

## **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](mailto: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](http://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](mailto: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**

|               |               |               |               |               |
|---------------|---------------|---------------|---------------|---------------|
| <b>116-21</b> | <b>123-21</b> | <b>142-21</b> | <b>160-21</b> | <b>169-21</b> |
| <b>186-21</b> | <b>188-21</b> | <b>195-21</b> |               |               |
- b. **Exonerated and Administratively Closed  
102-21**
- c. **Exonerated**

|               |               |
|---------------|---------------|
| <b>067-21</b> | <b>101-21</b> |
|---------------|---------------|
- d. **Exonerated and Unfounded**

|               |               |
|---------------|---------------|
| <b>088-21</b> | <b>128-21</b> |
|---------------|---------------|
- e. **Exonerated, Sustained and Unfounded  
122-21**
- f. **Sustained, Not Sustained and Administratively Closed  
081-21**
- g. **Sustained**

|               |               |               |               |
|---------------|---------------|---------------|---------------|
| <b>093-21</b> | <b>100-21</b> | <b>118-21</b> | <b>152-21</b> |
|---------------|---------------|---------------|---------------|
- h. **Unfounded**

|               |               |               |               |               |
|---------------|---------------|---------------|---------------|---------------|
| <b>113-21</b> | <b>119-21</b> | <b>129-21</b> | <b>130-21</b> | <b>133-21</b> |
|---------------|---------------|---------------|---------------|---------------|

**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.***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Eric Olivas, Chair*

*Chantal M. Galloway, Vice-Chair*

*Tara Armijo-Prewitt*

*Richard Johnson*

*William J. Kass*

*Eric Nixon*

*Gionne Ralph*

*Edward Harness, Executive Director*

October 20, 2021

**Re: CPC# 120-21**

Dear Mr. N

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.

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

Sincerely,  
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

### **COMPLAINT:**

Complaint received on-scene reference about how they were treated by Officer P who they alleged treated them unfairly and unprofessionally by not letting them near the scene when others were around, pushing and using profanities with Ms. E and telling Mr. D he was a child, not a man and then attempting to antagonize him.

Albuquerque

NM 87103

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

1

## 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



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

PO Box 1293

### **COMPLAINT:**

Albuquerque

Ms. R K 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.

NM 87103

[www.cabq.gov](http://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: 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 (I2021-00275) the CPOA will not conduct a duplicate investigation

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

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

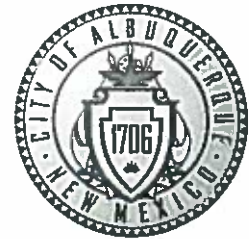
Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Email

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Re: CPC # 142-21

Dear Mr. S

PO Box 1293

**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.

Albuquerque

NM 87103

[www.cabq.gov](http://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: N/A

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: September 28, 2021

## **FINDINGS**

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### **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.

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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



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*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. D:

PO Box 1293

### **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.

Albuquerque

NM 87103

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

### **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, unmc security contact

Date Investigation Completed: August 27, 2021



## **FINDINGS**

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**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.

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

cc: Albuquerque Police Department Chief of Police

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*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 169-21

Mr. W

PO Box 1293

Albuquerque

NM 87103

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

#### **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

# 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 9075

Re: CPC # 186-21

Dear Ms. G.

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

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.

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

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**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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*Richard Johnson*

*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Certified Mail

7020 1810 0000 6296 7333

**Re: CPC # 188-21**

Dear Ms. B

PO Box 1293

**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.

Albuquerque

NM 87103

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

**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.

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### **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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

PO Box 1293

**COMPLAINT:**

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

Albuquerque

NM 87103

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

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**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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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:**

PO Box 1293

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.

NM 87103

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

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**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.**

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

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*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

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.

Albuquerque

Mr. S reported that he informed the officers that his sons witnessed those incidents and the officers refused to call his sons.

NM 87103

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

### Additional Comments:

CPOA 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.

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

- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

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.

Albuquerque

Mr. S reported that he informed the officers that his sons witnessed those incidents and the officers refused to call his sons.

NM 87103

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

**Additional Comments:**

CPOA 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 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:

PO Box 1293

**COMPLAINT:**

Ms. B K 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.

Albuquerque

NM 87103

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

**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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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 Mr. R (girlfriend) left with her son's (Mr. R vehicle).

PO Box 1293

Albuquerque

NM 87103

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

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**Additional Comments:**

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

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

PO Box 1293

Albuquerque

NM 87103

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

## **FINDINGS**

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

**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.

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**Additional Comments:**

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*Richard Johnson*

*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Certified Mail

7017 2680 0000 5951 8986

Re: CPC # 128-21

Dear Rayan C

PO Box 1293

### **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".

Albuquerque

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.

NM 87103

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

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**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.

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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.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

**COMPLAINT:**

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

Albuquerque

NM 87103

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

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**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,
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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

**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.

Albuquerque

NM 87103

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

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### 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.**

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The Civilian Police Oversight Agency by



Edward Harness, Esq.  
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

### **COMPLAINT:**

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

Albuquerque

NM 87103

[www.cabq.gov](http://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 1-1-4D11c

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.

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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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Eric Olivas, Chair*

*Chantal M. Galloway, Vice-Chair*

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*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

### **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.

Albuquerque

NM 87103

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

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**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:

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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.

PO Box 1293

### **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.

Albuquerque

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

NM 87103

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

### **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.

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**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:

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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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

PO Box 1293

### **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 ( Mr. C reported, in retaliation, Sergeant H filed false charges against Mr. C

Albuquerque

NM 87103

[www.cabq.gov](http://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: 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 I-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.

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**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:

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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.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Email

Re: CPC # 093-21

Mr. R

PO Box 1293

#### **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.

Albuquerque

NM 87103

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

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**Additional Comments:**

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

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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.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*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

PO Box 1293

**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.

Albuquerque

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."

NM 87103

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

## 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.

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### 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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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Edward Harness, Executive Director

October 15, 2021

Via Email

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**Re: CPC # 100-21**

Dear J

PO Box 1293

**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.

Albuquerque

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."

NM 87103

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

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### **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.**

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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Edward Harness, Executive Director

October 15, 2021

Via Email

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Re: CPC # 100-21

Dear J

PO Box 1293

### **COMPLAINT:**

Albuquerque

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.

NM 87103

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."

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

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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,
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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*

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*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

PO Box 1293

**COMPLAINT:**

Albuquerque

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.

NM 87103

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."

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

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.

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**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.

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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



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*Richard Johnson*

*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Certified Mail

7020 1810 0000 6296 7340

Re: CPC # 118-21

Ms. A

PO Box 1293

### **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/attempting 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.

Albuquerque

NM 87103

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

### **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.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Email

--

Re: CPC # 152-21

Dear Ms. R:

PO Box 1293

### **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.

Albuquerque

NM 87103

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

1



## 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.

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**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.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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

PO Box 1293

Albuquerque

NM 87103

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

## FINDINGS

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

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.



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**Additional Comments:**

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

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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*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

PO Box 1293

Albuquerque

NM 87103

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

## FINDINGS

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

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

October 15, 2021

Via Email

**Re: CPC # 119-21**

Dear Mr. E

PO Box 1293

**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.

Albuquerque

NM 87103

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

**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 I-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.

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**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.

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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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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](http://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

## FINDINGS

Policies Reviewed: Conduct 1-I-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/cpoa/survey>.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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*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 Mr. E :

PO Box 1293

**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.

Albuquerque

NM 87103

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

**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 C

Other Materials: Operator Audio

Date Investigation Completed: September 15, 2021

## **FINDINGS**

Policies Reviewed: Conduct 1-1-4-D17

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

**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.**

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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.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



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*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

PO Box 1293

**COMPLAINT:**

Albuquerque

R P r 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.

NM 87103

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

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**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.

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The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Richard Johnson*

*Dr. William J. Kass*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

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

### **COMPLAINT:**

On 07/06/2021, J. Gray 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.

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**Additional Comments:**

C 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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

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*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,

PO Box 1293

### **COMPLAINT:**

CPOA received a complaint submitted by P G i. 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.

Albuquerque

NM 87103

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

### **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.

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**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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

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*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

PO Box 1293

**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](http://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.

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**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.

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Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*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. Ct

### 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 [redacted] and later a summons was received based on a false report filed by Officer T-A.

PO Box 1293

Albuquerque

NM 87103

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

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**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.**

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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 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 # 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  
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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 # 20-0064745, IAFD 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

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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 # 20-0014757/20-0014813, 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**

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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

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*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 # 20-0047022, 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