CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Chantal M. Galloway, Chair *Dr. William J. Kass* *Tara Armijo-Prewitt*
Doug Mitchell *Eric Nixon* *Eric Olivas*
Cathryn Starr *Leonard Waites*
Edward Harness, Executive Director

BOARD AGENDA

Thursday, April 9, 2020 – 5:00 PM

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, April 9 at 5:00pn 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/copy3_of_cpoa-board-meeting. (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, April 6, 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, April 9, 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** – ***Chantal Galloway, 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 February 13, 2020**

VI. Reports from City Staff

a. City Council
b. Mayor's Office
c. City Attorney
d. CPC
e. APOA
f. APD
g. CPOA – *Edward Harness, Executive Director*

VII. Reports from Subcommittees

a. Community Outreach Subcommittee – *Chantal Galloway*
   1. Met February 25, 2020 at 4:30pm
   2. No meeting was held in March
   3. Next meeting TBD
b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
   1. Video Conference April 7, 2020 at 4:00pm
   2. Next meeting TBD
c. Case Review Subcommittee – *Chantal Galloway*
   1. Met February 27, 2020 at 4:30pm
   2. No meeting was held in March
   3. Next meeting TBD
d. Personnel Subcommittee – *Eric Olivas*
   1. Met February 27, 2020 at 9:00am
   2. No meeting was held in March
   3. Next meeting TBD

VIII. Discussion and Possible Action

a. Board's Use of Legal Counsel
b. Legal Contract
c. Election of New CPOA Board Chair and Vice-Chair
d. Election of New Subcommittee Chairs
e. Designate Board Representative for PPRB and OPA
f. Update of Policy and Procedures: Deadlines for Agenda Submissions/Attachments and Draft Agenda from Chair
g. 2020 OMA Resolution
h. City's Motion for Suspension of CASA Paragraphs
i. Case Review Process Moving Forward

IX. Consent Agenda Cases:

a. Administratively Closed Cases

026-20	037-20	044-20	046-20	048-20
049-20	052-20	054-20	057-20	103-19
183-19	212-19	227-19		

b. Unfounded

027-20	034-20	035-20	056-20	058-20
059-20	060-20	236-19		

X. Non-Consent Agenda:

a. Administratively Closed Cases

033-20	036-20	065-20	067-20	074-20
075-20	077-20	092-20		

b. Unfounded

055-20	068-20	070-20	073-20	084-20
222-19				

c. Exonerated

063-20	170-19	220-19

XI. Review of Appeals:

001-20	013-20

XII. Other Business

XIII. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on May 21, 2020 at 5:00 p.m.***

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9211

Re: CPC #026-20

Dear Mr. T

Our office received the complaint you filed on September 5, 2019, against the Albuquerque Police Department (APD) Hit and Run Unit (HRU) for a hit and run accident involving your son, I which occurred on August 20, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. T complaint is against the APD HRU system. He complained that an unknown APD officer told him that since a hit and run is a misdemeanor crime that APD HRU will not investigate them, nor will they investigate car thefts. He complained this doesn't provide his son, I , with any justice in the case of his hit and run accident that occurred on August 20, 2019. His son reported his version of the accident to APD and the other involved party reported their version of the accident to APD and Mr. T is angry because the other person lied and filed a bogus report blaming I for the accident, and then was told it's a civil matter. He is angry and has contacted an attorney and will go to the media if the CPOA can't do something about it. He didn't want the CPOA to contact him unless we would do something different than the HRU.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and two accident reports. The evidence showed that your son, I , filed report AP#190076551, and the other driver filed report AP#190076556. Both drivers self-reported the accident to APD, providing their own version

of events. The evidence showed that you also filed a supplemental report over the phone, on I behalf, and provided the other driver's information to an APD employee, who completed a report and forwarded it to the HRU for further investigation. The report showed the HRU told you to file a civil case.

III. CONCLUSION

Based on the aforementioned information, and the fact that your remedy is to file a civil action against the other driver, the CPOA is **ADMINISTRATIVELY CLOSING** your complaint because there were no APD SOPs violated by the APD HRU.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9228

Re: CPC #037-20

Dear Mr. R :

Our office received the complaint you filed on September 24, 2019 against Albuquerque Police Department (APD) Officer S., related to an incident that took place on September 24, 2019 near the intersection of Girard and Indian School. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. R said he was working on a home in the Netherwood Park neighborhood on September 24, 2019 and finished for the day at approximately 4:30 PM. He said APD cordoned off the entire neighborhood for an unknown reason and when he tried to leave the area there was a checkpoint set up. He was stopped by an officer at the check point and questioned about where he had been and why he was in the neighborhood. The officer asked if there was anyone else in his car, to which Mr. R replied no. He complained that the officer asked him to roll down all his windows so he could see inside the car and verify no one was inside. He told the officer he wouldn't comply as he values his right to privacy. The officer called over Officer S. and Officer S. asked Mr. R the same questions and while doing so opened the rear driver side door of Mr. R vehicle, stuck his head in and looked around. Mr. R complained that Officer S. did this without notification or permission, and violated Mr. P right to privacy. He wants punitive action taken against Officer S.

II. THE INVESTIGATION

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

information and you told the Investigator that your original complaint contained all the information you had available, and had nothing to add.

III. CONCLUSION

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

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9235

Re: CPC #044-20

Dear Ms. A

Our office received the complaint you filed on October 2, 2019, against an unknown officer, regarding an incident which occurred on September 30, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and learned that the officer who pulled you over, is not an Albuquerque Police Department (APD) Officer or Employee, and is a Bernalillo County Sheriff's Officer deputy; therefore, we have no jurisdiction in this matter, and are administratively closing your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,
The Civilian Police Oversight Agency by

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

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9372

Re: CPC #046-20

Dear Mr. M :

Our office received the complaint you filed on October 4, 2019 against Albuquerque Police Department (APD) Officer C. for an incident that took place on September 30, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

I. THE COMPLAINT

Mr. M said he was driving home from work when he was passed by APD vehicle P77. He said when he caught up to the vehicle their rate of speed was about 100 mph. He said he was filming this on his phone on the dash of his car. He said he followed behind the officer and as they got closer to Albuquerque, the officer noticed he was being filmed, so he started slowing down. Mr. M continued to follow behind the officer because if he would have passed the officer he would have been speeding. The officer switched lanes and Mr. M continued following behind and switched lanes behind the officer. He complained that the officer then slammed on his brakes and came to a complete stop on the freeway, putting Mr. M and other drivers at risk. He had to swerve around the officer to avoid a collision and when he did the officer put on his lights and pulled him over. Mr. M complained he hadn't broken any laws, yet he was still pulled over. The officer told him that it isn't safe for Mr. M to be following him. Mr. M said it's not against the law to film or watch officers and he just happened to be going the same way as the officer. He complained that he called 311 and felt that the woman who took his info couldn't fully understand him and couldn't report or record what needed to be recorded. He complained he still hasn't received a call back from 311.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer C.'s written report, and APD SOPS. It should be noted that Officer C. had lapel video of the incident; however, due to the 120-day automatic deletion policy, the lapel video was not available to the Investigator. Your complaint showed that you admitted to driving about 100 mph while catching up to Officer C. in your vehicle and following behind him, which is breaking the law and is contradictory to your statement that you did not break the law. Officer C. wrote an incident report summarizing the incident from his perspective and, in it, explained that he became concerned with you following behind him when he saw a small light on your dashboard. He thought the light may have been a signal to him that you were having an emergency so after changing lanes and getting into the right lane, he applied his brakes so you passed him and that's when he activated his emergency lights and siren. He approached you and asked if everything was okay due to you following him. You told him you were recording him and that his driving was inadequate. He asked if you wanted to make a police report and you told him you wanted to file a formal complaint another way. He then provided you with a complaint form, his name and badge number so you could file a formal complaint. He then told you not to follow any police officers in the future because due to their line of work this behavior could be perceived as someone trying to ambush and kill police officers.

III. CONCLUSION

Based on the aforementioned information and the fact that the allegations regarding the officer's driving cannot be minimally substantiated, this complaint will be **ADMINISTRATIVELY CLOSED**.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
To file

Re: CPC #048-20

Dear

Our office received the complaint you filed September 16, 2019 against Albuquerque Police Department (APD) Officer G.. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

sent a typed letter to the CPOA Executive Director, which states: How does a police officer of the APD who has been fired twice for excessive force get reinstated and then get certified to train young men and women in the police academy. Officer G. has been fired twice and violated police policy by displaying decals on his police vehicle that are anti-community of color. He disregarded instructions to remove the decals and now is rewarded to train young men and women. This, if true, is unacceptable and a travesty and a slap to community and constitutional policing.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and the CPOA director reviewed Officer G.'s Internal Affairs (IA) file and there is no evidence that Officer G. has been fired twice from APD, as alleged in your complaint. Additionally, a previous complaint regarding decals on Officer G.'s patrol vehicle has been investigated and addressed by his supervisor.

III. CONCLUSION

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the Complaint and Officer G.'s IA file, and found the allegations could not be supported by Officer G.'s IA file. After a review of the evidence the CPOA was unable to find any violation of any APD SOPs; therefore, your complaint will be **ADMINISTRATIVELY CLOSED**.

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9242

Re: CPC #049-20

Dear Mr. L

Our office received the complaint you filed on October 11, 2019 against Albuquerque Police Department (APD) Officer H., regarding a traffic stop that took place on September 14, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. L aid that on September 14, 2019 at approximately 11:45 PM, he was pulled over by Officer H. at Lomas and 5th St. He complained Officer H. approached his vehicle in an aggressive manner and demanded he roll down his rear window, while resting his hand near what appeared to be his firearm. Officer H. asked where he was going so quickly and why he ran a red light, to which Mr. L responded he was going the speed limit and didn't run any red lights. He complained Officer H. chuckled when he said, "Okay buddy." Officer H. asked for his credentials, which he provided, and then Officer H. cited him for running a red light at the intersection of 6th and Fruit. Mr. L complained there isn't even a light at that intersection and he doesn't appreciate Officer H.'s unprofessionalism and the inconvenience this has caused him.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADs report and the public records information available on www.nmcourts.gov regarding your citation(s). Due to the 120-day automatic deletion of lapel videos, there was no lapel camera footage to review. The evidence available showed that on September 14, 2019 at 11:50 PM, Officer H. stopped you and issued you two citations. It also showed that on October 11, 2019 there was a Traffic Arraignment Hearing regarding a citation you received for Traffic-Control Signal Legend/Failure to Obey

Signal. The Disposition of this hearing that took place on October 11, 2019 was "Dismissed by Prosecutor – Prosecutor Gave Warning"; therefore, your citation(s) was dismissed.

The evidence showed that Officer H. issued you a citation for something he personally witnessed and whether, or not, you agree with the officer, the only recourse you have to dispute the citations is to take it to the court to adjudicate, which appears to have been done on October 11, 2019.

III. CONCLUSION

Based on the aforementioned information, which showed Officer H. did not violate any APD SOPs, this complaint will be **ADMINISTRATIVELY CLOSED.**

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Email

Re: CPC #052-20

Dear Mr. N

Our office received the complaint you filed on November 18, 2019, against Bernalillo County Sheriff's Officer (BCSO) Deputy C . regarding an incident which occurred on November 13, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and learned that this accident was handled by a BCSO Deputy and not an Albuquerque Police Department (APD) Officer or Employee; therefore, we have no jurisdiction in this matter, and are administratively closing your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,
The Civilian Police Oversight Agency by

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

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9259

Re: CPC #054-20

Dear Mr. A

Our office received the complaint you filed on December 6, 2019 against Albuquerque Police Department (APD) Chief G., Chief of Staff A., APD IT personnel and APD Records personnel for having outdated computer systems with which to perform their duties. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. A said he watched a news conference on December 2, 2019 during which time Mayor Tim Keller stated: "We actually have a system now, behind the scenes at APD, that is probably worse than a paper-based system. There is nothing 'real time' about APD's Real Time Crime Center (RTCC). Our technology is ten years behind. We know from our sister city's partnership in Chihuahua that even Chihuahua has something that is a decade ahead of us." Later that same evening, during a regularly scheduled City Council meeting, APD Chief of Staff A. stated: "We've got an antiquated data management system that is just not efficient. We realize the fact that our data system is inadequate and we are well aware of that...we cannot be successful overall until we...we fix that."

He complained that APD SOP 2-16 clearly states "department policy is to provide an efficient and reliable reporting system and to report and record significant incidents that come to the Department's attention." and the aforementioned individuals and units are violating this SOP.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and APD SOP 2-16. Mr. A is quoting the policy purpose statement and not actual policy. It is not a violation of APD SOPs to have antiquated systems; rather this is a topic a citizen can take up with City Council and the

Mayor during City budgeting sessions and request more funding for APD's computer systems and equipment.

III. CONCLUSION

The CPOA finds no violations of APD SOP 2-16; therefore this complaint will be **ADMINISTRATIVELY CLOSED**.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9266

Re: CPC #057-20

Dear Mr. B

Our office received the complaint you filed on November 1, 2019, against an unidentified Albuquerque Police Department (APD) officer regarding an incident which occurred on November 1, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

Mr. B complained that he was traveling northbound on I-25 between San Filipe Pueblo and Cerrillos Rd. exit in Santa, Fe, when a marked APD sedan, labeled with P61 and NM plate G86185, being driven by a young female officer, was traveling in the left lane unnecessarily i.e. she wasn't passing any other vehicles. He complained she stayed in the left lane the whole way from San Filipe Pueblo until just before the Cerrillos Rd. exit in Santa Fe and she could have moved into the right lane. He complained there was a long line of about 12 vehicles or more backed up behind her, causing a dangerous back up in the left lane. He said police officers should know the rules of the road and demonstrate safe driving for the public without casing a hazard. He complained that from behind the vehicle there was no way of knowing it

was a police vehicle or if this was supposed to be some sort of traffic control behavior. He wants the officer trained in safe driving techniques and an explanation from the police department on why this was happening.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and was able to identify the driver of the vehicle in question as Officer R. The Investigator forwarded the complaint to Officer R.'s supervisor, Sergeant (Sgt.) S., because our office does not handle driving complaints. Sgt. S. told the Investigator that numerous attempts were made to contact you but each time the phone rang once and your cellphone service provider advised that you were unavailable. Sgt. S. spoke with Officer R. as required and the situation was handled.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because it was handled by Officer R.'s supervisor and no further action is needed.

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9273

Re: CPC #103-19

Dear Mr. R

Our office assigned the complaint you filed on May 6, 2019, against Albuquerque Police Department (APD) officers for an incident, which occurred on April 12, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

I. THE COMPLAINT

Mr. R submitted a written complaint regarding how the case was being handled over the sexual assault of his minor daughter by her step-father that occurred in April 2018, but was recently disclosed.

II. THE INVESTIGATION

The CPOA Investigator reviewed the complaint, the CADs reports, the original and supplemental investigation reports, and various lapel camera video recordings. The CPOA Investigator talked to Mr. R a couple of times and the investigating detective.

The rape was disclosed originally on April 12, 2019 to APD. This started the investigation by APD and CYFD into the allegations. The CACU detective was alerted and started the investigation. The investigation progressed steadily until May 31, 2019 when the case was submitted for review and possible prosecution.

Mr. R talked to a sergeant early on in the investigative process and filed the complaint although there were no specific complaints listed on the complaint form. Mr. R desired outcome was for the offender to be arrested and prosecuted. The CPOA Investigator contacted Mr. R irt to determine the nature of his complaints and to determine what policy concerns might be. Mr. R admitted when he filed the complaint he did not know much about the

progress of the case. Mr. R was just frustrated that the offender was still free and not arrested. Since the filing of the complaint, Mr. R has had conversations with the assigned District Attorney and understood the case was in process. Mr. R stated he did not have a complaint against specific APD personnel from the events that started April 12, 2019.

Mr. R said his only complaint involved APD personnel from before, he believed the date to be June 25, 2018. Mr. R said that officer was very rude and disrespectful. Mr. R believed the offender's military background affected how the officer responded. He had a business card from an officer and suspected it was that officer that was rude, but he was not sure.

The CPOA Investigator located the call for services from June 25, 2018 and reviewed the lapel videos. The contact was very cordial and the officers very understanding to Mr. R situation. The CPOA Investigator contacted Mr. R again to determine if he had provided the correct date. The call was described to Mr. R who agreed that was not the incident he was thinking of and explained he has had a lot of police encounters due to his ex-wife and her treatment of the children. Mr. R did not know which date was the problematic date. Mr. R was given the CPOA website information if he thought of the correct date and wished to file a complaint. Mr. R was also advised if something in the future regarding the current situation were to arise that he could file the complaint.

III. CONCLUSION

Based on the aforementioned information, the CPOA has decided to **Administratively Close** the complaint since Mr. R did not have a complaint about specific APD personnel from the events starting in April of 2019. He was more frustrated with the process and did not understand the progress at the time. The additional date that Mr. R identified was the incorrect date and there was not enough information to identify which date and officer were problematic in regards to conduct.

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.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9280

Re: CPC #183-19

Dear Ms. W
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on July 23, 2019, regarding an incident that occurred on or about May 26, 2019.

I. THE COMPLAINT

PO Box 1 W submitted a written complaint regarding her allegation that an Operator she identified by a specific number told her they do not dispatch officers to look into her neighbors' activities.

Albuquerque

II. INVESTIGATION

The CPOA Investigator reviewed the CAD, and the recorded calls Ms. W made to police. Ms. W called police six times on the date she identified. None of the calls were taken by the Operator number she provided. Some of the calls she asked questions that had nothing to do with police activity. A couple of her other calls she made some statements about her neighbors, but said multiple times she did not want to speak to officers. Ms. W provided a description of one former neighbor that was allegedly evicted from the apartment complex as being in the area. The call priority was ranked as a 5 and resolved by a BOLO (be on the lookout) being issued for a person with the description Ms. W provided. Based on the review of the recorded calls into police, no Operator told Ms. W that officers would not be dispatched. Based on a review of the communications protocol for call ranking the call was ranked appropriately. Since Ms. W refused contact with officers the officers did not have more information to proceed with contacting individuals in specific apartments and instead put out an alert for a suspicion person should officers encounter the person described by Ms. W and have reasonable suspicion.

NM 87103

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Ms. W did not provide accurate descriptive information to identify the employee she had complaints about and her version of events were not supported by the available evidence.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9297

S Last Name Unknown
1236 7th St. NW
Albuquerque, NM 87102

Re: CPC #212-19

Dear S :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against an Operator of the Albuquerque Police Department (APD) on October 3, 2019, regarding an incident that occurred on or about August 25, 2019.

PO Box 1293

I. THE COMPLAINT

S submitted an online complaint regarding her allegation that an Operator did not take her call to police seriously and was very rude.

Albuquerque

II. INVESTIGATION

The complaint was forwarded to Communications Manager. The Communications Manager reviewed the call audio and the Computer Aided Dispatch (CAD). The Communications Manager saw the call was set up with the information provided. However, the Communications Manager felt from a customer service aspect as opposed to a policy aspect the call could have been handled better. She forwarded the audio to the Operator's immediate supervisor for review and discussion. The citizen did not respond to the Communication Manager's request to discuss the complaint with her.

NM 87103

www.cabq.gov

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved at the supervisory level concerning the customer service issues. There were no violations of SOP.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9303

Re: CPC #227-19

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 January 15, 2020, regarding an incident that occurred on or about October 27, 2019.

I. THE COMPLAINT

H submitted a written complaint regarding his allegation that an officer driving car # 216 pulled his girlfriend over, but instead of getting out of his vehicle, started to flirt with her. When she declined to exchange numbers with the officer, he apologized and drove away. She called police to report this incident.

II. INVESTIGATION

The CPOA Investigator requested information from fleet management regarding the car number. That car number does not exist for APD. Since the complaint was handwritten a possible alternate of Z16 was checked. The physical description provided does not match the officer assigned to Z16 and the officer was not on duty that day. The CPOA Investigator attempted to have CADs locate the girlfriend's call into police, but the call could not be located based on the information provided.

The CPOA Investigator tried to call Mr. H several times at the phone number he provided, but there was always a busy signal. The CPOA Investigator emailed Mr. H to request more information, but Mr. H never responded.

III. CONCLUSION

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

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

April 10, 2020
Via email

Re: CPC #027-20

Dear B :

Our office received the complaint you filed on September 07, 2019 against Albuquerque Police Department (APD) Officer V. for an incident that took place on September 7, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

B said that on September 7, 2019 at approximately 8:00 PM he was with his neighbor, Mr. G , when Officer V. responded to an aggravated assault/battery call at the apartment complex in which they both live. B complained he was disgusted with the behavior of Officer V. because he thought he was arrogant, dismissive and not empathetic towards him or the victim, Mr. G . He said this was his first exposure to a policeman and he was very unimpressed. He didn't bother to get Officer V.'s name at the time of the incident and was confident our agency could identify the officer.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, three CADs reports, Officer V.'s written report, and 8 lapel video recordings related to this incident. The lapel video showed Officer V. contacted you and Mr. G and questioned you both regarding an incident of domestic violence involving Mr. G , his ex-girlfriend and her husband. The lapel video showed that during this time, and after you left to go back home, Officer V. treated you and Mr. G , and Mr. G siblings who arrived later, with respect and professionalism and did not treat anyone with whom he came in contact in the manner you described and have alleged in your complaint.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER V.'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, and the lapel video.

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

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer V.'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 V.'s Internal Affairs record and personnel records.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9310

Re: CPC #034-20

Dear Mr. V

Our office received the complaint you filed on September 12, 2019 against Albuquerque Police Department (APD) Officer D. for an incident that took place on August 20, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. V said he called APD on August 20, 2019 for help because his soon-to-be-ex-wife had repeatedly physically attacked him. He said she attempted to destroy the DVR for his in-home security system so he disconnected the DVR to preserve the evidence and jumped over the balcony to escape. He complained that Officer D. responded but failed to document the incident properly and failed to file charges against his wife even though he told Mr. V that a subpoena would be issued for his wife.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer D.'s written report, 3 supplemental reports, 2 lapel video recordings related to this incident, APD SOPS and information regarding the court case located on the public website www.nmcourts.gov. The evidence showed that Officer D.'s written report summarized the domestic violence incident between you and your wife that occurred on August 20, 2019. The evidence showed Officer D. filed a criminal complaint against your wife and the case was ultimately dismissed by the prosecutor.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'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, written reports and the 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 D.'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 D.'s Internal Affairs record and personnel records.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9365

Re: CPC #035-20

Dear Mr. T·

Our office received the complaint you filed September 16, 2019 against Albuquerque Police Department (APD) Officer E. for an incident that took place on September 13, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. T complained that Officer E. pulled him over for speeding and he received a citation from Officer E. He complained that after giving him the ticket, Officer E. asked him to step out of his vehicle to perform a DWI test. He complained that when he asked to have a breathalyzer done instead of walking the line and balance test, Officer E. refused to do so until later. He complained that Officer E. was rude and didn't pay attention when he told Officer E. he had a disability. Mr. T thinks Officer E. has an issue to gay individuals that have HIV and he wants Officer E. investigated.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADs, and lapel video related to this incident. The lapel video showed Officer E. contacting you and issuing you a citation for speeding prior to asking you to get out of your car for a field sobriety test. Lapel video showed that when Officer E. asked about disabilities you told him you were diagnosed with PTSD and did not mention any other disabilities, such as being HIV positive, as you have alleged in your complaint. Lapel video showed that when asked to conduct the field sobriety test, you complied with the request and you did not ask for a breathalyzer, as alleged in your complaint. Lapel video showed that during the field sobriety test you complained about back issues so Officer E. told you to discontinue the field sobriety test. The aforementioned

questions and responses by Officer E. show that he paid attention to your needs, contrary to the allegations in your complaint. Lapel video also showed that Officer E. was professional and polite and not rude to you during this interaction, contrary to the allegations in your complaint.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER E.'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 and the lapel video.

A) The CPOA reviewed APD SOP 1-4-3(A)(3) Biased Based Policing/Profiling

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 E.'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 E.'s Internal Affairs record and personnel records.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via email

Re: CPC #056-20

Dear Mr. C

Our office received the two complaints you filed minutes apart on October 23, 2019, against Albuquerque Police Department (APD) Officer J. for a traffic stop that occurred that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. C complaints, which were identical and sent minutes apart from one another, said he was stopped on October 23, 2019 by Officer J. for speeding 8 miles over the speed limit, which Mr. C denies. He complained that Officer J. listed the incorrect address for the stop on the ticket. He told Officer J. he was taking his passenger, T H , to Lovelace Hospital and said it wasn't an emergency and no ambulance was needed. He complained that the nature of his interaction with Officer J. caused Ms. H distress. He complained Officer J.'s demeanor was hostile during the entire interaction. He said Ms. H is African American and complained Officer J. snapped at her and was very rude, showing racism. He said Ms. H has contacted the ACLU and NAACP in New Mexico because Officer J. is a bigoted, rude, dishonest officer. He said he and Ms. H are going to the media with this story. He wants the ticket dropped, and wants Officer J., the racist, to be terminated as an officer at APD and to never be able to work as an officer anywhere else.

II. THE INVESTIGATION

The CPOA Investigator reviewed your two complaints, the CADS report and Officer J.'s lapel camera recording. Lapel video showed that Officer J. stopped you for speeding and when you told him that you were taking Ms. H to the hospital he asked her if she needed an ambulance, and she told him she did not, and he said, "Okay." That was the extent of his interaction with Ms. H Lapel video showed Officer J. took your information back to his vehicle, issued you a citation and brought the citation and your information back to your vehicle. The interaction lasted approximately 6 minutes and 23 seconds and at no time was Officer J. hostile toward you or Ms. H Additionally, at no time was Officer J. rude to

you or Ms. H nor were his actions or words racist, dishonest or bigoted, as alleged you have alleged in your complaints. (NOTE: The Investigator reviewed the lapel camera recording during this investigation and took notes as part of the review to use for this investigation; however, the recording was automatically deleted after 120 days, and prior to being downloaded and saved.)

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

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

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

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

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9327

Re: **CPC 058-20**

Dear Ms. C.

On September 19, 2019, we received a complaint you filed for an incident that took place on August 11, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The Complaint

Ms. M C wrote in her complaint that she wanted a proper investigation conducted into the death of her son. She wrote in her complaint that when officers arrived on the call at the location of the incident, only one witness was questioned. There were signs in the apartment that a bedroom door was busted into and there were bloodstains on the wall of the bedroom. The complainant alleged that the maintenance man who was there when her son died gave a completely different version of events to the police than he did to a co-worker. The complainant alleged that videos were made of the deceased and posted on Facebook. The complainant did not include the videos with her complaint nor did she say who was responsible for making the alleged videos.

The Police Report

The Police Report in this case is numbered 19-0073470 and a copy of that report is in this case file for the reader's review. The report indicates that on August 11, 2019 at 11:39 AM, Officer F. was dispatched to the location in reference to a man who was dead on arrival. The notes on the call indicated that a male subject went into cardiac arrest and ems personnel were unable to revive him.

Upon the officer's arrival he contacted and interviewed a maintenance man who had arrived at the man's apartment to fix a leak. Once the man opened the door, the man fell down and repeatedly lost consciousness. The maintenance man asked the man in distress if he had taken

any narcotics and the man said that he did. The maintenance man asked the man if he wanted EMS and the man refused. The maintenance man then called his boss. During that time the man collapsed again and the maintenance man called EMS. EMS arrived and attempted to revive the man but the man died. The man was taken for an autopsy.

The Autopsy Report of Findings

The autopsy report of findings is numbered 2019-04908 and a copy of that report is in this case file for the reader's review.

The report listed the manner of death as an accident due to the toxic effects of multiple drugs. The autopsy report noted no external or internal injuries other than a broken rib that most likely resulted from attempts at cardiopulmonary resuscitation. The toxicology tests of the man's blood showed that the man had synthetic marijuana in his system, an antipsychotic drug sold as Seroquel, and an anti-nausea called Phenergan. The combination of these drugs combined with an abnormal heart rhythm caused a fatal heart attack in the man. There were no signs of foul play and the death was ruled accidental.

CONCLUSION

With respect to the actions of Officer F. we reviewed the following Standard Operating Procedures for compliance:

Albuquerque Police Department Procedural Order 2-60-4 A 5 reads in part:

Steps to be followed in conducting preliminary investigations that may include but are not limited to:

a) Observe all conditions, events, and remarks
b) Locate, identify, and interview witnesses, victims, and suspects
c) Protect the Crime Scene and Evidence…
d) Report the incident fully and accurately

The evidence in this case showed that the man died as a result of an accidental drug overdose and a bad heart. There was no foul play involved. The officer responded to the scene after the man had passed away. The only man there who witnessed the death was the maintenance man and that man was interviewed by the police officer. The police report accurately reflected what the officer observed at the time of the incident. The autopsy confirmed this death was accidental.

We recommend a finding of Unfounded, there the investigation determined by clear and convincing evidence that the alleged conduct did not occur.

These findings will become a part of the officer's internal affairs file.

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.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9334

Re: CPC 059-20

Dear Mr. C

On September 10, 2019, we received a complaint you filed for an incident that took place on September 09, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

The Complaint

Mr. S C wrote in his complaint that on September 9, 2019 at about 9:15 AM, his truck that was parked in the street was hit by a large truck. When he went outside he saw the driver of the large truck trying to flee the scene of the crash but because of the damage, the driver of the large truck was unable to leave the scene. Mr. C alleged that both he and his neighbor watched the truck driver and observed the truck driver exhibiting signs of being intoxicated. The truck driver allegedly urinated at the scene and then drank 3-4 bottles of water rapidly.

Two hours after calling the police a Police Service Aide (PSA) arrived and Mr. C shared his concerns with the PSA. The PSA called for a uniformed officer to assist in the investigation of the crash. Officer T. arrived and gave the driver of the truck some citations but let the truck driver go without arresting or charging the driver with DWI. The officer told Mr. C that he did not have probable cause to pursue a DWI investigation.

Mr. C felt the officer did not conduct a proper preliminary investigation and had he done so this case would have been a "slam dunk". Mr. C felt undermined and made to feel like a criminal.

The Investigation

As part of the investigation into the complaint, the CPOA Investigator reviewed the accident report as well as four lapel videos from Officer T.. The report is numbered 19-0083112.

The police report showed that the PSA arrived on scene about 10:35 AM. When concerns were brought to the PSA about the possibility of the truck driver being impaired, the PSA called for a uniformed police officer to assist in the investigation. Officer T. arrived on scene at approximately 11:00 AM, approximately an hour and forty five minutes after the crash.

The lapel videos showed Officer T. speaking with the truck driver. The officer asked if the driver had been drinking and the driver stated that he had not been. The officer asked the driver when was the last time he had consumed alcohol and the driver told him that he had a few beers the night before but had quit drinking around 10:00 PM. The lapel video showed the driver's responses to the questions were made without delay and the driver's speech was not slurred. When Officer T. walked away from the driver he contacted the complainant who demanded a DWI investigation. Officer T. explained that he did not have probable cause at that point in time to conduct a DWI Investigation as the man, at that time, was showing no signs of impairment. The officer said in a later video that he had checked the man's eyes as well and could not detect any impairment. The officer explained that almost two hours had passed since the crash occurred and the arrival of the police. It is possible that with that passing of time, the man even if initially impaired, may not have been so when the police arrived to conduct their investigation.

CONCLUSION

With respect to the actions of Officer T. we reviewed the following Standard Operating Procedures for compliance:

Albuquerque Police Department Procedural Order 2-60-4 A 5 reads in part:

Steps to be followed in conducting preliminary investigations that may include but are not limited to:

a) Observe all conditions, events, and remarks
b) Locate, identify, and interview witnesses, victims, and suspects
c) Protect the Crime Scene and Evidence…
d) Report the incident fully and accurately

The evidence in this case showed that the APD Officer arrived on the scene almost two hours after the accident occurred. The lapel video showed that the officer conducted a preliminary investigation into the allegation that the truck driver was driving while impaired and the officer could not find any probable cause to take his investigation any further. If the officer could have established probable cause the truck driver most likely would have been arrested. The fact that two hours passed from the time of the accident until the time of the evaluation is significant. It is possible that the truck driver was impaired when the accident occurred but with the passage of time, any evidence of that impairment most likely diminished or eliminated, leading the officer the conclusion that the man was showing no signs of

impairment. Without probable cause to investigate further, the officer was left to only taking enforcement action by issuing citations.

We recommend a finding of Unfounded, where the investigation determined by clear and convincing evidence that the alleged conduct did not occur.

These findings will become a part of the officer's internal affairs file.

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.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9341

Re: CPC 060-20

Dear Mr. T

On November 19, 2019, we received a complaint you filed for an incident that took place on October 8, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

The Complaint

Mr. M T wrote in his complaint that on November 19, 2019 he had received a call from the District Attorney's office concerning an incident he was involved in on October 8, 2019. The DA told Mr. T that he was unable to proceed with the prosecution of the case because the DA had been unable to obtain all of the evidence necessary to prosecute. In particular, the DA was waiting for a 911 call recording.

Mr. T went on to explain that he was intentionally rear ended by another person and then that person backed into his vehicle two more times. Mr. T felt that the man who hit him should have been cited for reckless driving and fleeing the scene of the accident, but the officer did not want to add that to the report. Furthermore, Mr. T provided the officer with an estimate of the damages to his vehicle, but the DA said that he had not received that either. Mr. T felt the officer intentionally sabotaged his case and because of that, Mr. T is now going to have to sue the man who hit him in civil court and he is also going to sue the APD and the DA. Mr. T said that someone needs to be held accountable.

The Investigation

A CPOA Investigator conducted a preliminary investigation into the matter and reviewed the associated police report authored by Officer V.. The police report is numbered 19-0092969.

The incident was not an accident. The investigation conducted by Officer V. showed that the driver who hit Mr. T did so in an intentional manner. The case was investigated as a Felony Criminal Damage case, a public affray, and disorderly conduct. The man who hit Mr. T was arrested and subsequently criminally charged by Officer V.. The police report is very detailed and each of the individuals involved in the incident were interviewed and their statements summarized. A Crime Scene Specialist was called to the scene and photographed the damages to Mr. T truck. Supplemental reports were completed by the officers who assisted Officer V.. Those reports were all emailed to the District Attorney's office by Officer V.. It appears from the report that Officer V. conducted a proper preliminary investigation into the matter.

CONCLUSION

With respect to the actions of Officer V. we reviewed the following Standard Operating Procedure for compliance:

Albuquerque Police Department Procedural Order 2-60-4 A 5 reads in part:

Steps to be followed in conducting preliminary investigations that may include but are not limited to:

a. Observe all conditions, events, and remarks.
b. Locate, identify, and interview witnesses, victims, and suspect(s).
c. Protect the crime scene and the evidence.
d. Ensure that necessary evidence is collected.
e. Effect the arrest of the suspect.
f. Report the incident fully and accurately.

In this case, the evidence showed that Officer V. conducted a detailed investigation into the incident. He located and identified all the witnesses and interviewed them. He interviewed the victim and the suspect. He called a Crime Scene Investigator to the scene to document the damages to the vehicle. He arrested the suspect and he reported the incident fully and accurately. The criminal complaint was dismissed by the prosecutor without prejudice meaning that it can be re-filed when the DA has the necessary evidence to proceed to trial.

Criminal cases are often dismissed by prosecutors when they do not have the necessary evidence to proceed to trial. Sometimes, getting evidence to the DA is delayed for a variety of reasons. There are time limit considerations when a criminal case is pending and all of the evidence available to a prosecutor must be turned over to the defense. Dismissing the case without prejudice allows the prosecution time to gather all of the necessary evidence to proceed with a trial. We would urge you to work closely with the District Attorney to find out exactly what the DA needs to refile the charges. In this case, the APD Officer has done all he is required to do by Standard Operating Procedure.

We recommend a finding of Unfounded, where the investigation determined by clear and convincing evidence that the alleged conduct did not occur.

These findings will become a part of the officer's internal affairs file.

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.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9358

Re: CPC #236-19

Dear Mr. B

Our office received the complaint you filed on August 28, 2019, against Albuquerque Police Department (APD) Officer P., Officer T., Officer N., Officer H., Officer M., and Officer A. for incidents which took place on December 4-6, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. B mailed a large packet of documents to the CPOA, which included a 5-page, typed complaint, which, in brief, alleged the aforementioned APD Officers: 1) Conducted an illegal search and trespassed on his property when they walked onto his driveway to look at the license plate of his parked truck in an effort to identify him; 2) Violated his 14th Amendment rights when they identified him; 3) Conducted a warrantless arrest of him; and 4) Failed to investigate his claims that his neighbors filed a false police report on him.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, 4 CADs reports, a written report and subsequent criminal summons filed with the District Attorney's Office, 3 lapel camera video recordings from the incidents, and the contents of your packet of documents. The evidence showed that on December 4, 2018, Officer P., Officer T., responded to your neighbor's residence reference a neighbor trouble call, wherein it was alleged that you had a loud speaker playing loud barking dogs directed towards your neighbor's house. Officers P. and T. attempted to contact you but were unsuccessful so Officer R. left his card at your door with a request to call him back. On December 5, 2018 Officer N. responded to your neighbor's home reference the same issue as the day before and during this response, Officer N. saw a speaker on your property, facing your neighbor's home. During this response Officer N. states that

you refused to speak with him about the issue at hand. On December 6, 2018, Officers H. and M. and A. responded to your neighbor's residence reference the same neighbor dispute issue as previously mentioned. During this response, Officer H. said they attempted to contact you at your residence but they were unsuccessful. As a result, they looked at the license plate on a truck parked in your driveway and contacted the Real Time Crime Center in order to obtain the registered owner's name and phone number. They attempted to contact you via telephone and, again, were unsuccessful. Officer H. wrote his report, to include these facts and issued you a Criminal Summons for Harassment. Although the summons has information entered in the "Arrest Info" area of the report, you were never arrested without a warrant or otherwise, by any of the involved officers, as you have alleged in your complaint. The Summons was then forwarded to the District Attorney's office.

Regarding the allegations that your neighbors filed a false police report on you, the evidence showed that your neighbors had documented the recording of barking dogs and provided that information to the officers. Additionally, as previously noted, the officers noted a speaker in your yard that was facing your neighbor's home and based on the information the officers obtained from your neighbors and the aforementioned evidence, the officers had enough evidence with which to issue you a criminal summons.

III. CONCLUSION

Based on the aforementioned information, the CPOA finds Officer P., Officer T., Officer N., Officer M., and Officer A.'s conduct **UNFOUNDED** regarding allegations of violations of APD SOP 2-71-3(G)(3)(c) and 2-80-2(G)(5), which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

NOTE: Officer H. is no longer employed by the 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.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9495

Re: CPC #033-20

Dear Ms. C :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on January 23, 2020, regarding an incident that occurred on or about July 21, 2019.

PO Box 1

I. THE COMPLAINT

J C submitted a written complaint that was unclear as to what her concerns were. She indicated something about her ID being confirmed as stolen and not lost.

Albuquerque

II. INVESTIGATION

The CPOA Investigator reviewed the police report and the lapel video. The police report documented the identity theft that Ms. C alleged. The lapel video showed Ms. C was difficult to follow, but indicated her license number was used to open a loan. She at times indicated her license was stolen and at other times indicated she did not know what happened to it. Officer J on told her he would write a report saying it was lost, but she said it was not lost and offered to provide a federal case number for her stolen identity. Officer J said he could not prove it was stolen and Ms. C said neither could she. So, he said again he would write a report saying it was lost and she was satisfied with that.

NM 87103

www.cabq.gov

The CPOA Investigator attempted to contact Ms. C to get more clarifying information about the nature of her complaint. She provided no phone number or email to contact her. She provided her mailing address so a certified letter was sent requesting her participation in the investigative process. She did not pick up the letter.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to proceed with the investigation and there were no apparent violations of any APD SOPs based on the available evidence.

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

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via email

Re: CPC #036-20

Dear Ms. B

Our office received the complaint you filed on September 18, 2019 at 12:19 PM, against unknown Albuquerque Police Department (APD) officers for an incident that occurred that same day at 12:30 PM. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Ms. B complained that police were called out to the neighborhood and when she came out of her house officers made comments and called her names that she found offensive and belittling. She wants the officers to be briefed on how to treat people.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and noticed that, as written, your complaint was filed before the alleged incident occurred. The Investigator obtained a report dated September 8, 2019, wherein you were identified as the mother of a suspect identified in a Domestic Violence incident. The Investigator attempted to contact you via email and telephone to clarify the date of the incident but was unsuccessful in doing so as you did not respond to the Investigator's request.

III. CONCLUSION

Based on the aforementioned information, your complaint is being **ADMINISTRATIVELY CLOSED** due to lack of information.

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via email

Re: **CPC 065-20**

Dear Ms. B

On November 19, 2018, we received a complaint you filed for an incident that took place on November 5, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on November 5, 2018 around 6:00 PM, you were at the Walmart store on San Mateo when APD Officer J. approached you and grabbed your wrists and was hurting you. You explained that you had been trying to purchase items with a gift card and you were not allowed to purchase the items because your gift card only had a .13 balance when it should have had more. You were yelling when Officer J. approached you. He told you that he had to search you for weapons. You asked for a female officer to come to the store to conduct the pat search but that request was refused. You finally allowed the officer to pat you down. That was uncomfortable for you. You were then banned from the store by the night manager. You claimed you suffered "unnecessary roughness" and "extreme emotional distress" from the incident. You wanted the officer corrected and educated on how to handle situations like these and you wanted an apology.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA Investigator checked with the Walmart store but they only keep video for seven days and your complaint was filed after that. A check of the officer's lapel camera videos on that day showed there was no lapel camera recording of the incident. A Computer Assisted Dispatch report showed that on the date and time you reported the incident occurred, Officer J. did in fact deal with a disruptive customer, but there is no report on the matter.

The CPOA Investigator tried to contact you for more information. A voicemail message was left on your phone and the CPOA Investigator sent you an e-mail. The CPOA Investigator did not receive any response from you. The CPOA Investigator did speak with Officer J., provided him with a copy of the complaint and CAD report but the officer had no recollection of the incident. This officer works numerous overtime hours and has hundreds of contacts with people each year. Even with the information provided to him he could not remember the incident of which you complained.

III. CONCLUSION

The CPOA Investigator was unable to continue the investigation because of alack of information and specifics in the complaint. Efforts to get the officer to see if he could remember the incident proved unfruitful. Without further information from you, there is no way to continue the investigation. Because of that we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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

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

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9501

Re: CPC #067-20

Dear Mr. A

Our office received the complaint you signed on October 10, 2019 and filed on November 8, 2019, against unknown Albuquerque Police Department (APD) undercover officers for incidents that allegedly occurred "everywhere" and "all hours" between August – October. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

I. THE COMPLAINT

Mr. A wrote approximately 6 pages regarding his suspicions that everyone with whom he comes into contact are undercover police officers who call themselves blackout officers. He complained these officers are following him everywhere, everyday no matter where he is or goes. It is very difficult to understand this complaint. Additionally, for each of the alleged contacts he has made with these blackout/undercover officers, he cannot name a specific officer. See original complaint for more details.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and was able to obtain one police report (19-0065054), dated July 16, 2019, wherein you are listed as the victim in a Larceny and Fraudulent Use of a Credit Card. In the report you alleged that when you were at a friend's house someone stole your computer and wallet and subsequently used your credit cards. You told the two officers, who responded to this call that you did not want to press charges so the report writer noted the report was for documentation purposes only and that they would not be forwarding their report to detectives. The Investigator reviewed 3 lapel camera videos related to this same call and did not observe any unprofessional behavior on either officers part.

III. CONCLUSION

Based on the aforementioned information and the fact the Investigator could not locate any other evidence of police contacts you may have had with APD between August – October 2019, your complaint is being **ADMINISTRATIVELY CLOSED** due to lack of information.

You have the right to appeal this decision.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9518

Re: **CPC 074-20**

Dear Ms. D.

On December 17, 2019, we received a complaint from you against an unnamed APD Officer concerning an incident that occurred on December 14, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that on December 14, 2019, you were driving home to Sandia Park and you passed an APD police car on the freeway. You admitted that you passed the APD car and you were driving 77 mph in a 65 MPH zone. The officer pulled you over near the Tijeras exit. You felt the actions of the officer were ridiculous because you knew the officer was out of his jurisdiction and the officer had no right to pull you over. As a result of the traffic stop, your anxiety was triggered and you wanted to know the officer's name so you could make a referral to an attorney for harassment and stress due to your psychological condition. You did not get the officer's name but provided a description that the officer was heavy set, wore glasses, and had service stripes on his uniform.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and searched records looking for any documentation of a traffic stop by an APD officer in that location on the date and time you reported. No records could be found that would have documented the identity of the officer. There are numerous officers working for APD that meet the description you provided.

III. CONCLUSION

Due to a lack of information in the complaint the CPOA Investigator was unable to identify the officer who stopped you. APD Officers are cross commissioned in Bernalillo County and they do in fact, have the authority to enforce laws in Bernalillo County including traffic laws. The area where the stop occurred is in Bernalillo County. Apparently, the officer did not take any enforcement action on the matter. Because we were unable to identify the officer, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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

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

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9525

Re: CPC 075-20

Dear Mr. I.

On December 20, 2019, we received a complaint from you against Albuquerque Police Department (APD) Police Service Aide (PSA) G. concerning an incident that occurred on that same day over the telephone. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that on December 14, 2019, you were involved in a non-injury traffic crash and PSA G. was responsible for handling the report. When you picked up the police report you were upset to learn that your 7.5 month old daughter, who was in the car at the time of the crash, was not listed on the report. On 12/20/19, the PSA contacted you over the phone. You expected an apology which you did not get. The PSA did say he would correct the police report by filing a supplemental report which the PSA did. You complained that the PSA was cold, snarky, and disrespectful over the phone and you wanted to make someone aware of the PSA's conduct.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and obtained a copy of the police report. The PSA did write and file a supplemental report listing your daughter as an occupant of the vehicle at the time of the crash. The CPOA Investigator searched the PSA lapel videos for the date that you were contacted hoping that the telephone conversation between you and the PSA was recorded. It was not. Without independent evidence this becomes much a case of he said/he said. The CPOA Investigator learned that the PSA has been employed with APD since 2017 and he has no complaint history.

III. CONCLUSION

Without any independent evidence to corroborate your allegation, we are unable to proceed further in the investigation of your complaint. Administrative closing of a complaint is allowed for minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct. Because we were unable to minimally substantiate your complaint, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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

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

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9532

[redacted]

Re: CPC 077-20

Dear Ms. G

On November 17, 2019, we received a complaint you filed for an incident that took place on September 23, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that on September 23, 2019 you sprayed a loss prevention officer with Mace during a shoplifting incident. An hour later you were caught at a transit center. You are in a wheel chair and you stated that as you adjusted yourself in the chair, three large male APD officers tackled you and threw you to the ground. You wrote that you were not belligerent and that you were not resisting when this took place. You stated that all you did was move your body and there was absolutely no reason to use the amount of force on you that they did. You went on to write that APD had treated you poorly in the past when APD "stole" your vehicle because an officer didn't believe that a homeless person could own a 2012 Ford Escape. You also complained that 6 years ago you were "manhandled" by an APD officer who arrested you for DWI and as a result of that manhandling the DWI charges were dismissed hen they should not have been.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA Investigator determined that the Albuquerque Police Department conducted a thorough and extensive review of the use of force incident on September 23, 2019. The CPOA Investigator reviewed that investigation, and found it to be a thorough investigation. The lapel camera videos from the officers were reviewed and it was only one officer, not three, who pulled you

from your wheel chair. The lapel videos showed that you had the mace can in your purse which was on your lap. The two officers who caught you at the transit center knew you had the Mace in your purse. They could see it and it was readily accessible. One officer approached you and as he handcuffed you, you moved your right arm away and moved your body up from the chair causing your purse to fall forward. As it fell forward you reached for it pulling away from the officer. The investigation revealed that the officer believed that you were reaching for the can of Mace and he thought that if you got the Mace that you would spray him. The APD examined all of the available evidence and they found that the Use of Force was within APD policy 2-52-4 i 2, intermediate force. The investigation conducted by APD also found that the two officers who dealt with you violated APD Standard Operating Procedure 1-1-4-7 Conduct because they made unnecessary statements to you during the initial contact and in their police reports. The officers were disciplined for their conduct.

Regarding the 2018 incident, you filed a complaint back then and the complaint was investigated. APD did not steal your vehicle. You filed CPC 228-18 on August 24, 2018. You filed your complaint under A R , but the reports listed you as A G A separate report listed you as A G The report in that case indicted that the APD was called to target on Montano because your husband was passed out in the vehicle with a syringe in his lap. When the officers arrived, your husband was out of the vehicle but a syringe was found on the driver side floor board. The license plate on the car was not registered to the car. When a VIN check was done, the last registered owner of the car was contacted but she said that she never owned the car. Your husband and you both asserted that you had the title to the car and even though you searched for it, you could not find it or produce it. You later admitted to a Detective on scene that you had stolen items in the car but you were not responsible for those items because they had been left behind by a known burglar. The car was sealed and towed from the scene so the APD could obtain a search warrant for it. Your husband was arrested and you were transported from the scene to the hospital by ambulance because you were in pain. The Search Warrant was executed and the APD found stolen property in the car that was taken in two separate auto thefts.

Once the Search Warrant had been completed, the car that was seized was no longer in police custody. It would have been the owner's responsibility at that time to pick up the car from where it had been impounded. The records showed that the car was impounded at Randy's Towing located at . The phone number to the establishment is

The CPOA Investigator e-mailed you and advised you where the car had been impounded. He also provided you with two related case numbers to your case.

To conduct another investigation into the above incidents that were already investigated, would be duplicative.

With regard to the DWI case where the charges were dismissed, the CPOA Investigator did locate and review that report. He also reviewed the Court Record. You were arrested for DWI almost 7 years ago, om April 2, 2013. The report did not indicate that any force was used during the arrest. There was a lapel video that was tagged as evidence but it has long been purged from the system. The Court Record showed that the DWI was dismissed by the prosecutor about 5 months later. The court record did not show why the case was dismissed other that ten prosecution was unable to proceed at the time. There is no evidence in the

records to minimally substantiate your claim that the charges were dismissed because you were manhandled during the arrest.

III. CONCLUSION

The first two issues you complained of have been thoroughly and impartially investigated and the cases have been closed. To open new investigations into those allegations would be unproductive and duplicative. With regard to your DWI arrest that occurred almost 7 years ago, the CPOA Investigator was unable to minimally substantiate your claim that you were manhandled during the arrest or that the charges were dismissed because of that manhandling. Because we are unable to minimally substantiate that allegation and because investigating the other two incidents would be duplicative, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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

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

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
To File

Anonymous

Re: CPC #092-20

Dear Anonymous:
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 25, 2020, regarding an incident that occurred on or about January 5, 2020.

I. THE COMPLAINT

An anonymous citizen wrote that he was stopped at Central and Tramway. He wrote that the officer that stopped him called his wife and told her that he was stopped. The citizen believed it was the same officer that took their stolen car report weeks earlier and provided a last name.

PO Box 1293

II. INVESTIGATION

The CPOA Investigator had CADs attempt to find any call for service in that area. CADs did not locate any kind of stop or call for service on the date the citizen provided. The last name of the officer that the citizen provided is a very common last name and did not narrow anything down. The citizen indicated something in his desired outcome of wishing officers would not be discriminatory, but the only thing he said occurred was that the officer called his wife on the phone when he was pulled over.

Albuquerque
NM 87103

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. The citizen wished to remain anonymous and provided no contact information

www.cabq.gov

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

April 10, 2020
Via email

Re: CPC #055-20

Dear Mr. S

Our office received the complaint you filed on October 16, 2019 against Albuquerque Police Department (APD) Officer F. and Detective L. for an incident that took place on August 30, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. S said he was on a date on August 30, 2019 at Isleta Casino with a woman he met on an on-line dating site and when he woke up the next morning his car keys and car were missing, as well as $200.00 in U.S. currency. He complained that Officer F. responded to the original call and took his information but didn't enter the hotel or interview the front desk clerk who may have been an eyewitness, nor ask for any video footage. He complained that when Detective L. arrived 4 days later, the video footage had supposedly been deleted. He doesn't want to file a formal complaint, as he thinks Detective L. is doing a good job but he feels there have been a number of setbacks in solving the case due to a lack of resources or a strong commitment on Detective L.'s part. He is seeking assistance in leveraging other personnel, perhaps Detective L.'s supervisor, in hopes of making better progress. Mr. S said due to his own investigative work, he has identified the suspect in this case and given it to Detective L. who used it to create a line-up for one witness; however, that witness no longer responded to Detective L.'s repeated attempts to contact him. As a result, Detective L. said he would see if the suspect had any outstanding warrants and try to arrest her on those and see if she would admit to the vehicle and personal property theft. Mr. S hasn't heard back from Detective L. and wants this investigation to get a big push forward and hopes we can do that for him.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer F.'s written report, two supplemental reports related to the recovery of your stolen vehicle, and 2 lapel video recordings. The evidence showed that Officer F. was the responding officer to the original incident. Lapel video showed Officer F. contacted you outside the Isleta Casino and interviewed you about the incident and events leading up to the incident. During this initial contact you told Officer F. that you met a woman on-line for a date that took place on August 30, 2019 and then spent the night with this woman at Isleta Casino. You said when you awoke on August 31, 2019, your vehicle keys, your vehicle and $200.00 in cash were gone and so was the woman. Officer F. obtained the information necessary to write his report and reported the stolen vehicle information to NCIC and then forwarded his report to the Auto Theft Unit. Prior to leaving he gave you suggestions about how to proceed forward with getting back to your home in Santa Fe, and about on-line dating safety.

The evidence showed your vehicle was reported to NCIC as stolen on August 31, 2019 at 0814 hours and it was recovered on August 31, 2019 and taken out of NCIC at 1624 hours that same day. It was towed by ACME impound on August 31, 2019 and then towed to Garcia Infiniti on September 2, 2019. On September 5, 2019 at 0939 hours, an APD Police Service Aide (PSA) went to Garcia Infiniti and processed your vehicle for latent fingerprints and obtained latent fingerprint cards and elimination print cards from an employee.

Lapel video showed that Detective L. interviewed the front desk clerk, who checked you in at the Isleta Casino on the night in question. Lapel video showed the clerk remembered you came in to inquire about the cost for a room for you and your wife before you booked the room for the night. The clerk did not see the woman you said was your wife that night, or the next morning. The clerk said that after he checked you in he didn't see you until the next morning when you asked him to call the police because your vehicle had been stolen. The clerk said you never asked him about surveillance video footage that day or at any point after that, and he never told you he saw the woman take your vehicle.

The evidence showed that Officer F. and Detective L. both followed APD SOPs and were not remiss in their duties.

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

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

A) The CPOA reviewed APD SOP 2-60-4(A)(4)

After a review of the evidence and this SOP, the CPOA finds Officer F.'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.

IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE L.'S CONDUCT

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

A) The CPOA reviewed APD SOP 2-60-4(B)(5)

After a review of the evidence and this SOP, the CPOA finds Detective L.'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 F.'s and Detective L.'s Internal Affairs record and personnel records.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9457

Re: CPC #068-20

Dear Ms. W

Our office received the complaint you filed on November 14, 2019, against Albuquerque Police Department (APD) Officer S. and Police Service Aide (PSA) Y.A. and PSA P.A. for an incident that occurred on November 12, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

The complaint is very difficult to read and discern due to Ms. W handwriting; however, it appears she is complaining about the way Officer S. and PSA Y.A. and PSA P.A. handled a civil call involving her and a tow company hired by her landlord to tow her vehicle. Specifically, Ms. W complained that the PSAs only spoke to her in Spanish after she told them she doesn't speak the language. She complained they refused to give her their names and badge numbers even after she asked them several times and she complained they were rude to her as they sat for hours reading their computer. Additionally, she complained that Officer S. arrived in a dither and never looked at the paperwork involved. She also said it looked as if Officer S. was experiencing some type of heart attack and was without medication and should seriously think about police work as a profession. See original complaint for more information.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report and 4 lapel camera videos related to this incident. It should be noted that the Investigator contacted the language line in order to interpret the conversations between the PSAs and the tow truck driver and the landlord that were captured on lapel camera video, because they were spoken in Spanish. The summary of these conversations is as follows:

Mr. A R , who is the property owner of called APD to have Ms. W ehicle towed because his tenants were complaining that her vehicle was parked in one of their parking spaces for 4 months, and she doesn't live on the property. Mr. R had documents to prove he was the owner of the property and showed these documents to the PSAs and Officer S. when he arrived on scene. Mr. R told the PSAs that Ms. W truck was parked and undriveable as all 4 tires were flat. When the tow truck driver arrived to tow the vehicle, Ms. W , started fighting with the tow truck driver that he had no right to tow her vehicle. APD told the tow truck driver to wait for Officer S. to arrive on scene so he could speak to Ms. W about the situation.

Lapel video showed that the PSAs were only speaking in Spanish to the tow truck driver and Mr. R and not Ms. W as alleged in the complaint. Additionally, lapel video showed the PSAs provided Ms. W their names and badge numbers after Ms. W asked for the information, which is contrary to what was alleged in the complaint. Lapel video showed Officer S. arrived on scene and spoke to Ms. W about her vehicle being towed because it was inoperable and had been parked for months on someone else's property. Ms. W became upset and wouldn't listen to Officer S. as he tried to explain the situation to her and kept talking over him. He eventually raised his voice and told her that if she continued to cause an incident he would arrest her before asking her to stand away from him and the others as he obtained more information. Ms. W asked for his name and badge number, which he provided to her. He told her it was a civil issue she would have to take up with the management company and she thanked him before he cleared the call.

The lapel video did not support Ms. W allegations that Officer S. arrived in a dither, or that he was experiencing a heart attack and was without medication.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

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

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer 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 record and personnel records.

IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING PSA Y.A.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

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

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds PSA Y.A.'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 PSA Y.A.'s Internal Affairs record and personnel records.

V. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING PSA P.A.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

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

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds PSA P.A.'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 PSA P.A.'s Internal Affairs record 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.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9464

Re: CPC #070-20

Dear Mr. J

Our office received the complaint you filed on November 26, 2019, against Albuquerque Police Department (APD) Officer L. for an incident that occurred on November 25, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. J said he wants to file a police report for fraud. He complained that Officer L. acted "genderly" bias and treated him unfairly.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the original police report, and 1 lapel camera video. The evidence showed that you wanted to file a theft report against your ex-girlfriend for taking unlawful possession of a cell phone you gave her when you were still in a relationship with her. You told Officer L. the phone had been missing for 1.5 months already. Officer L. told you she wouldn't be filing criminal charges against your ex-girlfriend because you willingly gave her a cell phone. You told Officer L. that your ex-girlfriend had a criminal history and Officer L. told you she couldn't file any criminal charges because of a possible criminal history your ex-girlfriend may have. Officer L. suggested you disconnect your ex-girlfriend's cell phone. You insisted on filing a report so Officer L. wrote an incident report only. The evidence showed this case was considered closed the day you reported it.

Lapel video showed Officer L. repeatedly explain why she wouldn't charge your ex-girlfriend with fraud for keeping your phone because you allowed your girlfriend to have and use your phone. You told Officer L. that the information she provided you was good information to

know yet you still wanted to charge your ex-girlfriend with fraud. She told you to bring your issues about the cell phone to your cell phone carrier. Lapel video showed Officer L. did not act "genderly" biased, or show any bias towards you as you have alleged in your complaint. Additionally, lapel video showed Officer L. did not treat you unfairly as you have also alleged in your complaint.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

A) The CPOA reviewed APD SOP 1-4-3(A)(3)

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 L.'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 L.'s Internal Affairs record 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.

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

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9488

Re: **CPC 073-20**

Dear Ms. M

On December 16, 2019, we received a complaint you filed for an incident that took place on December 12, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The Complaint

Ms. E A M filed this complaint to discourage police harassment. She wrote that on 12/12/19 at bout 12:20 AM, she was stopped for speeding by APD Officer J. She wrote that she was issued three citations. One of the citations was for speeding which she admitted to, the second was for having an unsigned registration, and the third was for having an illegible license plate. Ms. M said that her license plate was not illegible and that she had pictures to prove it. She wrote that Officer J. committed harassment because the third citation was issued without cause.

The Investigation

A CPOA Investigator conducted a preliminary investigation into the matter and reviewed the Officer's lapel camera videos and Metropolitan Court records.

The CPOA Investigator reviewed Officer J.'s lapel videos of the traffic stop. In the video Officer J. explained that he was issuing the third citation because Ms. M had a license plate cover or license plate surround that was obstructing her registration sticker. That is a violation of the law.

The CPOA reviewed the Metropolitan Court Record and found that as part of a plea bargain, Ms. M pled guilty to the speeding citation and the other two citations were dismissed. She received a deferred sentence.

CONCLUSION

With respect to the actions of Officer J. we reviewed the following Standard Operating Procedure for compliance:

Albuquerque Police Department General Order 1-1-4 B 14 which reads:

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

While Ms. M alleged that the issuance of the third citation was "harassment" that allegation is not the proper allegation. Issuing a citation, or three citations, does not fit the definition of harassment. The allegation is better aligned to the above Standard Operating Procedure. The officer is alleged to have abused his authority because he issued a third citation, allegedly which was absent of probable cause.

The lapel video showed that the officer issued the citation because Ms. M had a license plate frame that covered the registration sticker not because the plate was illegible. The State Statute that the officer issued the citation under, 66-3-17 NMSA 1978, is the proper statute to use when issuing a citation for this violation. In any case, the citation was later dismissed.

Officer J. had probable cause to issue the citation and his actions of doing so did not constitute harassment or an abuse of power.

We recommend a finding of Unfounded, where the investigation determined by clear and convincing evidence that the alleged conduct did not occur.

These findings will become a part of the officer's internal affairs file.

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.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 5951 9440

[redacted]NE

Re: CPC 084-20

Dear Ms. L

On December 5, 2020, we received a complaint you filed for an incident that took place on November 17, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The Complaint

Ms. L wrote in her complaint that when two APD Officers arrived at the scene to investigate an alleged battery that Ms. L had committed against a neighbor, they refused to speak with her first and instead spoke to the reporting party and many neighbors, some of whom did not witness the incident. Ms. L alleged that because of that, the officers were biased even before they came to talk to her. She alleged that the officers would not listen to her about how the neighbors had called both her and her boyfriend names on that day and on previous occasions. She wrote in her complaint that one officer did most of the talking while the other just stood there and said little. Ms. L alleged that the officers ignored what she had to say and that they summonsed her to court instead of the other party.

The Investigation

As part of the investigation into the complaint, the CPOA Investigator requested, received, and reviewed a copy of the police report, five lapel camera videos that were recorded by the responding officers, and the court record of the case.

The police report indicated that Officer H., a Field Training Officer, and Officer M., who was in his final phase of field training, were dispatched to the location in reference to domestic dispute. Two people called the police. One was a neighbor who reported that Ms. L and her boyfriend were in a verbal dispute and Ms. L broke out a window on her apartment. The second caller was Ms. L herself. She reported that she and her boyfriend were in a

verbal dispute and her boyfriend had already left the area. She reported that another male had come to her home, hit her window cracking the glass, and she then completely broke out the rest of the window. She reported the male got cut from the broken glass.

Officer M. and Officer H. arrived and spoke with Mr. A P who was outside and flagged the officers down. Mr. P had a cut on his left eyebrow and had blood on his face. Mr. P stated that he was passing by the apartment where Ms. I and her boyfriend were fighting, and Ms. L was screaming that she was being beaten. Ms. L was screaming for someone to call 911. Mr. P. . went to the apartment and Ms. L told him to go away but to call the cops if he needed to. Mr. P said that he told Ms. L boyfriend to come outside and as he did so, Ms. L punched the glass of the window he was standing by. The glass shattered and pieces of the glass flew and hit Mr. P in the face causing his injuries. A witness showed the officers a video they had recorded and the video showed Mr. P arguing for the boyfriend to come out and then the glass is shattered. A witness was interviewed and the witness told the same story as Mr. P Officer M contacted Ms. L and interviewed her. She stated that she had an argument with her boyfriend and the neighbor tried to involve himself in it. She stated that her boyfriend got scared and left. She reported that the neighbor (Mr. P) then insisted on coming into the apartment and started accusing her of writing on his car. Ms. L stated that she put her hand on the window and told the neighbor to "please leave" and that the window cracked a little. She then put her hand on the glass again and it broke completely. Ms. L expressed her desire to file a trespassing charge but the officer told her that he would not do so because the elements of the alleged crime, (standing outside her home trying to help her) did not fit that charge. The officer interviewed others and decided to issue a summons for Ms. L for battery which he did.

The CPOA Investigator reviewed the five associated lapel videos recorded by the officers. The lapel videos confirmed what the officer wrote in his report. While other were interviewed first, Ms. L was interviewed by both officers and her side of the story, although it conflicts with all of the witness statements on the videos, was documented.

A review of the court record showed that the charge was dismissed on March 2, 2020 because the prosecution was not ready to proceed. The charge can be refiled.

CONCLUSION

With respect to the actions of Officer M. and Officer H., we reviewed the following Standard Operating Procedure for compliance:

Albuquerque Police Department General Order 1-1-4 B 14 which reads:

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

The investigation showed that Officer M. acted professionally with all parties involved. He obtained all the necessary facts, listened to each of the witnesses and Ms. L and he wrote a police report that accurately reflected his investigation. Officer M. had probable cause to file the criminal charge.

The investigation showed that Officer H. acted professionally with all parties involved. He obtained all the necessary facts, listened to each of the witnesses and Ms. L and he contributed to a police report that accurately reflected his and his recruit officer's investigation. Officer H. interacted professionally with Ms. L

We recommend a finding of **Unfounded,** for both officers as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

These findings will become a part of the officer's internal affairs file.

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.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9549

Re: CPC #222-19

Dear Mr. S

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on October 14, 2019, regarding an incident that occurred on August 11, 2019. 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

Mr. S complained about a traffic stop from Officer W. Mr. S disagreed with the justification for the stop and the unnecessary delay.

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), and the lapel videos from all the officers present. A message was left offering Mr. S an opportunity to participate in the investigative process, but Mr. S did not respond.

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

A) The CPOA reviewed Standard Operating General Order 3-13-3B3b regarding Officer W's conduct, which states:

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

Mr. S wrote he was on Central and Carlisle, which is a single lane stretch of Central. A police officer followed him until San Mateo when it became two lanes and he got into the right lane. At San Mateo, Officer W pulled him over for no reason. Before making contact, Officer W waited for two more officers to arrive. Mr. S alleged Officer W took twenty-five minutes to conduct a field sobriety test and wanted him to take off his shoes. After he completed the test Officer W and the two other officers sat around talking while he sat in his car. After about fifty minutes he called Dispatch and complained about the delay. Officer W approached with two tickets even though he did not change lanes. Officer W wanted his phone number, but he did not know why. Mr. S believed the other officers encouraged Officer W to behave irrationally. He saw Officer W's expression appeared regretful. He believed the officers treated him as a teenager instead of an older man, which was disrespectful. Mr. S wanted the officer to receive a reprimand for false accusations and wanted the tickets dismissed.

The lapel video showed Officer W and Officer E rode two-man and approached Mr. S car about forty seconds after stopping. Officer W explained to Mr. S why he pulled him over. A third officer arrived within ten minutes. Mr. S said something about moving over due to a car having bright high beams. He later argued he did not change lanes because there was only one lane. The lapel video showed Officer W conducted field sobriety tests and asked Mr. S if he wished to remove his sandals to perform better on the tests, Mr. S declined. The lapel videos showed the sobriety tests took about eight minutes to perform. Mr. S was instructed to sit back in his car. Officer W wrote up two tickets, which took about twenty minutes. Officer W explained the reasons for the citations. Officer W up to this point was the only officer that directly interacted with Mr. S . Mr. S continued to disagree. Officer E also explained the reasons for the citations. The lapel videos showed Officer W and Officer E explained the reason for asking for his phone number; it was for the benefit of court in case he did not show. Mr. S disagreed with the tickets, but Officer W explained several times the place for disagreement would be in court. The lapel video showed the officers treated Mr. S professionally. In reviewing the scene, Central is one lane at Central and Carlisle. It becomes two lanes headed eastbound at Monroe. Officer W documented he observed the violation just west of San Mateo indicating the infraction occurred in the two-lane portion, and pulled him over just past San Mateo due to the busy intersection. He documented in the CAD the reason he suspected intoxication. The dispute Mr. S had over the tickets was for court to resolve.

The CPOA finds Officer W'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
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 000 5951 9433

Re: **CPC 063-20**

Dear Ms. Y :

On July 18, 2019, we received a complaint you filed for an incident that took place on June 6, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The Complaint

Ms. M Y complained that on June 4, 2019 in the early morning hours, some armed men came to her home in Sandoval County and they forcefully took a pickup truck that belonged to her and they ran over her boyfriend as they fled the scene. Ms. Y said that her truck had thousands of dollars worth of personal belongings in it. Ms. Y said that one of the people who took the truck was her boyfriend's former employer. She reported the incident to the Sandoval County Sheriff and she was unhappy with their response and alleged that the deputy that handled the call falsified his report. On June 6, 2019 Ms. Y went to her boyfriend's former place of employment and she saw the truck there and saw men unloading her personal belongings. She called APD and Officer B. answered the call.

Ms. Y said that Officer B. made her feel uncomfortable and acted extremely strange. She claimed that Officer B. took no interest in recovering her belongings and told her that she could not go onto the property to identify her things. The officer told her that he would go talk to the man who was operating the business and ask about their belongings. The officer told her that he would go alone for her safety and that confused her. The officer was only gone a few minutes and she felt that he couldn't have accomplished anything in that short period of time. She told the officer she didn't care about her truck but wanted her things back. She alleged the officer was disinterested and told her that if she went onto the property where the truck was that charges could be filed on her. She alleged the officer lied to her that the man who was running the business was the owner of the property and he is not the owner. Ms. Y alleged that during the course of the conversation that the officer laughed at her and

that was a direct and purposeful violation of her rights. She felt the officer was going out of his way to protect the man who took her truck and her belongings. She alleged the law was being applied differently to her that it was to the man who took her things. She asked the officer about some tools that had been left in the business that belonged to her boyfriend. The officer told her there was nothing he could do about that. Ms. Y alleged that the man who took her things had told them in the past about an APD Lieutenant "buddy" that he had and Ms. Y feared that APD "buddy" may have been influencing the outcome of the case. She asked for the Officer's information and was "smirked at" and the officer provided her with his information and the case number on a piece of scrap paper that had what she perceived to be confidential information on it. Ms. Y said that as Officer B. was writing down his information he asked her personal questions such as where she lived and things not pertaining to the incident. She took that conversation as a scare tactic. She said she felt violated, mortified, anxious, and this was corruption. She said the "officer had already proved that he was able and willing to harm her family."

The complaint goes on for numerous pages and it actually commends another APD officer who took a report later on.

The Investigation

As part of the investigation into this case, The CPOA Investigator reviewed the associated police reports and the original Computer Aided Dispatch (CAD) report. The CPOA Investigator also reviewed a lapel video of the original contact between Officer B. and the man who was alleged to have taken Ms. Y belongings. In addition, the CPOA Investigator interviewed Ms. Y over the phone and he interviewed Officer B.

The report filed by Officer B. is 19-0051287 and a copy of that report was reviewed.

On June 4, 2019 Mr. D B , the man who was alleged to have taken the truck called the police and Officer B. responded to the call. Officer B. reported that Mr. B wanted to report a possible embezzled vehicle. Mr. B reported that he had a vehicle that he had loaned to an employee and the employee then registered (and titled) the vehicle in Mr. B name and his girlfriend's name (M Y). Mr. B tried several times to get the vehicle back but had been unsuccessful. Mr. B was told that since the vehicle was titled in both names that this was a civil matter. Officer B. documented the incident by filing a report and he ran his lapel video on the incident and tagged the video into evidence.

On June 6, 2019 Officer B. met with M Y . She told him that she lived in Sandoval county and on that day at about 7:00 AM, D B had gone to her house and took the truck from her property. Ms. Y did tell Officer B. that the truck that was taken was in her name and Dan B 's name. He explained to her that this was a civil matter. Ms. Y told him that she wanted some personal items that were in the truck but she thought that they may have been cleaned out because they saw the vehicle driven away and it came back with the bed empty. Officer B. spoke with Mr. B and B told him there was nothing of value in the truck and it had been cleaned out. Mr. B old Officer B. that if he had any of their property he would give it to them because he did not want to deal with Ms. Y or her boyfriend anymore. Officer B. told Ms. Y that he would document the incident for her but the incident that took place in Sandoval County was out of his jurisdiction.

Investigative Note

It should be noted that Officer B. did not record his contact with Ms. Y or Mr. B on this occasion but there is no mandatory requirement under the current Standard Operating Procedure that would have required Officer B. to record this contact. In other words, this is not an incident that requires mandatory recording.

CONCLUSION

With respect to the actions of Officer B. we reviewed the following Standard Operating Procedure for compliance:

Albuquerque Police Department General Order 1-1-4 B 7 reads in part:

Both on and off duty, personnel will conduct themselves in a manner that reflects favorably on the Department…

Ms. Y said that Officer B. made her feel uncomfortable and acted extremely strange. She offered no proof during the investigation as to how Officer B. acted strange. Ms. Y claimed that Officer B. took no interest in recovering her belongings and told her that she could not go onto the property to identify her things. The investigation showed that Officer B. made an effort to recover Ms. Y 's belongings and she was not allowed to go onto the property because the officer wanted to avoid any possible physical confrontation between her and the man who owned the shop where Ms. Y was alleging her belongings were. There is no evidence to support the allegation that Officer B. was disinterested in Ms. Y situation. Ms. Y alleged the officer lied to her that the man who was running the business was the owner of the property and he is not the owner. Officer B. said he told Ms. Y that the man owned the business. That is a true statement. Ms. Y alleged that during the course of the conversation that the officer laughed at her and that was a direct and purposeful violation of her rights. Officer B. stated that he acted professionally and there is no evidence to the contrary. The evidence showed that both parties were treated equally and both were told that this was a civil matter. Ms. Y alleged that the man who took her things had told them in the past about an APD Lieutenant "buddy" that he had and Ms. Y feared that APD "buddy" may have been influencing the outcome of the case. There is no evidence to support that allegation and Officer B. said that there was no outside influence by APD or anyone else in how he handled this case. Ms. Y said that as Officer B. was writing down his information he asked her personal questions such as where she lived and things not pertaining to the incident. She took that conversation as a scare tactic. She said she felt violated, mortified, anxious, and this was corruption. She said the "officer had already proved that he was able and willing to harm her family."

Officer B. said that he made small talk as he wrote down the case number and his identifying information on a piece of scrap paper. There was no evidence uncovered during the investigation that would support the allegation that Officer B. was willing and able to hurt her family.

We recommend a finding of Exonerated, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

These findings will become a part of Officer B.'s internal affairs file.

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.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Email

Re: CPC #170-19

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 July 16, 2019, regarding an incident that occurred on February 25, 2019. 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

Mr. M written complaint was about the lack of response from Detective W regarding his firearm being tagged into Evidence. Mr. M said his weapon was left at the home of E D ı. Mr. D and his wife, A M had a domestic violence incident and the firearms in the home were removed and tagged, including his. He has left numerous messages for Detective W without response. Mr. M also wrote Ms. M could not grant officers permission to enter her home. Mr. M wrote Ms. M was treated unprofessionally and it was borderline harassment when the detective threatened to take her children from her. The detective also facilitated an interview be conducted by CYFD without Ms. M the parent, present, which he claimed was illegal. He claimed Ms. M was scared of retaliation to file her own complaint.

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, several lapel videos, and Detective W's interview. A message was left offering Ms. M the opportunity to participate in

the investigative process, but she did not respond. Mr. M was not present during the situation and therefore did not have knowledge about the conduct of the officers. His only direct concern was the return of the firearm, which was researched.

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

A) The CPOA reviewed Standard Operating General Order 3-13-3B3b regarding Officer W's conduct, which states:

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

Mr. M wrote that Ms. M. informed officers that it was not her home therefore she could not give the officers permission to clear the home before she entered. A firearm was removed from the home, but it did not belong to anyone living there. Mr. M wrote the rifle belonged to him. His friend, Mr. D who lived at the residence, was holding it for him.

Mr. M was not present during the situation. Ms. M did not participate in the investigative process. The lapel videos and the police report showed there was a domestic violence incident between Ms. M and Mr. D n. Ms. M and Mr. D lived at the residence together. When officers accompanied Ms. M to the home they cleared the home for her safety as the officers did not know Mr. D location. Ms. M allowed officers to go into the home first, but originally did not want officers to do so. When Detective W asked why she did not have a particular reason and just mentioned she did not want difficulty with her landlord. She never told officers she could not give them permission to enter and she lived there. Ms. M specifically told officers Mr. D had guns and she did not want them in the home because of the violence committed by Mr. D . Officers agreed to remove the weapons for safekeeping. Ms. M never mentioned that one of the guns belonged to someone else. The guns were in the closet all together in the bedroom. The officers entered the home and took possession of the weapons, which were tagged into evidence for safekeeping. Evidence per their notations informed Mr. M the detective's name and the process by which he could work on obtaining the firearm back such as obtaining a court order defining ownership.

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

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

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

Mr. M wrote Ms. M treatment was borderline harassment and very unprofessional. Mr. M wrote the detective threatened to take her children away. He facilitated an interview conducted by CYFD without Ms. M or an attorney present, which he claimed was illegal. Mr. M also wrote that the detective was unprofessional by not responding to his messages.

Mr. M was not present during the situation. Ms. M did not participate in the investigative process. Ms. M told officers that she was injured by her husband twice that day and her children observed it. She mentioned there was violence in the home that the children have witnessed before. Detective W informed Ms. M hat she needed to obtain an emergency restraining order and take the children for forensic interviews for the safety of the children. Detective W did not threaten Ms. M but made factual statements that if she did not follow through with these steps and did not communicate with him regarding her protection of the children that he would remove the children for their safety while things were worked out with CYFD. Per New Mexico Statute 32A-4-6, a detective may take a child into protective custody when the officer has reasonable grounds to believe the child is in danger from its surroundings and if removal from those surroundings is necessary. The lapel videos showed Ms. M understood her responsibilities to keep the children safe. The lapel videos showed Detective W and the other officers were professional with Ms. M The police report documented that Ms. M at first did not comply with taking the steps to keep her children safe a few days later, but ultimately took the children for the interview as required. Parents and/or attorneys present are relevant when minors are being suspected or interviewed as offenders, not as witnesses or victims. Mr. M had the wrong detective identified in his complaint so he was not leaving messages for the correct detective. There is no SOP that would have required the incorrect detective to respond to Mr. M if the detective he was trying to reach was even getting the messages as the detective he named is not on normal duty. Mr. M would have had to work with Mr. D to obtain the weapon back or obtain the court order as instructed.

The CPOA finds Officer W's conduct to be **UNFOUDNED** where the investigation determined that the alleged misconduct did not occur or did not involve the subject officer.

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
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 10, 2020
Via Certified Mail
7017 2680 0000 5951 9105

Re: CPC #220-19

Dear Ms. W

Our office received the complaint you filed on August 16, 2019, against Albuquerque Police Department (APD) Officer J.C. for an incident which occurred on April 19, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Ms. W complained that she attempted to file charges with the APD regarding an "altercation" she had with an individual at her place of employment back in April 2019. She complained that when Officer J.C. arrived and began to question her about the incident, he used very inappropriate language verbally and physically, when asking her to describe the incident to him. She told him it was offensive. When the second officer arrived later to file the charges, he didn't agree that the charges Officer J.C. wished to make against the individual were correct. She complained that this situation has caused her immense suffering.

II. THE INVESTIGATION

The CPOA Investigator called you on September 12, 2019 at the number listed on your complaint and left you a message requesting a call back in order to obtain more information and schedule an interview. You didn't respond to that voicemail so on November 25, 2019, the Investigator called the alternate number on the complaint, which was your parent's number. Your father answered the phone and told the Investigator you were there and said you no longer had a telephone but that he would pass along the message requesting you contact the Investigator. You never contacted the Investigator so the investigation was based on the original complaint and the evidence available to the Investigator at the time.

The CPOA Investigator reviewed your complaint, a CADs report, Officer J.C.'s written report, Officer D.'s supplemental report, and 5 lapel camera video recordings. The evidence showed Officer J.C. and Officer C.C., responded to a Sex Offense call on April 19, 2019 after you called to report that while you were working at TD's bar, a male subject picked you up and was wrestling with you before he hit your vagina, over your clothing, with his hands.

Lapel video showed Officers J.C. and C.C. contacted you and your boyfriend in your apartment to speak with you about the incident. As the lead officer, Officer J.C. asked you about the incident and you said you had been working at TD's bar when a male, identified as Mr. J., started wrestling with you and flipped you upside down as he held you. You said after flipping you upside down he passed you to his brother. You said that at some point during this contact with Mr. J. he repeatedly asked you for a lap dance, which you did not perform as it was against your work's policy. You told the officers you weren't sure how you felt about the incident and that you felt stupid. You told them you didn't want to deal with Mr. J. because he's a piece of (expletive). You said it was more of a wrestling move than it was sexual in nature and that the whole situation is so complicated because Mr. J. gets away with everything.

Lapel video showed you told the officers that Mr. J. "slapped your (expletive for vagina)" and you told him not to do that unless he was going to pay you $100 and said you told Mr. J. that twice. You told the officers you didn't want to cause problems and repeatedly said the incident was so stupid. At one point during the interview, Officer J.C. asked you to describe how Mr. J. held you upside down and when it wasn't clear to him, he asked you if it was like a 69 position. You immediately took offense to this remark and told Officer J.C. as much. Officer J.C. apologized immediately for using that terminology and repeated his apology several times. You accepted his apology at the time of the incident an indicated as much when you told him okay.

Lapel video showed Officer J.C. asked if you wanted to press charges against Mr. J., to which you replied you didn't know because of his celebrity status, and that you felt nothing would happen to him. Officer J.C. assured you that you shouldn't let Mr. J.'s status as a celebrity affect your decision to press charges and that the statute of limitations for battery is six months from the date of the incident. You said you will think about pressing charges and will notify Officer J.C. when you decide to press charges.

The evidence showed you contacted APD on May 15, 2019, to press charges against Mr. J. for the incident that took place on April 19, 2019. Officer D. responded to this call and his report shows that you thought it over and wanted to press charges against Mr. J.. You also wanted to add to the original report that when Mr. J. handed you over to his brother, the brother held you briefly and gave you back to Mr. J., who eventually let you down. You told Officer D. you felt disrespected and mistreated during the incident. The evidence showed that Officer D. noted that the original charge was criminal sexual contact and that although this part of the narrative doesn't fit that charge, you wanted it added to the report for context.

III. CONCLUSION

Based on the aforementioned information, the CPOA finds Officer J.C.'s conduct **EXONERATED** regarding allegations of violations of APD SOP 1-1-4(D)(15), which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

You have the right to appeal this decision.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 22, 2020
Via Certified Mail
7017 2680 0000 5951 9563

Re: CPC 001-20

Dear Ms. A :

The Board may grant an Appeal only upon the complainant 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.

On April 9, 2020 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.

Sincerely,

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

cc: Albuquerque Police Department Chief of Police

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

April 22, 2020
Via Email

Re: CPC 013-20

Dear Ms. J

The Board may grant an Appeal only upon the complainant 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

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On April 9, 2020 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.

Sincerely,

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

cc: Albuquerque Police Department Chief of Police