

**CIVILIAN POLICE OVERSIGHT AGENCY**

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

**BOARD AGENDA**

**Thursday, May 9, 2019 – 5:00 PM**  
**Vincent E. Griego Chambers**

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

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Review and Approval of Minutes from April 11, 2019**
- VII. Reports from City Staff**
  - a. APD**
    - 1. Internal Affairs/ Professional Standards - Statistical Data Report**
    - 2. Update on Crimes Against Childerens Unit**
  - b. City Council**
  - c. Mayor’s Office**
  - d. City Attorney**
  - e. CPC**
  - f. APOA**
  - g. CPOA – *Edward Harness, Executive Director***
- VIII. Reports from Subcommittees**
  - a. Community Outreach Subcommittee – *Joanne Fine***
    - 1. Subcommittee Chair Election**
  - b. Policy and Procedure Review Subcommittee – *Chelsea Van Deventer***
    - 1. APD SOPs sent to POB after PPRB Review and Approval**
      - 1-80 Prisoner Transport-- POB reply due 5/24/19**
      - 1-88 Sex Crimes Unit-- POB reply due 5/24/19**
    - 2. POB Policy Guidance and Recommendations pursuant to City Ordinance § 9-4-1**
      - 275-18-- POB recommendations related to use of overtime**

- c. **Case Review Subcommittee – Valerie St. John**
  - 1. Subcommittee Chair Election
- d. **Personnel Subcommittee – Chantal Galloway**
  - 1. Subcommittee Chair Election

**IX. Discussion**

**X. Consent Agenda Cases:**

**a. Administratively Closed Cases**

219-18	255-18	011-19	012-19	015-19
027-19	029-19	030-19	035-19	076-19
077-19	079-19	080-19	081-19	082-19
083-19	086-19	087-19	088-19	090-19
091-19	092-19	093-19	095-19	096-19
097-19				

**b. Exonerated**  
230-17

**XI. Non-Consent Agenda:**

**a. Administratively Closed Case**  
071-19

**XII. Request for Appeal**

212-18      244-18

**XIII. Serious Use of Force/Officer Involved Shooting Cases:**

**XIV. POB's Review of Garrity Materials:**

**XV. 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)**

**XVI. Other Business**

**XVII. Adjournment- Next Regularly scheduled POB meeting will be on June 13, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.**

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8741

**Re: CPC 219-18**

Dear Ms. T

On September 30, 2018, we received your complaint about an incident that occurred on September 13, 2018.

**I. THE COMPLAINT**

Your adult son was involved in a motor vehicle accident and was cited for a traffic violation by Officer H.. You complained that Officer H. threatened your son with arrest if he refused to sign the traffic citation. Your son told the officer that he was not going to sign the ticket because he was not guilty and he was not going to admit guilt. The officer did not explain well why your son would be going to jail if he did not sign the ticket, but the officer's supervisor, who later arrived on-scene did explain it well. You then became aware that your son had to sign the ticket and by doing so he was not admitting guilt. You claimed that the ticketing officer tried to abuse his authority by threatening your son into admitting guilt and if your son did not do so he would be arrested.

You went on to complain about the Police Service Aide who handled the accident and said that without asking any questions, she stated that your son was at fault and just placed the blame on him automatically.


**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and reviewed the police report and the associated lapel camera videos from the officer and the PSA. The lapel camera video from the PSA showed that she did not place blame on your son without asking any questions. To the contrary, the video showed that she asked everyone involved in the accident what had taken place. Based on the evidence she gathered including the damage

pattern on both vehicles, it appeared to her that your son was at fault but she did not accuse him of being at fault. Unfortunately, there is no video of exactly what the officer said to your son as he was issuing the citation. The officer is assigned to the traffic division of the APD and has been so assigned for many years. There is no history of similar complaints on the officer alleging that he forced or intimidated someone into signing that they were guilty. Usually, the officer explains the options of how a traffic citation can be handled. A person may sign a citation acknowledging guilt when the citation is issued and they can pay a fine. The other way they can take care of the citation is to sign for a court appearance. Signing a citation for a court appearance, means the person is just acknowledging receipt of the citation and they are going to go to court over the charged offense. The last thing an officer can do is issue a written warning which does not become part of a person's driving history, but they must sign that they acknowledge that they have committed a traffic violation. No court appearance is necessary and no further action is required of the person cited. If a person refuses to sign a citation, under New Mexico Law and City Ordinance, the person is subject to immediate arrest. The CPOA Investigator tried to locate court records for your son and his being issued a citation on that day but found none. The police report doesn't mention any enforcement action by the police.

### **III. CONCLUSION**

The evidence in this case shows that the PSA conducted herself professionally and acted within Standard Operating Procedures of the APD. Even if your allegation about Officer H. could be proven to be true, it would be a minor policy violation and it would not constitute a pattern of misconduct by the officer. Because we are unable to minimally substantiate your allegations with the available evidence, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,  
  
Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne E. Ene, Vice Chair*

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8758

**Re: CPC #255-18**

Dear Mr. B:

Our office received the complaint you filed on November 5, 2018, against Albuquerque Police Department (APD) Officer L. and Officer S., regarding an incident which occurred on November 2/3, 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](http://www.cabq.gov)

### **I. THE COMPLAINT**

Mr. B complained that on November 2, 2018 at approximately 11:00 PM, Officer L. knocked aggressively on his window, which excited his dogs and made them bark. He opened the door and complained Officer L. "stated a biased, unconstitutional statement then continued trying to argue instead of stating why she was there." He complained Officer L. entered his home without permission, or a warrant, or a court order. He complained Officer L. kicked his door open and then held the door open with her shoe. He asked to speak to a supervisor and instead of calling a supervisor, Officer L. called Officer S., who was very aggressive and hostile. He complained Officer S. said several curse words, "as well as some deep-seated psychological comments to him and his mother." He complained "Officer L. then

Letter to Mr. B

May 10, 2019

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made a threat with CYFD making him out as a bad as she could which has now affected my custody case. All because she was on a power play." Mr. B intends to sue.

## **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, the CADS, Officer L.'s written report, and Officer L.'s, Officer S.'s, Officer R.'s, Sergeant (Sgt.) V.'s and Sgt. T.'s lapel camera video recordings. The evidence showed Officer L. responded to your residence and knocked on your door, and did not bang on your window as alleged. The knock on your door caused your three large dogs to go to the window and bark at Officer L.. Officer L. asked you and your mother to put the dogs away before opening the door, which eventually happened after a couple of attempts. You alleged Officer L. kicked your door open; however, lapel video showed you opened the door for Officer L. and your mother told you to close the door and not let Officer L. inside. You attempted to close the door so Officer L. put her foot in the door while she explained she was there to conduct a welfare check on your child and was authorized to put her foot in the door to keep it from closing. You repeatedly yelled that Officer L. wasn't authorized to enter your home, while your mother continued arguing in the background as she held your 3 year old child. Officer L. made several attempts to explain why she was there and why she needed to see the inside of your home; however, you were argumentative and confrontational with her. Officer S. arrived to assist Officer L. and you and your mother continued to be confrontational. You told the officers you were a messenger from God and demanded to speak to a supervisor. You told Officer L. she was a woman who was going out of her way to use sex and that you didn't want to hear anything from her; however, you told Officer S. you would speak to him because he is a man. You told both officers you would get them in trouble and would have their badges. You alleged Officer S. was very aggressive and hostile yet the lapel videos do not support this allegation.

You continued to yell at both officers as they waited for a supervisor. During that time, you retrieved court papers regarding your custody from your vehicle and proceeded to use profanity towards the officers and call them profane names. Your mother told Officer L. she wasn't going to let her check on your child because the officers are not with Children Youth and Families Department (CYFD). Again, Officer L. tried to explain why she was there and voiced her concern for the safety of your child, while you continued to yell that you wanted charges brought against her and wanted her to be suspended. This continued for approximately 15 minutes before a supervisor, Sgt. V., arrived. Once on scene, Sgt. V. spoke with you and your mother and explained why officers were there, and told you Officer L. was authorized to put her foot in the door until a welfare check could be conducted.

After speaking with Sgt. V., you allowed him and Officer L. in your home to conduct the welfare check. During Officer L.'s investigation, you screamed at her and threatened her with "I'm gonna get you for this!" Sgt. V. repeatedly told you to calm down. Officer L. found a marijuana pipe on your bed that was easily accessible to your 3 year old. Officer L. continued her investigation and ultimately called CYFD to report her findings and asked a case worker to respond to assess the situation. Sgt. T., Officer L.'s direct supervisor, also responded to the scene and spoke with you and your mother about the welfare check and Officer L. explained her concerns with you and your residence and the process when CYFD becomes involved. You and your mother called Officer L. incompetent, asked her what the hell was wrong with

Letter to Mr. B.

May 10, 2019

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her, said “you’re fucked girl”, and threatened to sue her and all officers involved. You both remained confrontational throughout your contact with Sgt. T. and Officer L. and continually interrupted their many attempts to explain what was going to take place with your child that night. The video showed a CYFD representative (rep.) arrived on scene and asked you to explain your situation. The rep. then explained the safety plan in place for your child before taking your child out of your residence. APD officers also left at this time. It should be noted that Officer R. arrived on scene after Officer S. and stood by your front door, as you spoke with Officer L., Sgt. V., and Sgt. T. and the CYFD rep.

### III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed Officer L. was authorized to enter your home under the authority of **APD SOP 2-71-2 (J) Community Caretaker/Welfare Check**, which states, *“An officer may stop a vehicle or enter a premises or curtilage without a warrant or probable cause when the officer has specific articulable safety concerns that an individual might be in physical danger or in need of immediate assistance. Such encounters must be done in good faith without the intent to investigate criminal activity or effect an arrest or detention. In those instances where an officer is conducting a welfare check on an individual based on a request by that individual’s treating mental health professional or the individual’s family, officers should contact a Mobile Crisis Team if available. These encounters are not for the purposes of investigating criminal activity or to effect an arrest.* Additionally, the lapel videos showed Officer L. and Officer S. carried out their duties as required and did not violate the aforementioned APD SOP, or any other APD SOPs.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne Ely, Vice Chair*

Edward Harness, Executive Director

May 10, 2019  
Via eMail

**Re: CPC #011-19**

Dear Ms. R:

Our office received the complaint you filed on October 24, 2018, against unknown Albuquerque Police Department (APD) Officers, regarding an incident which occurred on October 22, 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](http://www.cabq.gov)

### **I. THE COMPLAINT**

Ms. R said APD Officers went to her parent's home on October 22, 2018 and offered her resources, which she said she didn't need. She said she's been dealing with a nasty divorce and was evicted from her home on October 18, 2018. She said on October 22, 2018, the officers allowed her to leave her parent's home to go to the library and the same officers approached her two blocks away and after a short discussion she told the officers she didn't need them. She complained the officers asked a lot of personal questions, which she refused to answer. She complained she was placed in handcuffs and taken to inpatient psychiatric services at University of New Mexico Hospital (UNMH), where UNMH staff held her against her will and forcibly gave her medication.



## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADs, Detective (Det.) B.'s written report and 7 lapel camera video recordings taken by APD officers who responded to the incident. The evidence showed that Det. B. and the Crisis Intervention Unit (CIU) contacted you on October 22, 2018, after having received a call from the Mobile Crisis Team (MCT) regarding you having been listed as a missing person after being evicted from your home on October 18, 2018. Det. B. received several calls between October 18 – October 21, 2018, from your friends regarding your mental health and their concern for your overall safety. Det. B. also spoke with your mother regarding your medical condition(s) and reasons she was concerned about your safety.

On October 22, 2018, Det. B. received a call from your mother stating you showed up at her house on October 21, 2018, so he and the CIU, which included Det. B., Det. D. and Clinician S. responded to your mother's home and made contact with you and your parents. Lapel videos showed the CIU was extremely concerned about your mental health and physical safety and offered to help you with resources; however, you refused their help and instead asked to meet Clinician S. at a later date. The CIU and Clinician S. attempted to obtain more information in order to meet your needs but you continued to refuse their help and left your mother's home on foot. After speaking with your parents about your actions and medical history, Clinician S. determined that a Certificate of Evaluation would be issued. Det. B., Det. D. and Clinician S. then set out to find you and located you down the street from your parent's house. Det. B. and Det. D. made contact with you and informed you that Clinician S. had issued a Certificate of Evaluation for you as they placed you in handcuffs. You were subsequently transported to UNMH for a mental health evaluation.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed Det. B. and Det. D. were authorized to detain you under the authority of **APD SOP 2-19-11 (A)(5) Procedures for Emergency Mental Health Evaluation**, which states, *"In accordance with NMSA 43-1-10, an officer may detain a person for emergency evaluation and care at a hospital, mental health facility, or an evaluation facility in the absence of a valid court order only if: A licensed physician, certified psychologist, or a qualified mental health professional licensed for independent practice who is affiliated with a community mental health center or core service agency has certified that the person, as a result of a mental disorder, presents a likelihood of committing serious harm to himself or herself or others, and that immediate detention is necessary. Certification will constitute authority for the officer to transport the individual.* Additionally, lapel videos showed that Det. B, Det. D, and the CIU were courteous and professional with you and your family throughout their interaction, and did not violate the aforementioned APD SOP, or any other APD SOPs.

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

**Letter to Ms. R.**

**May 10, 2019**

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

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

Sincerely,  
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne Elmer, Vice-Chair*

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8765

**Re: CPC #012-19**

Dear Mr. T

Our office received the complaint you filed on November 1, 2018, against Albuquerque Police Department (APD) Records Supervisor B., regarding an incident which occurred on October 10, 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

Albuquerque

NM 87103

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.

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

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

### **I. THE COMPLAINT**

Mr. T said that on October 15, 2018 at 9:15 PM, he received a phone call from APD Records Employee B., who told him she was approached by APD Records Supervisor B. stating Mr. T had applied for a Bernalillo County Sheriff's Officer (BCSO) position and that Supervisor B. told BCSO Lt. E. about an incident involving Mr. T being placed on administrative leave and the circumstances surrounding his departure from APD. Mr. T complained that upon learning he was interviewing for a job with BCSO, Supervisor B. volunteered information about him and his departure from APD to BCSO Lt. E. without the proper authority and without being asked why he left the department. Mr. T complained Supervisor B. should not have released information about non-work related circumstances to a

potential interview board member before he even submitted his background check, which would have allowed such information to be released from the proper authorities.

## II. THE INVESTIGATION

The CPOA Investigator attempted to contact you for more information regarding your complaint; however, you didn't respond to this request so the Investigator reviewed your complaint, reviewed public records located on nmcourts.gov, and reviewed complaint CPC153-17, which was lodged against you, in September 2017, by a citizen who caught you peering at him through a crack in a bathroom stall at One Civic Plaza. The evidence showed that in October 3, 2017, criminal charges of Voyeurism (Victim over 18) were brought against you for the incident referenced in CPC153-17. The evidence showed APD criminally investigated the allegations and referred the case to the BCSO District Attorney's Office for prosecution. On April 13, 2018, these charges were dismissed because you, the defendant, complied with prosecution conditions. In addition to the criminal investigation, on October 31, 2017, a predetermination hearing was held by former APD Police Chief E., after which you received discipline for sustained findings of APD SOP violations, and City of Albuquerque Rules and Regulations and Administrative Instructions violations. The evidence showed that your employment was terminated as of November 14, 2017 and this employee matter has been addressed through the proper channels.

You complained you received third-hand information from Records Employee B. about an alleged conversation between Supervisor B. and BCSO Lt. E. wherein Supervisor B. told Lt. E. something to the effect of, "So, you interviewed one of my employees?" This statement/question does not provide Lt. E. with any personal information about you, or your work history. You complained that are concerned that Supervisor B. released information to Lt. E. about your departure from the city and your non-work related incident; however, according to the evidence, you were a City of Albuquerque/APD employee, inside a City of Albuquerque building when the crime occurred, and you were disciplined by the City of Albuquerque and APD, thereby making this a work-related matter. Regardless of whether, or not, this was considered a work-related incident, you admit in your complaint that you aren't sure if Lt. E. shared any information he may have received about you from Supervisor B. with anyone else on your BCSO interview panel. In fact, you have no concrete evidence to say if anything was shared with Lt. E., and if anything was shared, whether that information had a positive or negative effect on the outcome of your interview.

According to your complaint, your interview with BCSO was on October 10, 2018 and according to the evidence, your criminal case was dismissed on April 13, 2018; 6 months before your interview. The information about your criminal conduct was and still is public record; therefore any employer, whether they are a law enforcement agency, or not, has access to this information without seeking it from your employer, and this is still operating under the assumption that your former Supervisor gave this information to Lt. E.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that you

Letter to Mr. T

May 10, 2019

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received information from a third party regarding an alleged conversation they were not directly involved in, that supposedly included providing criminal information to a potential employer that is easily accessible through on-line public records.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne E. Fine, Vice Chair*

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8772

**Re: CPC #015-19**

Dear Mr. O

Our office received the complaint you filed on October 28, 2018, against Albuquerque Police Department (APD) Officer D., regarding an incident which occurred on October 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. O said he was working as a security officer at the Circle K at 6300 Central Avenue SW, on October 27, 2018, when he detained a citizen, identified as Ms. P., for possession of drug paraphernalia. He handcuffed and detained Ms. P. and then contacted APD for assistance. He complained that when Officer D. and Officer F. arrived, Officer D. told Mr. O to remove the handcuffs from Ms. P. and threatened to charge Mr. O for false imprisonment, which is a felony offense. Mr. O complained Officer D. released Ms. P. from custody after obtaining her information, before looking at other evidence besides the paraphernalia, and before speaking to him or a witness to the incident. Mr. O asked for a Sgt. to respond and Sgt. P. responded. Mr. O explained the situation to Sgt. P. and

demanded Officer D. leave the property, and said Officer D. is not allowed on that property when Mr. O is on duty, unless he is responding to a life or death situation.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer D.'s written report, public information regarding Ms. P. located on [www.nmcourts.gov](http://www.nmcourts.gov), and 2 lapel camera video recordings. The evidence showed that Officer D. and Officer F. responded to an incident at the aforementioned Circle K. Upon Officer D.'s arrival, he saw Ms. P. detained in handcuffs outside the store with you standing behind her. Officer D. told you to remove the handcuffs from Ms. P. and cautioned you that detaining people and acting in a law enforcement capacity could result in a felony arrest. Lapel video showed that Ms. P. appeared to be suffering from mental health issues, as she was talking to herself and others who weren't present, while Officer F. was speaking with her. Evidence showed Ms. P. was not causing a disturbance, nor posing a threat so Officer F. obtained Ms. P.'s information before letting her leave the area.

Lapel video showed Sgt. P. arrived and contacted you. You explained the situation to Sgt. P. and complained that Officer D. threatened you with false imprisonment over drug paraphernalia. Sgt. P. told you he would speak with Officer D. about the matter and he, too, cautioned you about detaining people who have committed minor offenses such as having drug paraphernalia. Sgt. P. said that if someone commits a more serious offense, such as shoplifting, then that would be a reason for you to detain them; however, in general it's best you call APD to handle these situations. Sgt. P. went on to explain that allowing APD to act in these situations takes the liability off you, off the security company for which you work, and off Circle K. You complained that you didn't have the time to write the reports every time you had to call APD for similar situations. Sgt. P. then cautioned you about your personal safety because you weren't wearing a ballistics vest, and told you that many people carry weapons, and added that if these people have no respect for APD, then they probably have no respect for security guards. You told Sgt. P. that APD officers "are damn near glorified security guards because of all the restrictions put upon them". Sgt. P. told you to call APD if you had any more problems before leaving the call.

## III. CONCLUSION

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Dr. William J. Kass*

*Leonard Waites*

Edward Harness, Executive Director

*Chantal M. Galloway, Chair*

*Valerie St. John*

*Joanne Fine, Vice Chair*

*Chelsea Van Deventer*

May 10, 2019

Via Certified Mail

7007 0710 0001 8867 8789

**Re: CPC #027-19**

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 6, 2019, regarding an incident that occurred on January 4, 2019.

### **I. THE COMPLAINT**

Mr. L submitted a written complaint regarding his allegation that Officer B was rude and aggressive with him when he called police over a dispute at a restaurant. He claimed she misused her authority by issuing him a trespass notice when the business never called police.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the call Mr. L made to police, the CAD, the police report, and the lapel videos from Officer B and Sgt. J who responded. Mr. L called police and described the difficulty he was having with employees at the business. Mr. L claimed the employees would not provide the manager's information. He said the employees had an attitude with him so he was having an attitude back. He complained his food was not fresh; he did not receive enough fries, and did not receive a tray. The CAD reported that the employees were refusing to provide service without reason and complained about the conduct of the staff so he wanted police to assist.

The CPOA Investigator reviewed the lapel videos. Officer B arrived and Mr. L explained the problems he had with his food, that the employees remade his food, first the burger and then the fries, and he had a list of complaints. Mr. L told the officer he wanted his money back and the manager's information. After listening, Officer B informed Mr. L his complaints were civil matters and not a police matter. Officer B explained the establishment could refuse him service if they decided. Officer B summarized that he had an issue with the food, the business attempted to rectify by remaking it, and he still had an issue. She told him the quality was likely not going to change and mentioned, "You are not getting an eighty dollar steak." Officer B cautioned him if she asked the employees and they said they wanted him criminally trespassed or asked to leave, she would have to enforce that. Officer B told him he should take his food and depart. After she explained the situation, Mr. L immediately raised his voice and demanded a sergeant to come

out to talk to him instead. She said that was fine and called over the radio for a sergeant. He continued to raise his voice, move around, and complained about the business while other diners stared at him. Officer B sternly told him not to yell and get in her face. He started shouting about going to police oversight. Officer B told him that was his right and he immediately accused her of having an attitude. After receiving his ID, she asked him to have a seat and went to her car to process his information.

Officer B did not return into the business until Sgt. J came. Sgt. J dealt with Mr. L almost exclusively after that. Meanwhile, Officer B asked the business if they wanted him to receive a trespass, which they did, so she completed one. Officer B negotiated with the business to get him a refund, which they granted. Officer B obtained the manager's name, which was Mr. L original request. Officer B provided the information, but Mr. L made separate additional demands for more information several more times. He was provided the information as he requested. After several demands fulfilled, Mr. L then wanted things written down for him. Officer B told him she had been more than respectful in fulfilling his wishes. Mr. L started shouting, "Please don't hurt me" and ranting about various things APD had done, despite Officer B having made no actions to indicate she would use force. Sgt. J redirected his focus since Mr. L seemed to have better rapport with him.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed Mr. L initiated the situation with the employees at the restaurant and then later police by calling over civil matters. Mr. L initiated aggressiveness with Officer B and she responded briefly with command presence and sternness in her voice since he was causing a scene, disturbing other patrons. Officer B fulfilled Mr. L requests as well as the establishment's request. The preliminary investigation showed there was no violation of SOP.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8796

**Re: CPC #029-19**

Dear Mr. W

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 7, 2019, regarding an incident that occurred on October 18, 2018.

### **I. THE COMPLAINT**

Mr. W submitted an online complaint regarding his allegation that PSA G did not document accurately what his wife said in the traffic accident report. Mr. W wrote the parties should be given the right to see the statements written in reports, clarify them, and sign off the statements as accurate before the statements are included in the report. Mr. W wanted the record to reflect what he claimed was told to the PSA instead of what the PSA understood.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the accident report filed by PSA G. The narrative portion has statements from driver one and Mrs. W, who was designated as driver two. The narrative also had a witness statement, which agreed more with driver one's version of the accident. There was no lapel video to compare statements; the incident did not require mandatory recording as defined by policy. The accident report cannot be rewritten as Mr. W sought for his desired outcome. Mr. W may write a supplemental report and file it with APD Records at 400 Roma NW to be included as an official part of the police report. Officers and PSAs document in reports statements made by parties, witnesses, and observations made. Insurance companies conduct their own review and investigation to assign liability. It would be impractical and impossible for officers to write reports in real time based on committee input from all parties. However, a policy recommendation will be made to include traffic accidents in the list of mandatory recording incidents.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no violation of SOP.

Letter to Mr. W

May 10, 2019

Page 2

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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

May 10, 2019  
Via Email

**Re: CPC #030-19**

Dear Mr. G

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 14, 2018.

### **I. THE COMPLAINT**

W G submitted a written complaint regarding his allegation that he did not receive a traffic accident report at the substation when he was told it would be ready. Mr. G felt it was due to racial discrimination that he did not receive his report. The officer told him he could not pick up the report in an authoritarian tone of voice. He did not know the identity of the officer.

### **II. INVESTIGATION**

The CPOA Investigator researched the report availability, the SOPs, and the complaint. The CPOA Investigator spoke to Records, Mr. G, and the Area Commander. The accident occurred in the late afternoon of December 10, 2018. Mr. G first went to the substation on December 13, 2018 and was told by someone there that the report would be ready after 10am on December 14, 2018. Mr. G returned December 14, 2018 at 1040 to pick up his report.

Prior to July of 2018 Special Order 15-82 stated that all accident and offense reports will not be released at substations. In July of 2018 and modified slightly on August 30, 2018 special order 18-111 was released which stated non-fatal accident reports listed in the OnBase System can be released at substations. However, accident reports listed in the TraCS System will not be released. All fatal accident reports must still be released through Records. The Records Division Manager stated the report in question was available in the OnBase System, but the supervisor had not signed it until 1433 hours on December 14, 2018 so it would not have been available when Mr. G went to the substation. The Records Division Manager stated there was a lot of confusion concerning the releasing of reports and her unit was working on educating personnel about how and when reports could be released since for years reports were not to be released from the substations.

The CPOA Investigator spoke to Mr. G over the phone to get more information and discuss the racial discrimination portion of his complaint. Mr. G stated the officer working at the

front window of the substation told him in an authoritarian tone he had to go to Records to retrieve his report. Mr. G told the officer the sign at the substation said that non-accident reports could be picked up there. Mr. G said the officer told him he had to go to Records and did not look up anything about the report. Mr. G claimed it was racial discrimination because while he was at the substation two Caucasian women were able to pick up their report. Mr. G was asked if he knew anything about the women's situation. He said he did not other than he could see it was the same type of report when they walked out. He did not know the women's names or the report number. He did not hear any conversation about their situation. He felt and assumed it was discrimination because they got a report and he did not. Mr. G agreed the officer did not make discriminatory comments. Given the lack of information, a proper comparison of situations and investigation could not be completed.

The CPOA Investigator contacted the Area Commander about the complaint since the issues raised by Mr. G were training and customer service oriented rather than SOP violations. The Area Commander stated he conducted refresher training on the Special Order and reports and discussed the customer service conduct with the likely employee working that day. The Area Commander also stated the sign at the substation would be reviewed for accuracy.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to investigate the one aspect, the other issues were not SOP violations and were more training and customer service issues, which was resolved by the supervisor.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

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

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8802

**Re: CPC #033-19**

Dear Ms. W

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 7, 2019, regarding an incident that occurred on January 24, 2019.

**I. THE COMPLAINT**

H W submitted an online complaint wanting to know the reason for an officer trying to speak to her at 2:30 a.m. instead of waiting until the day.

**II. INVESTIGATION**

The CPOA Investigator reviewed the CAD, the police report, and the videos. A neighbor called police at 1:10 a.m. regarding an abandoned van that had been on the road for about a month and that night he observed someone inside. Officers were dispatched and arrived at 1:33 a.m. Officers discovered the van was entered into NCIC as embezzled. Officers made contact with the occupant who claimed he was parked in front of his friend’s house and identified Ms. W by her first name. The occupant, M. M: said he had been living with Ms. W and other friends for a couple of weeks. Police ran Mr. J information and determined he had an active felony warrant. He was taken into custody. Officer Weaver went to Ms. W home to talk to her about Mr. J the van, and Mr. J claims he knew her and had been staying with her. Officer W spoke to Ms. W roommate/friend Mr. J instead to find out some of the information.

The call came in when it did from the neighbor and the officers had a duty to investigate the situation as it unfolded. Though inconvenient at times, situations must be investigated as they occur and Mr. J involved Ms. W name into the situation.

**III. CONCLUSION**

**Letter to Ms. W**  
**May 10, 2019**  
**Page 2**

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne Elne, Vice Chair*

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8819

**Re: CPC #035-19**

Dear Mr. V,

Our office received the complaint you filed on January 7, 2019, against Albuquerque Police Department (APD) Officer C., regarding an incident which occurred on January 5, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

www.cabq.gov

### **I. THE COMPLAINT**

Mr. V complained he was assaulted by a man and when he called APD they said because he used bad language in front of a woman and a child that the assault was okay and that he was in the wrong. He said he didn't know that was in the law. He wants to press charges against the man who assaulted him and against Officer C.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, Officer C.'s written report, the CADs report, and 4 lapel camera video recordings. Lapel video showed that Officer C. and Officer M. responded to the Smith's grocery store in regards to a dispute involving you and another

Letter to Mr. V

May 10, 2019

Page 2

man. Upon his arrival, Officer C. contacted the other party, which was a man, his wife and young child. After speaking with the other party briefly, Officer C. made contact with you and requested you be checked by rescue medical personnel before being interviewed. After you spoke with medical personnel you told Officer C. your side of the story, which was that when the other party opened their car door it made contact with yours so you told them to watch it. You admitted using profanity towards the other party. After speaking with you, Officer C. contacted the other party and learned that he and his wife didn't believe they hit your car with their door and they stated so when you accused them of doing so. The male party said you cursed at his wife, and he became concerned for her safety so he inserted himself between you and his wife. In the process of inserting himself he said he closed the car door but didn't believe he closed it on your leg.

Lapel video showed you wanted Officer C. to file assault charges against the other party. Officer C. explained that because he was unable to determine who was at fault and exactly what took place, and because the action(s) would have been considered petty misdemeanors that occurred out of his presence he wasn't able to arrest anyone. You voiced your displeasure with Officer C.'s inaction and asked him that just because you used bad language meant he couldn't make an arrest, to which he repeated why he couldn't make an arrest.

Lapel video showed Officer C. was respectful to all parties involved and did not say the assault was okay and that you were in the wrong, as you alleged in your complaint.

### III. CONCLUSION

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

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

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

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

Sincerely,

The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne Fine, Vice-Chair*

Edward Harness, Executive Director

May 10, 2019  
To file

**Re: CPC #076-19**

Dear M:

Our office received the complaint you filed on February 28, 2019 regarding a complaint against Detective (Det.) B. for an incident which took place on February 7, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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

### **I. THE COMPLAINT**

M complained that Det. B. searched her son's tire shop and used excessive force to detain him. As a result, M suffered a panic attack and hypertension, which Det. B. didn't care about. Det. B. threatened to take M to jail. She wants police to do their jobs but she doesn't trust them and is seeking counseling for the trauma. She wants to be treated like a human being and not be scared to call police when needed.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint and learned that Det. B. works for the Bernalillo County Sheriff's Office (BCSO). The CPOA has no jurisdiction over the BCSO. Please contact the BCSO to file your complaint against Det. B.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your 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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

*Joanne Rina, Vice Chair*

Edward Harness, Executive Director

May 10, 2019  
Via Email

**Re: CPC #077-19**

Dear Ms. A

Our office received the complaint you filed on March 12, 2019 regarding a complaint against Officer A. for an incident which took place on February 27, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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

### **I. THE COMPLAINT**

Ms. A said Officer A. made a traffic stop and found her daughter was with an 18 year old in possession of a controlled substance. Ms. A complained Officer A. failed to contact her or her daughter's father and released her child to the principle of West Mesa High School, although her daughter is not a student of West Mesa High School. Ms. A wants to know what happened, who the 18 year old was that was with her and why they were stopped. She also wants to know why Officer A. didn't call her or her daughter's father.

### **II. THE INVESTIGATION**

Letter to Ms. A'  
May 10, 2019  
Page 2

The CPOA Investigator reviewed your complaint and learned that Officer A. works for Albuquerque Public Schools (APS) Police. The CPOA has no jurisdiction over APS Police. Please contact APS Police to file your complaint against Officer A.

### **III. CONCLUSION**

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your 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**  
**Civilian Police Agency Oversight Board**

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8833

**Re: CPC 079-19**

Dear Mr. P:

On October 31, 2018 we received your complaint about an incident that occurred on April 25, 2018 at about 10:00 AM.

**I. THE COMPLAINT**

You wrote in your complaint that on April 25, 2018 at about 2:15 PM, that you were involved in an altercation near Highland High School. You stated that you were shot by the man whom you were involved with in the altercation. You wrote that you were sitting in your car when the man who shot you walked by your car and said something to you. At the time you thought the man was talking to someone else. You got out of your car and the man, standing next to his wife's car, started telling you stuff. You asked the man what his issue with you was and that was when the man punched you. You said that you had a coke and a bag of beef jerky in your hands at the time. You saw the wife of the man hand the man a gun so you went back to your car and grabbed a bat. The man then went and retrieved a pole and the man came at you. You swung your bat and the man swung his pole and you hit the man with your bat. You then took the pole away from the man and stood away from the man and that was when the man pulled out the gun and shot you. You told the police that the man had assaulted you and you were just trying to protect yourself. You stated that you had a witness, L     R     , who saw the woman hand the man the gun. You said that none of that was recorded by the police. In the end, you allege that the police only looked at video footage. You alleged the police never wrote down what you said. You alleged the police did not do a proper investigation. The District Attorney declined to prosecute the man who shot you citing the fact that there was not enough evidence to prove that the man was not acting in self-defense. You felt that it was a poor investigation that lead the DA to make that decision. You feel that the man who shot you should be charged. You filed the complaint because the police failed to do their job thoroughly. You asked for a proper investigation.

## II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. We have no authority to conduct criminal investigations. Our jurisdiction is limited to assessing whether or not APD Personnel violated any Standard Operating Procedures of the APD. In this case, we reviewed the investigation conducted by the police to insure the investigation of the incident was sufficient. We have no authority to file criminal charges or to influence the filing of criminal charges. We have no jurisdiction over the District Attorney or the decisions made in that office. When you spoke with the CPOA Investigator, the investigator was reviewing the investigative reports. The Investigator told you he would review the criminal investigation to make sure the shooting was sufficiently investigated and presented to the DA.. The District Attorney is the only one who can authorize further investigation and had the DA felt the investigation was insufficient the DA could have asked for further investigation before declining to prosecute the man who shot you.

The CPOA Investigator reviewed the reports and found the following:

On April 25, 2018 at about 2:30 PM, officers responded to a shooting at Highland High School. The person who shot you left the scene in a black truck. An officer arrived and spoke with you. You had two gunshot wounds; one in your wrist and one in your thigh. You told the officer you had argued with the man and the man produced a handgun and shot you. You told the officer that you believed the man obtained the gun from a woman parked nearby in a Subaru. You told the officer you had a bat with you during the incident and that bat was in the trunk of your car. You were assessed by medical personnel and taken to the hospital.

The officer then spoke to the wife of the man who shot you. She told the officer that she and her husband meet at the school to pick up their children to take them home. The woman told the officer that her husband was standing by her car talking to her when you began to yell at her husband. She said her husband tried to walk away but you then threw a can of soda at her husband. There was a crushed Ginger Ale can in the road. Her husband ducked and the can missed him but then her husband hit you with a fist. At that point, the woman alleged that you then went to your car and produced a bat. You then approached her husband with the bat. The husband fought with you and you hit her husband with the bat on the back of the head, the back of the neck, and hit his ribs. The woman said she tried to break up the fight but couldn't so she went to her car to call 911. While she was running back to her car she heard several gunshots. The woman heard you shot that you had been shot in the hand. The woman said that her husband then got in his car and left the area. She told the officer that she did not believe her husband owned a gun. The officer spoke with a witness to the altercation. That witness recorded the incident on her cell phone. That witness saw you get a bat and hit the other man's truck with the bat. The witness saw you striking the other man with the bat and she saw you hitting him while he was on the ground. That witness thought you were going to kill the other man. She then heard two gunshots and saw the man whom you were hitting leave in his truck. That witness told another officer that the man who shot you had done it in self-defense. The officer reviewed and saved the cell phone video. It showed you getting an aluminum bat out of the trunk of your car and you used the bat to strike the hood of the other man's truck several times. The video showed you swing the bat down at the other man. Two gunshots are heard on the video. The officer spoke to your witness, I R , whom you alleged the



police did not speak to. He said that he saw you in the altercation and that he saw you with a pipe. He saw you strike the other man in the head with the pipe and then he heard gunshots. Mr. R. said that he believed that you were defending yourself from the gun. The officer viewed security footage from the school. It only showed the other man go into the bed of his truck and retrieve a pipe. The next view showed the two of you shoving each other up against the truck. All of the officers ran lapel video on scene and all of the video was saved for review.

Another officer spoke with a construction worker who witnessed the incident. He said that he saw you and the other man fighting. He saw you hitting the other man with the bat. He said that when the other man fell to the ground, the other man produced a handgun and shot at you twice.

That same officer spoke with another woman who said she saw you and the other man fighting. She saw you and the other man both retrieve a bat of a stick and you were hitting each other with the weapons.

The officer then spoke with yet another woman who saw the argument and the fight. She said it started with a verbal altercation and she saw the other man walk away from you. She said that the other man went to his wife's car and that you followed him there and that you were yelling at the other man. The fight then turned physical and when you ran to get the bat out of your car the other man ran to get a stick from the bed of his truck. You both started hitting each other. She ducked and when she looked back up she saw the other man shoot you. She then saw the other man flee in his truck. She saw you pick up the stick and she saw you place the stick or the pole and the bat you had with you in the trunk of your car.

A detective arrived and conducted an investigation and a Crime Scene Specialist arrived and processed the crime scene. The processing of the scene was well documented.

The man who shot you fled the area and his vehicle was later recovered at another location, impounded and a search warrant was later executed on the truck. Your vehicle was also impounded and a search warrant was later executed on it. The bat and the pole with blood on them were found in the trunk of your car.

The detective conducted a follow up investigation. She interviewed you, the man who shot you, the man's wife, and five witnesses including L. R. The report indicated that the detective interviewed you at the hospital. You told the detective that the other man walked by your car and said something to you. You told the detective that the other man has taunted you in the past. You got out of your car and approached the other man with a can of ginger ale in one hand and a bag of jerky in the other. When you asked the other man, "What? What?" the other man swung at you and hit you. The two of you started scuffling. You heard the other man say, "Give me the gun." You then said, "Oh, you got a gun?" You then went back to your car and got a bat and you hit the other man's truck with the bat. You said that the other man then ran to the back of his truck with a gun in one and then grabbed a pipe with the other hand and the man came at you. You said that the two of you were "sword fighting a bit" and then you hit the other man with the bat causing him to go to the ground. You said that you continued to hit the man a little bit and you were able to get the pipe away from him and that was when the man stood up and shot you. You scuffled a bit more and the other man drove

away in his truck. You went back to your car and put the pipe and the bat in the trunk of your car. When you were asked if you threw the can of Ginger Ale at the other man before being punched you said that you didn't know. You told the detective that you believed the other man retrieved the gun from a woman (his wife) who was in the car that the man had walked up to. When you were asked, you said prior to being shot the man had the gun in one hand and the pipe in the other. Then you said the man held the pipe with both hands. At that time, when you were asked, you said you did not want to press charges against the man who shot you. The detective also spoke with your wife.

On April 26, 2018 the detective spoke with the man who shot you. He said that as he walked by your car you made some comment about him "mad dogging" him. He ignored you and walked to his wife's car. You followed yelling at him and you threw the can of soda you had in your hand at the man. He ducked and the can missed but he punched you for throwing the can at him. He said that you then went to your car and got a bat and you started hitting the man with the bat. He said that he went to his own truck and grabbed a bar. He denied hitting you with the "bar" but said that he did use the bar to block some of the blows from you and your bat. He said fell to the ground and you continued hitting him and that was when the man pulled out the gun and shot you. He said he was scared for his life. He then fled in his truck because he was scared. The interview is fully detailed in the official report.

The detective interviewed a female witness who saw you and the other man argue. She saw you go to your car and retrieve a bat. She saw you chase the other man who went to his truck and saw him grab a pipe. She saw you hitting each other. She saw the other man with the pipe fall to the ground and she saw you hitting the man on the ground. She said you were "beating him really bad." She heard the two shots and she heard you say you had been shot. She said that prior to that she saw you swinging at the man with the bat yelling, "Come on!"

The detective interviewed the woman who shot the cell phone video. She repeated what she told the other two officers.

The detective interviewed one of the women who saw the incident. She confirmed what she had told the officers at the scene.

The detective interviewed L R He confirmed what he had originally told the officers at the scene. He said that he believed the man who shot you got the gun from "a girl across the street" (the wife). He didn't actually see her pass the gun to the man but he believed she did. That information was shared with the DA. You alleged that it had not been.

Lastly, the detective interviewed the construction worker. He confirmed what he had told the officers on scene.

### **III. CONCLUSION**

The investigation was sufficient and thorough. The officers spoke to, recorded, located and identified victims, and witnesses. They preserved the evidence at the crime scene and executed search warrants and obtained crucial evidence. They documented everything accurately and completely. The detective followed up by interviewing and recording everyone. She reported what the witnesses and suspects said. All of the evidence, statements,

police reports, photographs, and documents were forwarded to the District Attorney for review and for possible filing of charges. This is what the District Attorney spokesman said, "After a detailed investigation, prosecutors discovered that (you) were as culpable as (the other man). Though (you) were shot, (you) were the aggressor." The spokesperson said it was determined that you both have valid defense claims due to the cell phone video evidence. All other charges were declined once they decided that the shooting was "justified".

The evidence in this case was carefully and thoroughly reviewed by the CPOA. The evidence in the case showed the officers and the detective conducted themselves properly and followed all Standard Operating Procedures with regards to preliminary and follow-up investigations. You alleged an improper investigation, yet the evidence shows not only was it proper, it was "detailed". There was no misconduct by any APD officer found during the course of the investigation. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

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

Edward Harness, Executive Director

May 1, 2019  
Via Certified Mail  
7007 0710 0001 8867 8840

**Re: CPC 080-19**

Dear Mr. M

On November 27, 2018 we received your complaint about an incident that occurred on November 27, 2018 at about 10:00 AM.

**I. THE COMPLAINT**

You wrote in your complaint that on November 27, 2018 at about 10:00 AM, you saw many police cars getting off Eastbound I-40. You stated that the cars had lights and sirens on but some did not. Two of the police cars were unmarked trucks equipped with lights and sirens. Around Rio Grande and Griegos, an unmarked full size blue F-150 going about 60 MPH, turned on his lights and as you were pulling to the right the officer passed you on the right instead of the left. You stated that if you were to have pulled to the right as you are supposed to do, the officer would have crashed into you. You wrote that if you are running code, “run lights and siren even on an unmarked car before you kill someone again.”

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The investigator was unable to find any calls in the area of Rio Grande and Griegos on the date and time you reported. It is possible that the officers were on their way to another call in another area but the investigator was unable to locate the exact call to which the officers may have been responding. The APD has a number of undercover and unmarked police vehicles and there are several blue F-150s in the fleet. Without more information such as a license plate, it becomes very difficult to identify who the driver of the truck would have been. There simply isn't enough information in your complaint to be able to identify the driver or even identify if the truck belongs to APD or to another law enforcement agency.

### III. CONCLUSION

The officer driving the blue truck should not have passed you on the right as he is alleged to have done. Passing you on the right could have very easily caused an accident. Fortunately, that did not occur. Unfortunately, with the information given in your complaint, we were not able to identify the driver of the truck. Because of that, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Leonard Waites*

*Chelsea Van Deventer*

*Chantal Galloway, Chair*

*Dr. William J. Kass*

*Joann Fine, Vice Chair*

*Valerie St. John*

Edward Harness, Executive Director

May 10, 2019

Via Certified Mail

7007 0710 0001 8867 8857

**Re: CPC # 081-19**

Dear Mrs. A

**I. THE COMPLAINT**

You submitted a complaint to our office on March 12, 2019, in reference to debris left in the gutter, adjacent corners and other parts of the area after a traffic accident had occurred near Comanche and Juan Tabo. You stated you believe it is a police officer's job to ensure clean-up has occurred after an accident. You feel the city looks like a warzone because debris is being left after accidents.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator looked into Standard Operating Procedures for the Albuquerque Police Department referencing accident cleanup. The first responding officer or Public Service Aide is responsible for having vehicles removed from the roadway. When it comes to glass, vehicle debris, etc. in normal circumstances the tow company will sweep debris away from the roadway and if hazardous chemicals are involved, the Fire Department will handle those situations. In a circumstance of debris being in the gutter or adjacent sidewalk areas, the City of Albuquerque has 311, which is a number you may call to file a complaint about debris and items that your complaint entails. 311 will open a ticket and send the information to the appropriate department within the City of Albuquerque and have the issue of debris in the gutters and/or adjacent corners resolved for you.

### III. CONCLUSION

We thank you for taking the time to submit your complaint to our Department and advise for any further instances such as this, please contact 311. At this time your complaint is being administratively closed with our office, due to no violations of Standard Operating Procedure within the Albuquerque Police Department.

Sincerely,

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

Ed Harness  
Executive Director  
(505) 924-3774

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Leonard Waites*

*Chelsea Van Deventer*

*Chantal Galloway, Chair*

*Dr. William J. Kass*

*Joann Fine, Vice Chair*

*Valerie St. John*

Edward Harness, Executive Director

May 10, 2019

Via Certified Mail

7007 0710 0001 8867 8864

**Re: CPC # 082-19**

Dear Mrs. S

**I. THE COMPLAINT**

You submitted a complaint to our office on February 28, 2019, in reference to Officer R. arresting your son. You wrote that an officer from the Albuquerque Police Department called you to come to Coronado Mall to get your son. You state the officer was going to allow you to take him but once Officer R. opened the door and heard the boys laugh, the officer proceeded to tell you your son was being arrested because the situation was not funny.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed the full lapel video of the officer from the incident involving your son. Your son was involved with a group of kids accused of trying to take a cell phone from the mall. The officer had only the information from a mall employee and instead of accusing one particular teen in the group, the mall employee asked the officer to have the teens leave the mall. The officer approached the group of teens and asked them to leave. From the moment the contact occurred with the officer, the groups of teens, including your son, were disrespectful, argumentative and confrontational with the officer. When one of the teens in the group refused to walk out, the officer was placing him in handcuffs. As the handcuffs were being put on the other teen, your son became involved and impeded the officers' investigation. Numerous times your son was asked to leave and continued to instigate the situation with the officer, using derogatory terms and disrespect for the law. Over the time of about 45 minutes your son continued making sarcastic comments and found the whole situation funny, when in fact it was a serious matter. After you arrived to obtain your son and Officer R. explained the situation, your son and another teen were once again disrespectful and instigating a situation that could have been handled with a warning. Due to a police



officer having discretion on minor violations, the officer used his discretion in this case to have your son and other teen arrested and taken to the Juvenile Detention Center.

### **III. CONCLUSION**

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

Sincerely,

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

Ed Harness  
Executive Director  
(505) 924-3774

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8871

**Re: CPC 083-19**

Dear Ms. G

On November 11, 2018 we received your complaint about an incident that occurred on that same date.

**I. THE COMPLAINT**

You wrote in your complaint that on November 11, 2018 at about 5:05 PM, you went to a local business near San Mateo and Lomas to pick up your nephew who had just got out of work at the business. The business had closed at 5:00 PM. When you pulled out of the business parking lot onto San Mateo, you were pulled over by 4 APD cop cars. You waited for an officer to approach your vehicle but none did. A female officer started yelling at you from her car and it was hard to hear what she was saying. You were told to put the keys to your vehicle on the hood and then you were told to put both hands out the window so you did. She told you to open the door from the outside but it was locked so you opened the door from the inside. You were told to get out of the truck and to put your hands in the air and to not look at the officers. The officer directed you to walk backwards and to the side which you did. You were told to kneel down on the ground. The whole time you were thinking, 'what the hell is going on?'. You were then handcuffed, pat searched by a male officer, and put in the back of the police car. The same thing happened to your nephew. The male officer told you that the officers would let you know what was going on in a few minutes. You were asked for your identifying information which you provided.

An officer explained to you that the reason that they stopped you was because there was a report made to the police that that someone was trying to pry the door open at the business that you had just been seen leaving. You believed that was impossible because no one was outside the business except your nephew. You told the officer that he should call the manager of the business and that is what should have been done before you were stopped and put

through a scary experience. After “several minutes” you were each taken out of the police cars and released. You asked if there was a better way of handling this. Then you stated that it is incidents like these that make the citizens distrust APD. You stated that you wondered if being stopped had anything to do with you being outspoken about the way APD treats its citizens. You stated that if you are detained again for a “bogus reason” you guess you will know it is because APD doesn’t appreciate your public opinions.

## **II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint, the lapel camera videos of the officers involved, the police report, and the Computer Assisted Dispatch (CAD) report. The lapel camera video showed the officers performing a high risk traffic stop. A high risk traffic stop is any stop which poses a significant risk to the officer. They are performed when officers deal with suspected felons, armed individuals, or any potentially dangerous person. The offenses of Burglary or Attempted Burglary are situations that require the use of a high risk traffic stop. These types of traffic stops require officers to use different tactics from those of a low risk stop. Those tactics include everything you described in your complaint. For an officer to engage in such a stop and detention, they must have a reasonable belief that the people in the vehicle may be potentially dangerous people.

The CAD report showed that at 5:00 PM on November 11, 2018, a person who identified themselves as a former employee of the business, called the police to report that as the caller was passing by the business, he saw two people near the front doors of the business. The caller reported that one of the individuals was trying to pry open the front door of the business and the other was acting as a lookout. A Sergeant and 3 officers were dispatched to the location. The caller said that he was just passing by and that the people by the front door did not appear to be employees. The caller asked for officers to check the location.

The dispatcher who took the call checked the business website and determined that the business may have been closed at that time or possibly even closed because it was a holiday. The dispatcher called the business and found that the line was not working.

At 5:05 PM, the Sergeant saw your vehicle pull into the business lot, pick someone up, and within 20 seconds you pulled out of the lot. You turned east on Lomas and then it appeared that you were going to make a U-turn. You and your nephew were stopped at that time. You were stopped at 5:06 PM. During the stop, the Sergeant directed one of the officers to check the business to see if entry had been made. That officer reported that the door was a little ajar but no entry had been made. At 5:17 PM, the officers obtained your information as well as that of your nephew. By 5:33 PM, after the officers were able to make contact with the manager who confirmed your nephew worked at the business and had just left work, you and your nephew were released from custody. You were detained for less than 27 minutes. The primary officer on the call wrote a report on the incident as required by Standard Operating Procedure.

### III. CONCLUSION

APD Department policy is to investigate felony criminal activity while balancing public safety concerns and the intrusiveness of the detention of suspects. Department personnel must comply with all constitutional requirements during criminal investigations including adherence to lawful and reasonable searches and seizures.

In this case, the evidence showed that the officers had reasonable suspicion to believe that a crime had just occurred or was occurring. That justified the high risk traffic stop. The officers knew that a former employee of the business called to report an Attempted Burglary in progress. Within 6 minutes of that call, you were seen pulling into the business parking lot, picking someone up, and leaving the business quickly. The phone at the business was not working. Burglars often cut phone lines to stop alarm notifications to the police.

APD Department policy allows for the brief detention of an individual when an officer has a reasonable suspicion that a violation of the law has occurred or is occurring. The detention can only last long enough to identify the person detained and to confirm or dispel the officer's suspicions. The evidence reviewed showed that was exactly what occurred. A preponderance of the evidence shows that the officers involved complied with department policy and procedure.

There was no evidence found anywhere during the investigation that the officers knew who you were before you were stopped and detained. There is no evidence to support that the stop was for a "bogus reason" or that you were stopped because you consider yourself an outspoken critic of the APD.

The investigation determined that there was no misconduct by any APD officer in this case. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8901

**Re: CPC 086-19**

Dear Mr. F

On December 8, 2018 at 1:12 PM, we received your complaint about an incident that occurred at 11:00 AM on that same date.

**I. THE COMPLAINT**

You wrote in your complaint that on December 8, 2018 at about 11:00 AM, you were involved in a vehicle crash at Martin Luther King and Locust. You asked the Police Service Aide (PSA) who was handling the accident if the traffic cameras were working at that intersection, and the PSA told you that they were not. You wrote in your complaint that you did not believe her. You stated that when you asked for the name of the other driver, the PSA refused to give it to you and told you, "You can get anything you want when you get the police report." The PSA gave you her card with the report number on it and she told you to "go home". In your complaint, you cited a New Mexico Statute (66-7-203) regarding the exchange of information when one is involved in an accident. You stated that based on that Statute you had every right to be given the information you requested, as well as insurance information for your car insurance report. You complained that the PSA's attitude and conduct were rude and unprofessional. You believed she should be reprimanded for it at the least.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint, the lapel camera video of the PSA involved, and the police report. The lapel camera video showed the PSA checked to see if the cameras were working at the intersection and she was told by dispatch that they were not. She told you that she checked and she was told they were not working.

You said in your complaint that you didn't believe her but you didn't say why you didn't believe her or present any evidence to the contrary.

The video also showed that you only asked the PSA for the other driver's last name and she told you that information would be on the report. She never told you to "go home." The State Statute you cited is "Duty to give information or render aid". That Statute requires an exchange of information when there is injury or death, or property damage and the information exchange between drivers is required when one driver directly asks the other driver for the information. This accident did not involve injury or death. The lapel video showed you did not ask the other driver for the information. That Statute is usually applied when there is no law enforcement agency around to document the accident. The Statute goes on to require that if there is an injury that a person is required to render aid and it goes as far as requiring a driver to take an injured person to the hospital. The Statute does not require a driver to provide to the other driver insurance information.

The CPOA Investigator obtained a copy of the accident report and it contained all of the information you wanted and the report accurately reflected the evidence shown on the lapel video.

Lastly, there was not one moment captured in the continuous video where the PSA was rude to you or where she conducted herself unprofessionally.

### **III. CONCLUSION**

In this case, after reviewing the evidence, we were unable to minimally substantiate your allegations that the PSA was rude to you or that she conducted herself unprofessionally.

The investigation determined that there was no misconduct by the PSA in this case. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8918

**Re: CPC 087-19**

Dear Mr. B

On December 12, 2018 at 10:56 PM, we received your complaint about an incident that occurred October 11, 2018.

**I. THE COMPLAINT**

You wrote in your complaint that on October 11, 2018 at about 10:00 AM, you were trying to discuss medical issues and called for police back up. You wrote that you felt threatened by Presbyterian Hospital. When the police officer arrived, the officer forced you to leave the property. Because of that you could not get any medical care or resolution. You complained that the officer interfered with your medical care and you could have died. You stated that you had an agreement to talk under those conditions for the past two years. You requested a hearing and that the officer be disciplined.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and tried to locate records for the incident you complained of. You provided the CPOA with the wrong date of the incident, the wrong time of the incident, the wrong location of the incident and no identifying officer information. Because of that it was very difficult to locate any records of the call. During the investigation you called the CPOA Investigator and left two profanity laced voicemails telling the investigator that he needed to do his "f\*\*\*ing job", that you turned in your complaint in October, 2018, that it wasn't a hard job to do and that you would come down and assist the investigator in the investigation so together you could "investigate the c\*\*\*suckers".

The time stamp on your complaint indicates you turned in your complaint on December 12, 2018 and not in October of 2018. The investigator was not assigned the complaint until late December 2018. Investigations of complaints take 90-120 days.

The investigator was able to locate records for the incident you complained of. The incident occurred on October 12, 2018 at 3:26 PM. The location of occurrence was 9521 San Mateo and not 9500 as you had reported. The officer arrived at 3:55 PM.

When you called the police you told them that you wanted officers to escort you into Presbyterian to speak with employees because you wanted to make sure they wouldn't make any false accusations against you.

While the officer was enroute to the location he discovered that you had been criminally trespassed from the location and that you could not be on the property. The officer arrived and told you that if you needed to speak with the employees you could do so by telephone but that you could not be on the property. The notes indicated that you were frustrated but that you left the area.

### **III. CONCLUSION**

In this case, after reviewing the available evidence, we were unable to minimally substantiate your allegations that the officer interfered with your medical care or that you could have died. The evidence suggests that you were at the location only to speak with the employees and not to obtain medical care.

The investigation determined that there was no misconduct by the Officer in this case. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened 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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*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer*

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8925

**Re: CPC 088-19**

Dear Mr. T

On December 21, 2018, we received your complaint about an incident that occurred almost four years ago, April 29, 2015.

**I. THE COMPLAINT**

You wrote in your complaint that a few years ago when you were living in an apartment on Maple Street, a neighbor called the police because you were being loud. The police showed up and you gave them "attitude" because the police were drilling you. The police said that you tried to barricade yourself in your apartment which you denied. You alleged that the police forcefully entered your apartment, took you by force, and injected you with drugs which knocked you out cold. You claimed the police almost killed you and you have not been the same since. You wanted to know who did that to you and you want the officer who did this to you to lose his job and to be criminally prosecuted. You want the officer to serve time in prison or instead, to pay a fine and go on probation.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and was able to locate the police report for the incident you complained of. The report is numbered 15-0037350 and is authored by APD Officer E.. There are also two supplemental reports filed by Officer D. and Officer R. respectively. There were 4 lapel videos preserved as evidence. The CPOA Investigator reviewed the lapel camera videos and the reports. The evidence showed that on the date and time this incident took place, one of your neighbors had called 911 to report that you wanted to commit suicide and you were having homicidal thoughts. The officer lapel camera videos and the reports showed that at the time you were experiencing a mental health crisis. The officers were talking to you through your open door when you

started to stack small items near the front door in an apparent attempt to block the only entrance that officers and medical personnel would have. You also shut the power off making the apartment very dark. When the medical personnel arrived on scene, they believed that you were suffering from a mental health crisis and they wanted you taken into protective custody so you could get medical help. It was medical personnel and not the APD who came to the decision that in order to control you and in order to get you to the ambulance gurney that you had to be sedated. APD officers by law have the ability to detain a person for an emergency mental health evaluation and care in the absence of a valid court order only if the officer, based on his own observations and investigation has reasonable grounds to believe that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm. Based on a review of the available evidence, there were reasonable grounds to believe that you were a danger to yourself or others and your detention was reasonable. The evidence showed that it was medical personnel and not APD officers who sedated you. The evidence also showed that you were not "knocked out cold" after being sedated and that you walked to the ambulance gurney on your own. The evidence showed you were conscious and talkative and you were able to answer questions prior to being transported for medical treatment. The APD officers on scene did not almost kill you.

### III. CONCLUSION

In this case, after reviewing the available evidence, there was no Standard Operating Procedure (SOP) violation by the officers involved in this incident. It should be noted that the incident occurred 4 years ago and the SOP that governed the officer's actions at that time were very different than the SOP currently in use. The evidence showed that the SOP that was in place four years ago was followed. In addition, we were unable to minimally substantiate your allegation that it was an APD officer who sedated you, or that you were almost killed by the police.

The investigation determined that there was no misconduct by the Officers in this case and we were also unable to minimally substantiate the other allegations you made. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8970

**Re: CPC #090-19**

Dear Mr. C:

Our office received the complaint you filed on March 28, 2019, against Albuquerque Police Department (APD) Officers, regarding an incident which occurred on March 28, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

### I. THE COMPLAINT

Mr. C, a Security Manager for Signal 88 Security, said he was working security at the Circle K store 2708940, located at 8601 Central Avenue when two "nuisance" subjects came to the store. He said APD Officer E. assisted with the first nuisance subject earlier in the evening and at that time told Mr. C that he and 3 other officers would be driving from San Mateo to Wyoming for several hours due to the rise in crimes in the area, so if he needed assistance to flag one of them down if the subjects returned. Mr. C said one of the subjects returned so he flagged down one of the officers as they drove through the Circle K parking lot and told the officer he wanted the officer to issue a Criminal Trespass (CT) on the subject because they have been trying to CT this same subject but have not been able to do so. Mr. C complained this officer refused to issue a CT stating that he and the other officers were

PO Box 1293

Albuquerque

NM 87103

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

Letter to Mr. C

April 17, 2019

Page 2

too busy at that time and asked Mr. C to try to CT the subject at a later time. Mr. C said that wouldn't work and the officer told him that CT papers don't even work, and then drove off. Mr. C said the officer drove towards the subject who quickly left the property upon seeing the officer. Mr. C said the officer followed the subject off the property and then drove away without making contact with the subject or issuing him a CT.

Mr. C wants the subject CT and wants APD officers to CT these subjects otherwise this will become a greater issue.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and noted similarities between your complaint and other complaints lodged by Signal 88 security guards against APD officers in the recent past. As a result, the CPOA Investigator contacted the Southeast Area Commander, Acting Commander Lieutenant (Lt.) Y., and spoke with him about this incident and the other complaints against APD. After the discussion, it was agreed that Lt. Y. would reach out to you to discuss this incident, and ways to prevent future misunderstandings between Signal 88 and APD. Lt. Y. notified the CPOA Investigator, via email, that he spoke with you regarding this incident and that the Lt. of the involved officers spoke with the officers about the incident, as well. Lt. Y. reported you now have direct contact with him so the two of you can resolve any misunderstandings between Signal 88 and how APD conducts business.

## III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because it was handled by Southeast Area Commander Lt. Y. and no further action is needed.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8932

**Re: CPC 091-19**

Dear Mr. T

On December 24, 2018, we received your complaint about an incident that occurred on that same date.

**I. THE COMPLAINT**

You called in your complaint to the CPOA Office and an employee took your complaint over the phone. You stated that on December 24, 2018 at about 11:30 AM near I-25 and Comanche, police vehicles were speeding past you on their way to a call and as the police vehicles sped past you, one of the vehicles kicked up rocks and glass. Part of that debris went into your vehicle through an open window and struck you in the left eye. The debris also caused damage to your car. You were unable to obtain any car numbers or license information because you were injured. You said the officers were driving way too fast and they could have caused an accident. You were given contact information for the Risk Management Division of the City of Albuquerque.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and was unable, based on the information provided to locate any possible calls for service in the area. The Investigator was also unable to identify which police cars may have been responding to a call at that time. Even if the investigator could locate possible officers in the area, it would be impossible to identify the officer whose car may have kicked up the rocks and debris.

### **III. CONCLUSION**

There simply isn't enough information contained in your complaint to conduct further investigation into the matter. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8949

**Re: CPC 092-19**

Dear Mr. M

On January 6, 2019, we received your complaint about two incidents that occurred. One of the incidents occurred on that same date and the other occurred the day before.

**I. THE COMPLAINT**

You wrote in your complaint that while you were shopping at Best Buy on January 5, 2019 at about 9:00 PM, you were approached by an APD Officer. The officer harassed you by telling you that he knows when someone is high and you needed to stop messing around and get what you were looking for and get out. You left the store right after that. The next day, you returned to the store and while you were shopping, you were confronted by a different APD Officer. That officer asked you what you were doing and accused you of causing a disturbance in the store the night before. You wrote that you felt that you were stereotyped because you were wearing a beanie and you have a mustache. You asked for the Sergeant of these officers to address the matter by telling the officers to not stereotype people just because of what they are wearing.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and the investigator was able to locate lapel camera video from both officers documenting their contacts with you. The lapel camera video from the first officer, from the first contact, showed that while you were in the store you appeared to be intoxicated. Store Security personnel had been monitoring you on their surveillance system and they alerted the police officer to your behavior. The officer approached you and told you that you appeared to be intoxicated. The officer told you to go ahead and get whatever you were going to get, make your purchase, and leave the store. You didn't buy anything and you chose to leave the store at that time.

In the second contact made the following day by a different officer, the officer was alerted to your presence in the store by the same store security person who had observed you the night before. The officer approached you and asked you what you had concealed in your pocket. You emptied your pockets, complained of being harassed, and told the officer you had been kicked out the night before. The officer told you that you had been kicked out for causing a disturbance. You argued that you did not cause a disturbance. You told the officer what occurred the night before. You told the officer that you felt you were mistreated the night before and the officers shouldn't be able to kick you out of the store. The officer explained to you some of the reasons why a person would be asked to leave the store, one of them being if a person was intoxicated. The officer asked you if you were going to purchase the items you had with you and you told him that you were. You then walked away and made your purchases and left the store.

### **III. CONCLUSION**

The evidence showed that there was no Standard Operating Procedure violation committed by either officer. There is no evidence available to minimally substantiate your claim that you were stereotyped because you were wearing a beanie and have a mustache. Because of that, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police



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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8956

**Re: CPC 093-19**

Dear Ms. I

On January 17, 2019, we received your complaint about an incident that occurred on November 24, 2016.

**I. THE COMPLAINT**

You wrote in your complaint that on November 24, 2016, Detective S. seized your firearm for evidence. The case has since been closed and two years have passed. You wrote that you need the Detective to go to evidence and sign a Release to Owner form. You wanted to get your revolver returned to you.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and reviewed the case file that documented why your gun was seized as evidence. The CPOA Investigator also reached out to the Detective to see what the status of the case was and he asked the Detective to call you. The Detective wrote the CPOA Investigator back and the Detective stated that he had contacted you and explained to you that he had contacted the District Attorney's (DA) Office about the matter. The DA told the Detective, and he in turn told you, that the DA is planning on refiling the charges in the case. The DA asked that the gun continue to be held in evidence. The Detective cannot release the gun to you as it is evidence in a criminal case.

**III. CONCLUSION**

The evidence showed that the gun is being held in evidence in a criminal case. It cannot be released to you at this time. We are unable to assist you any further in this matter. We are administratively closing your complaint and no further investigation will occur.

Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 0001 8867 8963

**Re: CPC 095-19**

Dear Mr. P

On January 31, 2019, we received your complaint about an incident that occurred on May 11, 2015.

**I. THE COMPLAINT**

You wrote in your complaint that you were filing the complaint as a citizen and that you had already been terminated by APD on May 11, 2015. You wrote that on that date, a formal hearing was held at the New Mexico Law Enforcement Academy regarding your police certification. You wrote that the hearing came about because your former supervisor singled you out for not responding to a Priority One Domestic Violence call on January 16, 2014. You alleged that you were on another call at the time. Your former supervisor was the only one who testified at the hearing. You alleged that while under oath, your former supervisor vilified you and gave several different accounts of dishonest testimony about your actions, conduct, and behavior. The testimony you alleged differed from and conflicted with statements given to APD Internal Affairs in June of 2014. You alleged the testimony may have constituted Perjury. You stated that the Supervisor's testimony mislead State Investigators with the NMLEA and the Attorney General's Office in order to "throw" you "under the bus". You cited various sections of the conduct SOP that you believed your former supervisor violated and you went on to state exactly how the CPOA should conduct its investigation. You asked that the former supervisor be held accountable for any misconduct and SOP violations and that you receive a written apology from all those involved in the APD Internal Affairs Investigation that resulted in your termination.

## **II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and reviewed the Internal Affairs File associated with your termination. You were terminated for previous acts of insubordination as well as your failure to respond to the Priority One Domestic Violence call. According to your own admission, you had already finished the call that you remained logged out on. You heard the officers calling out for help and although you were only a mile or so away from the call, your disdain for your former supervisor prompted you to ignore the call for help from your fellow officers. The officers who handled the call, including your former supervisor, received mild to moderate injuries. The IA case was thorough and complete. Though you had already been terminated by APD at the time of your hearing, this matter stemmed from your employment from APD. During your termination, you were afforded all due process and appeal rights that any APD officer is given. You were entitled to representation during all phases of the investigation and the termination proceedings. You were entitled to representation at the NMLEA hearing. Almost 4 years later, you filed your complaint with the CPOA.

## **III. CONCLUSION**

The evidence in this case showed that the Internal Affairs Investigation that resulted in your termination was complete and thorough. Our office can only investigate Perjury complaints if the allegation is brought forth by a judicial officer. Even then, Perjury is a crime and we have no jurisdiction to investigate criminal offenses. You have essentially asked our office, 5 years after your termination, to go back and conduct another investigation into the facts that were already investigated which resulted in your termination. Furthermore, you want our office to review the internal affairs statement and compare it to the sworn testimony given to the NMLEA by your former supervisor to determine if the supervisor committed perjury. To do so, would be duplicative of an investigation that already took place. Because your termination stemmed from an employment matter over which we have no jurisdiction, and your allegations would result in a duplicative investigation, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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

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

Edward Harness, Executive Director

May 10, 2019  
Via Certified Mail  
7007 0710 001 8867 8987

**Re: CPC 096-19**

Dear Mr. C

On January 8, 2019, we received your complaint about a two incidents. One incident occurred on April 9, 2018 and one occurred on September 8, 2018.

**I. THE COMPLAINT**

In your complaint, you claimed that on 04/09/18, you were arrested and falsely accused with breaking and entering and property damage to your Aunt's home located on Sunset Gardens in SW Albuquerque. You stated that you had only broken into the home to get away from someone who had shot you. You claimed that a man and a woman were also detained in the incident by APD. That man and woman told APD that no one was inside shooting at you. You claimed that APD refused you medical treatment like x-rays after your arrest, and you heard the officers later talking about how they were going to "cover this up."

The next part of your complaint detailed how your Attorney has failed to provide you with copies of the lapel videos and he is not representing you properly because he moved to the court for you to undergo a competency evaluation. You claimed your Attorney is working with APD to cover up your "being gunned down."

Days after that arrest, your father died and you suspect that someone killed him. You then complained about an incident that occurred on September 8, 2018. You claimed that in that incident you were falsely accused of indecent exposure. You claimed that Officer L. lied in his report when he said he asked you if you stuck your penis out at a stewardess at Godfather' Pizza. You claimed the officer never talked to you.

Attached to your complaint was a 6 page brief written by someone but signed by you. In summary, that brief claimed that you had formed enemies in 2016 and since then you have been pressured, harassed, violated, assaulted, falsely accused, and imprisoned.

You claimed your father was murdered. He was found inside his garage working on his van and died of carbon monoxide poisoning. When you found out your father died, you went for a walk and a stranger whom you "sort of know" approached you and told you he "did a job" and got paid \$10,000 for it. That is the same amount of money your father told you he would leave to you. That meant to you that the stranger killed your father.

You again complained about the incident when you broke into your aunt's home. You claimed others were detained. You claimed you were denied medical treatment. You were appointed a Public Defender who is covering for APD. You have not received any lapel videos from your lawyer.

You went on to say that individuals have told you that APD is involved with raping, drugging, and targeting the people of Albuquerque as part of their belonging to a Satanic Movement. You, your friends, and family are in constant danger.

You believe "these people" are wreaking havoc on society utilizing the black web and the black market. These people are breaking into homes and forcing individuals to engage in sexually sadistic behavior.

Once, they broke into your father's house and spread bath salts and the urinated on the walls and tampered with the food. These people forced your father to shoot up meth and they forced you to engage in a sexually perverted lifestyle which was videotaped. They then tried to extort money from your father, telling him to pay or they would kill you. They threatened that if he didn't pay, they would send the video tapes to the news casts.

The rest of your complaint was about your harsh treatment at MDC. You asked that all of your claims be investigated by the CPOA.

## **II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint and reviewed the police reports associated with your arrests. When you were arrested on April 9, 2018 the report showed that you broke into your Aunt's home shortly after midnight while she slept. She heard loud banging noises coming from the bathroom and being afraid, she ran from the home and called the police. Inside, you were heard to be yelling incoherently and making lots of noise. When officers ordered you from the home you responded by throwing things and yelling. You did not comply with the officers. A K-9 Unit was called in and you had barricaded yourself in the bathroom. You told the officers that you broke into the house because you were attempting to escape from a man who was trying to shoot you. You told the officers that the man who was trying to shoot you was inside the pipes. After 4 hours of negotiation, you were arrested without incident. Your Aunt said that she had trouble with you in the past but she had not seen or heard from you since November of 2017. You had destroyed the bathroom and tore pipes out of the wall. Your Aunt told the officers she would press charges against you for the damage you did to her home. You told the officers that you

were injured and had been shot. Seeing no apparent injuries, the officer asked you where you had been shot. You told the officer you were shot in both your arm and your leg. The officer checked and didn't see any gunshot wounds or bleeding from your person. You told the officer that the person who had shot you was still in the home. No one else was in the home and no one else was detained. Rescue was contacted and you WERE taken to Presbyterian Hospital because you requested to be taken. You were later released and jailed.

The CPOA Investigator reviewed the report concerning your arrest on September 8, 2018. IN that case, a woman employee of the pizza establishment, and not a stewardess, was eating dinner after the store had closed. The woman told the officers that as she was eating dinner, you approached the front doors. You stood in front of the glass doors, started at the employee, licked your lips and started rubbing your genitals. When she ignored you, you pulled down your pants exposing your penis and pressed it up against the glass doors. When she told you to leave, you pulled at the doors which were locked and screamed at the woman that you were going to "f\*\*\*" her. She felt you were trying to get into the store and so she ran to get help from another employee. You left and ran across the street but you were detained by a Security Guard. The officers contacted you and placed you under arrest. You did speak with Officer L.. You denied that you were at the pizza place. The woman who you allegedly exposed yourself to identified you and there was surveillance video at the store showing you at the front doors. The District Attorney was contacted and advised the officer to charge you with Assault with intent to commit a violent felony which he did.

There is preserved in evidence hours of lapel videos from both of your arrests.

### **III. CONCLUSION**

The evidence in this case shows that on both occasions probable cause existed to arrest you. There is no evidence to show that your arrests were part of some sort of a Satanic Movement in which APD is involved. You were not shot. You were provided medical treatment. You were identified as having exposed yourself and you were recorded on the business video doing so. We cannot help you with problems you are having with your Attorney or his representation of you. We also cannot help you with your treatment at MDC. Because we are unable to minimally substantiate your allegations, we are administratively closing your complaint and no further investigation will occur. Administratively closed complaints may be reopened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**

*Dr. William J. Kass*

*Chelsea Van Deventer*

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

*Valerie St. John*

*Leonard Waites*

Edward Harness, Executive Director

May 10, 2019

Via Certified Mail

7007 0710 0001 8867 8994

**Re: CPC #097-19**

Dear Mr. V

Our office received the complaint you filed on March 6, 2019, against Albuquerque Police Department (APD) Police Service Aide (PSA) G., regarding an incident which occurred on March 6, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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

### **I. THE COMPLAINT**

Mr. V said he was riding his bicycle on the right edge of the right lane of Northbound Louisiana Blvd, when PSA vehicle N45 drove by him. Mr. V complained the vehicle came within a few inches of him unnecessarily and after the vehicle passed him, the driver, PSA G., put their hands up in a "what" gesture. This incident scared Mr. V and it was unnecessarily dangerous. Mr. V requested PSA G.'s supervisor speak with them about the incident and also suggested share the road training for PSA G.



## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and forwarded the complaint to PSA G.'s supervisor, Sergeant (Sgt.) S., as you requested. Sgt. S. informed the CPOA Investigator, via email, that he spoke with PSA G. about the incident and cautioned PSA G. about his driving.

## III. CONCLUSION

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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

May 10, 2019  
Via Email

**Re: CPC #230-17**

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 December 19, 2017, regarding an incident that occurred on May 31, 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<sup>1</sup> wrote she and her fiancé were traveling westbound on Kathryn Ave SE through the intersection at San Mateo. A car traveling at high speed smashed into their vehicle. They were knocked unconscious and awoke at the hospital. The accident caused the death of her unborn child. Ms. S obtained the police report and found out officers conducted a MVD check on the vehicle that struck them. That check revealed that the temporary tag did not belong to the vehicle that struck them, but officers only "watched them speed down" San Mateo and did not attempt to pull them over. She wrote that if the officers had done their job properly, the accident would not have occurred. She claimed the officers were responsible for the death of her child. Ms. S<sup>1</sup> made demands of compensation in her complaint for her car and the loss of her child to which she was referred to Risk Management for those issues. Ms. S<sup>1</sup> claimed, "No lawyer wants to go after APD or wanted to do anything about our case."

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 reports, several lapel videos, Officer M's interview, and Officer H's interview. Ms. S communicated some via email with the investigator, but did not participate in the investigative process by providing an interview or supporting information.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4D4 regarding Officer M's conduct, which states:

*Personnel will perform their duties so as to maintain established standards of efficiency while carrying out the functions and objectives of the Department.*

Ms. S wrote a car traveling at high speed smashed into her vehicle, which caused injuries to her and her fiancé, her car to be totaled, and the death of her unborn child. Ms. S learned from the police report that officers ran the vehicle's temporary tag prior to the accident and saw that it did not match the description of the vehicle. Ms. S wrote from the police report she learned the officers watched the vehicle speed out of the parking lot and did not use lights and sirens to stop the vehicle. Ms. S wrote the officers watched the vehicle speed down San Mateo and did not attempt to pull the vehicle over. Ms. S claimed the police report stated that the officers did not attempt to pull the vehicle over or use their emergency lights even after they watched the criminal smash into her. Ms. S wrote if the officers had done their jobs properly and attempted to pull the individuals over for incorrect tags the accident would not have happened. She wrote she would have waited for the police car to go even if she missed her light.

The officers, riding two-man, were in the parking lot working on reports and viewing calls on the computer when they observed a suspicious vehicle in the drive-through at McDonalds. The vehicle appeared to be spray painted, which could indicate a stolen vehicle. The vehicle had a temporary tag, which they ran and determined the vehicle did not match the listed description for the tag. However, at that time there was no reasonable suspicion that they could investigate while the vehicle was on private property; no other crime was currently being committed and a mismatched temporary tag was a minor traffic infraction. They continued working on the computer and next observed the vehicle exiting the parking lot. The officers decided to follow in order to conduct a traffic stop. The vehicle did not speed out of the lot and obeyed traffic laws at that time. There was a several second delay from when the suspicious vehicle pulled onto the road to when they did; therefore, the vehicle was further ahead. It was possible the vehicle was speeding on the roadway, but was not driving erratically or evasively while they followed. They did not engage their emergency equipment yet because they were not close enough to pull over the vehicle for a traffic stop and did not have justified reason to be in a vehicle pursuit. Their actions should not have directly influenced the driver's next actions. When the vehicle approached the intersection of Kathryn, the light turned yellow then red. The vehicle did not slow down and instead sped up to go through the intersection. The vehicle struck Ms. S vehicle turning right onto San Mateo.

Ms. S was accurate in stating another vehicle that ran the red light struck her vehicle. Ms. S was also correct that the officers ran the temporary tag of the vehicle and there was an identified mismatch. However, the rest of Ms. S complaint was speculation. Neither the accident report nor the criminal arrest report of the other vehicle's occupants stated that the individual sped out of the parking lot at McDonalds or drove recklessly down San Mateo before the accident. Officers documented in the report their intention was to pull over the vehicle when in a position to do so. This follows APD policy 2-41-2A1b, which states that officers shall conduct the traffic stop in a safe location, which allows for a safe exit and approach to the violator's vehicle, avoiding potential hazards. The use of emergency lights and siren, PA system, and hazard lights are authorized at that time. Proper positioning for a traffic stop had not occurred yet. Ms. S expected officers to pursue the vehicle, but APD policy 2-45 defines when a vehicle pursuit is appropriate and this situation did not meet that criteria. The officers were not involved in a vehicle pursuit and properly did not use lights and sirens to pursue the vehicle. The distance between the McDonalds and the intersection is approximately .08 of a mile. The surveillance video of the accident showed the light on San Mateo change from yellow to red, the accident occurred, and the officers arrived with emergency lights on all within seconds so the entire incident occurred very quickly. The officers did not ignore or unreasonably delay taking action as Ms. S conjectured. The situation is tragic, but the accident was caused by the individuals that chose to run the red light and not due to officers violating policy.

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

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

A) The CPOA reviewed Standard Operating General Order 1-1-4D4 regarding Officer H's conduct, which states:

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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.

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**

*Dr. William J. Kass*

*Leonard Waites*

Edward Harness, Executive Director

*Chantal M. Galloway, Chair*

*Valerie St. John*

*Joanne Fine, Vice Chair*

*Chelsea Van Deventer*

May 10, 2019

Via Certified Mail

7007 0710 0001 8867 8826

**Re: CPC #071-19**

Dear Mr. P

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 21, 2019, regarding an incident that started on June 25, 2017.

### **I. THE COMPLAINT**

Mr. P submitted an online complaint regarding his allegation that Detective S has not followed up with his stolen property issue. In 2017, several guns were stolen from his home and in 2018; he determined several of them were sold through Valley Pawn. He wanted efforts made to return his stolen property. He sought the outcome of his property back and the thief prosecuted. Mr. P wrote he has left several messages for Detective S that she has not returned.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the police report of the theft, the information about the pawn, and had a conversation with Detective S and Sgt. A. On June 25, 2017, Mr. P called police to report several guns had been stolen out of his home over the course of the last month. Mr. P told the responding officers he suspected his daughter took them to support her drug habit. On June 28, 2017, the serial numbers of the guns he provided were entered into NCIC as stolen. Then on November 26, 2018 Mr. F came into the Southeast Substation and reported some of the serial numbers he provided were incorrect and was now providing the correct ones.

The CPOA Investigator spoke to Detective S who is part of the Pawn detail. The Pawn detail receives cases via stolen property hits on a specific database that the pawnshops enter their merchandise in, which picks up what has been entered into the national database as stolen property. There was over a year gap between when Mr. P reported the guns stolen to when he provided the correct serial numbers. The stolen guns did not flag in the system as stolen because the numbers Mr. P provided were originally incorrect. Detective S was not assigned the case, but Sgt. A from the Impact Unit asked Detective S' assistance because during

the investigation information came out that Mr. P daughter may have pawned the stolen guns. Detective S looked into the database for pawned items for Mr. F daughter and found the daughter had in fact pawned several firearms. Detective S reached out to Valley Pawn to inquire about when the weapons were sold and who purchased them. Detective S conveyed the information so far to Mr. P as a courtesy since it was not an active case assigned to her. Valley Pawn replied the guns were all sold, but did not provide additional information. Detective S reached out to ATF and her supervisor to determine if she could force the pawnshop to provide more information about the purchasers. She was told she could not currently compel the pawnshop to release their customer information. Being that Mr. P daughter had access to the home and there was not forced entry, the situation was not a simple house burglary and involved possible civil dispute property issues. However, based on the information Detective S obtained, Sgt. A of the Impact Unit assigned the case to one of his detectives to proceed with investigation into the theft. Mr. P would need to discuss the case with the Impact Unit and not Detective S.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the property had been sold legitimately through the pawnshop due to Mr. P delay in getting the proper information to law enforcement. The CPOA does not have jurisdiction to assist in retrieval of the property sold. The case is currently assigned to the Impact Unit for investigation and will await a prosecutorial decision from the District Attorney once the case is complete. Detective S is not part of that investigative or criminal charging process for this type of case. There is no SOP violation to investigate.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Board**

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

Edward Harness, Executive Director

May 15, 2019  
Via Email

**Re: CPC # 244-18**

Dear Mr. D

The Board may grant an Appeal only upon the complainant offering proof that:

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

On May 9, 2019 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY Board**

*Chantal M. Galloway, Chair*

*Joanne Fine, Vice Chair*

*Dr. William J. Kass*

*Valerie St. John*

*Chelsea Van Deventer*

*Leonard Waites*

Edward Harness, Executive Director

May 15, 2019

Via Certified Mail

7007 0710 0001 8867 9007

**Re: CPC #212-18**

Dear Mr. S

The Board may grant an Appeal only upon the complainant offering proof that:

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

cc: Albuquerque Police Department Chief of Police