

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

BOARD AGENDA

Thursday, July 8, 2021 - 5:00 p.m.

Attendance: To accommodate those who find it difficult to attend due to pandemic, and due to the uncertainty of technology capabilities to effectuate both in-person and remote access to this meeting, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, July 8, 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-july-8-2021>.

(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, July 5, 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, July 8, 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 June 10, 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 or Acting Commander Richard Evans***
- 3. Crash Review Board Presentation (SOP 2-50) – *Lieutenant Nick Wheeler***

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

a. 029-21

VIII. Review of Cases:

a. Administratively Closed

041-21	058-21	092-21	098-21
099-21	106-21		

b. Exonerated and Unfounded

027-21

c. Unfounded

037-21	040-21	057-21	082-20
110-20	113-20	205-20	

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

g. Proposed Cases for August 2021 Review:

19-0077270 20-0024693 20-0063885 20-0003358

- X. Reports from Subcommittees**
 - a. Community Outreach Subcommittee – *Chantal Galloway***
 - 1. Met June 29, 2021 at 3:00 p.m. (video conference)
 - 2. Next meeting July 27, 2021 at 3:00 p.m.
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
 - 1. Met July 1, 2021, 2021 at 4:30 pm (video conference)
 - 2. Next meeting August 5, 2021 at 4:30 p.m.
 - c. Case Review Subcommittee – *Eric Nixon***
 - 1. Next meeting TBD
 - d. Personnel Subcommittee – *Eric Olivas***
 - 1. Met June 28, 2021 at 4:00 p.m. (video conference)
 - 2. Next meeting July 26, 2021 at 4:00 p.m.

- XI. Discussion and Possible Action:**
 - a. Officer Involved Shooting Case Materials – *Tina Gooch, CPOA Counsel and Edward Harness, CPOA Executive Director***
 - b. Board Vacancies and City Council Appointments – *Edward Harness, CPOA Executive Director***
 - c. Board Member Responsibilities - *Eric Olivas and Tina Gooch, CPOA Counsel***
 - 1. Training Requirements
 - d. Board Member 8-hour Training and Compliance – *Eric Olivas***
 - e. Update on Case Review Process – *Tina Gooch, CPOA Counsel***
 - f. Consideration of PPRB Policies with No Recommendation: - *Dr. William Kass***
 - g. Executive Director’s Job Description Approval – *Eric Olivas***
 - h. Update on CPOAB Role to Increase Timeline Compliance for CPOA Investigations – *Eric Olivas***
 - i. Update on Training for Board Members on CPOA Investigations – *Edward Harness, CPOA Executive Director***
 - j. Update on the Use of Zoom for Upcoming Meetings – *Edward Harness, CPOA Executive Director and Tina Gooch, CPOA Counsel***
 - k. CPOAB Calendar and Scheduling Tool – *Chantal Galloway***
 - l. Amending Board Policies and Procedures on Remote Participation – *Eric Olivas***
 - m. Proposed CPOAB Post-Training Testing Form (IMT Requirement) – *Chantal Galloway***
 - n. Proposed CPOAB Ride-Along Standard (IMT Requirement) – *Chantal Galloway***

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 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.*,
1:21-cv-00473**

XIII. Other Business

XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on August 12, 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

July 9, 2021

Via Email

--

Re: CPC #041-21

Dear Ms. Q

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 03/11/2021, regarding an incident that occurred on 03/05/2021.

I. THE COMPLAINT

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. H. Q submitted a complaint which stated there was an accident at the intersection and there was still debris on the road. Ms. Q reported that the two cars in front of her turned right and the police officer informed Ms. Q that she had to drive straight. Ms. Q asked if she could turn and the officer aggressively stated to go around. Ms. Q reported that she advised the officer there was debris on the road and the officer stated to just go. Ms. Q reported when she asked the officer for his name and badge number, he did state them but Ms. Q asked the officer to hold on so she could write them down. Ms. Q reported she asked the officer to repeat himself in which the officer stated he was not going to tell her again. Ms. Q reported she wrote down the officer's car number instead. Ms. Q reported she did not appreciate the officer's tone or manner. Ms. Q reported that the officer did not have to be aggressive. Ms. Q reported while the officer was arguing with her about his name and MAN number, the officer let passing cars drive over the debris.

II. INVESTIGATION

CPOA Investigator was able to identify Officer J, based on his car number and the date and time of incident.

Former APD Officer J was not interviewed as he no longer worked for APD.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, via no jurisdiction as former APD Officer J no longer worked for APD.

Letter to Ms. Qi
July 9, 2021
Page 2

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

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



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Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1873

Re: CPC #058-21

Dear Mr. B,

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 03/23/2021, regarding an incident that occurred on 03/17/2021.

I. THE COMPLAINT

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. B reported that on 03/17/21, he called the non-emergency number to request an officer or community officer be dispatched to an 83-year-old widowed female. Mr. B reported the female had advised Mr. B that she had just received a phone call from a male who identified himself as her grandson and reportedly told the female that he needed \$7000 sent to him immediately. Mr. B advised the female that was a scam and not to send the money. Mr. B reported that he was told by the 242-Cops call taker that they would not send an officer out to the female which Mr. B found frustrating and inappropriate. Mr. B reported the call taker advised that the call taker would call the female. Mr. B reported that baffled Mr. B because the problem was that the female was receiving calls from unknown callers telling her what to do. Mr. B reported that the female was in a high-risk group and an in-person contact should have been given to her by either an officer or public service aid to educate and reassure the victim.

Mr. B reported if that procedure was indeed in effect, he believed it should be updated to reflect a procedure more aligned with a welfare check when the 911 caller was a 3rd party and the reported victim was in a protected class, vulnerable and possibly unable to protect themselves. Mr. B reported to call someone blindly who was receiving harassing/threatening/intimidating or financial theft motivated crimes was absolutely ridiculous.

II. INVESTIGATION

Letter to Mr. E

July 9, 2021

Page 2

During the interview with Mr. B , he was advised that based on the information that Mr. B had provided, his call to the non-emergency number could not be located. Mr. B stated if he could find more information, he would, but he was kind of like dead in the water, nor did he know if they could locate the female's information. Mr. B. stated he expects a review of policies as there should not be a blanket policy. Mr. B. stated he felt this situation was unique because the female was elderly and the incident was occurring on that specific date that he had called. Mr. B asked why a PSA could not have gone by to check on the female?

Mr. B stated it was not really a complaint that he submitted but more of a recommendation. Mr. B stated he felt that incident should have been handled like a welfare check. Mr. B stated their thought (non-emergency operator) was since the person was calling over the phone to the female that they were not going to send an officer over. Mr. E stated when it was a 3rd party calling about a crime committed against the elderly it should have been treated as a welfare check.

APD Records searched for the call on two separate occasions, using Mr. B's name, the date/time of incident and phone numbers Mr. B reportedly could have called from. Mr. B call could not be located.

A policy recommendation will be made in reference to an Officer or a PSA responding in person to potential scam calls when the calls involved a victim who fell under a high-risk group/vulnerable population and whom may not be able to self-protect.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the investigation could not be conducted because of the lack of information in 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.

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.

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- 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,

Letter to Mr. B.

July 9, 2021

Page 3

- 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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Gionne Ralph

Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1859

Re: CPC #092-21

Dear Mr. C:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 26, 2021, regarding an incident that occurred on or about July 7, 2007

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

Mr. C submitted a written complaint concerning an incident he stated occurred on July 7, 2007. Mr. C wrote he and Officer A, who was not an APD officer at the time, worked security together at Route 66 Casino. Mr. C wrote Mr. A, now an officer, drew an illustration he found offensive as a homosexual male. Mr. C claimed he felt bullied as a gay male and that the casino swept it under the rug. He felt the officer should not be an officer. His expected outcome was that the officer be reprimanded and needed sensitivity training.

II. INVESTIGATION

www.cabq.gov

The CPOA Investigator determined the officer was hired by APD in 2011. There were no previous citizen complaints located of biased based policing. The incident Mr. C complained about was an HR matter at Route 66 Casino and predated the officer's employment with APD. The complaint submitted by Mr. C did not allege any instances of misconduct while employed with APD. Mr. C only wrote that Officer A should not be an officer.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there were no allegations of misconduct while the individual was employed with APD. The CPOA does not have jurisdiction to investigate incidents that did not occur while the now officer was a private citizen.

Letter to Mr. C
July 9, 2021
Page 2

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

You have the right to appeal this decision.

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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

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1866

Re: CPC #098-21

Dear Mr. T

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 1, 2021, regarding various incidents on unspecified days.

PO Box 1293 **I. THE COMPLAINT**

Albuquerque W T has filed complaints with variations on the same theme. Mr. T has alleged various people along with CIT Detective L have harassed him, threatened to kill him and stage the scene as a suicide, planted child porn and other things in his home. He has alleged constant surveillance. He also alleged his family will be killed by these individuals. This has occurred at various homes he has moved to and other employees or individuals connected with those properties are part of the plot.

NM 87103

II. INVESTIGATION

www.cabq.gov The CPOA Investigator determined CIT Detective L reached out to Mr. T to offer assistance and services. Mr. T has been taken for mental health assessments. Since his continued filings CIT has put him on their caseload. Per the information available Mr. T uses methamphetamines and his various complaints are examples of meth inspired psychosis.

His complaints are repetitive of information contained in CPC 49-21. This complaint is duplicative.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaints have been addressed by a previous complaint and are a result of a mental health condition.

Letter to Mr. T.

July 9, 2021

Page 2

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.

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Edward Harness, Esq.
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cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1842

Re: CPC #099-21

Dear Mr. L:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 2, 2021, regarding an incident that occurred on or about May 28, 2021.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Mr. L contacted IA and filed a complaint over the phone. The complaint was sent via the IA Pro email system. Mr. L reported that he called 242-COPS and the person was unhelpful. He then called 911 and complained about the conduct of an operator. He was trying to get a report about a missing child because he alleged the mother of his child had his daughter, but he did not know where his daughter was.

NM 87103

II. INVESTIGATION

www.cabq.gov

The CPOA Investigator contacted APD records to find a CAD for his call. Records located an incident involving Mr. L and his former employer from May 17, 2021. Records also located a call involving a physical altercation and his cousin from May 29, 2021. The CPOA Investigator asked Records if they could locate a call only for May 28, 2021. According to Records his address is borderline with BCSO jurisdiction so Records thought his call might have been taken by BCSO at that time.

The CPOA Investigator called Mr. L to obtain more information about the call to try and locate the incident. Mr. L did not want to discuss the situation and said the complaint should be withdrawn. He wanted to follow-up his other two reports. The CPOA Investigator explained that the CPOA was not the police department and follow-up would be with the officers. The CPOA Investigator tried again to clarify information for the complaint he filed and he again said he wished to drop the complaint.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the citizen did not provide the clarifying information to locate the incident, it was possibly BCSO jurisdiction, and the citizen wished to withdraw 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.

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.

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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.

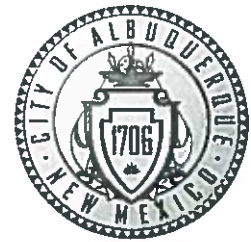
Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

July 9, 2021

Via email

[Redacted]

Re: CPC #106-21

Dear Ms. S [Redacted]:

Our office received the four complaints you filed on May 11, May 13 (two complaints), and May 30 against Albuquerque Police Department (APD) Officer C. and other APD officers, related to multiple alleged incidents that took place on unknown dates and at unknown times. 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

I. THE COMPLAINT

Ms. S [Redacted] complaint filed on May 11, 2021 is 9 pages long and lacks any dates, specific locations, or times of the alleged interactions with APD Officers. There is mention of complaints she filed to APD complaining they and other officials made her live in fear for her life in extreme noise (up to 96 decibels) and lack of sleep for a long time by refusing her help and for gaslighting her to cover up officials mistakes. (See original report in the case file for more details.) Part of her complaint is similar to a complaint she filed in 2018 against APD Officer C., which is complaint CPC028-18. That complaint was Administratively Closed.

NM 87103

www.cabq.gov

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaints and learned this was essentially a duplicative complaint and these complaints lack the necessary information to investigate.

III. CONCLUSION

Due to the duplication of complaints and lack of information, 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.

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

cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1927

Re: CPC #037-21

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 03/08/21, regarding an incident that occurred on 03/01/21. 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. F reported an unsheltered woman (later identified as Ms. D) appeared on her street and was having a mental health crisis that would need compassion, attention and care. Ms. F reported she was an advocate for the unsheltered and volunteered with a group "a light in the night" and Ms. F was going to ask Ms. Doring if she needed anything. Ms. F reported two cops arrived before she could introduce herself to Ms. D. Ms. F reported the two cops scared Ms. D as it was never a pleasant experience to be approached by cops. Ms. F reported the cop lied and said he would let Ms. F talk to Ms. D before they took her to a shelter. Ms. F reported as a volunteer civil servant, that cop was extremely disrespectful to Ms. F efforts to help her unsheltered neighbor and minimized her care for Ms. Doring.

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 Lapel Videos and the Interview with Ms. F. Officer A.S and Officer S were not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by the Officers.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER S('s) CONDUCT

A.) The CPOA reviewed General Order 1-1-4D.14, regarding Officer S'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. F reported that the two cops scared Ms. Doring as it was never a pleasant experience to be approached by cops.

During the interview with Ms. F, she confirmed the officers were intimidating towards Ms. D and stated that Ms. D was very scared. Ms. F z stated she was watching from inside her house because the officers told her to leave. Ms. F stated Ms. D was crying, did not want to get into the cop car and the officers still put Ms. D into the car. Ms. F stated she did not think officers gave Ms. D an option.

When asked if Ms. F witnessed the conversation between Ms. D and the officers, Ms. F stated she was not able to hear anything and all she saw was officers had a hard time getting Ms. D into the car as she did not want to go. Ms. F stated she saw Ms. D crying and Ms. D was really scared. Ms. F stated Ms. D was probably crying because maybe her dog was in danger or maybe she would lose her dog.

The Officers were not interviewed as a review of lapel videos confirmed there were no observable violations of SOP's by Officer A. S or Officer S.

Per the Lapel Video, Ms. D informed Officers that she was Hypoglycemic. Officer A. S asked if Ms. D needed medical attention, in which Ms. D declined. Ms. D stated she sat on the sidewalk and tried not to obstruct it, but she did not want to be in their yard (pointed towards a house.) Officer A. S then provided Ms. D with his name, Officer S's name and advised that they got a call for service that Ms. D was laying on the sidewalk.

Officer A. S informed Ms. D that a few places would be serving lunch soon and offered to give her a ride if she was not mobile. Ms. D stated she was ok. Ms. D advised the wheelchair next to her was not for her as it was for her dog. Officer A. S asked if Ms. D had been down to St Martins, Ms. D stated she had been there in the past. Officer A. S

advised they were serving lunch at 12:00pm. Officer A. S again offered to give Ms. D ; a ride to St Martins. Ms. D stated she could get there and stated she would not get upset again and lay on a sidewalk.

Officer A. S then asked Ms. D to pack her items up as she was still obstructing the sidewalk in which Ms. D agreed to do. Officer A. S advised it was not illegal to walk on the sidewalk, but laying on the sidewalk with her items obstructing the sidewalk was illegal. Officer A. S stated he would not cite Ms. D because she had been cool with them.

Ms. D began to get her things together and Officer A. S offered a third time to give her a ride as Ms. D had a lot of items with her. Ms. D then stated she would like a ride. Officer A. S provided Ms. D a resource card and assisted her with placing her items in the police unit. Ms. D got into the police unit on her own accord.

Per the Lapel Video, Ms. D was not crying or did not appear to be scared while interacting with the officers. At no time did officers force Ms. D into the vehicle as she accepted a ride from the officers and got into the vehicle on her own accord. After Ms. D was taken to her destination, she thanked officers for their assistance.

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

B.) The CPOA reviewed General Order 1-1-4D.15, regarding Officer S's conduct, which states:

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

Ms. F reported an unsheltered woman (later identified as Ms. D) appeared on her street and was having a mental health crisis that would need compassion, attention and care. Ms. F reported she was an advocate for the unsheltered and volunteered with a group "a light in the night" and Ms. F was going to ask Ms. D if she needed anything. Ms. F reported two cops arrived before she could introduce herself to Ms. D. Ms. F reported the cop lied and said he would let Ms. F talk to Ms. D before they took her to a shelter. Ms. F reported as a volunteer civil servant, that cop was extremely disrespectful to Ms. F efforts to help her unsheltered neighbor and minimized her care for Ms. D.

During the interview with Ms. F, she stated on the date of incident, early in the morning, there was a woman (later identified as Ms. D) in her neighborhood who was shouting a little bit but was not hurting anybody. Ms. F stated she could tell that Ms. D was having a crisis but was not a threat to anybody. Ms. F stated she went to take a shower and when she came back out, there were already two cops with Ms. D.

Ms. F stated she spoke with one of the officers and the officer informed her that he was taking care of it and that somebody had called the cops on Ms. D. Ms. F

reported she informed the officer that she worked for an organization where she gave the unsheltered in the neighborhood blankets, mittens and things to keep them warm. Ms. F stated she told the officer to let Ms. F talk to Ms. D before they took her so Ms. F could see if Ms. D needed anything. Ms. F stated she just wanted to make sure she had the opportunity to give Ms. D extra care before officers took her away. Ms. F stated after she went inside, the officer never came back. Ms. F stated the officer was very disrespectful by minimizing that Ms. F cared and the officer did not go and tell Ms. F anything before he left.

The Officers were not interviewed as a review of lapel videos confirmed there were no observable violations of SOP's by Officer A. S or Officer S.

Per the Lapel Video, Ms. F walked down the sidewalk towards the police cruiser. Officer S walked towards Ms. F and asked if she was the caller. Ms. F stated no, but she volunteered for a homeless organization and Ms. F tried to keep an eye out for all of the unsheltered people in the area as she considered them to be her neighbors. Ms. F stated she did not like calling the cops for situations like these as she did not feel it was the right thing to do. Ms. F stated Ms. D was not hurting anybody, she may have been making a little bit of noise but it was not hurting anybody. Officer S advised they were actually reaching out to their COAST Unit which could deliver Ms. D further resources. Officer S stated they were also looking to see if they could give Ms. D a ride somewhere such a homeless shelter or Joy Junction. Ms. F stated she would like to ask Ms. D if she needed anything as she had some supplies for her. Officer S stated before Ms. F did that, he asked her to hang tight to make sure they were all finished up there. Ms. F stated to just let her know and she would be inside.

Later in the incident, Officer S walked over to Ms. F house, walked up to the door and stated "knock, knock, hello, police department," no one came to the door. Officer S walked back to where Officer A. S was talking to Ms. D

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

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER A. S('s) CONDUCT

A.) The CPOA reviewed General Order 1-1-4D.14, regarding Officer A. S'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. F reported that the two cops scared Ms. D as it was never a pleasant experience to be approached by cops.

During the interview with Ms. F, she confirmed the officers were intimidating towards Ms. D and stated that Ms. D was very scared. Ms. F stated she was watching from inside her house because the officers told her to leave. Ms. F stated Ms. D was crying, did not want to get into the cop car and the officers still put Ms. D into the car. Ms. F stated she did not think officers gave Ms. D an option.

When asked if Ms. F witnessed the conversation between Ms. D and the officers. Ms. F stated she was not able to hear anything and all she saw was officers had a hard time getting Ms. D into the car as she did not want to go. Ms. F stated she saw Ms. D crying and Ms. D was really scared. Ms. F stated Ms. D was probably crying because maybe her dog was in danger or maybe she would lose her dog.

The Officers were not interviewed as a review of lapel videos confirmed there were no observable violations of SOP's by Officer A. S or Officer S.

Per the Lapel Video, Ms. D informed Officers that she was Hypoglycemic. Officer A. S asked if Ms. D needed medical attention, in which Ms. D declined. Ms. D stated she sat on the sidewalk and tried not to obstruct it, but she did not want to be in their yard (pointed towards a house.) Officer A. S then provided Ms. D with his name, Officer S's name and advised that they got a call for service that Ms. D was laying on the sidewalk.

Officer A. S informed Ms. D that a few places would be serving lunch soon and offered to give her a ride if she was not mobile. Ms. D stated she was ok. Ms. D advised the wheelchair next to her was not for her as it was for her dog. Officer A. S asked if Ms. D had been down to St Martins, Ms. D stated she had been there in the past. Officer A. S advised they were serving lunch at 12:00pm. Officer A. S again offered to give Ms. D a ride to St Martins. Ms. D stated she could get there and stated she would not get upset again and lay on a sidewalk.

Officer A. S then asked Ms. D to pack her items up as she was still obstructing the sidewalk in which Ms. D agreed to do. Officer A. S advised it was not illegal to walk on the sidewalk, but laying on the sidewalk with her items obstructing the sidewalk was illegal. Officer A. S stated he would not cite Ms. D because she had been cool with them.

Ms. D began to get her things together and Officer A. S offered a third time to give Ms. D a ride as she had a lot of items with her. Ms. D then stated she would like a ride. Officer A. S provided Ms. D a resource card and assisted her with placing her items in the police unit. Ms. D got into the police unit on her own accord.

Per the Lapel Video, Ms. D was not crying or did not appear to be scared while interacting with the officers. At no time did officers force Ms. D into the vehicle as she

accepted a ride from the officers and got into the vehicle on her own accord. After Ms. D was taken to her destination, she thanked officers for their assistance.

The CPOA finds Officer A. S'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.

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



CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1934

Re: CPC # 040-21

Dear Mr. C :

PO Box 1293

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on 03/09/21, regarding an incident that occurred on 03/02/21. The CPOA thoroughly and impartially investigated the complaint.

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.

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

I. THE COMPLAINT AND INVESTIGATION

Mr. C reported he had gone to Bank of Albuquerque to cash a check that he had received from a credit card company that was refunding him for a security deposit. Mr. C reported the bank called APD and wrongfully detained him in the drive through ATM because the employees at the bank were not sure the check was real. Mr. C reported the officers approached him with guns pulled and officers claimed they would use lethal force if Mr. C did not get out of the car. Mr. C reported he explained to officers that he was Autistic and the officers slammed his head into the side of his car. Mr. C reported the officers handcuffed him even though Mr. C was being compliant the whole time. Mr. C reported they detained him for two more hours even though they had already verified

the check was real. Mr. C reported he was discriminated against by the department as they were teasing him about his disability.

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 Incident Report and the Lapel Videos. Mr. C was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him. The Officers were not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer A or Officer T.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER A('s) CONDUCT

A.) The CPOA reviewed Procedural Order 2-52-4F.1.a, regarding Officer A'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.

Mr. C reported the officers approached him with guns pulled and officers claimed they would use lethal force if Mr. C did not get out of the car. Mr. C reported he explained he was Autistic and the officers slammed his head into the side of his car.

Mr. C was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him.

Officer A was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer A

Per the CAD, it was reported that a Fraudulent check was being used and the subject was in the drive through lane.

Per the Lapel Video, Officer A stated on his radio that they were going to approach now, based on the comments, they may have felony forgery charges and would try and detain the subjects and then would determine the charges. Officer A walked up to the driver side window and stated "hi there, police department, don't drive away." Officer A asked Mr. C if he could step out of the car for Officer A. Officer A advised Mr. C that he was being detained and to open the car door, Mr. C asked why? Officer A stated to step out, in which Mr. C did get out of the car on his own. Officer A advised that Mr. C was being detained for an investigation and placed handcuffs on Mr. C. Mr. C asked Officer A to grab his Autism card and allowed Officer T to grab the card from Mr. C's left pocket. Officer A asked Mr. C to sit on the ground and assisted Mr. C to the ground without any resistance from Mr. C.

Per the Lapel Video, at no time did officers have their guns pulled, threaten lethal force or slam Mr. C's head against the car.

The CPOA finds Officer A's conduct to be **UNFOUNDED** where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur.
B.) The CPOA reviewed General Order 3-13-3B.3.b, regarding Officer A's conduct, which states:

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

Mr. C reported the officers handcuffed him even though Mr. C was being compliant the whole time. Mr. C reported they detained him for two more hours even though they had already verified the check was real

Mr. C was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him.

Officer A was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer A

Per the CAD, it was reported that a Fraudulent check was being used and the subject was in the drive through lane.

Officer A handcuffed Mr. C behind his back as Mr. C was being detained, per SOP 2-82.

Per the Lapel Video, Mr. C was detained by APD Officers for approximately 43 minutes not 2 hours per the complaint. Officer A released Mr. C from detainment before the check was verified as officers felt they did not have enough to hold Mr. C any longer.

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

C.) The CPOA reviewed General Order 1-1-4D.15, regarding Officer A's conduct, which states:

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

Mr. C reported he was discriminated against by the department as they were teasing him about his disability.

Mr. C was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him.

Officer A was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer A

A review of the Lapel Videos confirmed at no time did officers tease Mr. C about his disability.

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

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T(S) CONDUCT

A.) The CPOA reviewed Procedural Order 2-52-4F.1.a, regarding Officer T'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.

Mr. C reported the officers approached him with guns pulled and officers claimed they would use lethal force if Mr. C did not get out of the car. Mr. C reported he explained he was Autistic and the officers slammed his head into the side of his car.

Mr. C was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him.

Officer T was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer T

Per the CAD, it was reported that a Fraudulent check was being used and the subject was in the drive through lane.

Per the Lapel Video, Officer A stated on his radio that they were going to approach now, based on the comments, they may have felony forgery charges and would try and detain the subjects and then would determine the charges. Officer A walked up to the driver side window and stated "hi there, police department, don't drive away." Officer A asked Mr. C if he could step out of the car for Officer A. Officer A advised Mr. C that he was being detained and to open the car door, Mr. C asked why? Officer A stated to step out. in which Mr. C did get out of the car on his own. Officer A advised that Mr. C was being detained for an investigation and placed handcuffs on Mr. C. Mr. C asked Officer A to grab his Autism card and allowed Officer T to grab the card from Mr. C's left pocket. Officer A asked Mr. C to sit on the ground and assisted Mr. C to the ground without any resistance from Mr. C.

Per the Lapel Video, at no time did officers have their guns pulled, threaten lethal force or slam Mr. C's head against the car.

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.

B.) The CPOA reviewed General Order 3-13-3B.3.b, regarding Officer T's conduct, which states:

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

Mr. Cl reported the officers handcuffed him even though Mr. C was being compliant the whole time. Mr. C reported they detained him for two more hours even though they had already verified the check was real

Mr. C was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him.

Officer T was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer T.

Per the CAD, it was reported that a Fraudulent check was being used and the subject was in the drive through lane.

Officer A (not Officer T) handcuffed Mr. C behind his back as Mr. C was being detained, per SOP 2-82.

Per the Lapel Video, Mr. C was detained by APD Officers for approximately 43 minutes not 2 hours per the complaint. Officer A released Mr. C from detainment before the check was verified as officers felt they did not have enough to hold Mr. C any longer.

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.

C.) The CPOA reviewed General Order 1-1-4D.15, regarding Officer T's conduct, which states:

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

Mr. Cl reported he was discriminated against by the department as they were teasing him about his disability.

Mr. Cl was not interviewed as he did not respond to the CPOA Investigator's attempts to contact him.

Officer T was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer T

A review of the Lapel Videos confirmed at no time did officers tease Mr. C about his disability.

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.

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



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Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1873

Re: CPC #057-21

Dear Ms. S:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on 03/23/21, regarding an incident that occurred on 02/19/21. 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. S reported that on 02/19/21, their family vehicle was stolen from Walgreens on Harper and Wyoming. Ms. S reported that her son called the police and when Officer S arrived, her son answered the door and allowed Officer S into their home. Ms. S reported when she walked across the living room to grab her mask, Officer S was in the middle of her living room and Officer S stated "what's the problem?" Ms. S reported she took a step backward as Officer S was nowhere near maintaining the 6-foot distance from her. Ms. S reported as she took another step backwards, Officer S took another step forward. Ms. S reported Officer S asked questions in short sentences and repeated "where is your husband?" Ms. S reported she felt uneasy with Officer S's presence and was relieved when her husband (Mr. S) walked into the house. Ms. S reported that Officer S suddenly

became very friendly and was joking around with Mr. S. Ms. S' reported Officer S was very intimidating towards her and when Mr. S' showed up, the difference in Officer S's behavior was striking.

Ms. S' reported that on 03/11/21, she went to Walgreens and the manager stated he had the tape from when their vehicle was stolen. The manager stated the police had not gone by to look at the tape.

Ms. S' reported to be aware of Officer S's demeanor and attitude, especially towards women.

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 Incident Reports, the Lapel Videos and the Interview with Ms. S'. Officer S was not interviewed as a review of the lapel videos confirmed there were no observable violations of SOP's by Officer S.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER S('s) CONDUCT

A.) The CPOA reviewed General Order 1-1-4D.15, regarding Officer S's conduct, which states:

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

Ms. S' reported when she walked across the living room to grab her mask, Officer S was in the middle of her living room and Officer S stated "what's the problem?" Ms. S' reported she took a step backward as Officer S was nowhere near maintaining the 6-foot distance from her. Ms. S' reported as she took another step backwards, Officer S took another step forward. Ms. S' reported Officer S asked questions in short sentences and repeated "where is your husband?" Ms. S' reported she felt uneasy with Officer S's presence and was relieved when her husband (Mr. S') walked into the house. Ms. S' reported that Officer S suddenly became very friendly and was joking around with Mr. S. Ms. S' reported Officer S was very intimidating towards her and when Mr. S' showed up, the difference in Officer S's behavior was striking. Ms. S' reported to be aware of Officer S's demeanor and attitude, especially towards women.

During the interview with Ms. S', she stated Officer S made her feel very uncomfortable when he went into her house. Ms. S' stated when Officer S went into her home, it was during COVID. Ms. Singh stated her son did let Officer S into the house. Ms. S' stated while in their house, Officer S did not keep social distance from Ms. Singh. Ms. S' stated when they were standing in the front room, she backed up a step naturally and Officer S took a step forward. Ms. S' stated she took another step back and Officer S took another step forward. Ms. S' stated Officer S was already in the middle of her front room, so Ms. S' took another step back to where she was behind a barrier(bar.)

Ms. S stated the first thing Officer S told her was “what was the problem?” CPOA Investigator asked how far was Officer S from her when he continued to take steps towards her, per the complaint. Ms. S stated Officer S was almost in her bubble, Ms. S stated Officer S was possibly about 6 inches past arm length away from her. Ms. S stated she felt Officer S’s behavior was aggressive.

Ms. S stated another thing she found uncomfortable was Officer S kept questioning her as Ms. S was not there when the car got stolen. Ms. S stated she knew just what her husband (Mr. Singh) had told her and Mr. S was coming right back. Ms. S stated Officer S kept repeating his questions. Ms. S advised Officer S, that he needed to ask Mr. S those questions. Ms. S stated she did not believe Officer S asked Mr. S those questions.

Ms. S stated when Mr. S walked into the house, Officer S’s demeanor changed drastically and it was unnerving. Ms. S stated Officer S was laughing and joking with Mr. S but did not crack one smile while talking with Ms. S.

Officer S was not interviewed as after a review of Lapels Videos, there were no observable violations of SOP’s by Officer S.

Per Officer S’s Lapel Video, Ms. S son as well as Ms. S invited Officer S into their home. While Officer S waited by the entrance, Ms. S stated “hi, you can come on in,” waving Officer S towards her. Officer S then walked towards Ms. S into what appeared to be a living room.

Video footage confirmed Ms. S did take a couple of steps back during the interaction with Officer S in which Officer S took a couple of steps towards her. At no time during the interaction did Ms. S ask Officer S to move further away from her. Officer S and Ms. S appeared to be at least couple of feet apart while interacting. At no point during the incident did Officer S treat Ms. S any different than the way he treated Mr. S. At no time was Officer S intimidating or aggressive towards Ms. S, per the complaint.

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

B.) The CPOA reviewed General Order 1-16-3C.1, regarding Officer S’s conduct, which states:

Field services officers will conduct a preliminary investigation to include interviews with all involved parties

Ms. S reported that on 03/11/21, she went to Walgreens and the manager stated he had the tape from when their vehicle was stolen. The manager stated the police had not gone by to look at the tape.

During the interview with Ms. S CPOA Investigator asked if Ms. S had advised Officer S that the vehicle had been stolen from Walgreens. Ms. S stated she got confused between Walgreens and Circle K. Ms. S stated when Mr. S came home, he told her the story really quick. Ms. S stated Officer S was just making her so nervous, the way he asked things. Ms. S stated she was not sure if it was Walgreens or Circle K and when Officer S asked which one it was, Ms. S advised she was not there and for Officer S to ask Mr. S when he got home. Ms. S stated she definitely could have told Officer S the car was stolen from either Circle K or Walgreens. CPOA Investigator advised per the lapel video, Ms. S informed Officer S the vehicle was stolen from Circle K. The CPOA Investigator asked if either of them informed Officer S or APD that the car was stolen from Walgreens. Ms. S stated when Mr. S walked into the house, she left to her room. Ms. S stated she was not sure what Mr. S told Officer S when they talked but she knew that the manager at Walgreens stated no police had gone to Walgreens to look at the video.

Officer S was not interviewed as after a review of Lapels Videos, there were no observable violations of SOP's by Officer S.

Per Officer S's Incident Report, Officer S reported he spoke with the Circle K employee who advised there were no exterior security cameras on the business. Officer S reported no suspects were identified prior to conducting his investigation.

Per the Lapel Video, Officer S interviewed both Mr. and Ms. S. During the interview with Ms. S, she advised Officer S that the car was stolen from Circle K not Walgreens per the complaint. Ms. S never advised Officer S that she was not sure where the car was stolen from.

Later that evening, Officer S went to Circle K and Circle K staff advised him that they did not have cameras that pointed outside.

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

B.) The CPOA reviewed Procedural Order 2-86-3A.4, regarding Officer S's conduct, which states:

For NCIC entry, all auto thefts and stolen license plates will be called into the Report Review Unit as soon as the license plate, vehicle and/or VIN have been verified. Officers will note in their report the time Report Review was contacted for NCIC entry and the identity of the clerk to whom the information was given.

Ms. S stated that a female employee at the tow yard stated that they have had Ms. S car there for over a month. Ms. S stated the female employee informed her that she was trying to call Ms. S since the day they received the vehicle but the vehicle was not listed as a stolen vehicle in their database. The female employee advised Ms. S that she did not have a way to get ahold of them.

Officer S was not interviewed as after a review of Lapels Videos, there were no observable violations of SOP's by Officer S.

Per Officer S's Incident Report, Officer S reported the vehicle was entered into NCIC by Albuquerque Police Department Report Review, A# at 1947 hours.

Per Officer S J's Incident Report, Officer S J reported that on 03/05/21, he was dispatched to (AK 24 Hour Towing) in reference to a recovered stolen vehicle.

Officer S J reported the vehicle was towed by AK 24 towing from 6401 Academy Rd Ne for a parking violation at the apartment complex. Officer S J reported the vehicle was towed to where it will stay.

Officer S J reported the vehicle was verified stolen with NCIC and removed by Mr. S in Report Review at 1428 hours.

Officer S J reported Mr. S was called several times to let him know where his vehicle was located, but due to a full voicemailbox, no messages could be left.

The CPOA finds Officer S'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.

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

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

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

Letter to Ms. S
July 9, 2021
Page 6

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to 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



CIVILIAN POLICE OVERSIGHT AGENCY

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Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7020 1810 0000 6296 7371

Re: CPC #082-20

Dear Ms. R:

PO Box 1293

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on March 5, 2020, regarding an incident that occurred on December 17, 2019. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

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

NM 87103

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. R. submitted a written complaint regarding an officer coming to her parents' home. Ms. R. said police had her contact information. Ms. R. said the officer had no right to harass her family at their home and caused them excessive worry. She alleged the officer went out of his way to harass her family and should not have shared personal information. Ms. R. wrote that she disagreed that the officer said she was a victim in the case when she was only a witness. Ms. R. claimed that her privacy was neglected and ruined her family relationship.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the complaint, the police report, various lapel videos from officers of the day leading into the incident and the incident. Ms. R nor the officer were interviewed due to the evidence available provided the information to make a clear finding.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4E3 regarding Officer P's conduct, which states:

Personnel will always treat the official business of the Department as confidential. Information regarding official business will be disseminated only to those for whom it is intended, in accordance with established Department procedures. Proprietary or nonpublic information of the department is considered confidential when labeled or declared as such. All employees must maintain the confidential and private nature of this information. Confidential information, whether verbal, written, video/audio, or machine readable which is accessible to employees through their course of employment with the department is for use only in the course of their official duties. Confidential information is not intended or suitable for release to the general public.

Ms. R wrote that the officer made a false claim about not being able to contact her. She gave her information and her address. Ms. R alleged that the officer had no right to go to her family's home. She wrote he did not have permission to share personal information about the situation. Ms. R wrote that she was not a victim in the situation and only a witness. Ms. R alleged the officer ruined her family relationship.

The officer was not interviewed due to the video evidence did not support Ms. R version of events. SOP 4-25-3H1 refers to the arresting officer collects the victim's information for contact. The police report showed the arresting officer collected the information and contacted the offender release notification system. Policy 4-25-3H5 further states that the department will attempt to notify the victim and when telephone contact cannot be made an officer is dispatched to make notification at the victim's location.

There were several videos from the incident on December 15, 2021 that was the context of the reason why Officer P was at the home two days later. The evidence supported that Ms. R boyfriend severely battered Ms. R and Mr. R's roommate. Police were called and Ms. R boyfriend was arrested on December 15. The video showed that Ms. R was definitely a victim of the situation and not simply a witness as she wrote. The day of notification Officer P went to the home provided. This is the address Ms. R put as her address on her complaint form. This address was the address for her parents. The video showed Officer P asked the person answering the door, Ms. R father, how to reach her. Ms. R father asked questions and Officer P gave vague information that he guessed there was a domestic violence situation and he needed to notify that the offender was

going to be getting out of jail. Officer P explained they tried the various numbers and this was the only address they had. Ms. R's father talked about the boyfriend and asked details, but Officer P did not provide details. Ms. R's parents said she did not live there. Officer P asked for phone numbers to reach her. Instead Mr. R called his daughter and started talking to her about the situation. Ms. R's father eventually handed the officer the phone and he advised her that her that the offender was getting out of jail. He explained to her that they tried to call the numbers and there was no response. The officer explained to both the parents and Ms. R a few times the need to inform the victim of the offender's release. Officer P explained to Ms. R over the phone that her parents were assuming things and he did not tell them details. Officer P did not disclose personal or confidential information.

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

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

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

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

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

Letter to Ms. R
July 9, 2021
Page 4

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process. The CPOA apologizes for the length of time to process the complaint due to a variety of factors.

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

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1897

Re: **CPC #110-20**

Dear Ms. F

Our office received the complaints you filed on January 28, 2020, and February 12, 2020 against Albuquerque Police Department (APD) Officer G., regarding an incident which occurred on December 22, 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.

PO Box 1293

Albuquerque

I. THE COMPLAINT

NM 87103

Both complaints are difficult to read and to interpret as they are handwritten and there are notes written all over the papers Ms. F used to file the complaints. In short, Ms. F believes that APD, the Mayor's Office, the Governor's Office, the DOJ, officials from several counties, including Bernalillo County and the Chicago Mob are stalking her, threatening her and stealing retirements and records from her. Specifically; however, she complained against Officer G. for lying in his supplemental report related to her arrest on December 22, 2019 for an aggravated assault with a deadly weapon.

www.cabq.gov

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaints, the CADS, Officer W.'s original offense written report, Officer G.'s supplemental report, and 9 lapel camera video recordings.

The evidence showed that on December 22, 2019, Officer G. and five other APD officers responded to a bus stopped on Central Avenue just east of Alvarado Dr. NE. Lapel videos showed 4 officers contacted Ms. F when she came off the bus, while Officer G. drove to the carwash at Central and San Mateo to meet with the victims and get their version of events. The evidence showed Ms. F wielded a knife towards the victims and a small knife was found inside the front pocket of Ms. F jacket. After the victims positively

identified Ms. F as the person who pulled a knife on them, she was arrested and transported to the Southeast Substation by Officer W., and then subsequently booked and taken to the Prisoner Transport Center.

The evidence showed that Officer G.'s supplemental report accurately reflected his observations and actions that took place during the incident.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaints, the CADS, Officer W.'s original offense written report, Officer G.'s supplemental report, and 9 lapel camera video recordings.

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

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

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

You have the right to appeal this decision.

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

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

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

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

Letter to Ms. F
July 9, 2021
Page 3

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

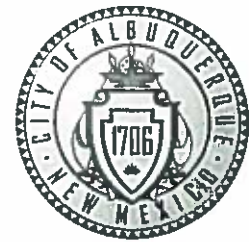
Sincerely,
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Gionne Ralph

Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1903

Re: CPC #113-20

Dear Ms. O

Our office received the complaint you filed on February 21, 2020, against Albuquerque Police Department (APD) Officer H., regarding an incident which occurred 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.

I. THE COMPLAINT

Complainant said that on February 21, 2010 at approximately 1245 hours she received a call from a private number and Officer H. said "get a piece of paper and write down your case number now and memorize it! You are hereby instructed to stay away from (ex-boyfriend) and (grandson of ex-boyfriend) because you are filing false charges with CYFD against the (grandson) and his (child). I just left the home and you are a liar. There is no evidence of child neglect or abuse. A case will be filed against you for filing false charges and you will be subpoenaed to court. They are getting a restraining order against you so you better keep records of all of your text messages to these two men and I, Officer H., have cancelled your request for CYFD because there is no evidence at that home of neglect or abuse and we will see you in court Mrs. O. Complainant told Officer H. to quit threatening her and he said he wasn't threatening her. Complainant said he is a piece of shit officer and she wants that on record. Officers like him keep felons on the streets and keep innocent children from protection. She doesn't appreciate getting threatened by an officer and not having the officer bother to ask her side of the story. She wants Officer H. in court with her and the officer retrained and to treat citizens fairly. She wants to press charges against him for harassment and wants us to run a background check on him because she believes he's a dirty cop. He is not a judge; he is an officer.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, a CADS and written report from 02/20/2020 (Case #20-0016335), a CADS and Officer H.'s written report from 02/21/2020 at approximately 1015 hours (Case #20-0016558), Officer G.'s written supplemental report (Case #20-0016558) from 02/21/2020 at approximately 1727 hours and 5 lapel camera video recordings.

The evidence showed that on 02/20/2020, Officer M. responded to an incident (Case #20-0016335) in which you threatened to have your son shoot your ex-boyfriend and his adult grandson. The evidence showed Officer M. advised the two men, the victims of these threats, to go to court to file a restraining order against you and to have no further contact with you. Officer M. gave them the case number and a Domestic Violence packet to help them with the process and resources they may need, and told them to call APD should you attempt contact again.

The evidence from 02/21/2020 at 1015 hours, showed that Children, Youth and Families Department (CYFD) contacted APD Dispatch stating an anonymous caller reported child neglect at your ex-boyfriend's home. The neglect included allegations that the 9-year-old child, who is your ex-boyfriend's great-grandchild, lives among dog urine and feces, plays with mice in the garage, has mouse droppings for dessert, only has access to inadequate and moldy food, and that the child steals your ex-boyfriend's credit card to order games and pornography. Officer H. and Sergeant (Sgt.) C. were dispatched to the call and responded to your ex-boyfriend's home. Upon their arrival, the officers contacted your ex-boyfriend and his adult grandson. Officer H. took statements from the two men, while Sgt. C. looked through the home for signs of the aforementioned allegations, which he found to be untrue.

The evidence showed that CYFD identified you as the anonymous caller to Officer H., and they told him they suspected the allegations were made with malicious intent. After speaking with the two men, the officers left their residence and Officer H. called you. His lapel camera video documents the following conversation between the two of you:

You: Hello.
Officer H.: Good morning. This is Officer H. with APD, is this D O
You: It is.
Officer H.: Hey I just wanted to give you a heads up, if you have a pen, I want to give you a case number for your records.
You: Yes sir just give me one moment.
Officer H.: Alright.
You: Um. Okay sir what is your name?
Officer H.: *spells out his last name.
You: And your man number?
Officer H.: *gives it to you
You: No.
Officer H.: That's my man number.

Letter to Ms. C

July 9, 2021

Page 3

You: Your man number is *states man number.

Officer H.: Yes

You: Okay and I'm getting a case number?

Officer H.: Yes. It is AP200016335

You: AP200016335

Officer H.: Yes, it's involving the incident yesterday with E. B.

You: Okay. What are the charges?

Officer H.: Uhhh they are going to be filing an information report possibly for telephone harassment and then the phone call you made today to CYFD will also be added to an information report.

You: I'm, I'm confused Officer.

Officer H.: About what ma'am?

You: About what is going on.

Officer H.: They don't want to have any more contact with you.

You: I have a case number.

Officer H.: Yes you do.

You: And uh I'm waiting for a criminal summons to be issued...APD was here last night...I have a case number of my own...and I'm waiting for a criminal summons. I'm the victim. E.B. (grandson of ex-boyfriend) is the perpetrator.

Officer H.: Okay.

You: We're going to be summonsed to go to court for assault and battery with intent to commit bodily harm and/or murder on me.

Officer H.: Okay. And then why, why did you call CYFD today?

You: Why?

Officer H.: Yes.

You: Because I gave birth to seven boys and they're all in the military and they don't believe in child neglect.

Officer H.: Well, we went to the house, Ms. O and there's no signs of neglect in that house. I have notified CYFD and they will also be putting some notes in their system that your phone call to them was a strong possibility of being malicious.

You: No, it's not malicious.

Officer H.: Ma'am, ma'am that's that's that's that's the route we're going...ah um...and I've instructed the B.'s (ex-boyfriend and grandson) to um save all their text messages from you and to possibly block your incoming calls; umm they're probably going to try to get a restraining order served on you.

You: I'm already getting one on them.

Officer H.: Fine. That would be...hopefully it'll go before the same judge.

You: I want them to stay the hell away from me!!

Officer H.: They, they probably will after all the contact with law enforcement this week.

You: I would love to see them in court!

Officer H.: Okay.

You: Tell them to bring it!! I've got 5 lawyers!

Officer H.: Okay. Have a better wee...

You: And I'll contact the DA!

Officer H.: Okay ma'am.

You: Thank you.

Officer H.: Goodbye.

The aforementioned conversation refutes the allegations lodged against Officer H. The evidence shows Officer H. was professional in his interaction with you and with the other involved parties and he did not violate any APD SOPs.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, a CADS and written report from 02/20/2020 (Case #20-0016335), a CADS and Officer H.'s written report from 02/21/2020 at approximately 1015 hours (Case #20-0016558), Officer G.'s written supplemental report (Case #20-0016558) from 02/21/2020 at approximately 1727 hours and 5 lapel camera video recordings.

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

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

The complaint and these findings are made part of Officer H.'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,
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Letter to Ms. O
July 9, 2021
Page 5

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

Sincerely,
The Civilian Police Oversight Agency by

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

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

Gionne Ralph

Edward Harness, Executive Director

July 9, 2021

Via Certified Mail

7018 1130 0002 3429 1910

Re: CPC #205-20

Dear Mr. M

Our office received the complaint you filed on June 15, 2020, against Albuquerque Police Department (APD) Officer J., regarding an incident which occurred on June 14, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. R was in a verbal altercation with the manager at Auto Zone when the manager allegedly spit in his face. Officer J. and two other officers responded and contacted Mr. M in the parking lot. He told them what happened and said he didn't clean the spit off his face in hopes the officers would swab his face for evidence. He complained Officer J. said he didn't see any spit, and had a major attitude when he said this. He complained Officer J. and another officer went inside to speak with the manager and then came out and told the complainant that the manager's story was more believable than his. He told Officer J. he wanted the manager arrested for assault and complained Officer J. wouldn't do that, or anything stating the judge would just yell at the two men involved and give them both community service. He got upset with Officer J., and started using profanity at him. Officer J. told him he was banned from all Auto Zones and if he came back he would be arrested. He argued that the manager didn't have the authority to do that and complained Officer J. told him he did and sarcastically told him to go to O'Reilly's from now on. He wants to be tested because he was spit upon. He wants Officer J. disciplined and he would like an apology letter.

II. THE INVESTIGATION

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, the CADS report, Officer J.'s report and 5 lapel camera video recordings.

Lapel video showed Officer J. and two other officers contacted Mr. M in the parking lot and he gave Officer J. his version of events. He told Officer J. he wanted to wash the spit off his face and Officer J. said, "I don't see spit right now so I'm sure it's okay if you wash it." Officer J. did not have a "major attitude" when he said this, as alleged in this complaint.

Officer J. went inside the store, by himself, and spoke with the manager and got his version of events and asked him what he wanted him to do. The manager said he wanted Mr. M to leave and go somewhere else. Officer J. then went back outside and told Mr. M that having the manager's side of the story helped him make more sense of the incident, and not that the manager's story was more believable than his, as alleged in the complaint. Officer J. asked Mr. M what he wanted him to do and Mr. M said he wanted the manager arrested for assault. Officer J. said he wouldn't arrest him for that, and it's something for which officers would always issue a summons. He said that with the totality of his investigation, this incident wouldn't go anywhere and the judge would probably reprimand both men. He told Mr. M he's had experience with situations such as this before and, typically, both parties have been given community service as punishment. Mr. M walked away and said this is bulls%&t and Officer J. told him he was not to go to any Auto Zones and if he did he would get a summons to court. He did not tell Mr. M he would be arrested as alleged in his complaint. Officer J. told Mr. M to just go to O'Reilly's, and said this in a professional manner.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, the CADS report, Officer J.'s report and 5 lapel camera video recordings.

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA finds Officer J.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

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

You have the right to appeal this decision.

Letter to Mr. M:
July 9, 2021
Page 3

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

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

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

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

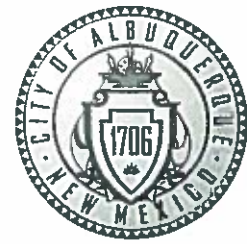
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

Chantal M. Galloway, Vice Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Douglas Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

July 8, 2021

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

RE: APD Case # 18-0068735, IAFD Case # C2018-000057

Dear Chief Medina:

My review of this case included:

- Responding to the incident and being briefed on July 17, 2018
- Computer Aided Dispatch Reports
- APD Field Services Reports
- Criminalistics Reports
 - Crime scene photos
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- Multi Agency Task Force Reports
 - Office of Medical Investigators Report
 - Witness statements
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing June 11, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on July 17, 2018 the victim (Mr. L) was suspect in a homicide that occurred earlier in the day at [REDACTED]. Mr. L and the homicide victim knew each other because they had a relationship with the same woman, Mr. L's ex-wife.

Detectives located Mr. L. at _____ detectives and members of the Investigative Support Unit established a perimeter and attempted to communicate with Mr. L. Other occupants of the home Mr. L's family exited the home and confirmed he was in the residence alone. The tactical call out was authorized and set-up.

From 5:30 pm until 1:00 am the next morning the tactical unit attempted communication, and used chemical munitions to gain compliance and have Mr. L. exit the residence and submit to arrest.

At approximately 1:30 am Mr. L. exited the residence through the garage armed with a pistol. He discharged that pistol towards officers. Tactical Officer #1 returned fire striking Mr. L.

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

Sincerely,

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



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

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Edward Harness, Executive Director

July 8, 2021

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

RE: APD Case # 19-0056389, IAFD Case # C2019-000052

Dear Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attendance Force Review Board briefing April 9, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on June 20, 2019 the victim Ms. M. was suspected of Aggravated Assault of a Household Member and False Imprisonment. Officers arrived and spoke with, Ms. M. Officers attempted to gain her compliance and place her under arrest. She did not comply instead barricading himself in the residence. A tactical activation was authorized.

During the tactical activation Ms. M. advised CNT that she wanted officers to kill her. Tactical officers deployed chemical weapons, and noise flash diversion devices to gain Ms. M.'s compliance.

After hours attempting to gain the compliance of Ms. M. officers gained entry to the residence and utilized a K9 to make the arrest.

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

Sincerely,

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



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Eric Olivas, Chair

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Edward Harness, Executive Director

July 8, 2021

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

RE: APD Case # 19-0080914, IAFD Case # C2019-000076

Dear Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attendance Force Review Board briefing April 9, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on September 2, 2019 the victim Mr. G. was suspected of Aggravated Assault. Officers arrived and observed, Mr. G armed with a machete standing aside a van. Officers attempted to gain his compliance and place him under arrest. He did not comply instead barricading himself in the van, with the machete. A tactical activation was authorized.

During the tactical activation Mr. G refused to speak with the CNT officer. Tactical officers deployed chemical weapons, and noise flash diversion devices to gain Mr. G.'s compliance.

After hours attempting to gain the compliance of Mr. G's. compliance, officers used a K9 to arrest Mr. G through the open van door.

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

Sincerely,

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

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

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon

Douglas Mitchell

Edward Harness, Executive Director

February 12, 2021

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

RE: APD Case # 19-0096461, IAFD Case # C2019-000086

Dear Chief Medina:

My review of this case included:

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on October 19, 2019 the victim, Ms. B., was in a vehicle stopped by Sergeant #1 because he believed she may need help. Ms. B. exited the vehicle and walked toward Sgt. #1. He immediately grabbed her by the wrist and takes her to the ground. He then places her in handcuffs. He does not advise her she is under arrest or being detained for further investigation. The actions of SGT #1 were not reasonable. Ms. B went from a victim to a suspect based upon a hunch. That is not permitted under APD policy, nor "*Terry v. Ohio*".

Finding: The CPOA finds Sergeant 1's conduct "**Sustained**," where the investigation determines, by preponderance of the evidence, that the alleged misconduct did occur.

Sincerely,

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

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Gionne Ralph

Edward Harness, Executive Director

July 8, 2021

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

RE: APD Case # 19-00105587, IAFD Case # C2019-000095

Dear Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attendance Force Review Board briefing July 2, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on November 17, 2019 the victim Mr. S. was suffering a mental health episode. Officers arrived and established probable cause to arrest Mr. S for felony assault. Officers spoke with Mr. S briefly, but he refused to submit to arrest and went inside the home. A tactical activation was authorized.

During the tactical activation Mr. S spoke with the CNT officer, and threatened "suicide by cop". Tactical officers deployed chemical weapons, and noise flash diversion devices to gain Mr. S.'s compliance.

Mr. S. exited the home, but continued to ignore the commands of officer's as he began to walk away from police. Sgt I deployed his K9 to make the arrest of Mr. S.

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

Sincerely,

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



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

Chantal M. Galloway, Vice Chair

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Edward Harness, Executive Director

July 8, 2021

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

RE: APD Case # 20-0000295, IAFD Case # C2020-000002

Dear Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attendance Force Review Board briefing July 30, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on January 2, 2020 the victim Mr. L. gained entry to a closed business, the Walgreens at 2011 12th St. NW. Officers arrived on scene, finding evidence of the break-in. A store representative arrived and verified Mr. L was in the building through store surveillance video. Officers began announcements for Mr. L. to present himself to police for arrest.

A search of the business began with a muzzled K9. During that search officers found an empty bottle of champagne, and smoked cigarettes. Upon discovery of that evidence the K9 search continued with the K9 unmuzzled.

The K9 located Mr. L behind an unlocked door in the pharmacy area. The K9 contacted Mr. L. on the arm and officers took Mr. L into custody.

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

Sincerely,

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