

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Leonard Waites, Chair* *Chantal M. Galloway, Vice Chair*

Joanne Fine

Dr. William J. Kass

Valerie St. John

Chelsea Van Deventer

Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA

Thursday, March 14, 2019 – 5:00 PM

Vincent E. Griego Chambers

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

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Review and Approval of Minutes from February 14, 2019**
- VII. Reports from City Staff**
 - a. APD**
 - 1. Internal Affairs/ Professional Standards - Statistical Data Report**
 - 2. Quarterly Report on Vehicle crashes**
 - 3. 2-8 On Body Recording Devices**
 - 4. Update on Crimes Against Childrens Unit**
 - 5. Emergency Communications on new priority system**
 - b. City Council**
 - c. Mayor’s Office**
 - d. City Attorney**
 - e. CPC**
 - f. APOA**
 - g. CPOA – *Edward Harness, Executive Director***
 - 1. Policy Recommendation on SOP 2-58 Force Review Board**
- VIII. Reports from Subcommittees**
 - a. Community Outreach Subcommittee – *Joanne Fine***
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
 - c. Case Review Subcommittee – *Valerie St. John***
 - d. Personnel Subcommittee – *Chantal Galloway***
 - 1. Evaluation Tool**

IX. Discussion

- a. Election of New POB Chair and Vice-Chair
- b. 2017 Annual Report
- c. Oversight Ordinance Amendments CS/2 O-18-23
- d. OMA – Foster
- e. Briefing the Court – Judge Browning

X. Consent Agenda Cases:

a. Administratively Closed Cases

232-18	237-18	239-18	257-18	259-18
260-18	264-18	002-19	003-19	004-19
005-19	020-19	022-19	023-19	024-19
025-19	031-19	044-19	053-19	

b. Exonerated/Unfounded

052-18

c. Exonerated/Not Sustained

212-18

XI. Non-Consent Agenda:

a. Administratively Closed Case

125-18

XII. Serious Use of Force/Officer Involved Shooting Cases:

XIII. POB's Review of Garrity Materials:

a. 186-16

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

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

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

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

i. Executive Director Contract

XV. Other Business

XVI. Adjournment- *Next Regularly scheduled POB meeting will be on April 11, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.*

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Valerie St. John

March 15, 2019

Via Certified Mail

7016 0340 0000 0323 7736

Re: CPC #232-18

Dear Mrs. W

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on September 19, 2018, regarding an incident that occurred on or about February 9, 2017.

I. THE COMPLAINT

P W submitted an online complaint about Detective J who was investigating a case where her ex-husband accused her then boyfriend now current husband of abusing their three-year-old son back in 2017. Detective J stated he was taking her two children from her. Detective J told her there was evidence from a doctor that her current husband slapped their son. She thought it was strange that her son had not seen the doctor until two days after she dropped him off with her ex. Mrs. W complained she never received paperwork other than from CYFD. Mrs. W alleged there was biased activity because there was "so much to this case that does not make sense." Mrs. W complained that it has been almost two years and yet no charges have been filed against her husband. She wrote Detective J did not seem to want to talk to her. She believed Detective J delayed sending the case to the DA to benefit her ex-husband for an immigration hearing.

II. INVESTIGATION

The CPOA Investigator contacted Ms. W to set an appointment. An appointment was set for October 25, 2018. Ms. W did not show or call to reschedule that appointment. The CPOA Investigator contacted Ms. W after her failure to show. She said she would call whenever she had time to reschedule. After explaining there are deadlines in cases Mrs. W agreed to call October 29, 2018 to reschedule an interview, but she never did. In her conversation, she did not reveal additional information about her complaint other than she and her husband only had one conversation with Detective J.

The CPOA Investigator reviewed the felony report. The report detailed the investigation into Mrs. W current husband for abuse reported by Mrs. W ex-husband to their three-year-old son at the time. Mrs. W ex-husband called police and injuries were observed. The minor child disclosed to his biological father and later the same day to a forensic interviewer that his

mother's boyfriend hit him. Mrs. W son was taken to a specialized doctor in matters of abuse the next day from when the incident was report. The doctor documented signs of abuse and the child disclosed the cause of the injuries to the doctor. The report indicated custody arrangements were discussed and Detective J did not initiate a hold on Mrs. W children.

The report detailed an investigation that appeared straightforward so it is unknown what Mrs. W meant by "so much of the case did not make sense" as she did not elaborate in her complaint. Her son saw the doctor the day after the incident was reported. There is not typically paperwork to receive from APD for an ongoing investigation, but she was in communication with CYFD and Detective J. The CPOA Investigator contacted Detective J to clarify some information about the case, especially concerning the delay. The majority of the investigative work was done in February 2017 when the incident was reported. The report listed an update in October of 2017 when Mrs. W had a conversation with Detective J; the case was still pending at that time. The final notation in the report was that the case was submitted to the DA in August of 2018. Detective J explained the delay was due to case volume in Crimes Against Children (CACU) and then being transferred to Homicide, yet still working open CACU cases that had been assigned to him. There is not a set time to complete investigations of this type. Detective J knew nothing about the immigration status of Mrs. W ex-husband and it played no factor in how long the case took to complete. Detective J understood Mrs. W frustration and agreed he did tell her multiple times he was going to be sending the case to the DA, but case volume and prioritization delayed completing and submitting the case. Mrs. W did not offer any information regarding the allegation that Detective J delayed the case for her ex-husband's benefit. Mrs. W did not participate in the investigative process and therefore there was not enough information to pursue her allegations.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to pursue the investigation.

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

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Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8567

Re: CPC #237-18

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 October 3, 2018, regarding an incident that occurred on September 4, 2018.

I. THE COMPLAINT

Mr. S filed a written complaint regarding the traffic stop and tow of his vehicle. Mr. S wrote he swerved into another lane and was pulled over. Mr. S wrote the officer asked if he had been drinking, to which he replied he had been eating and headed to work. Mr. S wrote he handed his insurance and registration, which was expired. He wrote that he told the officer to give him a few hours and he would get it renewed. Mr. S wrote Officer G told him he had five minutes to get his property from his truck before it would be towed. Mr. S wrote that he asked the officer if he could park the vehicle at a relative's house, which happened to be across the street, but the officer refused. Mr. S wrote the officer did not turn in the ticket.

II. INVESTIGATION

The CPOA Investigator reviewed the police report, the CAD, and the lapel video. The lapel video showed Officer G asked him why he was driving in that lane and Mr. S said he was grabbing something. Officer G asked if he had been drinking, but when Mr. S said he had not, there were no additional questions about it. Mr. S complained about being pulled over and Officer G explained he was driving in an improper lane. Mr. S provided his paperwork and admitted his insurance was expired. Officer G told him he should not be driving and Mr. S admitted he knew. Mr. S did not say anything about giving him a few hours to get his insurance although later the video showed Mr. S complained he could not be given at least a day to get it renewed. The lapel video showed Mr. S wanted to drive the vehicle to Weck's to leave it. This was not across the street as Mr. S claimed in his complaint and was almost six miles away. Officer G explained why he could not allow him to drive at all without insurance. The lapel video showed after Mr.

S. was advised his vehicle would be towed he stood to the side of the vehicle until Officer G asked him if he intended on emptying it of some property or leave it. Mr. S said he was going to empty it. Officer G told him to start emptying the vehicle because it would be towed once the wrecker arrived. The lapel video showed he did not give Mr. S an ultimatum of five minutes. The video showed Mr. S carried on in anger swearing and trying to goad the officer, but Officer G did not respond.

The CPOA Investigator also reviewed the NM court detail to look into the issue of the ticket. The NM court detail did not have record of a ticket for Mr. S. The CPOA Investigator talked to Court Services and the TRAX Administrator for APD. The lapel video showed Officer G had the tickets signed by Mr. S. and advised him of his court date. According to the TRAX administrator, the process is a ticket is issued in TRAX, but it is not electronically transmitted to the court. After the ticket is issued, a paper copy is hand delivered into a mailbox at the substation, then hand delivered to Court Services, and then hand delivered to Metro Court. The TRAX administrator could confirm a ticket was properly created and a court date established, but there is no tracking after that. Court Services stated they receive citations and take them to court, but they do not have a log or tracking to know what tickets they received. It is in the works to have TRAX electronically communicate with the Court system, however, that has been in development for at least a year and not accomplished yet. A recommendation was sent to the Policy Subcommittee of the Police Oversight Board that until electronic transmittal of tickets is established that a paper log should be maintained.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint as there was no minimal substantiation to the citizen's complaints. The tow and the reason for the citations were within policy. The citations were issued properly as best can be determined within the system currently in place.

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Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Valerie St. John

March 15, 2019

Via Certified Mail

7016 0340 0000 0323 7750

Re: CPC #239-18

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 October 3, 2018, regarding an incident that occurred on or about May 10, 2018.

I. THE COMPLAINT

Mr. D submitted an online complaint regarding his allegation that Detective B went to the Albuquerque Public Schools transportation officer where he worked and told his bosses that he admitted to Detective B that he carried a gun on the bus. Mr. D denied telling Detective B this information. Mr. D blamed Detective B's statement to be the cause of his termination.

II. INVESTIGATION

There were several police reports in April of 2018 regarding mental health concerns about Mr. D and his possession of weapons. One of the reports specifically documented concerns expressed by family that Mr. D would show up to his place of employment, the school, while armed. Because of these various reports, Mr. D was referred to the CIT unit where Detective B was assigned.

The CPOA Investigator contacted APS and spoke to Mr. D former supervisor. The supervisor confirmed Detective B expressed concerns about Mr. D being armed while performing his job as a bus driver. The supervisor referred Detective B to APS HR and APS police for the details he sought about Mr. D. The supervisor did not have complaints or concerns about Detective B. The supervisor also forwarded the detective's concerns to APS HR and APS police. The supervisor understood an APS administrative investigation occurred and ultimately Mr. D was terminated, but the details were protected information. The supervisor referred the CPOA Investigator to APS police for any additional information. The CPOA Investigator contacted APS police and was informed they could not discuss the personnel matter. APS police researched and advised there was not a criminal matter for Mr. D through them that could be disclosed publicly.

There were videos from the date Mr. D listed, but by the time Mr. D filed the complaint, they were already past the retention time for non-evidentiary videos and deleted. Detective B had reasonable suspicion that Mr. D could be carrying a weapon while performing his job duties and for the safety of students and staff alerted school authorities to conduct their own investigation. APS conducted an investigation and apparently found cause for termination, but what the details were or what, if any, weight was placed on Detective B's statement as part of that personnel action is unknown as the details of a personnel matter were confidential. Mr. D's remedy for his loss of job is whatever appeal process there is for APS or legal action he feels is appropriate against his former employer.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was reasonable suspicion for the detective to talk to Mr. D's employers about his possible carrying of a weapon while working. This is not a violation of APD Standard Operating Procedures.

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Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8451

Re: CPC #257-18

Dear Mr. M

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 5, 2018, regarding an incident that occurred on October 18, 2018.

I. THE COMPLAINT

Mr. M submitted a written complaint regarding his allegation that Officer B lied when he said that his registration was expired. Mr. M told Officer B his registration did not expire until November 30, 2018. Mr. M wrote Officer B told him he would take him to jail if he did not sign the ticket and wanted to argue, which Mr. M felt he did not need to sign the ticket when the officer wrote a lie. Mr. McC wrote after the stop that he confirmed through several sources that his registration was still valid.

II. INVESTIGATION

The CPOA Investigator reviewed the NM court case detail on the website and the citation Mr. M provided as part of his complaint. Mr. M was cited for 66-3-18, which states in the relevant parts, "No vehicle while being operated on the highways of this state shall have displayed either on the front or the rear of the vehicle any registration plate, including validating sticker, other than one issued or validated for the current registration period...no expired registration plate or validating sticker shall be displayed on the vehicle..." Officer B cited Mr. M for displaying an expired registration sticker on his plate from January 2017, not that his registration was expired.

The CPOA Investigator reviewed the lapel videos. Officer B explained to Mr. M his plate displayed an expired registration sticker and asked for his documentation. The video showed Mr. M provided registration paperwork that was expired and still had the registration sticker attached from August 2018. The video showed Mr. M admitted to both officers on scene that he did not have the current registration sticker displayed on his plate, but said his registration was valid. The video showed Officer B informed Mr. M he had the expired registration sticker on the plate, asked him to sign the ticket, and explained his signature was acceptance of the ticket and not guilt. Mr. M argued and Officer B

explained if he failed to sign the ticket, he would have to take him to jail. The video did not have that Officer B said anything to Mr. M that him arguing would result in jail. Mr. M argued he knew the law better than the officer did. Officer B provided Mr. M his ticket and his documentation.

Mr. M provided his registration paperwork as proof his registration was valid. The copy of the registration he provided still had the registration sticker of November 2018 attached to the paper.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Officer B did not lie as Mr. M alleged. Officer B explained to Mr. M that he displayed an expired registration sticker on his plate, which Mr. M admitted more than once was the case. Displaying an expired registration sticker is a violation, for which Officer B cited Mr. M. The allegation could not be minimally substantiated.

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.

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Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8468

Re: CPC #259-18

Dear Ms. D

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 5, 2018, regarding an incident that occurred on September 19, 2018.

I. THE COMPLAINT

D D submitted an online complaint regarding her allegations that Officer M did not accurately report what she told him in the accident report. Ms. D wanted charges brought against the other driver, M: B' for a hit and run and for endangering her and her children. She felt the other driver was treated differently because no charges were filed.

II. INVESTIGATION

The CPOA Investigator reviewed the police report, the CAD, the 911 recordings, and the lapel videos. In Ms. D call to 911 at 0717, she reported that as she was getting off the freeway that someone rear-ended her at Los Anayas and Rio Grande. Ms. D reported she was turning so she was going slowly. She reported the person was following her from the freeway. He then took off. She said there were no injuries at that time and the car was drivable. An APD Operator called Ms. D at 0812 to apologize for the delay in police response. It was at that time that Ms. D mentioned she was pregnant so the Operator sent Rescue to check her. Mr. B called police at 0759 and reported that as he was getting off the freeway exit that a woman pulled up behind him so close as if she was going to hit the back of his car. He turned onto Rio Grande, she followed closely, she then passed him on the right, cut in front of him, and hit her brake causing him to hit her from behind. Mr. B reported Ms. D flipped him off as she passed him before cutting him off. Mr. B reported she took off so he went to his home nearby to wait for police.

There were lapel videos with Mr. B. Mr. B' account of what happened was consistent with what he reported to 911. Mr. B told the officer he waited until the light turned green at the freeway exit and Rio Grande. Mr. B stated Ms. L was behind him, flipping him off, because he did not turn while the light was red. When the light turned green, she followed closely, passed him on the right, cut in front of him, and hit her brakes. He hit her car

and his car stalled. She continued to drive so once he restarted his car he pulled to the side of the road to look at the damage. He did not see her so he went home since he lived nearby to report the accident.

There was not a lapel video with Ms. D but policy did not require it. Officer M summarized what Ms. D said to Mr. B by saying she claimed he had road rage against her. Officer M mentioned Ms. D said Mr. B followed her down a side street where he rear-ended her there, which caused her to hit a barrier. Officer M stated Ms. D said Mr. B did a U-turn and took off. The lapel video showed Mr. B denied that version of events.

The police report narrative was detailed for what both parties reported. Officer M documented what Mr. B said as to why he left the scene. Mr. B perceived that Ms. D was first to leave the scene. Officer M wrote that he could not determine who was at fault. The stories did not coincide and specifically stated there were no hit and run charges at this time. Both parties accused each other of leaving the scene and do not agree how and where the accident occurred. Both parties agreed the accident occurred north of Indian School. Mr. B residence is .6 miles south from Los Anayas, but Mr. B stated his original destination was north to go to the store. The details Ms. D provided in her complaint that she stated were missing from the report were additions as to her version of the cause of the accident, but did not substantively change the outcome since there were too many factual discrepancies. Officer M wrote he could not reach the witness Ms. D provided information for and there were no cameras in the area.

Ms. D wrote she wanted another report written of what she said happened. If Ms. D felt there were key details left out of her written statement, she may submit a supplemental report to be attached, but a police report itself cannot be changed. Ms. D could submit the supplemental report to APD Main Records at 400 Roma Ave. Nw. Ms. D expressed concern over the time written on the report, which correctly was when the officer responded and therefore took the report. The CAD has the time the accident was reported. Ms. D wrote she wanted charges brought against Mr. B. Officer M explained in the police report why no charges were established and the CPOA does not have the authority to change that decision. Based on the available evidence the report satisfied the requirements of policy. Ms. D was not present while officers spoke to Mr. B to make any assessment as to how he was treated differently other than he was not charged, which was explained there was insufficient probable cause for charges based on the factual disputes.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as after a preliminary investigation there was insufficient evidence to support a violation of Standard Operating Procedure and the remedies Ms. D desired were not within the authority of the CPOA.

Letter to Ms. D
March 15, 2019
Page 3

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

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8475

Re: CPC #260-18

Dear Mr. R

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 5, 2018, regarding an incident that occurred on September 23, 2018.

I. THE COMPLAINT

Mr. R submitted a written complaint regarding his complaint that Officer P did not give his tobacco to his sister as he asked when he was transported for a mental health evaluation. Mr. R wrote he knew this did not occur because his sister told him she did not receive it.

II. INVESTIGATION

The CPOA Investigator reviewed the lapel videos, which captured Mr. R's request to Officer P. The end of the video showed Officer P looked for Mr. R's sister, but the video ended before contact. The CPOA Investigator attempted to contact Mr. R but his number repeatedly said the call could not be completed. The CPOA Investigator sent a certified letter to Mr. R but he failed to claim it. Without the opportunity to ask Mr. R further questions or obtain the information about his sister there was not enough information provided by Mr. R to complete the investigation.

Mr. R could file a risk management claim for the cost of the tobacco. Risk Management conducts its own investigation into claims for monetary compensation. The phone number for Risk Management is 768-3080.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to complete the investigation and no cooperation from the citizen.

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. R
March 15, 2019
Page 2

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Sincerely,
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Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8482

Re: CPC #264-18

Dear Mr. S

Our office received the complaint you filed on October 15, 2018 against Albuquerque Police Department (APD) Officer S., regarding an incident which allegedly occurred on July 21, 2011. 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. S complained that on July 21, 2011, Officer S. added a 15 year old female to his stolen vehicle report to mark him as a pedophile or child molester. He said he doesn't associate with kids, especially that age, and this makes him look like a pedophile or child molester. As a result, he said it's hard to find a nice place to live.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and a stolen vehicle report, written by Officer S. and dated July 11, 2013, not July 21, 2011, as stated on the complaint. The report

showed that you reported your vehicle having possibly been stolen by a female companion you identified as A.W. The report listed A.W. on the report but did not list an age for her. The report also listed an unknown suspect, of an unknown sex, unknown race and a possible age range of 15-65 years. Nowhere on the report is a 15 year old female identified as having been associated with you.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that your allegations were not true and that no APD SOPs were violated.

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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board Leonard Waites, Chair
Joanne Fine Dr. William J. Kass
Chelsea Van Deventer

Chantal M. Galloway, Vice Chair
Valerie St. John

Edward Harness, Executive Director

March 15, 2019
To file

Re: CPC #002-19

Dear Mr. R

Our office received the complaint you filed on September 27, 2018, regarding an incident which occurred on September 27, 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. R complained that he parked his vehicle at the La Quinta Inn on September 27, 2018, at 5:00 AM, and when he returned at 6:00 AM, his vehicle had been broken into, and his laptop and backpack stolen. In addition to the missing items, his back window was completely smashed. He requested his items to be returned to him and his back window repaired.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and the related report and called you and left a voice message on November 15, 2018, requesting additional information; however, you did not return the call, nor make any efforts to contact the Investigator. The evidence showed you filed a police report, reporting the vehicle burglary.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because you had no complaints of APD officer or employee misconduct in the report, or your original complaint.

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

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8499

Re: CPC #003-19

Dear Mr. M

Our office received the complaint you filed on October 3, 2018, regarding an incident which occurred the following day, on October 4, 2018, allegedly involving Albuquerque Police Department (APD) Officers M. and H. 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. M. complained that on October 4, 2018 at 4:00 AM, Officers M. and H. were extremely combative towards him and treated him like he had no knowledge of the law, or the rights of a property. He complained that instead of doing their job, they acted as if they had better things to do and made rude comments to him all throughout their discussion with him. He said the officers then drove off and told him they had better things to do that evening.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and a report dated October 1, 2018 and a CADS report dated October 6, 2018. There are no reports or CADS for the date you have complained about, October 4, 2018. The Investigator attempted to contact you via telephone and email on November 15, 2018, to obtain more information regarding this alleged interaction with Officers M. and H.; however, you did not return the call, or the email, so the Investigator used the aforementioned information available, which did not show any APD SOP violations.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint for lack of additional information and because the information that is available does not show any 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

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Joanne Fine

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Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

To file

Anonymous

Re: CPC #004-19

Dear Anonymous:

Our office received the complaint you filed on September 27, 2018, regarding alleged personal favors being given to lateral applicants at the Albuquerque Police Department (APD). 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

Anonymous complained that personal favors are being given to lateral applicants in order to increase numbers at APD. They also made allegations about applicants failing polygraph examinations, and the APD recruiting staff being overruled by APD Command staff when these and other allegations were brought to Command staff's attention. See the original complaint for more information.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and was unable to obtain any more information regarding the aforementioned allegations because there is no way for the Investigator to contact you to discuss these allegations further.

Letter to Anonymous

March 15, 2019

Page 2

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint for lack of information.

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

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Joanne Fine

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Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

February 15, 2019

To file

Anonymous

Re: CPC #005-19

Dear Anonymous:

Our office received the complaint you filed on November 17, 2018, regarding an incident involving Albuquerque Police Department (APD) Officer J.. 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

Anonymous complained that Officer J. thinks cameras and outside lights are illegal in New Mexico and that Officer J. had poor judgment when it comes to Albuquerque Fireman. Anonymous alleged Officer J. is so eager to please male coworkers that he makes arrests to impress them. Anonymous alleged Officer J. and the firefighter did not show up for interviews or court because they must have been on a date.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and was unable to obtain any more information regarding the aforementioned allegations because there is no way for the Investigator to contact you to discuss these allegations further. NOTE: The APD 242-COPS telephone number was listed as their contact number.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint for lack of information.

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

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Via Certified Mail

7016 0340 0000 0323 7743

Re: CPC # 020-19

Dear Ms. M.

I. THE COMPLAINT

You submitted a complaint to our office on January 7, 2018 in which you state Officer V. falsified events, yelled at you, made false public allegations and shouted at you that he was going to have you dragged out by police for a statement you made about letting your children go to foster care.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator called you to obtain information about the police officer due to the name you wrote on the complaint form. The Investigator spoke with you briefly, at which time you stated, "I do not even want to know the outcome, I just wanted to have it sent in".

The Investigator conducted a preliminary investigation reviewing the lapel video from the contact you had with Officer V. on January 6, 2019. Lapel video was recorded in full and showed that Officer V. never yelled or raised his voice to you. In all actuality Officer V. had a very low voice during the entire interaction which lasted 53 minutes. Lapel video also showed contact between your mother and the officer; and your daughter and the officer. Officer V. obtained information from all parties and never made any false allegations to you or about you.

III. CONCLUSION

Officer V. was attempting to describe different scenarios of what could occur when children are involved. Officer V. stated numerous times how he thought you were a good parent and

doing the right thing, however you continually insisted that Officer V. needs to take your children to foster care. Officer V. only told you that you could be handcuffed and arrested if you were to abandon your children and that would be a felony. Throughout the entire contact Officer V. was courteous and explaining the child's perspective to you and your perspective to your daughter and what needed to be accomplished.

At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures (SOP). Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

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

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Re: CPC # 022-19

Dear Mr. K:

I. THE COMPLAINT

You submitted a complaint to our office on January 26, 2019 in which you state Officer P. pulled you over and immediately asked how much you had to drink. Mr. K states Officer P. then stated, "Oh, so it's only your buddies that have been drinking". Mr. K stated he felt the comment was rude and unnecessary. Mr. K stated he was standing outside the car for 20 minutes in the freezing cold until another officer arrived and that he informed the officers he was shaking from being cold but that they did not seem to care. Mr. K states after he passed the field sobriety tests and blew 0.0, the officers made him stand outside for another 5 minutes until he received a speeding ticket, which Officer P. never mentioned anything about previously. Mr. K states Officer P. told him he could pay the ticket online or over the phone and that he does not need to go to court if he chooses to pay it that way. Mr. K states he was treated unjust and unfairly by Officer P. and that they intentionally tried to anger him once they realized they could not convict him DUI.


II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed lapel video from the night of January 19, 2019. Officer P. approaches your vehicle identifies himself and informs you that you were doing 44 miles per hour in a 30 mile per hour zone. Officer P. does ask you if you had anything to drink because he smells alcohol. When you stated you had not drunk any alcohol, Officer P. does state "is it coming from the other people in the car" and you state "yes". Officer P. receives your driver's license and information and returns to his vehicle. Officer P. does not ask you to step out of the vehicle. When the DWI officers arrive, you are still in your vehicle and not asked to step out until the time the field sobriety tests are to begin. Officer P.'s entire contact with you lasted from 12:41am to approximately 1:04am.

III. CONCLUSION

Officer P. stopped your vehicle for speeding, in which upon contact with you, he informed you that you had been going 44 miles per hour in a 30 mile per hour zone. Due to the odor of alcohol that Officer P. smelled when he spoke with you, Officer P. felt it was necessary to contact a DWI officer to perform field sobriety tests. You remained in your vehicle until the DWI officers arrived. The tests were conducted in a normal amount of time and you were issued a ticket for speeding. In your complaint you also asked if you paid the ticket, do you not have to appear for a traffic arraignment. In New Mexico, Bernalillo County, you are able to pay fines and/or fees online for minor traffic violations. You may also contact Bernalillo Metro Court to verify ways to pay your ticket and confirm any necessary court appointments.

At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures (SOP). 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

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Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Re: CPC # 023-19

Dear Mr. K

I. THE COMPLAINT

You submitted a complaint to our office on September 5, 2018 in which you state Sergeant L. was rude and disrespectful and threatening to you. You state Sgt. L. was charging you with assault when you were the victim of a crime. You state the officer that assisted Sgt. L. had to tell Sgt. L. several times to change his attitude and that the other officer told you that Sgt. L. was the least professional officer in the department.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the lapel video of the contact you described in your complaint. During this time, you and the Investigator spoke on the phone. During the conversation, from start to finish, you berated the Investigator with insults and sexual innuendos in reference to him and police officers. The Investigator consistently tried to discuss the facts of the complaint with you, however you insisted on only insulting the Investigator and officers of the police department. You informed the Investigator nothing would get done and that you did not want to complain and you then hung up on the investigator. You then contacted the office of the Investigator after you appeared in court on the charges. Once again the Investigator attempted to have a civil conversation with you about the case; however, once again you berated and cursed at the Investigator without any conversation being able to take place.

III. CONCLUSION

Sgt. L. arrived at the location to investigate an alleged assault. After Sgt. L. reviewed video at the location and obtained the manager and witness's statements, Sgt. L. determined both you and the other person were equally at fault and summoned both parties to court. During the contact, Sgt. L. answered your questions and informed you as to why you were also being charged and summoned. Sgt. L. was never disrespectful during the contact; he only explained his position on the statements and what he saw via video. Officer V. is never heard stating

Sgt. L. is known as the least professional (expletive) on APD, as you alleged in your complaint.

At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures (SOP) and for your refusal to discuss the complaint. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'EH', is positioned above the typed name.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8505

Re: CPC # 024-19

Dear Ms. C

I. THE COMPLAINT

You submitted a complaint to our office on December 15, 2018 in which you state Officer C. began cursing at your boyfriend and then began cursing at you and telling you that you had no business being there. You state the officer continued to curse at you and told you to “get the fuck away”. You write that Officer G. was also rude to you after you were talking and checking on your boyfriend who was in a police car at the time. You also write that the officer threatened to arrest you and refused to give you his name and badge number.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the lapel video of the contact you described in your complaint. Lapel video shows Officer G. arriving on scene and speaking to a witness about an incident involving your boyfriend. Once the officer begins to speak with your boyfriend, he immediately makes a comment to the officer about pre-judging him because he is black. The officer tells your boyfriend to stop saying that, it has nothing to do with race and that the officer was only asking for his side of the story. As the explanation went on, your boyfriend states several times that the officer will probably prejudice him based on his race. The lapel video then shows you arriving and walking up to your boyfriend. At that time, your boyfriend immediately states to you that he is probably going to jail because “I hit some white kid”. Again the officer tells your boyfriend to stop making it a race issue, the officer does say “just stop that shit”. The officer tells you that your boyfriend is being detained and that he is investigating the issue. The officer tells you that since you were not there to step away from the investigation. The officer never says “get the fuck away” as you allege in your complaint.

During the officer's investigation, it was confirmed that your boyfriend had an extraditable warrant out of Valencia County. Due to that warrant, your boyfriend was placed under arrest, handcuffed and placed in the back of a patrol unit. In your complaint you wrote you kept going to the patrol unit to talk and check on your boyfriend. The officers informed you to stop attempting to go to the vehicle and if you continue you could be arrested for obstruction. Unless officers allow you to approach the vehicle and speak to your boyfriend, it can be considered obstruction and could impair the safety of your boyfriend and the officers. The lapel video also shows the officer informed you that he gave you his name and man number as you had previously had asked for it.

III. CONCLUSION

Officer C. and Officer G. conducted an investigation into an assault and battery which involved your boyfriend. Due to other circumstances involving a warrant, your boyfriend was arrested. You continually attempted to speak with your boyfriend during the investigation and after his arrest, when he was in the back of a police unit. This type of behavior can be considered obstruction and is prevented for the safety of the subject and the officers. The officer did use the word "shit" during the contact, however it was not directed towards either party in a derogatory manner. Albuquerque Police Officers, under Standard Operating Procedure, are allowed to use a curse word when it is considered de Minimis

At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures (SOP). 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

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019
Via Certified Mail
7007 0710 0001 8867 8512

Albuquerque, NM 87102

Re: CPC # 025-19

Dear Mr. L

I. THE COMPLAINT

You submitted a complaint to our office on February 4, 2019, in which you state Officer J., attempted to search you for no reason, that you never threatened anyone and did not have any weapons on you. You stated you lay down on the floor and Officer J. continued to search you. You state Officer J. did not run a background check on you or check for warrants and that Officer J. harassed you even though you did nothing wrong.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the lapel video of the contact you described in your complaint. Lapel video shows Officer J. responding to the customer service area of Walmart after being asked to check on a situation. When Officer J. arrived you were boisterous and upset. Officer J. stated he's like to talk to you but would like to pat you down for weapons before he does. During that brief encounter, you are observed reaching quickly into your pocket. Officer J. does ask you to take your hands out of your pocket and if he could pat you down for weapons again. During the contact, you refuse to be pat down and continually tell the officer you have no weapons, but then admit to having mace in your pocket. At one point you do lay down on the floor of Walmart and the officer explains to you why he would like to pat you down, stating, he does not know if you have weapons or not, just because you are telling him you do not. Officer J. never forcibly searches you, he asked to pat you down and when you reached in your pocket, for Officer Safety, he did grab the wrist of your hand that you placed in the pocket. Once you removed your hand, Officer J. let go of your wrist. In an effort to defuse the situation Officer J. allowed to you to speak with management about an issue you were complaining about. After the situation was resolved, Officer J. asked you if you would like

him to file a report for you, and if so, he would need your identification or information. You informed Officer J. you did not want a report filed.

III. CONCLUSION

Officer J. arrived on a scene of a disturbance at the customer service desk at Walmart. Upon his arrival Officer J. observed you being boisterous and argumentative. A protective search of an individual's clothing is allowed under the law for the safety of the officer and the individual when an officer is in contact with a citizen. Officer J. did not harass you or violate any Standard Operating Procedures by requesting to pat you down for weapons.

At this time your complaint is being Administratively Closed due to no violations of Albuquerque Police Department Standard Operating Procedures (SOP). 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

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8529

Re: CPC #031-19

Dear Mr. L

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 or about December 24, 2018.

I. THE COMPLAINT

Mr. L submitted an online complaint regarding his allegation that an unidentified officer stopped him for speeding. Mr. L wrote he was not trying to avoid the officer, but wanted to see if the officer was following him and he wanted to pull over on a street instead of the freeway. Mr. L wrote the officer accused him of having an attitude and threatened to give him a citation, but ultimately the officer did not. He did not appreciate the questioning of his attitude.

II. INVESTIGATION

The CPOA Investigator had CADs attempt to find any call for service in that area. Mr. L provided an approximate location for the traffic stop and his plate. CADs could not locate a traffic stop involving this plate or the location. Mr. L did not provide any other identifying information to determine the officer.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the officer or locate the incident.

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. L
March 15, 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

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8536

Re: CPC #044-19

Dear Ms. H

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 11, 2019, regarding an incident that occurred on or about January 4, 2019.

I. THE COMPLAINT

An anonymous complaint came in online on January 5, 2019 and then a mailed in handwritten complaint by A H was received January 30, 2019. The two complaints are of the same incident and elements of the anonymous complaint show A H wrote it. Both complaints do not provide enough information to know what Ms. H complaint was. It seems like there was a conflict with employees at the laundromat where police were called, but it is unclear.

II. INVESTIGATION

The CPOA Investigator had Computer Aided Dispatch (CADs) attempt to find any call for service for that address. CADs did not locate any call for service at that address. The CPOA Investigator looked on NM Courts to see if there were charges filed, but there was nothing current for Ms. H. The CPOA Investigator attempted to reach Ms. H at the email she provided. Ms. H never responded despite informing her additional information was needed to conduct an investigation.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the officer or locate the incident.

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 Ms. H
March 15, 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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019
Via Certified Mail
7007 0710 0001 8867 8543

Re: CPC #053-19

Dear Ms. C

Our office received the two complaints you filed on February 7, 2019 at 9:56 AM and 10:58 AM. 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

Ms. C complaints contained run-on sentences that included disjointed, random thoughts and ideas such as: police officers wives stalking her personal life; the state having mentally disturbed employees who are mimicking her because they are jealous; how someone in Portales has their own team, which "has created us to have heart attacks"; "now I need a new team and you guys are not going to pick it for me my body picks these new employees since this other group that you guys have also known as W S and the Mormon mafia decided to kill everyone on my team"; and "I seen someone unsecure my uncle D C head". Overall, her statements were nonsensical.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaints.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaints because you had no complaints of APD officer or employee misconduct.

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

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8550

Re: CPC #052-18

Dear Ms. S

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on March 5, 2018, regarding an incident that occurred on November 26, 2017. 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. S called police regarding an altercation between her and her roommate J P. Officers responded and took a report.

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

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

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

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

Ms. S believed the fact that she was one hundred percent disabled elevated the incident to a felony and should have been referred to Adult Protective Services (APS). Ms. S claimed Officer H lied in his police report and left out details she provided. She identified the "lie" as a specific sentence where Officer H wrote, "I did not observe any injuries on T and she refused to be checked by rescue personnel." Ms. S also stated Ms. P statements were lies although she agreed most of what Ms. P said did not make into the report. Ms. S stated Officer H did not include details such as her having an injury above her eye in addition to her arm. She also wanted it noted that she was transported due to the injuries as well as having her recent hip surgery checked. She also told Officer H several things about Ms. P that he did not include in the report.

Officer H's report stuck to the facts of that night and did not include the allegations both parties made about each other such as mental health issues and substance use issues. Officer H documented the summary of what Ms. S and Ms. P gave as their versions of events. Injuries are sometimes not evident until later and Officer H noticed the injury to her arm. The video showed the main reason Ms. S chose to be transported to the hospital was to assess if the altercation caused any damage to her recent hip surgery. Officer H did admit a clerical error when he used the wrong name in one portion of the report, but the report's overall context was clear that Ms. S was the victim, that she had injuries, and was transported to the hospital. New Mexico does not have an enhancement from misdemeanor to felony due to the victim being disabled as some states do. The situation did not meet the referral criteria to APS for various reasons, but largely because, as Ms. S agreed, Ms. P was not her caregiver. Ms. S stated she conferred with APS later and found out her situation did not meet their criteria.

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

B) The CPOA reviewed Standard Operating General Order 3-13-3B3b regarding Officer H's conduct, which states:

Officers shall abide by the following principles: b. Make only those arrests, searches, and seizures, which they know or should know, are lawful and do so in accordance with related departmental procedures.

Ms. S agreed she asked Officer H to retrieve property from her bedroom. Ms. S was not present when Officer H looked for her property in her room. She watched the lapel videos after the fact. She observed Officer H go through dresser and nightstand drawers. Ms. S claimed the drawers were too shallow to have possibly contained any of her bags and therefore there was no reason for Officer H to go into the drawers. She did not give him permission to go through drawers. In her written complaint, she claimed the drawers were only two inches deep and thirteen inches wide. Ms. S stated she told the officer where her items would be and used hands to indicate the sizes. She said her keys would be hanging on her purse.

The lapel video showed Ms. S wanted Officer H to retrieve her medications, her purse, and her keys because Ms. P was going to still be in the apartment. Ms. S said where a bag of her medications should be and illustrated an approximate size with her hands. Ms. S said a general area where her purse might be, but she did not demonstrate the size; she said a couple of times it was a very small bag. The video showed Ms. S said multiple times she did not know where her keys were. The video showed she thanked Officer H for going and checking, giving him permission to go into her room; she did not limit the scope of where he should look for her items. The video showed Officer H entered the cluttered bedroom and used his flashlight to look as the lights were off. The video showed the drawers were deeper than two inches and were plausible locations at least for keys. The video showed Ms. S had not confirmed the keys were with her purse; she did not know their location. Officer H opened some drawers on both nightstands and the upper drawers on both dressers. Officer H touched the contents of two drawers to shift the uppermost item. He also looked in a basket on the top of a dresser. Officer H explained he understood some of the items Ms. S wanted were possibly in drawers, which is why he looked. Officer H found the medication bag. He did not find the purse or the keys. Of the drawers Officer H opened, each was opened for six seconds or less. The video showed Officer H looked for the property Ms. S asked and gave permission to look for; it was not an improper search as she alleged.

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

C) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding Officer H's conduct, which states:

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

Ms. S stated she wondered if Ms. P's claims influenced Officer H because she claimed Officer H changed his demeanor towards her after speaking with Ms. P. Before he spoke to Ms. P, Officer H seemed more concerned and interested in what she said. After he spoke with Ms. P, Ms. S described his tone as dismissive and short with her as if he did not care and believed Ms. P over her. She got the feeling he was "done with her" and his tone should have been more reassuring. Ms. S feared if Ms. P called police later, they would believe Ms. P and try to charge Ms. S with something. Ms. S also complained Officer H should have told her that night when the court date was. Additionally, Ms. S claimed she observed on video Officer H lingered at a drawer that had embarrassing personal items in whereas the others he opened and closed quickly. Ms. S claimed Officer H snickered at the contents.

The lapel video showed Officer H was professional with all parties and there was no observed attitude shift. Officer H expressed concern for Ms. S's wellbeing by calling medical even though she originally was reluctant. Officer H answered her questions and explained options while she was in the back of the ambulance. The lapel video showed Officer H asked if she had additional questions, informed her to call police back out if she thought of something, and told her he hoped she was not too injured since she was going to the hospital to be checked. Ms. P in fact did call police the next day, which Ms. S did not know, and Officer H responded. The lapel video showed Officer H did not take any actions against Ms. S and did not consider Ms. P requests for enforcement action.

As to Ms. S complaint about not knowing when a court date was set, there would be no information to share the night of the incident regarding court. The lapel video showed the drawer she claimed had embarrassing personal items was opened for about five seconds, which was less time than at least one other drawer was open. The lapel videos showed there was no snickering or giggling so it is unknown what sound Ms. S heard.

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Edward Harness, Executive Director

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

March 15, 2019

Via Certified Mail

7007 0710 0001 8867 8574

Re: CPC #212-18

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 September 18, 2018, regarding an incident that occurred on August 8, 2018. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT AND INVESTIGATION

On July 30, 2018, Mr. S interrupted a thief trying to take his bicycle. He chased the offender and got the bicycle back. He called police to report the attempted theft and to express his frustration about the removal of the fence by the apartment management that he believed caused the situation to happen. Officer O responded. On August 8, 2018, his bicycle was actually stolen, but he did not see the offender. Mr. S called police and PSA S arrived to take the report.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the Computer Aided Dispatches (CADs), the police report, the lapel videos of Officer O, Mr. S interview, and PSA S' interview.

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

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

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

Mr. S stated the apartment complex's decision to remove the fences surrounding the small patios exposed his property to theft. He attributed the eventual theft of his bicycle to the removed fence. Mr. S asked PSA S if he was going to put the condition of his property into the report. He explained in his interview what he meant by the condition of his property was the missing fence. Mr. S stated PSA S's report was incomplete because it did not explain that he originally had a fence.

PSA S understood that Mr. S originally had a fence around his small patio, but that the apartment management took it down. Mr. S blamed the theft of his bicycle on the missing fence. Mr. S wanted PSA S to write in the police report that the apartment management was liable for the theft of his bicycle because they removed the fence. PSA S explained to Mr. S that he could not make statements of liability in the report and would stick to the facts that it was stolen. PSA S also mentioned Mr. S wanted him to have pictures taken of his patio to show that there was no fence. PSA S explained they would not take pictures of a patio without a fence to prove something beyond there just being a patio there that did not happen to have a fence. PSA S stated Mr. S was not satisfied with his answers and explanations. PSA S offered to put Mr. S commentary in the CAD comments, which he did, but Mr. S was still not satisfied at that time.

The report written by PSA S listed the facts as the location of the bicycle when taken, how it was secured, when Mr. S last saw it, when it was noticed gone, and the value. PSA S observed there was no video surveillance or other information of evidentiary value. Pictures would not be relevant or required by policy of the scene of the bike's disappearance. PSA S wrote in the CAD that Mr. S wanted to say that the theft was the apartment complex's fault because they removed a fence. PSA S documented in the CAD that he explained to Mr. S that only facts could be reported in the police report not that he had a dispute with the apartment complex. When Mr. S talked to Officer O about the attempted theft of his bicycle about a week earlier, he wanted it documented that the apartment's actions contributed to crime. Officer O explained a statement such as that could not be in a report, but she would put his comments in her CAD. Officer O had already advised Mr. S the type of statement he wanted would be inappropriate for a police report. The report satisfied SOP requirements and stuck to factual statements not assumptions or unsubstantiated assessments. The CAD comments from PSA S did state what Mr. S desired, which was in Mr. S opinion the theft was the apartment complex's fault because they removed the fence.

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

B) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding PSA S' conduct, which states:

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

Mr. S' stated PSA S acted as if he did not care about his situation. When Mr. S asked PSA S to put in the condition of his property on the report he alleged PSA S called him rude. Mr. S claimed PSA S seemed "pissed off" he had to respond to the call.

PSA S saw a call pending for a theft report so he volunteered to take it. He had no negative feelings about the call, as it was his primary assignment to take such calls. When PSA S told Mr. S that he would not write in the report that the apartment complex was liable for the theft of the bicycle Mr. S became more animated and insistent about what he should put in the report. PSA S described that Mr. S continually interrupted him with the same questions when PSA S tried to answer his question. PSA S stated Mr. S did not want him to leave until he wrote the report right then for his review. PSA S tried to explain the process and why he could not put what Mr. S wanted, but was interrupted again so he remained quiet. Mr. S then asked why PSA S would not respond to his questions. PSA S told him he tried to explain things to him and satisfy his desires short of putting something in a report he could not. PSA S told Mr. S he was not listening, constantly interrupting him, and being rude so he told him he was not going to talk to avoid making him angrier. He specifically said his actions were rude and talked in a conversational tone of voice; he was never upset with Mr. S.

There was no lapel video for the contact and one was not required by policy, as PSA S did not assess Mr. S as specifically angry at him, just demanding for not getting his way. The CAD comments were, "subject rude and continually interrupting me." Calling an individual's behaviors rude is not specifically a violation of policy and the context and tone of the whole conversation would have to be considered. It is unknown how the tone of the conversation went, as there was no lapel recording. Mr. S made similar allegations against Officer O, but then dropped those complaints when he realized the officer documented the comments he wanted. There was lapel video from the first contact. PSA S' CAD was not available at the time of Mr. S interview so it is unknown if Mr. S would have dropped his complaint against PSA S as he did Officer O. A recommendation was made to the department regarding SOP 2-8 and the training received by PSAs for the use of on body recording devices.

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

Additional Issue:

Officer O came to his residence when an attempted theft of his bicycle occurred. Mr. S thought Officer O would write a police report and was upset that she did not. Officer O thought she was dismissive and attributed statements to her, but when Mr. S was specifically asked if she made such statements, he admitted it was his impression and not actual quotes from her. Mr. S stated he expected a report, but did not remember if he specifically asked for a report. His expectation was that she would document that his bicycle was now exposed due to the fence being removed.

The lapel video showed Mr. S told Officer O about the attempted theft of the bicycle. He complained about the apartment's actions. He wanted Officer O to document the decisions the apartment complex made contributed to crime. Officer O explained she could not write a statement like that in a report, but would document his comments in the CAD. Mr. S' was satisfied and never asked for a police report, which would not be required at that time. The lapel video showed Officer O was professional and addressed Mr. S concerns.

In the interview, Mr. S was shown that Officer O did make the comments on the CAD that Mr. S. wanted. Mr. S was then satisfied and no longer wished to pursue any complaint against Officer O including he no longer had any concerns over her conduct.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Joanne Fine

Chelsea Van Deventer

Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

Edward Harness, Executive Director

March 15, 2019

Via email

Re: CPC #125-18

Dear Ms. R.

Our office received the complaint you filed on May 21, 2018, regarding an incident which took place on May 19, 2018, allegedly involving Albuquerque Police Department (APD) Officer A.. 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.

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I. THE COMPLAINT

Ms. R. complained that the night of May 19, 2018, she was at the Fuddrucker's restaurant on Jefferson, when an APD officer in uniform, later identified as Officer A., met a female inside the restaurant, ordered food but didn't eat it before he and the unidentified female left the restaurant. Ms. R. left 30 minutes later and saw Officer A.'s vehicle parked next to her minivan. She was with her 5 children when she saw Officer A. getting oral sex from the unidentified female inside the unidentified female's vehicle. She claimed her children witnessed the oral sex and described it as despicable behavior. Ms. R. said the Officer should be punished because he is misusing his badge and uniform when he eats in a squad car.

II. THE INVESTIGATION

The Investigator attempted to interview Ms. R to obtain more information regarding the alleged incident but was unsuccessful as Ms. R failed to contact the Investigator, or participate in this investigation, as requested. The investigation was conducted using the limited information available to the Investigator.

The CPOA Investigator reviewed the complaint and Officer A.'s unit history for May 18 and 19, 2018. Officer A.'s unit history for May 19, 2018 showed Officer A. took a meal break at Fuddruckers from 1955 hours to 2057 hours. The Investigator contacted Fuddruckers management on June 14, 2018, June 20, 2018, July 12, 2018 and July 18, 2018, in an attempt to retrieve any possible surveillance video from the evening of May 19, 2018 but was unsuccessful. Fuddruckers management was uncertain about how long their surveillance recordings were available before they were recorded over as they believed it to be a loop system. Additionally, they were unable to access their system at all as they didn't have the necessary codes. Regardless, it is unknown if Officer A.'s presence at the restaurant and/or the alleged incident would have even been recorded.

Lastly, it is not a misuse of the APD uniform, nor a violation of APD SOP for officers to wear their uniforms while eating; whether that be in a restaurant or in their police vehicles.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint for lack of additional information and because the information that is available does not show any 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