accolades to Officer B. and showed her news articles about said accomplishments, before explaining your concerns and suspicions about alleged drug and other criminal activity involving your neighbors. Specifically, you spoke about their affiliation with gangs and the Mafia, brothels and overdosing individuals, as well as traffic in and out of the apartment. You showed Officer B. cell phone video recordings taken of your neighbors prior to her arrival, and you wanted her to cite them for their behavior; however, she said there wasn't enough information for her to do so. You complained she "police profiled" you because she identified the report as a Behavioral Health incident. She did not make any statements about you or your history and according to the evidence, the two of you spoke about medications you are taking and about whether, or not, you have contact with your psychiatrist. The evidence showed Officer B. completed a Crisis Intervention Team (CIT) worksheet on you, in accordance with APD SOP 2-19-7(B) Response to Behavioral Health Issues *B. Officers will complete a CIT contact sheet in TraCS for any interaction with an individual who is experiencing a behavioral health crisis, regardless of the call type or reason for the interaction.* Officer B.'s actions are included in her report narrative and these actions do not appear to be biased against you, nor do they profile you. It appears Officer B.'s actions were an effort to ensure you get any mental health support, if needed.

You complained that Officer B. fabricated and made false statements in her report. There is only one lapel camera video recording from this incident and it didn't show you speaking about medications you may be taking, or about contact with your psychiatrist; however, it is clear from statements made in your complaint and Officer B.'s report that these were discussed, although your versions the conversation differ. It is unknown if this part of the conversation took place before Officer B.'s camera started recording, or in the buffer period before that when there is no sound, or after the lapel camera was turned off; therefore, who said what cannot be confirmed nor denied.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER B.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, the CADS, 7 calls to/from APD's dispatch center, and Officer B.'s written report and lapel camera video.

- A) The CPOA reviewed APD SOP 1-4-3(A)(3)

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

B) The CPOA reviewed APD SOP 1-1-4(D)(19)

After a review of the evidence and this SOP, the CPOA finds Officer B.'s conduct **NOT SUSTAINED** regarding allegations of violations of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

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

You have the right to appeal this decision.

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

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

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

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

Letter to Mr. G
February 12, 2021
Page 4

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 positioned above the printed name.

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

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0746

Re: CPC# 216-20

Dear Ms. H

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on November 04, 2020, regarding an incident that occurred on August 29, 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 11/02/2020, CPOA received a complaint from Ms. I H , who reported while she sat in her car at the Walmart parking lot, Officer G approached her and stated they needed to check on her daughter because Ms. H 's mom called them. Ms. H reported the officer took her car keys and made her and her daughter get out of the vehicle. Ms. H reported without her permission, Officer G looked underneath her daughter's clothes to check for bruises. Ms. H reported Officer G told her they were going to take her daughter from her. Ms. H reported the officer pulled out his gun and stated to let them take her daughter. Ms. H

reported to this day, she can't get her kids back and the officers did not give her any numbers.

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, the police report, lapel videos, NM Courts Website and interviews with Officer W and Ms. Hernandez. Officer G was not interviewed as the lapel videos recorded the incident and there were no observable violations of SOP's by Officer G.

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

A) The CPOA reviewed General Order 1-1-4D.14, regarding Officer W'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.

During the interview with Ms. H, CPOA Investigator asked Ms. H how the officers knew she was at Walmart. Ms. H stated because they called her and stated she needed to go over there and if she didn't, they were going to do something like call the Human Services on her and everything like that. CPOA Investigator asked if the officer stated she had to meet them or had she agreed to meet up with them. Ms. Hernandez stated she had to meet them but she did not want to. Ms. H stated the officer stated if she did not go over there to meet them, they were going to call in the FBI but could not remember what they said.

During the interview with Officer W, he stated he had to be a little more direct about the situation and stated they needed Ms. H to meet them there. Officer W stated if she did not meet them, she was being uncooperative with them and that created bigger problems with them and CYFD. Officer W stated he needed to verify M was safe. Officer W stated the consequences of not meeting up with him could lead up to a possible kidnapping situation dependent on how much more information they obtained. Officer W denied threatening Ms. H.

Per the Lapel Video, Officer W called Ms. H again. A female answered the phone, Officer W identified himself and asked if Ms. H was on the phone. Ms. H stated yea, her daughter was fine, she did not know who had called the cops. Officer W asked where they were at as they needed to complete a welfare check. Ms. H was heard speaking to someone in the background, not answering Officer W's question. Officer W then asked for Ms. H address, in which she continued to talk to someone else. Ms. H then asked Officer W where he was at. Officer W stated they were in Albuquerque then asked if she was in Albuquerque in which she stated yes. Officer W then asked what part of Albuquerque was she at, Ms. W stated she was on San Mateo by the one way. Officer W stated he needed to know her

address where she was living at and if she did not provide the address he would send the case to Detectives and she could face criminal charges for not cooperating with law enforcement. Officer W stated Ms. H's safety was what he cared about, so Ms. H needed to cooperate and state her address. Ms. H stated she was at her friend's house, Officer W asked where that was located. Ms. H did not say anything for approximately 30 seconds, when Officer W asked her if he really had to make this a child missing person case and get every agency involved. There was silence for approximately 37 seconds when Officer W asked if Ms. H was there. Ms. H stated yes, she was and she was at San Mateo and Central by the Walmart. Ms. H informed Officer W that herself and M were in a white car. Officer W stated he would go over there and if she was not there, they were going to take it to the next level to a Detective, Ms. H stated ok.

The CPOA finds Officer W'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 3-13-3B.3b, regarding Officer W's conduct, which states:

Officers shall abide by the following principles: Make only those arrests, searches, and seizures which they know or should know are lawful and do so in accordance with related departmental procedures

Ms. H reported the officer took her car keys and made her and her daughter get out of the vehicle. Ms. H reported Officer G told her they were going to take her daughter from her.

During the interview with Ms. H she stated the officers told her in a rude and hateful way to get out of her car. Ms. H stated the officers took her keys and told her to park, in which she did. CPOA Investigator asked for further details in reference to the allegation of officers taking her car keys. Ms. H stated they yelled and stated let them have the keys now. Ms. H stated the officer took the keys from her. CPOA Investigator asked Ms. H if her mom had paperwork for her children and asked if that was why the officers were there. Ms. H stated they didn't tell her about paperwork or show her paperwork. CPOA Investigator asked if the officers ever mentioned to her anything about her mom having any kind of custody, Ms. H stated no.

During the interview with Officer W, he stated he could not recall if officers took Ms. H's car keys. Officer W stated he could say, regarding something like this, that was something they would do specially to prevent Ms. H from fleeing with the child and have an active kidnapping situation on their hands.

Officer W stated he informed Ms. H that they were going to have to take M back to Ms. J because that was what the court paperwork stated. Officer W stated Ms. H had not given Officer W any clear information on where she had been staying and the living arrangements for the child.

Per the Lapel Video, Officer W and Officer G met up with the caller (R Ms. H's mother) and a male (later identified as I B -Ms. J former brother in-law.) Ms. J stated she had not seen her granddaughter (M P) in over three weeks and Ms. J had temporary legal guardianship over M. Ms. J then showed Officer W the guardianship paperwork.

When officers arrived to Walmart, Ms. H exited her vehicle on her own and began to speak with Officer W.

Officer W asked if Ms. H had keys to her vehicle and where were they. Ms. Hernandez stated they were in the car, Ms. H pulled out the keys and showed Officer W. Officer W asked if he could see them in which Ms. H handed the keys to Officer W. Officer W stated he would hold on to the keys because right now Ms. H was being detained until they could figure out what was going on. Officer W stated he needed to verify some paperwork.

Officer W informed Ms. H that M would be going back to Ms. H mom (Ms. J) because that was where the custody was.

A review of the New Mexico Courts website indicated on 08/21/2020, Ms. J was awarded temporary guardian/conservator/kinship of a minor.

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

C) The CPOA reviewed Procedural Order 2-52-4F1a, regarding Officer W's conduct, which states:

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

Ms. Hernandez reported the officer pulled out his gun and stated to let them take her daughter

During the interview with Ms. H, she stated herself and her daughter were so scared because the officers surrounded them with guns. Ms. H stated the officer's guns were out and were being pointed at her. Ms. H stated the Officers made her sit on the floor for approximately 30-40 minutes.

During the interview with Officer W, he denied that allegation.

Per the Lapel Video, at no time did any of the officers have their guns out of the holsters or did officers make Ms. H sit on the ground.

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

D) The CPOA reviewed General Order 3-13-3C.1, regarding Officer W's conduct, which states:

Officers shall politely furnish their name and employee number to any person requesting such information while they are on duty or while they are acting in an official capacity.

Ms. H reported she can't get her kids back and the officers did not give her any numbers.

During the interview with Ms. H, she stated herself and her daughter went to Walmart and the officers did not give her their badge number, name or anything. CPOA Investigator asked if she requested any of that information from officers, Ms. H stated she was so scared that she could not even talk.

During the interview with Officer W, he stated to the best that he could recall, Ms. H did not ask for that information.

Per the Lapel Video, Officer W identified himself as Officer W, on more than one occasion and also provided Ms. H with his MAN number via voicemail. During the review of the video, Ms. H never asked for a case number, identification number or the officers names.

The CPOA finds Officer W'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 OFFICER G's CONDUCT

A) The CPOA reviewed General Order 3-13-3B.3b, regarding Officer G's conduct, which states:

Officers shall abide by the following principles: Make only those arrests, searches, and seizures which they know or should know are lawful and do so in accordance with related departmental procedures.

Ms. H reported the officer took her car keys and made her and her daughter get out of the vehicle. Ms. H reported without her permission, Officer G looked

underneath her daughter's (M) clothes to check for bruises. Ms. H : reported Officer G told her they were going to take her daughter from her.

During the interview with Ms. H , she stated the officers told her in a rude and hateful way to get out of her car. Ms. H : stated the officers took her keys and told her to park, in which she did. CPOA Investigator asked for further details in reference to the allegation of officers taking her car keys. Ms. H stated they yelled and stated let them have the keys now. Ms. H stated the officer took the keys from her. Ms. H stated she saw Officer G looking under M: clothes. CPOA Investigator asked Ms. H : if her mom had paperwork for her children and asked if that was why the officers were there. Ms. H stated they didn't tell her about paperwork or show her paperwork. CPOA Investigator asked if the officers ever mentioned to her anything about her mom having any kind of custody, Ms. H stated no.

Officer G was not interviewed as the lapel videos recorded the incident and there were no observable violations of SOP's by Officer G.

Per the Lapel Video, when officers arrived to Walmart, Ms. H exited her vehicle on her own and began to speak with Officer W. At no time did Officer G look underneath M clothes. Officer W obtained Ms. H 's keys from her not Officer G. Officer W informed Ms. H that M would be going back to Ms. H mom (Ms. J:) because that was where the custody was.

A review of the New Mexico Courts website indicated on 08/21/2020, Ms. Jarrett was awarded temporary guardian/conservator/kinship of a minor.

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 Procedural Order 2-52-4F1a, regarding Officer G's conduct, which states:

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

Ms. Hernandez reported the officer pulled out his gun and stated to let them take her daughter.

During the interview with Ms. H she stated herself and her daughter were so scared because the officers surrounded them with guns. Ms. H stated the officer's guns were out and were being pointed at her. Ms. H : stated the Officers made her sit on the floor for approximately 30-40 minutes.

Per the Lapel Video, at no time did any of the officers have their guns out of the holsters or did officers make Ms. H sit on the ground.

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

C) The CPOA reviewed General Order 3-13-3C.1, regarding Officer G's conduct, which states:

Officers shall politely furnish their name and employee number to any person requesting such information while they are on duty or while they are acting in an official capacity.

Ms. H reported she can't get her kids back and the officers did not give her any numbers.

During the interview with Ms. H z, she stated herself and her daughter went to Walmart and the officers did not give her their badge number, name or anything. CPOA Investigator asked if she requested any of that information from officers, Ms. H stated she was so scared that she could not even talk.

Per the Lapel Video, Ms. H never asked for a case number, identification number or the officers names.

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

You have the right to appeal this decision.

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

The 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 'Edward Harness', with a stylized flourish at the end.

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

February 12, 2021

Via Certified Mail

7018 1130 0002 3429 0708

Re: CPC #288-20

Dear Mr. Dr

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on September 18, 2020 regarding an incident that occurred on an unknown date in August 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

G, D stated he went into Valley substation to speak with Officer B. Officer B told him that he would make a police report for him so, he could take the lady (R) to court and he did not do that and felt he lied. He later went down to the substation again to talk to the officer. The lady told him that the officer was not there. The lady got a hold of the officer and the officer said sorry that was all he could for me. The officer had called R boss and then then referred him to the Better Business Bureau.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, interview of the complainant, interview of the Officer, interview of the Witness. There were no lapel videos or reports.

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

A. The CPOA reviewed Standard Operating General Order SOP 2-16-2C4 regarding Officer B'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.

Dressler stated he went into Valley substation to speak with Officer B. Officer B told him that he would make a police report for him so, he could take the lady (R) to court. Dressler stated he did not do that and felt he lied.

Officer B was asked if he remembered D. He stated he vaguely remembered him. He remembered what was explained to him, by Dressler, was a civil matter. Officer B said he could make a phone call for him in order to please him. Officer B said he couldn't force the person (doesn't remember name) to comply with what D wanted. He spoke with a male and the guy seemed shocked that D would get Police involved. Officer B advised the man, that this was a civil matter. He believed D continued to call the substation after this incident and tried to get a hold of him. Officer B thought D wanted him to play the middle man. Officer B advised D he could take them to court if he wanted further action.

Officer B stated this situation did not require a Police report. Officer B said the information was not enough to pull a CAD and document it. Not everything needs to be a documented Police Report. D seemed to expect one because he was a Police Officer and D wanted him to do more, but legally could not based on the information provided at the time. Officer B mentioned Admin W may remember D. Admin W was interviewed and did not remember having spoken with a G D. Officer B also stated he did not recall referring D to the Better Business Bureau.

Officer B determined a report and CAD number were not necessary based on the information he was given at the time of incident and in his subsequent phone call to R Boss. He attempted to appease D's request to try help with the situation, despite it being a Civil matter. There is no evidence Officer B lied to D. Officer B made it clear that he explained to D what he could and could not do, in the course of his duties, especially when it involved a Civil matter such as this incident.

The CPOA finds Officer B's conduct to be **EXONERATED**, where the investigation determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

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



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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 12, 2021

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

RE: APD Case # 20-0004251, IAFD Case # C2020-000015

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

- 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

www.cabq.gov

My review of the evidence shows on January 14, 2020 the victim Mr. M. was a barricaded subject. Officer's used public address announcements, and chemical munitions, to gain Mr. M's compliance. He failed to comply with officer's directions. Officer 1 deployed his K9 to search the business. Officers heard noises coming from the ceiling. Officers then observed a hole in the wall leading to an adjacent business. A tactical activation was ordered.

Public address announcements continued, use of chemical munitions, and noise flash diversions devices were deployed. Officer 1 deployed his K9. The K9 made contact with M.'s left hand 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*

Eric Nixon

Douglas Mitchell

Edward Harness, Executive Director

February 12, 2021

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

RE: APD Case # 20-0006203, IAFD Case # C2020-000027

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

- 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

www.cabq.gov

My review of the evidence shows on January 20, 2020 the victim, Ms. S., was contacted by officers of the Albuquerque Police Department because she was reportedly walking in and out of traffic creating a safety issue. Officer 1 arrived on scene, Ms. S walked in from of his vehicle into traffic. Ms. S. was uncooperative, so Officer 1 made the decision to place Ms. S. in handcuffs for her safety. After handcuffing Ms. S. continued to resist., at that point Officer 1 took Ms. S. 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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

Tara Armijo-Prewitt Chantal M. Galloway

Eric Nixon

Douglas Mitchell

Edward Harness, Executive Director

February 12, 2021

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

RE: APD Case # 20-0007881, IAFD Case # C2020-000046

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, APD Policy 2-54-5 Electronic Control Weapon

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on January 25, 2020 the victim, Mr. S., was contacted by officers of the Albuquerque Police Department because he was reportedly at a home where the occupants, (family members) feared for their safety if he entered the home. The night before he had broken into the residence. Officer 1 arrived on scene, Mr. S was standing in the driveway, in front of the residence. Mr. S. had a knife on his belt. Mr. S. refused to comply with officer's directives Mr. S. began to walk around and appeared as though he would enter the residence. Officer 1 warned Mr. S to stop or he would be tased. Mr. S continued to ignore the officers, Officer 1 deployed his ECW. It was ineffective. Officer 2 deployed her ECW. It had the desired effect, after 2 cycles. Mr. S was taken into custody. Rescue was called to remove the probes.

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 Officer 2'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 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 12, 2021

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

RE: APD Case # 20-0008932, IAFD Case # C2020-000051

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

- 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

www.cabq.gov

My review of the evidence shows on January 28, 2020 the victim, Ms. P., was contacted by officers of the Albuquerque Police Department because she was involved in a traffic accident. Officers determined there was probable cause to arrest Ms. P for DWI. After placing Ms. P in handcuffs, she began to resist, so officers took her to the ground while she was 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.

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 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 12, 2021

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

RE: APD Case # 20-0009181, IAFD Case # C2020-000052

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

- 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, APD Policy 2-54-5 Electronic Control Weapon

www.cabq.gov

My review of the evidence shows on January 29, 2020 the victim, Mr. N., was observed in a vehicle traveling eastbound on Avalon. Mr N. was known by Officer 1 to be on APD's top 15 wanted list. Officer 1 attempted a traffic stop. The vehicle stopped and Mr. N fled from the vehicle on foot into a school. Officer 1 gave chase. He caught Mr. N. at a fence line and discharged his ECW. The first cycle of the ECW worked and Mr. N. was taken into custody.

Finding: The CPOA finds Officer 1's conduct "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

Sincerely,

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

CITY OF ALBUQUERQUE



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 12, 2021

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

RE: APD Case # 20-0010100, IAFD Case # C2020-000058

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

- 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

www.cabq.gov

My review of the evidence shows on February 1, 2020 the victim, Ms. N., was contacted by officers of the Albuquerque Police Department because she stated she was overdosing and threatening business staff with a knife. Officer 1 arrived on scene, Ms. N was walking on the median still armed with a knife. More officers arrived. Ms. N was warned to drop the knife or she would be tased. Ms. N dropped the knife and was placed under arrest. After handcuffing Ms. N. began to resist., at that point Officer 1 took Ms. N. 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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

Tara Armijo-Prewitt Chantal M. Galloway

Eric Nixon

Douglas Mitchell

Edward Harness, Executive Director

February 12, 2021

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

RE: APD Case # 20-0011970, IAFD Case # C2020-000071

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 February 6, 2020 the victim Ms. N. was an armed barricaded subject. APD SWAT activation was called. Officer's used public address announcements, chemical munitions, and noise flash diversionary devices to gain Ms. N's compliance. As he exited the dwelling, she failed to comply with officer's directions. She began to walk away, it appeared to avoid arrest. Officer 1 deployed his K9 to apprehend Ms. N. The K9 made contact with Ms. N.'s left flank and she was taken into custody. She 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 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 12, 2021

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

RE: APD Case # 20-0027063, IAFD Case # C2020-000225

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

- 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

www.cabq.gov

My review of the evidence shows on March 27, 2020 the victim, Mr. S., was a barricaded subject. A SWAT activation was called. Officers used public address announcements, chemical munitions, and noise flash diversionary devices. Mr. S eventually exited his residence, but he failed to comply with officer's directives. Officer 1 discharged his 40mm sponge round, striking Mr. S. He was taken into custody.

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