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, September 12, 2019 – 5:00 PM
Vincent E. Griego Chambers

I. **Welcome and call to order.**

II. **Pledge of Allegiance** – ***Joanne Fine, Vice Chair***

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 August 8, 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 September 3, 2019**
   2. **Next meeting scheduled October 22, 2019**
b. **Policy and Procedure Review Subcommittee** – ***Chelsea Van Deventer***
   1. **Met September 5, 2019**
   2. **SOP's 2-8, 2-30, 2-97 and 3-16**
   3. **Next meeting scheduled October 3, 2019**
c. **Case Review Subcommittee** – ***Valerie St. John***
   1. **Met September 3, 2019**
   2. **Next meeting scheduled September 24, 2019**
d. **Personnel Subcommittee** – ***Chantal Galloway***
   1. **Met Augst 23, 2019**
      i. **CPOA facilitated discussions project**

2.Next meeting scheduled September 27, 2019

IX. Discussion and Possible Action

a. CPOA Policies and Procedures – Robert's Rules of Order Training

X. Cases:

a. Administratively Closed Cases

006-19	**040-19**	**050-19**	**069-19**	**073-19**	**098-18**
105-19	**106-19**	**114-19**	**115-18**	**119-18**	**125-19**
128-19	**129-19**	**130-19**	**132-19**	**133-19**	**137-19**
146-19	**155-19**	**156-19**	**160-19**	**161-19**	**163-19**
166-19	**167-19**	**168-17**	**168-19**	**169-19**	**173-19**
174-19	**176-19**	**177-19**	**181-19**	**188-19**	**193-19**
194-19	**195-19**	**207-17**	**214-17**		

b. Exonerated

146-17

c. Appeals

065-19 066-19 132-18

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

XII. CPOA Board's Review of Garrity Materials:

XIII. Meeting with Counsel re: Personnel Issues:

Closed Discussion re: Personnel Issues

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

i. Executive Director

Possible Action re: XIII (a) (i) Executive Director

XIV. Other Business

XV. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on October 10, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.***

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9191

Re: CPC 006-19

Dear Mr. C

On September 1, 2018, we received a complaint you filed for an incident which occurred on August 29, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on August 29, 2018, you were involved in an incident with an armed individual. You wrote that the individual was a threat to himself and threatened your life. You stated that you were able to get his family out of the house and to safety and you told the armed man where to find you so he wouldn't go after anyone else. You called the police and alleged it took them 2 ½ hours to respond and when they did they only asked you a few questions. The police left and you ended up having to talk the man into surrendering to you. You complained that the police did nothing to protect you or to stop the man from hurting a member of the public or his family. The man was eventually taken by family to the mental hospital.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator attempted to contact you and discuss your complaint with you without success. The CPOA Investigator reviewed the relevant Standard Operating Procedure 2-20 and the associated police reports and Computer Assisted Dispatch (CAD) reports of the incident.

The CAD reports show that the man's sister called the police at 1:43 PM. She reported that her brother had been calling her and family members telling them that he wanted them all to get together and that when they did he would tell them what was going on. He told his sister that voices in his head had been telling him that he needs to get back with his ex-wife of six

years and that if she didn't get back with him that day, he would kill himself. The man also told the sister that if the cops were called that he would shoot at the police until the police killed him. The woman's brother was driving around somewhere and his exact location was not known. A be on the lookout for or BOLO was broadcast to all APD units within minutes of the initial call. Two officers were dispatched and they arrived at the sister's home seven minutes after she called at 1:50 PM. It did not take the police 2 ½ hours to respond as you alleged. Within minutes the APD was attempting to locate the suicidal man by pinging his cell phone. The exact location was hard to determine because the man had an older cell phone. The only location the APD had was that the man was somewhere in the . The man's ex-wife was also contacted within 20 minutes of the first call being placed. The CAD reports show that the caller's boyfriend and you went to Apartment . The original caller told the APD that the man had threatened to also shoot you and then himself if he couldn't get back with his ex-wife. At 2:18 PM, the CAD report indicates that you and your friend had armed yourselves with a shotgun because the caller was afraid that the armed, suicidal man would go to her home and shoot you. The armed man had still not been located by the police at this time despite their efforts. At 2:40 PM, the original caller told the APD that her brother had called her and told her that he was on a hiking trail in the Foothills. At 2:41 PM, the APD was informed that all of the kids were out of the apartment. The armed man called his sister back, again repeated that he was in the Foothills and that he wanted the police to shoot and kill him. At 2:56 PM, after being given a possible location, officers, including a BCSO officer were sent to that area to attempt to locate the man but they were unable to locate him. When the man could not be located the officers looking for him returned to regular service. That was a 3:35 PM. The APD continued to try and locate the man electronically and they were able to ping the cell phone one last time at 4:19 PM, but the ping showed the device was .58 miles to the East of a cell phone tower at That would be somewhere in the foothills and exact locations from a single ping are not possible. At 4:36 PM, the man's sister, the original caller, called APD to let them know that the man had come to her home and was willing to go for a mental health evaluation and that family members would be taking him there.

The investigation showed that despite their best efforts, the man was never contacted by APD so the Standard Operating Procedure listed above does not apply.

The police report confirmed the information in the CAD reports. The report does mention that when officers went to your location, they noticed you had armed yourself with a shotgun. The police asked for you and the man's sister to leave the apartment and go to a safer location so the man wouldn't be able to find you or his sister but you refused to do that.

In following up on the incident the reporting officer filled out and filed a Crisis Intervention Team worksheet and forwarded that to the Crisis Intervention Unit.

III. CONCLUSION

The evidence in this case showed that the APD did everything they could to try to locate the armed suicidal man but they were unable to contact him. When they tried to have you and his sister go to another, safer location, you refused to do so and instead remained behind armed with a shotgun. No one called the police when the man got back to his sister's home. The family was able to resolve the situation and get the man help without police intervention. That

was most likely the best solution as the man threatened multiple times that if the police got involved he would shoot at them until his was killed by them. The investigation showed there was no Standard Operating procedure violation by any member of the APD and because of that we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9207

Re: CPC #040-19

Dear Mr. P

Our office received the complaint you filed on February 1, 2019, against Albuquerque Police Department (APD) Officer M., regarding an incident which occurred on January 28, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Mr. P complaint was two pages long. This is a summary of his complaint:

Mr. P said he was on Gibson Blvd at 6:10 PM on January 28, 2019 driving behind APD Officer M. as they both entered onto I-25 southbound. He said Officer M. used her blinker to merge into the right lane on the freeway but then, without using her blinker, she bolted in front of two cars and across two lanes of traffic to get into the far left lane. He said "she accelerated to an obvious high rate of speed" and he assumed she was on an emergency call. He continued to watch her as she sped under the Sunport bridge and until she was forced to slow down because of slower traffic in front of her. He caught up to her in the construction area and realized she wasn't on an emergency call so he got beside her and motioned for her

to roll down her window and when she did he told her what he witnessed and told her she didn't have jurisdiction to speed as she wasn't in the city of Albuquerque. Officer M. rolled up her window and turned her spotlight on him as he continued to move forward and pass Officer M. He complained that Officer M. sped away so he continued to follow her and flashed his lights at her. Ultimately, Officer M. slowed down, got behind Mr. F and pulled him over after he passed her exiting a construction zone.

Officer M. conducted a traffic stop and asked for Mr. P information, which he provided. He said he exchanged words with Officer M. about her speeding and about jurisdiction, as he felt the stop was made outside Albuquerque city limits. He said Officer M. called the sheriff's department and then sarcastically laughed at him before saying she would issue him a speeding ticket, and that he was in a double fine zone. Officer M. went to her car and returned within a few minutes and handed him a traffic citation. At the same time, Bernalillo County Sheriff's Office (BCSO) Deputy W. knocked on Mr. P passenger side window and asked him about the incident. He explained the incident to Deputy W. who told him he should have called it in and reported it to APD. He asked Deputy W. if Deputy W. could give Officer M. a ticket for her conduct on the street, to which Deputy W. replied no because he hadn't observed her actions. Deputy W. told Mr. P that if he wanted to fight the ticket he would have to do it in court and that the side of the road was not the place to argue it. Officer M. asked Mr. P to sign the ticket and he asked what would happen if he didn't. Both Officer M. and Deputy W. told him Officer M. would have to arrest him and he would be arraigned. He eventually signed the ticket and Officer M. gave him a copy and walked away.

Mr. P said Officer M. and Deputy W. spoke behind Mr. P , vehicle for a moment and although he couldn't hear the conversation he said it didn't seem to be a very friendly one. Officer M. got into her vehicle and drove away and Deputy W. came back to speak to him. He said Deputy W. apologized, and patiently listened to him vent his frustrations. He complained the system wouldn't do anything about his interaction with Officer M. and that he will have to take time off work for the arraignment and to fight the ticket in court even though he did nothing wrong. He complained he was only a concerned citizen trying to make things right and it was Officer M. who broke the law. He wants Officer M. to apologize to him, and for the ticket to be removed because Officer M. had no way of monitoring his speed. He sent a copy of this same complaint to APD Chief of Police G , who told him to file with the CPOA.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer M.'s police report, and Officer M.'s lapel camera videos. The evidence showed that Officer M. contacted you at your driver's door window after pulling you over on the side of the freeway, and asked for your driver's license, registration and insurance. As you were getting your information for Officer M. you argued with her that she was out of jurisdiction, stating that the area where you were pulled over, which according to her report, was I-25 Southbound SE/Rio Bravo Blvd SE, was out of Albuquerque's city limits. When Officer M. again told you she had jurisdiction, you continued to deny it and told her you weren't speeding and were just keeping up with her. She told you to listen and not argue with her. She informed you the posted speed limit in the

construction zone was 55 mph and that a construction zone is a double-fine zone. She also told you a County Sheriff was on their way, as you continued to look for your information and continued arguing with her about jurisdiction. You and Officer M. both spoke with raised voices at times and she told you she wasn't going to argue with you, and you said you weren't looking to argue with her, either. You complained that she flashed her light at you and she told you she flashed it at you and another vehicle to get you both to slow down. You located and provided your information to Officer M. and she repeated that you were speeding in a construction zone, a double-fine zone and that you were in the city of Albuquerque. You told her again you didn't want to argue with her and that you didn't want a ticket. She said that when you see a police officer, you slow down and go the speed limit. As she was telling you this you spoke over and she raised her voice and told you to listen. You listened momentarily and then began arguing with her about her speed and the speed limit, still talking over her before she walked away from you towards her car. At no time did Officer M. laugh sarcastically at you, as alleged in your complaint.

While Officer M. was in her patrol vehicle completing the traffic citation, and approximately 6 minutes after she walked away from your vehicle, a BCSO Deputy arrived and spoke with Officer M. about the stop. She told the Deputy about your speeding and said she tried to slow you down by shining her spotlight on you but you continued to speed. Officer M. commented that you were speeding in the City of Albuquerque and that she might be in the county now, and the Deputy mentioned that you would go to Metro Court regardless. After printing off the citation, Officer M. and the Deputy approached your car; Officer M. at the driver's window and the Deputy at the front passenger window. You told Officer M. to hold on as you spoke to the Deputy about the incident. Due to the noise of the freeway traffic it was difficult to hear your entire conversation with the Deputy; however, you could be heard retelling your version of events leading up to the stop. The Deputy told you that Officer M. observed you speeding in the city of Albuquerque so she could write that ticket. He also told you that any arguments you had regarding the citation would be made in court and told you that if you have specific complaints about Officer M. that you should contact APD directly to deal with those. You continued to question Officer M.'s jurisdiction and he told you that normally APD officers are cross-commissioned with the county, too. You asked him about county boundaries and he told you it doesn't matter because APD officers are cross-commissioned within Bernalillo County. You continually argued with him about your ticket and he repeatedly told you that you could argue these points in court and not on the side of the road. He asked if you were going to sign the ticket, or not, and reassured you that it was a legal ticket. You asked what would happen if you didn't sign the ticket and he told you Officer M. would arrest you and explained that process to you. You said you wanted Officer M. to arrest you because you didn't think the ticket was legal. You continued to protest the ticket until the Deputy asked you to sign the ticket and told you he would write a report for you. The signed ticket was finally given to Officer M., who, in turn, gave the Deputy your driver's license and vehicle information before she walked towards her vehicle.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because we could not minimally

substantiate your allegations. Although Officer M. raised her voice at times, it appeared she was compensating for your talking at the same time and talking over her, and it did not rise to the level to be in violation of an APD SOP.

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

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

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

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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9214

Re: CPC #050-19

Dear Mr. S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Our office received the complaints you filed on February 13, February 20 and February 22, 2019, against Albuquerque Police Department (APD) Officer L. and Sergeant (Sgt.) J., regarding a traffic stop which occurred on February 13, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Mr. S complained he was pulled over by two APD Officers and one officer approached on the right side of his vehicle and one on the left. As he was talking to the officer on the right, the officer on the left opened his door and stuck his head in his truck and looked around, which made Mr. S feel violated.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaints, a written complaint report by Sgt. W. at the Valley Area Command, relating his interaction with you when you wanted to file a complaint on the officers involved, a CADS report, and 4 lapel camera video recordings of the incident. Lapel video showed that Officer J. and Officer L. stopped you on Central Ave. near UNM for an excessive use of horn violation. Officer J. approached you on the driver's side of your truck and Officer L. approached your vehicle on the passenger side.. The evidence showed you became very upset after Officer L. opened your right rear passenger door while Officer J. was speaking to you about why he stopped you, and you alleged Officer L. looked through your stuff. The evidence showed Officer L. couldn't see inside your vehicle windows as the tint was too dark and he was concerned about his safety and that of Officer J. You asked for a Sgt. so you could voice your concern about Officer L. opening your door. Sgt. J. arrived on scene and spoke with you about your concerns. He explained that he would speak to Officer L. about why he opened your door after speaking to you about it. Lapel video showed Officer L. told Sgt. J. he couldn't see inside your vehicle and he opened the door because of the officer safety issue it presented, and he didn't put his head inside your vehicle nor did he touch any of your belongings inside the vehicle. Lapel video showed you complained that Officer L. looked through your stuff and also showed that you stated he only opened your door without permission; and said nothing about him looking through your things.

Lapel video and the complaint you filed with Sgt. W. showed that you complained, in person, to Sgt. W. about Officer L. opening your door, just as you had with Sgt. J. on scene. It appears that you were given similar reasons i.e. officer safety by both Sgt. J. and Sgt. W. yet you were not satisfied with their answers.

Lapel videos showed Officer J., Officer L., Sgt. J. and later Sgt. W. were all respectful to you during your interaction with them.

III. CONCLUSION

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

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to you r 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9221

Re: CPC 073-19

Dear Mr. H

On June 10, 2019, we received a complaint filed on your behalf by an APD Supervisor, for an incident which occurred on February 5, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review the complaint.

I. THE COMPLAINT

You complained to Sergeant M. that on February 5, 2019 you were issued a citation by APD Officer R.. You requested a court appearance but when you went to Court, the copy of your citation had not been received. You were told that the Court would send you a summons when they received the citation. Instead, on 3/21/19, you received notice in the mail that the State of New Mexico had suspended your license for failing to pay the citation. The citation was mistakenly sent to the Penalty Assessment Bureau instead of Metropolitan Court. You filed your complaint the next day. According to what the Sergeant wrote, Officer R. was made aware of the situation and was trying to correct the situation. We did not receive your complaint until June 10, 2019.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed the complaint. The Investigator attempted to contact you by phone on July 11, 2019 but received no answer. The investigator left you a voice message asking you to call the Investigator back to see if the situation had been resolved. You did not return the call to the Investigator. The Investigator contacted Officer R. to find out what the outcome of her efforts to correct the situation was. Officer R. informed the Investigator that after several letters were written to the Penalty Assessment Bureau, the citation was removed from your driving history and your license was re-instated.

III. CONCLUSION

We do not know why your citation was sent to the Penalty Assessment Bureau instead of Metropolitan Court and can certainly understand your frustration with the mistake. It appears at this point that the situation has been resolved. Because of that, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9238

Re: CPC 098-18

Dear Mr. H

On April 14, 2018, we received a complaint you filed online for an incident which occurred on that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that you were driving from your work at the VA Hospital and noticed a police car behind you. As you turned into a parking lot, the police car pulled up and turned on its siren. You had no idea what was going on so you called 911. You heard the officer yelling and screaming at you to put your hands on the steering wheel. While you were sitting in your car you noticed several more officers pull up. You were told to throw your keys out of the vehicle, exit the vehicle with your hands where they could be seen and to walk backwards. It was then that you noticed there were several officers pointing their guns at you. You were instructed to kneel and then you were handcuffed. You were patted down for weapons and then put in the back of a police car. You told the officer that you were a retired military veteran and that you had just left work and had done nothing wrong. The officers approached your car, a green Astro mini-van and they looked inside it for other people and found none. You either overheard or one of the officers told you that your vehicle fit the description of a vehicle that was just involved in a robbery that occurred only five minutes before you were stopped. The officer obtained your identification and after a few minutes, the officer came back, got you out of the car, and the officer released you. You were only able to get two officer's names, Officer R. and Officer J.. Officer R. was the only officer to apologize to you. The other officers acted like this was routine and they went on their merry way. You stated that you are a military veteran with 23 years of service and that you were demoralized by the officers of the APD. You then stated, "As a black male, who has no criminal record, I find this behavior to be unacceptable and appalling." You alleged that the stop and your detention was a clear case of racial profiling. You requested a full investigation into the matter. You claimed your reputation was ruined and you were completely embarrassed and

humiliated by the situation. You went on to write that you were seeking out an attorney and that from now on, every time you see a police officer you will have extreme PTSD. You wrote, "I was clearly sought out based on my race."

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator also reviewed the associated police reports on the incident, the Computer Assisted Dispatch (CAD) reports on the incident, and 12 police lapel camera videos of the incident. The Investigator also interviewed Officer R.. The CPOA Investigator also reviewed the relevant Standard Operating Procedure regarding high risk traffic stops.

A high risk traffic stop is any stop which poses a significant risk to the officer. They are performed when officers deal with suspected felons, armed individuals, or any potentially dangerous person. The offense of Burglary or as you called it, Robbery, are situations that require the use of a high risk traffic stop. These types of traffic stops require officers to use different tactics from those of a low risk stop. Those tactics include much of what you described in your complaint.

The CAD reports show that at 2:47 PM, APD received a call from the New Mexico State Police. The State Police told APD that a homeowner was on the phone with them and the homeowner was watching his home at being burglarized. The homeowner had one of those remote monitoring camera systems in the home and it was activated by the burglar. The homeowner could not see the burglar's face because it was covered with a mask. The burglar was described to be wearing a black cap. The burglar's vehicle which was parked in the driveway was described as a blue mini-van. Officer R., Sergeant M., and Officer J. were immediately dispatched to the home. In the man time, the mini-van left the home in an unknown direction. Further description of the burglar from the home owner indicated that the burglar was wearing a hoodie.

The officers arrived at the home at 2:55 PM and at 2:57 PM, Officer J. saw you driving in your mini-van only a few blocks away from the house that was burglarized. He noted that your vehicle was a bluish green in color, that you were wearing a black hoodie and had on a black cap, and you were driving above the speed limit.

Officer J. followed you and you pulled into the dry cleaner's parking lot at Juan Tabo and Menaul. The CADS report showed that 10 officers were involved in the traffic stop and all 10 officers ran lapel video. The officer's lapel videos showed that none of the ten officers pointed their weapons at you. Nine of the officers had their weapons out, and one, Officer C. never un-holstered his. Officer F. had her gun down at her side. The remaining officers, Officer R., another Officer R., Officer Ho., Officer He., Officer P., Officer R., and Officer J., all held there weapons in a ready position but not pointed at you. Sergeant E., had had a less lethal weapon that was also never pointed at you.

The lapel videos showed that you were indeed in a mini-van and you were wearing a black cap and a black jacket as described by the victim of the burglary. As you were being handcuffed, Officer R. told you that the reason why you were being detained was because you and your vehicle matched the description of a person and vehicle involved in a residential

burglary that had just occurred and that you were only being detained pending an ongoing investigation. The officer told you, "I am not trying to disrespect you or embarrass you in anyway." When you told Officer R. that you had just come from the VA he said that he believed you and within minutes you were un-handcuffed and released. While you were being detained, another officer was able to view the actual video of the burglary and quickly made a determination that you were not the burglar and it was not your vehicle involved in the incident. Officer R. told you that he was "very, very sorry for the confusion."

III. CONCLUSION

The evidence in this case showed that the officers had reasonable suspicion to stop and detain you. The facts showed that you were driving a similarly colored mini-van as the burglar. You were dressed in similar clothing as the burglar and when you were spotted and stopped, it was within minutes of the burglar fleeing the home and very near to where the burglary occurred. Your brief detention was allowed by APD policy. Such a detention is allowed for the limited purpose of determining an individual's identity and to confirm or dispel an officer's suspicions. In this case, it was quickly determined that you were not involved in the burglary. It should be noted that no one knew the race of the offender because the homeowner reported the offender was wearing a mask. Race was never a factor considered in the stop. Your allegation that the stop was "racial profiling" is unsupported by the factual evidence available. The lapel video evidence confirmed that none of the officers involved in the traffic stop pointed their weapons at you. The investigation showed your brief detention was allowed by APD Standard Operating Procedure and because of that we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9245

Re: CPC #105-19

Dear Mr. E

Our office received the complaint you filed on April 23, 2019, against Albuquerque Police Department (APD) Officer S., Officer R., School Resource Officer (SRO) A., Officer W. and Sergeant (Sgt.) N., regarding an incident involving your 13 year old daughter, which occurred on February 6, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Mr. E contacted Lieutenant (Lt.) L. on April 23, 2019 to voice his concerns about police involvement with his 13 year old daughter on February 6, 2019 at Tony Hillerman Middle School. The complaint essentially stated that Mr. E. daughter, A., was involved in a dispute with another child, S. Specifically, A. took S.'s phone without her permission and took a "selfie" with it, which initiated the dispute between A. and S. After the incident, S. contacted her father, APD Officer S. to tell him about the dispute. Officer S. and Officer R. went to Tony Hillerman Middle School to speak to S. and the school principal Ms. A., and did not speak to or contact A. Officer R. contacted SRO A. about the incident and SRO A.

investigated the incident along with school staff. Mr. E wants to know why officers were involved in the incident and complained the officers were abusing their authority as they had no purpose in investigating the incident. Mr. E and his wife want the charges that were sent to Probation and Parole to be dropped and insinuated by email a complaint would not need to be filed; however, Lt. L. encouraged a complaint get filed in order to clear any perceived misconduct. Lt. L. also informed the E that the charges against A. would not be tampered with.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint 6 lapel camera video recordings related to the incident. Lapel videos showed your daughter, A., speaking with SRO A., Principal A., and Tony Hillerman Middle School's Vice Principal, inside a conference room, while an unidentified School Security Officer stood by. Principal A. informed A. of the allegations against her and told A. she would be suspended for 5 days. Principal A. and SRO A. told A. that taking someone else's property without their permission and using it (i.e. taking selfies) was unlawful. A. admitted to SRO A. and school staff that she took S.'s cellphone and took several selfies on it before she deleted the photos and was confronted by S.. A. also admitted to confronting S. in the past after S. hit or kicked a volleyball that hit one of A.'s friends in the head. During her interview with SRO A. and the school staff, A. was verbally aggressive and abusive towards SRO A. and school staff throughout the interview and was non-compliant, as well, and attempted to leave the room more than once. After noticing that SRO A. was recording the interview, A. attempted to take SRO A.'s lapel camera from the table and SRO A. had to restrain her by holding her wrists and having her sit back down in a chair. A. made verbal threats against S. a couple of times.

Mrs. E A.'s mother, arrived during the interview and A. continued her behavior. Mrs. E told SRO A. and school staff that A. acts out at home and is verbally and physically abusive to her and her husband, Mr. E and they don't know what to do with A. Mrs. E and Principal A. spoke about several other incidents involving A.'s behavior at school, in addition to the cellphone incident on this day, and Principal A. told Mrs. E and A. that A. would be suspended from school for 5 days. Mrs. E agreed that A.'s actions were wrong and seemed to understand why A. was being suspended from school. You, Mr. E also showed up during the interview and also admitted that A.'s behavior was wrong and that there are consequences for her behavior. At one point, you also had to restrain A. from leaving the room when she wanted to leave to find her cellphone.

Lapel videos showed SRO A. called for Sgt. N. to respond due to having restrained A. by the wrists when she attempted to grab his lapel camera. Videos showed SRO A. and Sgt. N. explained to you and Mrs. E that SRO A. restrained A. by her wrists and why, and that an evidence technician was called out to photographically document any injuries, or lack thereof as was the case with A.'s wrists.

Lapel videos showed that neither you, nor Mrs. E took issue with police presence at the time of the incident, nor did either of you ask SRO A. or any of the other officers on site why they were there and involved in this incident.

Lapel videos showed all officers were professional, very personable and respectful towards A., Mrs. E and you during your interactions with them.

III. CONCLUSION

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

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to you r 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9252

Re: CPC #106-19

Dear Ms. M
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate a complaint filed on your behalf by an Albuquerque Police Department sergeant against Officers of the Albuquerque Police Department (APD) on April 22, 2019, regarding an incident that occurred on April 22, 2019.

I. THE COMPLAINT

Sgt. G entered a complaint for S , M . He wrote Officer C responded to her call for service involving Ms. M daughter borrowing her vehicle and did not return it. When Officer C requested her driver's license for the report, Ms. M became upset. She ordered Officer C to leave her home, which he did. Ms. M called the non-emergency number to speak to a supervisor. Sgt. G called her. She said she was going to file a citizen's complaint herself. She said the officer was incompetent and laughed at her. Sgt. G advised the incident was recorded. She hung up on him.

II. INVESTIGATION

The CPOA Investigator reviewed the CADs and the lapel recordings from Officer C and Sgt. G. Officer C asked Ms. M what happened that night. She said her daughter never returned with her car. He asked how may he assist her and she told him a report, using profanity. He clarified she wanted to file a felony charge against her daughter and she said she did. Officer C asked for her driver's license. Ms. M seemed surprised at the request, but started to retrieve it. She asked Officer C why he had an attitude. Officer C explained he did not and simply asked for her license. She complained about a previous officer having an attitude with her when a similar situation occurred. She told Officer C to get out because she could not trust police. He asked her if there was anything else he could do, and she told him that she was reporting him. She kept claiming he had an attitude and told him to get out, which he complied with her order. The CAD indicated Ms. M called later in the night and reported her daughter had returned the car.

Sgt. G called her on the phone because she had called the non-emergency number and asked to speak to a supervisor. Ms. M said she was going to file a complaint herself tomorrow. Sgt. G asked her how he could assist her since she asked to speak to a supervisor. Ms. M said she would file the complaint tomorrow because he did not call when she needed. She reported that Officer C was incompetent and laughed at her. Sgt. G advised her at that time there was a video, he watched it, and told her she was quite rude to the officer. She wanted to know if it recorded the officer laughing and smirking. Sgt. G asked if there was more he could do, she complained some more, and then asked for his name. He provided it along with his man number. She made a sarcastic comment and then disconnected the call.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the review of the lapel videos showed there was no misconduct on the part of the officer or the sergeant. There was no actual written complaint from Ms. M . Sgt. G filed it without her requesting it because she said she would file her own, which she never did. The complaint appears to be a conduct complaint since she alleged on the lapel video that Officer C laughed at her, which the video showed he did not. There was no minimal substantiation of a conduct complaint or violation of Standard Operating Procedures.

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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9269

Re: CPC 114-19

Dear Ms. O.

On June 10, 2019, we received a complaint filed on your behalf by an APD Supervisor, for an incident which occurred on April 19, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review the complaint.

I. THE COMPLAINT

You complained to Sergeant G. that your apartment was burglarized on April 19, 2019 and the APD Officer who arrived there, Officer C., seemed not to care about what had just occurred. You told the Sergeant that you did not want Officer C. to get in any trouble but you felt he could have handled the call better. You stated that the officer didn't check the apartment to see if anyone else was inside it and the officer didn't take any fingerprints. You stated that the officer told you it would be hard to get fingerprints off the wooden items the offender or offenders might have touched. You told the Sergeant there were smooth items in the house that were touched that should have been fingerprinted.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed the complaint. The Investigator reviewed the officer's disciplinary history and found that there was no history of any similar complaint. The Investigator reviewed the officer's lapel camera footage of the officer response to your call. The Investigator also reviewed the Computer Assisted Dispatch (CAD) report and the police reports made in reference to your burglary. The CAD report showed that when you called to report your burglary, you did not express any concern that someone else may have still been inside your home. You called at 10:06 PM and Officer C. arrived some 40 minutes later. You did not call back in between to express concern that someone may still be in your apartment and you did not express any concern over that to Officer C. when he arrived on scene. The lapel camera video showed that many of the items that the offender or offenders

may have touched were in fact wood such as the dresser and closet and it is difficult to lift fingerprints from items like that. You did not have the serial numbers to the electronic items that were stolen from you. There did not appear to be any signs of forced entry into you apartment. A supplemental police report indicated that a few of the items stolen from you in your burglary were recovered by an APD Detective and returned to you.

III. CONCLUSION

The lapel camera video from Officer C. showed that he was businesslike in his dealing with you. There was no violation of APD policy revealed in the lapel video with regard to Officer C.'s conduct. Calling a Field Investigator to the scene of a burglary is a judgment call and is within the officer's discretion and is based on the officer's observations of available evidence at the scene. The officer did not call for a Field Investigator in this case, due to the difficulty in obtaining possible fingerprints from the items touched by the offender or offenders. The allegation you made to Sergeant G, even if found to be true, would not constitute misconduct by Officer C.. Because of that, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9276

Re: CPC 115-18

Dear Ms. R

On April 27, 2018, we received a complaint you filed for an incident which occurred on April 16, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on April 16, 2018 your 15 year old son came to you alarmed that Albuquerque Police Officer T. was trying to have your son grant him access to his Instagram account. Your husband, a former APD Psychologist, and Officer T. have a contentious relationship with one another. The relationship was so contentious that your husband resigned his position with APD in 2016. You stated that from 2016 to the time of this incident, no one from your family had spoken with Officer T.. You believed this request was done intentionally and was an unprovoked attack on a young man who had just turned 15. You stated that your son was now fearful of what Officer T. may do to him. You wrote that Officer T. should not be allowed to hide behind his badge while using the internet to frighten children. You wanted Officer T. punished for his behavior. You believed that the request for access was a violation of your son's civil rights. Your son's Instagram account is private and so is yours. You believed that Officer T. used his means as an APD officer to locate your son's account to send the request. The request for access was never granted by your son. You asked if Officer T. searches the internet often trying to follow young boys on social media. You wanted to know if APD resources were used by Officer T. to locate your son online. You filed a Temporary Restraining Order (TRO) on Officer T. and a hearing was scheduled before the court on May 17, 2018.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator also spoke with you prior to the hearing and at the Court Hearing. The CPOA Investigator expressed concern over the fact that it would be difficult, if not impossible, to determine if APD resources were used to find your son's Instagram account. Officer T.'s Instagram account is not private and anyone can view his account. Furthermore, proving that the request was harassment, or was a violation of any APD Standard Operating Procedure would be equally difficult to prove. The CPOA Investigator was familiar with the dispute your husband had with some of the members of APD including Officer T.. The dispute was over work product and who owned it, who benefitted from it, and who got paid from the Crisis Intervention Training programs put on by APD and your husband. There was a related Internal Investigation that was initiated and completed by APD based on an anonymous complaint.

On May 17, 2018 at about 10:00 AM, the CPOA Investigator attended the Court Hearing on the TRO. You and your husband and you son and someone else was there on your behalf and Officer T. and two other individuals were in attendance. You told the Judge that you had not had any contact with Officer T. over the last two years. You were seeking a permanent Restraining Order and you alleged harassment. You explained to the Judge that a request had been made by Officer T. to follow your son's Instagram account. Your son denied the request. The Judge asked you how one request was harassment. Your husband explained that this was just an additional incident of an ongoing professional dispute between the two. He said that there had been a complaint lodged against his license by Officer T. after he left APD. You and your husband also expressed concerns as to why a grown man was trying to follow your son's Instagram account and how Officer T. even got access to your son's name and account. You told the Judge that you had created an Instagram account from scratch and couldn't locate your son, and you asked how it was that Officer T. could.

Officer T. explained to the Judge that on social media he often gets suggested people to friend ort request access from the APP itself. He said that could be as many as twenty a day. He said that he had "no clue" how the request for access may have been sent. In any case, he said that it was not job related and if he did request access he doesn't know how he requested access. You told the Judge you didn't feel Officer T. was being straightforward and that there was no way a suggestion like that would just pop up.

The Judge found that the Restraining Order was not warranted and he entered an order denying the Restraining Order. He advised both parties to take steps to avoid interaction with one another.

III. CONCLUSION

In this case, after both parties presented to the Judge, there was a judicial determination that one request that wasn't granted, whether sent intentionally or unintentionally, did not constitute harassment. The Judge denied issuance of a Restraining Order. There is no APD Standard Operating Procedure that prohibits APD personnel from sending a friend request on Facebook, or requesting to follow someone on Instagram. Because there was a judicial finding rendered in this case that no harassment occurred and your request for a restraining order was denied, and because there is no SOP prohibiting the request that Officer T. sent, 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9283

Re: CPC 119-18

Dear Mr. M

On September 24, 2018, we received a complaint filed on your behalf by an APD Supervisor about an incident that occurred on May 20, 2018.

I. THE COMPLAINT

The APD Supervisor wrote in the complaint that on May 20, 2018 at about 10:30 PM, two APD officers, Officer C. and Officer B., were dispatched to [redacted]. You had called the police do to a welfare check on your 4 year old child after you had a Facetime conversation with her. You told the officers that your child was afraid to talk to you with her mother present, and the conversation just dropped. When you called back, your child was crying and was told by her mother that she should not be talking to you. The mother then terminated the phone call. You told the police supervisor that Officer C. told you that there were bigger issues and had you done their job earlier this situation could have been avoided. You complained that the only reason a report was done was because the APD Supervisor ordered that one be done. You told the Supervisor that you had called CYFD to report the incident with your daughter and you wanted the APD officers to force entry into the home where your daughter was to make contact with her and check on her welfare. The Supervisor informed you that forcing entry to the home was not an option in this case. You told the Supervisor that you wanted to file a complaint.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed the complaint. The Investigator reviewed the police report and the officer's lapel camera recordings of the incident. There was also a video that was reviewed that was made by the officer's Supervisor.

The police report indicated that you had called the police to report child abuse. You indicated that you were Facetiming your daughter and your daughter's mother terminated the call. You

told the officer that your daughter was crying and said that she had been hit in the forehead by her mother. You wanted the officers to check on your daughter.

Officer C. arrived at the location and noted that only one light was on in the house. He knocked multiple times on the door but there was no answer. APD called you back and told you that no one was home but you insisted that there was someone home.

Later, you called back requesting a Sergeant. You did not feel that the officers did a thorough job when they went to check on your daughter. You could not understand why the police could not force entry to the home, even though they explained to you that they had to have exigent circumstances to do so.

You then drove to the area where the house was where your daughter and her mother live. The officers knocked on the door again and no one answered. The APD Sergeant on scene tried calling your daughter's mother numerous times on her cell phone but she refused to answer.

When the officers went to speak to you, you were on the phone with CYFD. The officers waited for you to finish the call and you then told then what had occurred earlier at around 8:00 AM. You felt the child's mother had violated a Court Order by terminating the call with you. You demanded that the officers force entry into the home. The officer and the officer's Supervisor explained to you repeatedly that they could not force entry into the home based on the circumstances. You then requested a Lieutenant. A Lieutenant was advised of the situation and given your number. The officer told you he would do a report on the matter. The police report indicated that you were very irate. You became so angry you would not allow officers to speak with you.

The CPOA Investigator reviewed the lapel camera videos of the officers and the Supervisor. The lapel camera videos supported what the officer wrote in his police report. Even though the officers and the Supervisor explained to you numerous times why they could not force entry to the home, you refused those explanations and just became increasingly irate.

III. CONCLUSION

The investigation conducted by CPOA Investigator showed that you were upset that officers would not force entry into your daughter's mother's home. The officers and the Supervisor correctly told you that based on the information you provided, there was no way they could force entry to the home. You were clearly upset at the situation and you believed that your daughter's mother had violated the Court Order existing between you and your daughter's mother. The officer properly documented the incident. Based on the investigation conducted into the matter based on the available evidence, the officers and Supervisor did not violate any APD policy or procedure.

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

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9290

Re: CPC #125-19

Dear Ms. D

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 15, 2019, regarding an incident that occurred on October 21, 2018.

I. THE COMPLAINT

J D submitted an online complaint regarding her concerns over the death investigation of her father. Ms. D expressed she had difficulty reaching the primary officer to ask questions. She did not understand why certain evidence was collected and other items not. She had concerns with how the scene was investigated. She implied doubt about the ruling of the scene being a suicide.

II. INVESTIGATION

The CPOA Investigator reviewed the CAD, the police report, the OMI records, the SOP, and the lapel videos. The police report had Ms. D statement of events, supported by what the lapel video captured about her statements to the officers. The scene described was supported by the lapel videos. The OMI report confirmed the initial determination that the death was a suicide. Ms. D informed the officers that her father was stressed and increasingly paranoid regarding a custody battle. The policy regarding apparent natural death and suicide was followed.

The CPOA Investigator called Ms. D to find out more what her complaints were. Ms. D had reviewed the OMI report since she filed her complaint. Ms. D did not have additional questions or complaints at this time and wished the complaint to be closed.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Ms. D had no further questions and wished to withdraw 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

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9306

Re: CPC #128-19

Dear Ms. St. J

Our office received the complaint you filed on March 12, 2019, against Albuquerque Police Department (APD) Officer V., regarding an incident which occurred on March 9, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Ms. St. J said that on March 9, 2019 at 2:00 PM, she caught, R C , a man against whom she has a restraining order (RO), slashing her tire so she called 911. She said Officer V. responded and took a report. She complained that Officer V. has had previous issues with Mr. C and knows he is not mentally stable and she refuses to protect or serve Ms. St. J family in any way. Ms. St. J complained that she called 242-COPS to ask Officer V. to call her back so she could ask Officer V. to forward the report to the District Attorney (DA) like the DA asked but her call was never returned. Ms. St. J also complained that 242-COPS is useless because she called them to come to her house several times and no one shows or they take several hours.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer V.'s written report, three CADs reports, and 4 lapel camera video recordings. The evidence showed that on March 9, 2019, you called APD at 1248 hours and Officer V. and Officer D. responded and arrived at your home at 1306 hours. The evidence showed Officer V. wrote a criminal summons for Mr. C for the damage to your tire. Lapel video showed you speaking with Officer V. about a report she wrote for you, for another incident that took place prior to March 9, 2019, for which Mr. C was charged and according to you, given a year of probation. Lapel videos show that Officer V. and Officer D. attempted to verify Mr. C probation by checking 2 databases and calling Probation and Parole; however, they learned that Mr. C was not on probation, nor was there an active RO against him. You told the officers that you would go to Metro Court to see what was going on and inquire as to why Mr. C wasn't on probation and why there wasn't an active RO in the system.

A CADS report showed you called APD on March 10, 2019, at 1450 hours, to again report that Mr. C had driven by your home. Officers S. and C. responded to this call and arrived at your home at 1513 hours. You told Officers S. and C. there was a restraining order (RO) against Mr. C and once again, they checked for a RO against Mr. C but no RO could be located. Again, you told the officers you would go to Metro Court to look into the situation.

A CADS report showed you called APD on March 12, 2019, at 0102 hours, and were very upset that a report was not filed for Mr. C having violated a restraining order (RO), and that you and your children's lives were in danger. You also asked for the number to our office so you could file a complaint. The evidence showed that Officer S. took this call and contacted NCIC again but was again told that Mr. C had no such RO against him. The CADS also showed that on March 10, 2019, you were advised by Officer S. that you had a warrant for your arrest but due to the low bond amount and your need to locate a RO you were only advised to go to the bonding window to resolve the warrant. The evidence showed that Officer V. indeed filed a report for the incident which occurred on March 9, 2019, and our office received your complaint on March 12, 2019.

Lapel video showed that Officer V. and the other officers who responded to your residence, did what was required of them and they were respectful and professional towards you and your family.

Regarding your complaint that 242-COPS is useless because they either never show up or take several hours to arrive, the evidence showed that on March 9, 2019 it took officers 18 minutes to arrive after you called APD, and on March 10, 2019 it took officers 23 minutes to arrive at your residence after you called APD.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed Officer V. completed a report for the incident that took place on March 9, 2019, wherein Mr. C punctured your tire, and she did what she was able to do to protect you and your family from Mr. Cl given there was no RO against him on file at the time of these incidents. Additionally, Officer V. did not violate any APD SOPs.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to you r 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9313

Re: CPC #129-19

Dear Ms. T

Our office received the complaint you filed on March 18, 2019, against Albuquerque Police Department (APD) Detective (Det.) A. and Sergeant (Sgt.) J., regarding an incident which occurred on December 31, 2018. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

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

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

I. THE COMPLAINT

Ms. T said she was arrested on December 31, 2018 as she was coming back from Wal-Mart, where she purchased a large amount of items. She complained that when she was taken into custody Det. A. told her he would place her belongings in the apartment with her son and she tried to get those belongings from evidence but they weren't there. She spoke with Sgt. J. and he told her "Well Mrs. T your stuff is gone and it's possibly in the vehicle owner's possession. And how do you think they feel about you stealing their vehicle? They are entitled." And he told her there was nothing he could do. She wants her $200.00 back from those officers.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer G.'s original report regarding the auto theft, which was written on January 30, 2019, Det. A.'s supplemental report regarding recovery of and your possession or receiving of that stolen vehicle, written on January 31, 2019, and 7 lapel camera video recordings related to this case. The evidence showed that you were arrested on January 31, 2019, and not December 31, 2018, after the APD auto theft unit detectives observed you driving a stolen vehicle to and from the Wal-Mart back to your residence. During your arrest you told Det. A. about the items inside the vehicle; however, it appears that during the arrest and subsequent towing of the stolen vehicle, those items were inadvertently left inside the vehicle, and it is unknown if they were disposed of at the tow yard or disposed of by the victims of the auto theft.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because Det. A. and Sgt. J. did not violate any APD SOPs.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to you r 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9320

Re: CPC #130-19

Dear Ms. S

Our office received the complaint you filed on March 20, 2019, against Albuquerque Police Department (APD) Officer R., regarding an incident which occurred on March 9, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Ms. S . complaint essentially stated that a male officer (later identified as Officer R.) showed up at her door due to being called by the New Mexico Crisis and Access Line. Officer R. told her she had to go to the hospital because Operator D., to whom Officer R. spoke, said Ms. S said she was going to kill herself. Ms. S confirmed she had suicidal thoughts but had no means or plans. Ms. S dropped the phone while on the call with Operator D. so Operator D. asked if it was okay if she sent paramedics to check Ms. S o which Ms. S agreed. When Officer R. told Ms. S she was going to the hospital because of what Operator D. reported, Ms. S tried calling Operator D. back but was unsuccessful. She continued to verbally refuse to go to the hospital and told

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Officer R. if he wanted to move her he would have to do it. She complained Officer R. pulled her by her right arm and she stood up before he put handcuffs on her and walked her in front of her neighbors even though she committed no crime.

Ms. S· main complaint is that Officer R. violated her HIPPA privacy because she received a call from M. at the New Mexico Community Engagement Team and M. told her Officer R. gave them personal, private psychological thus medical information without her permission. She feels completely violated by the entire situation. She never wants the officer to go to her residence again and she said the entire police department should be given training in how to deal with potential suicidal or homicidal ideation. She said she is a therapist and would gladly teach the class.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADs and Officer B.'s written report and lapel video from a March 7, 2019 call to your residence, as well as the CADs and Officer R.'s written report and 4 lapel camera video recordings from the incident in question, which occurred on March 9, 2019.

The evidence showed that on March 9, 2019, New Mexico Crisis Line Operator D. called APD reporting suicidal threats you made to her. Officer R. and Officer F. were dispatched on the call and responded to your residence. In addition to the aforementioned officers, Albuquerque Fire Rescue (AFR) also responded to the call. Lapel videos showed you spoke with the officers and AFR about your medical history and suicidal ideations as you were being medically assessed by AFR personnel. During the assessment, Officer R. asked if you wanted to go to the hospital in the ambulance or in his vehicle and you said you weren't going with him or AFR. Officer R. and AFR personnel informed you they were legally bound to transport you to the hospital for a mental health evaluation, to which you responded that you would rather they arrest you and take you to jail than take you to the hospital. At that point, Officer R. politely asked you to stand up and did not grab you by your right arm, as you have alleged. You complied with his request and stood up and placed your hands behind your back so he could handcuff you. You asked why you were being arrested and both Officer R. and Officer F. told you that you weren't under arrest and that since you refused to willingly walk with them they had to place you in handcuffs for your safety and theirs.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed Officer R. was authorized to detain you under the authority of **APD SOP 2-19-11 (A)(5) Procedures for Emergency Mental Health Evaluation**, *which states, "In accordance with NMSA 43-1-10, an officer may detain a person for emergency evaluation and care at a hospital, mental health facility, or an evaluation facility in the absence of a valid court order only if: A licensed physician, certified psychologist, or a qualified mental health professional licensed for independent practice who is affiliated with a community mental health center or core service agency has certified that the person, as a result of a mental disorder, presents a likelihood of committing serious harm to himself or herself or others, and that immediate detention is*

necessary. Certification will constitute authority for the officer to transport the individual. Additionally, lapel videos showed Officer R. and Officer F. treated you with dignity, respect, and professionalism and did not violate the aforementioned APD SOP, or any other APD SOPs.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9337

Re: CPC #132-19

Dear Mr. S

Our office received the complaint you filed on April 10, 2019, against Albuquerque Police Department (APD) Officer R. and Sergeant (Sgt.) R., regarding an incident which occurred on April 6, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Mr. S complaint essentially recounted the incident in which he was involved in a physical altercation with 4 other people during which he states he was severely beaten over a slice of pizza. His account is as follows: he started to get a slice of pizza out of the oven and the female involved in the altercation, K.G., began yelling at him and calling him names. He apologized to her repeatedly and just wanted to get out of the house but as he headed to the door, K.G. got her husband and the other two individuals "fired up and from there it turned into a mob mentality." K.G. kicked him in the leg and scratched his face, so he grabbed onto her and they fell. He got up and was punched in the face, and fell face first onto the ground. One of the other males grabbed his legs while the other male hit him repeatedly over the face.

While this was happening the third male was kicking him and K.G. was yelling for them to keep hurting him.

Mr. S complained he was never given a chance to tell his side of the story and that Officer R. came to a bias conclusion that he deserved the beating. He complained that when Officer R. questioned him he (Mr. S) was mentally disoriented, his whole body was aching, his balance was off, his ears were ringing, and he was nauseous and had been vomiting, and Officer R.'s statement makes Mr. S out to be a falling down drunk who deserved everything he got. He complained that instead of doing the right thing and letting other officers talk with Mr. S even a couple days later, Officer R. said he was a liar, who did not deserve to get a fair and unbiased interview from fellow officers. He reached out to Sgt. R. and complained that Sgt. R. said that based on what he read he was not going to follow-up and said he had no reason to talk to Mr. S . He complained that Officer R. and Sgt. R. acted as judge and jury and have total disregard for an honest and impartial judgment. He wants Officer R. and Sgt. R. fired and another officer, who is not part of Officer R.'s and Sgt. R.'s inner circle, to interview him.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, three CADS reports, Officer R.'s written report, and 6 lapel camera video recordings related to this case. The evidence showed your girlfriend, A.G., who is K.G.'s mother, called police to report that you were hit in the face by another male. Officer R., Officer C. and Officer S. responded to the call. Lapel video showed that Officer R. interviewed you first and gave you a chance to tell your side of the story, contrary to your allegation that he didn't. As Officer R. interviewed you, Officer C. and Officer S. interviewed the others. From lapel videos it appeared that you were noticeably intoxicated as you repeatedly told Officer R. the others beat you up for no reason. While you were being assessed by rescue personnel, Officer R. interviewed your girlfriend, A.G., who told him what happened, including that you were intoxicated and this is how you typically behave when you're intoxicated. She said a physical altercation started with K.G. in K.G.'s home during which you cursed at and assaulted K.G. before her boyfriend, R.T., could get you out of the residence. A.G. said she was able to get you into her vehicle and as she attempted to leave, you got out of the car and initiated another physical altercation with K.G., R.T., and his two friends. Evidence showed that it was during this time that you were hit as the others defended themselves.

A follow-up CADs report from several hours later showed that you called APD, again, to report the incident. Officer R. took the call and his report recounted that he called you and told you a report was taken earlier but due to your level of intoxication you didn't remember speaking to him, or that he had already seen your injuries. Officer R. gave you the report information and forwarded the report on to Impact Detectives for possible follow-up.

The evidence showed that Officer R.'s report documented information received from his interviewing you and the other involved parties and did not "make you out to be a falling down drunk who deserved everything he got", as alleged in your complaint. There is no evidence to show that Officer R. said "you were a liar, who did not deserve to get a fair and

unbiased interview from fellow officers", as alleged in your complaint. The evidence showed that Officer R. did not "act as judge and jury and have total disregard for an honest and impartial judgment", as alleged in your complaint. Rather, Officer R. simply reported his observations and the information given to him by the five other people involved in the incident. This information was supported by his lapel videos, as well.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that neither Officer R. nor Sgt. R. violated any APD SOPs.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9344

Re: CPC #133-19

Dear Ms. V

Our office received the complaint you filed on April 17, 2019, against Albuquerque Police Department (APD) Officer R., regarding a motor vehicle accident which occurred on August 6, 2018. 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.

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I. THE COMPLAINT

Ms. V complained that when Officer R. arrived on scene, he acted disinterested and only asked for identification and did not take her statement. She complained the police report was a nightmare and she feels it's incomplete because it has no witness statements although there were many witnesses. She and her daughter had to go to the substation after 2 months of no call backs from anyone and demand the report. Sgt. N. provided her with a copy of the report and advised her of their right to make a formal complaint and provided her with a complaint form.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, and Officer R.'s written report and a lapel video recording.

The evidence showed that on August 6, 2018, your daughter was operating your vehicle in which you were a passenger when another vehicle being driven by a male driver struck your vehicle. Officer R. responded to the accident, which took place near the stop sign in the parking lot of a Mister Car Wash, and wrote an accident report. Officer R. listed the male driver as the at-fault driver and reported that you and your daughter had been transported to the hospital for observation, and your vehicle needed to be towed. Officer R.'s lapel video

recording showed surveillance footage of the accident as it occurred. The recording clearly shows the accident and who was at fault.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence shows that Officer R.'s report was completed and accurately reflects what was shown in the surveillance video and it was approved by a supervisor who would have requested Officer R. make additions, or changes if necessary. Lastly, we cannot minimally substantiate your allegations of misconduct on the part of Officer R..

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

September 13, 2019
To file

No address; No email

Re: CPC #137-19

Dear Mr. D:

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

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

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

I. THE COMPLAINT

Mr. D called the non-emergency number of New Mexico State Police and reported to Dispatcher R. that Officer J. was driving his patrol vehicle in the fast lane and speeding 5-6 miles over the limit. He saw Officer J. activate his emergency lights briefly near Carnuel and then turn off. Mr. D believed it to be a violation for Officer J. to remain in the fast lane the whole way and wanted to speak to Officer J.'s supervisor to determine whether, or not, it was a violation to remain in the fast lane the whole way.

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II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and forwarded the complaint to Officer J.'s supervisor, Sergeant (Sgt.) K., as you requested. Sgt. K. informed the CPOA Investigator, via email, that he spoke with you on June 8, 2019, regarding the incident and provided the following summary of his conversation with you:

"I called Mr. D back on June 8th, 2019 at 1925 hours. He stated that Officer J. was driving in the left hand lane on a two lane road. He stated that Officer J. appeared to be driving the speed limit (65mph to 70pmh). Mr. D was upset because Officer J. (who was driving the speed limit) did not move out of the left hand lane to allow faster traffic (vehicles driving above the posted safe speed) to pass on the left. At one point a vehicle attempted to pass on in the right lane (both speeding and illegally passing in a right lane) and Officer J. briefly activated his emergency equipment to give a warning to the driver rather than pulling them over and issuing them a ticket. Officer J. was returning to his home after attending Department mandated training at the police academy. Officer J. did confirm that he was driving that vehicle after training. Officer J. did not remember this specific incident but did state that when he is on his way home rather than pulling people over, he will briefly activate his emergency equipment to get people's attention about their driving behavior.

Mr. D was specifically upset that Officer J.'s obedience to the speed limit and use of emergency equipment caused traffic to slow down and back up. Based upon my research into state law (since the incident occurred out of the city limits) vehicles are only required to drive in the right lane when they are going under the posted speed limit. Based upon my interview with Mr. D , Officer J. did appear to be driving the speed limit. After my interview with Mr. D and Officer J., I do not believe that Officer J. violated any laws or SOPS. I also do not believe that his actions reflected negatively on the department.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because it was handled by Officer J.'s supervisor, as you requested, and Officer J. did not violate any APD SOPs.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9351

Re: CPC 146-19

Dear Mr. W

On May 1, 2019, we received a complaint you filed for an incident which occurred on April 29, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that you are a retired APD Officer and you work for Transportation Safety Administration (TSA) at the Airport. On April 29, 2019 at about 10:00 AM, you noticed a female near your check point having a difficult time breathing. You noticed APD Officer O. at the APD podium nearby, on his cell phone, and you tried getting his attention for about 10 seconds. When you got no response from him you whistled at him to get his attention. Officer O. put his cell phone away and looked at you. You pointed at the officer so he would understand you were trying to summon him. The officer came over to you and told you that he did not appreciate your whistle and hand gestures and he told you that you could have come over and talked to him instead of summoning him like that. You stated that the two of you "had words" and you pointed out that the whole time he was clueless that there was a woman there in distress. You felt that Officer O. has an issue and you wanted to know if Officer O. was required to have his lapel camera on. You felt it was incidents like these that cause the public not to like the police. You wanted a review of the officer's past history to see if he has a pattern of incidents like this and if he does to move forward with appropriate discipline. Your concern was that the officer was on his cell phone and you did not know whether he was texting or playing video games. You also wanted to know if the officer used his video camera.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator reviewed the officer's disciplinary history and found that there was no history of any similar complaint. The Investigator reviewed the officer's lapel camera footage and the incident was not captured on his camera but an incident such as this would not have been required to be recorded under APD's current Body Worn Camera Policy. Because there was no video capturing the incident and because the officer does not have a similar complaint history, this complaint was sent to Officer O's supervisor, Lt. E., for disposition.

Lt. E. reported to the CPOA Investigator that he tried speaking with you about your complaint but you told him that you do not want to discuss the matter further, mediation or otherwise. Despite that, Lt. E. spoke with Officer O. about his interaction with you on that day.

III. CONCLUSION

The incident that took place between you and Officer O. on that day was unfortunate. The officer does not have any similar complaints and in his disciplinary history and by APD policy, he was not required to record his interactions with you or the public in this matter. Because of that, there is no independent evidence available to rely upon to find whether or not the officer's actions were within policy. The Lieutenant tried to get more information from you and talk with you more about your complaint but you indicated that you did not want to discuss the matter any further. Because the allegation you made, even if found to be true, would be a minor policy violation, and because there is insufficient evidence available to investigate the matter any further, 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

September 13, 2019
To File

Anonymous

Re: CPC #155-19

Dear Anonymous:

We received your complaint March 31, 2019 about an incident that occurred March 19, 2019. In your complaint you allege the officer pulled you over for speeding, but didn't care that you were rushing home to see your daughter that was injured and in the hospital. Additionally, you would like the ticket voided and the officer taught some people skills.

I checked the active roster of Albuquerque Police Department personnel. There is not an "A R ," on APD's roster of personnel. Therefore, our agency does not have jurisdiction to investigate your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9368

Re: CPC #156-19

Dear Ms. D·

On March 19, 2019, we received your complaint against Officer G. You stated he showed no empathy, was biased, and wrote false claims on the vehicle crash report.

In order to investigate your complaint I reviewed a copy of the State of New Mexico Uniform Crash Report # and Officer G's On Body Recording Device (Lapel Video). The crash report included a supplemental report filed March 19, 2019.

My review of the above evidence shows Officer G's report is accurate. I base this on my review of the independent witness statement recorded on scene by Officer G. That witness is listed on the report. There are no false claims in the report.

Empathy is a matter of perception. I found nothing in the interaction unprofessional.

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

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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9375

Re: CPC #160-19

Dear Mr. W

Our office received the complaint you filed on May 23, 2019, against Albuquerque Police Department (APD) Officer B. and Officer U., regarding an incident which occurred on November 11, 2018. 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.

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Albuquerque

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I. THE COMPLAINT

Mr. W complained he was at his residence getting thing down from his vehicle and had consumed a 16 ounce beer. Right after disposing of the can, he noticed two vehicles outside his property and as he was looking to see if there were any occupants inside the vehicles, an officer approached him while shining a flashlight into his face. He complained the officer immediately began interrogating him and although he was truthful, the officer wouldn't listen to anything he said and became increasingly hostile towards him. He complained that when the officer's partner closed the distance, while putting on plastic gloves, he feared for his safety and did his absolute best to comply. He complained he had to perform a sobriety test in front of his property and neighbors, and that he was arrested for hitting a vehicle with his truck. He said he was astonished but mostly terrified. He complained the officer humiliated him by refusing to allow him to use the restroom, forcing him to use it on himself and the floor.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer B.'s written report, Officer U.'s accident report, and 3 lapel camera video recordings related to this case. The evidence showed that Officers B. and U. responded to your address because someone called APD to report that you side swiped a vehicle parked in front of your home as you were turning into your driveway. Officer U. arrived on scene first and spoke to you and an independent witness to

the accident before identifying damage on the side of your vehicle that was consistent with having caused damage to the vehicle parked on the road in front of your house. At no time did Officer U. interrogate you, or become increasingly hostile towards you.

Officer B. arrived on scene shortly after Officer U., and spoke with you to get your version of events, during which you denied having hit the other vehicle with yours. After getting you side of the story, Officer B. asked you to perform a Field Sobriety Test (FST). You asked if you could perform it out of view of your neighbors and he allowed you to do so. Lapel video showed you performing and failing the FST and Officer B. placing you under arrest for Driving While Intoxicated (DWI). The evidence showed that Officer B. listened to you, and did not interrogate you or become increasingly hostile towards you, as you have alleged in your complaint. As Officer B. handled the DWI arrest, Officer U. completed the accident report.

Officer B. left the scene with you, and transported you to the substation for processing. During the drive the two of you carried on a pleasant conversation about various subjects and were cordial and personable with one another. You were remorseful and noticeably upset about the arrest and Officer B. reassured you that everything would be okay. Upon arrival at the substation, Officer B. conducted a breath test on you to determine your blood alcohol content level before placing you in a holding cell. As he placed you in the cell you asked, "Will I be able to use the restroom?" to which Officer B. said, "Yeah but are you good for now?" and you replied, "Yeah." Officer B. closed the door and began writing his report. He checked on you a short time later and you were sleeping so he asked, "Hey Austin, you doing alright man?" You woke up and said, "Yeah." He asked, "You need the restroom now, or…I'm still plugging away bro trying to get done." You said, "I'm good." Officer B. said, "You good for now?" and you nodded your head yes. Officer B. said, "Alright man, let me keep plugging away so we can get up outta here alright?" and then closed the door momentarily. He opened the door again and said, "Hey man, is this your pee?" to which you replied, "Yeah." Officer B. said, "You peed on the floor?" to which you mumbled, "I had to go bad." Officer B. said, "You could have just told me man." to which you said, "I wasn't sure if they would listen." Officer B. said, "Yeah man. If you need anything man just yell out alright?" Officer B. left and went back to writing his report. He returned about 30 minutes later to check on you and you were lying down on the bench. He asked if you were still doing okay and if you needed the restroom to which you replied, "Not anymore." You asked for water and he left right away to get you water and returned within minutes with two cups of water for you. He left again to finish his report and returned after he completed his report.

Officer B. then transported you to the Prisoner Transport Center (PTC) and during this transport the two of you, again, spoke about various subjects, including your fear of being arrested, and, once again, Officer B. reassured you that you would be okay and that everything would eventually work out. He even spoke with you about having a mentor and how that may help you in your life. Upon arrival at the PTC, you mentioned that a cigarette would help calm you down and Officer B. provided you with a cigarette from the pocket of his passenger door. He stood with you outside the PTC as you smoked and continued carrying on a cordial conversation with you. Once you were finished with the cigarette, he escorted

you into the PTC where you were processed for and ultimately transported to the Metropolitan Detention Center (MDC) by PTC personnel.

Lapel video showed that Officer B. did not refuse your request to use the restroom, as alleged in your complaint. Rather he asked you twice if you needed to use the restroom and both times you denied needing to use it. Instead, you urinated on the floor in the holding cell. Lapel video showed your pants were dry and that you did not urinate on yourself, as alleged in your complaint. Lapel video showed that throughout his interaction with you, Officer B. remained professional, polite, personable and kind towards you, and at no time did he humiliate you, as alleged in your complaint. Additionally, you did not appear terrified of him, or speak with him as if you were terrified of him, as also alleged in your complaint.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that neither Officer B., nor Officer U. violated any APD SOPs.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9382

Re: CPC #161-19

Dear Mr. A

Our office received the complaint you filed on May 24, 2019, against Albuquerque Police Department (APD) Officer B. regarding an incident which occurred on May 23, 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

I. THE COMPLAINT

Mr. A said he called police to report incidents of personal property damage and false reporting by his mother. When Officer B. arrived he told him what happened, and they were talking, his mother came outside and began speaking to Officer B. Mr. A complained that without pardoning himself from the conversation, Officer B. turned and started talking with Mr. A mother. When Officer B. did this, Mr. A asked Officer B. for his name and badge number and Officer B. turned his back and walked away.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer B.'s written report and 2 lapel camera video recordings, as well as the phone conversation you had with the Investigator. The evidence showed that there is a history of your 86 year-old, dementia-afflicted mother calling police on you for various reasons. Most of these calls have resulted in APD Officers responding to your home, speaking with you and your mother, recognizing that your mother has dementia and no charges are filed. On May 23, 2019 Officer B. responded to your home because you wanted to file false reporting charges against your mother. As you were speaking with Officer B. outside, your mother came outside with her walker and asked Officer B. a question before she sat down. He asked her what she needed and you became upset saying, "So I ask you a question and you…oh man. Ha. This is too funny. How did I know this was already gonna happen." You and your mother began arguing about why you called this time

and why your mother called earlier in the day. You began arguing with Officer B. before he turned to speak with your mother and you got angry and raised your voice stating, "Oh you gotta be kiddin' me man! I have no rights because I'm a man or somethin'! Huh? I have no rights because I'm younger than her, or somethin'! I'm gonna be making a report to your supervisor buddy! And I'll be calling the mayor and all the city agencies because you know somethin' that's discrimination! Age discrimination but reverse!" Officer B. told you to get your phone and call his supervisor.

Officer B. turned to your mother and asked if she wanted to go inside because it was cold and windy outside so he walked her to the door and she went inside. He returned to speak to you and explained that he helped your mom go inside so he could talk to you. You started arguing with Officer B. and wouldn't listen to him so he walked away and towards his car. You followed him to his car and he told you to get away from him as you continued to ask for his name and badge number and called him a joke. Officer B. retrieved one of his business cards and a complaint form for you and brought it to you as you sat on the patio before he called for a supervisor to respond. He returned to his vehicle and waited for a supervisor and while so doing, your mother came outside to speak with him. As they were speaking you were leaving on your bicycle and Officer B. told you a supervisor was on the way but you told him you'd just file a report with our agency and left. A supervisor arrived on scene shortly thereafter and they spoke before Officer B. went inside your home to help your mother repair the phone she said you had broken earlier that day. After fixing the phone for your mother Officer B. left.

The Investigator spoke with you over the phone about the incident and about why Officers may not have charged your mother with false reporting, citing her diminished mental capacity due to dementia. Additionally, the Investigator spoke with you about resources you, your mother and your family may benefit from and encouraged you to seek help in this regard.

III. CONCLUSION

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9405

Re: CPC #163-19

Dear Ms. A

Our office received the complaint you filed on June 5, 2019, against Albuquerque Police Department (APD) Officer D. regarding an incident which occurred on April 21, 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

I. THE COMPLAINT

Ms. A said she witnessed her brother, D., being verbally abused by his ex-wife, T. for over a year with suspected physical abuse and neglect to their 3 children. She said she witnessed this abuse first hand towards D. on April 21, 2019 and called the police following the incident so D. had documented evidence to protect himself against her continual threats to defame him. She recounted her version of the events that took place on April 21, 2019 during the child custody exchange between D. and T., which, in short, places all blame on T. as being the aggressor. Ms. A Officer D. interviewed her, D. and her mother, G., and said that if T.'s account differed from their three accounts, he would interview the third party witness and T. would be charged. She complained the police report shows that the third party wasn't called to verify their three accounts versus T.'s one account and has victimized the abuser. She complained Officer D. didn't do his due diligence to protect the abused. She's upset because she was named as the aggressor, and said the third party witness will also support that the only violent one during the incident was T.. She said the aggressors cannot be named as the ones with no injuries and that T. was the only one making aggressive physical contact and that any contact of the other parties was protective. She complained that overall the report detracts from the physical abuse D. received and negates any support in his claims for protection against T. and the original reason she called police. She witnessed T. repeatedly hit D. with a closed fist and Officer D. indicated in the report that it was a result of her and G.'s actions and she denied any part in the incident and complained that based on the report, this incident had no priority for the officer and that without having the third party's input T. is

now justified in her abuse of D. because Officer D. neglected to discover the truth. She said she understands that in Albuquerque there may be much more exciting and important events occurring but for her brother and his 3 kids to witness domestic abuse without the protection of the police is shameful.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer D.'s written report, and 5 lapel camera video recordings. The evidence showed that Officer D. interviewed your brother, D., you, and then your mother, G. During his interviews with the three of you and later with T., he learned that you instigated a confrontation with T. and told the officer that you "couldn't just stand by and let it happen because all the stuff that's happened before." During your confrontation with T., you both made physical contact with each other. At some point G. stepped in between T. and D. and there was physical contact between G. and T.. You and D. told Officer D. that you grabbed T. by the arm and pulled her away from G.. D. told Officer D. there the pushing and shoving between you, T. and G. continued before he grabbed T. by the waist and pulled her away from you and G.. There were discrepancies about how T. put hands on D. as he pulled her away from you and G.. Lapel video showed, Officer D. told you he would get all three of your (yours, D.'s and G.'s) statements, and obtain T.'s side of the story and if there were major discrepancies then he would speak to the third party. He told you he usually only involves third parties if he isn't sure which way things are going. He told you he would speak to T. first and depending on what she told him, he may or may not contact the third party. Officer D. asked you if you wanted to press charges against T. and you said you did not. Lapel videos showed Officer D. did not tell any of you that depending on the stories T. would be charged, as you have alleged in your complaint. Lapel videos showed all parties involved admitted to having physical contact during this altercation and that T. was not the only aggressor, as you have alleged in your complaint. Lapel video showed that neither you, nor G., nor D. told Officer D. of your suspicions of neglect by T. with regard to her 3 children, nor did you specifically state you suspected abuse against your brother for the past year, as alleged in your complaint.

III. CONCLUSION

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9399

Re: CPC #166-19

Dear Ms. R

Our office received the complaint you filed on June 16, 2019, against Albuquerque Police Department (APD) Officer G. regarding an incident which occurred on June 1, 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

I. THE COMPLAINT

Ms. R complained about a traffic citation she received on June 1, 2019 from Officer G. Essentially, Ms. R believes that Officer G. was wrong in issuing the citation and she wants to have the court fee dismissed, the 90-day deferment removed, a refund for paid fees, her record expunged, a notification letter sent to the Judge and Courts, and a letter to confirm.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer G.'s written report and 6 lapel camera video recordings. The evidence showed that Officer G. stopped you for a failure to yield at a stop sign after he almost crashed into you when you didn't properly yield at the stop sign. Lapel video showed you began arguing with Officer G. as soon as he approached your vehicle and asked for your driver's license, registration and insurance. You refused to provide him with your information and said you would only turn it over to his Lieutenant (Lt.). You continued arguing with him about the reason for the stop before he took your information back to his patrol car and typed up the traffic citation.

Officer F. arrived on scene and spoke with you about incident and, again, you requested a Lt. respond to the scene as you felt Officer G. was incompetent. Officer F. told you a Lt. would not be responding but offered to call his supervisor and acted as a liaison between you and Officer G. for the remainder of the traffic stop. You told Officer F. your version of events and

he told you that you could speak to the Judge about it when you appeared for court. Officer G. returned to the front passenger side of your vehicle and attempted to explain the ticket and asked you to sign it but you refused and rolled your window up. Officer G. asked you to roll it down and when you refused he opened the front passenger door. This upset you so you complained to Officer F. about it and began arguing with him about it. Officer F. explained that it was for officer safety reasons and specifically for your safety as there were 4 passengers in the vehicle and he couldn't see all the passengers from where he stood. Ultimately, Officer F. got you to sign the citation and gave you his information, Officer G.'s information and provided you with a complaint form.

Lapel videos showed that although you continued to argue with Officer G. about the citation he gave you, he and Officer F. remained calm, professional and polite with you throughout the interaction.

III. CONCLUSION

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

September 13, 2019
Via Email

Re: CPC #167-19

Dear Ms. F

On October 8, 2018, we received your complaint against Officer J. You stated he was wrong to arrest your son for Domestic Violence and the officer should have done more to protect your Grandchild from its Mother.

In order to investigate your complaint I reviewed a copy of the police report and the lapel video of Officer J.

My review of the above evidence shows Officer J. had probable cause to arrest your son for the incident that occurred August 5th. Additionally, the evidence showed you were on scene when your son was arrested and the officer explained to you why he was being placed under arrest.

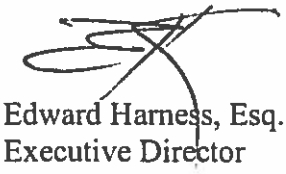
Officer J. was on scene nearly two hours. He explained that he had to notify CYFD and they have a 3-hour response time. Officer J met with a CYFD worker Verlonda Brown. CYFD Investigator Brown accompanied your Grandchild to the Mother's home and completed a home visit/safety check.

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

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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9429

Re: CPC 168-17

Dear Ms. F

On October 3, 2017, we received a complaint you filed for an incident which occurred on November 23, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on November 23, 2016, your husband was in traffic on Westbound I-40 by 6th Street. You determined that a large hose had fallen off a Safety Kleen truck and landed in the traffic lane. The hose was hit by a woman following the truck and that caused vehicles behind the swerve, slow down, and eventually stop. Your husband crashed into the vehicle in front of him. He died as a result of his injuries sustained in the accident 32 days later. You listed two witnesses in your complaint who saw the Safety Kleen driver stop and pick up the hose before the police arrived at the scene of the accident. You alleged that was tampering with evidence. You claimed the witnesses reported that to APD Officer S.. but their statements were never included with the report. You alleged that the driver of the Safety Kleen truck violated Federal Law by not securing his load, but APD never took any action against the driver. The driver was eventually identified by APD Sergeant L. after some pictures taken by a witness were provided to Sergeant L.. You also pointed out to Sergeant L. that the police report contained contradictory statements and conclusions that you pointed out to Sergeant L. and the District Attorney. None of the changes were made that you requested be made to the report and the driver of the Safety Kleen truck went unprosecuted. You claimed to have filed a complaint much earlier but there was no record of the earlier complaint being filed.

You requested that the official police report be amended to reflect the facts of the accident. You requested that enforcement action be taken. You wanted the original responding officer to be reprimanded. You were angry that your husband was named as a "suspect" in the report as he was not the one who caused the accident.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator obtained a copy of the police report and the computer assisted dispatch report associated with the case. The police report correctly indicated that a hose had come off a truck and that caused the chain reaction accident. A driver swerved to miss the hose, struck a barrier and that caused all the vehicles behind the accident to slow or stop. Your husband was the last vehicle in the chain reaction accident and he was unable to stop his vehicle in time and struck the stopped vehicle in front of him. Your husband was transported from the scene with head injuries. The report showed that on August 28, 2017, two APD officers went to the Safety Kleen office to try and locate the driver of the truck who lost the hose. He no longer worked there. The officers did track down the driver at his new place of employment and he refused to speak with the officers about the incident. The driver's information was added to the police report. The supplemental prepared by a Police Service Aide did list your husband as a "suspect" but as explained in the police report, it was because he apparently failed to keep a proper lookout and he was unable to stop his vehicle in time. Numerous witnesses were interviewed in the follow up investigation and they reported that they felt that the Safety Kleen driver losing the hose on the truck was what started the chain reaction accident. APD Officer S. only assisted in the accident investigation and obtained driver information which she passed on to the investigator. No one knew at the time of the accident that your husband would pass away from his injuries 32 days later. His passing prompted a thorough follow up investigation. Court records indicate that Sergeant L. charged the Safety Kleen driver with failing to secure his load on October 31, 2017. The charge was dismissed without prejudice by the prosecutor on February 21, 2018 and the only reason given was that the prosecution was unable to proceed. The District Attorney has apparently declined prosecution on more serious charges.

III. CONCLUSION

By law and by APD Department Standard Operating Procedure, police reports cannot be altered or changed. Supplemental reports can be filed to reflect incorrect or erroneous information and those supplemental reports do not have to be done by APD personnel. A Citizen can certainly file their own supplemental report. The investigation showed that APD Officer S. only assisted at the scene and provided whatever information she gathered to the investigating officer. Enforcement action was taken by APD as reflected in court records. Our agency has no ability to influence the DA or the APD to file charges on anyone. The investigation conducted by the CPOA Investigator and reviewed by the Executive Director of the CPOA, showed that a thorough follow up investigation was conducted by APD and enforcement action was taken. Because of that, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9436

Re: CPC #168-19

Dear Mr. A

On May 23, 2019, we received your complaint against Det. R and Chief G Your complaint alleges these members of APD will lead to your torture, rape, and murder.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Det. R's contacts with you have been within the scope of her duties as a member of APD's Crisis Intervention Team. Chief G doesn't appear to have any contact with you.

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

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

September 13, 2019
Via Email

Re: CPC #169-19

Dear Mr. H

On May 21, 2019, we received your complaint against Officer K. Your complaint alleges Officer K is stalking you through social media.

I checked the active roster of Albuquerque Police Department personnel. There is not an "J K: or J L: " on APD's roster of personnel. Therefore, our agency does not have jurisdiction to investigate your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

September 13, 2019
Via email

Re: CPC #173-19

Dear Mr. R

Our office received the complaints you filed on June 24 and June 25, 2019, against unknown Albuquerque Police Department (APD) Officers regarding an incident which occurred on June 23, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

I. THE COMPLAINT

Mr. R said he and his girlfriend were asleep in their vehicle parked at the Dollar General Store, located at when they were surrounded by 3 or 4 APD patrol cars and several officers who shouted commands and asked various questions of them, which woke them up. He complained they didn't have a reasonable suspicion a crime had occurred, nor did anyone call police to report they committed a crime but they demanded identification from him and his girlfriend and unlawfully detained them. He said they found a warrant for his girlfriend's arrest and arrested her and the crew of male officers proceeded to conduct a physical search of her, which left her humiliated and feeling accosted sexually. He said they were discriminated against because they are homeless, Hispanic and because of his girlfriend's gender. He said he can't provide an address because he is homeless and his girlfriend did not want to provide her name out of fear of reprisal and or retaliation.

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. The Investigator located two unrelated reports, wherein you were the victim of a domestic violence incident that took place on May 19, 2019, and the summonsed party in another domestic violence incident that took place on June 22, 2019. The Investigator attempted to call you at the phone number listed on the complaint in an effort to obtain more information but the message stated the call could not be completed at that time.

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 you r 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

September 13, 2019
Via email

Re: CPC #174-19

Dear Ms. A

Our office received the complaint you filed on June 27, 2019, against Albuquerque Police Department (APD) Officer P. and Officer H., regarding an incident which occurred on June 22, 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

I. THE COMPLAINT

Ms. A said she was at a women and children's shelter when she left her backpack unattended outside in the back area of the shelter. When she returned her backpack containing her wallet, phone, paperwork and other miscellaneous items was gone. A witness said an unidentified male jumped the fence and stole the backpack. Ms. A called APD to report the theft. She complained that two officers arrived within half an hour to take their statements and they were made aware that several houses in the back had people out in their yards but they never went and investigated. She complained that she told the officers she could probably get online to ping her phone for a location but the shelter's internet was down and neither officer offered to help her do that. She feels that due to the lack of desire to help her, she lost her items that could have been retrieved.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer P.'s written report, and 2 lapel camera video recordings related to this case. The evidence showed that Officers P. and H. responded to the call and spoke with you upon their arrival. They also spoke with the witness who saw an unidentified male subject jump the fence and take your backpack. You told the officers that the internet at the shelter was down otherwise you would try to ping your phone but that was the extent of the discussion about it. While the officers didn't offer to assist in pinging your phone, you did not ask them for assistance with this, either.

Lapel video showed that after taking your initial statement, you and another female from the shelter directed the officers to the back area of the shelter to show them where the back pack had been prior to being stolen. During this time there was no discussion about the neighbors along the back of the property having been in their backyards and possibly having witnessed the theft, as alleged in your complaint.

Lapel video showed that Officer P. and Officer H. asked questions about the incident and told you to let them know if you obtained more information about the whereabouts of your stolen property. Their interaction with you showed their desire to help you. Additionally, both officers were polite, respectful and professional throughout your interaction with them.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence showed that you allegations were not truthful, and that neither Officer P., nor Officer H. violated any APD SOPs.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Email

Re: CPC 176-19

Dear Ms. E

On June 5, 2019, we received your complaint for an incident which occurred on that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that on June 5, 2019 at about 12:45 PM, you went to the Northwest Substation to file two police reports. One report would be for an abandoned vehicle at one location and another report for a different vehicle obstructing a stop sign at another location. You wrote that you approached an unidentified elderly man who was seated behind the window at the Substation and you explained to him why you were there. The man gave you a look of annoyance but you gave him the information anyway. The man wrote down the information on a piece of yellow pad paper. The man never asked you for your name or any relevant information. You alleged the man was not courteous or professional. The man told you he would give the information to a Police Service Aide. You stated that you felt that the man was not concerned with the information you gave him. When you returned home you called 311 and filed a "professional" report and the 311 Operator was very courteous. You wrote that you were certain that nothing would come of your complaint but that the interaction at the Substation was important to you.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator determined that since the man was unidentified that this complaint was best handled at the Command Level. The complaint was forwarded to the Northwest Area Commander who assigned your compliant to Lt. A. for investigation. Lt. A. tried calling you twice, just a few minutes apart but you have your voicemail set up to answer calls you do not recognize. The Lieutenant left you a message as he wanted to speak with you personally. The Lieutenant called from the main line at the Northwest Substation where hundreds of people work. You

called the main line at the Northwest Substation back and an assistant answered. You asked who had called you from that number and she said that she didn't know and she had hoped that whoever did left you a voicemail because it would be impossible to identify who called. You felt that the Administrative Assistant was also rude and you sent another e-mail to complain about her.

Lieutenant A. was able to speak with you personally after you sent your second e-mail. From that conversation with you he was able to identify the man whom you complained of but at the time was unaware that you had sent the second e-mail complaining about the assistant.

The man you complained of was Police Service Aide (PSA) B.. PSA B. was called into the office by Lt. A. who discussed your complaint with PSA B.. PSA B. correctly told the Lieutenant that official reports are not necessary for a reported abandoned vehicle or for a vehicle blocking a stop sign so that was why he did not get your personal information. Though the information was written on a yellow piece of paper, your reports were not ignored. Within minutes of you making your report to him, he sent the reported information to two other PSA's who were given your information so they could go out and check on the problem vehicles. Lt. A. reminded PSA B. of the importance of being courteous and professional at all times with the public. While PSA B. felt he was courteous with you he said that it is hard to hear through the glass and sometimes he has to raise his voice so the person on the other side can hear better.

Lt. A also looked into your complaint against Administrative Assistant M.. He spoke with her and he was actually present when you called to find out who had called you. Lt. A was trying to find out if it was you on the phone and before the Administrative Assistant could ask your name, you hung up on her. Lt. A did not witness any unprofessional behavior by Administrative Assistant M. while she was speaking with you on the phone. Right after you hung up on the Assistant, you called back and PSA B. answered the phone. Lt. A witnessed PSA B. ask you, "Yes Ma'am. Is there anything I can do for you?" Apparently you hung up on him as well.

In any case, both employees you complained of were reminded that they must be professional and courteous at all times.

III. CONCLUSION

Your complaint was investigated by Lt. A of the Northwest Area Command and he spoke with both of the employees you complained of. They were reminded that the need to be professional and courteous at all times when dealing with the public.

The information you provided was not ignored and it was acted upon promptly. Official police reports are not required to be made by personnel for reported parking violations. There does not appear to be any violation of APD Standard Operating Procedure by the employees and even if allegations you made were found to be true, they would be minor policy violations. At this time, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9443

Re: CPC 177-19

Dear Ms. C

On June 9, 2019, we received your complaint for an incident which occurred on May 31, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that recently you have allowed your 2 year old daughter to attend unsupervised visits with her father. On May 30, 2019, after one of those visits, you stated that your daughter told you that her father's current girlfriend hurt your daughter in her vaginal area, her butt, and had kicked your daughter in the stomach. You complained that the Crimes Against Children Unit (CACU) Detective who handled the case, Detective M., contacted the father of the child before contacting you and the Detective immediately took sides with the father. The Detective allegedly told you that he couldn't help you, that your daughter can't talk, and that children touch their genitals all the time. The Detective allegedly told you to just go to court and he could not help you any further. The Detective told you that he was closing the case. You asked that the case be re-opened or to have another Detective look at the case. You also requested a Safe House interview for your child and for your case to be taken seriously. You wanted the Detective investigated because he does not seem to want to protect the children of Albuquerque.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The Investigator reviewed the associated police reports and the Investigator reviewed and discussed your case with the CACU Supervisor, Lt. S..

The police report indicated that you never told the police that your daughter had allegedly been kicked in the stomach or that her butt was hurt by the current girlfriend. The police report indicated that at the time of your report, your daughter had only two unsupervised visits with the father. You stated that on May 19, 2019 after your daughter came home from one of the visits she smelled heavily of cigarette smell. You gave your daughter a bath and you noticed she was touching her genital area. After another visit on May 26, 2019 your daughter was returned to you wearing different clothes. The father told you that the child got dirty and he had to change her clothes to the only other clothes he had for the girl. Because she smelled of smoke, you gave her daughter a bath. You noticed your daughter touching her genital area and smiling. That night, your daughter awoke screaming and she was holding her stomach in pain. You called the father who told you that he did not know why the child was in pain but she had eaten a lot of fruit that day. On the day you filed your report, you had bathed your daughter and it was then that the child told you that the current girlfriend hurt her stomach. You asked your daughter if she hurt anywhere else and your child pointed to her vagina. You then took your daughter to the doctor because you suspected that father's girlfriend had sexually abused your daughter. The doctor told you that there were no signs of trauma or tearing and that the redness in the area may have been caused by stimulation or something else. You told the reporting officer that you did not observe any bruising, scratches, or injuries on your daughter.

Because of the age of your daughter and the allegation being made CACU Detective M. was contacted the APD Supervisor on scene. The APD reporting officer also contacted and reported the suspected abuse to CYFD.

The reporting officer was later contacted by the father of your child. He wanted to know if your child was okay and that he had been informed that you had taken her to the doctor. The father denied your allegation. He said that he is the only one who changes the baby's diaper when she is visiting and he has never bathed. About the May 26, 2019 change of clothes he said that your daughter had gotten dirty because she spilled bubbles on herself, spilled food on herself and had played with the dogs. The father reported that his girlfriend is present in his home during the visits because she lives there. The father alleged you don't like his girlfriend. The father additionally told the reporting officer that for the past couple of visits that you daughter has had stomach issues and has had some "blowouts" in her diapers which he believed was causing the irritation to her vaginal area. The officer did suggest to the father that due to the allegation you made and the ongoing investigation that the visitations should be suspended.

CACU Detective M. conducted a follow up investigation. Detective M. reviewed the initial investigation conducted by the reporting officer. The father of your daughter contacted Detective M. by phone after learning about the allegation you made. He told Detective M. that you and he had been married for 7 years and that he left you for his girlfriend. He said that you hate his girlfriend. The court ordered visitation started just two weeks before the allegation. He repeated that he is the only one who changes your daughter's diaper when she is visiting. He never bathed her while she was visiting in the total 12 hours that she visited on two occasions. He said that you even told him that your daughter had been having some stomach trouble and was having "blowouts" when he picked her up on 5/26/19. He thought your daughter had been eating too much fruit or had been drinking too much juice. He said that your daughter did not have any "blowouts" while she was with him.

The Detective then contacted you about the allegation. He reported what you told him.

The Detective then reviewed the report made to CYFD by Dr. Darrigo, the pediatrician whom you took your child to for examination. Dr. D reported that although you were concerned about possible sexual abuse by the father's girlfriend, there was no evidence of sexual abuse discovered. Dr. D reported that your daughter's stomach was "okay" and that she had "vaginitis and some redness which is common in a two year old. She is not yet potty trained." Dr. D made no report of any sexual abuse.

After the Detective reviewed all of the facts and the evidence in the case, he concluded that there was no way to definitively conclude that your daughter had been sexually abused by the girlfriend or anyone else. The doctor, a pediatrician, did not find or report any signs of sexual abuse. The conclusion was that there was simply a lack of evidence to substantiate any criminal charges against anyone and therefore the case was closed.

In an further effort to assist you, the CPOA Investigator spoke with the Supervisor at CACU, Lt. S.. He and the Investigator reviewed the associated reports and the CACU Supervisor agreed with Detective M.'s findings and said that the case would not be re-opened or assigned to another detective. Lt. S. stated that they do not conduct safe house interviews with 2 year old children because of their inability to effectively communicate. They instead would take a child of that age for an exam by a doctor who would make the determination of whether or not there were signs of sexual abuse. In this case, that was already done by a pediatrician of your choosing, who determined there were no signs of sexual abuse.

There simply isn't enough evidence to move forward with any further criminal investigation.

III. CONCLUSION

In this case, a careful review of the facts was conducted by the CPOA Investigator. Every step of the process in investigating an allegation of child abuse was followed by the members of APD who were associated with the case. There was a proper and prompt initial and follow up investigation by APD. The evidence is just not there to warrant further criminal investigation. There was no evidence discovered during the CPOA investigation that APD or any of its personnel violated any APD Standard Operating Procedure during the investigation of this case. Because of that, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9450

Re: CPC #181-19

Dear Ms. H.

On June 10, 2019, we received your complaint against Officer B. Your complaint and four (4) page supplement cite numerous allegations against Officer B.

In order to investigate your complaint I reviewed a copy of the police report and three (3) lapel videos from Officer B. The first and third lapel video was his interaction with you. The second was his interaction with the neighbor with which you were having a dispute.

My review of the above evidence shows Officer B. was professional throughout the entire time he was on scene. He offered services including mediation as a way to resolve the dispute between you and neighbor. He accurately reported what he was told by all parties.

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

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,

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

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

cc: Albuquerque Police Department Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9467

Re: CPC #188-19

Dear Dr. A
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on July 31, 2019. The complaint form had no date of incident or information relating to a specific incident.

I. THE COMPLAINT

Dr. D. A submitted a written complaint stating, "The car in question was stolen off my property." She then wrote about her daughter, N Al who is under psychiatric care and is mentally ill. Dr. Al wrote her daughter had a room with her until she became verbally abusive and took things from their closets without permission. Her daughter has refused care from medical staff. She wrote her daughter was "homeless and free to cruise downtown Albuquerque at night cruising for entertainment and money."

II. INVESTIGATION

Dr. A did not provide a date of incident. The CPOA Investigator requested from records any report regarding a stolen car and Dr. A Records did not find any such report. Since Dr. A wrote the car was stolen from her address in Rio Rancho, the investigative responsibility for the stolen vehicle would be Rio Rancho's jurisdiction and not APD. Dr. A also wrote that items were stolen from her home in Rio Rancho, which would also be the jurisdiction of Rio Rancho. Dr. A did not file a complaint regarding APD personnel or incidents.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify any allegations of misconduct against the Albuquerque Police Department and the incidents that were referred to were outside of the jurisdiction of APD.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9474

Re: CPC 193-19

Dear Mr. D

On July 20, 2019, we received a complaint you filed online for an incident that took place that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on July 20, 2019 at about 6:30 AM, a man followed your friend on Central Avenue from San Mateo to Washington. The man following your friend had his penis out and was telling your friend, "B**** come get this." You indicated your friend confronted the man and the man hit your friend and ran and your friend gave chase. Your friend was told to stop by a Police Service Aide and the man was let go without the police taking any enforcement action. You wrote that the officers involved never investigated the incident. You wanted a full apology and for the man to be arrested, and you wanted the officers to be punished.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. There was limited information found regarding the incident you complained of. The Computer Assisted Dispatch (CAD) report showed that at 6:00 AM, three officers handled the incident. There was no Police Service Aide there according to the document. One of the officers called out at Central and Washington where he observed a disturbance. Two other officers responded and arrived shortly after. The originating officer's lapel video was reviewed. The video showed that neither party reported to the officers what had taken place. The parties were advised to go their separate ways and not to have contact with one another which they agreed to do.

III. CONCLUSION

In this case you alleged a man followed your friend down the street while the man exposed his penis to your friend. An officer saw the disturbance between your friend and the man and took action to prevent the disturbance from escalating. Since neither man told the police what started the disturbance, the police had little that they could act upon. Based on the limited information available at this time, there does not appear to be any misconduct on behalf of the responding APD officers. At this point, with the information you have provided and the information reviewed, we have insufficient information to move forward with any further investigation. 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9421

Re: CPC #194-19

Dear Mr. Tl

We are in receipt of your complaint filed via the City of Albuquerque Mayor's Office dated July 25, 2019.

PO Box 1293

The allegations contained in this complaint are the same as those in your previous complaint CPC #131-19. The agency mailed you the findings of that investigation in July of this year.

Albuquerque

Therefore, I am **Administratively Closing** this case because it is duplicative. The allegations have already been investigated by the CPOA.

NM 87103

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.

www.cabq.gov

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

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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9498

Re: CPC #195-19

Dear Mr. P.

We are in receipt of your complaint filed via the City of Albuquerque Inspector General's Office dated August 5, 2019.

The allegations contained in this complaint are the same as those in your previous complaint CPC #053-18, and the subsequent Appeal hearing conducted by the CPOA Board.

Therefore, I am **Administratively Closing** this case because it is duplicative. The allegations have already been investigated by the CPOA and appealed to the CPOA Board.

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.

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

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9504

Re: CPC 207-17

Dear Ms. M.

On September 26, 2017, we received a complaint you filed for an incident which occurred on September 24, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that on September 24, 2017 you called the police to report that a man who was a vendor in the Old Town area had made threats toward you on social media. Officer L. responded to the incident. You showed him the messages. You stated that the officer suggested you carry a gun to protect yourself. You pointed out that City Ordinance prohibits merchants who sell under the portal from having weapons. Officer L. told you that he would talk to the other vendor about your concerns and he would tell the vendor to stay away from you. After the officer went and spoke with the man, the officer returned to speak with you. The other vendor walked by you in the officer's presence and he said, "Hello, D ." He also allegedly said a bunch of other stuff that you did not catch but you specifically heard him say, "I am going to get to know you a lot better." You took that as a threat but the officer said that it wasn't a threat. You complained the officer did not handle the matter professionally and that the other vendor should have been arrested on the spot when he made comments to you. You stated the officer was negligent in his handling of the incident. You requested that the vendor be told so he understood that the next time he does anything to you, he will be arrested.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator reviewed the Computer Assisted Dispatch (CAD) report on the incident. The CAD report showed that Officer L. made contact with you and that you told him that the other vendor had threatened you on Facebook. The Officer spoke with the other vendor and the other vendor said that he would indeed stop talking to you if you would stop posting lies about him on Facebook. The officer reported that he told both of you to stay away from one another. There was no lapel video of the incident available for review. The officer, when contacted, was on Family Medical Leave, in 2017, so no statement was obtained from him regarding the allegations set forth in your complaint.

III. CONCLUSION

In this case, because of the limited amount of information available, time delays, and unavailability of the officer, we were unable to minimally substantiate your complaint that the officer was unprofessional and negligent in his handling of the call. Even if your allegation could be proven, that conduct would be a minor policy violation that would not constitute a pattern of misconduct by the officer. Because of the above, 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

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9511

Re: CPC 214-17

Dear Ms. T:

On November 22, 2017, we received a complaint you filed for an incident which occurred on November 21, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on November 21, 2017 you called the police to you had received a call from your fiance's children. The children, who were 7 and 9 at the time, told you and their father that there was no running water at their mother's home where they were staying. You requested an officer be dispatched to check on the welfare of the children. You asked for an officer to call the children's father back after the officer checked on the welfare of the children. The officer did call your fiancé, O , back and the officer, Officer C., told O that the children were fine and there wasn't anything else he could do. The officer was told by the mother that there was a restraining order in place and he told Orlando that. You got on the phone with the officer and told him there was no restraining order in place. You alleged that the officer was rude and aggressive over the phone. You called the officer's sergeant, Sergeant C. and you told Sergeant C. that you did not believe that Officer C. even checked to see if the water was on and that Officer C. made you feel uncomfortable. You believed that Officer C. acted then way he did because you fiancé, O , is African American.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator reviewed the Computer Assisted Dispatch (CAD) report on the incident. You called the police at 5:50 PM. Officer C,. and another officer, Officer S., was dispatched to the home the children were living in at 6:34 PM. They both went to the house and checked on the children. Officer S. arrived at 7:18 PM, and Officer C. arrived at 7:39 PM. Officer C. noted

that they checked the home where the children were living. The home had food, running water, and electricity. He noted that he called the children's father, O and that O was insisting on knowing that the water was on. The officer noted that the mother of the children told him that she had a restraining order in place. When the officer told O about the restraining order, O put you on the phone. He noted that you became angry with him that he would not give you any information about the children.

III. CONCLUSION

In this case, you requested that an officer go out and check to see if the home that the boys were living in had running water. The evidence in this case showed that not just one, but two officers visited the home and determined there was running water, food, and electricity. You and your fiancé were told that. There were no recordings presented by either side to independently prove whether or not Officer C. was rude or aggressive when he spoke with you. There is no evidence to support your claim that Officer C. was biased or treated your fiancé "like this" because your fiancé is African American. Even if it could be proven that the Officer C. was rude over the phone with you, that conduct would be a minor policy violation that would not constitute a pattern of misconduct by the officer. Because of that, we are administratively closing your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

September 13, 2019
Via Certified Mail
7018 1130 0002 3428 9528

Re: CPC 146-17

Dear Ms. M

On May 17, 2017, we received a complaint you filed for an incident which occurred on May 11, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

On May 11, 2017, Ms. M son was involved in an accident. Her daughter was in the car with her son when the accident occurred. She arrived on scene to be with her children. Ms. M complained about Officer M.'s conduct. She wrote that Officer M. did not ask if anyone was injured, that Officer M. chased away a witness, that Officer M. would not accept electronic proof of insurance, and that Officer M. issued her son two citations which were not warranted. She complained that Officer M. had a nasty attitude from the time she arrived on scene and the officer behaved horribly towards everyone. Ms. M added that the officer called a tow truck to the scene without giving her the opportunity to call her own tow truck.

Ms. M wanted to talk to the officer's Sergeant or Commander because the officer caused emotional damage to her children. She wanted an apology and she wanted the officer reprimanded.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of interviews with Ms. M her husband Mr. M , the driver of the other vehicle J L , Officer M. and Officer Me.. A review of the Computer Assisted Dispatch (CAD) Report and the Accident report, a review of the relevant Standard Operating Procedures (SOP) and both officer's lapel videos.

A) The CPOA reviewed APD General Order 1-1-4 B 7 which states in part:

Both on duty and off duty, personnel will conduct themselves in a manner that reflects favorably on the Department.

The evidence in this case showed that when the accident occurred, it was reported to the APD as an accident without injuries. Officer M. was not dispatched to the call but volunteered to take the call because she was nearby. When Officer M. arrived on scene, no one reported any injuries to her and no one was noticeably injured. Officer M. saw a person who was not involved in the accident attempting to direct traffic. The officer positioned her car to stop the flow of traffic in the accident lane and she told the person directing traffic that he could stop doing so and for him to get his car out of the way so traffic could move freely around the crash site. Both officers stated that the M car was moderately to heavily damaged, that fluids had leaked out, and it appeared the car was inoperable. City Ordinance allows for summary impoundment or towing of vehicles, when they are in the roadway and are inoperable. Officer M. called for a wrecker and was within policy by doing so.

Mr. Li the other driver, said that Officer M. "didn't have the greatest bedside manner" and that she was "a little rough around the edges". He went on to say "But at the same time I will say that the person who was complaining, she was definitely worked up because her child had been in an accident." He said that he thought that Ms. M was overreacting by a little to the situation.

He said that based on his observation, by the time Officer M. showed up, everyone was kind of bugged. He said that the high tensions and the officer's apparent attitude was a recipe for disaster. Mom was already upset and the officer seemed bothered by having to be at the accident. He said, "I think they both just needed to chill out and be a little more friendly." He said, "One just set off the other."

He said that Ms. M asked the officer why she hadn't asked if anyone was okay and at that point the cop went around asking "So are you injured? I have to ask." He said that took place after everything was almost done. The car had already been towed away. He said that Ms. M was upset that no one even asked if the kids were okay. He said though, that was the first thing that he did was to ask the kids if they were injured and they were not. Even so, Rescue was called to the scene and every one was fine. He said that it was just drama at that point. He said that in assessing the situation, "reluctantly" he would have to say that the officer certainly could have handled things better. Mr. L the other driver, stated that Officer M. "didn't have the greatest interaction with him but that the interaction between Ms. M and the officer was clearly strained. He said that Ms. M was "worked up" because her children had been involved in an accident.

In speaking with Mr. M he said he was already at the accident scene and was trying to obtain proof of insurance so his son would not be cited by the officer. It was then that he contacted his insurance company who allegedly told him that the insurance company could send out their own wrecker so he would not have to pay for the tow. By that time, the evidence showed, the dispatched wrecker was already on scene. At that point, it is too late for someone to call their own wrecker and it is impractical for the officers to wait for another wrecker to be dispatched to the scene. APD requires dispatched wreckers to be on scene

within 20 minutes of the call. Often, wreckers dispatched privately may take up to two hours to respond. Mr. M also told the investigator that the citation for No Insurance was dismissed by the Judge when shown proof but that his son received a 60 day deferred sentence on the following too closely citation. The evidence showed that Mr. McKinstry's son could have also been cited for not having a current, correct registration in the vehicle at the time of the wreck but Officer M. did not cite him for that. At the time of this incident, APD was not accepting electronic proof of insurance.

A review of both officer's lapel videos showed that Officer M. and Ms. M seemed to be agitated with one another. Mr. M kept trying to get Officer M. to not issue citations to his son. Ms. M didn't mention her daughter having an anxiety or panic attack until well after the officer arrived on scene. The CPOA Investigator determined from watching the videos and evaluating all of the available evidence that even though Officer M. appeared frustrated with the Ms. M and her husband, her actions did not rise to a level of violation of any APD policies or procedures. Officer M. did not treat the M children badly or unfairly. Although all parties agree Officer M. could have been a bit more friendly and perhaps handled some of the conversation better, there was not enough evidence to support a violation of the conduct SOP.

The CPOA recommends a finding of **EXONERATED**, where the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer M.'s Internal Affairs file.

You have the right to appeal this decision.

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

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

A) The APD policy or APD Policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
B) The APD Policies 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 the 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 submitted within 30 days 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/iro/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, Esq.
Executive Director