

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia J. French

Richard Johnson

Dr. William J. Kass

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

BOARD AGENDA

Thursday, September 9, 2021 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, September 9, 2021 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at:

<https://www.cabq.gov/culturalservices/govtv>, or on YouTube at:

<https://www.cabq.gov/cpoa/events/cpoa-board-meeting-august-9-2021>.

(Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, September 6, 2021 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Thursday, September 9, 2021. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

I. Welcome and call to order

II. Mission Statement – *Eric Olivas, Chair*

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*

III. Approval of the Agenda

IV. Public Comments

V. Review and Approval of Minutes from August 12, 2021 and August 24, 2021 Special Meeting

VI. Reports from City Departments

a. APD

- 1. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – *Commander Zak Cottrell***
- 2. IA Force Division (SOP 2-52 through SOP 2-57) – *Acting Commander Richard Evans***
- 3. Performance Metrics Unit (PMU) Report – *Performance Metrics Supervisor Cara Garcia***

b. City Council – *Chris Sylvan*

c. Public Safety Committee - *Chris Sylvan*

d. Mayor's Office – *Pastor David Walker*

e. City Attorney

f. CPC – *Kelly Mensah*

g. CPOA – *Edward Harness, Executive Director*

VII. Requests for Reconsideration

VIII. Review of Cases:

**a. Administratively Closed
161-21**

**b. Exonerated
067-21 085-21**

**c. Exonerated and Unfounded
027-21**

**d. Not Sustained and Sustained
095-21**

**e. Unfounded
078-21 070-21 117-21 120-21**

**f. Unfound and Exonerated
127-21**

IX. Serious Use of Force Cases/Officer Involved Shooting

- a. 20-0060676 / 20-0060662 K9
- b. 20-0034126 / 20-0034103 K9
- c. 20-0004795 HC
- d. 20-0013885
- e. 20-0018491
- f. 20-0064745 K9
- g. File Requests:
 - 1. 16-0048656 OIS
 - 2. 18-0105978 OIS
 - 3. 18-0110490 OIS
 - 4. 19-0031543 OIS
 - 5. 19-0044654 OIS
 - 6. 19-0060599 OIS
- h. Proposed Cases for October 2021 Review:
 - 1. 19-0077270 OIS – APD Response Requested 8/12/2021
 - 2. 19-0094605 OIS – File requested 08/12/2021
 - 3. 20-0014745 / 20-0014813 K9 – OBRD Requested 08/12/2021
 - 4. 20-0026269 / 20-0026264 K9 – OBRD Requested 08/12/2021
 - 5. 20-0047022 ECW
 - 6. 21-0000606 HC

X. Reports from Subcommittees

- a. Community Outreach Subcommittee – *Chantal Galloway*
 - 1. Met August 24, 2021 at 3:00 p.m. (video conference)
 - 2. Next meeting September 27, 2021 at 3:00 p.m.
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 - 1. Met September 2, 2021, 2021 at 4:30 pm (video conference)
 - 2. Next meeting October 7, 2021 at 4:30 p.m.
- c. Case Review Subcommittee – *Eric Nixon*
 - 1. Next meeting TBD
- d. Personnel Subcommittee – *Eric Olivas*
 - 1. No meeting in August 2021
 - 2. Next meeting September 27, 2021 4:00 p.m.

XI. Discussion and Possible Action:

- a. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Dr. William Kass and Tina Gooch, CPOA Counsel*
- b. Use of Force Policy Review (SOP 2-52 through SOP 2-55) and Discipline System (SOP 3-46) – *Dr. William Kass*
- c. Case Review Process and CRC – *Eric Nixon and Chantal Galloway*
- d. Ordinance Changes and City Council Appointments – *Eric Olivas and Edward Harness, CPOA Executive Director*
- e. Board Member Responsibilities - *Eric Olivas*
 - New Member Training Requirements
 - 8 Hour Annual Training Requirement

- f. Update on Training for Board Members on CPOA Investigations –
*Edward Harness, CPOA Executive Director***
- g. Update on Board Approved Ride Along Form and Training
Assessment Form – *Edward Harness, CPOA Executive Director***
- h. CPOA/CPOAB Budget Briefing – *Edward Harness, CPOA Executive
Director***
- i. Update on Specialized Diversity Training for Board Members –
*Chantal Galloway and Eric Olivas***
- j. Consideration of PPRB Policies with No Recommendation: -
*Dr. William Kass***
- k. Executive Director Job Posting – *Eric Olivas***
- l. CPOA Calendar and Scheduling Tool – *Chantal Galloway and Eric
Olivas***

XII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

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

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

1. Executive Director Appointment/Contract

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

- b. Matters subject to the attorney-client privilege pertaining
to threatened or pending litigation in which the public
body is or may become a participant pursuant to NMSA
1978, Section 10-15-1(H)(7)**

**1. *Miller v. City of Albuquerque et al.,
1:21-cv-00473***

XIII. Other Business

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Email

Re: CPC # 161-21

Mr. W

COMPLAINT:

PO Box 1293

S W submitted an online complaint regarding officers not attending to his son's need for medical after a traffic accident. Mr. W also reported that officers were very rude to his son at the scene. Mr. W claimed the officer was very friendly with the person that hit his son.

Albuquerque

NM 87103

EVIDENCE REVIEWED:

www.cabq.gov

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: not APD

Policies Reviewed: n/a

Other Materials:

Date Investigation Completed: August 25, 2021

FINDINGS

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

Additional Comments:

It was determined both through preliminary investigation and confirmed by the complainant that the incident involved BCSO and not APD

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Email

Re: CPC # 085-21

Mr. S

COMPLAINT:

PO Box 1293

Albuquerque

Mr. J S reported that he was shot on 04/17/2021. Mr. S reported no law enforcement had tried to speak with him nor while he was in the hospital. Mr. S reported he had called 242-2677, three times requesting a call back from Officer H. Mr. S reported he had yet to hear back from Officer H.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Detective R

Policies Reviewed: Procedural Order 2-60-4B.5.b

Other Materials:

Date Investigation Completed: August 20, 2021

FINDINGS

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

Additional Comments:

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

To File

No email or address provided

Re: CPC #027-21

Dear Ms. G

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on 02/04/21, regarding an incident that occurred on 01/26/21. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

Ms. G reported she was ambushed at her children's Daycare where officers were interrogating her about her children's bruises and scratches. Ms. G reported Officer L was extremely rude, unprofessional and was not wearing a mask. Ms. G reported Officer L caused intimidation and made Ms. G feel like a piece of shit mom. Ms. G reported Officer C did not verify her information or ask for an ID to verify if she was the correct person. Ms. G reported Officer C was the leader of the investigation and did nothing to stop Officer L from how she was behaving towards Ms. G. Ms. G reported her kids were taken from the Daycare without her consent and Ms. G did not know who her kids were with for 4-5 hours. Ms. G reported around 09:00pm, she got a call from CYFD letting her know that the officers had the wrong information on her and they had mixed her up with another person with the same name. Ms.

G reported the officers assumed she was the abuser without bothering to verify her information or use their common sense.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP's, the Complaint, the CADs, the Incident Reports, the Lapel Videos and the Interviews with Officer L and Officer C. CPOA Investigator attempted to contact Ms. G however Ms. G did not reach back out to the CPOA Investigator, therefore she was not interviewed. Officer P was not interviewed as there were no direct complaints made against Officer P. Officer P was not the primary officer during that incident and after a review of Lapel Videos, there were no observable violations of SOP's by Officer P.

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

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

Personnel will constantly, intelligently, and efficiently direct their best efforts to accomplish the purposes of the Department

Ms. G reported Officer C did not verify her information or ask for an ID to verify if she was the correct person. Ms. G reported around 09:00pm, she got a call from CYFD letting her know that the officers had the wrong information on her and they had mixed her up with another person with the same name. Ms. G reported the officers assumed she was the abuser without bothering to verify her information or use their common sense.

CPOA Investigator attempted to contact Ms. G however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer C, he stated while at the hospital, he began running people's names and he found out that the person that the RTCC gave them was not the same person that showed up to the daycare.

Officer C confirmed the incorrect information he received from RTCC did affect their decisions made on that date.

Officer C stated when he worked on the face sheet, he made sure the information was accurate so he called Ms. G to verify her information.

Per the Lapel Video, Officer C walked up to a female (later identified as M G who had just drove up to the curb. Officer C asked Ms. G who she was there to pick up, Ms. G responded by stating her kids. Officer C asked who her kids were, Ms. G stated M and E (names of the alleged victims.)

Ms. G then informed officers that Ms. G's mom actually had temporary custody over Melyi right now. Officer L asked why did Ms. G have her then, Ms. G stated because that was her daughter and because they all lived together. Ms. G later stated they all used to live together a few weeks ago but her mom moved out because she was having problems with her dad. Ms. G stated where her mom lived right now was with her uncle and it was a very small mobile home, so the kids were with them (Ms. G and her father.) Officer L asked if Ms. G's mom was supposed to have custody and Ms. G stated yes, through the court as it was court ordered. Officer L asked why Ms. G had the child if it was court ordered, Ms. G stated through the whole separation thing, her mom now lived somewhere else. Ms. G stated both of her parents had custody of M. Officer L asked why, Ms. G stated because Ms. G had another kid when M was 3 months old, that's why. Officer L stated Ms. G's mom could not be an option if she was supposed to have custody of Melyi but M was in Ms. G's custody, Ms. G stated there was nobody else.

Officer L asked Ms. G for her address and phone number in which she provided. Officer C stated ok, that was on the call. Officer L informed Ms. G that CYFD would contact her.

Per the Lapel Video, although officers did not ask for Ms. G ID, they did ask other questions where Ms. G confirmed she was the mother of the alleged victims (M and E).

The CPOA finds Officer C's conduct to be **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

B.) The CPOA reviewed General Order 1-1-4B.6.a, regarding Officer C's conduct, which states:

Personnel will perform any act required by the City's or Department's rules, regulations, directives, orders, or settlement agreement. Personnel will report any known or observed violation or policy or procedure to a supervisor.

Ms. G reported Officer C was the leader of the investigation and did nothing to stop Officer L from how she was behaving towards Ms. G.

CPOA Investigator attempted to contact Ms. G however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer C, he confirmed he was the primary officer on that case. When asked about the complaint where Officer C did nothing to stop Officer L from the way she was behaving towards Ms. G. Officer C stated during the time of incident, he did not feel Officer L had done anything to Ms. G that needed to be stopped.

Per the Lapel Video, there was no behavior from Officer L towards Ms. C that Officer C needed to stop.

The CPOA finds Officer C's conduct to be **UNFOUNDED** where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;

C.) The CPOA reviewed General Order 3-13-3B.3.b, regarding Officer C'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.

Ms. G reported her kids were taken from the Daycare without her consent and Ms. G did not know who her kids were with for 4-5 hours.

CPOA Investigator attempted to contact Ms. G however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer C, when asked about the allegation where Ms. G kids were taken from the Daycare without informing her and without her consent. Officer C stated the kids were taken without Ms. G consent as they believed there was a legit medical issue going on with one of the kids and the Doctor confirmed there was a medical issue. In reference to Ms. G not knowing who the kids were with, that was false as Officer C advised Ms. G that the children were going to be going to the hospital. Officer C stated officers and CYFD were with the children the entire time.

Per the Lapel video, Officer C informed Ms. G that Elian was transported to the hospital, Ms. G asked why wouldn't anyone call her? Officer C stated they were waiting for her to show up. Ms. G asked what was going on, Officer C stated they suspected E had a neck injury as he was not turning his neck. Officer C advised E was at UNMH, Ms. G asked where his sister was, Officer C stated they were going to also take her to UNMH.

Per the Lapel Video, Ms. G was informed of where her children were going to be taken.

The CPOA finds Officer C's conduct to be **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

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

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

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

Ms. G reported Officer L was extremely rude and unprofessional. Ms. G reported Officer L caused intimidation and made Ms. G feel like a piece of shit mom.

CPOA Investigator attempted to contact Ms. G, however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer L, she stated she was assertive and it felt that Ms. G did not really care. Officer L stated she did not believe that she was rude or unprofessional. When asked if Officer L caused intimidation and made Ms. G feel like a piece of shit mom, per the complaint. Officer L stated she did not think she made Ms. C feel like that.

During the interview with Officer C, he denied that Officer L was rude or unprofessional.

Per the Lapel Videos, Officer L was not rude, unprofessional or intimidating towards Ms. G during their interaction.

The CPOA finds Officer L's conduct to be **UNFOUNDED** where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;

B.) The CPOA reviewed General Order 1-1-4B.2, regarding Officer L's conduct, which states:

Personnel will obey all federal, state, and local laws, all applicable rules and regulations. Personnel will also enforce those lawful directives while protecting the rights of individuals, as established in the Constitution of the United States and the Constitution of the State of New Mexico. Adherence includes, but is not limited to, obeying all felony, misdemeanor, and traffic laws, applicable local ordinances, as well as all lawfully-issued civil orders of any jurisdiction. Each quarter, the Department will compile and review violation reports to identify trends

Ms. G reported Officer L was not wearing a mask.

CPOA Investigator attempted to contact Ms. G however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer L, when asked if she wore a mask, Officer L stated she could not recall, but felt she wore her mask all the time.

After a review of the Lapel Videos, it was confirmed Officer L was wearing a mask during her interaction with Ms. G

The CPOA finds Officer L's conduct to be **UNFOUNDED** where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;

C.) The CPOA reviewed General Order 3-13-3B.3.b, regarding Officer L'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.

Ms. G reported her kids were taken from the Daycare without her consent and Ms. G did not know who her kids were with for 4-5 hours.

CPOA Investigator attempted to contact Ms. G ; however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer L, when asked about the kids being taken without Ms. G consent. Officer L stated at that time, she felt the kids were in danger and she did not have to let the parents know the children were going to be taken to the hospital. Officer L stated they would let the parents know eventually, but they would call out CYFD and they were still in the middle of their investigation.

Per the Lapel video, Officer C informed Ms. G that Elian was transported to the hospital, Ms. G asked why wouldn't anyone call her? Officer C stated they were waiting for her to show up. Ms. G asked what was going on, Officer C stated they suspected E had a neck injury as he was not turning his neck. Officer C advised E was at UNMH, Ms. G asked where his sister was, Officer C stated they were going to also take her to UNMH.

Per the Lapel Video, Ms. G was informed of where her children were going to be taken.

The CPOA finds Officer L's conduct to be **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

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

Personnel will constantly, intelligently, and efficiently direct their best efforts to accomplish the purposes of the Department

Ms. G : reported around 09:00pm, she got a call from CYFD letting her know that the officers had the wrong information on her and they had mixed her up with another person

with the same name. Ms. G : reported the officers assumed she was the abuser without bothering to verify her information or use their common sense.

CPOA Investigator attempted to contact Ms. G however Ms. G did not reach back out to the CPOA Investigator therefore she was not interviewed.

During the interview with Officer L, when asked how officers knew who Ms. G was. Officer L stated the Daycare staff advised who Ms. G was. Officer L stated they also knew Ms. G : would arrive soon as the daycare was closing and Daycare staff advised it was about that time for Ms. C to pick up her kids.

Officer L confirmed after Ms. G : stated that the kids were not supposed to be with Ms. G but was supposed to be with her mom. Officer L confirmed regardless of the RTCC information, based on Ms. G statement to Officer, the children were not going back with Ms. G until the investigation was completed.

When asked if Officer L requested an ID from Ms. G : for verification purposes. Officer L stated in that case she did not, as the Daycare staff had pointed Ms. C out and Officer C had already been talking with Ms. G.

Per the Lapel Video, Officer C walked up to a female (later identified as Mayra G) who had just drove up to the curb. Officer C asked Ms. G who she was there to pick up, Ms. G responded by stating her kids. Officer C asked who her kids were, Ms. G stated M and E (names of the alleged victims.)

Ms. G informed officers that Ms. G 's mom actually had temporary custody over M right now. Officer L asked why did Ms. G have her then, Ms. G stated because that was her daughter and because they all lived together. Ms. G then stated they all used to live together a few weeks ago but her mom moved out because she was having problems with her dad. Ms. G stated where her mom lived right now was with her uncle and it was a very small mobile home, so the kids were with them (Ms. G : and her father.) Officer L asked if Ms. G mom was supposed to have custody and Ms. G stated yes, through the court as it was court ordered. Officer L asked why Ms. G had the child if it was court ordered, Ms. G stated through the whole separation thing, her mom now lived somewhere else. Ms. G stated both of her parents had custody of M. Officer L asked why, Ms. G stated because Ms. G had another kid when M was 3 months old, that's why. Officer L stated Ms. G mom could not be an option if she was supposed to have custody of M but Melyi was in Ms. G custody, Ms. G stated there was nobody else.

Officer L asked Ms. G for her address and phone number in which she provided. Officer C stated ok, that was on the call. Officer L informed Ms. C that CYFD would be contacting her.

Per the Lapel Video, although officers did not ask for Ms. G ID, they did ask other questions where Ms. G : confirmed she was the mother of the alleged victims (M and E)

The CPOA finds Officer L's conduct to be **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8849

Re: CPC # 095-21

Mr. M

COMPLAINT:

PO Box 1293

Mr. R. M reported that while he was reviewing lapel videos for one of his clients, he discovered that CSS S was masturbating. Mr. M reported he wanted to ensure officers conduct themselves in a professional manner and uphold APD SOP Policies.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: CSS S L

Policies Reviewed: Administrative Order 3-14-4A.5.

Other Materials:

Date Investigation Completed: August 20, 2021

FINDINGS

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

Additional Comments:

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8849

Re: CPC # 095-21

Mr. M.

COMPLAINT:

PO Box 1293

Mr. R. M. reported that while he was reviewing lapel videos for one of his clients, he discovered that CSS S was masturbating. Mr. M. reported he wanted to ensure officers conduct themselves in a professional manner and uphold APD SOP Policies.

Albuquerque

NM 87103

EVIDENCE REVIEWED:

www.cabq.gov

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: CSS S S

Policies Reviewed: General Order 1-1-4B.7.a. & Procedural Order 2-8-6B.

Other Materials:

Date Investigation Completed: August 20, 2021

FINDINGS

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

Additional Comments:

You have the right to appeal this decision.

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

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

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

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

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

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

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

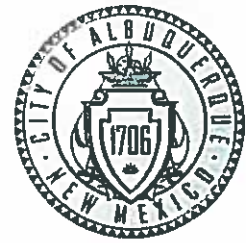
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Email

Re: **CPC # 078-21**

Ms. D

COMPLAINT:

Ms. D reports a Proud Boys event was held where a male was detained and charged though he reports otherwise. It was unclear what the child endangerment charge was in reference to and it was also upsetting the male recorded his engagement with officers, not to include being arrested or charged and ends with an officer saying he appreciates the male. The male was in possession of a sign that said all guns matter and dressed like NM Civil Guard.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant H

Policies Reviewed: Conduct 1-1-4-B.7.a,b,c

Other Materials: YouTube Video

Date Investigation Completed: August 5, 2021

FINDINGS

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

Additional Comments:

The video evidence showed the officer said he appreciated the citizen's cooperation not that he said he appreciated the man. The man was charged by an officer, but those charges were dropped by the D.A.

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'EH' with a stylized flourish.

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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8870

Re: CPC # 070-21

Ms. Q Z1

COMPLAINT:

PO Box 1293

Ms. Q Z1 reported that officers hurt and molested her.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer F

Policies Reviewed: Procedural Order 2-52-4F.1.a; and General Order 1-1-4B.2

Other Materials:

Date Investigation Completed: August 6, 2021

FINDINGS

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

Additional Comments:

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8870

Re: CPC # 070-21

Ms. Q

COMPLAINT:

PO Box 1293

Ms. Q Z reported that officers hurt and molested her.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Policies Reviewed: Procedural Order 2-52-4F.1.a; and General Order 1-1-4B.2

Other Materials:

Date Investigation Completed: August 6, 2021

FINDINGS

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

Additional Comments:

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8856

Re: CPC # 117-21

Ms. V S

COMPLAINT:

PO Box 1293

Ms. V S alleges a crash report was not available for thirty-four days and wished to know if there was turn signal, videos, if videos were uploaded and if follow-up was done by APD on J. M who passed away. Ms. V S complaint list Officer A and Officer H.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer H

Policies Reviewed: Traffic Crash 2-46-4I3 & Traffic Section 1-95-4C3b

Other Materials:

Date Investigation Completed: August 25, 2021

FINDINGS

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

Additional Comments:

Upon review it was determined by clear and convincing evidence Officer A conducted a preliminary crash investigation and submitted the reports by end of shift and Officer H completed and submitted the supplemental report by end of shift and followed Mr. Mahon to the hospital and provided updates.

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8856

Re: CPC # 117-21

Ms. V S,

COMPLAINT:

Ms. V S alleges a crash report was not available for thirty-four days and wished to know if there was turn signal, videos, if videos were uploaded and if follow-up was done by APD on J M who passed away. Ms. V S complaint list Officer A and Officer H.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer A

Policies Reviewed: Traffic Crash 2-46-4I3 & Traffic Section 1-95-4C3b

Other Materials:

Date Investigation Completed: August 25, 2021

FINDINGS

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

Additional Comments:

Upon review it was determined by clear and convincing evidence Officer A conducted a preliminary crash investigation and submitted the reports by end of shift and Officer H completed and submitted the supplemental report by end of shift and followed Mr. M to the hospital and provided updates.

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8863

Re: CPC # 120-21

Mr. F M

COMPLAINT:

PO Box 1293

Mr. M alleges Officer F failed to properly responded to the criminal acts reported by him, threatened to arrest him, called him dilusional and made him feel threatened when being handcuffed.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Policies Reviewed: 1-1-5A1, 2-19-6C7, and 2-60-4A1

Other Materials: Reports and medical records submitted with complaint.

Date Investigation Completed: August 6, 2021

FINDINGS

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

Additional Comments:

1-1-5A1 was unfounded as no evidence was discovered that Mr. M was called delusional or officers created an environment to purposely cause fear. 2-19-6C7 was exonerated as Officer F made a statement that was not against policy. 2-60-4A1 was unfounded as the complaint was investigated by 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.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8863

Re: CPC # 120-21

Mr. F. M.

PO Box 1293

COMPLAINT:

Mr. M. alleges Officer K failed to properly responded to the criminal acts reported by him, threatened to arrest him, called him dilusional and made him feel threatened when being handcuffed.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer K

Policies Reviewed: 1-1-5A1 and 2-60-4A1

Other Materials: Reports and medical records submitted with complaint.

Date Investigation Completed: August 6, 2021

FINDINGS

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

Additional Comments:

1-1-5A1 was unfounded as no evidence was discovered that Mr. M I was called delusional or officers created an environment to purposely cause fear. 2-60-4A1 was unfounded as the complaint was investigated by 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.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8832

Re: CPC # 127-21

Ms. Emily B

COMPLAINT:

PO Box 1293

On 06/26/2021, APD responded to a family dispute between complainants E1 B and J1 M1. APD entered the home 3 different times and opened the front door without permission, consent or warrant. This led to the family dog escaping, thus, endangering the animal. The police never apologized for the trouble caused.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Policies Reviewed: 3-13-3B3b; 1-1-5A1

Other Materials: n/a

Date Investigation Completed: August 12, 2021

FINDINGS

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

Additional Comments:

CPOA Investigator attempted to contact E and M on numerous documented occasions via methods such as phone, text and email. However, the complainants never responded; as a result, they were not interviewed. 3-13-3B3b was exonerated and 1-1-5A1 was unfounded based on the video evidence.

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

Eric Olivas, Chair

Chantal M. Galloway, Vice-Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William J. Kass

Doug Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 10, 2021

Via Certified Mail

7017 2680 0000 5951 8832

Re: CPC # 127-21

Ms. E B

COMPLAINT:

PO Box 1293

On 06/26/2021, APD responded to a family dispute between complainants E B and J. M. APD entered the home 3 different times and opened the front door without permission, consent or warrant. This led to the family dog escaping, thus, endangering the animal. The police never apologized for the trouble caused.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant(s) Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M.

Policies Reviewed: 3-13-3B3b; 1-1-5A1

Other Materials:

Date Investigation Completed: August 12, 2021

FINDINGS

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

Additional Comments:

CPOA Investigator attempted to contact B and M on numerous documented occasions via methods such as phone, text and email. However, the complainants never responded; as a result, they were not interviewed. 3-13-3B3b was exonerated and 1-1-5A1 was unfounded based on the video evidence.

You have the right to appeal this decision.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

Chantal M. Galloway, Vice Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Douglas Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 9, 2021

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

RE: APD Case # 20-0060676/20-0060662, IAFD Case # C2020-00571

Dear Chief Medina:

My review of this case included:

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

Sincerely,

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

Chantal M. Galloway, Vice Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Dr. William Kass

Douglas Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 9, 2021

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

RE: APD Case # 20-0034126/20-0034103, IAFD Case # C2020-00298

Dear Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
 - Officer Interviews
- Internal Affairs Force Division Reports
 - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- APD Policy 2-52 Use of Force

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on April 26, 2020 the victim, Mr. L., was suspected if beating a man with a lug wrench. While not initially on the scene, he soon returned and barricaded himself in his residence. Officers began public address announcements, used Noise Flash Diversionary Devices, and Chemical Munitions as an attempt to get Mr. L. to exit the residence.

After a time, Mr. L. exited the residence with his hands in the air. Officer #1 deployed his 40mm rifle striking Mr. L. Sergeant #1 deployed his K9 at the same time. Mr. L. was taken into custody.

Finding: The CPOA finds Officer 1's conduct **SUSTAINED** where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur.

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

Sincerely,

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

Chantal M. Galloway, Vice Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Douglas Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 9, 2021

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

RE: APD Case # 20-0013885, IAFD Case # C2020-00081

Dear Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

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

www.cabq.gov

My review of the evidence shows on February 12, 2020 the victim, Mr. G. was suspected of Domestic Violence. As, officers interviewed the victim, Mr. G. returned to the scene. Mr. G. was placed under arrest and placed in the back of a police vehicle. While in the vehicle Mr. G. slipped the handcuffs to the front. Officers removed Mr. G from the vehicle to place him in a PRS. Mr. G. resisted officers as they repositioned the handcuffs.

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

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

Finding: The CPOA finds Officer 3's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

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

Sincerely,

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

Eric Olivas, Chair

Chantal M. Galloway, Vice Chair

Tara Armijo-Prewitt

Patricia French

Richard Johnson

Douglas Mitchell

Eric Nixon

Gionne Ralph

Edward Harness, Executive Director

September 9, 2021

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

RE: APD Case # 20-0018491, IAFD Case # C2020-000116

Dear Chief Medina:

My review of this case included:

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

My review of the evidence shows on February 27, 2020 the victim Ms. P. reportedly wanted to harm herself. Officers arrived on scene, finding Ms. P. in the yard adjacent to her Mother's home. Officers determined there was enough evidence to detain Ms. P. for a medical evaluation. After being handcuffed Ms. P began to resist and was taken to the ground, while cuffed.

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

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

Sincerely,

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