

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia J. French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

BOARD AGENDA

Thursday, August 12, 2021 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, August 12, 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-august-12-2021>.

(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, August 9, 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, August 12, 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 July 8, 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) – *Acting Commander Richard Evans***
- 3. APD Training Academy Semi-Annual Update – *Lieutenant Michael Meisinger and Commander Renae McDermott***
- 4. 2nd Quarter Force Report (SOP 2-3, SOP 2-8, and SOP 2-52 through SOP 2-58) – *Data Analyst II Katharine (Kate) Jacobs, IA Force Division***

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

065-21 091-21 121-21 124-21 126-21

b. Administratively Closed and Exonerated

043-21

c. Exonerated, Unfounded and Not Sustained

038-21

d. Exonerated, Unfounded and Sustained

061-21

e. Sustained

109-21

f. Unfounded

112-21

- IX. Serious Use of Force Cases/Officer Involved Shooting**
- a. 19-0077270
 - b. 20-0024693
 - c. 20-0063885
 - d. 20-0003358
 - e. Proposed Cases for September 2021 Review:
 1. 19-0094605 OIS – Request Board Approval for Full Investigative File
 2. 20-0014745 / 20-0014813 K9 – Request new PowerPoint File with OBRD
 3. 20-0026269 / 20-0026264 K9 – Request new PowerPoint File with OBRD
 4. 20-0034126 / 20-0034103 K9
 5. 20-0060676 / 20-0060662 K9
- X. Reports from Subcommittees**
- a. Community Outreach Subcommittee – *Chantal Galloway*
 1. Met July 27, 2021 at 3:00 p.m. (video conference)
 2. Next meeting August 24, 2021 at 3:00 p.m.
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 1. Met August 5, 2021, 2021 at 4:30 pm (video conference)
 2. Next meeting September 2, 2021 at 4:30 p.m.
 - c. Case Review Subcommittee – *Eric Nixon*
 1. Next meeting TBD
 - d. Personnel Subcommittee – *Eric Olivas*
 1. No meeting in July 2021
 2. Next meeting August 30, 2021 4:00 p.m.
- XI. Discussion and Possible Action:**
- a. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials - *Tina Gooch, CPOA Counsel*
 - b. Officer Involved Shootings/SUOF Case Backlog – *Dr. William Kass*
 - c. Use of Force Policy Review (SOP 2-52 through SOP 2-55) – *Dr. William Kass*
 - d. Case Review Process and CRC – *Eric Nixon and Chantal Galloway*
 - e. Board Member Responsibilities - *Eric Olivas*
 - New Member Training Requirements
 - 8 Hour Annual Training Requirement
 - f. Update on Specialized Diversity Training for Board Members – *Chantal Galloway and Eric Olivas*
 - g. Consideration of PPRB Policies with No Recommendation: - *Dr. William Kass*
 - h. Update on CPOA Executive Director’s Job Posting – *Eric Olivas*
 - i. Update on CPOA Calendar and Scheduling Tool – *Chantal Galloway and Eric Olivas*
 - j. CPOAB Committee Assignments – *Eric Olivas*

- 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)**
 - 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)**
- XIII. Other Business**
- XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on
September 9, 2021 at 5:00 p.m.***

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia J. French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 20, 2021

Via Email

Re: CPC# 029-21

Dear Ms. Z :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

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

PO Box 1293

Albuquerque

NM 87103

On August 12, 2021 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

www.cabq.gov

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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Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7016 2140 0000 1857 1104

Re: **CPC # 065-21**

Mr. G

COMPLAINT:

Mr. G reported that on 03/24/21, one of his neighbors had witnessed a man jump Mr. G fence and take off with his bike. Mr. G reported that he was advised that APD PSA's had picked up his bike. Mr. G reported he spoke with PSA C, who stated he had thrown Mr. G bike away. PSA C was quick to state that the dumpster he had thrown the bike away in had already been emptied. Mr. G reported he felt his bike was stolen twice on that day.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: PSA G

Policies Reviewed: N/A

Other Materials: N/A

Date Investigation Completed: June 30, 2021

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. | <input type="checkbox"/> |
| 5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. | <input type="checkbox"/> |
| 6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input checked="" type="checkbox"/> |
| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint via no jurisdiction as PSA G no longer worked for APD.

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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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



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Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7016 2140 0000 1857 1104

Re: CPC # 065-21

Mr. C ,

COMPLAINT:

Mr. G reported that on 03/24/21, one of his neighbors had witnessed a man jump Mr. G fence and take off with his bike. Mr. C reported that he was advised that APD PSA's had picked up his bike. Mr. G reported he spoke with PSA C, who stated he had thrown Mr. G's bike away. PSA C was quick to state that the dumpster he had thrown the bike away in had already been emptied. Mr. G reported he felt his bike was stolen twice on that day.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA C

Policies Reviewed: N/A

Other Materials: N/A

Date Investigation Completed: June 30, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. | <input type="checkbox"/> |
| 5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. | <input type="checkbox"/> |
| 6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative, -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input checked="" type="checkbox"/> |
| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

This incident had already been investigated by the APD Chain of Command and reviewed by Internal Affairs, the CPOA will not conduct a duplicate investigation.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as PSA C had already received discipline for this incident.

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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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

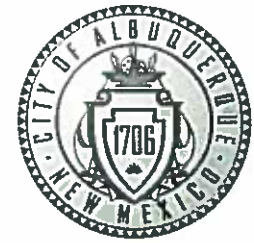
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

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

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Doug Mitchell

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Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Email

Re: CPC # 091-21

Mr. S,

COMPLAINT:

PO Box 1293

G. S. submitted an email to the Constituent Services of the Office of the Governor. "As I am travelling back and forth to Albq, I would like to expose this Albq police dept Sgt and know how you can communicate to the APD the need to review Sgt H's demeanor, and his tendencies to always violate individual rights before someone gets killed or seriously hurt as a result of this coward's actions while on the streets." This email was forwarded to the CPOA

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Sgt. H

Policies Reviewed: n/a

Other Materials: n/a

Date Investigation Completed: June 28, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. | <input type="checkbox"/> |
| 5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. | <input type="checkbox"/> |
| 6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input checked="" type="checkbox"/> |
| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

Emailed citizen for more information. Citizen responded there was a video, but did not provided video, date, time, or location to initiate an investigation. Likely duplicative of complaint already under investigation (CPC 93-21) about the same employee in a viral YouTube video

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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8771

Re: CPC #121-21

Dear Mr. B

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on 06/17/2021, regarding an incident that occurred on 05/07/2021.

I. THE COMPLAINT

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

Mr. B submitted an online complaint regarding the actions of Officer's K S and Daniel C. Mr. B alleged these officers were working an aggressive DUI checkpoint on A B in which Officer S was being demoralizing and lied about smelling alcohol. Mr. B called 911 as he was afraid of the reckless and dishonest investigation which he believed would lead to brutality. Mr. E alleged to have been assaulted and antagonized by Officer S upon exiting his vehicle and that the supervisor failed to intervene. Mr. B alleged that Officer S and others ordered him to a dark location where he was pushed, slammed to the ground and falsely charged with resisting. Mr. B alleged that while being transported to and from the hospital that Officer S provoked and antagonized him while driving in a reckless manner by jerking the wheel through sharp turns, changing lanes without signaling, and talking on his mobile telephone while driving in excess of 90 mph. Mr. B noted in his complaint that Officer S had killed a young man and injured a handicap woman costing taxpayer's over \$300,000.00.

II. INVESTIGATION

A search of the City of Albuquerque Employee Directory was conducted and the employee names Mr. B reported are not listed as Albuquerque Police Department employees.

A search of Evidence.com for OBRD recordings of the date, time and employees reported by Mr. B was conducted with negative results.

A record check with the information reported by Mr. B was submitted to the APD Records Officer's Service Unit and returned a response of, "This checkpoint and officer is from New Mexico State Police."

A Google web search of "Officer K S New Mexico" returned an article in which he was involved in a fatal officer involved shooting of a male and an article in which a disabled female was awarded \$300,000.00 in an incident involving Officer S Officer S is reported in the incidents as a member of the New Mexico State Police (NMSP).

The CPOA Investigator emailed Mr. B informing him of the information and provided him with the weblink to file a complaint with the NMSP. Mr. B responded with a request for a copy of the complaint he submitted which the CPOA Investigator provided via email.

III. CONCLUSION

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

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.

Letter to Mr. Bl
August 13, 2021
Page 3

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

Sincerely,
The Civilian Police Oversight Agency by

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

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police



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Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7016 2140 0000 1857 1098

Re: CPC # 124-21

Ms. L

COMPLAINT:

Ms. L had a confrontation with a man at the laundromat over mask wearing. Ms. L said the man claimed he was a cop and threatened her with jail. He called someone on the phone and gave her description as if he was calling police. He claimed he recorded her license plate. She did not think it was acceptable for APD to use its authority to threaten her.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: None identified

Policies Reviewed:

Other Materials: No incident found by CADs, name provided not an employee

Date Investigation Completed: July 2, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. | <input type="checkbox"/> |
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| 6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input checked="" type="checkbox"/> |
| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

plate provided not part of dept fleet and not registered to an employee confirmed name and plate do not belong to APD, no call identified. Citizen understood and was appreciative of investigative work done. Likely not law enforcement or if so was a different agency.

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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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

Civilian Police Oversight Agency Board

Eric Olivas, Chair

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Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

To File

Anonymous Complainant

Re: CPC # 126-21

Dear Anonymous:

COMPLAINT:

Anonymous person stated on 06/27/2021, at 03:00 am, two cop cars dropped off an unknown male who was "incoherent and confused". The complainant said the unknown male was at the wrong place. The complainant also stated the police were not cooperative as they did not communicate the reason on why they were dropping off the unknown male. The complainant mentioned he did not want the Department to "drop off patients with mental/physical health issues".

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Policies Reviewed: N/A

Other Materials: original complaint

Date Investigation Completed: July 7, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. | <input type="checkbox"/> |
| 5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. | <input type="checkbox"/> |
| 6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input checked="" type="checkbox"/> |
| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

The CPOA has made the decision to ADMINISTRATIVELY CLOSE the complaint due to a lack of information. Anonymous source did not provide contact information and the investigator relied solely on the original complaint form.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

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Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8788

Morgan Miranda
11109 Ventura Place Ne
Apartment 3
Albuquerque, NM 87123

Re: CPC # 043-21

Ms. Miranda

COMPLAINT:

PO Box 1293

Ms. M reported that officer G was rude and was an asshole.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Policies Reviewed: General Order 1-1-4D.15.

Other Materials: N/A

Date Investigation Completed: June 30, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
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| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

You have the right to appeal this decision.

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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>.

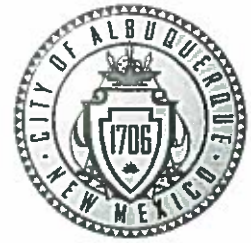
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

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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Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8788

Re: CPC # 043-21

Ms. M:

COMPLAINT:

Ms. M reported that she asked Officer L to file charges on her father for hitting Ms. M's daughter with the vehicle door. Ms. M reported Officer L did not file the charges and would not return her calls or emails.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer L

Policies Reviewed: N/A

Other Materials: N/A

Date Investigation Completed: June 30, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
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| 6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input checked="" type="checkbox"/> |
| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

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

You have the right to appeal this decision.

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

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

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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.

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



**CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board**

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Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7016 2140 0000 1857 1081

Re: CPC # 038-21

Ms.A

COMPLAINT:

PO Box 1293

Ms. A reported that on the night of 12/17/20, Operator G reported to work inebriated. Ms. A reported that Officer A and Operator G have not been discrete about their relationship as there have been multiple officers witness to this, which included Officer F.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator G

Policies Reviewed: General Order 1-1-4J.4; and General Order 1-1-4E.14.c

Other Materials: Rio Rancho Police Incident Report and Screen Shots

Date Investigation Completed: June 30, 2021

FINDINGS

- | | |
|--|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input checked="" type="checkbox"/> |
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| 7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation. | <input type="checkbox"/> |

Additional Comments:

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



**CIVILIAN POLICE OVERSIGHT AGENCY
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Tara Armijo-Prewitt *Patricia French* *Richard Johnson*
Dr. William J. Kass *Doug Mitchell* *Eric Nixon*
Gionne Ralph
Edward Harness, Executive Director

August 13, 2021

Via Certified Mail
7016 2140 0000 1857 1081

Re: CPC # 038-21

Ms. A

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. A reported that on the not of 12/17/2020, Officer A reported to work inebriated. Ms A reported that on 12/17/2020, Officer A allowed Operator G to drive off from his home after she had been drinking. Ms. A reported that Officer A used his work issued cell phone while off duty. Ms A reported Officer A and Operator G have not been discrete about their relationship. Ms. Ar reported that Officer A FaceTimed his son while on duty.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): N/A

Complainant(s) Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Policies Reviewed: 3-13-3B.3.a; 1-1-4J.4; 1-1-4H.1.d; 1-1-4E.14.c; and 1-1-4D.2

Other Materials: Rio Rancho Police Incident Report, & APD Leave Calender

Date Investigation Completed: June 30, 2021

FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	<input checked="" type="checkbox"/>
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7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.	<input type="checkbox"/>

Additional Comments:

You have the right to appeal this decision.

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8801

Re: **CPC # 061-21**

Ms. L

COMPLAINT:

The complainants reported officers threatened to arrest them if officers returned to the residence a second time. The complainants reported officers were aggressive, intimidating and tried to strong arm them. The complainants reported officers did not offer a police report in reference to an attempted carjacking and they were only met with dismissal from the officers. The complainants reported officers did not provide them with their badge numbers.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Policies Reviewed: 1-1-4D.1; 1-1-4D.15; 2-16-2.C.4; and 3-13-3.C.1

Other Materials:

Date Investigation Completed: July 23, 2021

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
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5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
6. **Administratively Closed.** Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.
7. **Mediation.** In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.

Additional Comments:

CPOA Investigator also recommended Officer C complete communication skills training.

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,
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Administratively closed complaints may be re-opened if additional information becomes available.

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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



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Doug Mitchell

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Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8801

Re: CPC # 061-21

Ms. L

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

The complainants reported officers threatened to arrest them if officers returned to the residence a second time. The complainants reported officers were aggressive, intimidating and tried to strong arm them. The complainants reported officers did not offer a police report in reference to an attempted carjacking and they were only met with dismissal from the officers. The complainants reported officers did not provide them with their badge numbers.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Policies Reviewed: 1-1-4D.1; 1-1-4D.15; 2-16-2.C.4; and 3-13-3.C.1

Other Materials:

Date Investigation Completed: July 23, 2021

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
6. **Administratively Closed.** Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.
7. **Mediation.** In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.

Additional Comments:

CPOA Investigator also recommended Officer W complete communication skills training.

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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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



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Gionne Ralph

Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8795

Re: CPC # 061-21

Mr. G:

COMPLAINT:

The complainants reported officers threatened to arrest them if officers returned to the residence a second time. The complainants reported officers were aggressive, intimidating and tried to strong arm them. The complainants reported officers did not offer a police report in reference to an attempted carjacking and they were only met with dismissal from the officers. The complainants reported officers did not provide them with their badge numbers.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Policies Reviewed: 1-1-4D.1; 1-1-4D.15; 2-16-2.C.4; and 3-13-3.C.1

Other Materials:

Date Investigation Completed: July 23, 2021

FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	<input checked="" type="checkbox"/>
2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	<input checked="" type="checkbox"/>
3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	<input type="checkbox"/>
4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	<input checked="" type="checkbox"/>
5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	<input type="checkbox"/>
6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction. -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	<input type="checkbox"/>
7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.	<input type="checkbox"/>

Additional Comments:

CPOA Investigator also recommended Officer W complete communication skills training.

You have the right to appeal this decision.

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

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

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- 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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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



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Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8795

Re: CPC # 061-21

Mr. G

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

The complainants reported officers threatened to arrest them if officers returned to the residence a second time. The complainants reported officers were aggressive, intimidating and tried to strong arm them. The complainants reported officers did not offer a police report in reference to an attempted carjacking and they were only met with dismissal from the officers. The complainants reported officers did not provide them with their badge numbers.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Policies Reviewed: 1-1-4D.1; 1-1-4D.15; 2-16-2.C.4; and 3-13-3.C.1

Other Materials:

Date Investigation Completed: July 23, 2021

FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	<input checked="" type="checkbox"/>
2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	<input type="checkbox"/>
3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	<input type="checkbox"/>
4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	<input checked="" type="checkbox"/>
5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	<input type="checkbox"/>
6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	<input type="checkbox"/>
7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.	<input type="checkbox"/>

Additional Comments:

CPOA Investigator also recommended Officer C complete communication skills training.

You have the right to appeal this decision.

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

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

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

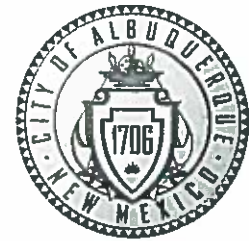
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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Edward Harness, Executive Director

August 13, 2021

Via Certified Mail

7017 2680 0000 5951 8818

Re: CPC #109-21

Dear Ms. M

Our office received the complaint you forwarded on May 18, 2021, against Albuquerque Police Department (APD) Detective (Det.) R., regarding an incident which occurred on May 3, 2021 during an Evidentiary Hearing in District Court. 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

On May 18, 2021, the CPOA received an email from Assistant United States Attorney (AUSA) E. M. _____ essentially stating she was alerted, by a Senior Litigation Counsel in the USAO, to the May 13, 2021 Memorandum Opinion and Order of U.S. District Judge Martha Vazquez in USA v. Robertson, wherein the Court makes judicial findings that "TFO R.'s Testimony at the May 3, 2021 Evidentiary Hearing Was Not Credible." Doc. 431 at 26. Ms. M. _____ identified Task Force Officer (TFO) R. as an APD Officer who was assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) during this case.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the Memorandum Opinion and Order given by U.S. District Judge Martha Vazquez, a letter of support for Det. R., written to City of Albuquerque City Attorney A., by AUSA M., on July 23, 2021, and Det. R.'s interview.

The evidence also showed that Det. R. hadn't received any formal training from the ATF that went over rules, or programs they use in the course of an investigation. The evidence showed Det. R. never received any direction, or training from AUSA M., either. AUSA M. admitted it

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was his responsibility to train Det. R. on the disclosure requirements set by the judge and that he failed Det. R. in this regard by not successfully explaining that the order required him to disclose all promises and benefits, even if they were standard practice. The evidence showed that Det. R. believes he acted in good faith and that he didn't intentionally withhold information from the Court. The Memorandum of Opinion; however, shows that, in Judge Vazquez opinion, Det. R. did not act in good faith, and that his testimony at the Evidentiary Hearing on May 3, 2021, was not credible.

Despite the aforementioned information, Page 30, lines 21-23, of the Memorandum Opinion, show Det. R. admitting that he failed to disclose promises made to Ms. F., a witness in the case, as required by the Court's November 18, 2020 discovery order.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included your complaint, the Memorandum Opinion and Order given by U.S. District Judge Martha Vazquez, a letter of support for Det. R., written to City of Albuquerque City Attorney A., by AUSA M., on July 23, 2021, and Det. R.'s interview.

A) The CPOA reviewed APD SOP 1-1-4(D)(20)

After a review of the evidence and this SOP, the CPOA finds Det. R.'s conduct **SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged misconduct did occur.

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

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to be 'EH', is placed over the printed name of the signatory.

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

August 13, 2021

Via Certified Mail

7016 2140 0000 1857 1111

Re: CPC # 112-21

Ms. J

COMPLAINT:

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Sarah Juarros filed a complaint against Officer A for harassment during a welfare check on 06/05/2021. She alleged Officer A was harassing her when he came to her house telling her she needed to return her granddaughter back.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: OFFICER A.

Policies Reviewed: 1-1-4: D15

Other Materials: police report from a separate incident 2 days prior for context

Date Investigation Completed: July 27, 2021

FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	<input checked="" type="checkbox"/>
2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	<input type="checkbox"/>
3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	<input type="checkbox"/>
4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	<input type="checkbox"/>
5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	<input type="checkbox"/>
6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	<input type="checkbox"/>
7. Mediation. In accordance with the City of Albuquerque's Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.	<input type="checkbox"/>

Additional Comments:

The video showed the officer was professional with Juarros. The officer listened to Juarros' concerns and did not insist she should return the granddaughter to her daughter at that time.

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.

Administratively closed complaints may be re-opened if additional information becomes available.

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.

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



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Edward Harness, Executive Director

August 12, 2021

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

RE: APD Case # 20-0024693, IAFD Case # C2020-00179

Dear Chief Medina:

My review of this case included:

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Albuquerque

NM 87103

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

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My review of the evidence shows on March 18, 2020 the victim, Mr. B., was intoxicated and threatening to jump off of a balcony. Upon arrival officers observed Mr. B on a third-floor balcony. Officer #1 approached Mr. B and placed him in handcuffs. While walking down the stairs, Mr. B. resisted and Officer #1 used pain compliance on Mr. A. while handcuffed.

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

Sincerely,

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



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Edward Harness, Executive Director

August 12, 2021

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

RE: APD Case # 20-0063885, IAFD Case # C2020-0605

Dear Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

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- 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

My review of the evidence shows on August 11, 2020 the victim, Mr. R was suspected of trying to purchase goods with counterfeit currency and retail theft. Officer #1 was dispatched to investigate and found Mr. R. at an adjacent business. Officer #1 had reasonable suspicion to detain Mr. R. and complete his investigation. Mr. R was advised he was not free to leave and placed in handcuffs. While exiting the business Mr. R began to resist. Officer #1 took Mr. R. to the ground while he was handcuffed.

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

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

Sincerely,

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



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Edward Harness, Executive Director

August 12, 2021

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

RE: APD Case # 20-0003358, IAFD Case # C2020-00004

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

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My review of the evidence shows on August 11, 2020 the victim, Mr. R., was observed by Officer #1 entering a business in violation of a Criminal Trespass Order. In addition, store security advised Officer #1 Mr. R. had concealed store items in a duffel bag while in the store. Mr. R. was placed under arrest. While being escorted to the squad car, Mr. R. resisted and attempted to flee. Officer #1 along with security wrestled Mr. R. to the ground while handcuffed.

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

Sincerely,

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