

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

BOARD AGENDA

Thursday, June 10, 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 Agency (CPOA) Board meeting on Thursday, June 10, 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-june-10-2021>.

(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, June 7, 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, June 10, 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 – *Eric Olivas, 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 May 20, 2021**
- VI. **Reports from City Departments**
 - a. **APD**
 - 1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – Commander Zak Cottrell**
 - 2. **IA Force Division (SOP 2-52 through SOP 2-57) – Commander Cori Lowe**
 - 3. **K-9 Unit (SOP 2-23, 1-64, 1-92, 2-20) – Lieutenant Ray Del Greco and Sergeant Michael Hernandez**
 - b. **City Council – Chris Sylvan**
 - c. **Public Safety Committee - Chris Sylvan**
 - d. **Mayor’s Office – Pastor David Walker**
 - e. **City Attorney**
 - f. **CPC – Kelly Mensah**
 - g. **CPOA – Edward Harness, Executive Director**
- VII. **Requests for Reconsideration**
- VIII. **Review of Cases:**
 - a. **Administratively Closed**

031-20	161-20	287-20
326-20	034-21	076-21
 - b. **Exonerated**
096-20
 - c. **Exonerated and Not Sustained**
029-21
 - d. **Unfounded**
013-21
- IX. **Serious Use of Force Cases/Officer Involved Shooting**
 - a. **18-0068735**
 - b. **19-0056389**
 - c. **19-0080914**
 - d. **19-0096461**
 - e. **19-0105587**
 - f. **20-0000295**

Upcoming July 2021 Cases: To be announced at the meeting

X. Reports from Subcommittees

- a. **Community Outreach Subcommittee – *Chantal Galloway***
 - 1. Met May 25, 2021 at 3:00 p.m. (video conference)
 - 2. Next meeting June 29, 2021 at 3:00 p.m.
- b. **Policy and Procedure Review Subcommittee – *Dr. William Kass***
 - 1. Met June 3, 2021 at 4:30 pm (video conference)
 - 2. Next meeting July 1, 2021 at 4:30 p.m.
- c. **Case Review Subcommittee – *Eric Nixon***
 - 1. Next meeting TBD
- d. **Personnel Subcommittee – *Eric Olivas***
 - 1. Met June 1, 2021 at 4:00 p.m. (video conference)
 - 2. Next meeting June 28, 2021 at 4:00 p.m.

XI. Discussion and Possible Action:

- a. **IMR Liaison Proposal – *Eric Olivas***
- b. **IMR-13 and June 9, 2021 Public Hearing – *Tina Gooch, CPOA Counsel and Edward Harness, CPOA Executive Director***
- c. **Update on of Serious Use of Force Cases and Officer Involved Shooting Case Materials – *Tina Gooch, CPOA Counsel and Edward Harness, CPOA Executive Director***
- d. **Board Vacancies and City Council Appointments – *Edward Harness, CPOA Executive Director***
- e. **APOA Letter Approval - *Chantal Galloway***
- f. **Board Member Responsibilities - *Eric Olivas and Tina Gooch, CPOA Counsel***
 - 1. Outside Meeting Attendance
 - 2. Subcommittee Meeting Attendance
 - 3. Abstentions/Recusals in Voting
 - 4. Training Requirements
- g. **Board Member Training – *Eric Olivas***
- h. **CPOA Board Subcommittee Minutes and Signatures – *Eric Olivas***
- i. **Update on Case Review Process – *Tina Gooch, CPOA Counsel***
- j. **Consideration of PPRB Policies with No Recommendation: - *Dr. William Kass***
- k. **CPOA 2020 July-December Semi-Annual Report Approval – *Edward Harness, CPOA Executive Director***
- l. **Executive Director’s Job Description Approval – *Eric Olivas***
- m. **CPOA/CPOAB Legal Services Contract Renewal – *Edward Harness, CPOA Executive Director***
- n. **CPOAB Role to Increase Timeline Compliance for CPOA Investigations – *Eric Olivas***
- o. **Notification Protocol to Complainants for Board Meetings – *Chantal Galloway***
- p. **Training for Board Members on CPOA Investigations – *Eric Olivas***
- q. **Protocol on responding to pob@cabq.gov Emails – *Chantal Galloway***
- r. **APD SOP 2-98 Gunshot Detection Procedure Recommendation Letter – *Dr. William Kass***

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 Performance/Appointment/Contract

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

b. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7)

**1. *Miller v. City of Albuquerque et al.*,
D-202-CV-2021-02444**

XIII. Other Business

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Edward Harness, Executive Director

June 11, 2021

Via Certified Mail

7018 1130 0002 3429 1804

Re: CPC #031-21

Dear Mr. D [REDACTED] M [REDACTED]:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 02/23/2021, regarding incidents that occurred on unknown dates.

I. THE COMPLAINT

On 02/22/2021, Mr. D [REDACTED] M [REDACTED] submitted a complaint to the CPOA. Mr. M [REDACTED] reported since being in the United States, they tried to hurt him, kill him and pushed him to die.

On 04/07/21, Mr. M [REDACTED] submitted a second complaint to the CPOA. Mr. M [REDACTED] reported the police department tried to kill him, pushed him to die, hurt him, abused him, called him crazy, put him in jail for no reason, gave him a hard time and pointed guns at him.

II. INVESTIGATION

During the interview with Mr. M [REDACTED], he was unable to provide names of the officers, dates, or specific times as to when the incidents occurred. Mr. M [REDACTED] stated about 12 years ago, a male cop and a female cop tried to kill him when they pointed their guns at him. Mr. M [REDACTED] stated every interaction he has had with APD, they arrest him and take him to jail for no reason. Mr. M [REDACTED] stated APD has arrested him for no reason over 8 times.

CPOA Investigator submitted a request to APD Records to obtain reports and CADS that referenced interactions between Mr. M [REDACTED] and APD Personnel. APD Records provided the CPOA Investigator with CADS and Reports from several dates (11/12/18, 09/09/20, and 02/21/21) where APD Personnel had face to face interaction with Mr. M [REDACTED]

CPOA Investigator reviewed the Lapel Videos from all 3 of those dates and confirmed there were no observable violations of SOP's by any of the officers during those interactions. It should be noted Mr. M [REDACTED] was not taken to jail during those incidents.

Letter to Mr. M

June 11, 2021

Page 2

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Mr. M was unable to provide specific details as to which officers he made the complaint about or when the incidents occurred. A review of the Lapel Videos from 3 different incidents where Mr. M did have face to face interaction with APD Personnel did not show any observable violation of SOP's by 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.

Letter to Mr. M.
June 11, 2021
Page 3

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black 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



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Edward Harness, Executive Director

June 11, 2021

Via email

Re: CPC #161-20

Dear Ms. Z: and Mr. H

Our office received the complaints you filed on June 17, 2020 and June 18, 2020, respectively, against unknown Albuquerque Police Department (APD) officers, related to a public protest that took place on June 15, 2020 at 7:30 PM at the Onate Monument. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaints. The CPOA thoroughly and impartially investigated the complaints. Below is a summary of the complaints, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. Z complained she was forcibly removed from the scene where a protester was shot by S. B another citizen at the protest. She was in front of the blockade where officers had batons and shields, and complained there was no reasonable way to leave and during this time she sustained baton bruises on the backs of her biceps as she held her hands behind her head. She complained she was knocked over 3 times by the same officer and said she has a video of the incident. As a result of being knocked down, she sustained scrapes on the front of her feet. As she walked away from the area, she was sprayed with tear gas. She also complained her partner sustained a rubber bullet injury to the abdomen so she drove him to the Pres Now Urgent Care. She complained that before she left the area, she asked for badge numbers and supervisors and was denied.

Mr. H complained that APD had a plainclothes, undercover officer who infiltrated protesters, but they (APD) were unable to respond to calls of militia members pointing loaded weapons at protesters. He complained officers compiled a report without interviewing any witnesses or video evidence that portrays Mr. B as a victim instead of a belligerent thug who intentionally initiated aggression.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

He complained of police brutality because police refused to identify themselves, present a Sergeant, or give badge numbers, and tear-gassed protesters and fired “less lethal” rounds directly into a crowd they didn’t allow to disperse. He complained an APD officer knocked over and trampled his partner, and inflicted injuries on both of them by maliciously pressing his baton into her trachea with enough force to push her to the ground three or more times. He said he has video and pictures of the officer’s face and demands that this is addressed.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaints and reached out to both of you, via email, and requested a copy of the video to assist in identifying the officer(s) involved and obtain more information about the incident. Ms. Z didn’t respond to the Investigator’s email nor did she make any attempts to contact our office. Mr. H responded with an email, essentially stating he would consider forwarding the video but has no faith in this “toothless agencies (sic) ability to do anything” and worried that by forwarding the video to the CPOA, it would “land everyone whose face can be seen in it in federal custody”, himself included. He said he has a permanent wound on his torso from their “less than lethal” bullets, but said no one would be held accountable. He said sending in the video and photos would “more likely result in some form of criminal charge against me for some trumped up politicized bull***t about how we’re all domestic terrorists.” The Investigator sent an email responding with understanding of their distrust, and attempted to ensure the officer(s) identified would be held accountable for their actions and said the evidence they had was important to move forward.

The CPOA Board authorized administrative subpoenas be issued to Ms. Z and Mr. H to compel them to participate in separate Zoom interviews with the CPOA Executive Director and the Investigator on September 3, 2020 and despite Ms. Z having been served the subpoena on September 1, 2020, she did not attend the scheduled Zoom interview, nor did she contact the CPOA to reschedule. Additionally, Mr. H didn’t contact the CPOA, again, after sending his email regarding his distrust of the process.

The Investigator reached out to APD Internal Affairs (IA) regarding the Use of Force (UOF) allegations against APD officers and learned that as of July 23, 2020, neither Ms. Z or Mr. H had reached out to them, nor had they been identified as having been victims of UOF, so IA asked for their contact information so that detectives working on the case could reach out to them. As of this writing, neither complainant has been identified in the IA database.

III. CONCLUSION

Due to a lack of information, and the complainants’ unwillingness to participate in this process, this complaint will be **ADMINISTRATIVELY CLOSED**. Administratively 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.

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

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Gionne Ralph

Edward Harness, Executive Director

June 11, 2021

Via Certified Mail

7018 1130 0002 3429 1774

Re: CPC #287-20

Dear Mr. D. _____ :

Our office received the complaint you filed on September 26, 2020 against Albuquerque Police Department (APD) Officer D., related to an incident that took place on July 9, 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

Mr. D. _____ said he called APD on July 8, 2020, to file a report against 1st Convenience Bank, and Officer D. responded on July 9, 2020. He told Officer D. of alleged felony fraud on the part of 1st Convenience Bank depositing and then withdrawing money sent from the Illinois Department of Economic Security from his bank account. He complained Officer D. said he was going to file a police report regarding this issue and said he was going to forward the report on to the Impact Unit and the FBI for further investigation but when Mr. D. called APD Records on September 21, 2020 asking how he could get a copy of the police report, they told him there was no report. He said he was expecting a woman to wire him money into his account so he could help a woman he has been talking to online since 2015. He is upset with the way 1st Convenience Bank handled the situation and was relying on the police report so he could report the issue to the Federal Reserve and the Consumer Financial Protection Bureau, APD and the FBI.

NM 87103

www.cabq.gov

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and attempted to locate more information about the alleged incident; however, there are no reports, CADs or lapel camera videos pertaining to this alleged incident.

III. CONCLUSION

Due to lack of information, this complaint will be **ADMINISTRATIVELY CLOSED**.

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:

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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



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Edward Harness, Executive Director

May 27, 2021

Via Certified Mail

7018 1130 0002 3429 1835

Re: CPC #326-20

Dear Mr. M :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on September 1, 2020, regarding an incident that occurred on May 7, 2020.

I. THE COMPLAINT

PO Box 1293 C M , faxed in a written complaint regarding an incorrect name being put on the police report for insurance purposes.

II. INVESTIGATION

Albuquerque The CPOA Investigator received the complaint well after the initial filing and obtained records. The report originally reflected the owner of the vehicle's name and not the driver of the vehicle, his daughter. The report narrative did indicate the correct information about the driver. The CPOA Investigator reached out to Officer M. The purpose was to see if the problem had been rectified given the delay in receiving and researching the complaint. Officer M advised he reached Mr. M and made the correction in name on the report.

NM 87103

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the situation was resolved through an informal resolution. The CPOA apologizes for the delay in resolving the 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.

You have the right to appeal this decision.

Letter to Mr. M
June 11, 2021
Page 2

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,
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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.

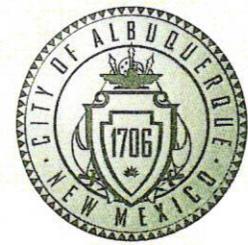
Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

June 11, 2021

Via Certified Mail

7018 1130 0002 3429 1811

Re: CPC #034-21

Dear Ms. Q :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 03/02/2021, regarding incidents that occurred on 12/24/19 and 12/25/19.

I. THE COMPLAINT

PO Box 1293 Ms. A Q reported that on 12/24/19, Mr. J M was drunk and broke Mr. Q Q's window. Ms. Q reported Mr. Q called 911 and when the police (Officer W) arrived, they spoke with Mr. M and left without speaking with Mr. Q a. Ms. Q reported the officer also failed to document the complaint for the property damage. Ms. Q reported that the window was still broken due to the mis-documentation and handling by the officer.

Albuquerque

II. INVESTIGATION

NM 87103 During the interview with Ms. Q, she stated she was not there at the time of incidents. Ms. Q stated she wanted to submit the complaint on behalf of her grandparents (Ms. C Q and Mr. Q Q) as they have been wanting to get the window fixed but Mr. Martinez was hard to deal with.

www.cabq.gov

Ms. Q a stated in reference to the incident from 12/24/19, she was not sure as to why the officer did not speak with Ms. C. Q a since Ms. C. Q a did call for law enforcement that evening to report Mr. M's behavior.

Ms. Quintana stated Mr. M z was supposed to pay her grandparents for the window, but in the report (dated 12/25/19) Officer A documented that her grandparents stated they would let it go because it was Christmas. Ms. Q a stated her grandparents never said that. Ms. Q stated her grandparents actually wanted Mr. M to pay for the property damage. Ms. Q a stated she had both of the reports (12/24/19 and 12/25/19) emailed to her and she may have mixed them up in her initial complaint.

Officer W and Officer A were not interviewed as both officers no longer worked for APD.

Sergeant M was not interviewed because when asked why Sergeant M was listed on the initial complaint, Ms. Q stated she saw his name on one of the reports that she had received but did not have any complaints against him. It should be noted Sergeant M was not physically on scene during either incident (12/24/19 and 12/25/19.)

Officers W and G were not interviewed as they were not the primary officers in reference to the incidents in question and a review of the Lapel Videos confirmed there were no observable violations of SOPs by Officers W and G.

A review of the CADS dated 12/24/19, confirmed Ms. C. Q called law enforcement at 22:03:27 in reference to Mr. M honking his horn and throwing rocks. Ms. C. Q requested officers advise Mr. M to stop his issues and to notify Ms. C. Q with the outcome. At 22:05:05 Mr. M also called law enforcement in reference to an ongoing issue with Mr. Q. At 23:36:54 there was an attempt to call Ms. C. Q, however per the CAD, Ms. C. Q's phone number was not receiving calls at that time.

A review of the Incident Report dated 12/25/19, Officer A did document about the broken window as the window was reported broken on 12/25/19, not 12/24/19, per the complaint.

Per the Lapel Video from 12/25/19, Officer A informed Ms. C. Q if she wanted, with the report he wrote, she could file the charges and have Mr. M pay for that window. Ms. C. Q then stated Mr. M was going to pay for the window, he already told her, Officer A stated perfect, okay.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, via no jurisdiction as former APD Officers W and A no longer work for APD.

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.

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

Letter to Ms. Q

June 11, 2021

Page 3

- 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,
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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



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Edward Harness, Executive Director

June 11, 2021

Via Certified Mail

7018 1130 0002 3429 1828

Re: CPC #076-21

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 April 20, 2021, regarding an incident that occurred on April 17, 2021.

I. THE COMPLAINT

PO Box 1293

Ms. R submitted a written complaint regarding when she called police due to her grandson threatening suicide. The responding officers talked to her grandson, but then slammed him to the ground causing bruising to his wrist, knees, and ribs. Ms. R said this occurred at her friend's house.

Albuquerque

II. INVESTIGATION

NM 87103

The CPOA Investigator initially started reviewing the case because it was a use of force incident and did not immediately see a use of force case opened in the tracking system. It was determined later that the subject's name was spelled differently and a use of force case was then found. The CPOA Investigator had a conversation with Ms. R and explained that the CPOA does not conduct a duplicative investigation when it is already a force assigned case. The statements and facts Ms. R happened to make during the conversation were given to the force division investigator. The CPOA Investigator confirmed with the force investigator that additional policy concerns would be investigated in addition to the force used.

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III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as it has been affirmed by the Court Approved Monitor of the Court Approved Settlement Agreement that the CPOA and IAFD do not conduct duplicative investigations. Ms. R was advised of this fact.

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

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Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

June 11, 2021

To file

Anonymous

Re: CPC #096-20

Dear Anonymous,

Our office received the complaint you filed on January 9, 2020, against Albuquerque Police Department (APD) Officer S. regarding an incident which occurred on January 9, 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

NM 87103

www.cabq.gov

Anonymous said he is a Security Officer at Lovelace Women's Hospital and Officer S. was one of two officers sent to respond to a battery against a homeless male patient at the hospital. The officers made brief contact with the homeless man who is known to have a mental illness and asked him if he wanted to press charges and the patient said no. Hospital staff attempted to tell the officers that the male wasn't able to make conscious decisions for himself and during this interaction, Anonymous complained Officer S. was extremely rude and unprofessional. He complained Officer S. appeared to be taking the side of the aggressor even after seeing definitive evidence via CCTV video. He complained Officer S. implied the altercation wouldn't have even taken place had staff and security stepped in earlier. At one point, Officer S. made comments that gave Anonymous the impression he wanted to personally initiate a physical confrontation with him. He complained that before the officers left the hospital, Officer S. looked at him and, in a threatening manner, said, "Do you have something you want to say to me? Because you look like you have something you want to say to me." He wants punitive action and further training so Officer S. doesn't threaten other law-abiding citizens.

II. THE INVESTIGATION

Officer S.'s written report, the CADs, Officer S.'s interview with the CPOA Investigator, and his lapel camera video recordings were reviewed. The evidence showed that Officer S. was not unprofessional or rude towards the complainant or the hospital staff. It showed hospital staff verbalizing their assumptions that Officer S. wasn't going to press charges against the

aggressor because the victim said he didn't want to press charges, and because Officer S. explained that he understood why the aggressor attacked the victim. Specifically, Officer S. said the aggressor was defending his wife and wheelchair bound son who were verbally and physically attacked by the victim. Despite this apparent understanding, and the victim's unwillingness to press charges, the evidence showed Officer S. issued a criminal summons against the aggressor for assaulting the victim. Lapel video showed that, prior to leaving, Officer S. asked hospital staff and security guards if there was anything more he could do. To a security guard, presumed to be Anonymous, he directly asked if he was good and if he had something to say because it looked as if he did. Lapel video showed this was not asked or presented in a confrontational or hostile manner.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, the CADS, Officer S.'s interview, and Officer S.'s written report, and 3 lapel camera video recordings.

A) The CPOA reviewed APD SOP 1-1-4(D)(14)

After a review of the evidence and this SOP, the CPOA finds Officer S.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

The complaint and these findings are made part of Officer S.'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,
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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.

Letter to Anonymous
June 11, 2021
Page 3

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Doug Mitchell

Eric Nixon

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Edward Harness, Executive Director

June 11, 2021

Via Email

Re: CPC # 029-21

Dear Ms. Z :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on 02/22/21, regarding an incident that occurred on unknown dates. 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.

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I. THE COMPLAINT AND INVESTIGATION

Ms. Z reported she had called Detective G almost weekly since 10/2020, when the police report was written in reference to the sexual assault. Ms. Z reported when she spoke with Detective G, she informed Ms. Z that the case would be investigated, but Detective G had not called Ms. Z back since. Ms. Z stated she believed Detective G was ignoring her as she had not heard back from Detective G since 10/2020.

On 02/20/21, Ms. Z sent CPOA staff an additional complaint via email. Ms. Z reported "there is more to what she's done. I confirmed it last week. It's bad and many women are disgusting and depraved. The harm done to me by these other women because of Detective G is sick and it's made me throw up."

“They had me going for months as well. A rape crisis center told me they wouldn't see me. Detective G works across the hall from this rape crisis center and they followed Detective G's acts and lied, committed fraud and more. I've reported them to the attorney general but I'm not sure they have control over a nonprofit so I'll have to find out where to report them.”

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP's, the Complaint, the CADs, the Incident Reports, the Audio Recordings and the Interviews with Detective G and Ms. Z. Ms. M -G from the Rape Crises Center was not interviewed as she did not return CPOA Investigators calls.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE G('s) CONDUCT

A.) The CPOA reviewed Procedural Order 2-60-4B.5.m, regarding Detective G's conduct, which states:

Steps to consider when conducting follow up investigations: Notify victims of the status of their case.

Ms. Z reported she had called Detective G almost weekly since 10/2020, when the police report was written in reference to the sexual assault. Ms. Z reported when she spoke with Detective G, she informed Ms. Z that the case would be investigated, but Detective G had not called Ms. Z back since. Ms. Z stated she believed Detective G was ignoring her as she had not heard back from Detective G since 10/2020.

During the interview with Ms. Z she confirmed she pretty much called Detective G weekly since 10/2020, because she did not know what was going on. CPOA Investigator advised Ms. Z those officers (who took the sexual assault report) were at Ms. Z house on 12/18/20 and explained that Detective G would not have been involved with Ms. Z in 10/2020, per her complaint as Ms. Z first reported about the assault in 12/2020. Ms. Z stated she could not remember dates anymore.

Ms. Z stated she had only talked to Detective G one time. Ms. Z stated she had left Detective G messages asking for updates on her case. CPOA Investigator asked how many times had Ms. Z called Detective G, Ms. Z stated she did not know. Ms. Z stated she could look at her phone list but it did not have the number of times she called Detective Lynn. CPOA Investigator advised Ms. Z that she could get that information to CPOA Investigator by the end of the week. Ms. Z asked what did that matter as one or two calls should be enough. CPOA Investigator advised Ms. Z evidence was key in any investigation but stated it was up to her if she wanted to provide that information as the main part of her complaint was Ms. Z had called Detective G weekly without response.

During the interview with Detective G, CPOA Investigator asked if she had contacted Ms. Z at the conclusion of her investigation, Detective G stated she did not. When asked if

she planned on contacting Ms. Z [redacted], Detective G stated they had advocates who were assigned to have contact with the victims throughout the investigation and Detective G was in contact with the advocates. Detective G stated it was the advocates responsibility to provide victims with updates, information and emotional support as needed.

Detective G stated Ms. Z [redacted] was referred to the advocates based on her emotional complexity as the advocates had extensive training in communicating with people who were under such duress. Detective G confirmed she would reach out to the advocate to advise Ms. Z [redacted] of the determination of her case.

Ms. Z [redacted] never provided CPOA Investigator with dates and times of her calls to Detective G.

Detective G confirmed none of voicemails from Ms. Z [redacted] to Detective G had additional information to the case.

Detective G uploaded 5 different voicemails from Ms. Z [redacted] dated (01/13/21, (2)01/14/21, 01/15/21 and 01/18/21) into evidence.com. It should be noted all calls were made prior to Ms. Z [redacted] knowing the determination of her case.

After a review of those voicemails, Ms. Z [redacted] did not state in the voicemails that Ms. Z [redacted] had additional information in reference to her case.

Per Detective G's Supplemental Report, Detective G completed the report on 04/07/21 and the report was approved by Sergeant W on 04/16/21.

On 05/05/21, Detective G emailed APD VAU C-R requesting that he call Ms. Z [redacted] and advise her that her case was closed pending further leads.

On 05/05/21, APD VAU Supervisor M, emailed Detective G advising Detective G that Ms. M spoke with Ms. Z [redacted] and informed her that the case was closed pending further leads. Ms. M advised Ms. Z [redacted] who she was and what her role in the case as she was the liaison between detectives and survivors.

The CPOA finds Detective G's conduct to be **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

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

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

On 02/20/21, Ms. Z [redacted] sent CPOA staff an additional complaint via email. Ms. Z [redacted] reported "there is more to what she's done. I confirmed it last week. It's bad and many

women are disgusting and depraved. The harm done to me by these other women because of Detective G is sick and it's made me throw up.”

“They had me going for months as well. A rape crisis center told me they wouldn't see me. Detective G works across the hall from this rape crisis center and they followed Detective G's acts and lied, committed fraud and more. I've reported them to the attorney general but I'm not sure they have control over a nonprofit so I'll have to find out where to report them.”

During the interview with Ms. Z, when asked about the allegation which talked about the harm done by other woman because of Detective G, Ms. Z stated that was not because of Detective G. Ms. Z stated that was wrong, and confirmed that was a typo.

When asked about the complaint where the Rape Crises Center told Ms. Z they would not see her as Detective G worked across the hall and they followed Detective G's acts, lied, committed fraud and more. Ms. Z stated the reason she wrote that, was because she knew the Rape Crises Center was talking to Detective G because they mentioned it in emails. Ms. Z stated she assumed when she wrote that complaint, that was what happened as the NM Rape Crises Center staff had mentioned they had talked to Detective G.

Ms. Z provided CPOA Investigator with back and forth email correspondence between herself and the Case Manager at the Rape Crises Center of Central New Mexico (D M -G) in reference to a TRO. It should be noted none of these emails mentioned anything about Detective G telling the Rape Crises Center not so see Ms. Z

Ms. M -G was not interviewed as she did not return CPOA Investigators calls or voicemails.

During the interview with Detective G, she denied any involvement as to why the Rape Crises Center refused to see Ms. Z

The CPOA finds Detective G's conduct to be **NOT SUSTAINED** where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;

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

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

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

Sincerely,



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

June 11, 2021

Via Certified Mail

7020 1180 0000 6296 6640

Re: CPC #013-21

Dear Ms. O

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on 01/26/21, regarding an incident that occurred on 10/17/2020. 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. O reported that on 10/17/2020, her husband (Mr. S) was riding his bike on the Tramway bicycle path when he arrived at Rover Avenue. Ms. O reported there was a pick-up truck stopped at the crosswalk. Ms. C reported Mr. S tapped on the hood of the truck as his light was green and her light was red. As Mr. S rode through the crosswalk, the truck lunged forward and dragged Mr. S for about 25 feet until a bystander yelled for the driver (Ms. M) of the vehicle to stop.

Ms. Ortiz reported the officer who made the report (Officer T) never interviewed Mr. S. about what happened nor did Officer T interview any witnesses. Ms. O. reported Officer T simply just accepted the false report from Ms. M.

Ms. O. reported she called Officer T for two days in which he did not answer. Ms. O. reported that finally on the third day, Officer T called her back when she asked to speak with his supervisor. Ms. O. reported she asked Officer T if he considered substance use of Ms. M. and Ms. C. reported Officer T did not. Ms. O. reported she asked Officer T if Ms. M. was cited in which Officer T responded "yes she was cited." Ms. O. reported that clearly was a lie as the report stated that Ms. M. had no fault.

Ms. O. reported because Officer T reported that Ms. M. had no fault, Ms. M.'s insurance would not pay the full worth of the bicycle. Ms. O. reported it concerned her that Albuquerque's young policemen may be more interested in protecting a young attractive woman than protecting an elderly citizen who had been a victim of vehicular assault.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP's, the Complaint, the CAD, the Crash Report, and the Lapel Videos. Officers were not interviewed as a review of the lapel video confirmed there were no observable violations of SOP's by Officer T or Officer D. Ms. O. was not interviewed and she did not respond back to CPOA Investigator's call, voicemail or email.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T('s) CONDUCT

A) The CPOA reviewed Procedural Order 2-40-3G.3, regarding Officer T's conduct, which states:

Officers assigned to investigate traffic accidents will conduct thorough investigations and submit complete reports. If sufficient evidence exists to identify contributing causes of accidents, those facts and opinions must be properly reported.

Ms. O. reported the officer who made the report (Officer T) never interviewed Mr. S. about what happened nor did Officer T interview any witnesses. Ms. O. reported Officer T simply just accepted the false report from Ms. M.

Ms. O. reported she asked Officer T if he considered substance use of Ms. M. and Ms. O. reported Officer T did not. Ms. O. reported she asked Officer T if Ms. M. was cited in which Officer T responded "yes she was cited." Ms. O. reported that clearly was a lie as the report stated that Ms. M. had no fault.

Ms. O reported because Officer T reported that Ms. M had no fault, Ms. M's insurance would not pay the full worth of the bicycle. Ms. O reported it concerned her that Albuquerque's young policemen may be more interested in protecting a young attractive woman than protecting an elderly citizen who had been a victim of vehicular assault.

Ms. O was not interviewed as she did not respond back to the CPOA Investigator's call, voicemail or email.

Officers were not interviewed as after a review of the Lapel Videos, there were no observable violations of SOP's by either Officer T or Officer D

Per the Lapel Video, Officer T interviewed Mr. S, Ms. M and a witness to the incident (Mr. B)

Ms. O arrived on scene approximately 12 minutes after Officer T had arrived and had already spoken to Mr. S, Ms. M and Mr. B about the incident.

According to Officer T's State of New Mexico Uniform Crash Report: Officer T reported under Ms. M's information, the apparent contributing factor to the accident was "driver inattention." Under driver sobriety, Officer T reported "had not consumed alcohol."

Officer T reported under Mr. S's information, the apparent contributing factor to the accident was "no driver error."

Officer T's report also noted that Mr. S, Ms. M and a witness (Mr. B) were all interviewed.

Officer T checked with RTCC and the camera at the intersection did not capture the vehicle collision.

The CPOA finds Officer T's conduct to be **UNFOUNDED** where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur.

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

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Sincerely,
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cc: Albuquerque Police Department Chief of Police