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, March 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, March 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-march-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, March 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, March 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 from March 4, 2021 Study Session

VI. Reports from City Departments

- **a. APD**
  1. **IA Professional Standards Division**
  2. **IA Force Division**
  3. **APD Training Academy– APD Crimes Against Children and Domestic Violence Presentation**
- **b. City Council**
- **c. Public Safety Committee**
- **d. Mayor's Office**
- **e. City Attorney**
- **f. CPC**
- **g. APOA**
- **h. CPOA – *Edward Harness, Executive Director***

VII. Hearing on Requests for Reconsiderations

VIII. Review of Cases:

- **a. Administratively Closed Cases**
  114-20 132-20 134-20 170-20
  285-20 014-21 025-21
- **b. Unfounded and Exonerated**
  214-20 248-20
- **c. Not Sustained**
  242-20

IX. Serious Use of Force Cases/Officer Involved Shooting

X. Reports from Subcommittees

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

XI. Discussion and Possible Action

a. **Review and Approval of 4th Qtr. Case Findings Audit Report**
b. **Approval of January- June 2020 Semi-Annual Report**
c. **Update on CPOA Board Member Reviews**
d. **Update on Developing a Process for Access to Level 3 Force Cases**
e. **Update on Stipulated Order Establishing an External Force Investigation Team- CASA**
f. **Legal Counsel Contract**
g. **Update on access to Legal Counsel**
h. **2021 OMA Resolution**
i. **Update on Board rotation for Public Safety Committee**
j. **CPOA Public Relations Engagement Protocol**
k. **Use of Administratively Closed for Complaints due to the change in Officer Employment Status**
l. **Diversity and Inclusion Training Provided by Arianna Trott**
m. **Election of New CPOA Board Chair and Vice-Chair**
n. **Designate Board Representative for PPRB**

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

XIV. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on April 8, 2021 at 5:00 p.m.***

CITY OF ALBUQUERQUE

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0913

Re: CPC #114-20

Dear Ms. H

Our office received the complaint you filed on February 24, 2020, against Albuquerque Police Department (APD) Officers S. and B. for an incident that took place on February 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

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Ms. H said the District Attorney's Office (DAO) requested a welfare check on her after she was threatened by her ex, who had just been released from jail for violating a restraining order. The DAO asked that APD just drive around her neighborhood and check that no one was outside of her house. She complained that Officers S. and B. were both pounding on her front and back doors and didn't announce that they were APD officers and it scared her and her children so they wouldn't open the door because they didn't know who they were. She called 242-COPS afterwards and was told it the officers were conducting a welfare check and the officers cleared the call after trying to call her phone numerous times. Ms. H complained they never called her phone and they never made contact. She feels they should be aware the domestic violence welfare checks should be announced.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and the CADS report. The evidence shows that the officers were dispatched for a welfare check at the request of Ms. B., who is a Victim Advocate. They arrived at your residence and were there for approximately 14.5 minutes and left after attempts to call you went to voicemail and no one answered the door. The Investigator reached out to you via email; however, you did not respond to the email.

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

March 12, 2021
Via email

Re: CPC #132-20

Dear Ms. W

Our office received the complaint you filed on March 11, 2020, against Albuquerque Police Department (APD) Officer H. and Crime Scene Investigator O. for an incident that took place on February 1, 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

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Ms. W complained that Officer H. has harassed and intimidated her on the date she filed the complaint and during a previous incident, wherein she reported a vehicle burglary at the Dollar Tree parking lot. She alleges that within this same week, she saw Officer H. driving along the Mesa in a white, National Park Ranger marked pickup. She is requesting a guarantee for her personal safety, a lift on the restraining order against her, a formal court document stating that her criminal case has been dropped and acknowledgement of wrongful arrest, detainment and towing expenses. She also complained that the Bernalillo County Sheriff's Officer (BCSO) hasn't called her back for her appointment to pick up her belongings. There were other officers involved with her initial reports of assaults against her, and she will file complaints against them, as well.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, Officer H.'s police report from the vehicle burglary you reported on February 29, 2020, and 7 lapel camera video recordings from that day. Lapel videos showed Officer H. and Detective (Det.) T. responded to the vehicle burglary call at the Dollar Tree and assisted you with taking a report and had CSI O. come out to process your vehicle and some items inside the vehicle for latent fingerprint evidence. Lapel videos showed that after his initial contact with you, Officer H. didn't have any further contact with you that day and Det. T. made the remainder of the

contacts with you. Lapel videos showed Officer H. and Det. T. and CSI O. were polite, professional and respectful with you throughout their interactions with you, and don't support the allegations against them.

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.

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

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0210

Re: CPC #134-20

Dear Ms. C

Our office received the complaint you filed on February 24, 2020, against several Albuquerque Police Department (APD) Detectives, for a vehicle embezzlement case you reported on February 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.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Ms. C complained that regarding case 20-0010386, you have received no follow-up from APD Detectives and that they are non-responsive to calls and messages from 02/02/2020 to 02/24/2020 regarding the embezzlement of your classic vehicle, a 1970 Mercury. You said that due to this unresponsiveness, critical information was eliminated from the investigation and that the alleged suspect, Mr. L. continues to extort funds from your son, Mr. M., for the aforementioned vehicle.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, and the police report regarding the subsequent investigation into the embezzlement of the aforementioned vehicle. The evidence showed that on February 25, 2020, you and a friend went to the Valley Substation to follow-up on the investigation into the embezzlement of your vehicle, and you met with Detective M., who ultimately assumed responsibility for the case. The evidence showed that Detective M. conducted a thorough investigation into the crime and that as of April 9, 2020, a warrant was signed for the arrest of Mr. L. in connection with the embezzlement of the vehicle.

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 APD Officers and Detectives 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

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0890

Re: CPC #170-20

Dear Mr. C

Our office received the complaint you filed on April 10, 2020 about the Albuquerque Police Department (APD) Twitter account that allegedly took place on August 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.

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Albuquerque

NM 87103

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I. THE COMPLAINT

Mr. C complained that the APD Twitter account states things as facts and not accusations. He said his brother J. is a homeless paranoid schizophrenic who has had multiple arrests and run-ins with APD. He is certain APD knows who is brother is and his diagnosis. He complained that on August 12, 2019 an APD tweet states as fact, no accusations, the reasons for his brother's arrest. It appears the case was dismissed. APD should not be trying to convict citizens on the public sphere. That is not their job. He is sure that his brother is difficult to deal with due to his diagnosis; however, this does not make him guilty. He wants APD Twitter to remember they are not the judge, nor the jury, nor the executioner.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and reached out to the APD Director of Communications regarding the Twitter account, and learned that they were unable to locate the tweet from August 12, 2019 about which you have complained. Additionally, I learned that the Director of Communications has attempted to reach you twice to obtain more information but you have not responded to those attempts.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because we cannot minimally substantiate the allegations.

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

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0906

Re: CPC #285-20

Dear Ms. C
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 12/04/2020 regarding incidents that occurred on 12/03/2020.

I. THE COMPLAINT

Ms. E C submitted a complaint which stated herself and her kids' father were harassed constantly by APD for false allegations. Ms. Cl reported they were constantly making her children feel upset by accusing her children of being verbally and physically abused. Ms. C : reported that she wanted APD not to question her children at night as it was hard for her to fall asleep. Ms. C : reported why couldn't APD just ask a counselor at the school to tell them how her kids were doing.

II. INVESTIGATION

Per the CAD, the complaint was received from SCI/CYFD. The CAD also noted officers were dispatched to the residence in question at 2233.

According to Officer H's Incident Report, on 12/03/2020, a welfare check in reference to child abuse was conducted on 7 children, no injuries or concerns were noted in the household.

On 12/07/2020, CPOA Investigator attempted to contact Ms. C via phone call with no answer, a voicemail was left. On 12/07/2020, CPOA Investigator emailed Ms. C and informed her that the CPOA received her complaint and to contact the CPOA Investigator, so we could speak further about the allegation.

On 12/14/20, Ms. C sent an email to the CPOA Investigator which stated in part, that she decided she should not make a complaint, she should be thankful that her kids were checked on. Ms. C documented although she was woken from her sleep she would forgive the officer for just trying to do his job. Ms. C documented that she

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was very thankful for APD because without them we would be at a cruel civil war with no laws as she respected them.

CPOA Investigator reviewed both Officers Lapel Videos from the night of the incident and there were no observable violations of SOP's

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Ms. C decided she did not want to make a complaint and Officer Lapel Videos did not show any observable violations of SOP's.

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0180

Re: CPC #014-21

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 January 11, 2021, regarding various incidents during an unspecified timeframe.

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NM 87103

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I. THE COMPLAINT

Ms. H submitted an online complaint regarding the action of undercover police officers. Ms. H alleged officers harassed her by following her, releasing information to the public about her, making rude comments about her, and moving things in her apartment. She also alleged undercover officers interfered with her online orders and requests for Lyft rides. She gave numerous examples of things she attributed to undercover law enforcement officers.

II. INVESTIGATION

The CPOA Investigator had records search for calls or reports involving Ms. H The only call found was from August 19, 2020. The CAD said that Ms. H called to talk to police about a noise complaint, but she was not clear about what she wanted or what the situation was. ECIT officers were dispatched. There were three videos of the interaction, but they were deleted by the time Ms. H filed her complaint.

The CPOA Investigator contacted Ms. H via email to ask her about the situation and determine if there was a specific date of an interaction she wished to complain about since the complaint form did not specify a date of incident. Ms. H responded with numerous emails providing numbers that have called her both from Iowa and Albuquerque. She alleged people followed her back to Iowa, her current state of residence. Ms. H stated that individuals were using the radio to harass her in Iowa and provided the station channel. She provided pictures of vehicles with New Mexico

plates when she lived in Albuquerque that she alleged were undercover vehicles. One of the Albuquerque numbers had a name show on the caller ID, which she provided.

Of the one picture she sent that had a license plate visible that was sent to APD fleet to confirm if it was APD. APD fleet advised that it was not one of their undercover vehicles. The name that she provided on the caller ID was looked up and it was not an APD employee. The CPOA Investigator advised Ms. H that the CPOA would not be able to determine the ownership of random numbers and provided the possible information the calls were from political groups, charities, and the like. Ms. H did not provide any information to demonstrate the phone numbers or cars belonged to APD personnel. Ms. H did not provide any additional information that she had interactions with APD personnel. She did not specify a complaint with the responding officers on August 19. Ms. H was advised her complaint would be closed, but if she had additional information specifically about APD she could refile her complaint.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough evidence to investigate any allegations that Ms. Hunigan was under surveillance or being harassed by APD personnel.

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0883

Re: CPC # 025-21

Dear Ms. W
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 2, 2021, regarding an incident that occurred on January 31, 2021.

I. THE COMPLAINT

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Ms. W complained that an officer knocked on her door around 7:45 a.m., knocked a second time and announced he was police. When she answered the door, he said he was looking for E She said she told him he had the wrong address. She alleged he asked her multiple times in different ways if E was there because he received a call and listed the apartment number. She told him again no one by that name lived there. She said this went back and forth a couple of times until the officer finally left. Ms. W wrote she was concerned for her safety given the time of day, the questioning the officer did as if she was lying because he continued to ask the same question, and the fact that she was a black female. She wanted accountability, training, or something so this never happened again.

II. INVESTIGATION

The CPOA Investigator reviewed the CAD and lapel video from the officer. The review of the CAD showed that a man named E alled police concerning another man walking around yelling. The call came in at 5:14 a.m. Dispatch attempted to contact the caller regarding the delay, but received no response. Officer G was dispatched at 7:30 a.m. and attempted contact. He notated on the CAD at 7:55a.m. that he contacted a woman who said the caller did not live there. He attempted three callbacks with the caller, but there was no response. The CAD did have apartment 2411. When he contacted Ms. W he was at apartment 1124, making a mistake and inverting the numbers. After the officer's departure, the CAD had the comments Ms. W called police

twice about the situation because she was very upset and frightened that police came to the wrong apartment since she was a black female.

Ms. W characterized the exchange in her complaint as being drawn out and that the officer asked her in multiple ways and multiple times if F was there. The lapel video showed the officer first asked if she was E he opened the door a small amount. When Ms. W s said no, he asked if E lived there. When she said no he said ok and said it was just showing that the call came from 1124. She said there was nobody by the name of E that lived there. He said, "ok, sounds good, thank you" and left. The total contact was eighteen seconds. The tone of the interaction was professional and non-confrontational by the officer.

Ms. W expressed concern at the time of day in her complaint. It was 7:45 a.m. and not the middle of the night. Ms. W expressed the concern of being a black female and the history of officers going to wrong addresses resulting in death. Situations involving mistaken addresses can and have resulted in disastrous outcomes throughout the country, often in the service of warrants. Warrant service standard operating procedures have different layers of information verification to hopefully prevent such errors. In this situation, it was a basic mistake of transposing numbers for a simple contact.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no violation of standard operating procedures nor an identified policy that the alleged conduct would fall under.

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

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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

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0753

Re: CPC# 214-20

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 October 21, 2020, regarding an incident that occurred on October 15, 2020. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

On 10/21/2020, CPOA received a complaint from Ms. H A , who reported she was asked to leave the Eye Doctor's office because she wanted the Doctor to correct her vision. Ms. A reported the security guard harassed her, pushed her outside, called the police and stated that she was an Iraqi woman. Ms. A reported that the police arrived and manhandled her in spite of her telling them that she recently had knee surgery. Ms. A l reported she was handcuffed and taken to the police car. Ms. A reported Officer B was very rude and biased in his actions. Ms. A reported Officer B raised his right thumb and stated he was a "Trump man." Ms. A reported her body was bruised

and sore from being shoved and dragged on the pavement. Ms. A reported Officer B had intimidated and bullied her.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, CADS, the police report, lapel videos, and interviews with the Complainant and Officer B. Officer N was not interviewed as Ms. A stated she did not have any concerns/complaints against him. Officer N's lapel video recorded the entire incident and there were no observable violations of SOPs by Officer N.

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

A) The CPOA reviewed Standard Procedural Order 2-52-4F1a regarding Offer B's conduct, which states:

1. 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. A reported when the police arrived, they manhandled her in spite of her telling them that she recently had knee surgery. Ms. A reported her body was bruised and sore from being shoved and dragged on the pavement.

During the interview with Ms. A , she stated the Doctor at Eye Associates stormed out of the room and stated to the leave the office, which Ms. A refused. Ms. A stated the security guard (J) was called and J began to drag her from the office. Ms. A stated she was not going to the leave the office until the Doctor told her what he was going to do to save her eye. J continued to drag her out of the office. Ms. A stated Jose pulled, dragged and pushed her. Ms. A stated she informed Jose that her knee still hurt and she would get up on her own. Ms. A l stated J didn't listen and he held her by the arm, pulled her up and he took her out of the office. Ms. A stated J then called the police and stated there was an Iraqi lady there. Ms. A stated Jose dragged her from the exit (back of the building) to the front of the building where Ms. A sat down on the rocks.

Ms. A stated two police officers arrived, one was Officer B and she could not recall the name of the other officer. Ms. A stated Officer B took her hand, pulled her up and stated to stand up. Ms. A stated she said no, she could not stand up because she had just had surgery on her knee as she had recently broken her kneecap. Ms. A stated the other Officer (later identified as Officer N) stated don't worry, leave her alone and assisted her up. Ms. A stated Officer B then put Ms. A in his car and put the handcuffs on her. When asked about officers manhandling her, Ms. A l stated it was just Officer B. Ms. A stated Officer N did take care of her and she was not worried about it him. Ms. A stated her left arm was bruised and her neighbor took photos of the bruises. When asked if that was the side that Officer B was handling her on, she

stated she could not remember but it was possible. Ms. A stated she was bruised right above the elbow on her left arm by her bicep/tricep. When asked about Ms. A 's body being sore from being shoved and dragged on the pavement, Ms. A stated it started when J dragged her to the front of the building and then Officer B dragged her on the pavement towards the car. Ms. A stated Officer B dragged her towards his car before Officer N showed up and assisted her up.

During the interview with Officer B, he stated officers were dispatched to Eyes Associates as it was reported that a citizen had refused to leave, damaged property, thrown things around inside Eye Associates and thrown items at the Doctors and the other patrons. Officer B stated at one point during dispatch, it sounded like there was a scuffle as the dispatcher lost contact with the caller. Officer B stated for them, that was a red flag and they had to get there quickly. Officer B stated the call came out as a priority call as the caller got back on the line and stated Ms. A was now throwing rocks at people in the parking lot.

Officer B stated he was the first officer to arrive and when he got there Ms. A was sitting on the sidewalk and the security guard was standing next to her. Officer B stated Ms. A continued to yell and cause a disturbance. Officer B stated the Primary Officer then arrived (Officer N) as Officer B was the cover officer. Officer B stated he had already identified himself to Ms. A as an APD Officer and tried to communicate with her but she would not listen to his commands. Officer B stated they then put Ms. A in handcuffs and placed her in back of a police car. Officer B stated to his understanding Eye Associates staff did not want to report any damages, assaults or batteries against Ms. A they just wanted her off the property. Officer B stated Ms. A was issued a criminal trespass notice and they walked to her vehicle where she continued to be loud and cause a disturbance. When asked about the allegations of Ms. A being manhandled by officers despite her recent surgery, Officer B stated Ms. A only wanted one officer to help her up due to her knee surgery, so he let go of her and Officer N helped Ms. A up. Officer B stated he did not believe there was any manhandling or force used. Officer B stated Ms. A was asked to turn around, was placed in handcuffs and taken to the back of a police vehicle.

When asked about the bruises and Ms. A being sore, Officer B stated there were several accounts by witnesses in which they stated the security guard had pushed/shoved her and at one point pushed her off a curb where she almost fell and the security guard caught her by the arm. Officer B stated he believed three separate citizens gave statements that the security guard was a little rough with her. Officer B stated officers never dragged her during the incident.

A review of the Lapel Video showed Officer B arrived on scene where Ms. A was yelling towards the security guard and sitting on the ground. Officer B walked towards Ms. A and identified himself as an APD Officer. Officer B initially told Ms. A to stand up, turn around and face away (two times.) The third time, Officer B raised his voice for Ms. A to stand up. Ms. A had yet to stand up. Officer B asked Ms.

A a total of 5 times to stand up before he attempted to place hands on her. Ms. A moved her right hand away from Officer B and Officer B informed her not to resist and she was being detained. Officer B grabbed her right arm with his left hand and her right wrist with his right hand. Officer N arrived and placed his right hand on her left arm and placed his left hand on her left wrist. Officer B informed Ms. A to stand up as they need to make sure she did not have any weapons. Ms. A l yelled at Officer B and stated she could not stand up due to her recent knee surgery. Officer B stated ok, well he would help her stand up. Ms. A stated to Officer B to leave her hand and gave permission for Officer N to assist her up. Officer B released Ms. A and she proceeded to call him a bully like Trump. Officer N then assisted Ms. A onto her feet. Officer N handcuffed Ms. A and stated she was being detained. Ms. A continued to yell towards Eye Associates staff as Officer N walked her to the back of the police car.

Officer B then spoke with a female witness who stated the security guard was rough with Ms. Akhil. That female witness stated the security guard grabbed Ms. Al 's arm, pulled her off the curb and grabbed at her repeatedly. Officer B then spoke with a male witness who stated the security guard was using his chest to push Ms. A l and grabbed her by the arm when he pushed her off the curb. The male witness stated at one point the security guard had Ms. A in an arm bar. Officer B obtained both of the witnesses' contact information and stated he would provide the information to Officer N as he was the primary officer. Officer B walked back to the vehicle where Officer N had explained and issued the trespass notice to Ms. A Officers then informed Ms. A that they would walk with her to her car, they would take the handcuffs off, she would need to sign the trespass notice and leave. Ms. A l asked Officer N to assist her to the car as it was hard for her to walk with the handcuffs on. Officer N agreed to assist Ms. A . Ms. A l began to yell towards the Eye Associates staff and both officers informed her not to do that and proceeded to escort Ms. A to her vehicle.

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

Per the Lapel Video, at no time did officers manhandle, shove or drag Ms. A on the pavement or anywhere else. Ms. A stated her bruise was located on her left arm. At no time was Officer B handling Ms. A by her left arm as he tried to assist her up while on her right side and he escorted her to her car on her right side. It was possible Ms. A obtained the bruise from the security guard as Ms. A and two other witnesses indicated the security guard was rough with Ms. A and he had her by the arm on more than one occasion

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

B) The CPOA reviewed General Order 1-1-4D.14. regarding Officer B'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

Ms. Akhil reported Officer B was very rude and biased in his actions. Ms. A reported Officer B raised his right thumb and stated he was a "Trump man." Ms. A reported Officer B intimidated and bullied her.

During the interview with Ms. A , she stated Officer B was a bully. Ms. A stated she told Officer B that he was just as bad as President Trump because Trump was also a bully. Officer B then raised his thumb up and stated he was a Trump man. Ms. A stated he was rude the way he mishandled her and did not want to listen to her. Ms. A. stated Officer B was probably already biased when he came, because Jose stated in his call that she was an Iraqi woman. When asked about being intimidated and bullied, Ms. A stated it was just Officer B's attitude and the fact that he handcuffed her and put her in the car (Per the Lapel Video, Officer N handcuffed and placed Ms. A in the police car.)

During the interview with Officer B, when asked about the allegation of being biased and stating he was a Trump man, Officer B denied the allegation of being biased. Officer B stated Ms. A had stated disparaging things about their President and he asked her to expound on what she was talking about. Officer B stated Ms. A told him he was a Trump man in which he stated proudly. Officer B stated he did not state he was a Trump man, she just made that statement and he agreed with her. When asked about bullying and intimidating Ms. A , Officer B denied the allegation.

Per the lapel video, Officer B returned to the police car where Ms. A sat in the back. Ms. A stated the security guy was racist and she did not like racism here as they had a racist president. Officer B stated there was nothing Trump had ever done to be racist. Officer B informed Ms. A that she was being racist by making statements like that. Ms. A then stated something that was unclear in the video, when Officer B stated he was not going to argue with Ms. A over terrorist organizations. Officer B stated to Ms. A if she could cite something that's racist, that's fine. Ms. A stated to Officer B that if he sided with Trump, that showed where he was coming from. Officer B then stated "proudly," and walked away. Later in the video while the officers and Ms. A were at her vehicle, Ms. A told Officer B that he did not have the right to call her racist. Officer B stated for her not to make racist comments then. Ms. A began to yell and stated why did Officer B have to state that he was a Trump man. Ms. A told Officer B not to act like his president was acting and then called Officer B a bully.

There was evidence which indicated Officer B and Ms. A debated back and forth about their feelings towards President Trump. There was no evidence to indicate either officer was rude, biased, intimidating or a bully towards Ms. A

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

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

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

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

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

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

March 12, 2021
Via Certified Mail
7018 1130 0002 3429 0937

Re: CPC# 248-20

Dear Ms. V

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on November 10, 2020, regarding an incident that occurred on October 07, 2020. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

Ms. K V reported Officer P detained her and handcuffed her which caused her pain. Ms. V reported several officers heard her yell that Officer P had hurt her. Ms. V reported that she later discovered that the officer she complained about was the same officer that arrested her son and husband. Ms. V reported that several officers left her alone and unattended with Officer P after she complained. Ms. V reported she had a large lump on her wrist from the handcuffs being placed too tight. Ms. V reported there were about a dozen cops and she was not given one card or one badge number, only first names.

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 reports, lapel videos, NM Courts Website and an interview with Officer P.

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

A) The CPOA reviewed Procedural Order 2-68-4A.8.c, regarding Officer P's conduct, which states:

Physical Detention of Witnesses: Officers may prevent witnesses or others from entering a crime scene that is secured or may remove witnesses from within a secure crime scene perimeter, as this does not constitute a detention in and of itself.

Ms. V reported Officer P detained her and walked her to a police car.

Ms. V was not interviewed as she did not want to participate in an interview.

During the interview with Officer P, he witnessed Ms. V exit the house and she was screaming and yelling at officers. Officer P stated the officers had to remove her from the scene because the male inside (her son) had refused to exit as dispatch had called and tried to get him out of the house. Officer P stated they continued to set up the perimeter around the residence as Ms. V 's son was possibly armed and barricaded. Officer P stated a short while later, they were able to get Ms. V 's son out of the residence and he was taken into custody. While been read his Miranda warning, Ms. V 's son refused to make a statement and also stated that he did not give them permission to go inside his residence to retrieve anything from inside.

Officer P stated due to the state that they had a crime commissioned with a firearm and the evidence being inside the residence, they set up the perimeter around the house to set up for a search warrant for the residence. Officer P stated they advised Mr. and Ms. V that they were not allowed to go inside the residence. Officer P stated Ms. V became extremely upset, began to yell about her dogs. Officer P stated Ms. V continued to yell, he tried to speak with her but she continued to escalate. Officer P stated Ms. V was trying to go inside the residence and interfere with their investigation. Officer P stated he warned Ms. V several times that if she continued to interfere with the investigation and go inside the residence which was a crime scene right now, she would be placed in handcuffs and put in back of a car. Officer P stated he ended up placing Ms. V into handcuffs and into the back seat of his car.

A review of Sergeant S's and Officer G's video showed Ms. V not fully cooperating with officers and using vulgar language towards them.

Per Officer P's Lapel video, Mr. P (Ms. V s son) came out of the house and stated officers did not have permission to enter his house and he pleaded the 5th. Officer P stated Mr. P was under arrest for aggravated assault with a deadly weapon on a household member. Ms. V tated to get Mr. P s side of the story, Officer G informed her that Mr. P invoked his 5th amendment right and now they only have one side of the story to go on and that was why he was going to jail. Ms. V stated lying out right and she hated liars. Officer P informed Ms. V i to stay out of there as they were going to get a search warrant for the house and stated she could not go back into the house.

Ms. V . took a step in the direction of the house and Officer P appeared to cut her off. Ms. V stated her dogs were in the house and if anything happened to her dogs, Officer P stated that was fine. Officer P asked Ms. V .o step over there as she was approximately 2 feet from him. Ms. V began to walk away and talk about her dogs. Officer P walked behind her and informed Ms. V they will deal with the dogs when it came time to. Ms. V stopped turned around and informed Officer P not to harm her dogs. Officer P continued to walk towards Ms. V asking her to step over there. Ms. V egan to walk again and Officer P continued to state to step over there and informed Ms. V he was not going to be cooperative with her until she learned to relax. Ms. V stopped again, turned towards Officer P stated he was being a bully. Ms. V stated to stop yelling at her and stated she was right there. Officer P informed Ms. V that he will place her into a car with handcuffs. Ms. V stated if she was placed into a car she would freak out, Officer P replied he did not care. Ms. V stated she had anxiety. Officer P stated to put her hands behind her back, Ms. V stated he was hurting her. Officer P stated again to put her hands behind her back. Officer P handcuffed Ms. V and escorted Ms. V to the police vehicle.

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

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

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

Ms. V reported the officer she complained about was the same officer that arrested her son and husband.

Ms. V was not interviewed as she did not want to participate in an interview.

During the interview with Officer P, he denied the allegations and stated Ms. V s son and husband were arrested at the scene and had nothing to do with Ms. V s complaint.

A review of the New Mexico Courts website indicated there were no other recent arrests noted that would corroborate Ms. Veltri's allegation that the same officer that she complained about also arrested her son and husband.

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

C) The CPOA reviewed Procedural Order 2-52-4F1a, regarding Officer P'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. V reported Officer P handcuffed her which caused her pain. Ms. V reported several officers heard her yell that Officer p had hurt her. Ms. V reported that several officers left her alone and unattended with Officer P after she complained. Ms. V reported she had a large lump on her wrist from the handcuffs being placed too tight.

Ms. V was not interviewed as she did not want to participate in an interview.

During the interview with Officer P, he stated he advised Ms. V to turn around, which she did and he placed the handcuffs on Ms. V . Officer P stated he did not do anything out of the ordinary while handcuffing Ms. V Officer P stated they did call rescue for Ms. V as she had complained about her wrist. Officer P stated when rescue arrived, Ms. V refused services.

Per Officer P's Lapel Video, Officer P stated to put Ms. V s hands behind her back, Ms. Veltri stated he was hurting her. Officer P stated again to put her hands behind her back and Officer P handcuffed Ms. V Officer P escorted Ms. V to the police vehicle. Ms. V stated he was hurting her during the escort. They arrived to the police vehicle where Officer M was present. Officer P placed her in the back of the police vehicle. While being placed in the vehicle, Ms. V yelled he was hurting her and she would be calling a lawyer. Officer P closed the door and walked away.

Per Sergeant C's Lapel Video, Officer P escorted Ms. V to the police vehicle holding Ms. V s right arm with his left hand. Ms. V stated he was hurting her during the escort.

Minutes later, Sergeant C called Officer M to open up her police vehicle where Ms. V was sitting. Ms. V agreed to let officers do their jobs and the handcuffs would come off. Sergeant C told Officer M to take off Ms. V 's handcuffs in which she did.

Sergeant C asked Ms. V if she was hurt anywhere and needed medical attention. Ms. V stated she needed medical attention for the handcuffs that they put on her.

Per Officer M's Lapel Video, Officer P was seen placing Ms. V into the back of Officer M's police car.

Approximately 5 minutes later, Sergeant C took Ms. V out of the police vehicle and advised Officer M to take the handcuffs off as there was not any charges for Ms. V Officer M took the handcuffs off of Ms. V

Bernalillo County Fire and Rescue arrived and stated they were dispatched for wrist injuries. Ms. V stated "Oh Jesus," Rescue personnel asked if she needed to be assessed or if she was hurting anywhere? Ms. V stated no, she was sorry they wasted their time. Ms. V then signed a form which indicated she did not want to be assessed.

Per review of multiple Lapel Videos, Ms. V was not left alone with Officer P. Throughout the incident, Ms. V stated on many occasions that she acted the way she did so she could buy time for her son to call his employer. Ms. V gave different officers different information on whether she was injured from the incident or not. Ms. V refused medical treatment when rescue arrived.

A review of the video confirmed Officer P did not use force against Ms. V as he placed handcuffs on her and used an escort to take her to the police vehicle.

According to Commander E, this incident was reviewed as a level 1 use of force and there were no issues of concern in regards to the incident.

The CPOA finds Officer P'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 P'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. V reported there were about a dozen cops and she was not given one card or one badge number, only first names.

Ms. V was not interviewed as she did not want to participate in an interview.

During the review of the video, Ms. V did not ask for any cards or badge numbers from officers. It should be noted that video confirmed Ms. V did have long casual conversations about her job and her kids with some of the officers on scene.

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

E) The CPOA reviewed Standard Operating General Order 1-1-4D.15, regarding Officer P's conduct, which states:

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

Ms. V reported that she told other officers that Officer P was mean.

Ms. V was not interviewed as she did not want to participate in an interview.

A review of Lapel Videos showed that Ms. V stated Officer P was mean, overzealous, a bit of a bully and thought he lacked empathy. Ms. V stated she felt Officer P was a jerk.

During the interview with Officer P, he stated Ms. V continued to yell, he tried to speak with her but she continued to escalate. Officer P stated he informed Ms. V if she continued to interfere they would charge her with interfering with a crime scene and an investigation. Ms. V continued to yell, scream and he hoped that giving her warnings would calm her down, however she was so elevated and upset.

Per Lapel Video, Officer P stated if Mr. P wanted to act that way and Ms. V wanted to act that way, they were going to act that way. Ms. V stated she was not acting any way, Officer P asked Ms. V to step over there as she was approximately 2 feet from him. Ms. V began to walk away and talk about her dogs. Officer P walked behind her and informed Ms. V they will deal with the dogs when it came time to. Ms. V stopped turned around and informed Officer P not to harm her dogs. Officer P continued to walk towards Ms. V asking her to step over there. Ms. V began to walk again and Officer P continued to state to step over there and informed Ms. V ri he was not going to be cooperative with her until she learned to relax. Ms. V i stopped again, turned towards Officer P stated he was being a bully. Ms. V stated to stop yelling at her and stated she was right there. Officer P informed Ms. V that he will place her into a car with handcuffs. Ms. V stated if she was placed into a car she would freak out, Officer P stated he would not care if Ms. V freaked out.

Later in the incident Ms. V stated to Officer P that she was sorry for her bad attitude. Ms. V stated she does mean it was not personal, that she had behaved in a way that was beneath her and she apologized.

A review of Lapel Videos confirmed, Ms. V was not being fully cooperative with officers and used foul language towards some of the officers. Ms. V told several different officers that she was acting the way she did to buy Mr. P .ime to call his employer.

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

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

March 12, 2021
Via Email

Re: CPC# 242-20

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 November 04, 2020, regarding an incident that occurred on June 08, 2014. 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.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

On 11/04/2020, CPOA received a complaint from Ms. A F , who reported that on 06/08/14, she was initially assaulted at 7-11 then was assaulted again in the hallway of her apartment complex. Ms. F reported after she was assaulted, Officer P arrived and handcuffed her instead of the people who assaulted her. Ms. F reported she wanted Officer P disciplined for not filing a report on her assault and to correct the statement he made to Lovelace Hospital about her. Ms. F reported Officer P and Sergeant C were bribe accepting fools. Ms. F reported Sergeant C covered for Officer P, yelled at her and stated it was too late to sue.

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 reports, and interviews with Officer L, Sergeant C, Lieutenant O, Ms. Fl and Ms. Q . CPOA Investigator reached out to Ms. G and Mr. H who did not call CPOA Investigator back. CPOA Investigator also attempted to contact Ms. A , however the only number available for Ms. A was the wrong number.

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

A) The CPOA reviewed Procedural Order 2-16-2C.1, regarding Officer P's conduct, which states:

Personnel of the Department Shall Write Reports on All felonies, misdemeanors, petty misdemeanors, traffic offenses involving physical arrest, or protective custody's, and any incident or warrant service resulting in an arrest.

Ms. F s reported, that on 06/08/14, she was initially assaulted at 7-11 then was assaulted again in the hallway of her apartment complex. Ms. F reported after she was assaulted, Officer P arrived and handcuffed her instead of the people who assaulted her. Ms. F reported she wanted Officer P disciplined for not filing a report on her assault and to correct the statement he made to Lovelace Hospital about her. Ms. F reported Officer P and Sergeant C were bribe accepting fools.

During the interview with Ms. F , she stated she was assaulted in the hallway of her apartment complex and was hit while she was on the floor. Ms. F stated she had her face down to the floor because she was trying to protect her head. Ms. F stated she began to yell and she thought one of the neighbors (M M) ended up calling the police. Ms. F stated when Officer P got there, he put her in handcuffs. Ms. F stated Officer P did not go look for anyone else as he had tried to say Ms. F had abandoned her daughter. Ms. F stated her aunt Y returned to the apartment and they asked if they could call her cousin D A who worked for the hospital. Ms. F stated D came down and asked Ms. F to nod her head (Ms. F was having a hard time talking) if she had been assaulted and Ms. F s nodded her head. D then made Officer P take the handcuffs off Ms. F and made Officer P call an ambulance. Ms. F stated they then took her to the Emergency Room. Ms. F stated while she was at the ER, Officer P told the hospital she bumped her head as he did not want to file the report on the assault. Ms. F stated the officer needed to change his statement that he made to Lovelace that stated she bumped her head. Ms. F s stated she did not bump her head, she was drinking but she was drinking with adults. Ms. F stated she wanted Sergeant C to have Officer P go back to the hospital and retract his statement that she bumped her head.

Ms. F stated it was kind of sketchy that Officer P did not file a report on the assault at all. Ms. F s stated she did not have any evidence that Officer P and Sergeant C were

crooked and bribe accepting, she just stated that because she was upset and was trying to get somebodies attention.

CPOA Investigator reminded Ms. F to get CPOA Investigator the phone numbers of the potential witnesses. Ms. F stated she would provide CPOA Investigator with phone numbers to D. Y M and G Ms. F asked if CPOA Investigator spoke with Officer R, as she was the officer that took the theft report the next day. Ms. F stated Officer R knew that Ms. F was right out of the hospital and knew that Ms. F had been assaulted.

During the interview with Officer P, he stated he could recall getting called to apartments on Montgomery in reference to a disturbance. Upon arrival, he made contact with Ms. F who had complained that she had fallen and hurt her leg. Officer P stated Ms. F was highly intoxicated and could barely stand. Officer P stated he contacted rescue at the time to come talk to and check on Ms. F due to her inebriated state and also because she had stated she had fallen and hurt her leg. Officer P stated rescue checked out Ms. F and Ms. F stated she was willing to stay at her apartment as he believed she had family and friends there. Officer P stated at that point he left the scene.

Officer P stated he made sure he put on the CAD that rescue was called, they refused to transport Ms. F even though Ms. F was extremely intoxicated. Officer P stated he would have definitely put something down that Ms. F had tried to report a crime but he could not recall Ms. F stating anything like that.

When asked if Officer P knew anything about an assault at 7-11, Officer P stated no, Ms. F informed him she had fallen and hurt her leg. Officer P stated it was never mentioned to him that Ms. F was assaulted. When asked if Ms. F was ever handcuffed, Officer P denied that allegation.

When asked about completing a report, Officer P stated he did not have a crime, therefore there was never a report done. Officer P stated Ms. F did not mention anything about 7-11 or being assaulted as he would have definitely written a report.

Officer P was asked about the allegation that he was crooked and accepted bribes. Officer P stated he did not have any idea and stated he thought Ms. F had called a couple of years ago and tried to get a report amended per the complaint. Officer P and his Sergeant both informed her that he had nothing to do with the report and she must be looking for someone else.

When asked about a statement made to Lovelace Hospital on Ms. F ' behalf, Officer P denied making any statement to Lovelace Hospital on Ms. F behalf.

During the interview with Lieutenant O formerly known as Officer R, she was asked if Ms. Flores ever mentioned anything about an assault during their interaction. Lieutenant O stated she could not remember an assault. Lieutenant O stated she could look through

her report to see if there was mention of an assault but she did not have any recollection at this point of an assault. (CPOA Investigator reviewed Lieutenant O's Incident report from the time of incident and there was no mention of any assault.)

A review of the CADS dated 06/08/14-06/09/14, confirmed there was no mention of an assault towards Ms. F

There was not any video available as any available video would have been automatically deleted after 120 days as the SOP at the time of incident did not require the officer to record and save the video based on the type of incident that occurred at that time.

CPOA Investigator put in a request for the 911 recordings for the time of incident, however per the APD Records Department they only keep recordings for five years and no longer had that recording.

During the interview on 11/20/2020, Ms. F stated she would provide CPOA Investigator with supportive documentation. On 01/11/21, CPOA Investigator emailed Ms. F to remind her to provide any supportive documentation by 01/15/2021 as the CPOA Investigator had yet to receive any of the additional information. On 01/11/21, Ms. F responded via email and stated she would email the information on 01/12/21.

On 02/07/21, Ms. F emailed CPOA Investigator some of the supportive documentation which included phone numbers for Y G , G H and A M (daughter of M Q a (M M P, .) Ms. F did not provide the phone number for D A , supportive documentation of Officer P's statement to Lovelace Hospital or phone records indicating the number of calls to Officer P.

Ms. G and Mr. H never returned CPOA Investigators calls. Ms. M stated she did not witness the incident but Ms. Q may have more information.

On 02/10/2020, CPOA Investigator spoke with Ms. Q a about the incident. During the interview with Ms. Q her statements about what she recalled about the incident were inconsistent.

The CPOA finds Officer P's conduct to be **NOT SUSTAINED** where the investigator is unable to determine one way or the other, by preponderance of evidence, whether the alleged misconduct either occurred or did not occur.

B) The CPOA reviewed Standard Operating General Order 1-1-4D.17, regarding Officer P's conduct, which states:

Personnel will obtain information from the public in an official, prompt, and courteous manner, and they will then act upon it in a proper and judicious manner within the

scope of their duties. Personnel who use this information will take the prompt, timely and appropriate action.

During the interview with Ms. F , she stated back in 2014-2015, she left Officer P a slew of voicemails to get the videos from 7-11, but he never got back to her. Ms. F stated she was in Arizona and she was not getting anywhere, so she had to go to Albuquerque to take care of the situation. CPOA Investigator asked if Ms. F had any type of verification that she told Officer P to obtain the camera footage from 7-11. Ms. F stated it would be a process but she would have to get the records from her old phone company. CPOA Investigator asked if she called to Officer P's office or work phone. Ms. F , stated back in 2014, she would call the police station, they would give her his number and she would call and leave him voicemails. Ms. F s stated she started to lose hope because she had not heard back so she had to physically go back to Albuquerque. Ms. F s stated even this last time when she spoke with Officer P in April 2020, she left him voicemails and he would not call her back until his Sergeant made him call her back. Ms. F s stated when she asked Officer P about the report and viewing the cameras, he would not state anything and then stated he was not going to do anything.

During the interview with Officer P, when asked if Ms. F ever reached out to him after the incident, Officer P stated he got a message, pulled up the CAD, told his Sergeant that he never made a report and he did not know what she was talking about. Officer P stated when he reached out to Ms. F , he stated that there was no report from that incident and maybe she was looking for a different officer. Officer P stated he did not hear anything about this incident until maybe about two years ago when they told her that she must have been thinking about the wrong officer. Officer P stated he believed that Ms. F talked to Sergeant M and he told her there was no report for Officer P to change.

Ms. F did not provide any supportive documentation to verify the multiple calls made to Officer P.

The CPOA finds Officer P's conduct to be **NOT SUSTAINED** where the investigator is unable to determine one way or the other, by preponderance of evidence, whether the alleged misconduct either occurred or did not occur.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT C's CONDUCT

A) The CPOA reviewed General Order 1-1-4D.17, regarding Sergeant C's conduct, which states:

Personnel will obtain information from the public in an official, prompt, and courteous manner, and they will then act upon it in a proper and judicious manner within the scope of their duties. Personnel who use this information will take the prompt, timely and appropriate action.

Ms. F reported Officer P and Sergeant C were bribe accepting fools. Ms. F reported Sergeant C covered for Officer P, yelled at her and stated it was too late to sue.

During the interview with Ms. F , when asked about the allegations that Officer P and Sergeant C were crooked and bribe accepting fools. Ms. F stated it was kind of sketchy that Officer P did not file a report on the assault at all. Ms. F stated she did not have any evidence that Officer P and Sergeant C were crooked and bribe accepting, she just stated that because she was upset and was trying to get somebodies attention.

Ms. F stated Sergeant C yelled at her over the phone and stated she could not do anything or sue anybody. Sergeant C stated it was too late and that she could not sue anybody now. Ms. F stated Sergeant C informed her that he could give her a report if that was all she wanted. Ms. F stated Sergeant C did not even write the report correctly about the injury or anything.

During the interview with Sergeant C, he stated Ms. F wanted Officer P's original report changed. Sergeant C explained to Ms. F that they could not change reports 6 years later as that was not how things worked. Sergeant C informed Ms. F that they could write an additional report to kind of update it, which was offered to Ms. F Sergeant C stated he wrote the report for Ms. F based on their conversation. Sergeant C stated he gave Ms. F the case number, explained to her what he wrote and now she could get a copy of the report. Sergeant C stated Ms. F wanted him to include the battery/assault charges that she alleged occurred. Sergeant C explained to Ms. F that it had been 6 years and the statute of limitations had run its course on whatever crime she had alleged. Sergeant C explained to Ms. F that this would just be an incident report stating what she wanted him to write.

When asked about the allegations of yelling at Ms. F and stating nothing could be done or no one could be sued, Sergeant C denied yelling at Ms. F Sergeant C stated he would not have told Ms. F that she could not sue anybody. Sergeant C stated he wrote the report for Ms. F and did as much as he could do based on the current situation.

When asked about the allegation of being crooked and bribe accepting and covering up for Officer P. Sergeant C stated no, he did not understand where that came from. Sergeant C stated whatever Officer P did 6 years ago, Sergeant C was not there, so he tried to fix her issue as much as he could that day. Sergeant C stated he did not know how that would be covering for Officer P when Sergeant C wrote what Ms. F wanted him to write.

The CPOA finds Sergeant C's conduct to be **NOT SUSTAINED** where the investigator is unable to determine one way or the other, by preponderance of evidence, whether the alleged misconduct either occurred or did not occur.

IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING LIEUTENANT O's CONDUCT

A) The CPOA reviewed General Order 3-13-3B.3.a, regarding Lieutenant O's conduct, which states:

Officers shall abide by the following principles: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.

During the interview with Ms. F , she stated Officer R knew that Ms. F was right out of the hospital and knew that Ms. F had been assaulted.

During the interview with Lt. O formally known as Officer R, Lt. O stated her interaction with Ms. F was in reference to a burglary of Ms. F apartment. When asked about the interaction with Ms. Fl , Lt. O stated she could not remember an assault. Lt. O stated she could look through her report to see if there was mention of an assault but she did not have any recollection at this point of an assault. (CPOA Investigator reviewed Lt. O's Incident Report from the time of incident and there was no mention of any assault as it mostly spoke about the burglary of Ms. F ' apartment.)

A review of Detective B's Felony Supplemental Report, attached to the file was a written statement from Ms. F taken by Officer R. In Ms. F written statement dated 06/09/14, she documented in part that around 01:00am, last night she was assaulted by T J and O C JR in the hallway and then she was taken to Lovelace Hospital. It should be noted Ms. F written statement did not provide any more information about the assault and Ms. F did not express any complaints about Lt. O during the interview or the original complaint.

Although the written statement was collected by Lt. O, given the length of time that passed from when Lt. O received the written statement (2014) to when Ms. F submitted the complaint (2020,) Lt. O stated she could not recall being alerted of an assault towards Ms. F.

The CPOA finds Lieutenant O's conduct to be **NOT SUSTAINED** where the investigator is unable to determine one way or the other, by preponderance of evidence, whether the alleged misconduct either occurred or 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

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

cc: Albuquerque Police Department Chief of Police