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, October 14, 2021 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, October 14, 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-october-14-2021.

(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, October 11, 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, October 14, 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 September 9, 2021
VI. Reports from City Departments
   a. APD
      1. IA Professional Standards Division (SOP 7-1, SOP 3-41,
         SOP 3-46) – Commander Zak Cottrell
      2. IA Force Division (SOP 2-52 through SOP 2-57) –
         Acting Commander Richard Evans
      3. ShotSpotter Program Briefing (SOP 2-98)
      4. Crash Review Board Presentation (SOP 2-50) –
         Acting Commander Nick Wheeler
   b. Albuquerque Community Safety Department – Director Community
      Safety, Mariela Ruiz-Angel
   c. City Council – Chris Sylvan
   d. Public Safety Committee - Chris Sylvan
   e. Mayor’s Office – Pastor David Walker
   f. City Attorney
   g. CPC – Kelly Mensah
   h. CPOA – Edward Harness, Executive Director

VII. Requests for Reconsideration
     120-21

VIII. Review of Cases:
   a. Administratively Closed
      116-21  123-21  142-21  160-21  169-21
      186-21  188-21  195-21
   b. Exonerated and Administratively Closed
      102-21
   c. Exonerated
      067-21  101-21
   d. Exonerated and Unfounded
      088-21  128-21
   e. Exonerated, Sustained and Unfounded
      122-21
   f. Sustained, Not Sustained and Administratively Closed
      081-21
   g. Sustained
      093-21  100-21  118-21  152-21
   h. Unfounded
      113-21  119-21  129-21  130-21  133-21
Board Agenda
October 14, 2021
Page 3

i. Unfounded and Sustained
   094-21

IX. Non-Concurrence Cases
   a. CPC 109-21
   b. CPC 093-21
   c. CPC 038-21
   d. CPC 249-20
   e. CPC 250-20

X. Serious Use of Force Cases/Officer Involved Shooting
   a. APD Response to Board:
      1. 19-0077270 Officer Involved Shooting
   b. CPOA Board Review:
      1. 20-0004795 Handcuffing
      2. 21-0000606 Handcuffing
      3. 20-0064745 K9 Deployment
      4. 20-0014745 / 20-0014813 K9 Deployment
      5. 20-0026269 / 20-0026264 K9 Deployment
      6. 20-0047022 Electronic Control Weapon (ECW) Deployment
   c. File Requests:
   d. Proposed Case(s) for November 2021 Review:
      1. 19-0094605 OIS – File requested 08/12/2021

XI. Reports from Subcommittees
   a. Community Outreach Subcommittee – Chantal Galloway
      1. Met September 28, 2021 at 3:00 p.m. (video conference)
      2. Next meeting October 26, 2021 at 3:00 p.m.
   b. Policy and Procedure Review Subcommittee – Dr. William Kass
      1. Met October 7, 2021, 2021 at 4:30 pm (video conference)
      2. Next meeting October 28, 2021 at 4:30 p.m.
   c. Case Review Subcommittee – Eric Nixon
      1. Next meeting TBD
   d. Personnel Subcommittee – Eric Olivas
      1. Met September 27, 2021 at 4:00 p.m. (video conference)
      2. Next meeting October 25, 2021 4:00 p.m.

XII. Discussion and Possible Action:
   a. Consideration of PPRB Policies with No Recommendation: -
      Dr. William Kass
   b. 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
   c. Use of Force Policy (SOP 2-52 through SOP 2-55) and Discipline
      System (SOP 3-46) – Dr. William Kass
   d. ShotSpotter (SOP 2-98) Chief's Response – Dr. William Kass
e. Proposal for Case Review Process and Materials – Eric Olivas
f. Consideration of Special Meeting for Public Input on Board Goal Setting and Long-Term Planning – Eric Olivas
g. Ordinance Changes and City Council Appointments – Eric Olivas and Chantal Galloway
h. New Board Member Onboarding Process – Chantal Galloway
i. Board Member Responsibilities - Eric Olivas
   - New Member Training Requirements
   - 8-Hour Annual Training Requirement
   - City Attorney’s Training Proposal
   - Meeting Attendance Report
j. Update on Traffic Stop Study – Edward Harness, CPOA Director
k. Update on Specialized Diversity Training for Board Members – Chantal Galloway and Eric Olivas
l. CPOA Board Calendar and Scheduling Tool – Chantal Galloway and Eric Olivas
m. 2022 Executive Director’s Evaluation Goals and Criteria – Eric Olivas
n. Executive Director Job Posting – Eric Olivas
o. CPOA Board Subcommittee Assignments – Eric Olivas
p. 2022 CPOA Board Meeting Schedule – Edward Harness, CPOA Director

XIII. 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
XIV. Other Business

XV. Adjournment- Next Regularly scheduled CPOA Board meeting will be on November 4, 2021 at 5:00 p.m.
Re: CPC# 120-21

Dear Mr. V

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

A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,

B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,

C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,

D) The findings by the POB were not supported by evidence that was available to the CPOA at the time of the investigation.

PO Box 1293
Albuquerque
NM 87103

On October 14, 2021 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque's Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7020 1810 0000 6296 7357

Re: CPC # 116-21

Ms. E & Mr. D

PO Box 1293
Albuquerque, NM 87103

www.cabq.gov

EVIDENCE REVIEWED:
Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: Yes
APD Employee Interviewed: No
APD Employee Involved: Officer P
Other Materials: Use of Force Definitions 2-53-201b & Video/Written Statements
Date Investigation Completed: September 13, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

Policies Reviewed: Conduct 1-1-4D15

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.

Additional Comments:
This case is Administratively Closed as the investigator determined the violation of APD General Order 1-1-4D15 was of a minor nature and did not constitute a pattern of misconduct by Officer P. Officer P was unavailable due to being out on FMLA and then resigned from APD for reasons not related to this investigation. The possible discipline level did not merit subpoenaing Officer P and the use of force allegations were investigated by APD and in reviewing the evidence the actions taken by Officer P were within policy as defined as low level tactics.
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

[Signature]

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 J. French
Richard Johnson
Dr. William J. Kass
Eric Nixon
Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7020 1810 0000 6296 7319

Re: CPC # 123-21

Dear: Ms. K

**COMPLAINT:**

Ms. R reported Officer G had no legitimate, nor legal authority to unlawfully interfere with his grandson being returned to his mother. Ms. K reported Officer G denied Ms. K the right to having any communication with her son for 6 days. Ms. K reported that APD Officers tried on 4 separate occasions to return the child from Officer G to Ms. K. Ms. K reported that on 05/06/21, the child was returned to Ms. K custody and Officer G was charged with Custodial Interference.

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: N/A
Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Officer G

Other Materials: IA Investigation

Date Investigation Completed: September 28, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Since this incident had already been investigated by Internal Affairs (12021-00275) the CPOA will not conduct a duplicate investigation
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

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

cc: Albuquerque Police Department Chief of Police
Re: CPC # 142-21

Dear Mr. S

COMPLAINT:
Paramedic B: S submitted a complaint reference officers giving a patient the ultimatum of going to jail or to the hospital which he advises is unethical, manipulative and violation of patient rights.

EVIDENCE REVIEWED:
Video(s): Yes  APD Report(s): Yes  CAD Report(s): Yes
Complainant Interviewed: Yes  Witness(es) Interviewed: No
APD Employee Interviewed: N/A
APD Employee Involved: N/A
Other Materials: N/A
Date Investigation Completed: September 28, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Upon review it was determined by clear and convincing evidence that the alleged misconduct did not occur as no APD member on scene gave the patient the ultimatum of going to jail or to the hospital. The only mention of such action was a comment made by the patient to members of the Mobile Crisis Team (MCT) and overheard by an APD member. Paramedic S requested this complaint be withdrawn upon being contacted by the investigator and advised of the information discovered during review of the lapel video recordings.
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

[Signature]
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 J. French
Richard Johnson
Dr. William J. Kass
Eric Nixon
Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8924

Re: CPC # 160-21

Mr. Di

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

COMPLAINT:
G. D. filed two complaints. His first reported a date of incident June 10, 1989 at a homeless shelter. He wrote officers follow him everywhere he goes and claimed officers prevented him from getting medical assistance and getting his mail. He also claimed money was taken from his bank account and trying to set him up with drugs. His second did not provide a date of incident and repeated some of the first.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes
Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A
APD Employee Involved: n/a

Other Materials: cads searches, records searches, unm security contact

Date Investigation Completed: August 27, 2021
FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction). The allegations are duplicative: the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

**Additional Comments:**
After searching CADs and Reports trying to find incidents Mr. D mentioned nothing was found that matched what he described in his complaints. He also said he was denied medical at UNMH, but they did not have record of him there. He was advised what was needed; he understood he could file again.
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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 169-21

Mr. W

COMPLAINT:
Mr. W submitted a complaint over the phone regarding a 2020 traffic stop. The complainant stated that they did not know the date and time or location of the incident, but it was for a low level speeding citation. The complainant told the officer they were trying to get around a drunk driver. The officer handled the situation poorly and the complainant felt bullied. The complainant said they were transgender and thought that was the reason for poor treatment.

EVIDENCE REVIEWED:

Video(s): N/A APD Report(s): N/A CAD Report(s): N/A
Complainant Interviewed: N/A Witness(es) Interviewed: N/A
APD Employee Interviewed: N/A APD Employee involved: n/a not APD
Other Materials: NM Courts
Date Investigation Completed: August 31, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Incident took place in Santa Rosa so it was not APD and therefore the CPOA does not have jurisdiction. To file a complaint with that agency contact 575-472-3605.
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
Re: CPC # 186-21

Dear Ms. G:

COMPLAINT:

Ms. G submitted a written complaint that she had been calling police that her family was under her apartment. She was hearing her mother being hurt, beaten, and sodomized. She said officers showed August 27, 2021 and got her mother out and put her in a patrol car. She claimed the officers took her mother to “nine mile” and the officers sodomized her mother with radios and guns. She claimed after about ten or fifteen minutes the officers opened the door, a black truck pulled up, and six males got out and raped her mother. Her mother was then taken to a house. She wrote she contacted the FBI several times because her brother and father are under the apartments dead and the police don’t care.

EVIDENCE REVIEWED:

Video(s): Yes        APD Report(s): Yes        CAD Report(s): Yes
Complainant Interviewed: Yes        Witness(es) Interviewed: N/A
APD Employee Interviewed: N/A
APD Employee Involved: n/a
Other Materials: n/a
Date Investigation Completed: September 28, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction) -the allegations are duplicative -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
There was no evidence that supported any call for service occurred Aug 27. The closest date was reviewed and nothing occurred as she described. A MCT unit responded to try and address the issues she was experiencing. This is being closed since there is a lack of information to identify an incident as she described.
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

[Signature]

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

cc: Albuquerque Police Department Chief of Police
October 15, 2021

Via Certified Mail
7020 1810 0000 6296 7333

Re: CPC # 188-21

Dear Ms. B

COMPLAINT:
S B contacted Internal Affairs regarding a general complaint that she wants to be left alone by her neighbor and has called police to advise her neighbor harasses her. Ms. E reported when she calls nothing happens and police tell her to stop calling 911. She named two officers that know about her situation.

EVIDENCE REVIEWED:

Video(s): N/A          APD Report(s): N/A          CAD Report(s): N/A
Complainant Interviewed: Yes          Witness(es) Interviewed: N/A
APD Employee Interviewed: N/A
APD Employee Involved: N/A
Other Materials: N/A
Date Investigation Completed: September 29, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct; or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:

Ms. B did not provide any specifics about a date or contact with police. She was generally dissatisfied with APD's response about her ongoing situation with her neighbor. The Investigator talked to her about her concerns. She understood due to a lack of information the complaint would be closed. The two officers she named were not officers, but it was figured out who she meant. She did not have a specific incident regarding the one officer and the other was part of CIT and knew about her situation.
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

[Signature]

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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021
Via Certified Mail
7017 2680 0000 5951 9068

Re: CPC # 195-21

Dear Mr. C

COMPLAINT:
Mr. C submitted an online complaint form, which stated: “I was a attacked an tried to
tell the officers to do something before it escalated.” The outcome he desired was for his
charges to be dropped.

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:
Video(s): N/A APD Report(s): N/A CAD Report(s): N/A
Complainant Interviewed: N/A Witness(es) Interviewed: N/A
APD Employee Interviewed: N/A
APD Employee Involved: n/a
Other Materials: n/a
Date Investigation Completed: September 30, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations are of 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.

Additional Comments:
It was determined there is an open force investigation for this incident. Mr. C  written complaint provided very little information and the CPOA does not complete duplicative investigations. The complaint will be Administratively Closed for being duplicative. This will preserve his ability to request the case to be reopened if the use of force case does not address his concerns although all policy issues should be addressed in the use of force review process.
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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8962

Re: CPC # 102-21

Mr. H

COMPLAINT:
Mr. H. reported he believed APD retaliated against his family by submitting a report against himself and his spouse to CYFD.

Albuquerque
Mr. H. reported Officer S forced Mr. H. to re-identify himself even though Officer S had adequate and reasonable identification from Mr. H. Mr. H. reported when challenged, Mr. H. was passively threatened with arrest.

www.cahq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials:

Date Investigation Completed: September 16, 2021
## FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

**Policies Reviewed:** 1-1-4D.14

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e., a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

**Additional Comments:**

There was evidence to determine that APD Personnel did not initiate the complaint to CYFD against Mr. H and his spouse.
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

[Signature]
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

November 1, 2021

Via Certified Mail
7017 2680 0000 5951 9082

Re: CPC# 067-21

Mr. S

COMPLAINT:
Mr. S reported that he wanted charges for domestic violence and attempted murder.
Mr. S reported on multiple occasions that Ms. S had attacked him with a knife.
Mr. S reported he informed the officers about those incidents and they ignored him.
Mr. S reported that he informed the officers that his sons witnessed those incidents and the officers refused to call his sons.

EVIDENCE REVIEWED:

www.cabq.gov

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 G
Policies Reviewed: 2-60-4A.5.e; 2-60-4A.5.b; and 2-60-4A.5.f.
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.
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
6. **Administratively Closed.** Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.
7. **Mediation.** In accordance with the City of Albuquerque’s Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.

### Additional Comments:

CPOA Board recommends a sustained finding for violation of 1-1-5A-1

---

**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

November 1, 2021

Via Certified Mail
7017 2680 0000 5951 9082

Re: CPC # 067-21

Mr. S

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

Mr. S reported that he wanted charges for domestic violence and attempted murder.
Mr. S reported on multiple occasions that Ms. S had attacked him with a knife.
Mr. S reported he informed the officers about those incidents and they ignored him.
Mr. S reported that he informed the officers that his sons witnessed those incidents and
the officers refused to call his sons.

EVIDENCE REVIEWED:

www.cabq.gov

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 D
Policies Reviewed: 2-60-4A.5.e; 2-60-4A.5.b; and 2-60-4A.5.f.
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.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: -the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

7. Mediation. In accordance with the City of Albuquerque’s Police Oversight Ordinance and in agreement with the Memorandum of Understanding with the Department of Justice this case was deemed appropriate for mediation.

Additional Comments:
CPOA Board recommends a sustained finding for violation of 1-1-5A-1

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

[Signature]
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 J. French                  Richard Johnson
Dr. William J. Kass                Eric Nixon                       Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 9051

Re: CPC # 101-21

Dear Ms. K:

**COMPLAINT:**
Ms. B reported she wanted someone to answer 242-Cops, correct the police report that was filed and for a Detective to be assigned to follow through. Ms. K reported Detectives refused to let her know the status of her report.

**EVIDENCE REVIEWED:**

Video(s): No  APD Report(s): Yes  CAD Report(s): Yes
Complainant Interviewed: Yes  Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes
APD Employee Involved: Police Records Technician G
Other Materials: Recorded Phone call
Date Investigation Completed: September 27, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

Policies Reviewed: General Order 1-1-4D.17

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct; or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Please be advised once the reports were completed, the respective investigative units scan the completed reports and follow-up if needed.

If needed, you can also call and request to complete a supplementary report.
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 Harnes, 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 J. French                        Richard Johnson
Dr. William J. Kass                  Eric Nixon                              Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8900

Re: CPC # 088-21

Dear Ms. N,

COMPLAINT:

Ms. N reported there was improper procedures and conduct from APD. Ms. N reported there was lack of professionalism and the incident was listed as a homicide/suicide. Ms. N reported in reference to cleaning up the incident, officers advised to cut the carpet out and throw it away. Ms. N reported officers did not arrest Mr. R for tampering with evidence but Mr. R (girlfriend) left with her son's (Mr. R , vehicle.

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes                  APD Report(s): Yes                  CAD Report(s): Yes
Complainant Interviewed: Yes                            Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Crime Scene Specialist N
Other Materials: 911 Audio Recording
Date Investigation Completed: September 8, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

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

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

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

[Signature]

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 J. French                Richard Johnson
Dr. William J. Kass                Eric Nixon                        Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8900

Re: CPC # 088-21

Dear Ms. N.

COMPLAINT:
Ms. N reported there was improper procedures and conduct from APD. Ms. N reported there was lack of professionalism and the incident was listed as a homicide/suicide. Ms. N reported in reference to cleaning up the incident, officers advised to cut the carpet out and throw it away. Ms. N reported officers did not arrest Mr. N for tampering with evidence but Deann (Mr. R; girlfriend) left with her son's (Mr. R ) vehicle.

EVIDENCE REVIEWED:
Video(s): Yes                      APD Report(s): Yes              CAD Report(s): Yes
Complainant Interviewed: Yes       Witness(es) Interviewed: N/A
APD Employee Interviewed: No       APD Employee Involved: Officer R
Other Materials: 911 Audio Recording
Date Investigation Completed: September 8, 2021
FINDINGS

Policies Reviewed: Procedural Order 2-21-5B.1.b.1

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ✔

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative; the allegations, even if true, do not constitute misconduct; or - the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

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
October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8986

Re: CPC # 128-21

Dear Rayan C

COMPLAINT:
On 06/29/2021, C reported a domestic dispute against stepfather, B; he said he was assaulted for trying to leave the house. Even after showing footage that B assaulted C three times, an arrest was not made. C said B was not arrested because the officers were his "buddies".

C also stated Officer R's report incorrectly said he assaulted B. The report mentioned he could exit the home but said he couldn't. C disagreed.

EVIDENCE REVIEWED:
Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Officer R
Other Materials: USB drive: C videos, C texts
Date Investigation Completed: September 9, 2021
FINDINGS

Policies Reviewed: 1-1-7E1

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.  

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

Policies Reviewed: 4-25-3 1a and 2-60-4 a5

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: the policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction), the allegations are duplicative, the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:

SOP's 4-25-3 1a and 2-60-4 a5 were exonerated based on the video evidence and 1-1-7E1 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

[Signature]

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 J. French    Richard Johnson
Dr. William J. Kass    Eric Nixon    Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8887

Re: CPC # 122-21

Mr. A

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes    APD Report(s): Yes    CAD Report(s): Yes
Complainant Interviewed: No    Witness(es) Interviewed: Yes
APD Employee Interviewed: Yes
APD Employee Involved: Lieutenant L
Other Materials: YouTube Videos
Date Investigation Completed: September 13, 2021
FINDINGS

Policies Reviewed: Conduct 1-1-4D11c

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. [✓]

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. [ ]

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. [ ]

Policies Reviewed: Supervision 3-14-4A2

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. [✓]

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. [ ]

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. [ ]

**Additional Comments:**
Information reviewed determined by a preponderance of the evidence that orders were given by Lt. L, but not that they were unlawful or violated policy, procedure or training. Information reviewed showed clear and convincing evidence that Lt. L did not receive and relay orders he believed to be unlawful from Chief M.
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

[Signature]

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

cc: Albuquerque Police Department Chief of Police
October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8887

Re: CPC # 122-21

Mr. A:

COMPLAINT:
C: A submitted a complaint via email in which he alleges W was charged unjustly for child endangerment by Detective G under unjust orders from Chief M.

EVIDENCE REVIEWED:
Video(s): Yes  APD Report(s): Yes  CAD Report(s): Yes
Complainant Interviewed: No  Witness(es) Interviewed: Yes
APD Employee Interviewed: Yes
APD Employee Involved: Lieutenant P
Other Materials: YouTube Videos
Date Investigation Completed: September 13, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

Policies Reviewed: Supervision 3-14-4A2 & Supervision 3-14-4A8

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Information reviewed determined by a preponderance of the evidence that orders were given by Lt. P to subordinates, but were not found to be unlawful or violate policy, procedure or training.

Information reviewed determined by a preponderance of the evidence that Lt. P did receive and relay orders from Lieutenant L, but were not found to be unlawful or violate policy, procedure or training.
You have the right to appeal this decision.

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

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

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

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

[Signature]
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 J. French  Richard Johnson
Dr. William J. Kass  Eric Nixon  Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8887

Re: CPC # 122-21

Mr. A

PO Box 1293
C A submitted a complaint in which he alleges W was charged unjustly for child endangerment by Detective G under unjust orders from Chief M.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes  APD Report(s): Yes  CAD Report(s): Yes
Complainant Interviewed: No  Witness(es) Interviewed: Yes
APD Employee Interviewed: Yes
APD Employee Involved: Detective G.
Other Materials: YouTube Videos
Date Investigation Completed: September 13, 2021
FINDINGS

Policies Reviewed: Conduct 1-1-4D1lc

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ✓

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative: -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Information reviewed did show clear and convincing evidence an unlawful order was not received from Chief M and an unlawful order was not followed by Detective G.
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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8887

Re: CPC # 122-21

Mr. A

COMPLAINT:
C A submitted a complaint via email in which he alleges D W
was charged unjustly for child endangerment by Detective G under unjust orders from
Chief M. Additional complaints were received in regards to this and included treatment
of subordinates.

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:
Video(s): Yes  APD Report(s): Yes  CAD Report(s): Yes
Complainant Interviewed: No  Witness(es) Interviewed: Yes
APD Employee Interviewed: Yes
APD Employee Involved: Chief M
Other Materials: YouTube Videos
Date Investigation Completed: September 13, 2021
FINDINGS

Policies Reviewed: Supervision 3-14-4A2

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.

Policies Reviewed: Supervision 3-14-4A8

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative; the allegations, even if true, do not constitute misconduct; or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
The information reviewed showed clear and convincing evidence an unlawful order was not given by Chief M. The information reviewed determined by a preponderance of the evidence that Chief M. did have a meeting with staff members on 04/14/2021 and through his conduct violated policy by failing to convey a sense of pride and professionalism to subordinates.
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

[Signature]

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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8948

Re: CPC # 081-21

Ms. J

COMPLAINT:
Ms. J reported she was involved in a car accident on 04/08/2021 and needed a copy of the accident report. Ms. J reported since 04/15/2021, she had contacted the department every weekday for a copy of the police report.

Ms. J reported she had gone to the SE Substation where none of the employees were wearing masks.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): N/A
Complainant Interviewed: Yes Witness(es) Interviewed: Yes
APD Employee Interviewed: Yes
APD Employee Involved: PSA O

Other Materials:

Date Investigation Completed: September 22, 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.

Policies Reviewed: Procedural Order 2-16-2E.1

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

Policies Reviewed: General Order 1-1-4D.17

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e., a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
The Commander of the SE Substation was advised of your concerns in reference to the SE Substation employees not wearing masks.
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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8894

Re: CPC #093-21

Mr. C

COMPLAINT:
Mr. C reported that on 02/09/2021, charges were filed against Mr. C by Sergeant H. Mr. C reported those charges were dismissed as part of case (number). Mr. C reported, in retaliation, Sergeant H filed false charges against Mr. C.

EVIDENCE REVIEWED:
Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: No Witness(es) Interviewed: No
APD Employee Interviewed: Yes
APD Employee Involved: Sergeant H
Other Materials: YouTube Videos
Date Investigation Completed: September 2, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

Policies Reviewed: General Order 1-1-4D.14

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

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 J. French    Richard Johnson
Dr. William J. Kass   Eric Nixon           Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 093-21

Mr. R

COMPLAINT:
Mr. R reported he watched a YouTube video which showed disturbing and
unprofessional actions by Sergeant H. Mr. R reported that he wanted an explanation
of how Sergeant H’s activity was considered proper by PD or if it was not appropriate to
provide Mr. R with the actions PD had taken or will take to correct the behavior of
Sergeant H.

EVIDENCE REVIEWED:
Video(s): Yes   APD Report(s): Yes    CAD Report(s): Yes
Complainant Interviewed: Yes    Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Sergeant H
Other Materials: YouTube Videos
Date Investigation Completed: September 2, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative: -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 100-21

Dear J,

COMPLAINT:
An unknown complainant reported to watch the following videos and provided two YouTube links. The first link provided was in reference to a separate CPC (093-21) that had already been investigated by the CPOA.

The title of the second video was “Sgt. H lets a drunk driver go because he had cop family and a back the blue sticker.”

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:
Video(s): Yes APD Report(s): N/A CAD Report(s): Yes
Complainant Interviewed: N/A Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Sergeant H
Other Materials: YouTube Video
Date Investigation Completed: September 30, 2021

Albuquerque, New Mexico 1/06-2006
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.

Policies Reviewed: Procedural Order 2-42-3A.1

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

Policies Reviewed: General Order 1-1-4B 2

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. **Exonerated.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e., a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:

Please be advised the first YouTube video link you provided in your complaint had already been investigated via CPC 093-21
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

[Signature]

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 J. French                Richard Johnson
Dr. William J. Kass               Eric Nixon                       Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 100-21

Dear J

COMPLAINT:
An unknown complainant reported to watch the following videos and provided two YouTube links. The first link provided was in reference to a separate CPC (093-21) that had already been investigated by the CPOA.

The title of the second video was “Sgt. H lets a drunk driver go because he had cop family and a back the blue sticker.”

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes  APD Report(s): N/A  CAD Report(s): Yes
Complainant Interviewed: No  Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Sergeant G
Other Materials: YouTube Video
Date Investigation Completed: September 30, 2021
FINDINGS:

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

Policies Reviewed: Procedural Order 2-42-3A.1

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction; -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint; and further investigation would be futile.

Additional Comments:

Please be advised the first YouTube video link you provided in your complaint had already been investigated via CPC 093-21
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

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

cc: Albuquerque Police Department Chief of Police
October 15, 2021

Via Email

Re: CPC # 100-21

Dear J

**COMPLAINT:**

An unknown complainant reported to watch the following videos and provided two YouTube links. The first link provided was in reference to a separate CPC (093-21) that had already been investigated by the CPOA.

The title of the second video was “Sgt. H lets a drunk driver go because he had cop family and a back the blue sticker.”

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: N/A  Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: YouTube Video

Date Investigation Completed: September 30, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

Policies Reviewed: Procedural Order 2-42-3A.1

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations are 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.

Additional Comments:

Please be advised the first YouTube video link you provided in your complaint had already been investigated via CPC 093-21
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/cpon/survey](http://www.cabq.gov/cpon/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

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

cc: Albuquerque Police Department Chief of Police
Re: CPC # 100-21

Dear J

**COMPLAINT:**
An unknown complainant reported to watch the following videos and provided two YouTube links. The first link provided was in reference to a separate CPC (093-21) that had already been investigated by the CPOA.

The title of the second video was “Sgt. H lets a drunk driver go because he had cop family and a back the blue sticker.”

**EVIDENCE REVIEWED:**

- Video(s): Yes
- APD Report(s): N/A
- CAD Report(s): Yes
- Complainant Interviewed: N/A
- Witness(es) Interviewed: N/A
- APD Employee Interviewed: Yes
- APD Employee Involved: Officer S
- Other Materials: YouTube Video
- Date Investigation Completed: September 30, 2021
# FINDINGS

Policies Reviewed:

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.  

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e., a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

**Additional Comments:**

Please be advised the first YouTube video link you provided in your complaint had already been investigated via CPC 093-21
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

[Signature]

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

cc: Albuquerque Police Department Chief of Police
October 15, 2021

Via Certified Mail
7020 1810 0000 6296 7340

Re: CPC #118-21

Ms. A

COMPLAINT:
Ms. A reported that on 06/02/2021 she called 911 reference an unknown male walking into her home, yelling at her and slamming/attempts to slam her hand in the door. The first operator Ms. A spoke with advised her to call the non-emergency number, failed to create a call for service (event), told Ms. Anaya bye and hung up while Ms. A was screaming for help.

EVIDENCE REVIEWED:
Video(s): N/A APD Report(s): N/A CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Operator D
Other Materials: Operator Audio Recordings
Date Investigation Completed: September 7, 2021
## FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

   Policies Reviewed: Conduct 1-1-4-D.17 & Communications 2-01-10-D.4.a,b

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations are 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.

**Additional Comments:**

Upon review it was determined by a preponderance of the evidence Operator D took a 911 call, failed to obtain the information needed in a courteous manner and act upon it properly by creating a CAD event before advising called to contact 242-COPS.
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

[Signature]
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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 152-21

Dear Ms. R:

COMPLAINT:
The complainant sent a short email with a screen capture of a Facebook post and wrote, "I don't think this goes well when the two should be working together" and the title of the email was APD officer shaming CYFD.

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:
Video(s): N/A APD Report(s): N/A CAD Report(s): N/A
Complainant Interviewed: No Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Officer T
Other Materials: Facebook posts
Date Investigation Completed: September 7, 2021
### FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

   Policies Reviewed: *General Order 1-2-5G*

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative; the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

**Additional Comments:**
The Facebook post in question as well as one other close in time were examined. Based on the evidence this issue is sustained.
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/cpoo/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 J. French                Richard Johnson
Dr. William J. Kass             Eric Nixon                           Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8955

Re: CPC # 113-21

Ms. B

COMPLAINT:
Ms. B reported that on 05/31/2021, two officers knocked on her door while she was sleeping. Ms. B reported the officers stated to come out or they would go in. Ms. B reported she asked to get pants and put on her glasses before coming out but officers stated no. Ms. B reported she leaned against a wall outside her apartment for about 2 hours before talking to the Mobile Crisis Team. Ms. B reported she was denied the right to get her glasses and could not see the officers she was dealing with, let alone the names on the uniforms.

EVIDENCE REVIEWED:
Video(s): Yes                APD Report(s): Yes                CAD Report(s): Yes
Complainant Interviewed: No                     Witness(es) Interviewed: Yes
APD Employee Interviewed: No
APD Employee Involved: Officer S
Other Materials:
Date Investigation Completed: September 17, 2021
## FINDINGS

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Unfounded.</strong> 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.</td>
<td>✓</td>
</tr>
<tr>
<td><strong>2. Sustained.</strong> Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.</td>
<td></td>
</tr>
<tr>
<td><strong>3. Not Sustained.</strong> 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.</td>
<td></td>
</tr>
<tr>
<td><strong>4. Exonerated.</strong> 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.</td>
<td></td>
</tr>
<tr>
<td><strong>5. Sustained Violation Not Based on Original Complaint.</strong> 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.</td>
<td></td>
</tr>
<tr>
<td><strong>6. Administratively Closed.</strong> 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.</td>
<td></td>
</tr>
</tbody>
</table>

**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

[Signature]

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 J. French                Richard Johnson
Dr. William J. Kass              Eric Nixon                       Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8955

Re: CPC # 113-21

Ms. B

COMPLAINT:
Ms. B reported that on 05/31/2021, two officers knocked on her door while she was sleeping. Ms. B reported the officers stated to come out or they would go in. Ms. B reported she asked to get pants and put on her glasses before coming out but officers stated no. Ms. B reported she leaned against a wall outside her apartment for about 2 hours before talking to the Mobile Crisis Team. Ms. B reported she was denied the right to get her glasses and could not see the officers she was dealing with, let alone the names on the uniforms.

EVIDENCE REVIEWED:

Video(s): Yes              APD Report(s): Yes              CAD Report(s): Yes
Complainant Interviewed: No                             Witness(es) Interviewed: Yes
APD Employee Interviewed: No                             APD Employee Involved: Officer A. S
Other Materials:
Date Investigation Completed: September 17, 2021

www.cabq.gov
# FINDINGS

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Unfounded.</strong> 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.</td>
<td>✓</td>
</tr>
<tr>
<td>2. <strong>Sustained.</strong> Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Not Sustained.</strong> 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.</td>
<td></td>
</tr>
<tr>
<td>4. <strong>Exonerated.</strong> 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.</td>
<td></td>
</tr>
<tr>
<td>5. <strong>Sustained Violation Not Based on Original Complaint.</strong> 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.</td>
<td></td>
</tr>
<tr>
<td>6. <strong>Administratively Closed.</strong> 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.</td>
<td></td>
</tr>
</tbody>
</table>

**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

[Signature]

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

cc: Albuquerque Police Department Chief of Police
October 15, 2021

Via Email

Re: CPC # 119-21

Dear M. E.

COMPLAINT:
M. E. submitted a complaint in which he alleges on or about 05/17/2021 he and his wife were involved in a hit and run accident and that dispatchers from the emergency and non-emergency lines were rude and unhelpful to the extreme.

EVIDENCE REVIEWED:

Video(s): No  APD Report(s): Yes  CAD Report(s): Yes

Complainant Interviewed: Yes  Witness(es) Interviewed: No
APD Employee Interviewed: No
APD Employee Involved: Operator G
Other Materials: Operator Audio

Date Investigation Completed: September 15, 2021
FINDINGS

Policies Reviewed: Conduct 1-1-4-D17

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ✓

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative, the allegations, even if true, do not constitute misconduct, or the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Upon review it was determined by clear and convincing evidence Operator G took the non-emergency call in a courteous manner and took appropriate action by referring Mr. Ezzard to a station for a report and putting out a BOLO for the suspected impaired driver/suspect.
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

[Signature]

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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 119-21

Dear M E

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

COMPLAINT:
M: E submitted a complaint in which he alleges on or about 05/17/2021 he and his wife were involved in a hit and run accident and that after a month nothing had been done. Mr. E reported the turnaround time by Detective M showed a lack of concern and Detective M didn't get the ball rolling on the accident.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: No
APD Employee Interviewed: Yes
APD Employee Involved: Detective M
Other Materials: Operator Audio
Date Investigation Completed: September 15, 2021

Albuquerque - Making History 1706-2006
FINDINGS

Policies Reviewed: Conduct 1-1-4-D17

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. [✓]

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. [☐]

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. [☐]

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. [☐]

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. [☐]

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative: -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. [☐]

Additional Comments:
Upon review it was determined by clear and convincing evidence Detective M took the report, issued it a case number and placed it in the proper location where it was forwarded to the Records Unit and Hit and Run Unit.
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/cpou/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
Re: CPC #119-21

Dear Mr. E:

COMPLAINT:

Mr. E submitted a complaint in which he alleges on or about 05/17/2021 he and his wife were involved in a hit and run accident and that dispatchers from the emergency and non-emergency lines were rude and unhelpful to the extreme.

EVIDENCE REVIEWED:

Video(s): No  APD Report(s): Yes  CAD Report(s): Yes
Complainant Interviewed: Yes  Witness(es) Interviewed: No
APD Employee Interviewed: Yes
APD Employee Involved: Operator C
Other Materials: Operator Audio

Date Investigation Completed: September 15, 2021
FINDINGS

Policies Reviewed: Conduct 1-1-4-D17

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ✓

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction), *the allegations are duplicative; *the allegations, even if true, do not constitute misconduct; or *the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Upon review it was determined by clear and convincing evidence Operator C took the 911 call in a courteous manner and took appropriate action by dispatching officers who were later disregarded at request of caller and offered medical attention which was denied by caller.
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/cpos/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

[Signature]

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 J. French
Richard Johnson
Dr. William J. Kass
Eric Nixon
Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

To File

Re: CPC # 129-21

Dear R F

COMPLAINT:
R P submitted a complaint in which he alleges he went to the Phil Chacon (Southeast) Substation to file a sexual assault report. A male officer came out to speak to Mr. P who became standoffish as the assailant was male and Mr. P cried as he told the officer what had occurred. Mr. P felt the officer was insensitive toward him and felt more traumatized after speaking to the officer.

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer S

Other Materials:

Date Investigation Completed: September 23, 2021
FINDINGS

Policies Reviewed: Conduct 1-1-5A1

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Upon review it was determined by clear and convincing evidence Officer S treated Mr. P with respect, courtesy and professionalism while attempting to gather the needed information for a report to be completed. In reviewing lapel video footage Mr. P only indicated a female assailant while speaking to Officer S and no indication was observed that Mr. P cried while speaking to Officer S.
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/cpqa/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
October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8917

Re: CPC # 130-21

Mr. C

PO Box 1293
Albuquerque
NM 87103

www.cabq.gov

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board

Eric Olivas, Chair
Chantal M. Galloway, Vice-Chair
Tara Armijo-Prewitt
Patricia J. French
Dr. William J. Kass
Eric Nixon
Richard Johnson
Gionne Ralph
Edward Harness, Executive Director

COMPLAINT:
On 07/06/2021, J informed CPOA he hadn't heard from APD regarding a vehicle he reported stolen on 03/31/2021. APD provided report # 210023241 and said that it would be entered into the National Stolen Vehicle Database. Gray checked the status by "running" the VIN and license plate, which he stated are coming up clean. Gray said the officers never filed it in the database.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: No Witness(es) Interviewed: N/A
APD Employee Interviewed: N/A
APD Employee Involved: Officer S.
Other Materials: Email from Emergency Communications Center- APD
Date Investigation Completed: August 27, 2021
FINDINGS

Policies Reviewed: 2-86-3A4

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative -the allegations, even if true, do not constitute misconduct, or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
G and G did not respond to investigator attempts for an interview. The finding was based on a review of the lapel videos and additional evidence. The vehicle had been recovered in Socorro NM 6/3/21. That department would have to be contacted for details about its recovery.
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

[Signature]
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 J. French Richard Johnson
Dr. William J. Kass Eric Nixon Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 9044

Re: CPC # 133-21

Dear Ms. G:

COMPLAINT:
CPOA received a complaint submitted by P...G... said she's related to Officer L who is helping her brother, S. (retired APD), stalk, slander and terrorize her due to a personal vendetta from 25 years ago. G reported on 07/03/2021, that her bother and Officer L are tracking her whereabouts, tapping her phone and having drones following her.

EVIDENCE REVIEWED:
Video(s): N/A APD Report(s): N/A CAD Report(s): N/A
Complainant Interviewed: Yes Witness(es) Interviewed: Yes
APD Employee Interviewed: Yes
APD Employee Involved: Officer L.
Other Materials: N/A
Date Investigation Completed: September 9, 2021
FINDINGS

Policies Reviewed:  I-1-4A

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -no 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.

Additional Comments:
I-1-4A is determined to be unfounded due to lack of evidence. Witness testimonies gathered during this investigation support there were no SOP violations. No call for service was located on the dates Ms. Gonzales provided.
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

[Signature]

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 J. French
Richard Johnson
Dr. William J. Kass
Eric Nixon
Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8931

Re: CPC # 094-21

Mr. C. .

COMPLAINT:
D. E. C. submitted an online complaint in which he alleges on 05/09/2021 an incident occurred with the neighbor at and on 05/13/2021 a summons was received based on a false report filed by Officer T.

Albuquerque
NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: No
APD Employee Interviewed: Yes
APD Employee Involved: Officer T
Other Materials: Court Case Detail Sheets
Date Investigation Completed: September 7, 2021
FINDINGS

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

Policies Reviewed: Investigations 2-60-4A5b

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Upon review it was determined by a preponderance of the evidence Officer T conducted a preliminary investigation in which the alleged victim was interviewed, a report was completed and filed with the court and OBRD downloaded, but Officer T did not attempt contact with the alleged suspect.
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

[Signature]

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 J. French
Dr. William J. Kass
Eric Nixon
Richard Johnson
Gionne Ralph
Edward Harness, Executive Director

October 15, 2021

Via Certified Mail
7017 2680 0000 5951 8931

Re: CPC #094-21

Mr. C!

COMPLAINT:
D C submitted an online complaint in which he alleges on 03/10/2021 at approximately 1045 hours an incident occurred with the neighbor at ...and later a summons was received based on a false report filed by Officer T-A.

EVIDENCE REVIEWED:

- Video(s): Yes
- APD Report(s): Yes
- CAD Report(s): Yes
- Complainant Interviewed: Yes
- Witness(es) Interviewed: No
- APD Employee Interviewed: No
- APD Employee Involved: Officer T-A
- Other Materials: Court Case Detail Sheets
- Date Investigation Completed: September 7, 2021
FINDINGS

Policies Reviewed:  Investigations 2-60-4A5b

1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ✓

2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

5. Sustained Violation Not Based on Original Complaint. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. Administratively Closed. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:
Upon review it was determined by clear and convincing evidence Officer T-A conducted a preliminary investigation in which the alleged victim was interviewed, contact was attempted with the alleged suspect, a report was completed and filed with the court and OBRD downloaded.
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

[Signature]

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

cc: Albuquerque Police Department Chief of Police
October 14, 2021

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

RE: APD Case # 21-0000606, IAFD Case # C2021-000004

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 – 2-58 Use of Force

This case involved a level 3 use of force, resisted handcuffing causing injury. The Force review Board (FRB) found the force within policy. I concur with the FRB findings

Sincerely,

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

October 14, 2021

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

RE: APD Case # 20-0004795, IAFD Case # C2020-000013

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 2-52-2-58 Use of Force

This case involved a level 3 use of force, resisted handcuffing causing injury. The Force review Board (FRB) found the force within policy. I concur with the FRB findings

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770
October 14, 2021

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

RE: APD Case # 20-0064745, IA FD Case # C2020-000665

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 – 2-58 Use of Force

This case involved a level 3 use of force, take down while handcuffed. The Force review Board (FRB) found the force within policy. I concur with the FRB findings

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770
October 14, 2021

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

RE: APD Case # 20-0014757/20-0014813, IAFD Case # C2020-000094/2020-000095

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 – 2-58 Use of Force

This case involved a level 3 use of force, K9 deployment and K9 use of force. The Force review Board (FRB) found the force within policy. I concur with the FRB findings.

Sincerely,

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

October 14, 2021

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

RE: APD Case # 20-0026269-00-00026264, IAFD Case # C2020-000207

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 – 2-58 Use of Force

This case involved a level 3 use of force, K9 deployment and K9 use of force. The Force review Board (FRB) found the force within policy. I concur with the FRB findings.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770
October 14, 2021

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

RE: APD Case # 20-0047022, IAFD Case # C2020-000454

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 – 2-58 Use of Force

This case involved a level 3 use of force, electronic control weapon (ECW). The ECW was deployed multiple times, and the force caused injury. The Force review Board (FRB) found the force within policy. I concur with the FRB findings.

Sincerely,

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