

**CIVILIAN POLICE OVERSIGHT AGENCY BOARD**

*Chantal M. Galloway, Chair      Joanne Fine, Vice Chair      Dr. William J. Kass*

*Tara Armijo-Prewitt              Eric Olivas              Valerie St. John*

*Chelsea Van Deventer              Leonard Waites*

Edward Harness, Executive Director

**BOARD AGENDA**

**Thursday, November 14, 2019 – 5:00 PM**

**Vincent E. Griego Chambers**

- I. Welcome and call to order.**
- II. Pledge of Allegiance – *Eric Olivas***
- 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 October 10, 2019**
- VII. Reports from City Staff**
  - a. APD
  - b. City Council
  - c. Mayor’s Office
  - d. City Attorney
  - e. CPC
  - f. APOA
  - g. CPOA – *Edward Harness, Executive Director*
- VIII. Reports from Subcommittees**
  - a. **Community Outreach Subcommittee – *Joanne Fine***
    1. Met October 22, 2019
    2. Next meeting scheduled November 26, 2019
  - b. **Policy and Procedure Review Subcommittee – *Chelsea Van Deventer***
    1. OPA Policies 3-41 and 3-46
    2. SOP 1-61, 2-15, 2-42, 1-16, 2-49, 3-32, 2-43, 3-31 and 1-81
    3. Next meeting scheduled December 5, 2019
  - c. **Case Review Subcommittee – *Valerie St. John***
    1. Met October 22, 2019
    2. Notice of Board review for complaints
    3. Interviewing complainants
    4. Next meeting scheduled November 26, 2019
  - d. **Personnel Subcommittee – *Chantal Galloway***
    1. Met October 25, 2019

**2. Next meeting scheduled November 22, 2019**

**IX. Discussion**

- a. NACOLE Conference**
- b. Las Vegas Conference**
- c. IACP Conference**
- d. Audits of Cases**
- e. CPOA contracting a Facilitator**
- f. Board Member Qualifications**
- g. Meeting attendance**

**X. Consent Agenda Cases:**

**a. Administratively Closed Cases**

<b>068-19</b>	<b>069-19</b>	<b>121-19</b>	<b>139-19</b>	<b>154-19</b>
<b>158-19</b>	<b>187-19</b>	<b>190-19</b>	<b>197-19</b>	<b>198-19</b>
<b>199-19</b>	<b>200-19</b>	<b>211-19</b>		

**b. Unfounded and Exonerated**

<b>045-19</b>	<b>110-19</b>	<b>165-19</b>	<b>172-19</b>	<b>189-19</b>
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**c. Sustained**

**144-19**

**XI. Appeal and Possible Audit**

**132-18**

- i. Closed discussion for deliberations by the POB in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3)**

**XII. Non-Consent Agenda:**

**XIII. Non-Concurrence Cases:**

- a. CPC 184-18**

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

**XV. CPOA Board's Review of Garrity Materials:**

**XVI. Meeting with Counsel re: Pending Litigation or Personnel Issues:**

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

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

**i. Executive Director**

**XVII. Other Business**

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

**XVIII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on December 12, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.***

## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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*Chelsea Van Deventer*                      *Leonard Waites*

Edward Harness, Executive Director

November 15, 2019  
Via Certified Mail  
7018 1130 0002 3428 9542

**Re: CPC #068-19**

Dear Ms. B

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 14, 2019, regarding an incident that occurred on January 16, 2019.

### I. THE COMPLAINT

Ms. B did not file a civilian complaint, but called the Mayor's office to complain that officers used excessive force and stepped on her neck to restrain her. This information was forwarded to the Foothills Area Commander. Ms. B, Ms. B's mother, filed a civilian complaint on about the same date with the CPOA. Ms. S. B wrote she called police to take her daughter to the hospital due to a psychotic break and the inability of medical personnel to treat her daughter. She wrote her daughter had been hearing voices telling her to kill her, their dog, and herself. She had been taken to the hospital, but according to her, the hospital released her without treating her daughter. Ms. S. B wrote she was advised by police that officers were at the back of the apartment complex with her daughter. She ran back and saw a Hispanic officer, later identified as Officer V, stepping with his foot, jumping on her neck. She claimed he looked around and when he saw her approaching, he put his hand up. She stopped and the officer told her that her daughter was going to jail. She also wrote Officer G told her daughter she should have killed herself. Ms. S. B desired as an outcome the charges dropped against her daughter due to her mental disability.

### II. INVESTIGATION

The CPOA Investigator reviewed the interview conducted by a CIRT detective of Ms. B, the various lapel videos, the police report, and the use of force investigation conducted by APD. In Ms. M. B interview with the CIRT detective, she complained she was forced to the ground and that was unnecessary. She told the detective she was not told she was under arrest, however, the lapel video showed she was told she was under arrest and told to put her hands behind her back, which she refused. Ms. M. B admitted she tried to kick and bite the officers. The lapel videos showed she threw things at the officers and tried to

kick and bite when they tried to handcuff her. Ms. M. B denied she was kicked or punched by officers. She complained her head hurt because she rammed it repeatedly into the divider. The videos showed the officers told her to stop and when she did not they put padded headgear on her. Ms. M. F told the detective she said she wanted to kill herself and complained the officers said she should have, but the lapel videos showed that did not happen. The lapel videos showed that Ms. S. B allegations were false regarding the force used against her daughter. The videos showed that no one stepped on her daughter's neck or jumped on her neck. Ms. S. B was not present when officers took her daughter into custody. She was present when officers took her daughter out of the car to put the headgear and the Passive Restraint System (PRS) on, but no one stepped on her daughter then either. No officer said anything to her about she should have killed herself.

The CPOA Investigator reviewed the use of force investigation conducted by the department. The department concluded the force used was within policy. The evidence review supported that assessment.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no minimal substantiation for the allegations in the 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

cc: Albuquerque Police Department Chief of Police

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*Valerie St. John*

*Leonard Waites*

Edward Harness, Executive Director

November 15, 2019

Via Email

**Re: CPC #069-19**

Dear Mr. M

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 14, 2019, regarding an incident that occurred on January 28, 2019.

### **I. THE COMPLAINT**

W. M submitted an emailed complaint regarding his allegation that an officer pulled him over after he dropped his son off at school and gave him a citation without explanation. There were vehicles parked along the curb that did not receive a parking ticket. The curb was not painted red or yellow. Mr. M believed he was entitled to a refund and an apology from the officer.

### **II. INVESTIGATION**

The CPOA Investigator requested a copy of the citation from Mr. M, which he provided. Mr. M said he was the only person that received a citation despite there being other individuals doing the same thing or parked in the same area. The citation was for 8-5-1-1A, which the overall header is stopping, standing, or parking prohibited no signs required. The location in question was reviewed. The lane along the curb is marked with white, diagonal stripes. The markings indicate this is not a lane for driving, stopping, or parking. There were other vehicles stopped and cited for the same violation as the officer was conducting a targeted enforcement plan. The parking citation had instructions about how to pay the citation or how to contest the citation. The CPOA is not the appropriate agency to request a refund of fees. Mr. M would have to file a claim with the City of Albuquerque Risk Management department at 505-768-3080. However, the proper remedy to contest the citation would have been through court as explained on the citation.

There was not a lapel recording with Mr. M. There was, however, a lapel video immediately after Mr. M stopping an individual for the same thing. Officer M provided a quick explanation to the driver that he could not drop children off in that area. The person wondered why he observed the officer pulling people over and mentioned everyone did it. Officer M

Letter to Mr. M  
November 15, 2019  
Page 2

explained not anymore, as the dropping off in that area was being enforced. Officer M was conducting a tactical plan for this type of violation and several vehicles were cited for this violation; Mr. M was not the only person cited.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was a committed violation to justify the issuance of the ticket. In investigating the complaint, a minor potential policy violation was identified, as there was not a lapel recording of Mr. M stop. The Executive Director determined the possible policy violation was minor given that Mr. M concern was over the properness of the citation issuance.

The CPOA Board disagrees with the decision of the Executive Director. The CPOA Board finds Officer M.'s conduct to be a **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT** for this allegation, which means the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

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*Chelsea Van Deventer*                      *Leonard Waites*

Edward Harness, Executive Director

November 5, 2019  
Via Certified Mail

7018 1130 0002 3428 9559

**Re: CPC #121-19**

Dear Ms. B

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 15, 2019 regarding an incident that occurred on February 23, 2019 and other dates listed including January 1, 2016.

### **I. THE COMPLAINT**

Ms. B filed a written complaint that complained about many different incidents and dates. The first and oldest incident she complained about was January 1, 2016 at Lovelace Hospital. She wrote her ex, D G abandoned her son for not wanting to install a car seat properly. She had already left the hospital, but then returned. She wanted to know why her ex was not charged with abandonment.

The other main incident she wrote about was that she was "shot in the chest with a rock and slingshot." Police told her there was nothing they could do. She was scared and wanted to know who did it. Officers told her a rock flew from the street. She wrote other officers at Presbyterian Hospital told her they would not do anything because there were no cameras. However, she claimed she watched the news and the same area in the news featured as having a camera. As part of the written description for this incident, she provided the dates of February 23, 2019 and March 16, 2019. This was at the bus stop in front of CVS on Louisiana and Central.

### **II. INVESTIGATION**

The CPOA Investigator had CADs attempt to find any calls for service involving Ms. B surrounding February 23, 2019 and the January 1, 2016 incident. Calls were located from February 23, 24, 27 and March 28, 2019. The date of March 16, 2019 was not located. The date of January 1, 2016 was not located.

The security supervisor for the City of Albuquerque was contacted to determine if there were any cameras in the area that would have captured the bus stop where she said she was struck with a



rock. The security supervisor advised there were no bus stop cameras for that intersection. The nearby ART platform camera was not yet in service. There were no other apparent cameras. There was no information provided about what news outlet claimed there were cameras.

Officers responded to Presbyterian Hospital on February 23, 2019. She informed officers she was struck in the chest with a rock, but did not have information about who might have done it. A few hours later, she called officers again this time while at Lovelace Hospital. She complained Presbyterian did not treat her so she went to Lovelace. Then while at Lovelace she told officers she was not given treatment and was told, she had to vacate the premises. When she refused to leave without treatment security officers dragged her out and twisted her wrist. She wanted APD officers to press charges against the security officers. The CAD comments from the officers were that Ms. B was upset and disruptive because the doctors refused to take x-rays of her chest. The officers' interactions were on video. The officers tried to discuss the situation with Ms. B but the video showed she was yelling and crying most of the time and it was difficult to have a coherent conversation with her. One of the officers talked to security to get their side. The nurse and security explained the situation. A nurse practitioner assessed her and determined what treatment was necessary, which Ms. B disagreed with his assessment and felt he was unqualified. The nurse practitioner discharged her and when she refused to leave security escorted her out of the building. Ms. B left with a friend to go to a different hospital.

Officers responded to Ms. B home on February 27, 2019 when she reported the issues with being struck with a rock, Lovelace denying her treatment, security dragging her out, and other miscellaneous things about her ex and custody. A police report was written detailing out the investigation conducted into the incident at Lovelace and security. The other issues were outside of APD's scope or there was not enough information to pursue. Two officers and a sergeant were present and all had lapel videos. Ms. B fluctuated between being able to explain things calmly to yelling, crying, and being very difficult to understand. She described being struck with the rock, but did not provide information enough to follow-up on that issue. She described what happened at Lovelace and argued with the officers and the sergeant about her understanding of the law and the legal obligations of the hospital. She talked about things regarding her ex and court, which the officers explained were not in their jurisdiction. The end agreement by the sergeant was to pass along a message to a different sergeant regarding her case about custodial interference and investigate the incident with security at Lovelace. The sergeant was very straight with her that they did not have enough information to investigate what happened regarding the rock that struck her. She talked about trying to determine herself what happened and seeing her own justice, which the officers strongly told her, was inadvisable. The primary officer did go to the hospital and reviewed the video of security and Ms. B. He observed Ms. B acting out of control at the hospital. Hospital security used proper escort techniques.

The final call located was an officer responded to Lovelace Hospital on March 28, 2019. Ms. B was there demanding that Lovelace pay her hospital bill she incurred at Presbyterian and rehashed the incident with security. The officer ran his lapel video. The video showed Ms. B had unrealistic expectations of what should occur and became upset and difficult to

Letter to Ms. B

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understand many times. The officer researched the issue again with security. He provided her the case number of the report written the previous month by APD officers. He explained to her that the rest of her issues were civil matters.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify her issue concerning her ex at the hospital. The review of the other dates showed there was no violation on the part of the officers regarding the investigation conducted into her conflict with security. There was no available evidence to answer her question about who struck her with the rock.

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

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Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9566

**Re: CPC #139-19**

Dear Mr. W

Our office received the complaint you filed on June 5, 2019, against Albuquerque Police Department (APD) Police Officer C., regarding an incident which occurred on June 4, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. While researching the allegations of your complaint, the Investigator learned you requested to withdraw your complaint; therefore this complaint will be **ADMINISTRATIVELY CLOSED**.

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

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

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.

Executive Director

(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified mail

7018 1130 0002 3428 9573

**Re: CPC #154-19**

Dear Mr. K

Our office received the complaint you filed on July 8, 2019, against Albuquerque Police Department (APD) Officer F. regarding an incident which occurred on an unknown date and time. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint.

### **I. THE COMPLAINT**

Mr. K said he and his wife went to Smith's on Coors and Central for gas and as they left they headed North on Coors. He was driving slowly so his wife could catch up to him when he notices a vehicle speed up behind him and tailgate him. He said he waited to allow the vehicle to pass him but it didn't despite no other cars being in the other two lanes heading North on Coors. He complained that the car continued to tailgate him so he accelerated to get away from the vehicle because the tint on his windows was too dark to allow him to see the darkened vehicle behind him. He complained he felt threatened for his life as the vehicle continued to follow him as he turned off of Coors. The vehicle behind then turned on its emergency lights and he complained that the officer told him to put his hands on the steering wheel.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaints and was unable to locate any CADs reports, written reports or lapel video recordings for the alleged incident because there was no incident date and time on your complaint. In an effort to obtain this information, the Investigator attempted to contact you on August 28, 2019 and September 4, 2019, via telephone, at the phone number you listed on your complaint; however, was unable to reach you and so left you two voicemails. You did not respond to the voicemails and you did not list an email address on the complaint so the Investigator was unable to contact you via email.

### III. CONCLUSION

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9641

**Re: CPC #158-19**

Dear Ms. M            -C

Our office received the complaint you filed on May 5, 2019, against Albuquerque Police Department (APD) Officer W., Officer Do. H., and Officer De. H., regarding an incident which occurred on May 3, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

NM 87103

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

Ms. M            -C    complained that APD Officers W., Do. H., and De. H., took custody of her grandson, N., without any paperwork and without a Children Youth and Family Department (CYFD) caseworker present. She complained that her brother, L            M            , bragged to her that the officers said "we got her real bad" and "we are not through with her" and that "we have some more stuff up our sleeves but I can't say right now." She complained these officers interfered with her custody issues involving N. and her daughter, N.'s mother. She alleged that L            M            asked an officer, with whom he is friends, to intercede and take N. away from her, as well as interfere in the family dispute between her and her daughter. She complained the officers didn't follow procedure when they didn't have official paperwork, or a CYFD worker with them. She alleged the officers made threats against her and wants assurance that her civil rights will be protected.

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, Officer W.'s written report, Officer De. H.'s written report, Detective L.'s written report, Officer F.'s written report, 3 CADs reports, and 13 lapel camera video recordings related to this case. The Investigator spoke with you over the phone for over 40 minutes, and spoke with your attorney, as well, and then reached

Letter to Ms. M -C  
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out several times to schedule an interview with you and your attorney; however, the Investigator's attempts to schedule an interview were unsuccessful.

### III. CONCLUSION

To preserve your rights under this complaint, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint. When you and your attorney are available to speak with our agency, we will reopen the complaint.

Please contact the CPOA when you 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

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*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9580

**Re: CPC #187-19**

Dear Ms. B

Our office received the complaint you filed on July 16, 2019, against Albuquerque Police Department (APD) Officer S. regarding an incident which occurred on July 16, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

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

### **I. THE COMPLAINT**

Ms. B y complained that Officer S. was unprofessional when he refused to shake her son's hand when her son introduced himself to Officer S..

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, Officer S.'s written report, CADs report and 5 associated lapel camera video recordings. The evidence showed that Officer S. and Officer C. responded to your residence to take a report from your 21 year old son regarding a battery against him and the theft of his cell phone.

Lapel videos showed that upon Officer S. and Officer C.'s entry into your home, your son extended his hand for Officer S. to shake it but Officer S. did not reciprocate the gesture. Lapel videos showed Officer S. was professional throughout his interaction with you and your son and took the report for your son and told him he would write a report about the alleged incident.

### **III. CONCLUSION**

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



Letter to Ms. Bi

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Page 2

although Officer S. did not return your son's handshake, it is considered a minor violation of an APD SOP.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

**AGENCIA DE SUPERVISIÓN CIVIL DE LA POLICÍA**  
**Junta de Supervisión de la Policía (Police Oversight Board)**

*Chantal M. Galloway, presidenta Joanne Fine, vicepresidenta*

*Tara Armijo-Prewitt*

*Dr. William J. Kass*

*Eric Olivas*

*Valerie St. John*

*Chelsea Van Deventer*

*Leonard Waites*

Edward Harness, director ejecutivo

November 15, 2019

Por correo certificado

7713 1130 0002 3428 9597

**Asunto: CPC #190-19**

Estimada Sra. G.

Un investigador de la Agencia de Supervisión Civil de la Policía (Civilian Police Oversight Agency, CPOA) fue asignado para investigar su reclamo contra los oficiales del Departamento de Policía de Albuquerque (Albuquerque Police Department, APD) el 12 de agosto de 2019, con respecto a un incidente que ocurrió el 1 de septiembre de 2018.

**I. EL RECLAMO**

M. R. -R. y M. G. presentaron reclamos ante la oficina del Fiscal General del Estado con respecto al informe policial redactado cuando M. R. fue encontrado muerto. El Sr. R. -R. indicó que faltaba información en el informe policial y que no estaba satisfecho con la investigación. Además, el Sr. R. -R. mencionó que el informe policial no incluía varias lesiones que indicaban que había ocurrido un forcejeo y que M. R. no se había suicidado. Estas lesiones eran la falta de un diente, un golpe detrás de la cabeza, los labios morados, un rasguño arriba del ojo y en el pecho, y moretones en los nudillos. El Sr. R. -R. señaló que un vecino estaba dispuesto a declarar que había escuchado un disparo. El Sr. R. R. quería que se reabriera el caso para su investigación. La Sra. G. redactó un reclamo similar en el que informaba que el cuerpo del fallecido tenía lesiones que insinuarían que había ocurrido un forcejeo.

**II. LA INVESTIGACIÓN**

El investigador de la CPOA revisó el informe policial, los videos de solapa y el informe de la Oficina del Investigador Médico (Office of Medical Investigator, OMI). El informe policial indicaba que el Sr. R. había sido encontrado ahorcado en el garaje por su novia B. C. y un hijo menor RC. Lo bajaron del techo y le quitaron la cuerda. La Sra. O. informó que el Sr. R. entraba y salía del garaje mientras consumía alcohol. La Sra. O. sospechó que el Sr. R. también había consumido estupefacientes. La Sra. O. les dijo a los oficiales que el Sr. R. sospechaba que ella era infiel con otra mujer, por eso, le preguntaba sobre sus actividades. La Sra. O. informó en ese momento que tres días antes había ocurrido un incidente de violencia doméstica no denunciado donde afirmó que el Sr. R. le había pegado en la cabeza. El oficial S también documentó que el Sr. R. -R. llegó a la escena y acusó a la Sra. O. de haber convencido a su hijo de que se suicide. El investigador de la OMI determinó que no había nada sospechoso y que la muerte era un claro suicidio.

El investigador de la CPOA revisó el informe de la OMI, que determinaba que la causa de muerte era ahorcamiento y el modo era suicidio. El informe de la OMI mencionaba las lesiones en la cara y en la cabeza que el Sr. R. -R. y la Sra. G. mencionaron en sus reclamos. El informe de la OMI

indicaba que las lesiones podrían haberse causado durante el proceso en el que bajaron al Sr. R y los intentos de resucitación. El informe de la OMI también mencionaba que en la revisión de las imágenes seleccionadas, interpretadas por el patólogo forense, no se detectaron lesiones traumáticas letales agudas ni una enfermedad natural significativa. El informe toxicológico de la OMI mencionaba la presencia de alcohol y cocaína.

El investigador de la CPOA revisó múltiples videos de solapa. Los oficiales llegaron y aplicaron inmediatamente procedimientos para intentar salvarle la vida. Los paramédicos intubaron al Sr. R y usaron un dispositivo para aplicar fuertes compresiones en el pecho, que movieron significativamente su cuerpo hacia arriba y hacia abajo. Intentaron revivir al Sr. R por un largo período. Los oficiales hablaron con la Sra. O sobre lo que había sucedido. Ella informó que el Sr. R estuvo fuera del alcance de su visión en el garaje durante entre diez y veinte minutos. Su hijo encontró al Sr. R y la llamó. Ella bajó al Sr. R del cielo raso del garaje. En el video, el rescatista le describió a la Sra. O las medidas que implementaron para resucitar al Sr. R, que incluyeron ponerle un respirador en la garganta y golpearle el pecho para intentar reanimar el corazón. Esto se aplicó durante más de treinta minutos. No pudieron resucitarlo. Llegó la familia del Sr. R que estaba comprensiblemente desconsolada.

### III. CONCLUSIÓN

La CPOA ha tomado la decisión de **CERRAR A NIVEL ADMINISTRATIVO** el reclamo. Los videos, el informe policial y el informe de la OMI proporcionaron información que indicaba que las lesiones observadas no se debieron a un forcejeo que provocó la muerte del Sr. R. En el informe policial, no se describían minuciosamente lesiones en este tipo de situación, ya que los oficiales se basan en la experiencia de la OMI. Algunas de las lesiones se atribuyeron al proceso que tuvo lugar cuando la Sra. C y de hijo menor bajaron al Sr. R del techo, en especial, en un garaje con muchos elementos desordenados. Las otras lesiones fueron el resultado de los esfuerzos de resucitación, en especial, las lesiones en la boca y el pecho. También existió el incidente de violencia doméstica que habría razonablemente explicado las lesiones, en particular, las lesiones de los nudillos. La OMI llevó a cabo su investigación y tomó la determinación oficial de que fue un suicidio. Las pruebas disponibles respaldan el enfoque de que la investigación y el informe del Departamento de Policía de Albuquerque se hicieron conforme a la política. No se aportó ni la más mínima prueba de violaciones de la política.

Los reclamos cerrados a nivel administrativo se pueden volver a abrir si se dispone de información adicional. Comuníquese con la CPOA con respecto a su reclamo si puede proporcionar más información y si desea que se reabra el reclamo.

Si tiene una computadora, agradeceríamos enormemente que complete el formulario de nuestra encuesta para clientes en <http://www.cabq.gov/cpoa/survey>.

Gracias por participar en el proceso de supervisión civil de la policía, para garantizar que los oficiales y el personal del APD asuman su responsabilidad y mejorar el proceso.

Carta para la Sra. G  
November 15, 2019  
Página 3

Atentamente.  
Agencia de Supervisión Civil de la Policía por



Edward Hainess, abogado  
Director ejecutivo

cc: Jefe de policía del Departamento de Policía de Albuquerque

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Civilian Police Oversight Agency Board**

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*Chelsea Van Deventer*                      *Leonard Waites*

Edward Harness, Executive Director

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9603

**Re: CPC 197-19**

Dear Ms. V

On July 08, 2019, we received a complaint you filed online for an incident that took place on July 5, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You wrote in your complaint that on July 5, 2019 at nearly midnight, you were half asleep with your 14 month old son when you heard very loud knocking on your door. You believed that you never heard the people who were knocking on your door identify themselves as APD or say "police, open up." You heard someone say "it's me". You thought it was a family member so you opened the door. You stated that one of the APD officers who was at your door, male Officer M., was extremely disrespectful to you and he told you that you could not tend to your child whom you had left in the bedroom. You felt that male Officer M. disrespected you because he accused you of having smoked meth. You stated that male Officer M. asked if he could look in your purse because he thought he had seen you conceal a pipe in the purse. You stated that male Officer M. "completely dumped my purse and when I asked him to pick up my belongings he did not" and he ignored you after you asked him to pick up some pennies and a screw that were on the floor as a result of the dumped purse. You stated the officer just walked away and that left the small objects behind where your son could get ahold of them and choke on them. You stated that male Officer M. was the one who made your home unsafe. You wanted male Officer M. suspended and re-trained.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator reviewed the associated Police Report, the associated Computer Assisted Dispatch (CAD) report, and three lapel camera video recordings made by the two officers the scene.

The CAD report showed that the grandmother of your son called the police to report that you had gone by her house earlier and that you made threats against her son, your baby's father. She alleged that you appeared to be under the influence of narcotics and she was concerned about the welfare of your son. She requested that APD officers go to your home and check to make sure the baby was okay.

Officer M. a male officer, and another Officer M. a female officer, arrived at your apartment at 11:30 PM. The lapel videos of both officers knocked on your door and announced themselves as APD. You asked who it was when they knocked again and again they identified themselves as APD. You opened the door and the female officer again stated they were APD. They explained to you that they were there to do a welfare check on your son and they asked if they could come in and you said that they could. Once inside, the lapel camera showed, you went directly to a table, picked something up, and then put it in a black purse under the table. Officer M., the male officer asked you not to be reaching inside the bag while the female officer went to the bedroom to retrieve your son. The female officer brought your son out to you. You told the officers that you suspected the baby's father had called the police on you because you had recently filed for child support. The videos showed the officers physically checking your son for signs of child abuse or neglect while you changed your son's diaper. The videos showed the officers checking your home to make sure you had adequate food and supplies to care for the child and it was a safe environment for your child. Male Officer M. asked you what you had taken off the table and put in the black purse. You did not immediately answer and then you told him it was some papers. He told you that he did not see any papers. After you changed the baby's diaper, the officer again asked you what you had put in your purse. You told the officer you put an EBT card in there and he said that he said that he saw you put a glass pipe in your purse. You said, "Pipe? No, I don't have a pipe. There's not a pipe in there. Look. There's not no pipe in there." You showed the officers some of the contents of your purse and then the officer asked you when the last time was that you used meth. You denied ever using meth but admitted that you smoke marijuana when you can afford it and the last time was three weeks prior. The officer again told you that he was "pretty sure" he saw a glass pipe on the table which you picked up and concealed in the purse. You told him that you just showed him there was no pipe in the purse. You then said, "You can look. Here." The male Officer M. asked you, "Can you just dump your purse ma'am? Can you just turn it over please?" The video showed it was you and not the officer who dumped the contents of the purse on the floor. When you gave the supposed empty bag to the officers, the video showed that there was in fact, a pipe in an open zippered side pocket of the purse. Male Officer M. told you that he wasn't going to charge you with being in possession of the marijuana pipe that was found. He said, "I just want to make sure you are okay to take care of your son." You stated that you were and then demanded that the officers go to the child's father's home and search it because he has lots of paraphernalia there. Female Officer M. explained that the child was with you and that was the call they were handling. She explained that no one had called in a complaint of suspected child abuse on the father but if they did, APD would handle it. You stated that you were going to call the father in to APD. The videos showed that you then asked the officers to pick up the contents of the purse and they did. When you asked male Officer M. if he could pick up the contents of the purse you dumped on the floor, he said, "Yes ma'am." The lapel video showed that the officer did not ignore you and walk away as you alleged in your complaint.

### III. CONCLUSION

In this case you alleged that APD male Officer M. and the female officer did not identify themselves as APD. They did. You consented to their entering your home. You alleged that male Officer M. was disrespectful to you and the video showed that was not the case. In fact, both officers treated you respectfully as they conducted their investigation. The initial call indicated that you were possibly under the influence of narcotics. Male Officer M. saw you go directly from the door to a table where he saw you grab a pipe and conceal it in your purse. Glass pipes are often used for smoking methamphetamine. Male Officer M.'s question to you about smoking meth was not unreasonable or disrespectful and was within the scope of his investigation. You repeatedly denied to the officers that you had a pipe in your purse. You gave your consent for them to search it. There was a pipe that you concealed in your purse and it was discovered by the officers. You asked the officers to pick up the contents of your purse, which you emptied, and they did. Any small objects that may not have been picked up by the officers could easily have been picked up by you after the officers left with no enforcement action being taken. Based on the available evidence reviewed by the CPOA Investigator, we are unable to minimally substantiate your allegations against male Officer M, and you made no allegations against female Officer M.. Because we are unable to minimally substantiate your allegations, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Civilian Police Oversight Agency Board**

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*Chelsea Van Deventer*              *Leonard Waites*

Edward Harness, Executive Director

November 15, 2019  
Via Certified Mail  
7018 1130 0002 3428 9610

**Re: CPC 198-19**

Dear Ms. C

On July 30, 2019, we received a complaint you filed online for an incident that took place on that same date. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

#### **I. THE COMPLAINT**

You wrote in your complaint that on July 30, 2019 earlier in the day a call had been placed to the police after a man threatened you and another employee at your place of business. APD Officer S. arrived and asked man to leave. The man left and walked around the building and fell asleep in the alley. You called the police again at about 11:30 after a customer tried to wake the man up and the man flashed a gun at the customer. Officer S. showed up to the second call as well and asked the man to leave again. You alleged the officer did not criminally trespass the individual or do anything about the weapon. You asked that individuals be criminally trespassed and that you be provided with police reports in the future.

#### **II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator reviewed the associated Police Report, the associated Computer Assisted Dispatch (CAD) reports, and a lapel camera video recording made by Officer S. during the contact.

The initial CAD report showed that a man named P        called to report that a man was inside your business and he was yelling. There was no report that anyone had been threatened. The man was contacted by the police officer and told to leave the store and he did. The second CAD report showed that you called to report the man laying on the west side of your building and you reported that the man had shown the gun to you. Officer S. arrived two minutes later. During that time, someone else called to report that the man had a gun and he was carrying it



in his hand. The lapel video showed that the officer arrived and told the man that he had to leave your property. The lapel video showed the man did not have a gun in his hand. The officer lifted the man's shirt but did not see a gun in the man's waistband. As the man walked away, you and three other customers told the officer that the man did indeed have a gun on him. No one reported to the officer that the man had threatened them with the gun or pointed the gun at them. The officer detained the man and searched him and found an unloaded .380 caliber handgun in the man's back pocket. There was no magazine in the gun and the man had no ammunition for the gun, nor did he have the magazine in his possession. The officer ran the serial number on the gun and it did not come back stolen. The man claimed he had found the gun on the street. The officer checked to see if the man was a convicted felon and he was not. The officer told the man that since the man found the gun, he was going to take the gun from him and place it in evidence so it could be claimed by later. The man was told by the officer that he was not allowed to be on the business property and if he returned he would be subject to arrest. The man was then released and told to leave the area which he did. The officer did write a report on the incident and the handgun was placed in evidence. It should be noted that no one from the business asked the officer to issue the man a criminal trespass warning.

### III. CONCLUSION

In this case you alleged that the Officer S. did not criminally trespass the man or do anything about his weapon. Officers do not automatically write Criminal Trespass Warnings to individuals asked to leave a business unless the officers are asked to do so by an owner, manager, or employee. As the evidence showed, the gun was taken away from the man and placed in evidence. A report was written. The case number on the report is

There was nothing to prevent the man from being in possession of the handgun. He was not a convicted felon. In the video, the man did not appear to be intoxicated, though he may have exhibited some mental health issues. Carrying an unloaded concealed firearm is not against the law. Though your business sells alcohol, it is not sold for consumption on the premises so the felony of carrying a firearm in a liquor establishment would not apply. Officers are encouraged by Standard Operating Procedure and a Settlement Agreement in a civil case, not to arrest an individual on misdemeanor charges unless it is absolutely necessary to do so. A review of the available evidence in the case showed that an arrest was not necessary.

Because we are unable to minimally substantiate your allegations, 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**

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*Chelsea Van Deventer*

*Leonard Waites*

Edward Harness, Executive Director

August 15, 2019  
Via Email

**Re: CPC 199-19**

Dear Mr. J

On July 05, 2019, we received a complaint you filed online for an incident that took place on July 1, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You wrote in your complaint that on July 1, 2019 you were involved in an accident with an off duty APD Police Officer, Officer G..You did not know the man who struck your vehicle was an APD Officer at the time. You exchanged information and the off duty officer suggested a body shop owned by a friend of his that you could take your car to for repairs. You took your car to that shop but did not feel comfortable having them do the work. You contacted the off duty officer and you told him that your car was leaking antifreeze and that you needed a vehicle the following day so you could take your child to a doctor's appointment. The off duty officer relied back, "Well what do you want me to do about it? We already left the scene." You felt that was a rude response and that you were being bullied. After that you filed a claim with the off duty officer's insurance company. Days later, you found out through Facebook that the man whom you had been involved in an accident with was an APD officer. You stated that if we did not address your complaint that you would be contacting an attorney, the Mayor's office, and the local news stations.

**II. THE INVESTIGATION**

In an effort to assist you, a CPOA Investigator reviewed your complaint. The off duty officer was in his personally owned vehicle at the time of the accident. The off duty officer exchanged information with you and provided you with his insurance company information. The off duty officer never identified himself to you as an APD Officer and it was not until days later, and after you filed a claim on the off duty officer's insurance company that you searched Facebook and found out that the man involved in the accident with you was an APD Officer. That was when you decided to file a complaint.

### III. CONCLUSION

In this case, Officer G. was off duty, in his personally owned vehicle, when he struck your car. He never identified himself to you as an APD Officer. Officer G. complied with the law by exchanging information with you and he provided you with his insurance company information. This is a civil matter between you and Officer G. and his insurance company. There is no evidence contained in your complaint to support that a violation of any APD Standard Operating Procedure occurred.

Because we are unable to minimally substantiate your allegations, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9627

**Re: CPC #200-19**

Dear Mr. V

Our office received the complaint you filed on August 13, 2019, against C.B., regarding an incident which occurred on July 1, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and learned that C.B. is not an Albuquerque Police Department (APD) Officer or Employee, and we do not know for which department C.B. works; therefore we have no jurisdiction over C.B. and are administratively closing your complaint.

PO Box 1293

Albuquerque

NM 87103

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

Sincerely,  
The Civilian Police Oversight Agency by

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

**CIVILIAN POLICE OVERSIGHT AGENCY**

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

November 15, 2019  
Via Certified Mail  
70188 1130 0002 3428 9658

**Re: CPC #211-19**

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 October 3, 2019, regarding an incident that occurred on or about August 14, 2019.

**I. THE COMPLAINT**

J P submitted an online complaint regarding his allegation that a female officer observed a hit and run accident in the Walgreens parking lot and yet did nothing. Mr. P wrote the officer exhibited a disinterested attitude when he talked to her about it. She did not pull over the vehicle that hit him and left. Mr. P wrote Walgreens had the entire incident on video.

**II. INVESTIGATION**

The CPOA Investigator contacted the store in question and was referred to their corporate office. The Loss Prevention manager for Walgreens reviewed the video for that day and found no incident in their parking lot.

The CPOA Investigator contacted Mr. P to see if he had any identifying information for the officer, he did not. The CPOA Investigator had CADs attempt to identify the possible officer. There were no calls for service in the area of the Walgreens to provide a possible identification. There is not enough information provided to identify the officer.

Mr. P understood an investigation could not be completed, but he could refile if he had more information.

**III. CONCLUSION**

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

Letter to Mr. Pa  
November 15, 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

### Civilian Police Oversight Agency Board

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*Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9634

**Re: CPC #045-19**

Dear Mrs. P

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 11, 2019, regarding several incidents in 2017, but most specifically on October 31, 2017.

PO Box 1293

### **I. THE COMPLAINT AND INVESTIGATION**

D P submitted a written complaint regarding her allegations that police reports were not written for several different calls to police. Mrs. P complained specifically about the conduct of two officers on October 31, 2017.

Albuquerque

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 various Computer Aided Dispatches (CADs), two police reports, Mrs. P interview, Officer S' interview, Officer A's interview, and several lapel videos.

NM 87103

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

www.cabq.gov

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

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

Mrs. P complained the officers bullied her. Mrs. P said Officer S acted "cocky." She claimed Officer S said, "It looks like we have bigger problems" and accused her of trying to set the house on fire. She felt threatened when the officers crossed their arms and asked how they were to help her. Officer S said something to her husband about not being able to get her because she was not drunk; she did not hear the question her husband asked. She did not remember any compromises or arrangements to make the situation better.

Officers offered several solutions to some of the problems between the family members. Officers asked Mrs. P what her expectations or desires were from police, but Mrs. P never stated a reasonable expectation and was uninterested in their suggestions. Mrs. P believed if her mother-in-law, Ms. C, wanted her out of the residence then it was Ms. C's responsibility to pay help to move her. Officers brokered a compromise that Ms. C would leave the boxes alone if Mr. P would clean a room of dog feces so Mrs. P could live and move some of her property into the room. Officer S stated he was very professional with all parties and denied he was cocky or bullying.

The lapel videos showed Officer S never said they have bigger problems and never accused Mrs. P of trying to set the house on fire. Officer S mentioned Ms. C's concern was about the boxes causing a fire hazard and instead Mrs. P accused her husband of almost starting a fire. The lapel videos showed Officer S never said anything about not being able to "get her" because she was not drunk. Officer S specifically told Mrs. P no one was being arrested that day when she accused her husband of trying to get her arrested. Mrs. P admitted her conditions sometimes affected her memory.

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

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

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

Mrs. P complained that the officers bullied her the entire time and yet with her husband were laughing and having a good time. She suspected her mother-in-law had deep pockets and paid the officers off to not make a report or ignore her. When asked about examples she said her husband has gotten away with several things in court. As an example, her husband lied on a protection order claiming she threatened him with a knife when that was not true. She did not know if one of the officers coached him into saying that. She felt the officers were taking sides and the situation was biased against her. She said the officers asked for her ID, but did not obtain ID from anyone else.

Officer S denied there was any bias against Mrs. P or preferential treatment for Mr. P. Officer S obtained information from all parties by either asking for the information or obtaining an ID.

The lapel video showed Officer S talked to all parties to get their versions of events. The lapel video showed Mrs. P argued no one helped her even though she mentioned things her husband did, such as give her rides. The lapel videos showed Mrs. P blamed everyone else for her situation. The lapel videos showed the officers and Mr. P developed a plan and compromise. The lapel videos showed officers were not laughing and having a good time with Mr. P. The lapel videos showed all parties were treated essentially the same.



although there was some frustration with Mrs. F ; because of her refusal to acknowledge any ownership in the problem. Mrs. P agreed she had no evidence to support the allegation her mother-in-law had monetary influence over the officers. The lapel videos showed no one told Mr. P what to put on a restraining order.

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

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

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

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

Mrs. P ; complained the officers bullied her. Officer A asked her about counseling and religion, which she did not understand or appreciate. She felt threatened when the officers crossed their arms and asked how they were to help her. Officer A looked grubby with scuffed shoes. He did not look respectable or presentable in his uniform. Officer A stood very casually with his hip cocked and his hands in his waistband. She confronted him and asked if that was how he represented the department because his posture and stance was unprofessional. Officer A responded that he has been told he looked gay before and then said, "Do I look gay" while sticking out his leg and giving a limp wrist gesture. This unprofessionalism upset her. She was very upset by Officer A's comments. She did not remember any compromises or arrangements to make the situation better.

Officer A spent most of his time on the call with Mrs. P . As he spoke to her, he gave her options, suggestions, and referrals about how to help her situation. Officer A denied he was rude to her, but told her she needed to accept some responsibility for things moving forward. He did not remember discussing religion or religious affiliation, but agreed they discussed some about counseling. Mrs. P refused to listen to what he had to say. Officer A told her she needed to grow up and listen because she acted childish. He told her she could not be a victim and just expect things to get better, but she continued to play the "victim card" and say everyone was against her. When she criticized him for how he represented APD, he said that was her perception. He was in uniform and had officer presence. He did not bully her, but did ask what she was going to do to change her situation and prevent the need to call police for non-police matters.

Officer A's conduct with her was only from the perspective of Officer S's videos. Officer A had run video, but it was deleted since Mrs. P delayed filing the complaint by over a year. During the portions when Officer S and Officer A were together, it was clear Mrs. P ; blamed the entirety of her situation on others and took no personal responsibility. The lapel videos showed officers brokered a compromise that Ms. C: would leave the boxes alone if Mr. P would clean a room of dog feces so Mrs. Pi could live and move some of her property into the room. There were discussions about how to improve the

situation and prevent the necessity for calling police over non-police issues, but Mrs. P did not listen. The lapel video did not show what gesture if any Officer A made, which was allegedly what upset Mrs. P when Officer A made a comment about himself looking gay. The video showed the comment was not made the way Mrs. P remembered it. The lapel video showed Mrs. P became upset and frustrated because the officers were not doing what she expected that day. Officer A became impatient at times with Mrs. P, but did not rise to a level that violated policy in reviewing the totality of the situation. Mrs. P admitted her conditions sometimes affected her memory.

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

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

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

Mrs. P complained that the officers bullied her the entire time and yet with her husband were laughing and having a good time. She suspected her mother-in-law had deep pockets and paid the officers off to not make a report or ignore her. When asked about examples she said her husband has gotten away with several things in court. As an example, her husband lied on a protection order claiming she threatened him with a knife when that was not true. She did not know if one of the officers coached him into saying that. She felt the officers were taking sides and the situation was biased against her. She said the officers asked for her ID, but did not obtain ID from anyone else. Mrs. P complained Officer A told her husband how to attach a restraining order to a divorce summons. She heard Officer A say, "Good luck my friend" and observed Officer A patted Mr. P on the shoulder and then shook his hand, which indicated a clear bias in her opinion.

Officer A said the entire conversation was about how everyone was against her. Officer A stated he did not know what she meant about a restraining order connected to a divorce proceeding, as they have nothing to do with divorce. He told Mr. P about the restraining order process and not her because Mr. P was the sole owner of the house and he and Ms. C wanted Mrs. P out of the house. It would be a civil restraining order because there was no domestic violence. If he called Mr. P "my friend," it was an old school term of friendliness he used for just about anyone and had no preferential meaning, as he did not know Mr. P personally.

The lapel video showed Officer S talked to all parties to get their version of events. The lapel videos showed Officer A spoke to Mr. and Mrs. P separately about the situation as well. The lapel videos showed Mrs. P blamed everyone else for her situation. The lapel videos showed the officers and Mr. P developed a plan and compromise. The lapel videos showed officers were not laughing and having a good time with Mr. P. The lapel

videos showed all parties were treated essentially the same although there was some frustration with Mrs. P because of her refusal to acknowledge any ownership in the problem. Mrs. P agreed she had no evidence to support the allegation her mother-in-law had monetary influence over the officers. The lapel videos showed at the conclusion of the contact Officer A did not say, "Good luck, my friend" nor did Officer A pat Mr. P on the shoulder. Officer A did say once, "Alright my friend" as he talked about the situation. Officer A did not tell Mr. P what to put on any paperwork. The lapel video showed Officer A discussed with Mr. P the option of getting a civil restraining order and talked about eviction since he was the homeowner. He did not say anything about attaching a restraining order to divorce paperwork.

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

**Additional Issue reviewed:**

Mrs. P had several dates listed on her complaint. During her interview, it was clarified that some of the dates she listed were times she called the substation and not when officers were dispatched. October 19, 2017, October 31, 2017, November 6, 2017, and May 29, 2018 were actual dispatched calls that could be verified. Mrs. P did not understand why there were no police reports written on these various calls and portrayed them as domestic violence calls. After reviewing the CADs and available videos for the calls, reports were not necessary. On October 19, 2017, the CAD comments were that Mrs. P called police about her husband refinanced a house using her information. Police were dispatched. Officers documented on the CAD that the situation was a civil dispute and the couple was going through a divorce. On October 31, 2017, Mrs. P called police over her mother-in-law touching her boxes. It was confirmed the situation was not domestic violence and was a verbal disagreement over civil issues. On November 6, 2017, Mrs. P called police for an escort to get property, but no one answered the door; there was no actual contact between Mrs. P and officers. On May 29, 2018, Officers did write an incident report and documented her claim that her husband tricked her into signing some documents. A date Mrs. P had not listed in her complaint was September 9, 2017 where an incident report was written over a verbal argument. According to that report, she had been given a domestic violence packet with resources listed for informational purposes, but police action was not required at that time. Mrs. P concern over the lack of police reports was addressed and it was determined the reasons for her calls to police did not require police reports, but were documented on CADs. This was explained to Mrs. P during her interview and she understood at the time. She did not have complaints about the officers from the other calls for service.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Ed Harness  
Executive Director

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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

November 15, 2019  
Via Certified Mail  
7018 1130 0002 3428 9665

**Re: CPC #110-19**

Dear Ms. J

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on May 6, 2019, regarding an incident that occurred on April 27, 2019. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1203  
Albuquerque  
Upon completion of the investigation, the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### I. THE COMPLAINT AND INVESTIGATION

Ms. J called police because an unknown man was banging on her door in the early morning. Ms. J wrote the man was trying to break in to her home and she was fearful. She was dissatisfied with how the officers handled the situation and felt they disregarded her safety.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the applicable laws, the complaint, the Computer Aided Dispatch (CAD), the 911 calls, and the lapel videos.

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

A) The CPOA reviewed Standard Operating General Order 3-13-3B3a regarding Officer J's conduct, which states:

*Officers shall abide by the following principles: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.*

Ms. J had the expectation that officers would press charges against the man on her porch. She was shocked when the officers let him go. She described that the officers did not ensure the safety of her and the community by not pressing charges against the individual.

At the time the officers contacted the man, he had not committed a criminal act. His actions did not satisfy the requirements either for trespassing or breaking and entering as described in New Mexico State Statute. There was no physical evidence of a break-in. The officers did order the man from Ms. J property. Initially the officers attempted to offer the man a ride home, but he refused and no longer wished to engage the officers in conversation. Since the officers did not have reasonable suspicion or probable cause a criminal act occurred, they could not detain the man. New Mexico does not have a public intoxication statute. Ultimately, the officers did have a second contact with the man in the neighborhood; he was willing to receive assistance from the officers and they took him to his home. Officers complied with policy by responding to the situation and took appropriate action.

The CPOA finds Officer J's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur. The officers confirmed with Ms. J she was ok and resolved the situation to the best of their ability given policy and law.

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

A) The CPOA reviewed Standard Operating General Order 3-13-3B3a regarding Officer D's conduct, which states:

*Officers shall abide by the following principles: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.*

Ms. J had the expectation that officers would press charges against the man on her porch. She was shocked when the officers let him go. She described that the officers did not ensure the safety of her and the community by not pressing charges against the individual.

At the time the officers contacted the man, he had not committed a criminal act. His actions did not satisfy the requirements either for trespassing or breaking and entering as described in New Mexico State Statute. The officers did order the man from Ms. J property. Initially the officers attempted to offer the man a ride home, but he refused and no longer wished to engage the officers in conversation. Since the officers did not have reasonable suspicion or probable cause a criminal act occurred, they could not detain the man. New Mexico does not have a public intoxication statute. Ultimately, the officers did have a second contact with the man in the neighborhood; he was willing to receive assistance from the officers and they took him to his home. Officers complied with policy by responding to the situation and took appropriate action.

The CPOA finds Officer D's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur. The officers confirmed with Ms. J she was ok and resolved the situation to the best of their ability given policy and law.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Ed Harness  
Executive Director

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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

*Tara Armijo-Prewitt*            *Eric Olivas*

*Chelsea Van Deventer*        *Leonard Waites*

Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via eMail

**Re: CPC #165-19**

Dear Ms. S:

Our office received the complaint you filed on June 15, 2019, against Albuquerque Police Department (APD) officers regarding an incident which occurred on June 11, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

Ms. S complained that APD officers have been to her apartment every day to harass her. She said she has cooperated with them in the past but since they have been going to her apartment every day she hasn't been cooperating. She said it's hard to live and enjoy the day with her kids and it's upsetting having to show the police her apartment and her kids every time. She wants the police to stop harassing her, or the caller to stop harassing her. She has a restraining order against the person calling, which should be grounds for them not to harass her. She has a lawyer and will exercise her rights if this is not handled. The person against whom she has the restraining order should not be able to harass her with cops. She wants cops and other forms of harassment to stop and wants to be able to be in her home and not worry about cops coming in her home every day and every night. She said she has two kids in bed by 9 and the cops come banging at 11:30 at night while they are trying to sleep.

NM 87103

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

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, Officer L.'s written report, 5 CADs reports, and 13 lapel camera video recordings. The evidence showed that APD officers responded to your residence on the following dates and times:

- June 3, 2019 at 10:08 AM officers arrived at your residence in response to a Physical Abuse call regarding your two small children; E. aged 3 months old and M. aged 2 years old; however, they did not make contact with you as you didn't answer the door.



- June 11, 2019 at 9:11 PM officers arrived at your residence in response to a Welfare Check call regarding your children, E. and M.; however, they did not make contact with you as you didn't answer the door.
- June 12, 2019 at 7:18 PM officers arrived at your residence in response to a Domestic Violence Escort/Violation; however, they did not make contact with you as you didn't answer the door.
- June 19, 2019 at 2:17 PM officers arrived at your residence in response to a Domestic Violence Escort/Violation; however, they did not make contact with you as you didn't answer the door.
- June 23, 2019 at 12:43 PM officers arrived at your residence in response to a Welfare Check call regarding the caller's and your 4 month old son, E.; however, they did not make contact with you as you didn't answer the door.

The evidence showed that the callers were, E.Y., who is the father of your youngest child, E., and E.Y.'s father, E.B.. These calls were made to APD in order to check on the welfare of E. and your other child, about whom both callers were concerned. The evidence showed that E.Y. was granted custody of E. by the courts; however, he was unable to see E. or get physical custody of him because he and APD were unable to locate you and the children. The evidence also showed that E.Y. had a temporary order of protection against you at that time.

The evidence showed the APD officers who responded to each of the aforementioned calls to your residence, did so prior to 11:30 PM and at no time did any of these officers make contact with you via phone or in person. As a result, none of these officers were shown the inside of your home, nor did they see your children. The officers were following APD practices and procedures when responding to your home to check on your children; they were not harassing you as alleged in your complaint.

### **III. CONCLUSION**

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

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

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

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

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9672

**Re: CPC #172-19**

Dear Ms. R

Our office received the two complaints you filed on June 18, 2019, against Albuquerque Police Department (APD) Officer S. and Officer H. regarding incidents which occurred on May 14, 2019 and June 15, 2019, respectively. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

NM 87103

www.cabq.gov

In one complaint, Ms. R stated that on May 14, 2019, she reported her adopted daughter as a runaway who had also stolen her car and probably driven it to Santa Fe, where her boyfriend lives. Officer S. responded to the call. She told Officer S. she wanted to press charges against her daughter and Officer S. said that if they catch her they would pull guns and she agreed for that to happen. Ms. R said the next day her car was found wrecked and disabled in Santa Fe so she had to tow it. She complained she tried to report it to her insurance to get help towing it but Officer S. never stated in his report that the vehicle was stolen, so her insurance would not help. She complained she tried contacting Officer S. but was unsuccessful as he wouldn't return her calls. She contacted CYFD because they are working together to address her daughter being a frequent runaway. She complained that due to Officer S.'s not putting the call in as an auto theft as he said he would, her daughter would not have gotten as far away as Santa Fe, and her car probably would not have been wrecked. She contacted NM District Attorney about how to press charges and they told her the officer has to re-write the report but he won't return phone calls. She is requesting Officer S. re-write the report so she can use it as leverage to get her daughter the help she needs, when she is found.

In a second complaint, Ms. R stated that on June 15, 2019, she called APD, again, to report her daughter as a runaway and Officer H. responded. She said she found her daughter

on June 17, 2019 in Santa Fe and called Santa Fe Police Department (SFPD) to have them pick her up but they told her there was no report of her daughter having been a runaway so she had to give SFPD the case number and info so they could contact APD to verify the child was a runaway and pick her up. Ms. R. complained Officers S. and H. didn't accurately report what was going on so she has to do her own investigation work to find her daughter because no one else does. She complained she told the officers that her daughter has a mental illness but they never reported that, either.

## II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer S.'s written report, and Officer H.'s written report, and 4 lapel camera video recordings. The evidence showed that on May 14, 2019, Officer S. responded to your residence and wrote a report (APD case # ) documenting your daughter as a runaway and stating she received/transferred a stolen motor vehicle (1<sup>st</sup> offense). Also in the report, Officer S. documented that your daughter was most likely at her boyfriend's house in Santa Fe and had one diagnosed mental health issue for which she took medication. The evidence showed that approximately 9 minutes into taking the report from you, Officer S. went to his vehicle to alert other officers of a description of your daughter, a description of your vehicle, and other pertinent information. Upon his return from doing this, Officer S. told you and your husband what to expect when any law enforcement officer contacted your daughter in your car and told you they would return her to your home if that happened. The report showed Officer S. entered your daughter's name and information into the NCIC database (NCIC# M ) and listed her as a runaway at that time. The evidence showed this NCIC entry was cancelled as of May 21, 2019 at 8:32 PM as SFPD sent a TTY message that they had recovered your daughter.

The evidence showed that on June 15, 2019, Officer H. and Officer R. responded to your residence due to you reporting your daughter as a runaway. Officer H. wrote a report (APD ) documenting that she was, once again, entered into NCIC on June 11, 2019 (APD case # NCIC#M ), as a runaway and that entry was never removed from NCIC; therefore a new NCIC entry was not made on June 15, 2019 because the NCIC system still listed your daughter as a runaway. Also in the report, Officer H. documented that your daughter was picked up by a male acquaintance and taken to Santa Fe, and that she had at least two mental health issues for which she took medication. The evidence showed Officer H. contacted a Missing Persons Detective to inform them of the situation and they requested an entry into NCIC, which had already been done on June 11, 2019, and asked Officer H. to forward their report to the Missing Persons Detective, which Officer H. did.

The evidence showed that both Officer S. and Officer H. wrote reports accurately documenting the incidents in question. Specifically, both officers listed your daughter as a runaway and took appropriate action in ensuring that there was a current/active NCIC entry listing her as a runaway so that any contact by law enforcement would have shown her as a runaway out of Albuquerque. Additionally, the evidence showed that both officers documented your daughter's mental health issues in their reports, contrary to the allegations they did not.

### **III. CONCLUSION**

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

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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Edward Harness, Executive Director

*Dr. William J. Kass*

*Valerie St. John*

November 15, 2019

Via Certified Mail

7018 1130 0002 3428 9689

**Re: CPC #189-19**

Dear Mr. D

Our office received the complaint you filed on July 26, 2019, against Albuquerque Police Department (APD) Officer D. regarding an incident which occurred on July 20, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

### **I. THE COMPLAINT**

Mr. D complained he was on his way to work when he was stopped by Officer D. for improper display of a registration plate, and told he needed a new plate, and that his tags were expired. Mr. D complained he told Officer D. his registration sticker was stolen but Officer D. said no, so now that Mr. D. got his sticker, which is not expired, due to Officer D.'s lie, Mr. D had to go to court, and lost work time. He wants to know why officers can't be honest.

NM 87103

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

### **II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint, a CADs report, and a lapel camera video recording of the traffic stop. The lapel video showed that Officer D. stopped you, introduced himself and explained why you were stopped. You told Officer D. someone stole your registration sticker and he checked the system and found your vehicle registration had expired in February 2019. He told you he was issuing you a citation but also explained how you could get the charges dropped. The lapel video showed Officer D. did not lie to you, as you have alleged in your complaint. The lapel video showed you and Officer D. had a polite, professional, and respectful interaction with one another.

### III. CONCLUSION

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

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

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

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

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

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*Leonard Waites, Dr. William J. Kass, Valerie St. John, Chelsea Van Deventer, Eric Olivas,*  
*Tara Armijo-Prewitt*

Edward Harness, Executive Director

November 15, 2019  
Via Certified Mail  
7018 1130 0002 3428 9719

**Re: CPC 144-19**

Dear Ms. C

On May 19, 2019, we received a complaint filed on your behalf by an APD Commander. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

**I. THE COMPLAINT**

You complained to the APD Commander that on May 5, 2019 an APD Officer and an APD Sergeant failed to investigate a situation properly. You alleged that the APD Officers who responded to the call failed to identify some people who were trespassing at a nearby property. The Commander spoke with the Sergeant and he was told that the officers did identify the alleged trespassers and that you were told that the officers were prevented by rules and regulations from making an arrest. You stated that you were positive that the officers did not identify the suspects. You were informed by the Commander that they were waiting for legal advice as to whether or not they could even pursue charges against the offender as the offender had been living in the property and the home had only been recently red tagged as a substandard uninhabitable building. You told the Commander that you wanted to file a complaint on the Sergeant because the Sergeant told the Commander that they had identified the offender and checked for warrants when, in fact, that did not happen.

When the CPOA Investigator received the complaint, the Investigator obtained a copy of the Computer Assisted Dispatch (CAD) report for the call. There was no report made on the incident by Officer L. or Sergeant G. The Investigator watched the lapel video recorded by Officer L. when he made contact with the alleged female offender. From the recorded video, Officer L. apparently knew the woman. The video showed Officer L. call out with a white truck bearing NM license . Officer L. contacted the female on the passenger side of



the truck and another female was seated in the driver side of the truck. He informed the women that someone had called saying that they had tampered with the house. Officer L. told one of the females that he had dropped her off there a month or so prior. He told the females that they could leave the area or he would tow their car. He then asked the females if there was anyone else at the house. Officer L. then told the pair that they needed to take off. He warned the pair that if he saw them again, he would tow the car. As Officer L. goes back to his car he says, "I'm pretty sure you have a warrant if I can remember right." The video showed Officer L. getting back into his car and typing on his KDT. The KDT gave the sounds it gives when a return is made to the officer. The video then ended.

Based on the officer's statement in the video and the subsequent action the officer took in his car and the sound of the return on the KDT, the investigator assumed Officer L. ran the female through NCIC to check to see if she was in fact wanted. I then watched Officer L.'s other video and Sergeant G.'s video showing contact with Ms. C and her neighbor after the call. In those videos, Officer L. told the neighbor that it was just a civil matter at that point. The neighbor told Officer L. that the two females had torn a no trespassing sticker off the garage door and hopped the wall. They went around the back of the property and checked all the windows. She said that they tried removing some of the boards from the windows. He said that he had already let Safe City Strike Force know about it.

Ms. C asked why the women were let go. Officer L. said that since the women did not make entry there was nothing he could charge the women with. Ms. C asked if taking the sign off was a felony. Sgt. G. told her that it was not. When the neighbor suggested Trespassing, the women were informed that they were not allowed under McClendon to arrest for trespassing. It was clear from the video that Ms. C was not happy with that answer and the officers explained that there wasn't anything they could do other than what was already being done. Officer L. said, "It stinks, trust me. If I could take them to jail I would."

The neighbor then asks, "Was that car, the driver's license, was legal and registration and all that stuff?" Officer L. responded, "Yeah. Yes Ma'am."

Sgt. G. assured Ms. C and her neighbor that all of the calls that they are making does in fact help so when the City takes the people to court on the substandard house, they will have evidence to keep the people from returning. He explained that it did not appear that the women who were reported to them that morning had violated any laws. Ms. C neighbor then tells Sergeant G. that it just seemed like the police don't want to help them. Sergeant G. went on to explain that his hands were tied and they have to follow the law. The officers explained they knew about the problem but at the moment there was nothing they could do. Officer L. told Ms. C and her neighbor that he would watch the area for the next two nights and maybe be able to catch them in the act of doing something wrong. The officers spoke to the women for a few more minutes and then left.

Based on all of the information that the CPOA Investigator reviewed, the complaint stating that the officers had identified the alleged offenders, (a name of the offender was even in the complaint), the action of Officer L. saying that he thought there was a warrant for the woman's arrest then returning and checking his KDT, Officer L.'s statement to the neighbor that the driver's license and registration was current, all lead the investigator to believe, by a

preponderance of the available evidence, that the woman or women in the truck had been identified and checked through NCIC.

Obtaining records through NCIC with the limited information the CPOA Investigator had at the time, would have proven unfruitful. It takes a long time for the records check through NCIC to be completed through the State of New Mexico as we are not authorized by the State to get that information ourselves.

Because the preliminary investigation showed by a preponderance of the available evidence that the women had been checked, the vehicle had been checked, and presumably licenses checked, the CPOA administratively closed the investigation with the understanding that should further information become available the complaint would be re-opened. That was on June 19, 2019.

On August 8, 2019, Ms. C appeared before the CPOA Board and provided new information to them that she believed proved that Officer L. did not run the suspect woman through NCIC.

She was able to show through Court records that the woman, C N S ; was in fact wanted at the time of the contact.

The contact made by Officer L. was on May 5, 2019 at 6:51 AM. Court records provided by Ms. C showed that on May 1, 2019, a Felony Bench Warrant was issued by Judge B for failure to appear. The warrant had a "no bond hold" attached to it by the Judge. Ms. S was eventually arrested by BCSO on May 20, 2019.

In an effort to verify that the warrant was active in NCIC at the time of the stop, the CPOA Investigator went to the BCSO Warrant Division. During that meeting on August 13, 2019, the CPOA Investigator was able to verify that the warrant was issued on May 1, 2019. On May 2, 2019 at 9:39 AM, the warrant was entered into NCIC by a staff member. The warrant for Ms. S arrest was in NCIC and valid at the time of the contact by Officer L. Had he run her through NCIC the warrant would have come back as outstanding.

In a further effort to verify whether or not Officer L. ran Ms. S through NCIC, the CPOA Investigator made an inquiry through APD Communications Director E W see if it was possible for her staff to check that. It was entirely possible that Officer L. ran the woman but may have possibly got the spelling of the name wrong. The CPOA Investigator also asked for KDT messages from Officer L. around the time of the contact to see if he wrote down anything regarding the contact there.

The CPOA Investigator received an audio track from the NCIC Channel for the date of the contact from 0615 to 0753. Officer L. did not call in to NCIC during that time to check to see if Ms. S was wanted.

The KDT messages sent by Officer L. to Sergeant G. were troubling, embarrassing, and unprofessional.

Based on the new information presented and a preliminary follow up of that information, The CPOA Director made the decision to re-open the case.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of interviews with Ms. C , her neighbor Ms. R , Commander O , Sergeant G. and Officer L. The Director reviewed recorded calls between the Investigator and BCSO Warrants, evidence of when the warrant was entered into NCIC and put on the BCSO Warrants page, the KDT text messages between Sergeant G. and Officer L. The director reviewed the inquiry by the investigator for the Officer's KDT to be searched for evidence that he ran the wanted woman through NCIC or any other warrant database, and records relating to a drill that was used to try to obtain entry to the home that was boarded up. Officer L.'s lapel videos were reviewed and Sergeant G.'s lapel video was reviewed. The CPOA Investigator's investigative report was also reviewed. Lastly, the relevant Standard Operating Procedures (SOP) were reviewed.

A) The CPOA reviewed Department Procedural Order 2-60-4 A 1&5 which state:

*Field Services officers will conduct preliminary investigations on all felony and misdemeanor crimes and any other incidents of a suspicious nature. Steps to be followed in conducting preliminary investigations may include but are not limited to:*

- a. Observe all conditions, events, and remarks.*
- b. Locate, identify, and interview witnesses, victims, and suspect(s).*
- c. Protect the crime scene and the evidence.*
- d. Ensure that necessary evidence is collected.*
- e. Effect the arrest of the suspect.*
- f. Report the incident fully and accurately.*

The evidence in this case showed that on May 5, 2019 at about 6:15 AM, Ms. J C called to report suspicious activity at a nearby vacant house. The evidence showed that Ms. C reported that the house at was vacant and a female was at the home and had removed a yellow sticker from the garage. It was unknown if the female entered the vacant residence. Ms. C reported that the female was no longer there but she wanted officers to check on the home. Ms. C provided a description of the female and also provided description of the truck that the female was in. Ms. C called back at 6:43 AM and she told dispatch that the females had attempted to pull the boards off the vacant home and they pulled the no trespassing sign off the garage door. She reported that it appeared the female or females were trying to get inside the home. At 6:43 AM, Officer L. was dispatched to the suspicious activity. All of the above information was relayed to him via KDT. AT 6:44 AM Ms. C reported that the subjects were drilling boards off the house in an attempt to get inside. The code enforcement notice had been removed. She reported the suspicious female attempting to gain entry to the home was on the side of the house and she had been dropped off there by a white Toyota pick-up and the pick-up was circling the area.

At 6:51 AM, Officer L. stopped behind the suspect vehicle which was being driven by a female whom he never identified. The officer's lapel video showed that he contacted a female whom he appeared to recognize from a previous call on the passenger side of the truck. He informed the women that someone had called saying that they had tampered with the house. Officer L. told one of the females that he had dropped her off there a month or so prior. He told the females that they could leave the area or he would tow their car. He then asked the females if there was anyone else at the house. Officer L. then told the pair that they needed to take off. He warns the pair that if he saw them again, he would tow the car. As Officer L. goes back to his car he says, "I'm pretty sure you have a warrant if I can remember right." The video showed Officer L. getting back into his car and typing on his KDT. The video then ended. The investigation later showed that Officer L. failed to identify or run either female through NCIC even though he suspected one of the women had a warrant.

Based on the facts, Officer L. had reasonable suspicion to detain and identify the women in order to determine if a violation of the law had occurred or was occurring. Next to where the women were parked, on top of a wall, as shown on the video and in photos submitted by Ms. C there was a battery operated drill. Officer L. saw the drill there and admitted to later handling it. He did not collect that drill as evidence. Officer L. failed to obtain identification from the women, he failed to check the entire house to determine if entry had been made prior to letting the women leave. He failed to run the women through NCIC and had he done so he would have learned that one of the women had a felony warrant out for her arrest that was entered into NCIC.

Officer L. failed to conduct any meaningful preliminary investigation into the matter. He failed to identify the women, he failed to check the entire house for possible entry points or criminal damage, he conducted no meaningful questioning of the suspects, he failed to collect the drill, and he failed to arrest the woman who had an outstanding felony warrant for her arrest. He failed to generate a report on the incident and the finding of the drill which was his sole responsibility.

The CPOA recommends a finding of **Sustained**, where the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

B) The CPOA reviewed Albuquerque Police Department General Order 1-1-4 B 7 a which states:

***Both on and off duty, personnel will conduct themselves in a manner that reflects favorably on the department. Conduct unbecoming an officer or employee of APD includes the following: a) Conduct that could bring disrepute, shame, dishonor, disgrace, or embarrassment to the department.***

While conducting this investigation, the CPOA Investigator was provided with KDT messages between Officer L. and his Supervisor after the pair had met with Ms. C and her neighbor, Ms. R , in person. The messages sent by Officer L. were disrespectful, embarrassing, and unprofessional. In those text messages, Officer L. refers to one of the women as "Casper" and states, "Ha Ha Ha Ha, she needs a TV, and black curtains, and soundproof walls, and a tan, I'm sure she's been dead for years ha ha ha."

The CPOA recommends a finding of **Sustained violation not based on original complaint** where the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

C) The CPOA reviewed Albuquerque Police Department Procedural Order 2-73-2 A which states:

*Officer's collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers...All articles of evidence, safekeeping, and found items will be tagged/ entered into evidence...by the end of the officer's tour of duty.*

The evidence in this case clearly showed there was a battery operated drill used by the offender in an attempt to gain entry to the boarded up home left at the scene by the offender. It is shown in the evidence in still photos that Ms. C submitted, and it is shown in the officer's lapel video. Both Ms. C and Ms. R, who were in a position to observe the officer, saw Officer L. take the drill off the wall and place it in the back passenger seating area of his patrol car. The Officer admitted to those actions and then stated that after he did that, he pushed the drill over the wall so it was within the property and he left the drill there. While there is direct evidence of Officer L. taking the drill, (two eyewitnesses and his own admission that he put it in the back seating area of his car) there is no evidence to support Officer L.'s statement that he pushed the drill back over the wall and left it within the property. Even if he did that, the drill was evidence of an attempted crime. At a minimum, it was found property. In either case, Officer L. was required, after seizing the drill, to put that drill in evidence. The investigation showed that the drill never made it into evidence.

The CPOA recommends a finding of **Sustained**, where the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

D) The CPOA reviewed Albuquerque Police Department General Order 1-1-4 D 20 which states:

*Personnel will truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the department.*

Ms. C complained that she was lied to by Officer L. and Commander O was in turn lied to. She said, "We expect our officers to protect us and be truthful with us." The evidence in this case proved that Officer L. was untruthful with Ms. C, with his Supervisor Sergeant G., and with the CPOA Investigator.

Officer L. contacted Ms. C after he allowed the women who had been trying to get into the home to leave the area. The encounter was recorded both by Officer L. and by Sergeant G.

Ms. C and Ms. R were concerned as to why the women had not been arrested. Ms. C told Officer L. that he found the drill on the wall which he acknowledged and he told

Ms. C stated that the pair did not make entry and there was nothing he could do. That was not true. There were options available to him that even if he did not arrest the pair for attempting to break into and enter the home, he could have identified the women and ran them through NCIC and documented the incident. Officer L. admitted that he knew the house had a history with the police and that it was a troubling location but he took no further action on the matter other than notifying the Safe City Strike Force by sending them an e-mail. Officer L. told Ms. C and Ms. R that even if the women would have gotten into the house it would have only been a misdemeanor criminal trespass. Officer L. repeated his belief at 7:12 in Sergeant G.'s video that even if the women would have made entry it would have only been a misdemeanor and all they could do was issue the women a citation. Those statements to Ms. C and Ms. F were untrue. New Mexico State Statute 30-14-8 is clear. It reads:

*Breaking and entering consists of the unauthorized entry of any...dwelling or other structure...by the breaking or dismantling of any device used to secure the...dwelling or other structure. Whoever commits breaking and entering is guilty of a fourth degree felony.*

What the suspect women did, at least what the wanted woman did, was an attempt to commit a felony. Even if she couldn't have been arrested at that time, the incident could have been documented and presented to DA for possible charges. Officer L. repeated his belief that even if the women would have made entry it would have only been a misdemeanor and all they could do was issue the women a citation.

Ms. R asked if the car, their driver's licenses, and registration and all that was legal and correct and Officer L. answered, "Yeah." That was untrue. The evidence in this case showed that Officer L. never identified the women and he never checked the driver's license of the woman who was driving the vehicle from which the suspect women were operating. The only thing that he did check was the registration on the truck and it was current. That was the sound the KDT made.

At 7:12 in Sergeant G.'s video, Ms. C asked Officer L. about his statement to the wanted woman that he suspected that she had warrants. Officer L. said, "I didn't say that." In fact, his own lapel video showed that he did say that. He went on to say that he gave the woman a ride a month ago to that house and she had a voided warrant.

Sergeant G. was interviewed twice. On each occasion Sergeant G. told the CPOA Investigator that when he questioned Officer L., on at least two occasions, about his interaction with the suspect woman or woman, Officer L. told Sergeant G. that he had "checked" the woman and she was not wanted at the time of the incident. The evidence showed that Officer L. did not check the woman, either through NCIC or the BCSO Warrants page because if he had, NCIC and the warrants page would have shown the active felony warrant for the woman's arrest. Officer L. was untruthful with Sergeant G., and that in turn caused Sergeant G., unknowingly and without intent, to be untruthful to Commander G. There is not one piece of evidence to support that Officer L. checked the woman through NCIC or the BCSO warrants page. A preponderance of the evidence showed he did not.

Officer L. was also untruthful with the CPOA Investigator when he provided his statement concerning the complaint to the investigator. He told the investigator that he recognized the

suspect woman involved in the alleged tampering of the home and that he identified her and called her by name. He did not identify her and he never called her by name. Officer L. stated that he spoke to the driver of the vehicle and he asked her if she had insurance and she replied that she did. He said that he told the driver to take the woman out of there or she would be arrested. None of that happened. None of that was shown on the video.

Officer L. told the CPOA Investigator that he had checked the wanted woman about a month before and that she did not have any warrants out for her arrest. He stated that he checked the woman at the time of the incident through BCSO warrants, but not NCIC as he finds BCSO Warrants faster and more accurate than NCIC. The evidence showed that Officer L., while at the scene, did not check the woman through NCIC or BCSO Warrants.

Officer L. described his contact with Ms. C and simply fabricated that Ms. C had accused him of lying to the woman who had attempted to gain entry to the home. Officer L. told the investigator that he told Ms. C that in his job he lies sometimes and that he does lie. That fabricated story is nowhere on the video.

Officer L. stated to the CPOA Investigator that he ran the wanted woman through MVD once he was made aware that there was a complaint on the matter. The investigation and the evidence showed that was not true. No member of the APD ran the woman's information through MVD on the dates in question.

Officer L. was untruthful with the CPOA Investigator when asked about the drill that had been left behind by the offender. He said that he didn't take it and that he just pushed it over the wall. A preponderance of the evidence showed that two eyewitnesses saw him take the drill and put it in the back passenger seat area of his patrol car. Officer L. even admitted to doing that and he could see how someone may have thought he put the drill in there but he changed his mind and pushed it back over the wall. Officer L. admitted to Ms. C on video that he had the drill. There is evidence to support the allegation that Officer L. took the drill. There is no evidence to support his statement that he pushed the drill back over the wall and that he left it there.

When the CPOA Investigator asked why he referred to one of the woman as Casper, he said that the complainant's name started with a "C" and it was probably just a mis-spelling. Then he said that it referred to the caller as a ghost because an anonymous caller is often referred to as a ghost. He then admitted that he made unprofessional comments and he should not have done so.

The evidence in this case showed that Officer L. was untruthful with Ms. C and Ms. R. He was untruthful when questioned by his supervisor, and he was untruthful in his statement to the CPOA Investigator.

The CPOA recommends a finding of **Sustained**, where the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT G.'S CONDUCT**

A) The CPOA reviewed Albuquerque Police Department Administrative Order 3-14-4 A which states:

*All Supervisors, regardless of the level of supervision will...document and report conduct not in compliance with law or policy. Take steps necessary to improve the subordinate's performance.*

In this case, it was shown that Officer L. was untruthful when he told his supervisor that he had "checked" the suspect woman for warrants. Sergeant G. was acting upon that untruthful information when he told his Commander that the woman had been checked for warrants and was found to have none. Supervisors also have to trust their subordinates to be truthful. Sergeant G. cannot be held accountable for passing on information that he believed at the time to be truthful information.

Sergeant G. can, and should, however, be held accountable for allowing his subordinate to violate policy and for not taking any action on that violation of policy.

In this case, Sergeant G. acknowledged that Officer L. sent him messages about one of the complainant's in this case. The messages were disrespectful, embarrassing, and unprofessional. Sergeant G. admitted the messages were unprofessional and a violation of policy, yet he took no action to correct, document, or report Officer L.'s misconduct.

The CPOA recommends a finding of **Sustained violation not based on the original complaint**, where the investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.

Your complaint and these findings are made part of Officer L.'s and Sergeant G.'s Internal Affairs files.

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

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

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

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



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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to read "Ed Harness", with a small downward-pointing arrow below it.

Edward W. Harness, Esq.  
Executive Director