

## **CIVILIAN POLICE OVERSIGHT AGENCY BOARD**

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*

*Dr. William J. Kass*

*Tara Armijo-Prewitt*

*Eric Olivas*

*Valerie St. John*

*Leonard Waites*

Edward Harness, Executive Director

### **BOARD AGENDA**

Thursday, December 12, 2019 – 5:00 PM

Vincent E. Griego Chambers

- I. Welcome and call to order.
- II. Pledge of Allegiance – *Valerie St. John*
- III. Mission Statement – *Joanne Fine, Vice - Chair*

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*
- IV. Approval of the Agenda
- V. Public Comments
- VI. Review and Approval of Minutes from November 14, 2019
- VII. Reports from City Staff
  - a. APD
  - b. City Council
  - c. Mayor’s Office
  - d. City Attorney
  - e. CPC
  - f. APOA
  - g. CPOA – *Edward Harness, Executive Director*
- VIII. Reports from Subcommittees
  - a. Community Outreach Subcommittee – *Joanne Fine*
    1. Met November 26, 2019
    2. Next meeting TBD
  - b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
    1. Met December 9, 2019
    2. Next meeting TBD
  - c. Case Review Subcommittee – *Valerie St. John*
    1. Met November 26, 2019
    2. Next meeting TBD
  - d. Personnel Subcommittee – *Leonard Waites*
    1. Met December 9, 2019
    2. Next meeting TBD
- IX. Discussion and possible action
  - a. Board Communications during APD Policy Development process
  - b. Approval of Executive Director evaluation and summary pursuant to 9-4-1-7(C)
  - c. SOP 2-92

**X. Consent Agenda Cases:**

**a. Administratively Closed Cases  
226-19**

**b. Unfounded**

**058-19            067-19            122-19            123-19            164-19**

**202-19            203-19            204-19            205-19            210-19**

**217-19            228-19            229-19**

**c. Unfounded and Exonerated  
116-19**

**XI. Appeal**

**132-18**

**i. Closed discussion for deliberations by the POB in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3)**

**XII. Non-Consent Agenda:**

**XIII. Non-Concurrence Cases:**

**XIV. Serious Use of Force/Officer Involved Shooting Cases:**

**XV. CPOA Board's Review of Garrity Materials:**

**XVI. Meeting with Counsel re: Pending Litigation or Personnel Issues:**

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

**a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**

**i. Executive Director evaluation**

**XVII. Other Business**

**ATTENTION: The CPOA Board will take a dinner break at approximately 6:00 p.m., unless otherwise decided by the Board.**

**XVIII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on January 9, 2020 at 5:00 p.m. in the Vincent E. Griego Chambers.***

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Civilian Police Oversight Agency Board**

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*    *Dr. William J. Kass*

*Tara Armijo-Prewitt*                      *Eric Olivas*

*Valerie St. John*

*Leonard Waites*

Edward Harness, Executive Director

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9702

**Re: CPC #058-19**

Dear Mr. C

Our office assigned the complaint you filed on February 21, 2019, against Albuquerque Police Department (APD) officers for an incident, which occurred on January 23, 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.

### **I. THE COMPLAINT**

Mr. C alleged the incident was not properly investigated particularly by not getting the value of damage. Mr. C alleged officers fraternized with the offenders and only charged one of the two women in the damage to his vehicle. He was arrested for a warrant that was quashed in October of 2018, but the officers refused to confirm the warrant, would not listen to him, or look at paperwork showing the quashed warrant. Mr. C felt the officers did not care about the initial call and instead focused on him. The offenders should have been arrested for a felony as his estimate showed the damage was over \$1000. He complained after he was arrested the officer assured him he would patrol his car, but further damage occurred.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed the complaint, Officer B's written report, various lapel camera video recordings, the NCIC confirmation, and summons information. Mr. C did not respond to the request for his participation in the investigative process.

The lapel videos showed officers arrived and spoke to all parties and witnesses. According to the lapel videos, Mr. C only complained about one individual damaging his car. The lapel videos showed officers did not fraternize with anyone, but did get each person's version of events. Values were notated on the police report. The lapel videos and the police report showed the officer issued a summons for the identified offender. As part of the officers' investigation, officers determined Mr. C had a felony warrant out of Santa Fe. The lapel videos showed

Mr. C complained that the warrant had been quashed. Mr. C asked the officers to confirm the warrant. Officers confirmed the warrant with NCIC as shown by the recording between the officer and NCIC. Mr. C wanted to bring paperwork to the scene to show his proof, but as Officer B explained, they had to go by what their system provided. The CPOA Investigator confirmed with the Communications Director that nowhere in the system did it show the warrant as quashed so the officers took appropriate action to enforce the felony warrant. Some error within the court system may have occurred outside of the police department if in fact his warrant had been quashed. The police report documented that Mr. C wished his vehicle to remain on the street as it was a legal parking space to avoid tow fees and because it was the only vehicle for him and his wife. Officer B documented he brought the keys to Mr. C wife and periodically checked on the vehicle throughout the night. The lapel videos showed the officers were professional and addressed the various issues that came up during the course of the investigation. Since Mr. C alleged additional damage, it is unknown if the original damage was at a misdemeanor level and subsequent damage raised the severity.

The CPOA Investigator spoke to Court Services to determine the status of the case, as there was no active case in NM Courts against the alleged offender of the vandalism. Court Services determined the officer completed the criminal complaint in the system, but Court Services never received the complaint to be forwarded to the court. The resolution is to refile the charges. The CPOA Investigator provided Officer B with the repair estimate Mr. C obtained after the initial contact that night as documentation for charges. Officer B refiled the charges at the felony level with the District Attorney's office with the additional information. Court Services implemented the CPOA's and the Board's suggestion of having a log to track at least the summons incoming into their area in late October of 2019.

### III. CONCLUSION

Based on the aforementioned information, the CPOA finds the conduct of the involved officers **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur.

You have the right to appeal this decision.

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

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

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

- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9726

**Re: CPC #067-19**

Dear Ms. P

Our office assigned the complaint you filed on March 14, 2019, against Albuquerque Police Department (APD) officers for an incident, which occurred on February 6, 2019, February 7, 2019, and February 9, 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.

### I. THE COMPLAINT

Ms. P submitted an online complaint regarding her concerns that various officers referred her to the incorrect court venue regarding the theft of her dog. Ms. P also expressed frustration that the theft was deemed a civil matter instead of a criminal matter given the ample evidence of ownership she had.

### II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the various CADs reports, Officer M.'s written report, and various lapel camera video recordings. On February 6, 2019, officers responded and talked to Ms. P and her daughter, S. They accused P's ex-boyfriend, of taking the dog from their backyard and had video surveillance, which they showed the officers. The officers spoke to Mr. L who claimed the dog had been a birthday gift from S' years prior and explained why he was seen on surveillance taking the dog as he did. The officers spoke to Mr. L's mother independently and she repeated a similar accounting. The officers told Ms. P it was a civil matter that would need to be decided in court. The officers at that time did not specify which civil court. On February 7, 2019, Ms. P called police again and a different officer responded. She repeated the same information she gave the first officers, but also wanted a police report for documentation. The officer offered to call Mr. I, which he did, and received the same story from him. Officer M wrote a police report. Officer M mentioned filing in Small Claims at Metro. He suggested she

call to ensure what she needed to bring before making a trip. On February 8, 2019, Ms. P called police, but she ultimately cancelled the call because she could not wait any longer. On February 9, 2019, Ms. P called police again because Animal Control informed her that they could confirm ownership of the dog and therefore it would be returned to her and her daughter. Officers responded and informed her they could not get into the middle of a civil dispute. The officers did go to Mr. L residence to see if they could have the dog scanned by Animal Control. When they went, they spoke to Mr. L mother who said the same story as before, that the dog was a gift to her son. She accused Ms. P of harassment. Mr. L mother said her son and the dog were not home. The officers returned and told Ms. P the result of their attempts and provided her with a Metro Court Small Claims court form.

The CPOA Investigator spoke to the Metro Court Self Help line to understand if in fact, Small Claims Court was the appropriate venue. The employee at Metro Court stated that Small Claims was the appropriate venue and did not understand why Ms. P would be told differently. Animals were considered personal property. It was asked if wishing the return of the dog made the jurisdiction different from just wanting the monetary value of the dog. The employee said ultimately that it was up to the Judge. The restrictions were that the value had to be below \$10K. If the person wanted the property back, in this case the dog, over the monetary value then a Writ of Replevin could be issued which was still in the Judge's authority at Small Claims to issue. It would be after a judgement was rendered that the person would request the additional documents. NM Courts showed there were filings for this case in both Metro and District with outcomes.

The CPOA Investigator spoke to Ms. P regarding her complaint. Ms. P reiterated that she was not complaining about any officer's conduct. Her issue was with the misinformation she believed she received. She was told to file her claim in Small Claims court at Metro when after she went through the hearing she was told she should have filed in Civil District Court. The misinformation cost her time and money. She felt that the officers should have known which the correct court was although she agreed the misinformation was not out of ill intent. Ms. P still did not understand why the situation was civil in the first place. This was explained. She understood the officers did not violate policy and the conflicting information had its source in the court and not APD.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds the conduct of the involved officers **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur.

**You have the right to appeal this decision.**

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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*Leonard Waites*

Edward Harness, Executive Director

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9733

**Re: CPC #122-19**

Dear Mr. M

Our office assigned the complaint you filed on May 15, 2019, against Albuquerque Police Department (APD) officers for an incident, which occurred on March 8, 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.

### **I. THE COMPLAINT**

Mr. M submitted an online complaint regarding his complaint that PSA S did not return his title paperwork at the scene of the traffic accident because he was transported via ambulance.

Mr. M wrote he left messages for PSA S without response. Mr. M alleged PSA S' failure to return the paperwork cost him money for rental fees and delayed in his insurance settlement.

Mr. M sought monetary compensation and that PSA S should receive a reprimand.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed the complaint, PSA S' written report, and various lapel camera video recordings. The CPOA Investigator attempted to reach Mr. M regarding his complaint, but received no response.

The video showed PSA S had Mr. M title paperwork in his police vehicle while he filled out his report on the computer. The video then showed PSA S talked to Mr. M while he was in the ambulance and returned all the paperwork to him, which Mr. M put in a folder in his possession in the ambulance. PSA S responded in an email to the CPOA Investigator that he talked to Mr. M about a month after the accident. At that time, PSA S thought he had left the paperwork in the towed vehicle, which Mr. M said he had not checked. The evidence showed the PSA never retained Mr. M paperwork.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds the conduct of the involved officers **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur.

**You have the right to appeal this decision.**

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

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*Valerie St. John*

*Leonard Waites*

Edward Harness, Executive Director

November 13, 2019

To the File

**Re: CPC #123-19**

Dear Ms. L,

Our office assigned the complaint you filed on May 15, 2019, against Albuquerque Police Department (APD) officers for an incident, which occurred on March 28, 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.

### **I. THE COMPLAINT**

Ms. L submitted an online complaint regarding her complaint that officers did not call her back after she requested a welfare check on her daughter and grandson. Ms. L also complained that her daughter told her that the officers said it was considered harassment for her to call police and request a welfare check. Ms. L wrote it was unprofessional for an officer to make such a statement.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed the complaint, the Computer Aided Dispatch (CAD) report, the call to police from Ms. L, Officer S's written report, and various lapel camera video recordings. Ms. L called police at 20:53 reporting that she was concerned about her daughter, C H, and her grandson. Ms. L alleged her daughter's boyfriend was abusive. The Operator clarified if she also reported her concerns to CYFD, which Ms. L agreed she had. Ms. L indicated this was an ongoing situation, but CYFD was not responsive. Ms. L asked if the officers could call her back, and the Operator said she would ask the officers to call.

Officers did not arrive until just after midnight and woke Ms. H and her fiancé to conduct the welfare check. Officers did not specify who the caller was, but Ms. H immediately assumed her mother called police and expressed frustration that it was a common occurrence. She allowed officers to enter the apartment to look around and check on her son. Ms. H

stated that she and her fiancé were fine. Ms. H stated her mother caused her stress by calling police frequently whenever Ms. L did not get her way about seeing her grandson. While Officer S spoke to Ms. H, other officers checked the home and the sleeping child. Ms. H and her fiancé both expressed frustration over Ms. L actions and talked about getting a restraining order against her, which they had done in the past. The officers left after checking the welfare about 12:30 a.m., finding no issues of concern. The lapel videos showed no officer ever said it was considered harassment for Ms. L to call police and request a welfare check. In fact, officers said to Ms. H that they could not control who called police, they just had to do their job. If Ms. H said such a statement to her mother then it was her words and not something the officers said.

The CPOA Investigator contacted Ms. L to get more information about her complaint. Ms. L restated her complaint that she did not hear from the officer and made broad generalized statements about the police not caring. The CPOA Investigator tried to ask her more questions, but she expressed annoyance the process took too long and hung up. No further information could be obtained from her about the complaint.

APD SOP does not require officers to inform calling parties about the outcome of their investigations. Ms. L called from Las Cruces without direct knowledge of any abuse; she mentioned unspecified, third-party information, which raised her concerns. When officers arrived, Ms. H immediately mentioned it was her mother calling to make frivolous complaints and welfare checks. Officers, after checking things, found no substantiation to the call. It was about three hours after Ms. L initial call, late at night before officers completed their investigation. Ms. L did not participate in the investigative process to find out what time she went to bed, having possibly missed the call. It is also possible officers did not see the notation on the CAD about a request for contact as it is not a policy requirement to do so. Ms. L could have requested the copy of the police report that was filed as another means to determine the outcome of her call, but she did not stay on the line to receive that information. The lapel videos showed the unprofessional conduct statements Ms. L alleged officers made did not occur. The lapel videos showed officers were professional in their conduct with Ms. H and her fiancé.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds the conduct of the involved officers **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Chelsea Van Deventer*         *Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019  
Via Certified Mail  
7018 1130 0002 3428 9740

**Re: CPC #164-19**

Dear Mr. B:

Our office received the complaint you filed on June 11, 2019, against Albuquerque Police Department (APD) Officer L. 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

### **I. THE COMPLAINT**

NM 87103

[www.cabq.gov](http://www.cabq.gov)

Mr. B wants compensation for lost property for an accident that happened on his property on April 19, 2019. He complained that after he told Officer L. what happened, including that the at-fault driver drove off, Officer L. questioned him about whether, or not, he saw the other driver leave. He said Officer L. changed his position, or attitude after he told Officer L. he had a camera. He asked Officer L. if the other driver was drunk or impaired, and if he was insured and Officer L. told him he didn't have to make a report on the incident because it occurred on private property. Mr. B saw the other driver fall out of his vehicle so he asked Officer L. if he conducted a sobriety test. Mr. B complained that Officer L. let the other driver go without citing him although the other driver had no insurance, no registration, a suspended driver's license and a warrant for his arrest. He complained the other driver gave Officer L. an incorrect address so he can't collect a \$3500 reimbursement owed to him by this driver. He complained that Officer L.'s inaction puts the community at risk.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, an accident report, and 4 lapel camera videos from the incident.

The evidence showed Officer L. and Sergeant (Sgt.) L. responded to a single vehicle collision into a fence where the driver reportedly had a gun. Upon their arrival the officers learned there was no gun present and that the driver originally left the scene but returned a few minutes later. The at-fault driver was identified as Mr. L.. Lapel video showed Officer L. spoke with Mr. L. about the accident and learned that Mr. L. had not been drinking and had just gotten out of the hospital. He also learned that the pedals of Mr. L.'s truck got stuck which caused him to back into your fence. After speaking with Mr. L. Officer L. told you that Mr. L. admitted to hitting your fence because the pedals got stuck, and that he has some physical ailments and uses a walker but he didn't have a gun. You asked if he had been drinking and Officer L. said he didn't think he had been and said Mr. L. has a hard time walking, which is why he uses a walker. He said he'd write a crash report and mentioned that typically officers don't respond to private property crashes, or write reports on them because they are a civil matter. Despite this, Officer L. provided you with Mr. L.'s insurance information from an expired card because Mr. L. was unable to locate an updated one and you asked if he was being charged with hit and run. As Officer L. was explaining to you why he wouldn't charge Mr. L. with a hit and run, you interjected that you had a camera that could show the accident. Officer L. continued to tell you Mr. L. wouldn't be charged for a hit and run because he came back to the scene and provided all his information. Officer L. did not change his position or attitude after learning you had a camera, as you have alleged in your complaint. Officer L. told you Mr. L. said he would take care of paying for your gate instead of filing an insurance claim.

Lapel video showed Sgt. L. spoke with you and Mr. L. about how to handle the repair of your gate and Sgt. L. stood by as you and Mr. L. discussed and agreed Mr. L. would pay out of pocket for the gate repairs, instead of going through his insurance company, and as Mr. L. provided you with his name and telephone number.

Lapel video showed Officer L. and Sgt. L. remained professional towards you during his contact with you and the other driver. The evidence showed that while investigating, Officer L. learned Mr. L. had a warrant for no insurance and that his driver license status was suspended; however, Officer L. did not issue any citations as the accident occurred on private property, and he used his discretion regarding the warrant and told Mr. L. to take care of the warrant on his own.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds Officer L.'s conduct **UNFOUNDED** regarding allegations of violations of APD SOP 2-40-3(D)(1), which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

**You have the right to appeal this decision.**

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

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- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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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 Hanness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police





## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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*Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9757

**Re: CPC #202-19**

Dear Ms. P

Our office received the complaint you filed on July 7, 2019, against unknown Albuquerque Police Department (APD) officers for an incident which occurred on July 6, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

NM 87103

www.cabq.gov

Ms. P said she and her husband have been having problems with one of their neighbors, who lived in a unit above their unit. She said the morning of July 6, 2019, this neighbor, Mr. B., banged on their door, windows and floor while saying awful and threatening things to her and her family. She ran out to officers who were upstairs contacting Mr. B., about the incident when Mr. B. called her and her husband rats and said he was going to beat them up. Ms. P complained that officers put her husband, Mr. P in handcuffs and did nothing to Mr. B. although Mr. B. was making threats towards the P She complained she asked all 3 of the responding officers for their names and badge numbers and they didn't give her their information. She complained that while Mr. P was being detained, the officers allowed Mr. B. and a woman leave drunk with their 2 children. She complained all the officers involved were wrong for not helping them and instead they put the wrong person in handcuffs. She wants the officers to do their jobs right now since she is a female and getting hit by Mr. B.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, a CADs report, Officer C.'s written report, and 6 lapel camera video recordings. The evidence showed that the officers about which you are complaining are Officer C., Officer E. and Officer H., and showed that these officers responded to a Suspicious Person/Vehicles call on July 6, 2019 at 3:29 AM, wherein it was

alleged Mr. B. had been evicted from apartment E4; however, he was seen inside the apartment. The evidence showed that upon their arrival, these officers made contact with Mr. B. who showed them text messages from his landlord stating he was allowed to stay until the morning of July 6 to get the rest of his property out of the apartment.

The evidence showed that as the officers were leaving the complex, Mr. P began cursing at Mr. B., which resulted in both men yelling at each other. The officers told both men to stop yelling and Mr. P picked up a security camera and threw it at Mr. B., who was on the second floor. Although the camera did not hit Mr. B., lapel video showed officers told Mr. P that his action was considered an assault in their presence, for which he could be arrested. Instead of arresting Mr. P ; however, Officer E. placed him in handcuffs to detain him and explained it was for his and her safety. Mr. B. didn't want to cooperate with officers or press charges against Mr. P and Officer C. stood by as Mr. B. gathered his remaining belongings from the apartment and took them to a car so he could take them to his hotel. Mr. B. got in the passenger side of the vehicle, which was being driven by his neighbor. Once Mr. B. left the area, the handcuffs were removed from Mr. P and no charges filed against him. Officer C. detailed the incident in his report and lapel videos support his report. As a result, the officers did their job correctly, which is contrary to the allegations you made that they did not. Additionally, the evidence didn't corroborate your allegation that the driver of the vehicle was drunk.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds Officer C.'s, Officer E.'s and Officer H.'s conduct **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

**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.

Letter to Ms. P  
December 13, 2019  
Page 3

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*

*Tara Armijo-Prewitt*

*Eric Olivas*

*Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9764

**Re: CPC #203-19**

Dear Ms. M

Our office received the complaints you filed on July 9, 2019, against Albuquerque Police Department (APD) Officer L. for an incident which occurred on July 8, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

Ms. M            two complaints against Officer L. were related to the same incident. In one complaint, Ms. M            complained Officer L. didn't arrest Ms. Y. for pushing Ms. M            daughter down and in the other complaint Ms. M            alleged Officer L. wasn't serious about this incident.

NM 87103

www.cabq.gov

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, a CADs report, Officer L.'s written report, and 2 lapel camera video recordings. The evidence showed Officer L. and Officer H. responded to a Family Dispute involving you, your daughter, F., your ex-boyfriend, Mr. T., and Mr. T.'s relative, Ms. Y.

The evidence showed that the officers spoke to you and F. about the alleged incident between the two of you and Mr. T. and Ms. Y. prior to speaking to Mr. T. and Ms. Y. about the incident. The evidence showed you and F. went to Ms. Y.'s apartment to return Mr. T.'s belongings and to discuss what Mr. T. wanted to do with the child with which you were pregnant. You said an argument took place while you tried to drop off the items and you alleged Mr. T. and Ms. Y. had been drinking. You told officers that Mr. T. was on parole and wasn't supposed to be drinking, nor be in Ms. Y.'s apartment. You said that after you and F. left Ms. Y.'s apartment, Ms. Y. and another person followed you, started a physical altercation with you, and pushed F.

down, causing injury to her ankle. F. showed her ankle to officers, who didn't observe any injuries to the ankle. Ms. Y. denied a physical altercation took place and denied pushing F. down. Two uninvolved witnesses to the incident confirmed that a verbal altercation took place between you, F., Ms. Y. and an unidentified female but did not corroborate a physical fight. You and F. told the officers you wanted to press charges against Ms. Y. for child abuse and said you wanted her to go to jail. The officers explained they wouldn't press charges against Ms. Y. because the evidence didn't support the allegations and it wouldn't be pursued; however, they told you that you could go to Metro Court to file the charges yourself if you were so inclined.

The evidence showed the officers did not suspect Mr. T. or Ms. Y. had been drinking as alleged in your initial statement to officers when they arrived on scene.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds Officer L.'s, and Officer H.'s conduct **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

**You have the right to appeal this decision.**

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

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

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

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

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

**Letter to Ms. M**  
**December 13, 2019**  
**Page 3**

Sincerely,  
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*

*Tara Armijo-Prewitt*            *Eric Olivas*

*Chelsea Van Deventer*        *Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9788

**Re: CPC #205-19**

Dear Ms. K

Our office received the complaint you filed on July 16, 2019, against Albuquerque Police Department (APD) Officer D. for an incident which occurred on June 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.

### **I. THE COMPLAINT**

Ms. K said she has endured harassment, bullying and taunting by another tenant, Ms. L. since August 2018, and it's gotten to the point she can't check her mail, take out her trash or do laundry without Ms. L. harassing her. She was doing laundry on June 30, 2019 and Ms. L. came to the window, cursed at her and called her derogatory names so Ms. K left the laundry room and yelled at the neighbor to leave her alone. She complained that two weeks later she received a criminal summons by Officer D. essentially stating she is known to create disturbances and citing Ms. L.'s lies. She complained Officer D. committed slander, defamation of character and falsely accused her of a crime she didn't commit, and he failed to leave any information so she could contact him to discuss the issues.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, a CADs report, Officer D.'s written report, and Officer D.'s lapel camera video recording. The evidence showed Officer D. responded to an aggravated assault/battery call on June 30, 2019 after Ms. L. called APD stating she was assaulted/battered by you when she went to the laundry room to see if any washers were available. Lapel video showed Officer D. interviewed Ms. L., who told him you battered her about her head, neck, and back after she checked to see if there were open washers in the laundry room. According to Ms. L. she tried to protect herself with her left arm and in so doing received bruises on her left hand, which Officer D. observed. Ms. L. also told Officer

D. you were known for creating disturbances at the apartment complex. Officer D. made note of this comment in his report along with Ms. L.'s statement, and in doing so, he was merely reporting statements given him during an interview, and not committing slander or defamation of character, as you have alleged in your complaint. After taking Ms. L.'s statement, Officer D. attempted to contact you at your residence to get your version of events but you didn't answer your door. Officer D. then filed a criminal summons against you for battery.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds Officer D.'s conduct **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

**You have the right to appeal this decision.**

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

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

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

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

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



**Letter to Ms. K**  
**December 13, 2019**  
**Page 3**

Sincerely,  
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*

*Tara Armijo-Prewitt*            *Eric Olivas*

*Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019  
Via Certified Mail  
7018 1130 0002 3428 9795

**Re: CPC #210-19**

Dear Ms. V

Our office received the complaint you filed on July 22, 2019, against Albuquerque Police Department (APD) Officer A. for an incident which occurred on July 21, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

Ms. V said she called 311 three times to report her neighbor's dog and Officer F. called her and said the dog had a cover and food. She told Officer F. that when it gets hot the dog starts barking, whining and howling and she learned from the neighbor across the street that the dogs are German shepherds, who are never let out. You wrote the neighbors a letter telling them to keep their dog from barking and said it's not right to keep dogs outside in 100 degree weather. Officer B. (NOTE: the officer was correctly identified by the Investigator as Officer A.) spoke with complainant and appeared irritated with her and said Officer F. didn't see anything wrong and told complainant she could get in trouble from the post office for leaving a message in the neighbor's mailbox. He also told complainant she was harassing her neighbors and told her to stop. He asked for her name and birthdate, which she provided and told him she has a clean record.

NM 87103

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### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, a CADs report, and 3 lapel camera videos from Officer A.. The evidence showed Officer A. responded to a neighbor trouble call on July 21, 2019 after your neighbor, Mrs. C., called APD stating you were harassing them by repeatedly filing complaints about their dog(s) with Animal Control, spraying their bushes with weed killer, and leaving a rude letter in their mailbox. Lapel video showed Officer A. spoke with Mrs. and Mr. C. about their aforementioned concerns and your behavior towards

them. They told Officer A. they received a notice from Animal Control regarding the complaints filed against them and that the responding Animal Control officers said their dog(s) wasn't being abused or neglected and appeared to be taken care of and in good health. They showed Officer A. the letter you left in their mailbox. After discussing the letter with them, Officer A. contacted you at your residence.

When Officer A. contacted you, he told you why he was there and spoke with you about your concerns about Mrs. and Mr. C.'s dogs. He told you he understood your concerns but that Animal Control determined the dogs were cared for and not abused and that Mr. and Mrs. C. had not done anything unlawful. He also advised you not to place any letters inside anyone's mailbox as it is considered a crime to do so. Lapel video showed that Officer A. did not appear to be irritated with you at any time during your interaction, as you have alleged in your complaint.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds Officer A.'s conduct **UNFOUNDED** regarding allegations of violations of any APD SOPs, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

**You have the right to appeal this decision.**

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

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

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

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

Letter to Ms. V  
December 13, 2019  
Page 3

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

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

Sincerely,  
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*

*Tara Armijo-Prewitt*

*Eric Olivas*

*Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

December 13, 2019

Via Certified Mail

7018 1130 0002 3428 9801

**Re: CPC #217-19**

Dear Mr. M

Our office received the complaint you filed on August 6, 2019, against Albuquerque Police Department (APD) Officer M. for an incident which occurred on August 5, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

NM 87103

www.cabq.gov

Mr. M was pulled over by Officer M. for speeding. Officer M. asked Mr. M for his registration, insurance and license, and Mr. M couldn't locate his current proof of insurance or registration at first but eventually found the documents. He complained that at the end of the traffic stop, he asked Officer M. for his license back and Officer M. couldn't find it and told him he didn't have time to look for it but he would look for it at the sub-station, and call Mr. M when/if he found his license. Mr. M asked if he could get out of his car and look for his license and Officer M. said, "No. I've been to my car 3 or 4 times and I could have dropped it, and with all the traffic it probably blew down the highway by now." Mr. M asked Officer M. if he wanted him to drive without a license to which Officer M. replied he was a licensed driver, and acted as if Mr. M didn't need his license. Mr. M said that not long after the stop, a woman from a sub-station called to say she had his license there, so he drove to the sub-station on Corona and Wyoming to pick it up. Mr. M complained that Officer M.'s actions were unacceptable, unprofessional and retaliatory and that losing his license was a passive-aggressive attempt to intimidate and harass him. His hope is that Officer M. is counseled for his behavior as officers should be held to higher standards of professionalism and accountability.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, a CADs report, and 1 lapel camera video from Officer M.. Lapel video showed Officer M. pulled you over on the side of I-25 northbound after his radar showed you driving in excess of the posted legal speed limit. Upon his initial contact with you, Officer M. introduced himself and told you he pulled you over for driving 88 in a 70 mph zone and asked you for your license, registration and proof of insurance. You disputed the speed at which he 'clocked' you and looked for your registration and proof of insurance. You provided Officer M. your driver license and continued to search for the registration and insurance as Officer M. went back to his patrol car and wrote two citations: one for speeding and one for the registration being unsigned. Officer M. asked you to sign the tickets and told you that by signing them you were not admitting guilt but just saying that you would show up in court. You refused to sign either ticket and at that time produced a signed copy of the registration. Officer M. explained he couldn't change the original ticket before he went back to his patrol vehicle to furnish a new copy of the ticket with comments stating you found a signed copy.

Officer M. returned to your vehicle with your registration and asked if you had located any proof of insurance on your cell phone and when you said you could not he told you that he could write you a ticket for no proof of insurance and that once you found it you could take it to court and get the ticket dismissed. You continued to search for proof of insurance as Officer M. stood on the side of the freeway waiting for you to find it. After approximately 15 minutes into the traffic stop and your inability to locate proof of insurance, Officer M., again, explained to you that he would give you a ticket for proof of insurance and you could have it dismissed at court so that you could be on your way. He asked if that was fair and you moaned and said it's not fair because you have insurance. You again had him explain why he was giving you a citation before he returned to his vehicle to get the citations so you could sign them and get your copies of them. Upon return to your vehicle he explained the citations and warning notice to you. As he was doing so you continued to dispute the citations and still refused to sign them. This dispute between you and Officer M. continued and at one point you finally located your proof of insurance, which required Officer M. to go back to his vehicle and issue you a second warning about your proof of insurance instead of a citation for lack of proof. Approximately 36 minutes into the traffic stop Officer M. responded to one of your comments that he was there to protect and serve, to which you replied twice that he was doing a good job of it right there.

Approximately 38 minutes into the traffic stop and after approximately 11 trips to and from your vehicle to his, you asked Officer M. for your license and he said he didn't have it and had no idea where it was. You asked if you could open your door and look for it and he told you no because you were parked on the side of the freeway. After looking in his vehicle and under your car and making 2 more trips between the vehicles he told you that he was getting off the freeway to check for your license in his vehicle and suggested you do the same. He said there is a help truck behind his car but that if you got smacked, then you got smacked and that would be on you. He told you he would look for it off the freeway where it's a lot safer to do so. You asked if you were allowed to drive without a license and he told you your license information is on the ticket so if you got stopped by another officer to have them call him and

he would take care of it. You told Officer M. not to be dumb and he said he's been back and forth to his car and it could be down the freeway at this point. He walked back to his patrol vehicle and drove to the sub-station where he looked for and located your license inside his vehicle. The evidence showed that a woman from the sub-station called to say she had your license there, and that you drove to the sub-station on Corona and Wyoming to pick it up.

Lapel video showed Officer M. remained professional towards you during the entire 40 minute traffic stop and at no time did he act in a passive-aggressive manner in order to intimidate or harass you nor did he deliberately lose your license, as you have alleged in your complaint.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA finds Officer M.'s conduct **UNFOUNDED** regarding allegations of violations of APD SOP 1-1-4(D)(15), which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

**You have the right to appeal this decision.**

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

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

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

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

Letter to Mr. M  
December 13, 2019  
Page 4

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Tara Armijo-Prewitt, Eric Olivas*

Edward Harness, Executive Director

December 13, 2019  
Via Certified Mail  
7018 1130 0002 3428 9818

**Re: CPC 228-19**

Dear Mr. C

On August 26, 2019, we received a complaint you filed for an incident that took place possibly on August 23, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You reported that on 08/23/19 at about 7:30 PM, you were stopped by APD Officer M. for no registration on your car and expired insurance. You were given two citations and the officer towed your car. You complained the officer gave you the wrong information as to where your car was towed and that the tow was unnecessary because you were only three blocks from your house. You stated that you told the officer that you just got the car out of the shop from being repaired and that you didn't have registration on the car because it didn't pass emissions. You believed the officer was negligent, that he lied to you, and that he was rude and argumentative with you. You wanted the officer suspended or fired.

**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 the investigator reviewed the entire traffic stop which was recorded on the officer's lapel camera. The incident lasted an hour and nine minutes and the entire video was reviewed. The lapel camera video showed that Officer M. stopped you because you were driving a vehicle that had no license plate displayed. You told the officer that you had purchased the vehicle from a friend about a month prior and that you did not have a chance to register the vehicle. You also admitted to the officer that you did not have insurance coverage on the vehicle. The officer did issue you two citations and he told you that if you got insurance on the car and if you got it registered

the citations would be dismissed. The officer told you that he would have to tow the car because it did not have insurance or registration. When your father could not come and pick you up from the scene you asked the officer to give you a ride to your house and he agreed to do so. The tow truck arrived and your car was towed. The officer then gave you a ride to your house.

### **III. CONCLUSION**

The available evidence showed that the officer was not unreasonable, argumentative, or rude with you. In fact the interaction was quite professional. The City of Albuquerque requires that all vehicles being driven upon a roadway must be currently registered and have a valid license plate displayed, and the vehicle being operated must be insured. You admitted that you had no insurance on the car and that you had not registered the car in your name even though you had purchased the car a month prior to the traffic stop. The law allows officers to summarily impound vehicles when there is an admission by the driver that the vehicle is not insured. The traffic stop and the enforcement action taken by the officer was allowed by law and by Standard Operating Procedure (SOP) of the Albuquerque Police Department. We find that your complaint is unfounded, where the investigation determined by clear and convincing evidence, that the alleged misconduct did not occur.

**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,

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

Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Tara Armijo-Prewitt, Eric Olivas*

Edward Harness, Executive Director

December 13, 2019  
Via Certified Mail  
7018 1130 0002 3428 9825

**Re: CPC 229-19**

Dear Mr. F

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

**I. THE COMPLAINT**

You reported that on 08/18/19 that your adult daughter was stopped by APD Officer N. in the Walmart parking lot at Coors and I-40. You wrote that you followed the police car to see what was happening. You stated that you parked close to the officer and got out of your car to see what was going on. You complained the officer yelled at you to get back into your car and while the officer was yelling at you the officer placed his hand on his gun. You wanted the officer to be reprimanded for placing his hand on his gun.

**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 the investigator reviewed the entire traffic stop which was recorded on the officer's lapel camera. The Investigator also reviewed the lapel camera video of another officer, Officer F., who assisted on the traffic stop.

Officer N.'s video showed that he stopped your daughter because a return on the license plate of the car showed that your daughter had warrants out for her arrest. She was also driving on a suspended license.

The videos showed that you parked in a parking space close to where the officer had stopped your daughter. You parked in such a manner that you and your car were behind the officer's car.

Before the officer could approach your daughter and tell her why she had been stopped, you opened your car door and got out of your car. Officer N. told you, "Stay in your vehicle sir." You then yelled at the officer that he had stopped your daughter and you demanded to know what was going on. The officer repeatedly told you to stay in your vehicle and that they would explain to you, in a minute, what was going on. When both officers told you to get back into your car, you asked them "Why?"

Neither video shows the officer placing his hand on his gun but the officer did admit to placing his hand on his gun. He never removed his gun from its holster.

The videos showed that after Officer N. contacted your daughter and dealt with that situation, Officer N. went over to you and he apologized to you for yelling at you and he tried to explain that you should not jump out of your vehicle like that when an officer is conducting a traffic stop. You argued that you had a bad knee and that you did not and could not "jump" and the officer told you that you got out of your vehicle quickly, which you did. You did not want to speak with the officer any further after that and you asked for his information so you could file a complaint. The officer told you that the other officer would provide all of that information to you and the lapel videos showed that did occur. You complained to the other officer on scene that Officer N. Should not have put his hand on his gun.

### **III. CONCLUSION**

There is no Standard Operating Procedure in the Albuquerque Police Department that prohibits an officer from placing his hand on his gun. There was no misconduct because there is no prohibition to the officer's action of which you complained. We find that your complaint is unfounded, where the investigation determined by clear and convincing evidence, that the alleged misconduct did not occur.

**You have the right to appeal this decision.**

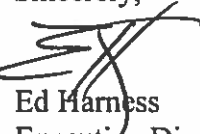
If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**      *Chantal M. Galloway, Chair*      *Joanne Fine, Vice Chair*  
*Tara Armijo-Prewitt*      *Dr. William J. Kass*      *Eric Olivas*  
*Valerie St. John*      *Leonard Waites*  
Edward Harness, Executive Director

December 13, 2019  
Via Certified Mail  
7018 1130 0002 3428 9832

**Re: CPC #116-19**

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 May 6, 2019, regarding an incident that occurred on March 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.

### THE COMPLAINT AND INVESTIGATION

Ms. W wrote in her complaint that she was ambushed on her property. Numerous officers came without a warrant and put her in handcuffs to take her to the hospital. Ms. W wrote she kicked Officer V in self-defense and then was told she was going to jail. Ms. W stated she does not have a mental illness. She alleged Detective B left threatening messages on her phone. Detective B told her she was not to call police. She admitted she had been calling police entities involving an incident that goes several years back involving her daughter.

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), recorded calls to police, several lapel videos, Ms. W interview, and conversations with Detective B.

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

A) The CPOA reviewed Albuquerque Police Department Administrative Order 3-13-3B3b regarding Detective B's conduct, which states:

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

Ms. W claimed officers, directed by Detective B, came onto her property without a warrant, handcuffed her, and planned to take her to the hospital, which she did not want. In order to defend herself she kicked one of the officers. As a result, she went to jail instead. She alleged she was the victim of an unlawful search and seizure.

Detective B explained over the course of several days Ms. W had called several law enforcement agencies including APD. Some of her calls threatened harm to officers and the APD Chief's office staff in particular were concerned. Detective B conferred with the clinicians in the CIT Unit. It was determined per state statute 43-1-10 that Ms. W should be taken to the hospital for an emergency evaluation. Detective B and several other officers went to Ms. W home and observed until Ms. W was outside her residence. It was known to them that Ms. W would not open the door for officers. Once Ms. W was outside officers contacted her and explained their reasons for contacting her. She did not want to go so officers handcuffed her for the purposes of taking her to assessment and treatment. Ms. W kicked one of the officers so she was then under arrest. Officers took Ms. W to the hospital first as she complained about physical ailments, but she refused to be seen. Officers then took her to jail.

Ms. W admitted she had been calling several law enforcement entities regarding an incident going back several years involving her daughter. She claimed she was acting as a pro se attorney to research issues and had every right to call police. The recordings of a couple of Ms. W's calls into police were reviewed. Ms. W talked about several things without context for the Operator. She quoted bible verses and said the police had better be willing to kill her if they came to her home again. She told the Operators she could call police as many times as she wanted. According to APD SOP 2-19, State Statute grants police the authority to take Ms. W into custody for the purposes of evaluation without a warrant. Detective B conducted an investigation and had reasonable grounds to believe Ms. W presented a serious threat of harming herself or others. Additionally, Detective B had conversations with clinicians that agreed Ms. W presented a likelihood of harming herself or others and therefore detention was necessary. Ms. W met the criteria of an emergency mental evaluation. When officers contacted her, the lapel videos showed she tried to pull away from officers and collapsed her legs so officers lowered her to her knees. Eventually she got up and walked to the police car, but kicked officers and struck one in the leg. When she committed the battery on a peace officer, the evaluation would take place at the jail rather than a hospital. The CIT clinicians have communicated with the MDC unit concerning Ms. W

The CPOA finds Detective B's conduct to be **Exonerated** where the investigation determined the alleged conduct did occur, but did not violate APD policies, procedures, or training.



B) The CPOA reviewed Standard Operating Albuquerque Police Department General Order 1-1-4D14 regarding Detective B's conduct, which states:

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

Ms. W alleged Detective B left threatening messages on her phone, telling her not to call police. She could not play or provide copies of those messages. Ms. W blamed Detective B for a multitude of issues over the course of several years.

Detective B stated Ms. W was assigned to her caseload in CIT late January 2019, but she developed a good rapport with Ms. W when she was in field services. Detective B explained the APD contract clinicians said one method of managing Ms. W, diagnosis was to set boundaries. Detective B explained Ms. W at times overwhelms services by calling police multiple times for non-police issues, sometimes resulting in telephone harassment or misuse of 911 charges from various law enforcement agencies. Detective B has called Ms. W and told her if she needs assistance to call her directly rather than the 911 system for anything other than an emergency. She has cautioned Ms. W of the repercussions if she continued to call 911 for other concerns. Detective B did not think she left messages just had conversations.

Ms. W admitted she called police multiple times and felt it was her right to do so. Ms. W did not allege Detective B threatened her with harm, just instructed her not to call. Detective B's advisement to Ms. W of the consequences of her actions would not be considered threats.

The CPOA finds Detective B's conduct to be **Unfounded** where the investigation determined 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 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.

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



Ed Harness  
Executive Director

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*

*Tara Armijo-Prewitt*            *Eric Olivas*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Leonard Waites*

December 17, 2019

Via Certified Mail

### Re: Appeal CPC #132-18

Dear Mr. L:

On December 12, 2019 the CPOA Board concluded the Appeal Hearing for the above referenced case. The decision of the Board is as follows:

1. The Findings of the CPOA are upheld.
2. The Board will undertake a review of the relevant APD policies outlined in your appeal.

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

Sincerely,  
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police