

CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Tara Armijo-Prewitt

Eric Olivas

Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

BOARD AGENDA

Thursday, January 9, 2020 – 5:00 PM

Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Joanne Fine***
- III. Mission Statement – *Chantal Galloway, Chair***
 - “Advancing Constitutional policing and accountability for APD and the Albuquerque Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Review and Approval of Minutes from December 12, 2019**
- VII. Reports from City Staff**
 - a. APD**
 - b. City Council**
 - c. Mayor’s Office**
 - d. City Attorney**
 - e. CPC**
 - f. APOA**
 - g. CPOA – *Edward Harness, Executive Director***
- VIII. Reports from Subcommittees**
 - a. Community Outreach Subcommittee – *Joanne Fine***
 - 1. December 17, 2019 - Canceled**
 - 2. Next meeting TBD**
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
 - 1. Met January 2, 2020**
 - 2. Next meeting TBD**
 - c. Case Review Subcommittee – *TBD***
 - 1. Met December 30, 2019**
 - 2. Next meeting TBD**
 - d. Personnel Subcommittee – *Chantal Galloway***
 - 1. Next meeting TBD**
- IX. Discussion and possible action**
 - a. 2018 Semi-Annual Report January – June**
 - b. 2018 Semi-Annual Report July – December**
 - c. Board’s Use of Legal Counsel**

- d. Board's Use of Force Review Process
- e. SOPs in Findings Letters
- f. Confirmation that December 12, 2019 closed session to discuss appeal of CPC 132-18 was held pursuant to NMSA 1978, Section 10-15-1(H)(3) and that nothing other than that appeal was discussed during that closed session
- g. Subcommittee appointments
- h. Vice Chair vacancy
- i. Board's presentation at February 11, 2020 Status Conference
- j. Subcommittee Operations
- k. Invitation to the Chief to report on Staffing

X. Agenda Cases:

a. Administratively Closed Cases

074-18	196-19	213-19	226-19	234-19
238-19	239-19	249-19		

b. Unfounded

059-19	178-19	204-19	218-19	219-19
221-19	235-18	245-19		

c. Not Sustained

115-19

XI. Other Business

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

XII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on February 13, 2020 at 5:00 p.m. in the Vincent E. Griego Chambers.*

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair

Joanne Fine, Vice Chair

Dr. William J. Kass

Leonard Waites

Tara Armijo-Prewitt,

Eric Olivas

Edward Harness, Executive Director

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9856

Re: CPC #074-18

Dear Ms. S

On March 25, 2018 we received a complaint from you concerning Sergeant B. of the Albuquerque Police Department (APD). The incident you complained of occurred on March 20, 2018 at about 10:15 AM and it occurred over the telephone.

I. THE COMPLAINT

You wrote in your complaint that you had filed a fraud and extortion criminal police report on some people with whom you are involved in civil litigation. Sergeant B. called you and told you that he was an investigator and he asked for you to provide proof that the people had committed fraud or extortion against you. You wrote that you submitted proof but after Sergeant B. reviewed the proof, he told you that this was a civil matter. You have filed suit in federal court against the people and you were told what the people did to you was criminal. You want Sergeant B. sanctioned for impersonating an investigator. You believed that Sergeant B. was going to sell the information you gave him or be compensated in some way for the information. You stated that you wanted a real and honest investigator for your case.

II. THE INVESTIGATION

You did not provide your address or an e-mail address in your complaint. The CPOA Investigator assigned to your complaint conducted a preliminary investigation into the matter. The investigator found that in years past, you or your construction company had done some work for the people whom you are suing. They sued you for improper or shoddy work. A sizeable judgement was entered against you by the Judge presiding over your case. You paid a portion of the Judgement but you did not pay the rest because you believed that the Judge was involved in some manner with the people who sued you. You filed suit against the people and the Judge in Federal Court. You believe that the documents you have proven that the Judge and the people have some kind of special relationship and you believe that to be criminal activity. The records you provided to Sergeant B. consisted of documents already in court

case files. You did not give him private financial information and what you did give to him, he returned to you. There is no proof that Sergeant B. was going to sell the information or be compensated in some way by the parties involved in the litigation. Furthermore, Sergeant B. **is in fact**, a criminal investigator assigned to the Organized Crime Division of the APD. He was impersonating no one.

III. CONCLUSION

Because Sergeant B. is in fact a criminal investigator and was impersonation no one, we are administratively closing your complaint and no further investigation will be conducted. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Chantal Galloway, Chair Joanne Fine, Vice Chair
Tara Armijo-Prewitt Dr. William J. Kass Eric Olivas Leonard Waites
Edward Harness, Executive Director

January 10, 2020
Via Certified Mail
7018 1130 0002 3428 9863

Re: CPC # 196-19

Dear Mr. A

We received your complaint via email on August 28, 2019. You allege formal criminal charges were never brought to the attention of the District Attorney's office which would have led to an officer being "rearrested" and a plea deal not reached in a pending criminal case.

PO Box 1293

The basis of your complaint was a KRQE news story. On August 29, 2019 via email I asked if you has any firsthand knowledge about the case. On November 5, 2019 I requested you appear for an interview. You refused to appear for an interview.

Albuquerque

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because there is not enough information on which to base an investigation.

NM 87103

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

www.cabq.gov

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

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

Letter to Mr. A
January 10, 2020
Page 2

Sincerely,
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Dr. William J. Kass

Eric Olivas

January 10, 2020

To the file

Re: CPC #213-19

Dear Mr. K:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on October 3, 2019, regarding an incident that occurred on or about August 19, 2019.

I. THE COMPLAINT

Mr. K submitted an online complaint regarding his allegation that an officer told him that he needed to contact his cell phone carrier because he had evidence that his phone had been hacked. Mr. K also complained that the officer told him to contact the apartment manager about the harassment and noise disturbance from the neighbor above him. Mr. K wanted the police to take actions on these issues.

II. INVESTIGATION

The CPOA Investigator determined Mr. K had an incorrect officer name and date of incident. However, the call was located based on Mr. K providing the correct man number for the officer and a search of close dates. The CAD indicated Mr. K complained about the noises his upstairs neighbor made and claimed they talked about him.

The CPOA Investigator reviewed the lapel video. Mr. K complained about the neighbors upstairs calling him names. He also complained that he did not ask for contact with the officer. He was very irritated that police were there. The officer asked if he would like him to leave and Mr. K agreed. Mr. K said nothing about his phone being hacked. Mr. K said he would talk to his lawyer about the neighbors. The contact was only a couple of minutes long because Mr. K did not wish to continue the contact.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant claimed he did not want officer assistance even though he called police. The officer did not say any of the statements that the complaint described. The video showed there were no violations of policy and no minimal substantiation to the complaint. The complaint lacked specificity to identify a specific SOP to make a different finding.

Letter to Mr. K
January 10, 2020
Page 2

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

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to read 'EH', is positioned above the printed name of the signatory.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Board

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

Edward Harness, Executive Director

January 10, 2020
Via Certified Mail
7018 1130 0002 3428 9870

Re: CPC 226-19

Dear Ms. T

On August 14, 2019, we received a complaint you filed for an incident that took place possibly on August 10, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You reported that on 08/10/19 at about 11:30 PM, it could have been another date, you were headed home and an officer was very rough with you. The complaint then indicated that you were submitting the form for someone else named "N. ". The narrative of your complaint indicates you were taken to the mental hospital and that the officer who took you there was very rough and rude.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The incident took place on August 7, 2019 at 10:09 AM. There was a police report on the incident that was reviewed and there were three officers involved in the incident. One of the officers at the scene was named M. All three officers at the scene ran their lapel videos from the time you were taken into custody until you were delivered to the custody of mental health professionals. The police report was reviewed and the lapel videos were reviewed. The report indicated that a Certificate for Evaluation had been issued by a health care provider so you could get treatment. The officers contacted you and you were verbally uncooperative but submitted to being taken into custody. You were handcuffed without incident. One of the officers, upon your request, assisted you in getting into the transport van. When you and the officers arrived at the treatment facility, you got out of the van on your own and walked to the

facility doors where you were turned over to facility staff. At no point on any of the videos was any officer "rough" with you or discourteous to you in any manner. The officers behaved professionally and within Standard Operating Procedure of the APD. The CPOA Investigator called the number you listed on your complaint in an effort to reach out to you about your complaint. A man answered the phone and told the Investigator that the phone was just a message phone for you and he would pass on the Investigator's contact information to you so you could further discuss your complaint that had very limited information in it. To date, the Investigator has not heard back from you.

III. CONCLUSION

Based on the available evidence, the police report and the lapel camera videos, we are unable to minimally substantiate your allegations that any officer was "very rough and rude" with you. Because we are unable to minimally substantiate your allegations, we are administratively closing this complaint at this time. Administratively Closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



Civilian Police Oversight Agency

Civilian Police Agency Oversight Board

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Leonard Waites, Dr. William J. Kass, Tara Armijo-Prewitt, Eric Olivas

Edward Harness, Executive Director

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9894

Re: CPC 234-19

Dear Ms. F

On August 19, 2019, we received a complaint you filed for an incident that took place on August 17, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

You reported that on 08/17/19 at about 2:40 PM, you called the police to report an incident that happened at your home. You complained that it took the police just over three hours to arrive at your home. You reported that the police had been slow to respond to previous calls to your home and as a result, your stalker was not stopped. You went on to report that you were then followed to another city where the stalker broke in and murdered your son (unborn child). You wrote that you wanted the officers reprimanded.

NM 87103

II. THE INVESTIGATION

www.cabq.gov

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator also reviewed the Computer Assisted Dispatch (CAD) Report and the Police Report related to the incident. The police report and the CAD indicated that you called the police at 2:47 PM on August 17, 2019 to report that someone had been stealing your insulin and that it has been an ongoing problem for over a year. You suspected that the person doing this was somehow doing it when you were not at home. You had no suspect information and you told the dispatcher that there were never any signs of forced entry to your home. You requested that an officer be dispatched to your home so you could make a police report on the activity. The CAD report indicated that your call for service was a non-priority call and it was held from being dispatched because there were other, more pressing, higher priority calls going on at the time. The CAD report showed that you called back at about 4:59 PM. You complained about the long wait and the dispatcher explained to you that there were other calls that the officers were handling and that it could take up to three hours for an officer to be dispatched to your

home. You indicted at that time that you were going to file a complaint because it was taking a long time for an officer to be sent to your home.

The officer wrote in his police report that when he met with you that you were very upset at the response time. You believed that your incident was "very important police business." You told the officer that someone had been sneaking into your home through unknown means and that person was taking your insulin. You told the officer that the unknown person was pulling the blue insulin bottle from the box and replacing it with a gray one. You also told the officer that three of your pills were missing. You had counted them and there were only 87 when there should have been 90. When you counted them a few days later there were 93 pills. You suspected that whoever is doing it broke in, took some of your pills, and then a few days later broke in and put the pills back. You suspected it was man named Jimmy but you didn't know for sure. Your report was forwarded to a Detective division for review. You did not tell the officer you were being stalked and you gave no suspect information.

In an effort to further assist you, the CPOA Investigator contacted you by phone on November 20, 2019 at 10:55 AM. The Investigator asked for more clarification on the matter. You told the CPOA Investigator that you have been divorced for 30 years and your ex-husband's family continues to harass you. You explained that many years ago, 20-30 years exactly, while living in Philadelphia, your husband's family murdered your unborn child. You went on to explain many incidents since that time. You told the Investigator that you were not happy with how long the police take to respond to your home when you call and you stated that you call the police frequently. You admitted to the Investigator that the dispatcher told you that your call for service on the day complained of, was a low priority call for service and the officers were handling higher priority calls. The dispatcher told you it could take up to three hours for an officer to get to you home and in fact it took just over three hours.

The CPOA Investigator explained that the CPOA has no way of improving the time that it takes for officers to respond to a call for service. Calls are ranked in priority and your call, on that day, unfortunately, was low on the priority response list. Albuquerque simply does not have enough officers available to handle every call for service that it receives in a prompt manner. Calls are prioritized and responded to in a prescribed manner.

III. CONCLUSION

Based on the available evidence, the police report and the CADS report, and your telephonic interview with the CPOA Investigator, there was no violation of Standard Operating Procedure by any member of the APD. Because there was no violation of SOP, we are administratively closing this complaint at this time. Administratively Closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Tara Armijo-Prewitt Eric Olivas

Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9900

Re: CPC # CPC 238-19

Dear Mr. I

We are in receipt of your complaint. In the preliminary review of your complaint it was discovered your complaint is being addressed by an Internal Affairs Division of the Albuquerque Police Department Case No.: I 2019-000155. It is the practice of this agency to not conduct dual or parallel investigations. Therefore, I am Administratively Closing this case.

PO Box 1293

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

Albuquerque

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.

NM 87103

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



Civilian Police Oversight Agency Board

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

Tara Armijo-Prewitt *Eric Olivas*

Edward Harness, Executive Director

Dr. William J. Kassar

Leonard Waites

January 10, 2020
Via Certified Mail
7018 1130 00002 3428 9887

Albuquerque, NM 87123

Re: CPC #239-19

Dear Mr. S:

We are in receipt of your complaint. On August 16, 2019 I emailed you and inquired whether the issues in your complaint had been resolved. You did not respond to my email. Therefore, I am Administratively Closing your complaint, because the events as you describe them in your complaint would not constitute a violation of Albuquerque Police Department policy.

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

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Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

January 10, 2020
Via Certified Mail
7018 1130 0002 3428 9917

Re: CPC # 249-19

Dear Mr. A

We received your complaint hand delivered February 26, 2019. You allege Sgt. R. failed to identify criminal allegations in a report he approved December 12, 2017. This report was one of many reviewed as a part of CPC 132-18 and Albuquerque Police Department's I-33-18.

PO Box 1293

Therefore we are **Administratively Closing** your complaint because it is duplicative.

Albuquerque

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.

NM 87103

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

CIVILIAN POLICE OVERSIGHT AGENCY

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

January 10, 2020
Via Certified Mail
7018 1130 0002 3428 9924

Re: CPC #059-19

Dear Mr. F:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on February 28, 2019, regarding an incident that occurred on February 15, 2019. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT AND INVESTIGATION

Mr. H submitted an online complaint regarding his allegation that Officer D arrested his husband on "trumped up charges" and lied about it. Mr. H alleged a person could not be arrested for reckless driving. Mr. H alleged that Officer D personally told him speeding was an issue, but did not include it on the citation, which therefore was a lie. Mr. H also wrote despite his availability to pick up the vehicle, Officer D had it towed. He also complained his husband's personal property was delayed in being returned.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatch (CAD), the police report, and the lapel video. Mr. H did not participate in the investigative process despite both phone and email messages requesting his participation.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4D19 regarding Officer D's conduct, which states:

Personnel will not alter, misrepresent, or make any false statement in any verbal or written report or in any other written document that has been completed in the course of their employment.

Mr. H wrote Officer D lied about speeding because even though Officer D told him his husband was speeding there was no statement about speeding on the citation.

Mr. R was charged with reckless driving and unsafe passing on the left side. According to the statements documented in the police report Officer D observed the vehicle driven by Mr. R accelerating at a high rate of speed passing vehicles. Officer D wrote in the report he attempted to catch up to Mr. R and eventually did. The charge of reckless driving is defined as any act lacking due caution involving speed or moving violations that endanger both persons and property. Informing Mr. H speed was a factor in his decision to charge Mr. R with reckless driving is an accurate description. Speed is often an inherent element in reckless driving. Mr. H's description of the driving infraction in the complaint did not match what was discussed at the scene between the officer and Mr. R based on the video. Mr. R admitted he was wrong in doing what he did to the officer.

The CPOA finds Officer D's conduct to be **UNFOUNDED** where the investigation determined the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating General Order 1-1-4D14 regarding Officer D's conduct, which states:

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

Mr. H claimed Officer D arrested his husband wrongfully because reckless driving was not an arrestable offense and he abused his power by arresting for "trumped-up charges."

Reckless driving is a misdemeanor offense, but since it was committed in the officer's presence the officer may arrest for the observed violation. Mr. H was mistaken when he claimed an officer could not make an arrest for reckless driving. Officer D observed the serious driving infraction, which Mr. R admitted fault to the officer at the scene.

The CPOA finds Officer D's conduct to be **UNFOUNDED** where the investigation determined the alleged misconduct did not occur.

C) The CPOA reviewed Standard Operating Procedural Order 2-48-2B1 regarding Officer D's conduct, which states:

Vehicles will be towed when the driver has been incapacitated, hospitalized, arrested, or when the vehicle cannot be released to a responsible party. Officers will not tow if the vehicle is parked at the driver's place of residence, or his/her registered address.

Mr. H wrote he was available to pick up the vehicle instead of having it towed unnecessarily.

Officer D arrested Mr. R on the side of the road. Officers, for safety reasons, are not required to call individuals to the scene when someone is being arrested. The policy states vehicles will be towed when the driver is arrested. The vehicle being released to a responsible party generally refers to when the responsible party is already present such as a passenger, not that the person will be summoned to the scene causing both a delay and a potential safety issue. Vehicles are not left on the side of the road to cause potential traffic hazards.

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

Other issue:

The delayed release of Mr. R property would be an issue with the jail.

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

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

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

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

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

Letter to Mr. H
January 10, 2020
Page 4

Sincerely,
The Civilian Police Oversight Agency by

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

Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Board

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Tara Armijo-Prewitt

Dr. William J. Kass

Eric Olivas

Leonard Waites

Edward Harness, Executive Director

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9931

Re: CPC #178-19

Dear Ms. H:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on July 16, 2019, regarding an incident that occurred on June 15, 2019 and June 20, 2019. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1283
Upon completion of the investigation, the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

NM 87103
Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

THE COMPLAINT AND INVESTIGATION

Ms. H reported the theft of her bicycle to police and complained she encountered unhelpful APD employees. She wanted her case reopened. She could not find her bicycle's serial number and wrote her neighbor lied to officers.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatches (CADs), the police report and Ms. H interview.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING PSA H'S CONDUCT

A) The CPOA reviewed Standard Operating Procedural Order 2-60-4A5f regarding PSA H's conduct, which states:

Steps to be followed in conducting preliminary investigations that may include, but are not limited to:
f. Report the incident fully and accurately.

Ms. H did not think police took a report. She said she did not deal with any police personnel and only spoke to a volunteer for the police department. She thought that person came about a week later, but she did not know when her bicycle was actually taken.

According to the recorded calls to police Ms. H called police on June 15, 2019 to report she noticed her bicycle missing on June 13, 2019. She believed the actual theft took place weeks before, but she had been ill and had not noticed. A Property PSA was sent to her home on June 15, 2019 and took a police report. He completed the report with what little information she had at the time. Ms. H apparently did not realize the Property PSA that came to her home worked for the police. She thought it had been a civilian volunteer. She did not tell the PSA about the neighbor's statement because she did not know about it at that time. She had no complaints about his conduct in her interview.

The CPOA finds PSA H's conduct to be **UNFOUNDED** where the investigation determined the alleged misconduct did not occur.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-60-4A5b regarding Officer W's conduct, which states:

Steps to be followed in conducting preliminary investigations that may include, but are not limited to:
b. Locate, identify, and interview witnesses, victims, and suspect(s)

She complained that the police were unhelpful because the officer did not follow through in talking to her neighbor about the identity of the thief of her bicycle. In Ms. H interview she talked positively about Officer W, but at the same time was upset that he closed the case.

According to the CADs, Officer W talked to Ms. H twice on June 20, 2019 regarding the theft of her bicycle and her concerns. Her first concern was that a report was not written about the theft of her bicycle. Officer W told her that a report was taken earlier on June 15, 2019. Ms. H told Officer W about her neighbor to see if he knew the person that took the bicycle. However, she also claimed that same neighbor was a liar and the neighbor denied knowing anything of the theft. Officer W called the neighbor she identified for information. Officer W talked to her later in the day when she said a different neighbor witnessed the theft of her bicycle. Officer W spoke to the witness neighbor, received his written statement, and obtained a basic description of the offender. Officer W documented in the CAD that without a serial number for the bicycle, which Ms. H could not provide, and a more definitive description of the offender there was not much more that could be done at the time. Officer W either

spoke to or attempted to speak to relevant persons about the theft of the bicycle. Officers could not force Ms. H : neighbor to reveal facts he did not wish to in this situation even if he had the information. Ms. H written complaint even said that her neighbor lied to police, so there was some awareness the officer spoke to the neighbor.

The CPOA finds Officer W's conduct to be **UNFOUNDED** where the investigation determined the alleged misconduct did not occur.

Additional Issue:

Ms. H complained that officers closed the case concerning the theft of her bicycle.

Based on the review of the case solvability matrix the theft case would not be assigned to a detective. Burglary cases are assigned if a high enough score on the solvability matrix is obtained. In this instance there was only a vague offender description, which did not include the offender's name, description of tattoos, or any video/photos of the person. The description was not detailed enough to provide an identity contrary to Ms. H belief. Ms. H could not provide identifiable property characteristics such as a serial number. The other solvability factors either did not apply or did not exist.

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

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

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

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

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

Sincerely,

The Civilian Police Oversight Agency by



Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Tara Armijo-Prewitt

Eric Olivas

Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9771

Re: CPC #204-19

Dear Ms. S

Our office received the complaint you filed on July 12, 2019, against Albuquerque Police Department (APD) Officer A. and Sergeant (Sgt.) O. for an incident which occurred on July 11, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. J S said that on July 11, 2019, there was a custody dispute between her mother-in-law, L. S, and her sister-in-law, N. R at her residence, over the custody of N. R daughters, aged 15 and 16, wherein a physical altercation ensued. J said she was terrified for her safety and the safety of her children, and when officers arrived on scene, they didn't take her statement, and were only concerned with the custody issue at hand. She asked officers if she could press charges, and they told her no, because the situation was out of hand and the officers didn't witness any physical altercation. She said her children were so terrified by the whole ordeal and worried that N. R and her boyfriend, J. I would return that they stayed in a hotel for a night. She wants the officers to know they did a horrible job of making a family feel safe.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, a CADs report, Officer A.'s written report, and 8 lapel camera video recordings. The evidence showed Officer A. and Sgt. O., responded to a Domestic Violence Escort/Violation call on July 11, 2019 at 2306 hours after N. R called APD stating her mother, L. S took her two teenage daughters from Colorado, without her permission, and moved them to Albuquerque. N. R asked for a police escort to get the children from L. S who was staying at J residence.

Lapel video showed officers arrived on scene and one of them contacted N. R. L. and one contacted your husband B. S., and an unidentified person standing next to B. on your porch. There were numerous other individuals on scene when officers arrived, to include your children who stayed inside your house and did not appear to have any contact with Officer A. or Sgt. O. The officers conducted interviews with the aforementioned parties and with N. R. teenage daughters outside, and reviewed and verified birth certificates and custody paperwork and information from Children, Families and Youth Department (CYFD) regarding the teenage girls' legal guardian prior to releasing the girls to their mother, N. R. N. R., J. L. and the two girls then left the area to return to Colorado.

After N. R. and J. L. left the area, you made contact with the officers and asked if it was protocol for them to let someone go even though they assaulted you and Sgt. O. told you it wasn't protocol and attempted to explain that the situation escalated quickly and that when officers arrived on scene everyone was yelling and all were upset and it took them a long time to figure out what was happening and who was involved. While trying to explain it further, evidence shows you walked away after receiving the officers' identifying information. One of your female family members told the officers she was scared and that the children on scene shouldn't have had to witness any of that behavior and Sgt. O. agreed with her, and said it was unfortunate for the situation to have happened at all.

III. CONCLUSION

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

You have the right to appeal this decision.

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

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

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

Letter to Ms. S
January 10, 2020
Page 3

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

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to read 'EH' or 'Edward Harness', is positioned above the printed name.

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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

Tara Armijo-Prewitt *Eric Olivas*

Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

January 10, 2020
Via Certified Mail
7018 1130 0002 3428 9948

Re: CPC #218-19

Dear Mr. L

Our office received the complaint you filed on August 15, 2019, against Albuquerque Police Department (APD) Police Service Aide (PSA) D. for an accident which occurred on July 24, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Mr. L complained that PSA D. refused to write down the eye witness statement of a young lady who corroborates his story. He said her name is D. and she is an employee of the Subway that was hit by the distracted driver. He said he was on the furthest right lane and the other driver came in from the left trying to turn on to Aspen Ave. in an attempt to cut him off. The driver did not have insurance and should not have been on the road at all. He wants the witness' testimony to be taken into account and liability to be removed from his record.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, a CADs report, and 8 lapel camera video recordings from the incident. The evidence showed that PSA D. and Officer A. were dispatched to the scene of an accident wherein one vehicle crashed into a Subway restaurant at after trying to avoid a collision with a semi-truck. Lapel video showed Officer A. spoke with two male witnesses to the accident, and both witnesses corroborated the other driver's statement that she was traveling in the number 3 lane heading northbound on Eubank Blvd and you were traveling in the number 2 lane, which is the center lane, heading northbound on Eubank Blvd when you made a right hand turn onto eastbound Aspen Ave. NE and turned in front of the other driver. They said the other driver swerved to avoid a collision with your truck and in so doing they crashed into the Subway.

You requested the liability for the accident be removed from your record; however, PSA. D.'s investigation, which is supported by the evidence, showed you were identified as the at-fault driver. The evidence showed the other driver didn't have proof of insurance and her vehicle was towed from the scene.

III. CONCLUSION

Based on the aforementioned information, the CPOA finds PSA D.'s conduct **UNFOUNDED** regarding allegations of violations of APD SOP 2-46-4(A)(3)(a), which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

You have the right to appeal this decision.

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

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

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

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

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

Letter to Mr. L
January 10, 2020
Page 3

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

Sincerely,
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Tara Armijo-Prewitt *Eric Olivas*

Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9955

Re: CPC #219-19

Dear Ms. T

Our office received the complaint you filed on August 19, 2019, against Albuquerque Police Department (APD) Officer L. for an accident that occurred on December 18, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. T complained that Officer L. went to her home because of a child abuse complaint. When Officer L. arrived, she was in her garage with her 12-year-old child who made the complaint against her. She told Officer L. she had already dealt with CYFD and APS police, so she wasn't sure why another officer was now involved. She was stressed already, and complained Officer L. approached her with the attitude that she was guilty. She complained his demeanor was disrespectful from the start, and admitted her behavior was uncooperative and said Officer L. became angry, said he was done talking to her, and was filing charges. This was before he even spoke with her child. She was informed by the courts of the charges against her and missed work in order to attend court on three occasions, and the DA finally decided there was no evidence to move forward. She is afraid of the police because they can file unfounded charges against citizens and brought this to the attention of the CPOA because she is unable to pass a background check to volunteer at her child's school. She is guilty because one officer said she was and because she questioned his authority. She complained the report was signed off on without any evidence. She wants her name cleared and Officer L. warned against such actions.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, two CADs reports, Officer L.'s written report and 3 lapel camera video recordings. The evidence showed that on December 18, 2018 APD Dispatch created a CADs report based on a SCI report they received from Ms. N., who

is a Special Education teacher at Tony Hillerman Middle School, referencing child abuse allegations against you made by your 12-year-old son. The CADs showed that Officer L. was dispatched on the call and responded to your residence where he contacted you and your 12-year-old son, N. Lapel video showed that upon his arrival, Officer L. asked you about the allegations and the incident, and you asked him why he was there when you had already spoken to Albuquerque Public Schools (APS) police and Children Families and Youth Department (CYFD). Officer L. explained that since the alleged incidents occurred at your home it was an APD issue and one not handled by APS police. You became frustrated with this answer and continued to argue with Officer L. about having to explain the situation to him after you had already dealt with APS and CYFD and at one point asked Officer L. if he was going to arrest you. He said he wasn't going to arrest you and said you were being uncooperative when he just needed to write a report. You continued to argue with Officer L. as he tried to obtain more information about the incident and said you would call a police officer friend that you trust.

While you made the call to your friend, Officer L. asked N. about the alleged child abuse incident and N. admitted Officer L. that the abuse took place. After speaking with N. Officer L. told you he was going to call CYFD and have the case worker return to your residence. Officer V. arrived on scene just prior to Officer L. giving you the case number and his name and badge number before they left your residence.

Lapel video showed Officer L. did not approach you with the attitude that you were guilty, nor was he disrespectful toward you, as you have alleged in your complaint. Officer L. wrote his report based on N.'s statements that you abused him and contacted CYFD to inform the caseworker he was filing criminal charges against you, and then forwarded his report to the District Attorney's Office. The evidence showed that Officer L.'s actions were warranted and based on statements made by your son and not because you questioned his authority, as alleged in your complaint. You alleged Officer L's report was approved without evidence; however, the evidence shows that his report was written based on the provided to Officer L. by your son. You have requested your name be cleared; however, the CPOA does not have the authority nor jurisdiction to remedy that issue.

III. CONCLUSION

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

You have the right to appeal this decision.

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

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

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

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

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

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Tara Armijo-Prewitt Eric Olivas

Edward Harness, Executive Director

Dr. William J. Kass

Leonard Waites

January 10, 2020

Via Certified Mail

7018 1130 0002 3428 9979

Re: CPC #221-19

Dear Ms. T

Our office received the two complaints you filed on August 22, 2019, against Albuquerque Police Department (APD) Officer B. for the same incident which occurred on July 20, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

Ms. T filed two complaints on the same date that were related to the same incident. The first complaint stated: I was on the blocked off street of 5th & Central waiting for an Uber and my roommate stopped by my car to make sure it was locked when suddenly Officer B. approached me for jay-walking. He recognized my car from pulling me over previously in the month for a DWI and was waiting to see if I would drive. I feel he was trying to incriminate and harass me as he cited me with jay-walking and told me I had to take a breathalyzer. He shoved the breathalyzer in my face multiple times as I denied it and then pulled my arm aggressively towards his vehicle even though I was not being arrested. I feel like he was trying to entrap me and abused his power to intimidate me.

The second complaint stated: I was at court for 3 citations that Officer B. gave me on July 20, 2019. He was in the court room for a different case and stood in front of me and stared at me. I felt as though he was trying to intimidate me. He also smirked at me before walking out of the court room. This is inappropriate behavior for a police officer and I felt harassed yet again before our trial.

II. THE INVESTIGATION

The CPOA Investigator contacted you on December 5, 2019 and spoke to you regarding your complaint. You told the Investigator you had no additional information to add to your complaints. The Investigator reviewed your complaints, a CADs report, Officer B.'s written

report, 6 lapel camera video recordings, and public information regarding this case, located on the New Mexico Courts website www.nmcourts.gov. The evidence showed that on July 20, 2019 Officer B. was working downtown when he heard you and your boyfriend, Mr. E., arguing on the sidewalk. He drove down the street towards your location to investigate, and you and Mr. E. stepped off the curb and into the street in front of Officer B.. Officer B. said it appeared you were trying to get away from Mr. E. but Mr. E. continued to follow you as you both walked towards a white vehicle, which was later identified as your vehicle. Officer B. drove closer to contact you and Mr. E. but you both turned and walked away from him. Officer H. and Officer G. arrived on scene to assist Officer B. with the stop. Lapel video showed Officer B. got out of his vehicle, asked Mr. E. to sit on the curb and wait while he spoke with you. Officer G. stood by Mr. E., while Officer H. stood by you and Officer B. as Officer B. asked you to walk towards him and his vehicle. You were apprehensive to do so and when Officer B. asked you a second time to walk to the side of his vehicle you refused to move so he held your arm and escorted you to the driver side of his vehicle and began asking you about the incident. As he spoke with you and obtained your identification he recognized your name and asked if he had recently arrested you for Driving While Intoxicated (DWI), to which you responded no. Officer H. asked you when you'd last been arrested and you didn't respond to her. You were evasive with Officer H. as she asked you questions. Officer B. verified he arrested you on July 5, 2019 for DWI and asked if you had any conditions for your release and you said there were none. Officer B. held a PBT in front of your face and asked you to blow into it but you refused. Lapel video showed he did not shove the breathalyzer in your face multiple times, as alleged in your complaint.

The evidence showed you received citations for Disorderly Conduct, Pedestrians on Roadways and Obedience to Police Officers from Officer B. Public information obtained from www.nmcourts.gov shows that on August 22, 2019 you went to court for these citations. Since Officer B. issued the citations, and the court records didn't indicate a failure to appear on his part, it appears Officer B. was in the courtroom for this case and not there to harass you, as alleged in your complaint. Additionally, it is not inappropriate for an officer to show up in court for cases in which the officer has filed charges or issued citations, as you have alleged in your complaint.

III. CONCLUSION

Based on the aforementioned information, the CPOA finds Officer B.'s conduct **UNFOUNDED** regarding allegations of violations of APD SOP 1-1-4(D)(14), which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

You have the right to appeal this decision.

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

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

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

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

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

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

January 10, 2020
Via Certified Mail
7018 1130 0002 3428 9962

Re: CPC #235-18

Dear Mr. B

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on September 20, 2018, regarding an incident that occurred on August 15, 2018. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293
Albuquerque
Upon completion of the investigation, the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

NM 87103
Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

Mr. B wrote in his emailed complaint that he received an animal welfare complaint filed by Specialist C. She had threatened to report him when she talked to him with a neighbor as a witness. The report had details that would only be determined by trespass onto his property. Specialist C is an APD employee and used her APD employee phone number, which led him to believe she was filing the complaint in her official capacity or attempting to give that appearance. Mr. B wrote he called APD to report the alleged trespass and make a report. Two officers were dispatched. Mr. B wrote in his complaint when he told the officers who the employee was they seemed to recognize the employee. Mr. B wrote the officers did not offer to issue a criminal trespass notice even after he indicated concerns over continued trespass by Specialist C as harassment. Mr. B wrote that he believed she was abusing her position.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatch (CAD), the police report, the Animal Control complaint, Specialist C's interview, Officer M's interview, Officer S' interview, two different neighbors' interviews, and Officer S' lapel video. Mr. B did not participate in the investigative process. He originally scheduled an interview and then wrote via email he did not see the need for an interview, despite the request for one.

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SPECIALIST C'S CONDUCT

A) The CPOA reviewed Standard Operating General Order 1-1-4D14 regarding Specialist C's conduct, which states:

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

Mr. B alleged when Specialist C came to his home with another neighbor she threatened to report him to Animal Control. He wrote the information contained within the animal welfare complaint he later received could have only been obtained by her trespassing on his property. Mr. B claimed the use of Specialist C's work telephone number when she made the animal welfare complaint was an abuse of her official position. He accused Specialist C of "menacing harassment" and "retaliation" because he feared continued trespass activity. He claimed because of Specialist C he has had to spend money to make improvements to his home's perimeter.

Specialist C said neighbors expressed concerns for the welfare of Mr. E's dog. She had never met Mr. B, but one of the neighbors asked her to accompany her to talk to Mr. B about the dog. Their intention was to tell him neighbors were paying attention to the dog and hopefully he would be more cognizant of its care. Specialist C and another neighbor went over and spoke to Mr. B and his wife. The neighbor did most of the talking. Specialist C believed she added that since people were paying attention they did not want anyone to have to call Animal Control, but she never made a threat. This was the one and only time she spoke to Mr. E. Over the course of the next couple of weeks every time she saw especially one of the neighbors, that neighbor expressed concerns over the dog's care. The neighbor was so repeatedly concerned and she being an animal lover, decided to call Animal Control because she would have felt terrible if something had happened to the dog. The neighbor herself did not want to call because her husband did not want her to get involved. Specialist C called 311 from work and advised she had no first-hand knowledge, but reported the information from the neighbor. She provided her name when asked by the call taker and when asked for a phone number she provided her work number because she did not want to give her personal number and it was her easiest contact number to provide. Her work number does not have her title or employment location so she did not know how Mr. B determined her employment without doing some research. She found out later from a different neighbor that police were sent to her home by Mr. B. She obtained the police report and saw Mr. B's allegation, which was false. Specialist C found out after talking to neighbors that he had asked several neighbors about the animal welfare report and one of the neighbors told him they were the source of the information. There was no retaliation on her part and she has done nothing against him. The modifications to his wall and home had been happening long before this

incident and had nothing to do with her. Her neighbors talked to her about their concerns not because of her position with APD, but because of her love of animals.

Mr. B did not participate in the investigative process to clarify why he accused Specialist C of harassment and retaliation. The neighbors interviewed stated Specialist C never threatened Mr. B or talked about using her position to influence anything, some did not even know her position. Specialist C is a citizen who can file complaints through proper channels as any other citizen and the use of her work phone number is the same as if anyone else left their work phone number in such a circumstance; it is not an abuse of position or authority. Neighbors reported in their interviews they were the source of concern over the dog to Specialist C and later to Mr. E himself. The neighbors had no reason to think or have knowledge that Specialist C went on Mr. B property, which Specialist C denied doing. Mr. B made an assumption without any substantiating evidence. The neighbors reported changes to Mr. B property were occurring before this incident and not in response to this incident.

The CPOA finds Specialist C's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4G1 regarding Officer M's conduct, which states:

Personnel will not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any law or Department or City policy.

Mr. B claimed that when he told the officers Specialist C's name that they seemed to recognize her. Mr. B alleged the officers did not offer to issue a trespass notice against her even though he expressed concerns it would be repeated behavior. The officers were reluctant to file a report.

Officer M explained Mr. B offered no evidence to support his assumption that Specialist C came onto his property such as surveillance footage, personal observation, or a witness. Officer M told Mr. B it did not matter if Specialist C was an APD employee and he would investigate the situation the same either way. Officer M did not recognize her name as that of an employee when Mr. B said it. It was not until later he realized she was an employee. Officers went to Specialist C's residence to try to talk to her, but there was no answer at the door. He wrote the police report as requested. There were no enforcement actions appropriate because Mr. B only had his assumptions. Additionally, Mr. B property would need to have been posted as no trespass, if even proven, before a criminal trespass notice be issued, which he did not see.

Mr. B assumed Specialist C came on his property based on the content of the animal welfare complaint he received. Other neighbors interviewed admitted to being the source of the information about the dog and that they passed the information onto Specialist C. Mr. B admitted he had no evidence to support his allegation that Specialist C committed trespass. Additionally, in order for criminal trespass to have occurred certain conditions such as signage needed to be present. Mr. B

choose not to participate in the investigative process, but others interviewed stated they never observed the necessary signage. Mr. B recollection that the officers recognized Specialist C as an employee is inaccurate. The lapel videos showed the officers did not recognize her name as an employee when Mr. B provided it. They only somewhat recognized the name Mr. B provided for Specialist C's significant other, who is a retired APD officer. Realization came later outside of Mr. B presence. It did not change how the case was handled.

The CPOA finds Officer M's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4G1 regarding Officer S' conduct, which states:

Personnel will not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any law or Department or City policy.

Mr. B claimed that when he told the officers Specialist C's name that they seemed to recognize her. Mr. B alleged the officers did not offer to issue a trespass notice against her even though he expressed concerns it would be repeated behavior. The officers were reluctant to file a report.

Officer S explained Mr. E offered no evidence to support his assumption that Specialist C came onto his property such as surveillance footage, personal observation, or a witness. Officer M specifically told Mr. B it did not matter if Specialist C was an APD employee and he would investigate the situation the same either way. Officer S did not recognize her name as that of an employee when Mr. B said it. It was not until later he realized she was an employee. Officers went to Specialist C's residence to try to talk to her, but there was no answer at the door. Officer M wrote the police report as requested, he did not think there was reluctance on Officer M's part. There were no enforcement actions appropriate because Mr. E only had his assumptions. Additionally, Mr. B property would need to have been posted as no trespass, if even proven, before a criminal trespass notice be issued, which he did not see.

Mr. B assumed Specialist C came on his property based on the content of the animal welfare complaint he received. Other neighbors interviewed admitted to being the source of the information about the dog and that they passed the information onto Specialist C. Mr. B admitted he had no evidence to support his allegation that Specialist C committed trespass. Additionally, in order for criminal trespass to have occurred certain conditions such as signage needed to be present. Mr. B choose not to participate in the investigative process, but others interviewed stated they never observed the necessary signage. Mr. B recollection that the officers recognized Specialist C as an employee is inaccurate. The lapel videos showed the officers did not recognize her name as an employee when Mr. B provided it. They only somewhat recognized the name Mr. B provided for Specialist C's significant other, who is a retired APD officer. Realization came later outside of Mr. B presence. It did not change how the case was handled.

The CPOA finds Officer S' conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Agency Oversight Board

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

Edward Harness, Executive Director

January 10, 2020
To file

Re: **CPC 245-19**

Dear Mr. S

On September 7, 2019, we received a complaint you filed for an incident that took place that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You reported that on September 7, 2019 at about 7:30 PM, you were at Central and 8th Street at a roundabout stopped for traffic. When you accelerated, your tires spun for a second because your tires were wet. You were pulled over a block later by APD Officer B.. Officer B. asked you why your car was so loud. Officer B. gave you a ticket for Vehicle Nuisance-Exhibition Driving. The officer told you that you had been revving your engine at the intersection and your tires lost traction when you accelerated. You wrote that you told the officer that you were not revving your engine excessively and you lost traction due to the road being wet. You told him that it was another car that was revving it's engine. You wanted the ticket dismissed, your court fees dismissed, and you wanted the officer investigated for misconduct.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and the investigator reviewed the traffic stop which was recorded on the officer's lapel camera. The Investigator also reviewed court records of the case.

Officer B.'s video showed that Officer B. acted professionally when he interacted with you. You admitted to revving your engine in your Camaro, but insisted that the Mustang in front of

you was revving it's engine much more than you. You admitted that you lost traction when you accelerated.

A review of the Court Record of this citation showed that you were given pre-adjudication diversion on the charge, which meant that if you did not get another citation in a certain time frame established by the Court, that your citation would be dismissed.

III. CONCLUSION

You admittedly committed a traffic violation and you were ticketed for that violation. A review of the record shows there was no misconduct committed by the officer. We find that your complaint is unfounded, where the investigation determined by clear and convincing evidence, that the alleged misconduct did not occur.

You have the right to appeal this decision.

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

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

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

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

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Tara Armijo-Prewitt

Edward Harness, Executive Director

Chantal M. Galloway, Chair Joanne Fine, Vice Chair

Dr. William J. Kass

Eric Olivas

Leonard Wailles

January 10, 2020

Via Email

Re: CPC #115-19

Dear Ms. M

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on May 6, 2019, regarding an incident that occurred on November 11, 2018. The CPOA thoroughly and impartially investigated the complaint.

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

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

NM 87103

I. THE COMPLAINT AND INVESTIGATION

Ms. M : said she was out with a group of friends and Ms. C approached her. There was a confrontation between their two groups. Ms. C was yelling and pushing and a fight broke out. She went home after the altercation and knew nothing more until she received a summons in the mail to go to court. Ms. M : did not think it was proper that she received a summons without the opportunity to express her side of the incident.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatch (CAD), the 911 recording, Ms. K interview, Officer S' interview, and the lapel video.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-60-4A5b regarding Officer S' conduct, which states:

Steps to be followed in conducting preliminary investigations that may include, but are not limited to:
b. Locate, identify, and interview witnesses, victims, and suspect(s).

Ms. M stated she was out with a group of friends. Her group encountered Ms. C's group of friends. An altercation occurred that resulted in a physical fight. Ms. M alleged Ms. C's version on the police report was different than what she and her witnesses alleged occurred. Ms. M claimed despite there being a fight she did not have contact with Ms. C. After the affray, Ms. M went home. She went to bed around two or three that morning. Her phone would have allowed blocked or unidentified numbers. Ms. M stated she never received a voicemail or call from Officer S. She found out about the report to police when she received a criminal summons in the mail.

Officer S was dispatched to Ms. C's residence. She reported Ms. M attacked her and her friends. Officer S noted Ms. C did have an injury, substantiating a battery occurred. Ms. C specifically identified Ms. M as the aggressor. His plan was to see if he could identify Ms. M enough to attempt to reach her and likely file a summons. Officer S explained a summons did not mean someone was going to jail, but was the opportunity for both sides to say their version to a Judge. Officer S had RTCC find information on Ms. M to issue the summons. Officer S did not recall if he attempted to call Ms. M or not, but generally would in such a case since she was out of jurisdiction.

Ms. M had one version of events that night, Ms. C another. Both parties agreed contact and a physical altercation occurred. Ms. C called police reporting a battery. Ms. M did not call police to report the incident. Officer S had sufficient information that a battery occurred. Ms. M resides in Rio Rancho and so is out of APD jurisdiction. A misdemeanor battery outside of the officer's presence would not warrant going out of jurisdiction or utilizing resources from another department. Ms. M said she did not have a call from Officer S. Officer S said he did not remember if he attempted to call. Ms. M estimated she went to bed around 2 or 3 in the morning. According to the CAD, Officer S received information about Ms. M from RTCC at 4:30 a.m. and cleared the call with a summons and report at 4:40 a.m. There is not enough evidence available to determine if Officer S attempted to reach Ms. M or not. Policy does allow for summons to be issued in circumstances such as this as the purpose of the summons is to compel all parties to provide their side to a Judge.

The CPOA finds Officer S' conduct to be **NOT SUSTAINED** where the investigation was unable to determine whether the alleged misconduct occurred.

Other issue:

Ms. M questioned whether a supervisor should have signed off on the report without her statement. Policy permits a summons be issued in a circumstance such as this situation was. Therefore, the lack of a statement from Ms. M would not cause a supervisor to reject or question a report in many cases. It is a case by case basis for what causes a report to be rejected. Correct information was

included for successful delivery of the summons so additional reviews and questions were not initiated as it would have been if incorrect information resulted in an undeliverable summons.

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Sincerely,
The Civilian Police Oversight Agency by



Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police