

CIVILIAN POLICE OVERSIGHT AGENCY

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

Joanne Fine

Dr. William J. Kass

Valerie St. John

Chelsea Van Deventer

Edward Harness, Executive Director

POLICE OVERSIGHT BOARD AGENDA

Thursday, October 11, 2018 – 5:00 PM

Vincent E. Griego Chambers

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

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- IV. Approval of the Agenda
- V. Public Comments
- VI. Review and Approval of Minutes
- VII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

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

 - a. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7)
 - i. Intervention into pending federal litigation
 - b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
 - i. Executive Director’s contract
- VIII. 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*

IX. Reports from Subcommittees

- a. Community Outreach Subcommittee – *Chantal Galloway*
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
- c. Case Review Subcommittee – *Valerie St. John*
- d. Personnel Subcommittee

X. Discussion

- a. Police Oversight Boards Policy and Procedure
- b. Report on observations from the NACOLE Conference
- c. Juvenile Confidentiality recommendation
- d. Open Meetings Act Resolution
- e. IPRA / NEXT Request
- f. Public Involvement (Prospective Board Members)
- g. City Council Study Session Oversight Ordinance

XI. Consent Agenda Cases:

- a. Administratively Closed Cases
- | | | | | |
|--------|--------|--------|--------|--------|
| 078-18 | 177-18 | 185-18 | 187-18 | 188-18 |
| 200-18 | 210-18 | 231-18 | | |

XII. Non-Consent Agenda:

- a. 132-18

XIII. Non-Concurrence Cases

XIV. Review of Appeals

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

XVI. POB's Review of Garrity Materials:

XVII. Other Business

XVIII. Adjournment- *Next Regularly scheduled POB meeting will be on November 8, 2018 at 5 p.m. in the Vincent E. Griego Chambers.*

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Edward Harness, Executive Director

October 12, 2018

Re: CPC # 078-18

Dear

I. THE COMPLAINT

You submitted a complaint to our office on March 15, 2018 in which you state Officer C. was rude and abrupt. You stated there was a long line of cars and did not know why they were backed up. You stated when you attempted to pass the line of cars Officer C. came out of nowhere at barked at you to back up. You stated Officer C. told you to pull into the parking lot so he could give you a citation. You did not understand why Officer C. would have even given you a citation.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The investigation showed Officer C. was at the scene of an accident directing traffic. Officer C. had the entire southbound lanes of traffic stopped due to the accident. As traffic was stopped and all vehicles were in line, you chose to go into the northbound lanes, in oncoming traffic, to bypass the stopped cars. Officer C. told you to back up due to the fact you were in oncoming traffic and could have caused another accident. Officer C. wrote you a citation for driving in the wrong lanes of traffic.

III. CONCLUSION

Officer C. was attempting to clear a traffic accident and had all south bound lanes stopped due to that accident. The investigation showed you decided to go around all of the stopped cars and drive into oncoming traffic. Officer C. wrote a citation for that infraction. Officer C. explained several times why he wrote you the citation and was not unprofessional in his manner or speech. Your complaint is being administratively closed due no violations occurred within Standard Operating Procedures of the Albuquerque Police Department.

Sincerely,

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

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CIVILIAN POLICE OVERSIGHT AGENCY

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Leonard Waites, Chair

Dr. William J. Kass

Chantal M. Galloway, Vice Chair

Valerie St. John

October 12, 2018

Via Certified Mail

7017 2680 0000 5951 8115

Re: CPC #177-18

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 2, 2018, regarding an incident that occurred on July 15, 2018.

I. THE COMPLAINT

Mr. H submitted a written complaint about Officer B's response to their attempt to report a flasher. They approached Officer B to report the crime, but Officer B yelled at them with foul language in public. They found out later that Officer B was on a traffic stop and not responding to their call to police, but Officer B still should have been respectful.

II. INVESTIGATION

The CPOA Investigator reviewed the lapel videos for the incident. Officer B was in the middle of a traffic stop when individuals started to approach from the sidewalk. Officer B ordered them to "back away." Once he received information from the driver he stopped and went back to his car, he asked the individuals what help they needed. A man approached and explained the incident with the flasher. Officer B explained he would check the situation when he could and thanked them for the information. The individuals did not seem satisfied, but walked back to the sidewalk. Officer B entered his vehicle to complete the traffic stop information while calling on the radio for additional officers to respond to the other incident just reported to him.

Other officers responded to the scene and engaged with the main two individuals. The individuals complained about Officer B and accused him of saying, "Get the f-- off the street." Officer B never made such a statement as shown by the lapel video. The lapel videos showed the individuals voiced their dissatisfaction with the officers' response and mentioned they would resolve the issue with the flasher should they catch him. Mr. H was particularly agitated amongst the group. Ultimately, Sgt. S responded to the situation. Mr. H accused Officer B of using the f-bomb repeatedly, being disrespectful, and giving them inappropriate orders. The lapel videos showed Officer B never used such language, but the individuals abundantly used profanity throughout their conversation. The lapel videos showed Officer B did not give

Letter to Mr.
October 12, 2018
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profanity-laden orders as the individuals claimed to Sgt. S. Sgt. S eventually deescalated the men, as Sgt. S knew Mr. H. and provided a complaint form. A couple of the individuals apologized to officers at the end of the situation after things calmed down.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed Officer B did not use profanity as alleged. The complaint could not be minimally substantiated by the lapel videos.

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

October 12, 2018

To the file

Declined to provide

Re: CPC #185-18

Dear Ms.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 7, 2018, regarding an incident that occurred on or about July 30, 2018.

I. THE COMPLAINT

Y A submitted an online complaint alleging that an officer at Wal-Mart profiled her son. Ms. A stated her son was stopped for no reason, asked what he was doing, and was told he looked suspicious. The officer told her son to empty his pockets; when he found nothing he let her son go. She alleged the officer's actions were due to her son's skin color.

II. INVESTIGATION

The CPOA Investigator contacted the Chief's Overtime assignment and determined the identity of the officer, who was working overtime. There was nothing remarkable noted on the CAD of his overtime assignment. There were no videos in Evidence.com for the overtime assignment time.

The CPOA Investigator spoke to Ms. A over the phone regarding her complaint. Ms. A was not present for the incident and stated her son was upset that she filed the complaint. Ms. A son did not want to pursue the complaint and she did not provide his name or contact information. She was simply concerned about what could have happened if someone responded differently than her son did. She wrote that it was racially motivated because she believed if it had been someone other than a young, Hispanic male, it would not have happened. However, her son had not said that the officer said anything to indicate biased based policing occurred. Ms. A agreed it was her assumption and there was no specific reason for her allegation other than she knew her son had not done anything suspicious and therefore there would be no reason for the officer to contact him in the manner that he did.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to investigate the incident further and Ms. A wished to withdraw the complaint.

**Letter to Ms.
October 12, 2018
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

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Chantal M. Galloway, Vice Chair

Valerie St. John

October 12, 2018

Via Certified Mail

7017 2680 0000 5951 8122

Re: CPC #187-18

Dear Ms.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against an Employee of the Albuquerque Police Department (APD) on August 8, 2018, regarding incidents that occurred on unspecified dates.

I. THE COMPLAINT

H B submitted an online complaint regarding her former relationship with PSA D. Ms. B alleged after the termination of the relationship with PSA D that she received notice from mutual friends that PSA D was posting inappropriate things about her on social media. She also alleged that he started to date a co-worker and showed up at her place of employment. She alleged PSA D asked her co-worker to ask inappropriate questions of her. She believed his behavior to be inappropriate and wanted it to stop.

II. INVESTIGATION

The CPOA Investigator reviewed NM courts and found no restraining order between the two parties. The CPOA Investigator reviewed what was believed to be PSA D's Facebook page and did not see an example of Ms. B claim; at least what was available publicly. Ms. B name was too common to identify her page.

The CPOA Investigator spoke to Ms. B and an appointment was set for an interview. Ms. B did not show up for the appointment or call. Further attempts to reschedule through calls and email were unsuccessful. Ms. B did not provide enough information in her complaint to proceed with an investigation without her cooperation.

III. CONCLUSION

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

Letter to Ms.
October 12, 2018
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

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Chantal M. Galloway, Vice Chair

Valerie St. John

October 12, 2018

Via Email

Anonymous

Re: CPC #188-18

Dear Sir or Madam:

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

I. THE COMPLAINT

An anonymous citizen filed a written complaint stating that he/she observed APD unit W3 with a decal that the citizen felt should not be on the car. It was a flag decal with a blue line across it, which the citizen stated violated a section in the U.S. Flag code.

II. INVESTIGATION

The CPOA Investigator requested and received the information about who was assigned that car that day. There is a caveat in the policy addressing the issue of markings and decals on police vehicles that the Chief of Police may approve some stickers and plates. The Commander of the officer was contacted to determine if this particular decal was authorized. After research, the Commander determined the decal was unauthorized and the officer removed it.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the issue has been resolved by the supervisor.

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

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

Letter to Anonymous
October 12, 2018
Page 2

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

Sincerely,
The Civilian Police Oversight Agency by

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

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

October 12, 2018

Via Certified Mail

7017 2680 0000 5951 8139

Re: CPC # 200-18

Dear Mr.

I. THE COMPLAINT

You submitted a complaint to our office on August 16, 2018 in which you state you called police to report a man with a gun. You state Lieutenant S. and three other officers showed up to your home with machine guns pointed at you. You write the officers banged on your door purposefully to humiliate you and stage events to make you look like a criminal. You then state you went to the police station to file a report of harassment against the officers but the doors were locked, and that Officer F. told you, you would need to talk to a Sergeant to file your report. You also wrote, Lt. S showed back up and told you would not get a Sergeant on the line, that 8 officers surrounded you to humiliate you and that Lt. S stated "you were arrested in in August and you're having more delusions".

In a second complaint you filed with our office you wrote, The Bernalillo County Sheriff's Department helicopter continues to buzz you wherever you go in the endless stalking/harassment campaign against you. You wrote that the pilots and higher-ups need to be arrested for their crimes.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator reviewed lapel videos of Lt. S., Officer S, Officer R., Officer C., Officer G. Officer A., and Officer S. The investigation showed that on August 14, 2018 you called 911 with a report of a man firing a machine gun. Lt. S. and other officer's responded to that call but could not find any suspect firing off a weapon. The officers investigated further and received information from dispatch and the Real Time Crime Center that you have called 911 in the past with reports that were untrue. Lt. S. and the fellow officers responded to your home to gain further information from you. Lt. S. was carrying his Department issued AR-15

due to the nature of your 911 call. Lt. S. and the other responding officers never pointed their weapons at you. When you answered your door, you immediately cursed and verbally degraded Lt. S. as he was attempting to gather information, assist you in any way possible and inform you as to why the Albuquerque Police Department was at your home. The officers left after you continued to verbally abuse them and refused to talk.

Later on that same evening the investigation showed you arrived at the Valley substation. Lt. S. responded to the parking lot where you were located. Once again you verbally assaulted Lt. S. and the other officers. You continually asked Lt. S. why he showed up to your house pointing machine guns at you. Lt. S. tried explaining to you what had transpired, however you would just continue to curse at and call Lt. S. names. Lt. S. stated, "No guns were ever pointed at you, I do not know what that delusion is". At no time did Lt. S. Or any other officer attempt to humiliate you as you wrote in your complaint.

In reference to your complaint of the BCSO helicopters following you everywhere you go, our office has no jurisdiction over the Bernalillo County Sheriff's Department, The CPOA can only investigate complaints made against the Albuquerque Police Department. You may file a complaint with the Bernalillo County Sheriff's Department in reference to that complaint.

III. CONCLUSION

At this time your complaint is being administratively closed due to no violations of APD SOP's. 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

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Edward Harness, Executive Director

October 12, 2018

Via Certified Mail

7017 2680 0000 5951 8177

Re: CPC # 210-18

Dear Mrs.

I. THE COMPLAINT

You submitted a complaint to our office on August 20, 2018 in which you state 2 officers victimized you by not conducting a proper investigation of a burglary that occurred at your home in 1988. You submitted the names of the 2 officers that conducted the investigation and state they misinformed you or attempted to cover up things from the burglary.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator was assigned to your complaint. The Investigator contacted you and you spoke via telephone. The Investigator informed you that our office can only investigate violations of Standard Operating Procedures on active police officers and employees of the Albuquerque Police Department. Those officers you complained of are no longer Albuquerque Police Department employees and the issues of your complaint are dating back over 30 years.

III. CONCLUSION

At this time your complaint is being administratively closed due to the CPOA is not authorized to conduct investigations on individuals who are no longer Albuquerque Police Department employees. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

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

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

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October 12, 2018

Via Email

Re: CPC #231-18

Dear Mr. _____

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on September 12, 2018, regarding an incident that occurred on or about August 27, 2018.

I. THE COMPLAINT

Mr. D _____ filed an online complaint regarding the driving behaviors he observed of an officer. Mr. D _____ reported the officer traveled approximately 80-85 miles per hour on Lomas without his headlights. Mr. D _____ stated the officer turned right on San Mateo and pulled over a car.

II. INVESTIGATION

The CPOA Investigator had CADs attempt to find any call for service in that area. CAD located a call, but it was around the stated time in the morning and not the evening as the complainant wrote. There were no stops in that area in the evening.

The CPOA Investigator spoke to Mr. D _____ on the phone regarding his complaint in order to try to get more information. The CPOA Investigator confirmed he intended to write p.m. on the stated time, which he said he did. The CPOA Investigator asked Mr. D _____ if he had any identifying information for the officer such as the car number or plate. Mr. D _____ said it was the older style white car, but he did not know any identifying information. It was explained to Mr. D _____ that without identifying information the investigation could not proceed further. Mr. D _____ understood.

III. CONCLUSION

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

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

Letter to Mr.
October 12, 2018
Page 2

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Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police