

**CIVILIAN POLICE OVERSIGHT AGENCY BOARD**

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

**CIVILIAN POLICE OVERSIGHT AGENCY BOARD**  
**SPECIAL MEETING AGENDA**

**Tuesday, July 16, 2019 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Leonard Waites***
- III. Mission Statement – *Chantal M. Galloway, Chair***  

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Cases:**
  - a. Administratively Closed Cases**

009-19	028-19	032-19	034-19	043-19
047-19	056-19	060-19	061-19	065-19
066-19	075-19	078-19	089-19	098-19
099-19	100-19	107-19	108-19	109-19
111-19	112-19	113-19	117-19	118-19
119-19	124-19	127-19	141-19	145-19
148-19	149-19	150-19	247-18	
  - b. Exonerated**

074-19
  - c. Sustained**

132-18
  - d. Unfounded**

131-19
- VII. Review of Appeal**

095-19
- VIII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on August 8, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**      *Chantal M. Galloway, Chair*  
*Dr. William J. Kass*              *Valerie St. John*  
*Chelsea Van Deventer*          *Leonard Waites*

*Joanne Eche, Vice Chair*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7007 0710 0001 8867 9014

**Re: CPC #009-19**

Dear Mr. U

Our office received the complaint you filed on November 28, 2018, against Albuquerque Police Department (APD) Officer P., regarding an incident which occurred on November 20, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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**

Mr. U said he was paying a plumbing contractor for services completed at his residence, when Officer P., who is his neighbor, arrived home. Mr. U said Officer P. made a verbal threat towards him when he asked Mr. U if there was a problem. Mr. U alleged Officer P. kept his hand close to his duty weapon when he asked the question, which made Mr. U feel extremely threatened. Officer P. was on his driveway when he asked Mr. U again, if there was a problem, to which Mr. U contractor replied by asking Officer P. if he had a problem. Allegedly, Officer P. told the contractor he was addressing Mr. U and not him and Mr. U told the contractor to ignore Officer P. as he felt Officer P. was just trying to provoke an argument. Officer P. didn't say anything more, nor did Mr. U however, Mr.

U complained that Officer P. used his badge to threaten him and make him feel unsafe at his own residence. Mr. U said he is filing a lawsuit against Officer P. and his wife and father-in-law for stalking, harassment, and defamation of character. Mr. U wants criminal charges to be filed against Officer P.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and attempted to contact you for a telephone interview; however, after several email exchanges between you and the Investigator attempting to schedule a phone interview, the exchanges stopped and there was no further communication from you. The Investigator briefly spoke with Officer P. regarding the situation and learned that you two are neighbors in a community in the City of Rio Rancho and your neighborhood is governed by a Home Owner's Association (HOA). Officer P. said there is an on-going feud between your family and his regarding construction at your home. He said there have been police reports filed regarding this on-going feud. This investigation is based on your complaint and on the limited contact the Investigator had with Officer P.

The limited information shows that this is a neighbor dispute occurring outside the City of Albuquerque, and one in which your neighborhood HOA governs. Had this occurred in the City of Albuquerque, our office would recommend you and Officer P. participated in community mediation; however, that is not applicable in this case as you are residents of the City of Rio Rancho. Without impartial video or audio evidence, we would be unable to substantiate your allegations that Officer P. used his badge to threaten and intimidate you. Additionally, you stated you have already filed a lawsuit against Officer P. and his wife and father-in-law; therefore it appears you are in the process of remedying this situation over which our office has no jurisdiction.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because we have no jurisdiction over this neighbor dispute.

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.

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. U  
July 17, 2019  
Page 3

Sincerely,  
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to be 'E. Harness', written in a cursive style.

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

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Dr. William J. Kass*

*Leonard Waites*

Edward Harness, Executive Director

*Chantal M. Galloway, Chair*

*Valerie St. John*

*Joanne Fine, Vice Chair*

*Chelsea Van Deventer*

July 17, 2019

Via Certified Mail

7007 0710 0001 8867 9021

**Re: CPC #028-19**

Dear Ms. P

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 6, 2019, regarding an incident that occurred on December 4, 2018.

### **I. THE COMPLAINT**

Mireya Perez submitted a written complaint regarding the traffic accident report written by Officer W. Ms. P wrote Officer W did not get her family's side of the accident and therefore her mother, the driver, was blamed.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the police report and the lapel videos. The CPOA Investigator also checked NM Courts to determine if Ms. P's mother had been cited for any infraction. The accident report narrative stated driver #1, the driver of the BMW, reported he slowed for traffic when driver #2, Ms. P's mother, collided into the back of him and then driver #3 collided into the back of her. When reviewing the lapel videos driver #3 reported, Ms. P's mother stopped quickly and he did not expect it. He claimed he tried to stop, but could not in time when Ms. P's mother had screeched to a halt. The lapel videos showed Officer W asked Ms. P for her information, originally thinking she was the driver. Ms. P said her mother was the one driving, but her mother and family went to the KFC because it was too cold. Ms. P did not say any family member was injured. Ms. P retrieved the registration and insurance information from the car and Officer W asked Ms. P to obtain her mother's ID. Ms. P left to get the information. NM Courts confirmed there was no driving citation issued to Ms. P's mother. It was located that Ms. P's mother and family have filed a civil suit against driver #3 and the owner of the car driver #3 drove that night.

Ms. P's mother was not charged with any driving infraction so it would be a determination of the insurance company to determine "blame." The report reflected what was told to the

Letter to Ms. P

July 17, 2019

Page 2

officers by driver #1 and driver #3 and listed apparent contributing factors as driver inattention and following too closely for Ms. P mother. Ms. P family left to be in the nearby KFC instead of at the scene due to the weather, not injuries at least as told to the officers. The officers' primary focus was on driver #3 as it was determined he was going to be arrested for DUI. The report itself cannot be changed or re-written, but Ms. P and her mother may file a supplemental report to be officially added to the accident report. A supplemental report may be filed at APD Main Records 400 Roma NW.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence did not support a violation of Standard Operating Procedures. The remedy to Ms. Perez's concerns is to file a supplemental report.

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.

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

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Chantal M. Galloway, Chair*     *Joanne Fine, Vice Chair*  
*Dr. William J. Kass*     *Valerie St. John*     *Chelsea Van Deventer*  
*Leonard Waites*  
Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7018 1130 0002 3428 9092

**Re: CPC #032-19**

Dear Ms. W:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 7, 2019, regarding an incident that occurred on January 14, 2019.

### **I. THE COMPLAINT**

Ms. W, an employee at Presbyterian Hospital, submitted an online complaint regarding APD's lack of response to two emergency calls for service at Presbyterian Hospital regarding a domestic disturbance.

### **II. INVESTIGATION**

The CPOA Investigator contacted the Communications Manager regarding the issue of a 911 response. The Communications Manager reviewed the calls and the CAD. The Communications Manager discussed with Ms. W the concerns over the call. The Communications Manager and Ms. W discussed having a training session for the Presbyterian employees as to when to call 911 and when to call the non-emergency number. The Communications Manager also discussed with Ms. W the introduction of a new priority system on March 1 for calls, which would elevate the priority of domestic violence type calls. The Communications Manager had the direct supervisor of the two call-takers review the calls with the employees for training and customer service reviews. The Communications Manager provided Ms. W with her contact information for any future difficulties and advised a shift supervisor was always on duty if there were concerns with response time.

Letter to Ms. W  
July 17, 2019  
Page 2

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the supervisor resolved the citizen's concerns.

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.

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

cc: Albuquerque Police Department Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Chantal M. Galloway, Chair*      *Joanne Fine, Vice Chair*  
*Dr. William J. Kass*      *Valerie St. John*      *Chelsea Van Deventer*  
*Leonard Waites*  
Edward Harness, Executive Director

July 17, 2019  
Via E-Mail

**Re: CPC #034-19**

Dear Mr. S

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on February 7, 2019, regarding an incident that occurred on January 30, 2019. The CPOA thoroughly and impartially investigated the complaint.

### **I. THE COMPLAINT**

Mr. S estimated Officer S' speed to be 40 to 50 miles per hour around a blind corner. Mr. S doubted Officer S even saw him backing out of his driveway. Mr. S agreed he did not have an accurate way to measure the speed, but knew what 25 miles per hour, the speed limit, looked like and what an excess of 40 miles per hour looked like. Mr. S said he followed Officer S and when he confronted Officer S about his speeding; Officer S was very cordial and polite. However, Mr. S was irritated at what he perceived was Officer S' failure to accept responsibility for his action because Officer S made the excuse he was rushing home due to his daughter being ill. Mr. S knew that was a lie because he observed a worker waiting for Officer S who entered the officer's home as he departed. Mr. S believed the appointment was the real reason the officer was speeding.

### **II. INVESTIGATION**

The CPOA Investigator spoke to Mr. S on the phone regarding his complaint who gave more details about his complaint. The CPOA Investigator reviewed the call history for Officer S and interviewed Officer S. Officer S was on a call about a mile from his residence. When Officer S concluded the call, he drove past what turned out to be Mr. S home on the way to his home. Officer S stated he was trying to get home quickly and exceeded the speed limit some, but not to the degree, Mr. S claimed. Officer S claimed he observed Mr. S and slowed down. Officer S explained his urgency was that he suffering from a gastrointestinal emergency and tried to make it home in time to prevent soiling himself. Officer S reported his need to go home to his supervisor. That too was verified by the investigator. When Mr. S confronted him, he was too embarrassed to provide the real reason for his urgency so he made up the excuse his daughter was sick. Officer S did not recall if he had a worker that day, but recalled he did

have some service person at his home that week. He was not going to refute Mr. S' observation and it could have been that day, but that was not the reason for his haste. He advised his sergeant that day that he might receive a complaint about his driving and that he was ill. The CPOA Investigator confirmed with the sergeant that he was aware of Officer S' issue that day.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as any potential policy violations were minor. The CPOA Director reviewed the disciplinary history of the officer and determined there was not a pattern of misconduct. The sergeant was already aware and addressed the issue.

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.

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

cc: Albuquerque Police Department Chief of Police

## CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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

*Dr. William J. Kass*

*Valerie St. John*

*Chelsea Van Deventer*

*Leonard Waites*

Edward Harness, Executive Director

July 17, 2019

To File

**Re: CPC #043-19**

Dear Ms. C:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 11, 2019, regarding an incident that occurred on January 9, 2019.

### I. THE COMPLAINT

Ms. C submitted an online complaint regarding her allegation that two detectives from the Violent Crimes Division came to her place of work and talked to her and another employee about harassing Eve Espinosa, the wife of an APD supervisor. Ms. C wrote the detectives asked questions about an EEOC complaint she filed against her former Principal, . She wrote she was uneasy because she did not know where the conversation was going. Ms. C wrote the detectives asked if Mr. or another employee, came to her house and threatened her. Detective S asked to see the findings letter she received from EEOC, which she felt was out of line. She wrote she felt the situation was intimidating and scary. She interpreted that Detective S said she was threatening Mrs. E and Ms. G on her social media, which was untrue. She felt it was improper for detectives to talk to her without a warrant. She felt they were intimidating her.

### II. INVESTIGATION

The CPOA Investigator reviewed the police report and the recorded interviews with Ms. G and Ms. C. According to Detective B, Mrs. E, and Ms. G, reported receiving anonymous harassing text messages to the detectives of the FASTT Unit, which investigates allegations of stalking and harassment. FASTT is a division of Violent Crimes. Mrs. E and Ms. G advised they believed the messages were related to a complaint at their workplace. They named employees that might have more information. Detectives S and T went to the school to ask the named employees if they had information. Detectives spoke with Ms. G first and she provided some context about the interactions and an EEOC complaint between Ms. C, Mr. M, Mrs. E, and Ms. G. Ms. G did not have information about harassing messages. Ms. G said Ms. C received something on social media and suspected it was Mrs. E or Ms. G but she did not have proof.

Detectives S and T next spoke to Ms. C. and informed Ms. C. that they were from the stalking unit and that they received information that some parties were being harassed. Detective S never accused Ms. C. of being the person harassing the others. Detective S told Ms. C. that the common denominators were that they worked at the same school, were involved in some complaint, and they were named as having possible information. Ms. C. volunteered the details about Mr. M.'s move and that Mrs. E. and Ms. G. bullied her because they blamed her for Mr. M.'s move. Ms. C. told the detectives she complained to Mr. M.'s boss about their behavior. According to both Ms. C.'s written complaint and the recording, Detective S asked if the other women had come by her house and threatened her or sent her something via text or social media, which contradicted Ms. C.'s later claim he accused her of making threats. Ms. C. was unclear about how the EEOC was resolved and was inconsistent as to whether it was a closed issue or not so when she mentioned she received a letter, Detective S asked if he might see it. When she said she did not have it with her, he asked her interpretation as she remembered it for context. Towards the end of the conversation, Ms. C. again asked if the "other side" was saying there was harassment. Detective S told her from a few people in the circle. She then asked if she was being accused of doing the harassment and he told her she was not named as one specifically doing it. Ms. C. offered the detectives to go through her Facebook. Ms. C. told them she knew nothing and the detectives asked if she heard of someone doing something petty to ask them to stop. The conversation never became accusatory and Ms. C. never expressed reluctance to talk to the detectives.

The CPOA Investigator called Ms. C. and left voicemail, but she did not return the messages. Ms. C. did not provide an email or an address as an additional means to contact her. In light of the evidence available, the complaint lacked enough information to investigate intimidation or officious conduct further. The detectives received a complaint and asked identified parties for more information to see if any suspect information could be developed, but their case had no additional leads.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information in the complaint and no apparent SOP violations after reviewing the available evidence.

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.

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

cc: Albuquerque Police Department Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Dr. William J. Kass*

*Leonard Waites*

Edward Harness, Executive Director

*Chantal M. Galloway, Chair*

*Valerie St. John*

*Joanne Fine, Vice Chair*

*Chelsea Van Deventer*

July 17, 2019

Via Certified Mail

7007 0710 0001 8867 9038

**Re: CPC #047-19**

Dear Mr. H:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 12, 2019, regarding an incident that occurred on January 31, 2019.

**I. THE COMPLAINT**

Mr. H submitted an online complaint regarding his concerns over a welfare check conducted at his home. Mr. H wrote the officer was polite, but that the early morning visit was very disturbing to his children causing them to cry and shake. Mr. H wrote some of the questions asked by Officer W were strange such as why did he go to Las Cruces, if he had consumed alcohol this past weekend, and if he knew his license was revoked. Mr. H mentioned when he left the front door to put on pants, when he returned the officer was inside his home. Mr. H wrote he did not ask the officer in nor did the officer ask if he could enter. Mr. H mentioned had been harassing him for a long time, but the officer quickly replied he did not have a harassment case. Mr. H wrote he wanted confirmation it was a legitimate welfare check, if the questions were appropriate, and if the 0100 time was necessary.

**II. INVESTIGATION**

The CPOA Investigator reviewed the police report, CAD, and lapel videos. An anonymous call came in at 1615 on January 30, 2019 advising that Mr. H was intoxicated on January 26, 2019 and wanted his children to be picked up. When the reporter came to the house, she claimed Mr. H smelled of alcohol and there were alcohol bottles all over the house. Ms. T then called later that day at 1739 advising that she was keeping her son from his father that day out of safety concerns. The call was not dispatched until 2242 when an officer was available. Officer W conducted research into the situation, locating different reports and cases with CYFD. Officer W also discovered Ms. T driving license was revoked and Mr. H license was suspended so neither should be driving.

The lapel video showed Officer W contacted Ms. T first to get information about the allegations. Ms. T alleged Mr. H was too intoxicated over the weekend to care for their son, especially since their parenting plan had a condition about not consuming alcohol with their son present. Ms. T expressed concern for her son. Officer W said he would conduct a welfare check even though the boy would be asleep to make sure he was safe as that was their obligation. Ms. T claimed that Mr. H avoided being talked to by not responding to officers or CYFD and that one time he disappeared to Las Cruces for a couple of days to avoid contact.

By the time Officer W got to Mr. H home, it was 0050. The video showed Officer W was very polite and apologetic at having to wake anyone. He explained it was an anonymous report that he had to follow up. Officer W explained he spoke to Ms. T as part of his investigation. Mr. H's other son came to the door first. At the time, the boy was not shaking or crying. Officer W offered to check his other son while in bed, but Mr. H did not give the officer permission to enter so he waited outside. Mr. H brought his other son and Officer W looked at him from the other side of the glass door. Officer W checked what he needed; the other boy was not crying or shaking at that time. Officer W then said Mr. H could put the boys back to bed and then he would then talk to him.

The video showed after Mr. H put the boys back to bed, he returned and offered Officer W to enter. Officer W responded, "Yeah, if you don't mind." Officer W opened the door and waited just on the inside of the door with the dogs while Mr. H got out on sweat pants. The video showed Officer W explained the concerns told to him by Ms. T about the weekend and his drinking. During the conversation, it came up that Mr. H went to various places; Officer W asked him if he was aware his license was suspended. Since Mr. H said he was not, Officer W said he should clear up the situation with MVD. Officer W asked if Mr. H had been in contact with the CYFD caseworker since there was still an open case and concerns about not being able to reach him. Mr. H said he was there all the time. Officer W brought up that he was gone to Las Cruces and Mr. H explained his father lived there. A part of the conversation turned towards medical issues. Officer W advised Mr. H he was recording in case he wished not to go into detail about his medical issues on the recording.

They discussed that his home was clean and safe since Officer W came without warning. Mr. H mentioned the situation was on the verge of harassment from Ms. T. Officer W responded it might be, but in his experience, it would take more than one or two such instances to be harassment. The lapel video showed Officer W did not say quickly he did not have a harassment case. Mr. H said several times he understood Officer W was just doing his job. Officer W gave Mr. H some suggestions in order to get the CYFD case resolved and the conversation ended pleasantly.

The call was a regular dispatched call for service following up on alleged concerns for a child's safety. The time of day was when the officer was dispatched and the safety concerns outweigh inconvenience, especially when there was some claim, Mr. H avoided authorities. The videos showed the interaction did not occur entirely as Mr. H recalled. Officer W did not

enter the home without permission. The topics mentioned were appropriate given the claims made by the caller. Officer W advised Mr. H: how to resolve some of the open issues. Officer W documented his observations in his police report as well as both parties' claims.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no minimal substantiation to Mr. Hamberg's claims, the welfare check questions were appropriate given the allegations, and there was no violation of SOP after reviewing the available evidence.

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.

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

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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

*Dr. William J. Kass*

*Valerie St. John*

*Chelsea Van Deventer*

*Leonard Waites*

Edward Harness, Executive Director

July 17, 2019

Via Certified Mail

7007 0710 0001 8867 9045

**Re: CPC #056-19**

Dear Ms. F: :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 6, 2019, regarding an incident that occurred on February 1, 2019.

### **I. THE COMPLAINT**

submitted a written complaint regarding a situation between her and her neighbor over parking at their complex. She called police because the neighbor yelled and screamed at her when she parked in an open space at their complex. Ms. F: e wrote in her complaint that the neighbor approached with his fists balled up, yelled racial slurs at her, and told her what he was going to do to her and her vehicle if she parked there again. She called police and when the officer came, she told the officer she thought the neighbor was going to hit her. Ms. F wrote she told the officer about another time the neighbor yelled racial slurs to her and punched his window. Ms. F: wrote she wanted the officer to run his information to see if he had warrants because she assumed he must have due to his violence.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the CAD and lapel video for the incident. The CAD listed Ms. F: : statement that the neighbor threatened to tow her vehicle. When the officer arrived, Ms. Fast Horse said the neighbor yelled at her and was threatening her. Ms. F told the officer the threats were to block her vehicle in and pull her vehicle out of the spot with a chain. Ms. F: granddaughter said the neighbor had no right to approach her grandmother in that way. The granddaughter mentioned the neighbor approached as if he was going to hit her grandmother, but the granddaughter was not present for the situation. They wanted the officer to speak to the neighbor about assaulting Ms. F. Officer L explained to them that the neighbor did not commit an assault because he threatened to tow the vehicle, but did not threaten to hit her. Ms. F: did not say anything about the neighbor approaching with balled fists, that he hit a window, used foul language, or racial slurs as she later wrote in her complaint. The lapel video showed Officer L told the neighbor to stay away from Ms. F: and not yell at

her. The neighbor gave his version of how parking worked at the complex and what he did when he talked to Ms. F. Officer L told both parties parking on private property was not a police issue and they needed to discuss that with their landlord. Officer L did not collect IDs and run either party; there was not a specific requirement to do so. Officer L talked to both parties about the situation. The video showed Ms. F did not tell Officer L the majority of what she claimed she told the officer in her complaint and her statements to the officer did not demonstrate an assault had occurred. Ms. F received a call while dealing with the officer. Officer L asked if she needed anything more and Ms. F indicated nothing. Ms. F did not ask the officer about running the neighbor's information.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Ms. F did not allege activities that rose to the level of a crime and focused more on the parking difficulties. The officer did not have justification to run the neighbor for warrants as Ms. F desired. There were no SOP violations after reviewing the available evidence.

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.

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

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Dr. William J. Kass*

*Leonard Waites*

Edward Harness, Executive Director

*Chantal M. Galloway, Chair*

*Valerie St. John*

*Joanne Fine, Vice Chair*

*Chelsea Van Deventer*

July 17, 2019

Via Email

**Re: CPC #060-19**

Dear Mr. We

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 4, 2019, regarding an incident that occurred on February 2, 2019.

### **I. THE COMPLAINT**

Mr. We submitted an online complaint via the CPOA email address instead of the complaint form. Mr. We wrote he was at the intersection of Iliff and Coors stopped in traffic headed northbound. He observed APD marked vehicles headed south with lights and sirens engaged. He observed the APD vehicles make a U-turn and start to head north. While he was stopped at the light, he claimed an unmarked squad car drove between his lane of traffic and the curb lane of traffic narrowly missing his vehicle. However, the unmarked vehicle hit four vehicles in the curb lane before turning at the intersection. Mr. We claimed a marked unit hit the same four vehicles before turning right. A third marked police car stopped behind the damaged vehicles. Mr. We wrote officers had a total disregard for the safety of the public and drove recklessly, damaging vehicles.

### **II. INVESTIGATION**

The CPOA Investigator attempted to locate the incident as Mr. We described. Originally, Computer Aided Dispatch (CAD) could not locate the incident since Mr. We described it as an officer involved accident and one was not located. Further research with a lieutenant located the incident. The CPOA Investigator reviewed the police reports, the CADs, and the lapel videos from the officers for the incident. The police reports had the following information. A stolen vehicle was identified by an officer and followed. The officer deployed a GPS tracking dart in case the vehicle fled and then engaged his emergency equipment to stop the vehicle. The driver of the stolen vehicle drove into oncoming traffic. The officer used his emergency lights to caution other drivers. The driver of the stolen vehicle made a U-turn and drove erratically until the driver approached stopped traffic at the intersection of Coors and Iliff. The officers had ceased directly following the driver given the driving behaviors of the person in the stolen

vehicle. The driver of the stolen vehicle then drove in-between lanes and struck vehicles. The driver of the stolen vehicle continued north on Coors to I-40. Officers stopped to assist the drivers whose vehicles had been struck. The CADs, including calls by witnesses, stated no police vehicles were involved in the accident. The lapel videos with the drivers showed the driver of the stolen vehicle had struck them, but did not complain or speak of being struck by any APD vehicle. The lapel videos showed there were no damaged APD vehicles on scene. Officers were able to locate the stolen vehicle due to the GPS dart, but the driver had abandoned and fled the scene.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the investigation showed APD vehicles did not cause the accident or become involved in the accident. Officers had ceased direct pursuit, but the driver of the stolen vehicle drove recklessly anyway. There was no SOP violation or reckless driving on the part of APD.

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.

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**      *Chantal M. Galloway, Chair*  
*Dr. William J. Kass*              *Valerie St. John*  
*Chelsea Van Deventer*          *Leonard Waites*

*Joanne Eney, Vice Chair*

Edward Harness, Executive Director

July 17, 2019  
 Via Certified Mail  
 7007 0710 0001 8867 9052

I

**Re: CPC #061-19**

Dear Mr. O

Our office received the complaint you filed on February 10, 2019, against Albuquerque Police Department (APD) Officer C. and Sergeant (Sgt.) A., regarding an incident which occurred on February 8, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

### **I. THE COMPLAINT**

Mr. O said he was working as a security officer at the Circle K at 6300 Central Avenue SW, on February 8, 2019, when he contacted a citizen, identified as Mr. G., and asked him to leave as Mr. G. was allegedly involved in a previous incident with a Circle K employee. Mr. O said Mr. G. refused to leave and instead pulled down his pants, exposed his penis, and moved it. Mr. O then handcuffed and detained Mr. G. and contacted APD for assistance. He said Officer C. arrived and after Mr. O explained the situation to him, Officer C. called Sgt. A. Sgt. A. arrived and Mr. O explained the situation to Sgt. A. Mr. O complained that after hearing the explanation, Sgt. A. threatened to arrest Mr. O for kidnapping. Mr. O said Mr. G. was criminally trespassed (CT) from the

store and ordered not to return. He said Sgt. A. had been called out to the Circle K previously and yelled at for his officer's conduct. He said Sgt. A. got upset when Mr. O commented that he didn't want to uninvite Sgt. A.'s officer from the property. Mr. O complained that Sgt. A. said that was a myth that because they (officers) carried a badge and gun that they could not be uninvited and threatened to arrest Mr. O if he had to come to the Circle K again.

Mr. O said Sgt. A. is no longer welcome at the Circle K unless he is responding to a life or death related call. He wants the APD harassment to end and stated that this incident and any future incidents can and will lead to civil action against APD.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADs, Officer C.'s written report, and 3 lapel camera video recordings. Lapel video showed that Officer C. and Officer J. responded to an incident at the aforementioned Circle K. Upon their arrival, officers saw Mr. G. detained in handcuffs, sitting on the ground outside the store. Officer C. asked you what happened and then told you to remove the handcuffs from Mr. G., which you did. Officer C. then issued a CT on Mr. G. and told him he couldn't return to this store and then sent him on his way.

Lapel video showed Officer J. requested Sgt. A. to the scene and while waiting on Sgt. A. he took your statement. Upon Sgt. A.'s arrival he contacted you and you explained the situation to him. Sgt. A. understood that your company has a different policy that perhaps APD does and cautioned you about detaining people. He said if you can get someone to leave the property then it's better to just let them leave instead of handcuffing them. He told you that the law views a security guard handcuffing a citizen as a kidnapping. You started citing statutes and Sgt. A. told you he wasn't going to debate you on the subject and told you the law states that security guards are not supposed to handcuff anyone unless it's for your dire safety. He cautioned you that you are opening yourself and your company up to possible civil litigation and told you that handcuffing someone is a grey area. Officer C. reiterated to you that you are not allowed to handcuff someone even for dropping their pants. You then told Sgt. A. that you don't want to have to "uninvite" Officer C. from your property. Sgt. A. told you to stop and said you cannot uninvite Officer C. or any officer from the property. He told you they're the police and they will go where they want to go because they have to be able to do their jobs. He said they're the ones with the guns and armor and are the ones who have to go in. He told you to be careful who you handcuff because if you do this, again, and give APD a hard time about it, they can take you in on kidnapping charges. He told you he needed your help on the streets just as you need APD's help so he will work with you but told you not to tell him or his officers how they are to handle their business. He told you he would not handle this a third time, at which time you walked away and told him you would contact his Captain on Monday.

In addition to the aforementioned evidence, the Investigator reviewed a similar complaint you lodged against APD officers who responded to a call at this Circle K. In that complaint, CPC015-19, you handcuffed another subject for possession of drug paraphernalia and an

Letter to Mr. O.

July 17 2019

Page 3

officer and a Sgt. cautioned you at that time about handcuffing subjects for misdemeanor crimes and told you not to do it. That complaint found that no APD SOPs were violated.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that Officer C. and Sgt. A. did not violate any APD SOPs.

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.

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**

**Board**

*Dr. William J. Kass*

*Chelsea Van Deventer*

Edward Harness, Executive Director

*Chantal Galloway, Chair*

*Valerie St. John*

*Leonard Waites*

*Joanne Fine, Vice Chair*

July 17, 2019

Via Certified Mail

7007 0710 0001 8867 9069

Mr.

**Re: CPC # 065-19**

Dear Mr. A

We received your complaint at the Case Review Subcommittee meeting on February 26, 2019. Your complaint alleges Albuquerque Police Department sworn command staff are in violation of SOP 1-1-4(B)(2) because the department does not mandate a "Brady List".

The responsibility to maintain a "Brady List" is the local District Attorney's offices. Police departments should cooperate with the DA's office when the information is requested.

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because no APD SOPs were violated.

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.

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  
July 17, 2019  
Page 2

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**

**Board**

*Dr. William J. Kass*

*Chelsea Van Deventer*

Edward Harness, Executive Director

*Chantal Galloway, Chair*

*Valerie St. John*

*Leonard Waites*

*Joanne Fine, Vice Chair*

July 17, 2019

Via Certified Mail

7007 0710 0001 8867 9076

Mr.

**Re: CPC # 066-19**

Dear Mr. A.

We received your complaint at the Case Review Subcommittee meeting on February 26, 2019. This stems from an initial complaint in February 2018, requesting in investigation of why an officer was not immediately terminated after being accused of driving his patrol car while intoxicated. The details of your complaint and timeline are included in this complaint.

As I advised you then, there was already an ongoing Internal Affairs investigation. Additionally, I advised the officer is entitled to procedural due process. Therefore, I refused to open a civilian complaint investigation. Ultimately, the officer was terminated as a result of the IA investigation.

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because no APD SOPs were violated.

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.

**Letter to Mr. A**  
**July 17, 2019**  
**Page 2**

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*  
*Dr. William J. Kass*              *Valerie St. John*  
*Chelsea Van Deventer*          *Leonard Waites*

*Joanne F. Rice, Chair*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7007 0710 0001 8867 9083

**Re: CPC #075-19**

Dear Mr. G

Our office received the complaint you filed on February 11, 2019, against Albuquerque Police Department (APD) Detective (Det.) W., regarding an incident which occurred on July 21, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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**

Mr. O. .... complained that Det. W. hasn't returned his phone calls regarding his request to have a residential burglary case re-opened. He told Det. W. who the suspects were and he wants Det. W. to file criminal charges against the two suspects.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint; two APD police reports, written by Det. W. related to the residential burglary of your home, to include an APD Felony Supplemental Report; 5 CADS reports; 1 lapel video; 6 audio files; a letter to Det. W. from Bernalillo County Assistant District Attorney (ADA) C. regarding your case; and an email from Det. W.

PO Box 1293

Albuquerque

NM 87103

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

Letter to Mr. O.

July 17, 2019

Page 2

regarding the status of your case. The evidence showed that, on July 21, 2018, your residence was broken into by your ex-girlfriend, who is the mother of your child, and her brother. You reported the burglary and APD Officer L. responded and wrote a report, which was then forwarded on to Det. W. for follow-up investigation. In his written report, Det. W. said he conducted a telephonic interview with you on November 20, 2018, during which he listened to the audio recording you provided containing the alleged suspects confession. He stated there was no forensic evidence located at the scene by the Crime Scene Specialist so the case was closed exceptionally. On November 28, 2018, Det. W. forwarded your case to the Bernalillo County District Attorney's Office for review and possible prosecution; however, he received a letter dated January 28, 2019, from ADA C. stating their office was not going to proceed on the matter and that they had closed the file at that time.

### III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that Det. W. filed criminal charges against your ex-girlfriend and her brother, as you requested and did not violate any APD SOPS. Furthermore, your case was rejected by the Bernalillo County District Attorney's Office and Det. W. has no control over which cases the Bernalillo County District Attorney's Office accepts or rejects.

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.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

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

*Chantal M. Galloway, Chair Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Email

**Re: CPC 078-19**

Dear Mr. Z

On January 25, 2019, we received your complaint about an incident that occurred on January 19, 2019.

**I. THE COMPLAINT**

You wrote in your complaint that you were on Coors Boulevard and noticed a police vehicle next to you. When the light changed the officer accelerated at a high rate of speed and the officer exceeded the speed limit. When the officer tried to get on the freeway, you observed the officer tailgating, weaving in and out of traffic, and cutting off other drivers. The officer never turned on his emergency equipment. When you pulled up next to the officer at the next stop, it seemed to you like the officer noticed you and he corrected his poor driving behavior after that. You took pictures of the officer's truck and realized it was a police supervisor truck. You stated that he of all people should be setting a good example of how to drive safely. You wrote in your complaint that if you would have been driving like the officer you probably would have been ticketed.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and identified the supervisor you complained of. That supervisor is Sergeant L.. Your complaint was forwarded to Sergeant L.'s Supervisor, Lieutenant A.. Lt. A. contacted you and discussed your concerns. Lieutenant A. asked you what outcome you were seeking and you told Lt. A. that you just wanted the Sergeant's Supervisor and APD to be aware of what you observed. Lt. A. addressed the matter with Sergeant L.. Sergeant L. was told that he needed to be more cautious when operating his police vehicle and Sergeant L. stated he was appreciative of the complaint and he vowed to drive more cautiously in the future.

### **III. CONCLUSION**

The investigation conducted by the Sergeant's supervisor showed that Sergeant L. had briefly driven his vehicle aggressively when you saw him. The officer does not have a history of reported bad driving behavior that would constitute a pattern of misconduct. The Lieutenant cautioned the Sergeant about his driving behavior on that day and the Sergeant was appreciative of the complaint and vowed to drive more cautiously in the future. At this time, we are administratively closing your complaint and no further investigation by our office will occur. 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

**Police Oversight Board**      *Chantal M. Galloway, Chair*      *Joanne Fine, Vice Chair*  
*Dr. William J. Kass*                      *Valerie St. John*  
*Chelsea Van Deventer*                      *Leonard Waites*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7007 0710 0001 8867 9090

**Re: CPC #089-19**

Dear Mr. L

Our office received the complaint you filed on March 3, 2019, against the Albuquerque Police Department (APD) regarding a social media posting posted on Twitter on March 2, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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**

Mr. L. said that on March 2, 2019 APD posted the following message on their Twitter profile: "Background checks are a tool for law enforcement. #SB8 and #HB8 help us keep communities safe from gun violence. #nmleg #endgunviolence." Mr. L. complained this posting, also known as a tweet, violates the APD social media policy in section 1-2-1, and did not adhere to APD SOP 1-1-2. He wants the tweet removed and wants APD to make a public apology for acting partisan and not serving the diverse public of the City of Albuquerque who have different political leanings.



## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the APD SOPs you alleged APD violated regarding social media, and New Mexico Senate Bill 8 (SB8) and New Mexico House Bill 8 (HB8). The evidence showed that SB8 is a bill to expand mandatory background checks on all firearm sales in New Mexico, including sales between private individuals, and HB8 is a bill that makes it unlawful to sell a firearm without a background check. The evidence showed APD SOP 1-2-1 governs the Social Media Policy, and APD SOP 1-1-2 governs the Personnel Code of Conduct policy. Statements made on a social media platform that background checks are a tool for law enforcement, and help keep the community safe, are not partisan actions on the part of APD, and do not violate either of the aforementioned APD SOPs.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because there were no APD SOP violations.

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.

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*  
*Dr. William J. Kass*            *Valerie St. John*  
*Chelsea Van Deventer*        *Leonard Waites*

*Joanne Fine, Vice Chair*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7007 0710 0001 8867 9106

**Re: CPC #098-19**

Dear Mrs. P

Our office received the complaint you filed on February 14, 2019, against Albuquerque Police Department (APD) Officer B. and Sergeant (Sgt.) G., regarding an incident which occurred on January 13, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

### **I. THE COMPLAINT**

The complaint is difficult to interpret as Mrs. P cites an assortment of U.S. and I.R.S. codes APD officers allegedly violated when they contacted her at home, such as retaliating against a witness, violent crimes in aid of racketeering, frauds and hoaxes, national motto In God we Trust, and quality of air illegal research casinos. That said, Mrs. P complained that a woman, later identified as Child Youth and Families Department (CYFD) employee M. knocked on her door and asked to speak to her but Mrs. P refused because she thought the CYFD employee was attempting to solicit a crime. Mrs. P complained APD officers detained her for no reason and they were only there to harass her.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, Officer B.'s and Sgt. G.'s written reports, as well as their lapel camera video recordings. The evidence showed Officer B. and CYFD employee M. responded to your home, the Ramada Inn, to conduct a welfare check on your child, in reference to allegations your child was being sexually abused. The evidence showed CYFD employee M. arrived before Officer B. and attempted to make contact at your room; however, you refused to answer the door. Upon Officer B.'s arrival, he contacted the front desk for information and while doing so, made contact with you after you asked for help filing an on-line police report. While speaking with you, Officer B. told you he was there to conduct a welfare check on your son; however, you remained uncooperative stating Officer B. needed a warrant to enter your room and check on your son. After some time, Sgt. G. arrived on scene and you eventually agreed to let Officer B. and CYFD employee M. speak with your son but only if they stayed outside your room. Your son came and stood in the doorway at your request, and Officer B. and CYFD employee M. spoke with him.

While Officer B. and CYFD employee M. spoke to your son, Sgt. G. spoke with you. You complained Sgt. G. blocked you from your son. Lapel video showed she asked to speak to you a few feet away from your son and when you refused she positioned herself between you and your son. Sgt. G. explained this was to keep you from influencing your son's responses and reactions to the questions being asked by Officer B. and CYFD employee M. Sgt. G. also explained this was a way to keep you from interfering in the interviews. You spoke to Sgt. G. about kidnapping and ransom insurance, federal fraud statutes and your husband being responsible for CYFD and APD's welfare check that day among other things. Your husband arrived home a short time later and spoke with Sgt. G. and Officer B. He told Sgt. G. you suffered from Post-Traumatic Stress Disorder (PTSD) and Sgt. G. suggested he get you help for this. You claimed Sgt. G., Officer B. and CYFD employee M. all were conspiring against your rights and you asked for Sgt. G.'s badge number, which she gave you. You told Sgt. G. that you were going to rebuke the whole situation in the name of Jesus before she and the others left.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed Officer B. and Sgt. G. were authorized to conduct a welfare check on your son under the authority of **APD SOP 2-71-2 (J) Community Caretaker/Welfare Check**, which states, *"An officer may stop a vehicle or enter a premises or curtilage without a warrant or probable cause when the officer has specific articulable safety concerns that an individual might be in physical danger or in need of immediate assistance. Such encounters must be done in good faith without the intent to investigate criminal activity or effect an arrest or detention. In those instances where an officer is conducting a welfare check on an individual based on a request by that individual's treating mental health professional or the individual's family, officers should contact a Mobile Crisis Team if available. These encounters are not for the purposes of investigating criminal activity or to effect an arrest. Although this SOP allows officers to*

Letter to Mrs. P.

July 17, 2019

Page 3

enter your residence without a warrant or probable cause, lapel videos showed Officer B., Sgt. G. and CYFD employee M. never entered your residence/room, nor did they violate the aforementioned APD SOP, or any other APD SOPs.

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.

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*  
*Dr. William J. Kass*            *Valerie St. John*  
*Chelsea Van Deventer*        *Leonard Waites*

*Joanne Elna, Vice-Chair*

Edward Harness, Executive Director

July 17, 2019  
To file

**Re: CPC #099-19**

Dear Ms. R

Our office received the complaint you filed on February 19, 2019, against Albuquerque Police Department (APD) Officer B. and Officer C., regarding an incident which occurred on February 19, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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

### **I. THE COMPLAINT**

Ms. R said she called APD to have officers meet her at the Kaseman Presbyterian Emergency Room just to write two reports and to get a domestic violence packet while she waited to be seen. She said Officer C. was great and knows how to properly handle abuse victims; however, she complained that Officer B. was awful, refused to listen to her and kept telling Ms. R to listen to her. She complained Officer B. kept trying to send Officer C. outside multiple times, and complained the officers didn't allow her to go into a private area where she felt comfortable. She complained Officer B. told her the abuse is her fault and threatened to contact certain departments regarding the abuse. She complained Officer B. didn't agree with what the courts have told her how to handle situations because of extreme violence. She complained that Officer C. tried to speak with her in an area she felt comfortable but was told no by Officer B. She complained Officer B. took full advantage

while going through her phone and in just a few minutes ruined years of therapy and progress. She wants Officer B. to apologize to her and to mean it and reassurance this never happens again to another abuse victim.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer C.'s two written reports, as well as Officer B.'s and Officer C.'s lapel camera video recordings. The evidence showed Officer B. and Officer C. responded to domestic violence call at Kaseman Presbyterian Hospital and upon their arrival, made contact with you. Lapel video showed you walked outside the hospital and Officer C. asked you if you wanted to go inside to a room, or somewhere where it was warmer. Officer B. also said they would speak to you inside the hospital and led you through a door and into a private area so you could speak with them privately. Lapel video showed both officers asked questions about the incident that took place that night, February 19, 2019, and an incident that occurred on February 1, 2019, which involved the father of your child, as you brought this incident up to them. The officers were unable to ascertain details of the incidents from the information you gave them, so they repeatedly asked you for clarification. Specifically, Officer B. questioned you about your custody order and advised you to make sure you follow the court order, stating they can't help enforce the order if it's not being followed. Officer B. continued to explain the problems that arise when a court order isn't followed while you repeatedly said you understood and explained why you were not following it.

Both officers then asked you about the domestic violence incident that took place on February 1, 2019; however, Officer B. took the lead in the interview, as it appeared she was training Officer C. that night. Officer B. repeatedly asked you clarifying questions about what took place in the incident because you were unable to articulate what happened and why. Officer B. asked you a few times to stay on track so they could follow the chain of events of that domestic violence incident. This exchange appeared to frustrate you, as represented by your physical and verbal communication. You told the officers you had a picture of your injury from that incident, so Officer B. asked you to find it. While looking for the picture, you told Officer B. about your text and phone call exchange that night with your child's father. Officer B. asked to see the text messages so you handed her your phone so she could read them. While she was reading the text messages, Officer C. told you and Officer B. she was going to their patrol vehicle to get you a domestic violence packet. While going through your text messages and call logs, Officer B. questioned your truthfulness about the story you told them earlier and brought up specific details about which you were untruthful. You attempted to justify your answers and it was evident that Officer B.'s questioning your truthfulness upset you. Officer C. gave you the case numbers and the domestic violence packet. Officer B. handed your cell phone back and told you they were going to document all the information in their report. You told the officers you were going to contact Children Family and Youth Department and your son's teachers in the morning to report the incident. The officers then left the hospital.

Lapel video showed Officer B. did not repeatedly try to send Officer C. away, did not tell you the abuse was your fault, and she did not threaten to report you to other departments, as

Letter to Ms. R.

July 17, 2019

Page 3

alleged in your complaint. Lapel video showed the officers brought you to a warm and private area in the hospital for your interview and showed you never asked them to take you to a more private area. Lapel video showed Officer B. scrolled through the texts and call logs on your phone, with your permission, in an attempt to view the text and call exchange regarding custody of your child that night, and did not take full advantage of it, as alleged in your complaint. Finally, lapel video showed Officer B. and Officer C. were both professional and polite during the entire contact with you.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because lapel video showed Officer B. and Officer C. did not violate any APD SOPs.

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.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7018 1130 0002 3428 9108

**Re: CPC 100-19**

Dear Ms. K

On April 19, 2019, you filed a complaint with APD's Internal Affairs Division. WE received your complaint on April 29, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You complained that sometime in 2017, you became a victim of identity theft and fraud. In October of 2017, you reported that fraud to an APD Officer, Officer V.. You stated that Officer V. told you to gather up all of the documentation you could. You said that you brought in a huge file of paperwork and turned it in to the police and nothing was done. In November of 2018, you called to find out what the status of the case was. The officer had been transferred and you alleged the paperwork and the CAD number had just disappeared. In your complaint you listed something about fraudulent taxes and that you had been in contact with the IRS and Internet Crimes.gov.. You also alleged that some people had their names linked to your 11 year old son's cell phone and that constituted child abuse which you reported locally and at the federal level. You alleged APD was incompetent and exhibited gross negligence.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator located and reviewed Officer V.'s police report. The report number is 17-0106469. The CAD Number is 17-2690765. The report indicated that on September 26, 2017, Officer V. responded to your home as you had called to report identity theft. At the time you reported that someone had used your T-mobile account as well as your Discover card. The officer asked for documentation related to the alleged fraud but at the time you could not provide



any. He encouraged you to get your documentation together and to contact the officer or APD directly when you gathered the documents.

According to the report, on October 31, 2017, you dropped off a huge stack of papers at the Southwest Substation. You told the assistant at the front desk that the documents were proof of the fraud. On that date, the officer contacted you and provided you with the case number.

Officer V. reported that he looked at the paperwork and you provided him with 3 years worth of records and statements. The Discover Card statements did appear to have fraudulent charges. He also saw that the T-Mobile statements had fraudulent charges as well. You also provided him with sealed statements that he did not open.

After looking through the documents, the officer, as noted in his report, contacted you and requested that you go to the substation and pick up the records you provided, so that in the event they were needed by law enforcement, or the credit bureaus, you would have that information available.

You did not have any suspect information at that time, according to the report.

It appears that you did not ever retrieve the documents from the substation.

### III. CONCLUSION

The investigation conducted by CPOA Investigator showed that there was a report and a CAD associated with your call. The only thing the police department can do, in the absence of suspect information, is to write a report to document that you were the victim of identity theft and fraud. This report is usually sufficient for credit card companies and other companies to remove the fraudulent charges and for the credit bureaus to correct any bad information on your credit report. Identity thieves can get your information from a variety of sources, and usually they are not local. Often, the fraud occurs in an outside location where APD would not have jurisdiction to investigate the matter. Furthermore, thousands of cases of identity theft occur in Albuquerque every year. We do not know what happened to the stack of statements and bills that you left at the substation almost two years ago.

Because the evidence showed there was no Standard Operating Procedure violation committed by the officer, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

For 

Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7007 07100001 8867 9113

**Re: CPC 107-19**

Dear Ms. K

On October 15, 2018, we received your complaint about an incident that occurred on September 3, 2018.

**I. THE COMPLAINT**

You wrote in your complaint that on September 3, 2018 you were returning your minor children to your ex who is transgendered. Your youngest child refused to go with your ex. You called 242-COPS so you could get some help. In the meantime, you saw your ex and her girlfriend and their children together and realized that if your youngest child went with them there would be four children and two adults in a car that apparently only had room for 5. APD Officer F. arrived and spoke with you son and then with your ex. Your son again spoke with Officer F. after that. Officer F. then spoke with you and Officer F. accused you of coaching your son on what to say. The officer told you that he had been working as an officer for twenty years and he knows coaching when he hears it. The officer told you that your son had to go with your ex because of the court order. When you questioned how everyone was going to fit in the car Officer F. assured you there were only going to be three children in the car. Officer F. told you that he was not going to follow your ex to see if there were going to be more than three children in the car. You requested that Officer F. be fired from the APD or given permanent desk duty.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator reviewed the police report and the Computer Assisted Dispatch (CAD) report. The Investigator also reviewed the officer's lapel camera recording of the incident. There was also a video that was reviewed that was made by Officer F.'s Supervisor when you called the APD to complain about Officer F..

The officer's lapel video showed the officer speaking with your son. Your son ran back to the car when he saw your ex approaching the officer. The officer spoke with your ex. The officer once again spoke with your son. Your 8 year old son talked about how your ex had sole custody of him and how he was hoping to get a better judge this time around in the case. He went on to tell the officer why he shouldn't have to go and he gave several reasons, none of which were valid reasons or concerns not to go. The officer then spoke with you. He told you that based on the call to dispatch which he heard, he could tell that your son had been coached as to what to say to the police and what to tell dispatch. The call taker also noted in the CAD report that it sounded like your son was being coached as to what to say. The call taker noted, "Can hear mother coaching." You became upset that the officer accused you of coaching but admitted that you reminded him to tell dispatch of a past incident. The officer did tell you that he had been working for the department for 20 years and he knows coaching when he hears it. The officer wrote in his report that he spoke to the Sergeant you complained to and while bringing up the coaching may not have been necessary, it was important to the investigation and it was part of why the officer made the decision he did to allow the child to go with his father. The lapel video also showed the officer speaking with your ex. He asked how they were going to get all the children home and your ex said that they would make arrangements to get everyone home and all of the kids would have seatbelts when being transported. He did not stay and wait to see what arrangements were made or how they were going to that.

The lapel video from the Sergeant showed him listening to your complaint and advising you how to file a complaint. The Sergeant e-mailed you a complaint form after your conversation with him.

### **III. CONCLUSION**

The investigation conducted by CPOA Investigator showed that even though you were upset that officer accused you of "coaching", such an allegation does not rise to the level of a violation of APD policy or procedure. Furthermore, the officer did check to make sure that your ex would be safely transporting the children from the custody exchange location to their home. There is no Standard Operating Procedure or policy that requires the officer to stay and follow the other party home after the court ordered custody exchange takes place. There was no evidence to support your allegation that the officer was "rude" or "jaded" as you alleged and there is no evidence that he allowed your ex to break the law while transporting the children. Because the lapel video showed there was no Standard Operating Procedure violation committed by the officer, we are administratively closing your complaint and no further investigation by our office will occur. 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

**Police Oversight Board**      *Chantal M. Galloway, Chair*      *Joanne Fine, Vice Chair*  
*Dr. William J. Kass*              *Valerie St. John*  
*Chelsea Van Deventer*          *Leonard Waites*

Edward Harness, Executive Director

July 17, 2019  
Via email

**Re: CPC #109-19**

Dear Mr. R

Our office received the complaint you filed on February 22, 2019, against Albuquerque Police Department (APD) Officer M., regarding an incident which occurred on February 22, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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

### I. THE COMPLAINT

Mr. R complained he was traveling northbound on I-25 when an unmarked police vehicle sped past him and almost hit him and another vehicle. Mr. R said he sped up to follow the police vehicle to get the plate number when Officer M. swerved to the left into the median to pull him over. He complained Officer M. told him he was an officer of the law and was trying to catch up to another speeding vehicle, when questioned why he (Officer M.) was speeding. Mr. R didn't see another vehicle and questioned Officer M.'s truthfulness because Officer M. didn't have his emergency lights on at the time. Mr. R complained Officer M. gave him a speeding citation when all he was trying to do was get Officer M.'s plate number so he could report Officer M. for speeding. Mr. R wants Officer M. to be removed from the street due to his dangerous driving.

## **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint and the CADS and forwarded the complaint to Officer M.'s supervisor, Sergeant (Sgt.) L., because our office does not handle driving complaints. Sgt. L. spoke with Officer M. as required and the situation was handled.

## **III. CONCLUSION**

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because it was handled by Officer M.'s supervisor and no further action is needed.

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.

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**

**Police Oversight Board**

*Leonard Waites*

*Chelsea Van Deventer*

*Chantal Galloway, Chair*

*Dr. William J. Kass*

*Joann Fine, Vice Chair*

*Valerie St. John*

Edward Harness, Executive Director

July 17, 2019

**Re: CPC # 111-19**

Dear Mr. R

**I. THE COMPLAINT**

You submitted a complaint to our office on March 27, 2019, in reference to Officer L. detaining you and attempting to charge you with DWI after you state you passed the field sobriety tests. You state Officer L. lied in his report causing Risk Management to deny your claim for the fees associated with the towing of your vehicle.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the full lapel video of the officer from the incident. Officer L. was called to the scene to conduct Field sobriety tests after Officer W. suspected you of possibly driving under the influence. During the video you do admit to the officer that you had drunk alcohol earlier in the day. Officer L. administered the field sobriety tests to you, which you complied with. Field sobriety tests are not a pass/fail test. If an officer of the law suspects that a person has or is driving under the influence they may detain that person to further investigate. In this case you were detained and taken to conduct a breathalyzer exam. Due to that process your vehicle can not stay in an area where you were stopped and detained. It is proper policy and procedure to have your vehicle towed, which took place. The officer's report indicates the procedures he followed during his investigation.

Our office does not have jurisdiction over the Risk Management Department, which denied your claim as you state in your complaint. If you feel Risk Management was wrong in their decision, you may follow their procedures in filing an appeal of their decision.

### III. CONCLUSION

We thank you for taking the time to submit your complaint to our Agency. At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures. If further information becomes available, you may submit a new complaint with our office.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Harness', written in a cursive style.

Ed Harness  
Executive Director  
(505) 924-3774

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Leonard Waites*

*Chelsea Van Deventer*

*Chantal Galloway, Chair*

*Dr. William J. Kass*

*Joann Fine, Vice Chair*

*Valerie St. John*

Edward Harness, Executive Director

July 17, 2019

Via Email

**Re: CPC # 112-19**

Dear Mrs. C.

**I. THE COMPLAINT**

You submitted a complaint to our office on April 12, 2019. You also submitted 2 other complaints earlier in the year to our office. All 3 of your complaints are duplicative in nature and speak randomly about killings of Prince, Senator John McCain, Carrie Fisher, etc. Your complaint discusses how these entities have now entered your head and people are trying to enter your internet and kill you in your sleep.

**II. THE INVESTIGATION**

The Investigator reviewed your complaint and the previous complaints.

**III. CONCLUSION**

We thank you for taking the time to submit your complaint to our Agency. At this time your complaint is being Administratively Closed due to being duplicative in nature and no violations of Albuquerque Police Department Standard Operating Procedures. If further information becomes available, you may submit a new complaint with our office.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774



**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Leonard Waites*

*Chelsea Van Deventer*

*Chantal Galloway, Chair*

*Dr. William J. Kass*

*Joann Fine, Vice Chair*

*Valerie St. John*

Edward Harness, Executive Director

July 17, 2019

Via Certified Mail

7007 0710 0001 8867 9120

**Re: CPC # 113-19**

Dear Mrs. T

**I. THE COMPLAINT**

You submitted a complaint to our office on April 28, 2019. In your complaint you wrote that on April 11, 2019, while attempting to cash a check you received from the US Marshalls Service in Walmart, 3 Albuquerque Police Department Officers approached you. You state the "Caucasian" officer grabbed your arms and pulled them behind your back and began searching you for weapons. You state you asked him to stop a few times and asked what was going on. You also wrote you told the officer to stop searching you because a male officer should not be searching a female.

In your complaint you also wrote you were not allowed to access your purse to provide your proof of the check and why you had it. You wrote that after waiting an hour, the officers told you they verified the check and everything was ok. You state they left without giving you an incident number or any other information.

**II. THE INVESTIGATION**

The Investigator reviewed your complaint and the full lapel videos of all the officers involved in the incident. Officers were dispatched to Walmart after they placed a call for service on a suspicious, possibly fraudulent attempt to cash a check. When the officers arrived and made contact with you, Officer G. did not grab your arms and pull them behind your back as you stated in the complaint. The officers asked if they could pat you down for weapons, in which you state, "yes". The officer followed exact procedure in conducting a pat down for weapons. A male officer may pat down a female for officer safety and in this case, Officer G. informed you each step of what and how he was patting you down for.

The officers were investigating a criminal complaint dispatched to them from Walmart management. It is the job of an officer to investigate crimes. The officers conducted their investigation properly and efficiently. The lapel video does not show you asking for an incident number or the names of the officers. The lapel video shows the officers fully explaining to you what and why they conducted their investigation and patted you down for weapons.

### **III. CONCLUSION**

We thank you for taking the time to submit your complaint to our Agency. We understand this may have been an embarrassing event for you and empathize with the situation. However, in this specific case, the officers followed all policies and procedures for investigating an alleged crime. Although the lapel video evidence does not show you asking for an incident number, we are happy to provide you with it; 19-0033428. You may obtain a copy of the incident report from the Records Division of the Albuquerque Police Department.

At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures. If further information becomes available, you may submit a new complaint with our office.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Harness', written in a cursive style.

Ed Harness  
Executive Director  
(505) 924-3774



Letter to Mr. R

July 17, 2019

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.

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**      *Chantal M. Galloway, Chair*  
*Dr. William J. Kass*            *Valerie St. John*  
*Chelsea Van Deventer*        *Leonard Waites*

*Joanne Ema, Vice Chair*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7007 0710 0001 8867 9151

**Re: CPC #118-19**

Dear Mr. G:

Our office received the complaint you filed on March 8, 2019, against Albuquerque Police Department (APD) Officer B., Officer T.D. and Officer D.D., regarding an incident which occurred on April 13, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

### **I. THE COMPLAINT**

Mr. G complained the police report taken on April 13, 2018 contained errors. Specifically, there was never a Certificate of Evaluation as stated in the report. He believes a family member called APD because he spoke to them at the hotel. He said he was doing nothing wrong, nor did he have a warrant. He never threatened an ex-employer, nor was there ever a restraining order issued. He said he never told a nurse he was going to kill her and he left the hospital willingly. He complained he was wrongly and illegally detained and humiliated in front of friends and said the hospital immediately discharged him. He doesn't appreciate law enforcement lying and abusing their power.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report, Officer D.B.'s written report, as well as 6 lapel camera video recordings from responding officers. The evidence showed Officer D.B., Officer D., Officer J.B. and Officer C., who were all members of the Crisis Intervention Unit (CIU), had been looking for you for several months prior to their contacting you on April 13, 2018 at a local hotel. The CIU was concerned for your welfare due to a decline in your personal life and health and because you threatened your previous employer, Armed Response, after a restraining order had been issued against you. There were other reasons for their concern listed on the report, as well, which led them to look for you and ultimately take you into custody for a psychiatric evaluation at UNM Mental Health Hospital with a Certificate of Evaluation. Lapel videos showed the officers were polite and professional as they explained the aforementioned to you prior to placing you into handcuffs and transporting you to the hospital.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed none of the officers violated any APD SOPs.

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.

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

Police Oversight Board

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

*Dr. William J. Kass*

*Valerie St. John*

*Chelsea Van Deventer*

*Leonard Waites*

Edward Harness, Executive Director

July 17, 2019

Via Certified Mail

7018 1130 0002 3428 9030

**Re: CPC #124-19**

Dear Mr. D

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 15, 2019, regarding an incident that occurred on February 10, 2018.

### **I. THE COMPLAINT**

Mr. D submitted a written complaint regarding his allegation that Officer B slammed his head multiple times on the hood of the patrol car while he was handcuffed during an arrest. Mr. D claimed he received a concussion from his head being hit. Mr. D also alleged Officer B kicked him in the leg causing a badly sprained ankle and foot for two months and he walked with a limp. He said he was assaulted for no reason. He denied he committed the DWI, for which Officer B arrested him. Mr. D claimed his friend Samuel Garcia was the one driving.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the police report and the lapel videos. The report stated Officer B observed poor driving consistent with driving under the influence. He pulled the vehicle over and started to approach the driver, whom he could see and later identified as Mr. D. Officer B started his lapel video at that time. As he walked up to the vehicle, the vehicle sped away. Officer B followed and located Mr. D and another man, a, walking down an alley. He identified them as the same individuals in the Jeep. Officer B contacted the individuals, and politely gave orders on what to do, as at that time he was alone. When other officers arrived, Officer B talked to Mr. D. Mr. D admitted he was the one driving, admitted to consuming alcohol, and when offered a field sobriety test admitted he would not pass. Mr. D apologized for causing any damages or accidents. Officer B handcuffed Mr. D without any resistance or issue. Mr. D was placed in the back of the patrol car. Officer B even cautioned Mr. D about be careful how he sat when getting in the vehicle. The lapel videos showed Officer B did not slam Mr. D head into the car nor did he kick him in the leg.

During the transport to PTC Mr. D shifted behaviors numerous times. Mr. D begged to be let go, apologized for his actions, and said he was not a bad guy. Mr. D tried to bribe

Letter to Mr. D

July 17, 2019

Page 2

Officer B with \$1000 to let him go. When Officer B told him he was not going to be let go and cautioned him about bribing then Mr. D used profanity and proclaimed his innocence. Mr. D said he would take sobriety tests and then said he would not. Mr. D at one point threatened to kill Officer B and rambled about APD shooting people.

Once they arrived at the PTC Mr. D was given numerous opportunities to provide a breath sample. Out of the multiple attempts, only one was sufficient to provide a sample, which was well above .08. The video showed Mr. D would puff his cheeks, but not blow any air or pull his head back after a couple of seconds of blowing. More than once, Officer B advised Mr. D his inadequate attempts would be considered a refusal. Mr. D then said he would really do it, but continued not to cooperate. At the PTC Mr. D escalated his behavior and complained he was never given the opportunity to provide a breath sample. The lapel videos, which captured the full incident, showed all of Mr. D's allegations were false.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the evidence showed no substantiation to Mr. Dalton's allegations and no observable violations of SOP.

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.

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

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Police Oversight Board

*Dr. William J. Kass*

*Chelsea Van Deventer*

*Chantal M. Galloway, Chair*

*Valerie St. John*

*Leonard Waites*

*Joanne Fine, Vice Chair*

Edward Harness, Executive Director

July 17, 2019

Via email

1

**Re: CPC #127-19**

Dear Ms. V:

Our office received the complaint you filed on February 25, 2019, against Albuquerque Police Department (APD) Officer G. and Officer C., regarding a car accident which occurred on February 24, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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

### **I. THE COMPLAINT**

Ms. V said her brother and her daughter were involved in a car accident on February 24, 2019, to which APD Officer G. and Officer C. responded. She complained that these officers assumed her brother was driving the car because he left the scene. She complained her brother returned to the scene willingly, and was harassed and verbally attacked by these officers before being arrested and charged with no evidence aside from the fact he was on parole. She wants the charges against her brother dropped and these officers held accountable for how they treated her, her daughter and her brother while they continued to laugh and joke with the other people involved in the accident.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, two CADS report, Officer G.'s crash report and arrest report, as well as 12 lapel camera video recordings from Officer G., Officer C., and Sergeant (Sgt.) H.. The evidence showed Officers G. and C. responded to a traffic accident at the intersection of Merlot Dr. SW and Colobel Ave. SW, involving two vehicles. The evidence showed two witnesses identified your brother as the driver of the vehicle that caused the accident, and said your brother left the scene of the accident, including one uninvolved witness, who called 911 to report the accident. Lapel video showed your daughter spoke with Officer G. about the accident and told him you came and picked your brother up from the scene and drove him to a halfway house so he wouldn't be late for curfew. Officer G. told you to bring your brother back, which you did. Upon your arrival, Officer G. asked your brother who was driving and both you and your brother said he wasn't driving, and that he doesn't even know how to drive. While your brother was being handcuffed and asked about the accident one of the officers told him they don't like liars and he was going back to jail. They put him in the back of a patrol car and you became upset with the officers and argued with them about who was driving during the crash. They told you to wait in your car while they continued their investigation.

The evidence showed that as a result of the accident, your brother was issued citations for a stop sign violation, leaving the scene of an accident and driving on a suspended license. Additionally, he was on active parole so Officer G. contacted Probation and Parole and they issued a warrant to revoke his parole. Officer G. then arrested your brother on this warrant.

The evidence showed Officers G. and C. did not laugh and joke with the male and female in the other vehicle involved in the crash, as you alleged. Rather, the officers spoke with this party to obtain information for the report, and to ascertain their injuries.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that your brother's arrest was lawful, and that while Officer G. and Officer C. made comments to your brother about his truthfulness and his returning to jail, their actions did not rise to the level of a violation of an APD SOP.

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.

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

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

Letter to Ms. V  
July 17, 2019  
Page 3

Sincerely,  
The Civilian Police Oversight Agency by

For K Sigda

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

cc: Albuquerque Police Department Chief of Police

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

*Chantal M. Galloway, Chair Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Email

Re: CPC 141-19

Dear Ms. C

On April 28, 2019, we received your complaint which you filed on behalf of Mr. A

**I. THE COMPLAINT**

You wrote in your complaint that you were filing your complaint on behalf of Mr. A. You complained that two APD officers, Officer L., and Sergeant G., under color of law, arrested the Mr. C. unlawfully and charged him with armed robbery, kidnapping, and resisting arrest. You alleged that the victim of the crime was under the influence of meth and he had changed his story. You accused Officer L. of fabricating a story and you alleged she pressured Mr. C. to surrender his rights. You alleged there was no probable cause for the arrest and the officers used excessive force. You alleged that every one of Mr. C's rights was violated. You demanded an investigation and stated that you were going to deliver justice.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator reviewed the police report and 27 lapel camera recordings from 6 different officers involved in the incident.

The police report and the lapel videos indicated that the police contacted Mr. C and the victim at the Store House located at 106 Broadway SE while they were there investigating an incident. The victim was pulled aside and interviewed on camera by Officer L.. The victim told Officer L. that Mr. C. had pulled a knife on him earlier while he was at a bus stop at 12<sup>th</sup> and Central. Mr. C. allegedly took all of the victim's money and then forced the victim to go with him at knifepoint. The victim said that he told Mr. C. that he only had \$1.40 in his pocket. Mr. C. allegedly told the victim to give him his money or he would

kill the victim. The victim said that Mr. C also took his cell phone. The victim told the officer that Mr. C should have had the \$1.40 in his pocket which consisted of four quarters and four dimes.

Sergeant G. contacted Mr. C who refused to give any information on the incident. Mr. C was uncooperative. Sergeant G. asked Mr. C if he had the victim's cell phone and Mr. C said that he did and for the Sergeant to come and get it. The Sergeant told Mr. C that he was under arrest and Mr. C refused to submit to being arrested and walked away from the Sergeant. The Sergeant and Officer L. followed Mr. C back into the Store House where they contacted him and placed him under arrest. There was no struggle and there was no use of force of any kind to get Mr. C into custody. When Mr. C was searched incident to arrest, they found the cell phone belonging to the victim on his person and they found \$1.40 on him in the exact denomination that the victim had described. All of the lapel videos were reviewed and at no time, from the time of arrest until the time that Mr. C was transported to MDC, did any APD officer use any type of force on Mr. C

### III. CONCLUSION

The investigation conducted by CPOA Investigator showed that at no time did the victim state that he was under the influence of meth. Officer L. did not mistreat Mr. C as you alleged and she did not fabricate any statements or file any false charges. No one coerced Mr. C into surrendering his rights. The evidence in this case showed that probable cause existed for the arrest. There was no physical forced used by any of the APD officers, and there was no violence or deficient conduct on behalf of the officers.

Because the evidence showed there was no Standard Operating Procedure violation committed by the officer or the Supervisor, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

For KSPDC  
Ed Harness

Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7018 1130 0002 3428 9115

**Re: CPC 145-19**

Dear Ms. S

On May 16, 2019, you called our office to file a complaint. A Civilian Police Oversight Agency (CPOA) Investigator took your complaint over the phone.

**I. THE COMPLAINT**

You complained that on April 24, 2019 at about 11:30 PM, you called the Albuquerque Police Department from your nursing home to report that the people at the nursing home are poisoning you. An APD Officer, Officer N., arrived and spoke with you about the matter. You complained that you were not given a report number and that you were not asked for your contact information. You further complained that at some point you were called by a non-emergency APD Operator and that operator told you to stop calling the police and they would not be sending any more officers out to your home. You requested a copy of the police report.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator reviewed the police report.

The police report indicated that you informed the officer that you were being poisoned by the Nursing Home Staff. You said that you were also being poisoned at the last home you were in. You told the officer why you believed you are being poisoned and your daughter has proof of the poisonings. You further stated that whenever you talk to your daughter that the staff is listening in on the phone and they "cut" the phone when you are trying to communicate with your daughter. You told the officer that when you lived in New Jersey that all eight of your

cell phones and two landlines were tapped. You denied having any mental health history and stated that a psychologist had misdiagnosed you. You requested that a detective be assigned to follow up on the matter. The report indicates that a copy of the report would be forwarded to Detectives.

### III. CONCLUSION

The investigation conducted by CPOA Investigator showed that you had previously called the police to report the same incident. The officer had your information from the original reporting. Furthermore, a report was completed in the matter. Because you are unable to travel, with this letter, we have included a copy of the police report as you requested in your complaint. Your complaint to the police on both documented occasions has been referred to Detectives for follow up.

Because the evidence showed there was no Standard Operating Procedure violation committed by the officer, we are administratively closing your complaint and no further investigation by our office will occur. 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

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7018 1130 0002 3428 9122

**Re: CPC 148-19**

Dear Ms. M

On April 18, 2019, we received a complaint you filed for an incident which occurred on April 16, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You wrote in your complaint that on April 16, 2019, your home was burglarized. You wrote that it took the police about two hours to get there and another hour for the Crime Scene Investigator to get there after that. You did not have a list of everything that was taken at that time and the officer told you to call back when you did. You called and left a message and your call was returned the day after by someone at APD. You did not name that person. You stated that the person who called you only asked how much the items stolen were valued at and he did not want a description of the items stolen. You filed your complaint at that time because you felt that APD needed a description of the items stolen added to the report.

**II. THE INVESTIGATION**

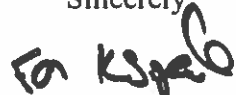
In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator set out to determine who the person was who did not want the description of the property stolen from you. When the CPOA Investigator pulled the associated police reports and supplemental reports related to your burglary, the Investigator learned that the issue was apparently resolved satisfactorily on April 20, 2019. The reports showed that a Police Service Aide (PSA) went to your home and obtained the list of property stolen from you. The PSA filled out a supplemental report and entered the list of stolen items as you described.



### III. CONCLUSION

The investigation conducted by CPOA Investigator showed that your complaint was resolved a couple of days after you filed your complaint. Since the issue was resolved and because the investigation showed there was no Standard Operating Procedure violation committed, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Harness", written over the printed name.

Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7018 1130 0002 3428 9139

**Re: CPC 149-19**

Dear Ms. B

On June 18, 2019, we received a complaint you filed for an incident which occurred on May 6, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You wrote in your complaint that on May 6, 2019, at about 12:20 AM, three APD officers came to your home to serve a restraining order on your boyfriend. Your ex-husband, an APD officer, Officer D., was the petitioner on the restraining order. You stated in your complaint that a week later, a BCSO Officer came to your home and tried serving the same order that had already been served. The BCSO Officer told you that APD should not have served the order as that was the responsibility of the BCSO. Later, your lawyer told you that the service of the restraining order by APD was unlawful and purely harassment by your ex-husband. You asked for the incident to be looked into to confirm whether or not your ex-husband, Officer D., had his coworkers come to your house in the middle of the night to harass you and if so, you wanted him reprimanded for using his position in the APD to try to bully and intimidate people.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator reviewed the Computer Assisted Dispatch (CAD) report on the incident, two officer lapel videos of the service of the restraining order, and a related police report that showed why your ex-husband sought out and obtained the restraining order. The CPOA Investigator also contacted and questioned the supervisor of the person who actually served the restraining order on your boyfriend.

The police report that was filed in connection with the eventual issuance of the restraining order indicated that your boyfriend had allegedly struck your son in the face with a piece of fruit and your boyfriend had used foul language with your son. According to report, there was physical evidence where your son had been struck by the piece of fruit thrown at him. As a result of that incident, your ex-husband sought out and obtained a restraining order against your boyfriend.

The woman who was in plainclothes on the video was not an APD officer, nor is she an APD Employee or City of Albuquerque employee. She works for a non-profit group called The Domestic Violence Resource Center. The woman who served the restraining order is a Victim Advocate. They assist victims of Domestic Violence with serving restraining orders, counseling, and connecting them with resources. It is extremely common for them to serve restraining orders with the assistance of APD or BCSO officers at all hours no matter who the client is. The Supervisor of the Victim Advocate told the CPOA Investigator that the restraining order came to them through the courts and they do not know Officer D., and they did not serve the restraining order as a favor for anyone at APD. The Supervisor stressed that they simply help anyone affected by domestic violence who seeks out a restraining order.

In this case, the Victim's Advocate contacted two on duty APD Officers to serve as her witnesses and protector while she served the restraining order.

### III. CONCLUSION

The investigation conducted by CPOA Investigator showed that your ex-husband lawfully sought out and obtained a restraining order against your boyfriend. The restraining order followed the same service process that applies to all domestic violence cases where restraining orders are obtained. The Victim Advocate does not know your ex-husband and the agency she works for did not serve the restraining order as a favor to anyone. The restraining order was lawfully served contrary to what you may have been told by your attorney. The APD officers who assisted the victim advocate were on-duty APD officers who work in your area. There is no evidence to support that they are friends of your ex-husband or they accompanied the Victim Advocate to your home for the purpose of harassing you and your boyfriend. The available evidence in this case shows that your ex-husband followed the process just like anyone else would have to follow the process to obtain and serve a restraining order. Because the evidence in this case shows that your ex-husband did not violate any Standard Operating Procedures of the APD, we are administratively closing your complaint and no further investigation by our office will occur. 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

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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7018 1130 0002 3428 9146

**Re: CPC 150-19**

Dear

On June 17, 2019, we received a complaint you filed for an incident which occurred on June 16, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You wrote in your complaint that on Thursday, June 12, 2019, your agency requested a welfare check on one of your patients who had not been responding to calls or texts since the day before, Wednesday, June 11, 2019. An unnamed APD officer went out on that Thursday and could not make contact with the patient, but a neighbor indicated the patient may have been out walking his dog. You stated that no one called back from APD to tell your agency that and on 06/16/19, 5 days after your homebound patient stopped answering your calls or texts, while staffing your home visits for 06/17/19, your staff realized no one from APD had called you or your staff back on the status of your non-responsive patient. Your agency called APD back on that day, 06/16/19, and officers were sent back to the patient's home. The agency requested a forced entry to the home and APD did that and the patient was found inside his home, deceased. You found it disturbing that APD was notified of the call on Thursday, but the welfare check was not truly done until Sunday. You requested the incident be investigated and requested feedback.

## II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. You did not include a location of the incident or the patient's name citing HIPAA confidentiality. No APD personnel were named and the times you or your staff made the calls to APD were not given. There was also no information provided in the complaint as to why no one in your agency called APD back on the day the welfare check was requested or why no one from the agency itself went out to check on the patient in the days that the patient was non-responsive.

## III. CONCLUSION

There is insufficient information contained in your complaint to investigate the matter further. At this time, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

For 

Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

**AGENCIA DE SUPERVISIÓN CIVIL DE LA POLICÍA**  
**Junta de Supervisión de la Policía (Police Oversight Board)**  
*Chantal M. Galloway, vicepresidente*      *Joanne Fine*  
*Valerie St. John*      *Chelsea Van Deventer*

*Leonard Waites, presidente*  
*Dr. William J. Kass*

Edward Harness, director ejecutivo

27 de noviembre de 2018

Asunto: CPC 247-18

Estimada Sra. J

El 22 de octubre de 2018 recibimos su reclamo sobre un incidente que ocurrió el 26 de septiembre de 2018.

**I. EL RECLAMO**

En su reclamo, escribió que, el 26 de septiembre de 2018, había llamado al 911 para denunciar que una persona la había golpeado mientras usted estaba afuera de su casa. Indicó que el oficial A. había respondido a la llamada pero que no había presentado cargos contra la persona que la golpeó y que, además, no había presentado ningún informe. El 16 de octubre de 2018, usted fue a la estación de policía y le dijeron que tenían un registro de la llamada, pero que no se había presentado ningún informe policial. Solicitó una investigación sobre el asunto para que se determine el motivo por el cual no se había redactado un informe sobre el caso.

**II. LA INVESTIGACIÓN**

En un intento de ayudarla, se asignó un investigador de la Agencia de Supervisión Civil de la Policía (Civilian Police Oversight Agency, CPOA) a su reclamo. El investigador de la CPOA revisó su reclamo. Este consultó los archivos del Departamento de Policía de Albuquerque (Albuquerque Police Department, APD) y encontró el informe policial que se redactó sobre el caso. Lo que sucedió fue que la persona con la que tuvo el altercado llamó a la policía al mismo tiempo que usted. Hubo dos llamadas que solicitaban servicio para la misma dirección. El oficial adjuntó el número de caso del informe a la llamada que recibió de la otra persona. Ese número de caso, para su referencia, es 18-0099956. Puede obtener una copia del informe policial con ese número en la División de Archivos del APD. El investigador de la CPOA revisó el informe y, al parecer, el oficial hizo una investigación adecuada del disturbio denunciado. En las entrevistas registradas por el oficial A., no parece estar claro quién comenzó la pelea o cuál fue el motivo de esta. El Cuerpo de Bomberos de Albuquerque (Albuquerque Fire Rescue) evaluó a todos los involucrados y no detectó lesiones graves. En una situación como esta, las agresiones producidas se consideran delitos menores. Solo en

circunstancias limitadas un oficial puede arrestar a una persona por un delito menor del que no fue testigo. El oficial puede presentar cargos en el Tribunal Metropolitano (Metropolitan Court) por delitos menores, pero solo si la evidencia del caso respalda la presentación de dichos cargos. Nuestra oficina no puede hacer que un oficial del APD presente cargos contra una persona.

### III. CONCLUSIÓN

Usted alegó que el oficial no había presentado un informe. La investigación realizada demostró que sí lo hizo. Por ese motivo, cerramos su reclamo a nivel administrativo y nuestra oficina no seguirá investigando. Los reclamos cerrados a nivel administrativo se pueden volver a abrir si se dispone de información adicional.

Atentamente.



Ed Harness  
Director ejecutivo  
(505) 924-3774

C. c.: Departamento de Policía de Albuquerque, jefe de policía

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Chantal M. Galloway, Chair*    *Joanne Fine, Vice Chair*  
*Dr. William J. Kass*            *Valerie St. John*                    *Chelsea Van Deventer*  
*Leonard Waites*  
Edward Harness, Executive Director

July 17, 2019  
Via Email

**Re: CPC #074-19**

Dear Ms. G

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on March 27, 2019, regarding an incident that occurred on March 4, 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**

Ms. G reported she was arrested and booked under a warrant. She was taken to the hospital, but her purse was not in her property at jail. She was missing her ID, EBT, money, and other items since she did not have her purse.

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 police report, the lapel videos, and Officer L's interview. Ms. G did not participate in the investigative process.



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

A) The CPOA reviewed Standard Operating Procedural Order 2-73-2A regarding Officer L's conduct, which states:

*Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes, or lockers...*

Ms. G wrote several items did not make it into her property at jail.

Officer L stated he understood Ms. G was transient and therefore tried to save as much of her property as possible. He tried to ask her about items of value in her property, but Ms. G was verbally belligerent and spitting at officers and hospital staff. Much of her property was contaminated with fluids, biohazardous material, and bed bugs. Per APD SOP, liquids as an example are not accepted at jail or at APD Evidence. Much of her property was wet from a bottle having broken open. He separated items that the jail would accept as part of her property and brought them with when she was booked. The other items could not be saved and were disposed of in the trash. He documented in his report that he had to throw some items away. He did not see her ID or any cash as part of her items.

The lapel videos showed the property was at the hospital with Ms. G. Officer L had two bags of property by the time she was transported, one that was taken into jail with Ms. G and the other that was disposed of due to not being able to be tagged in Evidence or accepted at jail. The lapel videos showed when any officer tried to ask her questions, including about her items, she used profanity and vulgar insults.

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

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

The 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.

Letter to Ms. G.  
July 17, 2019  
Page 3

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

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

Sincerely,  
The Civilian Police Oversight Agency by

  
Ed Harness  
Executive Director

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*  
*Dr. William J. Kass*                      *Valerie St. John*  
*Chelsea Van Deventer*                      *Leonard Waites*

Edward Harness, Executive Director

July 17, 2019  
Via Certified Mail  
7017 2680 0000 5951 8184

**Re: CPC #132-18**

Dear Mr. L,

Our office received the complaints you filed on May 25, 2018 and May 29, 2018, which essentially stated the same allegations against the following Albuquerque Police Department (APD) personnel: Officer D.M., Officer L., Officer E.M., Officer H., Officer R., Officer A. and Officer C.; Sergeant (Sgt.) O.; and Detective (Det.) S., Det. O. and Det. C. regarding multiple incidents involving the [redacted] z and J [redacted] family, which have occurred between March 17, 2012 and January 19, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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**

Mr. L [redacted] filed two pages long complaints essentially alleging that the aforementioned Officers and Detectives, who responded to calls for service to the S [redacted] /S [redacted] family, did not follow APD Standard Operating Procedures, particularly as they relate to cases involving confirmed or suspected child abuse, neglect, abandonment, or cruelty to children. See the original complaints for more information.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.M., OFFICER L., OFFICER E.M., OFFICER H., OFFICER R., OFFICER A. and OFFICER C.'S CONDUCT; AND SGT. O'S CONDUCT.; and DETECTIVE O. and DETECTIVE C.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaints, the CADS reports, police reports, specialized units reports, lapel videos and interviews.

A) The CPOA reviewed APD SOP 2-92-3(B)(3)(b & c), which state:

***2-92-3 CRIMES AGAINST CHILDREN PROCEDURES***

***B. Dispatched Officers' Responsibilities***

- 3. Officers will conduct a complete and thorough preliminary investigation and will write reports (using the State of New Mexico Uniform Incident Report) on all cases (confirmed or suspected) of child abuse, neglect, abandonment, or cruelty to children. Per state statute 32A-4-3 officers will immediately notify Children Youth and Families Department (CYFD) when they have reasonable suspicion that a child is abused or neglected.***
  - b. Officers will forward a copy of their report to CYFD within 48 hours per state statute 32A-4-3.***
  - c. Referring a case to CYFD does not relieve the officer of the responsibility of completing a criminal investigation.***

After thoroughly investigating each contact made by the aforementioned APD Officers and Detectives with the S 'S family, on multiple dates between March 17, 2012 and January 19, 2018, the CPOA was unable to find any violations of these SOPS related to these Officers and Detectives.

Therefore, the CPOA finds Officer D.M., Officer L., Officer E.M., Officer H., Officer R., Officer A. and Officer C.; Sgt. O.; and Det. O. and Det. C.'s conduct **UNFOUNDED** regarding allegations of violations of these 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.

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

A) The CPOA reviewed APD SOP 2-92-3(B)(3)(b & c), which state:

***2-92-3 CRIMES AGAINST CHILDREN PROCEDURES***

***B. Dispatched Officers' Responsibilities***

- 3. Officers will conduct a complete and thorough preliminary investigation and will write reports (using the State of New Mexico Uniform Incident Report) on all cases (confirmed or suspected) of child abuse, neglect, abandonment, or cruelty to children. Per state statute 32A-4-3 officers will immediately notify Children Youth and Families Department (CYFD) when they have reasonable suspicion that a child is abused or neglected.***
  - b. Officers will forward a copy of their report to CYFD within 48 hours per state statute 32A-4-3.***
  - c. Referring a case to CYFD does not relieve the officer of the responsibility of completing a criminal investigation.***

The CADs and written reports related to Det. S.'s contact with the S /S family on September 22, 2017, and November 9, 2017 were reviewed, as was Det. S.'s interview. The evidence showed that on September 22, 2017 at approximately 1230 hours, Det. S. was at Lew Wallace Elementary School volunteering when a teacher approached and asked for help with filing a report with CYFD because the teacher was unable to get through to CYFD. The teacher told Det. S. that on September 21, 2017, 6-year-old H.S., a student in her class, disclosed that her grandmother put a knife to her neck. It was not known when the incident took place, but according to the teacher H.S. was not afraid to go home. The teacher also told Det. S. that H.S. always comes to class hungry, and said she hadn't eaten dinner the night before despite the fact the school has provided the family with a large amount of food. Det. S. wrote a "Child Abuse W/O GBH or Death" report, which was forwarded CYFD, but not forwarded to the Crimes Against Children Unit (CACU). Det. S. found the allegations concerning; however, made no attempts to speak to H.S. or her family about the incident, nor did she speak to a Supervisor or the CACU. Det. S. was trying to help the teacher file a report with CYFD, and did not follow-up on these serious allegations of possible child abuse against H.S.

The evidence showed that on November 9, 2017, Det. S. was, again, volunteering at Lew Wallace Elementary School when a teacher asked for help filing another report with CYFD because the teacher couldn't get through to CYFD. The teacher told Det. S. she was concerned about educational neglect in the case of H.S. due to excessive truancy, and concerned about H.S.'s personal hygiene issues, which she felt was also neglect. The teacher told Det. S. that H.S. disclosed that she had been absent from school because she helps her

father at his new job, which she described as her father telling her to go to random houses and get mail out of the mailbox. H.S. said she would put things in and take things out of the mailboxes for her father and said they have to be sneaky and the job pays well. Det. S. showed concern that H.S. was missing school, but not about H.S. helping her father steal mail from mailboxes.

Det. S. wrote a "Child Abuse – Neglect" report on the incident and contacted Albuquerque Public Schools (APS) about the truancy issue and forwarded the report to CYFD for further review; however, Det. S. failed to investigate the allegations of H.S. being used by her father to steal mail and other items out of mailboxes, and did not forward this information on to any other unit, and didn't forward it to the CACU because it would not have met their criteria.

The CPOA finds Det. S. twice violated section (c) of this SOP for failure to complete a criminal investigation into the allegations of possible Child Abuse involving a weapon and using a child in a criminal act. Therefore, the CPOA finds Det. S.'s conduct **SUSTAINED** regarding the allegations of violations of this SOP, which means the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.

**IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER A.'S, DETECTIVE C.'S AND DETECTIVE O.'S CONDUCT**

A) The CPOA reviewed APD SOP 3-13-3(B)(3)(a), which states:

***3-13-3 OFFICER'S DUTIES AND CONDUCT PROCEDURES***

***B. Enforcing Laws, Ordinances, and Police Regulations***

***3. Officers shall abide by the following principles:***

- a. ***Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.***

The allegation of a violation of this SOP is in regards to Officer A.'s and Det. C.'s and Det. O.'s decision to not collect the soiled clothing, which included suspected bloody underwear that was given to Officer A. by Ms. T , when he contacted her at Lew Wallace Elementary School.

The evidence showed that when presented with H.S.'s soiled clothing, which included possibly bloody underwear, Officer A. called CACU Det. C. and Det. O. to ask whether, or not, the clothing should be collected. Officer A. was told not to collect it because the two Detectives had spoken with the S /S family, including H.S. and J.S., and neither child disclosed any abuse, and there was no proof of an actual crime so the clothing need not be collected. Additionally, there was a question about whether, or not, APD had a right to

seize H.S.'s clothing without a search warrant or probable cause, and since they had no crime there was no probable cause to seize it. Officer A. informed Ms. T of this decision before leaving the school and does not know what happened to the soiled clothing.

Additionally, had Officer A taken the property and tagged it for "safekeeping" under SOP 5-6 (J) 3, the property would have been held for 90 days. H.S.'s family, the owners of the property, would be notified and given 90 days to pick-up the property. If the property were not picked-up from APD it would be disposed of under New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978. If unclaimed, in accordance with 29-1-14 (F) the clothing would have been destroyed on or about mid-February 2018.

The CPOA finds Officer A.'s, Det. C.'s and Det. O.'s conduct **UNFOUNDED** regarding the allegations of violations of this SOP, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officers.

**V. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER A.'S CONDUCT**

C) The CPOA reviewed APD SOP 5-4-4(C)(3)(a, b c) and 5-4-4(C)(4)(a), which state:

***5-4-4 JUVENILE SECTION – CRIMES AGAINST CHILDREN UNIT (CACU)***

***C. Crimes Against Children Unit Responsibilities***

***The Crimes Against Children Unit will investigate:***

***3. Criminal Sexual Penetration***

- a. Children under age 13***
- b. The CACU will be notified immediately.***
- c. Because of the complex nature of child sexual abuse, formal interviews of children under age 13 will be investigated by the CACU.***

***4. Criminal Sexual Contact***

- a. Children under age 13***
  - i. The CACU will be notified immediately.***
  - ii. Because of the complex nature of child sex abuse, formal interviews of children under age 13 will be conducted by the CACU.***

The allegation of a violation of this SOP is in regards to whether, or not, Officer A. should have interviewed H.S. in the hallway of the Ambassador Inn, or waited for CACU Detectives to conduct an interview.

The evidence showed Officer A. hadn't received formal training in forensic interviewing of children; however, he had some training in the Academy regarding asking children general questions to ascertain whether, or not, they are victims of abuse. Officer A. asked H.S. several general questions about her well-being and safety, and asked if she had been injured, or bleeding anywhere, to which she said she had not. H.S. never displayed any concerning behaviors, nor did she disclose any information that would lead Officer A. to believe she was being abused by her parents. Had allegations of abuse been disclosed, Officer A. would have passed that information quickly onto the CYFD investigator and to the CACU detectives.

The evidence showed that Officer A. did not violate this APD SOPs because nothing of a criminal sexual nature was disclosed to him; therefore his interview of H.S. was to determine if any abuse had, or was occurring.

The CPOA finds Officer A.'s conduct **UNFOUNDED** regarding the allegations of violations of this SOP, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer D.M.'s, Officer L.'s, Officer E.M.'s, Officer H.'s, Officer R.'s, Officer A.'s, Officer C.'s; Sgt. O.'s; Det. S.'s, Det. O.'s and Det. C.'s Internal Affairs records.

**Recommendations:**

1. **Rewrite and submit to the Office of Policy Analysis Policy 2-94 - Child Abuse Response Evaluators (C.A.R.E).**
2. **Codify in policy Special Order 18-70 - OBRD Footage Retention.**
3. **Codify in policy Special Order 18-71 - Use of Crimes Against Children Unit Case Management System & Children Youth and Families Law Enforcement Portal.**
4. **Codify in policy Special Order 18-72 - Gathering and Retention of Potential Criminal Evidence in Child Abuse and Neglect Matters.**

You have the right to appeal this decision.

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

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

cc: Albuquerque Police Department Chief of Police



**Civilian Police Oversight Agency**  
**EXECUTIVE DIRECTOR'S**  
**Recommendation Form**

Employee Involved: ~~XXXXXX~~ C

SOP Violation(s): 2-92-3(B)(3)(b), 2-92-3(B)(3)(c)

Date and Time of Incident: 01/19/18 1058 hours

Investigating Officer: CPOA I

Date Investigation Completed: 10-5-18

Completed Case Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

Date to A/C: \_\_\_\_\_  
Date to CPOA: \_\_\_\_\_

Date Returned From Chief's Office: \_\_\_\_\_  
Date Returned From CPOA: \_\_\_\_\_

1.	<b>Sustained</b> The investigation determined, by a preponderance of the evidence, the alleged misconduct occurred ----->	<input type="checkbox"/>
2.	<b>Not Sustained</b> The investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred. ----->	<input type="checkbox"/>
3.	<b>Sustained Violation not based on original complaint</b> The investigation determined, by a preponderance of the evidence, that misconduct occurred that was not alleged in the original complaint but discovered during the investigation ----->	<input type="checkbox"/>
4.	<b>Unfounded</b> The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer ----->	<input checked="" type="checkbox"/>
5.	<b>Exonerated</b> The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training; ----->	<input type="checkbox"/>
6.	<b>Administratively Closed</b> The policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of lack of information in the complaint, or resolved through mediation, ----->	<input type="checkbox"/>
7.	<b>FIREARM DISCHARGE</b> Will be classified as:	
	<input type="checkbox"/> JUSTIFIED	<input type="checkbox"/> UNJUSTIFIED
		<input type="checkbox"/> ACCIDENTAL
<b>RECOMMENDATIONS</b>		
<input checked="" type="checkbox"/>	NO DISCIPLINARY ACTION	<input type="checkbox"/> VERBAL REPRIMAND
<input type="checkbox"/>	WRITTEN REPRIMAND	<input type="checkbox"/> SUSPENSION _____ HOURS
<input type="checkbox"/>	TERMINATION	<input type="checkbox"/> OTHER: _____

**Civilian Police Oversight Agency**  
**EXECUTIVE DIRECTOR'S**  
**Recommendation Form**

Employee Involved:                     O                    

SOP Violation(s): 2-92-3(B)(3)(b), 2-92-3(B)(3)(c), 3-13-3(B)(3)(a)

Date and Time of Incident: 11/15/17 1045 hours

Investigating Officer: CPOA E

Date Investigation Completed: 10-5-18

Completed Case Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

Date to A/C: \_\_\_\_\_

Date Returned From Chief's Office: \_\_\_\_\_

Date to CPOA: \_\_\_\_\_

Date Returned From CPOA: \_\_\_\_\_

- 1. **Sustained** The investigation determined, by a preponderance of the evidence, the alleged misconduct occurred ----->
- 2. **Not Sustained** The investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred. ----->
- 3. **Sustained Violation not based on original complaint** The investigation determined, by a preponderance of the evidence, that misconduct occurred that was not alleged in the original complaint but discovered during the investigation ----->
- 4. **Unfounded** The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer ----->
- 5. **Exonerated** The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training; ----->
- 6. **Administratively Closed** The policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of lack of information in the complaint, or resolved through mediation, ----->

7. **FIREARM DISCHARGE** Will be classified as:

JUSTIFIED                       UNJUSTIFIED                       ACCIDENTAL

**RECOMMENDATIONS**

- NO DISCIPLINARY ACTION                       VERBAL REPRIMAND
- WRITTEN REPRIMAND                               SUSPENSION \_\_\_\_\_ HOURS
- TERMINATION     OTHER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



**Civilian Police Oversight Agency**  
**EXECUTIVE DIRECTOR'S**  
**Recommendation Form**

Employee Involved:                     A                    

SOP Violation(s): 2-92-3(B)(3)(b, c), 3-13-3(B)(3)(a), 5-4-4(C)(3)(a,b,c), 5-4-4(C)(4)(a)

Date and Time of Incident: 11/15/17 0923 hours

Investigating Officer: CPOA E

Date Investigation Completed: \_\_\_\_\_

Completed Case Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

Date to A/C: \_\_\_\_\_

Date Returned From Chief's Office: \_\_\_\_\_

Date to CPOA: \_\_\_\_\_

Date Returned From CPOA: \_\_\_\_\_

1.	<b>Sustained</b> The investigation determined, by a preponderance of the evidence, the alleged misconduct occurred ----->	<input type="checkbox"/>
2.	<b>Not Sustained</b> The investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred. ----->	<input type="checkbox"/>
3.	<b>Sustained Violation not based on original complaint</b> The investigation determined, by a preponderance of the evidence, that misconduct occurred that was not alleged in the original complaint but discovered during the investigation ----->	<input type="checkbox"/>
4.	<b>Unfounded</b> The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer ----->	<input checked="" type="checkbox"/>
5.	<b>Exonerated</b> The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. ----->	<input type="checkbox"/>
6.	<b>Administratively Closed</b> The policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of lack of information in the complaint, or resolved through mediation, ----->	<input type="checkbox"/>
7.	<b>FIREARM DISCHARGE</b> Will be classified as:	
	<input type="checkbox"/> JUSTIFIED	<input type="checkbox"/> UNJUSTIFIED
		<input type="checkbox"/> ACCIDENTAL
<b>RECOMMENDATIONS</b>		
<input checked="" type="checkbox"/>	NO DISCIPLINARY ACTION	<input type="checkbox"/> VERBAL REPRIMAND
<input type="checkbox"/>	WRITTEN REPRIMAND	<input type="checkbox"/> SUSPENSION _____ HOURS
<input type="checkbox"/>	TERMINATION	<input type="checkbox"/> OTHER: _____
_____		
_____		



**Civilian Police Oversight Agency**  
**EXECUTIVE DIRECTOR'S**  
**Recommendation Form**

Employee Involved:                     H                    

SOP Violation(s): 2-92-3(B)(3)(b)

Date and Time of Incident: 10/17/17 1243 hours

Investigating Officer: CPOA E

Date Investigation Completed: 10-5-18

Completed Case Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

Date to A/C: \_\_\_\_\_

Date Returned From Chief's Office: \_\_\_\_\_

Date to CPOA: \_\_\_\_\_

Date Returned From CPOA: \_\_\_\_\_

1.	<b>Sustained</b> The investigation determined, by a preponderance of the evidence, the alleged misconduct occurred ----->	<input type="checkbox"/>
2.	<b>Not Sustained</b> The investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred ----->	<input type="checkbox"/>
3.	<b>Sustained Violation not based on original complaint</b> The investigation determined, by a preponderance of the evidence, that misconduct occurred that was not alleged in the original complaint but discovered during the investigation ----->	<input type="checkbox"/>
4.	<b>Unfounded</b> The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer ----->	<input checked="" type="checkbox"/>
5.	<b>Exonerated</b> The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. ----->	<input type="checkbox"/>
6.	<b>Administratively Closed</b> The policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of lack of information in the complaint, or resolved through mediation, ----->	<input type="checkbox"/>
7.	<b>FIREARM DISCHARGE</b> Will be classified as:	
	<input type="checkbox"/> JUSTIFIED	<input type="checkbox"/> UNJUSTIFIED
	<input type="checkbox"/> ACCIDENTAL	
<b>RECOMMENDATIONS</b>		
<input checked="" type="checkbox"/>	NO DISCIPLINARY ACTION	<input type="checkbox"/> VERBAL REPRIMAND
<input type="checkbox"/>	WRITTEN REPRIMAND	<input type="checkbox"/> SUSPENSION _____ HOURS
<input type="checkbox"/>	TERMINATION	<input type="checkbox"/> OTHER: _____



**Civilian Police Oversight Agency**  
**EXECUTIVE DIRECTOR'S**  
**Recommendation Form**

Employee Involved:                     M                    

SOP Violation(s):   2-92-3(B)(3)(b), 2-92-3(B)(3)(c)  

Date and Time of Incident:   09/22/17 2057 hours  

Investigating Officer:   CPOA E  

Date Investigation Completed:           10-5-18          

Completed Case Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

Date to A/C: \_\_\_\_\_

Date Returned From Chief's Office: \_\_\_\_\_

Date to CPOA: \_\_\_\_\_

Date Returned From CPOA: \_\_\_\_\_

1.	<b>Sustained</b> The investigation determined, by a preponderance of the evidence, the alleged misconduct occurred ----->	<input type="checkbox"/>
2.	<b>Not Sustained</b> The investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred ----->	<input type="checkbox"/>
3.	<b>Sustained Violation not based on original complaint</b> The investigation determined, by a preponderance of the evidence, that misconduct occurred that was not alleged in the original complaint but discovered during the investigation ----->	<input type="checkbox"/>
4.	<b>Unfounded</b> The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer ----->	<input checked="" type="checkbox"/>
5.	<b>Exonerated</b> The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training: ----->	<input type="checkbox"/>
6.	<b>Administratively Closed</b> The policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of lack of information in the complaint, or resolved through mediation, ----->	<input type="checkbox"/>
7.	<b>FIREARM DISCHARGE</b> Will be classified as:	
	<input type="checkbox"/> JUSTIFIED	<input type="checkbox"/> UNJUSTIFIED
		<input type="checkbox"/> ACCIDENTAL
<b>RECOMMENDATIONS</b>		
<input checked="" type="checkbox"/>	NO DISCIPLINARY ACTION	<input type="checkbox"/> VERBAL REPRIMAND
<input type="checkbox"/>	WRITTEN REPRIMAND	<input type="checkbox"/> SUSPENSION _____ HOURS
<input type="checkbox"/>	TERMINATION	<input type="checkbox"/> OTHER: _____





**Civilian Police Oversight Agency**  
**EXECUTIVE DIRECTOR'S**  
**Recommendation Form**

Employee Involved: ~~█████~~ M█████

SOP Violation(s): 2-92-3(B)(3)(b)

Date and Time of Incident: 09/17/2013 1838 hours

Investigating Officer: CPOA E

Date Investigation Completed: 10-5-18

Completed Case Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

Date to A/C: \_\_\_\_\_  
Date to CPOA: \_\_\_\_\_

Date Returned From Chief's Office: \_\_\_\_\_  
Date Returned From CPOA: \_\_\_\_\_

1.	<b>Sustained</b> The investigation determined, by a preponderance of the evidence, the alleged misconduct occurred ----->	<input type="checkbox"/>
2.	<b>Not Sustained</b> The investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred. ----->	<input type="checkbox"/>
3.	<b>Sustained Violation not based on original complaint</b> The investigation determined, by a preponderance of the evidence, that misconduct occurred that was not alleged in the original complaint but discovered during the investigation ----->	<input type="checkbox"/>
4.	<b>Unfounded</b> The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer ----->	<input checked="" type="checkbox"/>
5.	<b>Exonerated</b> The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. ----->	<input type="checkbox"/>
6.	<b>Administratively Closed</b> The policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of lack of information in the complaint, or resolved through mediation, ----->	<input type="checkbox"/>
7.	<b>FIREARM DISCHARGE</b> Will be classified as:	
	<input type="checkbox"/> JUSTIFIED	<input type="checkbox"/> UNJUSTIFIED
	<input type="checkbox"/> ACCIDENTAL	
<b>RECOMMENDATIONS</b>		
<input checked="" type="checkbox"/>	NO DISCIPLINARY ACTION	<input type="checkbox"/> VERBAL REPRIMAND
<input type="checkbox"/>	WRITTEN REPRIMAND	<input type="checkbox"/> SUSPENSION _____ HOURS
<input type="checkbox"/>	TERMINATION	<input type="checkbox"/> OTHER: _____
_____		

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Chantal Galloway, Chair*      *Joanne Fine, Vice Chair*  
*Leonard Waites*                      *Valerie St. John*  
*Chantal M. Galloway*              *Dr. William J. Kass*              *Chelsea Van Deventer*

Edward Harness, Executive Director

July 17, 2019  
Via Email

**Re: CPC # 131-19**

Dear Mr. T

Our office received the complaint you filed on March 19, 2019 and assigned an Investigator on March 29, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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**

Mr. T filed a complaint with our Agency which stated " daughter subjected to alcohol and emotional abuse. APD cover-up and retaliation by APD". After speaking with Mr. T, the alleged complaint is that Officer D. has been blocking Mr. T from getting a police report about his daughter Maggie being given alcohol and serving alcohol. Mr. T stated M is years old and was friends with Officer D.'s daughter, an ice skating student of Mr. T; ex-wife T Mr. T states T taught ice skating to Officer D.'s daughter at one time and because Mr. T and his ex-wife are going through issues, Officer D. has been stopping any reports being filed by Mr. T. Mr. T also states that officers from the Albuquerque Police Department, during their investigation, stated that it is ok for a juvenile to have a sip of alcohol.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING THE CONDUCT OF OFFICER D.**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel video's, interviews and reports regarding the incident.

A) The CPOA reviewed APD Standard Operating Procedure 1-1-4 D. 14., which states:

### ***D. On Duty Conduct***

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

Mr. T complained that Officer D., because his family was friends with Mr. T family at one time, was blocking Mr. T from getting a police report of Mr. T daughter allegedly being facilitated alcohol by his ex-wife T

The investigation showed that Officer D. and Mr. T have not had any contact in at least the last two years and that it was never police related contact. Both parties had mutual sports activities and that their contact if any, was simple hellos at practices. The investigation also showed that Officer D. was only informed by Crisis Intervention Officers that were attempting to help Mr. T, that Mr. T was utilizing Officer D.'s name as alleging he was blocking Mr. T from getting a police report. Officer D. has had no influence or discussion with any personnel in the Albuquerque Police Department in reference to Mr. T not getting a police report.

The facts of the case are that investigations have been done by Children, Youth and Families Division (CYFD) and the Albuquerque Police Department into the allegations Mr. T claimed. Both agencies investigations were closed due to no crimes or child endangerment being conducted.

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

## **III. FINDINGS AND CONCLUSIONS REGARDING CLAIMS OF DEPARTMENT PERSONNEL**

B.) The CPOA reviewed claims by Mr. T that an Officer or Officer's stated "it was ok for a juvenile to sip alcohol". The CPOA investigated the claims and due to no Standard Operating Procedures addressing the allegation, the CPOA Investigation determined;

An additional allegation Mr. T made was that APD told his year old daughter M , that it was ok to sip alcohol. This claim was addressed and investigated. Although it could not be proven that anyone from APD ever made the comment, the Investigator contacted CYFD with notes from the child visitation supervisor. The notes, which are made part of this file reference some conversations between Mr. T and the child during visitation about having a sip or drink of alcohol.

In speaking with CYFD the Investigator was supplied a New Mexico State statute; N.M. Stat. Ann. § 60-7B-1(B)." which reads- "In New Mexico beginning July 1, 2004, furnishing of alcoholic beverages to a person under 21 is specifically allowed when "a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse," or when "alcoholic beverages are used in the practice of religious beliefs."

Again, as no evidence was found that anyone from APD made that comment, it is possible, and that Officer would have correctly been identifying a New Mexico State Law, therefore no violations would have occurred.

In summary, the allegations Mr. T is claiming are all unfounded. Mr. T and Ms. T are in a custody dispute over their daughter. The alleged facilitation of alcohol and/or serving of alcohol were investigated by the appropriate agencies and found that the daughter took a sip of wine to taste at a family New Year's Eve party. At another family gathering, the child helped dinner items be brought out of the kitchen and to the family to eat. No violations of law to support a criminal complaint/police report are to be filed against Ms. T. Informational reports have been taken, investigated and concluded by APD and CYFD.

You have the right to appeal this decision.

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,

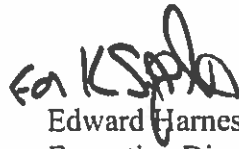
D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

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



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

cc: Albuquerque Police Department Chief of Police



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

*Chantal M. Galloway, Chair    Joanne Fine, Vice Chair*  
*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

July 18, 2019

**Re: CPC 095-19**

Dear Mr. P.

The Board may grant an Appeal only upon the complainant 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.

On July 16, 2019 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' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police