

Civilian Police Oversight Agency Board

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

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchel

Eric Nixon

Edward Harness, Executive Director

BOARD AGENDA

Thursday, December 10, 2020 – 5:00 p.m.

Attendance: In response to the Governor's declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, December 10, 2020 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/copy2_of_cpoa-board-meeting-1. (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, December 7, 2020 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, December 10, 2020. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order**
- II. Mission Statement – *Dr. William Kass, Chair***

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and Approval of Minutes from November 12, 2020**

VI. Reports from City Departments

- a. **APD**
 - 1. **Internal Affairs Professional Standards Division**
 - 2. **Internal Affairs Force Division**
- b. **City Council**
 - 1. **Council President Pat Davis**
- c. **Mayor's Office**
- d. **City Attorney**
- e. **CPC**
- f. **APOA**
- g. **Public Safety Committee**
- h. **CPOA – Edward Harness, Executive Director**

VII. Hearing on Requests for Reconsiderations

VIII. Review of Cases:

- a. **Administratively Closed Cases**

219-20	247-20	257-20
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- b. **Unfounded**

090-20	217-20	224-20
225-20	245-20	256-20
- c. **Sustained Not Based on Original Complaint**
179-20

IX. Serious Use of Force Cases/Officer Involved Shooting
18-0068735 19-0029519 19-0063551 19-0068688

X. Reports from Subcommittees

- a. **Community Outreach Subcommittee – Chantal Galloway**
 - 1. **Next meeting December 15, 2020 at 3:00 p.m.**
- b. **Policy and Procedure Review Subcommittee – Dr. William Kass**
 - 1. **Met December 3, 2020 at 4:30 pm (video conference)**
 - 2. **Next meeting January 7, 2020 at 4:30 p.m.**
- c. **Case Review Subcommittee – Eric Nixon**
 - 1. **Selection of 4th Quarter Audit Cases**
 - 2. **Next meeting January 26, 2021 at 4:30 p.m.**
- d. **Personnel Subcommittee – Eric Olivas**
 - 1. **Met November 30, 2020 at 3:00 p.m. (video conference)**
 - 2. **Next meeting December 28, 2020 at 3:00 p.m.**

XI. Discussion and Possible Action

- a. **Update on December 4, 2020 Status Conference -
United States v. City of Albuquerque No. 1:14-cv-1025-SMV**

- b. CPOA Board Appeal Checklist
- c. 2021 CPOA Board Schedule
- d. CPOA Board Changes to CASA
- e. Subpoena Issuance and Consideration CPC 159-20
- f. APD SOP 1-15 Air Support Unit Recommendation letter
- g. Memorial – Ad Hoc Work Group

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

XIII. Other Business

XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on January 14, 2021 at 5:00 p.m.*

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

December 11, 2020

Via Certified Mail

7018 1130 0002 3429 1361

Re: CPC #219-20

Dear Mr. V _____ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on October 16, 2020 regarding an incident that occurred on or about October 01, 2020.

I. THE COMPLAINT

PO Box 1293

G V _____ submitted a complaint that stated on 10/01/2020 at approximately 1430, Officer E C _____ showed up to his home for no reason. Mr. V _____ reported that Officer C _____ told him "you said someone stabbed you with a knife?" Mr. V _____ reported the officer then left in his police car. Mr V _____ : reported that his mother (S V _____) witnessed this incident. Mr. V _____ reported he does not want this officer going to his door anymore.

Albuquerque

NM 87103

II. INVESTIGATION

After a review of the CADS, Officer reports and Lapel Videos there was no evidence that any APD Officers went to Mr. V _____ home at any time on 10/01/2020.

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After further review it should be noted that there is not an Officer by the name of E: C _____ that works for APD. There was evidence that Officers showed up to Mr. V _____'s home on 10/03/2020, due to a call that Mr. V _____ made stating he needed someone from the FBI to get help.

On 10/21/2020, CPOA Investigator spoke with Mr. V _____ who wanted his parents available due to his mental health condition, but however Mr. V _____ never participated in the investigative process.

On 10/22/2020, CPOA Investigator spoke with Mr. V _____'s father (G V _____) who also had Mr. V _____'s mother (S V _____) next to him during the interview. Mr. G V _____ stated neither he or Ms. V _____ could

Letter to Mr. V
December 11, 2020
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recall an E C. or anyone showing up to their house on 10/01/2020. Mr. G V stated no one has attempted to stab Mr. V at any time

A review of the Lapel Video from 10/03/2020, indicated that during Mr. V interaction with officers that night, there was no mention of someone stabbing you with a knife.

As of 11/06/2020, Mr. V has not provided this CPOA Investigator with additional information in reference to the alleged incident.

III. CONCLUSION

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

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

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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Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

December 11, 2020

Via Certified Mail

7018 1130 0002 3429 1392

Re: CPC #247-20

Dear Mr. P :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on October 21, 2020, regarding an incident that occurred on February 14, 2019.

I. THE COMPLAINT

PO Box 1293

C P submitted an online complaint concerning when he was stopped at a DWI checkpoint by Officer D. Mr. P wrote that Officer D asked him to submit to a chemical test after he was arrested on the suspicion of DWI. Mr. P agreed he was provided the NM Implied Consent Advisory. Mr. P requested a blood draw be done instead of a breath test. He claimed he was not refusing to be tested, but was requesting a blood draw. Officer D refused to have a blood test administered and wrote on his report that he refused the test. Mr. P listed the sergeant also on his complaint, but the sergeant did not have contact with Mr. P. The sergeant was in charge of the DWI checkpoint.

Albuquerque

NM 87103

II. INVESTIGATION

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The CPOA Investigator reviewed the CAD, police report, the appropriate state statute, SOP, and lapel videos. The lapel video showed that in the BAT mobile Officer D read Mr. P the NM Implied Consent Advisory and explained the breath test procedure. Before the machine was ready Mr. P refused and said nothing about a blood test yet. When the machine was ready Mr. P expressed that he wanted a blood test instead of the breath test. Officer D explained a few times that a blood test would not be offered in lieu of a breath test. Officer D explained blood could only be collected with a warrant and a Judge would not issue a warrant in the current circumstances. Officer D offered Mr. P the opportunity to submit to breath testing several times. Mr. P refused to be tested via breath.

NM Implied Consent states drivers have agreed to provide breath blood or both at law enforcement's decision. An individual can request an additional test to be conducted.

Letter to Mr. P
December 11, 2020
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Pursuant to NMSA 1978, §66-8-111(A), and restated in APD SOP 2-42 once someone has refused to submit to a chemical test under Implied Consent, a blood warrant is only allowed if “there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance, thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of alcohol or a controlled substance and that chemical tests as provided in Section 66-8-107 NMSA 1978 will produce material evidence in a felony prosecution. On misdemeanor DWI arrests, if the subject refuses to submit to the chemical test the officer specifies, the officer will check all of the appropriate boxes and it is considered a refusal. New Mexico law does not allow for a blood warrant on misdemeanor DWI cases after the Implied Consent Advisory has been given if the subject has refused to submit to a chemical test.

Officer D complied with policy when he offered the breath test and marked it as a refusal when Mr. P only wanted to submit to a blood test. Officer D ran his lapel video while with Mr. P. He took off the lapel video, but was still recording so that he could capture Mr. P and the Intoxilyzer machine in the same frame. The video showed Mr. P did not interact with the sergeant. The sergeant Mr. P identified oversaw the DWI checkpoint setup.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the officer Mr. P complained about was no longer employed with the department before Mr. P filed his complaint. The situation was reviewed still to make sure there was no identifiable issues with the sergeant.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

December 11, 2020

Via Certified Mail

7018 1130 0002 3429 1385

Re: CPC #257-20

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 November 4, 2020 regarding an incident that occurred on or about May 27, 2020.

I. THE COMPLAINT

Mr. L filed a complaint about an altercation with a bus driver. He provided a name and said the officer responded. Mr. L identified him as a transit officer, but also claimed he was APD. He said other officers responded about two and a half hours later.

II. INVESTIGATION

The CPOA Investigator contacted Records to try and find the incident. Records could not find the incident with the information Mr. L provided. The CPOA Investigator verified through IA Pro that APD does not have an employee by the name Mr. L provided.

The CPOA Investigator tried to contact Mr. L via phone and left messages. Mr. L did not respond to the message to provide more information.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Mr. L did not provide enough information or accurate information to be able to find the incident he described and the employee he named was not an APD employee.

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.

PO Box 1293

Albuquerque

NM 87103

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Letter to Mr. I
December 11, 2020
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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

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

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

Tara Armijo-Prewitt

Eric Nixon

December 11, 2020

Via Certified Mail

7018 1130 0002 3429 1330

Re: CPC #090-20

Dear Mr. L

Our office received the complaint you filed on January 3, 2020, against Albuquerque Police Department (APD) Officer J.S. for an incident which occurred on December 27, 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

I. THE COMPLAINT

Albuquerque

Mr. L states that on 12/27/2019 he called the police to 5927 Central Ave NW and when Officer J.S. arrived, he told the officer why he called and complained that Officer J.S. told him there was nothing he could do about the situation. He asked Officer J.S. to call out a Sergeant (Sgt.) and Sgt. C. and Officer R.S. arrived. When he explained the situation to Sgt. C., he said Sgt. C. did his job and helped him; however, Officer J.S. did not act professionally and told Mr. L he couldn't help him in anyway. Mr. L complained that Officer J.S. only did his job when Sgt. C. arrived on scene but didn't make any effort to help him and didn't do his job when he first arrived on scene.

NM 87103

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II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, a CADs report, a written report, and 4 lapel camera video recordings from the incident, and APD SOPs. Lapel video showed Officer J.S. responded to the liquor store at . NW and made contact with you. You told Officer J.S. you went into the liquor store to buy alcohol and you were talking to yourself and the store owner thought you were on a cell phone, which is not allowed in the store. You said you started "riff-raffing" back and forth about minor things with the store owner and they got aggressive with you so

you laid down in the store. They accused you of being intoxicated and refused to sell you alcohol. You told Officer J.S. you thought the business racially profiled you and you demanded he issue a criminal trespass charge against you, so you could take the liquor store to court. Officer J.S. told you he couldn't issue a trespass notification against you unless the business asked him to do so, and if they did, it wouldn't go to court. He said you could report them to their corporate office and/or to the Better Business Bureau (BBB) and file a report there but it's not a criminal APD matter. You told Officer J.S. you wanted to file charges on yourself and then asked for a Sgt.. Sgt. C. arrived on scene and spoke with you about the incident. You repeated to Sgt. C. what you had already told Officer J.S. and Sgt. C. also told you they could only trespass you if the business wanted to do so, otherwise Officer J.S. could write an incident report and you could use that for any civil action you wanted to take against the liquor store. The evidence showed Officer J.S. contacted an employee inside the liquor store who said you had been causing a disturbance for a few hours prior to APD arrival and said you walked into the store and yelled racial slurs at her. She said you laid on the floor and wouldn't leave and were harassing other customers and disturbing the business. She asked Officer J.S. to issue a trespass notice against you so you couldn't return to the store.

You alleged Officer J.S. wasn't professional with you when he first arrived and only did his job when Sgt. C. arrived. Lapel video showed that Officer J.S. was professional during this interaction and provided you with the same information related to trespassing that Sgt. C. did when he arrived. Ultimately, Officer J.S. issued you the no trespass notification you requested and wrote an incident report for you to utilize should you want to take the liquor store to court.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP, the Complaint, the CADs, written reports and lapel videos.

A) The CPOA reviewed APD SOP 3-13-3(B)(3)(a)

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 S.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

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

You have the right to appeal this decision.

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

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

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- 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.

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
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Chantal M. Galloway Doug Mitchell

Edward Harness, Executive Director

Tara Armijo-Prewitt

Eric Nixon

December 11, 2020

Via Certified Mail

7018 1130 0002 3429 1354

Re: CPC #217-20

Dear Mr. M

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 16, 2020, regarding an incident that occurred on September 29, 2020. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

On 10/16/2020, CPOA received a complaint from Mr. E: M who stated his wife had an Abscess on her elbow and while she was being arrested the cop was rough with her. Mr. M reported that he asked the cops to put two pairs of handcuffs on his wife but the cop stated he only had to put one pair of handcuffs.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report and lapel videos. Several attempts were made to contact Mr. M however the phone numbers provided were either not in service or the wrong number.

The Officers were not interviewed as the Lapel videos captured the entire incident and there were no observable violations of SOP's.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-82-4A1a.iii which states:

Detained individuals will be handcuffed behind their back. Exceptions to handcuffing behind the back include: i. The elderly, invalids, ill, injured, or other individuals with physical disabilities, which make the use of handcuffs impractical. iii. In determining when exceptions apply, officers must very carefully evaluate the circumstances. The nature of an individual's illness, injury, or physical disability, or circumstances, must out-weigh the threat the individual poses to themselves or the officer.

Mr. M reported his wife had an abscess on her elbow and while she was being arrested the cop was rough with her. Mr. M reported that he asked the cops to put two pairs of handcuffs on his wife but the cop stated he only had to put one pair of handcuffs.

The lapel video showed Officer C began to put Ms. S into handcuffs (behind her back) when she stated that he was hurting her. Both officers inform Ms. S that no one was hurting her and that both officers were recording the incident. Mr. M advised the officers that Ms. S had an abscess on her elbow, Officer C stated that he had not touched Ms. S elbow (Video confirmed Ms. S elbow was not touched while she was being handcuffed.)

Per the video, at no time during the incident did Mr. M ask officers to use 2 pairs of handcuffs. Officer H did not place Ms. S into handcuffs and the only physical interaction Officer H had with Ms. S was assisting her in and out of the police cruiser and taking her to the PTC. At no time during the incident did it appear the officer H was being rough with Ms. S.

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

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

A) The CPOA reviewed Standard Operating Procedural Order 2-82-4A1a.iii which states:

Detained individuals will be handcuffed behind their back. Exceptions to handcuffing behind the back include: i. The elderly, invalids, ill, injured, or other

individuals with physical disabilities, which make the use of handcuffs impractical.
iii. In determining when exceptions apply, officers must very carefully evaluate the circumstances. The nature of an individual's illness, injury, or physical disability, or circumstances, must out-weigh the threat the individual poses to themselves or the officer.

Mr. M reported his wife had an abscess on her elbow and while she was being arrested the cop was rough with her. Mr. M reported that he asked the cops to put two pairs of handcuffs on his wife but the cop stated he only had to put one pair of handcuffs.

The lapel video showed Officer C began to put Ms. S into handcuffs (behind her back) when she stated that he was hurting her. Both officers inform Ms. S that no one was hurting her and that both officers were recording the incident. Mr. M advised the officers that Ms. S had an abscess on her elbow, Officer C stated that he had not touched Ms. S elbow (Video confirmed Ms. S elbow was not touched while she was being handcuffed.)

Per the lapel video, at no time during the incident did Mr. M ask officers to use 2 pairs of handcuffs or did it appear Officer C was being rough with Ms. S.

The CPOA finds Officer C'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.

Letter to Mr. M
December 11, 2020
Page 4

Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'Ed Harness', with a stylized flourish at the end.

Ed Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Tara Armijo-Prewitt Chantal M. Galloway

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

December 11, 2020

Anonymous
To File

Re: CPC #224-20

Dear Anonymous:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 21, 2020, regarding an incident that occurred on October 14, 2020. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT AND INVESTIGATION

CPOA received a complaint submitted by an anonymous reporter. It was reported that an individual had recently criminally trespassed on the reporter's property. The reporter stated about 20 minutes later that same individual was sitting in the intersection on San Pedro and Taylor mad dogging the traffic passing by. The reporter called the cops about this and when the officers arrived, they spoke with the individual and sent him on his way. The reporter stated the issue with this was because it was a free be, the guy had just received a criminal trespass and the officers should've done something. The reporter stated the dude was exhibited suicidal behavior and the officers just let him walk along.

PO Box 1293

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NM 87103

www.cabq.gov

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report and Officer lapel videos. The Citizen/Complainant was not interviewed as there was not any contact information provided. Officers were not interviewed as the Lapel Video captured the reported incident and there were no observable violations of SOP's

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

A) The CPOA reviewed Standard Operating General Order SOP 3-13-3B3a regarding Officer L's conduct, which states:

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

A review of the Lapel Video, indicated that Officer L and Officer F spoke with this individual (later identified as B P) at length, ran his name and did issue him a criminal trespass notice. The officers then told Mr. P to leave the property in which he complied.

Approximately 27 minutes later, Officer L arrived on scene to Mr. P sitting on a cross walk. Officer L told Mr. P he could not be sitting in the street, Mr. P responded by stating he was trying to make a road block. Officer L informed him that he could not be doing that and cannot be sitting in the street. Officer L stated if he wanted to sit somewhere to at least sit on a sidewalk. Officer L asked Mr. P if he needed to go to a hospital, in which Mr. P declined. Officer L asked him if he felt like killing himself, Mr. P answer was unclear and unable to be heard through the Lapel Video. Officer L asked if he was diagnosed with anything, Mr. P did not answer the question and would start talking about other things. Officer L asked Mr. P on a couple of occasions if she could help him somehow or give him a ride somewhere in which Mr. P declined. Officer L advised Mr. P that they were not going to be doing this all night, if they get called out again she will be forced to take him to a hospital. Mr. P then walked away from the officers via sidewalk.

The CPOA finds Officer L'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.

Letter to Anonymous
December 11, 2020
Page 3

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

December 11, 2020

Anonymous

To File

Re: CPC #225-20

Dear Anonymous:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 26, 2020, regarding an incident that occurred on October 15, 2020. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT AND INVESTIGATION

CPOA received a complaint from an anonymous reporter. The report stated that on 10/15/2020, they witnessed Officer F and Sergeant S detain a citizen who was under a bridge and place him in handcuffs. The reporter stated Officer F clearly violated the alleged suspect's right to unreasonable search and seizure. The reporter stated the officers then transported the detained suspect who was not formally arrested in attempt to evade and not be recorded by the concerned citizens.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report and Officer lapel videos. The complainant/detainee were not interviewed as there was no contact information provided. Neither officer was

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interviewed as the lapel videos recorded the entire incident and there were no observable violations of SOP's

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

A) The CPOA reviewed Standard Operating General Order 2-71-3B1c, e, g which states:

A Terry Stop consists of a brief investigative detention, field interview, and, if warranted, a pat-down of a persons' outer garments if based on the officer's training and experience, the person detained poses an immediate danger to the safety of officers or others. Factors to consider when determining whether to perform a Terry Stop should include but not be limited to:

c. The suspect's presence in a location is inappropriate; e. The suspect's clothing bulges in a manner that suggest he/she is carrying a weapon; g. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity;

The complaint stated that on 10/15/2020, they (anonymous reporter) witnessed Officer F and Sergeant S detain a citizen who was under a bridge and place him in handcuffs. The reporter stated Officer F clearly violated the alleged suspect's right unreasonable search and seizure.

The complainant/detainee was not interviewed as there was no contact information provided. Neither officer was interviewed as the lapel videos recorded the entire incident and there were no observable violations of SOP's

Per Officer F's Incident report, on 10/15/2020, he was conducting patrol in the area of Washington ST NE and Cutler AVE NE when he observed a male, known to him through prior contacts as D Y trespassing in the North Diversion Channel at approximately . Officer F reported at the time of contact with D he saw that D left arm and hand were concealed within his shirt. Due to Officer F's inability to confirm that D did not have a weapon in his hand, D was told to remove his arm and hand from within the shirt. D refused to remove his arm or show his hand to Officer F and stated his arm was broken. Officer F lifted D shirt to confirm that he was not concealing a weapon and he immediately observed in D left hand a glass pipe as commonly used to smoke methamphetamine. Officer F seized the pipe and observed the pipe contained a brown crystal-like substance that he recognized as likely methamphetamine.

Per the Lapel Video, Officer F and Sergeant S observed the suspect under a bridge off Washington Street. When Officers went to speak with the suspect, he was washing his feet in the water. Officer F informed the suspect that he could not be down there.

The suspect had his left arm tucked into his shirt, officers asked suspect to remove his arm from his shirt to make sure he did not have any weapons. The suspect informed officers he was unable to remove his arm as it was broken. Officer F informed the suspect that he was going to slowly lift his shirt to make sure he did not have weapons. At this time Officer F observed a pipe (tool used for smoking) in the suspects left hand. The suspect later admitted to his arm not being broken. Officer F took the pipe back to his patrol vehicle to test the substance that was in the pipe. After the substance was tested Officer F put the test kit bag in front of his lapel video stating for the purpose of this investigation the brown crystalized substance located within the pipe, tested in the standard field test kit tested presumptive positive for methamphetamine. Officer F informed the detainee the Meth tested positive and the detainee was going to jail.

Per the lapel video, the suspect was unwilling to remove his arm from under his shirt. Officer F advised the suspect that he would be lifting his shirt to make sure the suspect did not have weapons and that was when Officer F found the glass pipe.

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

B) The CPOA reviewed Standard Operating General Order 2-33-4A1a, which states:

Persons not involved in an incident shall be allowed to remain in the immediate vicinity to witness stops, detentions, and arrests of suspects occurring in public areas, and shall be allowed to overhear and record the encounter between the suspect and the officer, except under the following circumstances: a. When the safety of the officers, victims, suspects, or others could be jeopardized;

The anonymous reporter stated the officers transported the detained suspect who was not formally arrested in attempt to evade and not be recorded by the concerned citizens.

Per Officer F's incident report, Officer F reported while at his police vehicle two unknown persons began to film him. Officer F informed the persons that they were welcome to film but that they needed to move from behind him for officer safety reasons. The males refused to move into his line of sight and also attempted to bait him into an altercation. Officer F reported at approximately 1338, Officer F detained David in handcuffs and transported him to approximately to complete his investigation due to the unsafe environment created by the unknown males.

Per the Lapel Video, while Officer F was at his vehicle, 2 male citizens started to film Officer F. Officer F informed them that it was ok to film him, but to not stand behind him. Officer F informed these citizens a few more times they were welcome to film him just not to stand behind him. Citizen asks Officer F what he is doing and asks if

Officer F was cooking meth. Officer F replied, stating cops don't cook meth. Officer F walks back down under the bridge where Sgt S and the suspect were waiting. Officer F informed the suspect that he is currently being detained and not under arrest, they were going to move locations as it was not safe for anyone down there when people don't listen and creep up behind Officer F. The male citizens asked the detainee if the officers were trying to plant stuff on him, the detainee responded to them stating "was smoking dope down here, got busted. These are good people." Officers walked the detainee over to the police vehicle and Officer F advised the detainee that this was unusual, but the reason they were moving was he did not want those guys behind him as it made him uncomfortable. Officer F got on his radio and requested to add to the CAD, due to 1st amendment auditors refusing not to be behind him, he would be updating his location. Officer F and the detainee drove approximately a minute up the road to a new location to complete their investigation. Approximately 6 minutes later, the citizens (who were recording the officers) arrived to the officer's new location and began filming the incident. The citizens then asked for Officer F's name which he provided along with his badge number. The citizens asked Officer F why he moved, then approached Officer F in which Officer F stated to stop walking behind him. Officer F stated like I told you before, you are welcome to film but here's the thing I don't know you. Officer F stated the reason they moved was for his safety and the suspects safety.

Per the Lapel Video there was evidence Officer F advised the citizens on several occasions whom were recording him that he was ok being recorded but for them not to walk up behind him.

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

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

A) The CPOA reviewed Standard Operating General Order 2-71-3B1c, e, g which states:

A Terry Stop consists of a brief investigative detention, field interview, and, if warranted, a pat-down of a persons' outer garments if based on the officer's training and experience, the person detained poses an immediate danger to the safety of officers or others. Factors to consider when determining whether to perform a Terry Stop should include but not be limited to:

c. The suspect's presence in a location is inappropriate; e. The suspect's clothing bulges in a manner that suggest he/she is carrying a weapon; g. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity;

Letter to Anonymous

December 11, 2020

Page 5

The report stated that on 10/15/2020, they (anonymous reporter) witnessed Officer F and Sergeant S detain a citizen who was under a bridge and place him in handcuffs. The reporter stated Officer F clearly violated the alleged suspect's right unreasonable search and seizure.

The complainant/detainee were not interviewed as there was no contact information provided. Neither officer was interviewed as the lapel videos recorded the entire incident and there were no observable violations of SOP's

Per the Lapel Video, Officer F and Sergeant S observed the suspect under a bridge off Washington Street. When Officers went to speak with the suspect, he was washing his feet in the water. Officer F informed the suspect that he could not be down there. The suspect had his left arm tucked into his shirt, officers asked suspect to remove his arm from his shirt to make sure he did not have any weapons. The suspect informed officers he was unable to remove his arm as it was broken. Officer F informed the suspect that he was going to slowly lift his shirt to make sure he did not have weapons. At this time Officer F observed a pipe (tool used for smoking) in the suspects left hand. The suspect later admitted to his arm not being broken. Sergeant S then proceeded to pat the suspect down. Officer F took the pipe back to his patrol vehicle to test the substance that was in the pipe. After the substance was tested Officer F put the test kit bag in front of his lapel video stating for the purpose of this investigation the brown crystalized substance located within the pipe, tested in the standard field test kit tested presumptive positive for methamphetamine. Officer F informed the detainee the Meth tested positive and the detainee was going to jail.

Per the lapel video, the suspect was unwilling to remove his arm from under his shirt. Sergeant S did not pat the suspect down until after Officer F found the glass pipe.

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

B) The CPOA reviewed Standard Operating General Order 2-33-4A1a which states:

Persons not involved in an incident shall be allowed to remain in the immediate vicinity to witness stops, detentions, and arrests of suspects occurring in public areas, and shall be allowed to overhear and record the encounter between the suspect and the officer, except under the following circumstances: a. When the safety of the officers, victims, suspects, or others could be jeopardized;

The anonymous reporter stated the officers transported the detained suspect who was not formally arrested in attempt to evade and not be recorded by the concerned citizens.

Per the Lapel Video there was evidence Officer F advised the citizens on several occasions whom were recording him that he was ok being recorded but for them not

Letter to Anonymous

December 11, 2020

Page 6

to walk up behind him. Sergeant S was not the officer who transported the detainee away from the citizens whom were recording the incident.

The CPOA finds Sergeant S'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.

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Eric Nixon

Doug Mitchell

Edward Harness, Executive Director

December 11, 2020
Via Certified Mail
7018 1130 0002 3429 1378

Re: CPC #256-20

Dear Mr. H

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 16, 2020, regarding an incident that occurred on October 14, 2020. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT AND INVESTIGATION

Mr. H wrote that the officer's camera should show very threatening mannerisms. He has endured a situation for seven days straight. Mr. H suspected Officer C was married or related to one of the assailants.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatch (CAD), the police report, and the lapel videos from all the officers present. Mr. H and the officers were not interviewed as the video showed the full interaction and there was no violation of SOP.

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

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

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

Mr. H alleged Officer C was threatening to him when he reported hearing voices coming from the crawlspace in his ceiling or the vents. Mr. H believed that Officer C must be related in some way to the individuals.

The video showed two officers arrived at Mr. H residence and asked him questions regarding the voices he was hearing. Mr. H reported that he heard voices threatening him and calling him insulting names from unknown individuals. He suspected the voices were coming from either the crawlspace or the vents. He did not know who the individuals were although he heard the name M . He did not know a M that lived near him, but thought it was possibly someone in the apartment complex. Mr. H played a recording he made of the voices. The lapel videos showed both officers stated that the recording was Mr. H ' voice and they did not hear two different voices. The lapel video showed Officer C informed Mr. H she would be writing a report, which she did. Officer C made no threats and there were no threatening gestures. Mr. H did not know the identity of the individuals or how they were getting access to his vents or crawlspace.

The CPOA finds Officer C'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.

Letter to Mr. H.
December 11, 2020
Page 3

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

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Doug Mitchell

Edward Harness, Executive Director

December 11, 2020

Via Email

Re: CPC #179-20

Dear Mr. D C:

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

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

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

I. THE COMPLAINT AND INVESTIGATION

On June 27, 2020, D C filed a complaint with CPOA claiming he had a cop's daughter as a neighbor (A L) and she was using her Father to act "badly." During the incident, C tried to stop her from attacking him.

C stated she assaulted him and knocked his front tooth out. A

L stated her Dad was a cop, and he and his friends were coming down there, to beat him up.

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, Officer lapel videos, and Officer interviews, and citizen interview. Attempts were made to interview L and G. but they were unreachable. Mr. C

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girlfriend, who he later spoke to about the incident, did not return my call back request.

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

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

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

Mr. C claimed he had a cop's daughter as a neighbor and she was using her Father to act "badly." During the incident, stated she assaulted him and knocked his front tooth out. L stated her Dad was a cop, and he and his friends were coming down there, to beat the shit out of him.

Officer B stated she believed she asked C if he wanted to press charges she stated she didn't remember but believed she may have asked him. She stated she was not biased against him due to L's Father being prior Law Enforcement.

A review of Officer B's lapel video showed, she did not bring up the question of pressing charges to Mr. C. Officer B did bring up pressing charges with Lucero.

There were a few extra minutes seen at the end of her video, they appeared to be joking around. Officer B told L to "show up to Court. It would be good to send a message to him." There was also periodic laughter heard during this part of the conversation.

Officer B appeared to engage in preferential treatment based on L's sex (female). This is due to Officer B's admission during her interview and a few minutes of banter at the end of her lapel video.

Officer B did not appear to consider C's injuries during the incident. Even though the complainant had said they were from L and possibly G assaulting him.

The CPOA finds Officer B's conduct to be **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT**, where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

B. The CPOA reviewed Standard Operating General Order 1-1-G.1 regarding Officer B's conduct, which states:

Personnel will not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any law or Department or City policy.

Mr. C claimed he had a cop's daughter as a neighbor and she was using her Father to act "badly." During the incident, stated she assaulted him and knocked his front tooth out. L stated her Dad was a cop, and he and his friends were coming down there, to beat the shit out of him.

Mr. C claimed he had a cop's daughter as a neighbor and she was using her Father to act "badly." During the incident, stated she assaulted him and knocked his front tooth out. L stated her Dad was a cop, and he and his friends were coming down there, to beat the shit out of him.

Officer B stated she believed she asked C if he wanted to press charges she stated she didn't remember but believed she may have asked him. She stated she was not biased against him due to L Father being prior Law Enforcement.

A review of Officer B's lapel video showed, she did not bring up the question of pressing charges to Mr. C Officer B did bring up pressing charges with Lucero.

There were a few extra minutes seen at the end of her video, they appeared to be joking around. Officer B told L to "show up to Court. It would be good to send a message to him." There was also periodic laughter heard during this part of the conversation.

Officer B appeared to engage in preferential treatment based on L sex (female). This is due to Officer B's admission during her interview and a few minutes of banter at the end of her lapel video. There is no evidence to support preferential treatment due to L Father, being prior Law Enforcement. Officer B did not appear to consider C injuries during the incident. Even though the complainant had said they were from L, and possibly G assaulting him.

The CPOA finds Officer B'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



Ed Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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Eric Nixon

Edward Harness, Executive Director

Douglas Mitchell

December 10, 2020

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

RE: APD Case # 19-0029519, IAFD Case # C2019-000023

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attending the Force Review Board Briefing December 5, 2019

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My review of the evidence shows on March 30, 2019 the victim (Mr. E) was observed operating a silver truck matching the description of a truck used in an armed kidnapping the previous day. APD officers utilized a spike belt and Star Chase to stop the truck and conduct a traffic stop. Mr. E refused to exit the vehicle. A tactical activation was authorized.

An eCIT officer contacts Mr. E via telephone. During this phone conversation Mr. E states, he has a handgun on his lap. After approximately 50 minutes on the phone with the officer Mr. E exits the vehicle, but refuses to move away from the vehicle. He is standing directly next to the vehicle with the driver's side door open. He is commanded not to reach back into the vehicle. When officers observed him move back into the vehicle, the K9 was deployed,

grabbing Mr E. on his left ankle and dragging him away from the vehicle. He was placed under arrest.

Finding: The CPOA finds Sergeant 2's conduct "**Exonerated,**" regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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Douglas Mitchell

Eric Nixon

Edward Harness, Executive Director

December 10, 2020

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

RE: APD Case # 19-0063551, IAFD Case # C2019-000058

Dear Interim Chief Medina:

My review of this case included:

- 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
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing January 9, 2020

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My review of the evidence shows on June 29, 2019 APD officers were dispatched to a possible down and out call, for a vehicle parked at . The victim (Mr. V) was observed, by APD officers, asleep in the driver's seat of the aforementioned vehicle. Adjacent to Mr. V. in plain view was drug paraphernalia.

Mr. V. was removed from the vehicle, placed under arrest and handcuffed. During the custodial search Mr. V failed to cooperate with Officer 1 during this search. Mr. V physically interfered with Officer 1's ability to search his pockets. Officer 1 used a leg sweep to take Mr. V. to the ground to gain control and complete the search.

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*

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Edward Harness, Executive Director

Douglas Mitchell

December 10, 2020

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

RE: APD Case # 19-0068688, IAFD Case # C2019-000066

Dear Interim Chief Medina:

My review of this case included:

- 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
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing January 9, 2020

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows Mr. J was arrested after having been involved in an altercation that caused him injuries. Mr. J was transported to the hospital for treatment. While at the hospital Mr. J. became combative as officers attempted to handcuff him to a chair. Officers used force to restrain Mr. J and handcuff him to a chair while he awaited treatment.

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

Finding: The CPOA finds Officer 2's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

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

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
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