

CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair* *Tara Armijo-Prewitt*
Chantal M. Galloway *Doug Mitchell* *Eric Nixon*
Cathryn Starr *Leonard Waites*
Edward Harness, Executive Director

BOARD AGENDA

Thursday, May 21, 2020 – 5:00 PM

Attendance: In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, May 21, 2020 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: https://www.cabq.gov/cpoa/events/copy4_of_cpoa-board-meeting. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA’s website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, May 18, 2020 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting’s specific agenda items in written form via email through 4:00 pm on Thursday, May 21, 2020. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order**
- II. Mission Statement – *Dr. William Kass, Chair***

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and Approval of Minutes from April 9, 2020**

VI. Reports from City Staff

- a. City Council
- b. Mayor's Office
- c. City Attorney
- d. CPC
- e. APOA
- f. APD
 - 1. Report on Officer Wellness
- g. Public Safety Committee
- h. CPOA – *Edward Harness, Executive Director*

VII. Reports from Subcommittees

- a. Community Outreach Subcommittee – *Chantal Galloway*
 - 1. Met April 28, 2020 at 3:00 pm (video conference)
 - 2. Next meeting May 26, 2020 at 3:00 pm
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 - 1. Met May 7, 2020 at 4:30 pm (video conference)
 - 2. APD SOP's reviewed
 - 3. Next meeting June 4, 2020 at 4:30 pm
- c. Case Review Subcommittee – *Chantal Galloway*
 - 1. Met April 28, 2020 at 4:30 pm (video conference)
 - 2. Met May 12, 2020 at 4:30 pm (video conference)
 - i. Review of April 2020 Audit Cases
012-20 025-20 175-19 238-19
 - 3. Next meeting May 26, 2020 at 4:30 pm
- d. Personnel Subcommittee – *Eric Olivas*
 - 1. Met April 30, 2020 at 8:30 am (video conference)
 - 2. Met May 11, 2020 at 8:30 am (video conference)
 - 3. Next meeting May 28, 2020 at 8:30 am

VIII. Discussion and Possible Action

- a. Proposal and discussion regarding meeting CPOA Board training requirements
- b. Update of Policy and Procedures: Amendment to implement Case Review of Audit Process
- c. CPC Interactions
- d. Board Conduct and Ethics Policy
- e. Executive Director Evaluation
- f. 2019 Semi-Annual Report January – June

IX. Monthly Case Review:

a. Administratively Closed Cases

064-20 078-20 093-20 098-20 102-20

106-20 107-20 111-20 121-20 126-20

127-20

b. Unfounded and Exonerated

039-20

c. Exonerated

061-20

X. Review of Appeal:

046-20

XI. Non-Concurrence Cases:

122-18 144-19

XII. Serious Use of Force Cases/OIS

a. Pending non-disclosure agreement

XIII. Other Business

XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on June 11, 2020 at 5:00 p.m. in the Vincent E. Griego Chambers.*

CITY OF ALBUQUERQUE



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Tara Armijo-Prewitt

Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0876

Re: CPC #064-20

Dear Ms. G :

Our office received the complaint you filed on October 26, 2019, against Albuquerque Police Department (APD) Officer M. and Crime Scene Specialist (CSS) M. for an incident which occurred on October 26, 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.

I. THE COMPLAINT

Ms. G reported a burglary to her home and Officer M. responded the next day as there were no officers available the day before when Ms. G first reported the crime. She complained that Officer M. and CSS M., joked about the bathroom shower window being the point of entry into Ms. G home because the window was very small. She complained that Officer M. was incredibly dismissive of the crime and tried to put the blame on her by saying, as a fact, that Ms. G must have left the back door open. When she asked Officer M. if she wanted details about the jewelry that was stolen, Officer M. said it wasn't necessary for her to do anything and Ms. G and her family should just go look around at the pawn shops themselves. Ms. G complained this is contrary to what dispatch told her the day before. Ms. G wants to ensure the fingerprints taken from her home that day actually get processed. She complained this crime isn't taken seriously and that the actions by Officer M. and CSS M. were simply rote. She complained that this type of crime happens so often in her neighborhood and doesn't seem to be addressed. With ample evidence from resident's security footage, and evidence from scenes like hers, she feels a more earnest effort could be put forth to combat this type of crime. She also wants the report to explain the evidence of the bathroom shower window and not imply a conclusion of the perpetrator entering by an unlocked back door. (See original complaint for more information.)

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, Officer M.'s report and Officer M.'s lapel camera video recording.

Lapel camera video showed Officer M. responded to your home and made contact with you and your roommate, Ms. R. -S. . You told Officer M. what happened with regard to the residential burglary and showed her the bathroom window, which you believed to be the point of entry because you left it opened several inches before you left home, and when you returned, it was opened all the way and the screen was in the tub. You said your back door was unlocked when you got home and Officer M. asked if you were certain you locked it, and you said you always do. Officer M. looked at the exterior of the bathroom window and called for a CSS and CSS M. responded. When CSS M. arrived, Officer M. walked him through the home and briefed him on what she learned about the bathroom window and the back door. Officer M. and CSS M. examined the exterior of the bathroom window and noted one possible latent fingerprint, which CSS M. subsequently dusted and lifted as evidence. While at the window, Officer M. and CSS M. discussed the likelihood of this being the point of entry and CSS M. said the suspect would have to be tiny to fit through the bathroom window. Officer M. agreed with him and noted that the dirt on the window sill hadn't been disturbed, and that the suspect would have to be thinner than him and would have to be a 3 year old. The two of them chuckled about the comment and then went back inside the house to talk with you and Ms. R. -S. . Officer M. told you they collected a print and said the window was really tiny and only a 3 or 4 year old could fit through it and it did not appear to be the point of entry due to the dirt not having been disturbed. She said it was more likely you left the back door unlocked. You said you understood Officer M.'s viewpoint and that it definitely seemed odd someone came in through that small window but you were sure you didn't leave the door unlocked.

As Officer M. and CSS M. were leaving, Ms. R. -S. asked about a pawn report. Officer M. told her they do a police report and enter the serial numbers of the missing items into a system and do it that way. She told Ms. R. -S. you both should make a list of all the stolen property for your insurance company but her report would suffice for her needs. Officer M. said that if you happen to be out and about and see your stolen property at a pawn shop, to give the pawn shop owner the case number and the pawn shop owner will call a pawn detective out. She told you sometimes people locate their own property that way. Lapel video showed, this was not said in a dismissive way, nor did Officer M. tell you it wasn't necessary for her to do anything and that you should just go look around yourselves, as you have alleged in your complaint. Lapel video showed Officer M. and CSS M. were professional and followed proper procedures when they investigated and processed the burglary scene. While Officer M. made the comment about the size of the suspect and questioned your memory of leaving the back door unlocked she was not in violation of any APD SOPS.

You requested changes to Officer M.'s report so that it explains the evidence of the shower window and doesn't imply a conclusion of the perpetrator entering by an unlocked back door. A review of Officer M.'s report shows she noted the screen in the bathtub and that you said the back door was shut but unlocked, and you were sure you locked it upon leaving. These are

Letter to Ms. G

May 22, 2020

Page 3

merely statements and don't imply a conclusion that the perpetrator entered by an unlocked door. Original police reports cannot be edited or changed after they are approved so any additional information that is to be added to a report must be added via a supplemental report. If you wish to add supplemental information to your report, please contact your nearest sub-station with your report number, and request that this information be added to your case.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence shows that Officer M. and CSS M. did not violate any APD SOPS in investigating and processing the burglary scene.

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.

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

May 22, 2020

Via email

Re: CPC #078-20

Dear Mrs. E -B:

Our office received the complaint you filed on December 30, 2019, against Albuquerque Police Department (APD) Officer S., for a traffic stop, which occurred on December 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

I. THE COMPLAINT

Mrs. E -B: said she and her husband were driving around looking at Christmas lights when they were pulled over with flashing lights and a loud siren by Officer S. and held for 30 minutes for a rolling stop at a stop sign. She said they were in an area with no traffic and one in which residents seem mostly asleep for the night; that is until the continuous flashing lights and siren. She said her husband received a warning for which they are grateful; however, they felt harassed and wondered about Officer S.'s approach with lights and sirens especially because she and her husband are seniors. She complained the encounter was both frightening and appalling and she wanted someone to know about it.

NM 87103

www.cabq.gov

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report and Officer S.'s lapel camera video recording.

The evidence showed Officer S. stopped you at 10:24 PM, spoke with you and your husband about why he stopped you, asked for your vehicle information and your husband's license and then went back to his vehicle. Officer S. issued your husband a warning for rolling through a stop sign and reminded him to make a complete stop before proceeding through a stop sign. Your husband replied that he understood why he was being stopped and that it was only a warning he was issued and that nothing would go on his driving record. Officer S. was polite

Letter to Mrs. E -B

May 22, 2020

Page 2

and professional during the entire interaction between you and your husband. The CADS showed the stop lasted 19 minutes and not 30 minutes as alleged in your complaint. Lapel video showed Officer S. had his emergency lights engaged during the stop, which is standard operating procedure for traffic stops and helps keep officers safe because they are easily seen by other vehicles passing by. The evidence showed that Officer S. had a lawful reason to stop your husband regardless of the time of day or night, and regardless of the amount of traffic in the area at that time, and he didn't do so to harass you and your husband.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence shows that Officer S. didn't violate any APD SOPS in making the traffic stop.

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.

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0234

Re: CPC #093-20

Dear Mr. M

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 25, 2020, regarding incidents that have been occurring since 2015.

I. THE COMPLAINT

PO Box 1393
Albuquerque
NM 87103
www.cabq.gov

Mr. M submitted a written complaint concerning surveillance and attacks that he claims have been going on since 2015 by police. Mr. M wrote about individuals following him, the same cars passing by his home, and a drone that could observe him through the walls of his home and the blackout measures he took on his windows. Mr. M wrote he revealed in his counseling sessions that spy satellites were being used to surveil him through his house, car, phones, computer, and those devices of his friends and family as well. Mr. M wrote around late 2017 he was being attacked regularly by the laser scanner and it would make him mysteriously ill. He claimed his counseling sessions were being bugged. Mr. M wrote the secret laser spy weapon assaulted him every day since 2018 and described in great detail via several pages what it was doing to him. Mr. M claimed an officer lived in the house behind his and either coordinated all of this or at least knew who was responsible because the others have utilized the policeman's house to spy on him. Mr. M claimed he has been falsely accused of crimes, but no arrests, because he does nothing wrong. Mr. M included two newspaper articles that he believed provided some evidence of what he was saying.

II. INVESTIGATION

The CPOA Investigator reviewed the NM court case detail on the website. There was nothing current, the last was 2013. The CPOA Investigator had APD records pull a history of calls and reports. There was nothing current, the last was 2013. The two articles he provided were about the technologies of the Starchase device, which is a GPS type tracking device for cars and the StingRay device, which collects GPS data via cellphone. Neither of these devices have the offense capabilities Mr. M described. The CPOA Investigator determined the address Mr. M described of the alleged police man's house. Based on research, the home is not owned

Letter to Mr. M

May 22, 2020

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by an APD officer. Mr. M does not provide any specific dates or information that specifically involves the Albuquerque Police Department or its officers. The things he describes are well beyond the capabilities and resources of APD. In order to investigate any of this complaint Mr. M would need to provide specific dates of occurrence where APD has responded or at least with names and/or car numbers of officers involved.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the officer(s), locate incidents, and no minimal substantiation of any violations of APD policies.

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.

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



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Edward Harness, Executive Director

Tara Armijo-Prewitt

Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0241

Re: CPC #098-20

Dear K

Our office received the complaint you filed on January 23, 2020, against the Albuquerque Police Department (APD) for not responding to your call for help when a stranger attempted to break into your home. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and was unable to locate any reports, CADs or dispatch calls, due to a lack of information; therefore we are administratively closing your complaint. Please contact our office at (505) 924-3770, as soon as possible, to provide us with more information regarding this incident should you wish to proceed forward with 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

CITY OF ALBUQUERQUE



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Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0258

3

Re: CPC #102-20

Dear Ms. O -D

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on March 25, 2020, regarding missing APD calls in the system, no specific date was provided.

I. THE COMPLAINT

PO Box 170, O -D submitted an online complaint regarding her allegation that APD has deleted the calls for service to her address. When she called the non-emergency number she was told there was only one call for service when she knew there to be many. She wanted every call from her phone to APD investigated.

II. INVESTIGATION

NM 87103 The CPOA Investigator had CADs research her address and the calls made. Their report generated several calls for service to her specific apartment. In order to obtain the information she requested, an Inspection of Public Records (IPRA) request would be the proper course of action.

www.cabq.gov

The CPOA Investigator emailed Ms. O -D and informed her how to make an IPRA request. The City of Albuquerque uses Next Request to fulfill those requests. The link is <https://nextrequest.cabq.gov/>. The CPOA Investigator explained to her that the non-emergency Operator would not have that information without significant research. Ms. O -D was asked if she had a specific date that she had a complaint about to provide it in the email, but was advised since there were several calls for service that an investigation of every single one was not possible without more information. Ms. O -D did not respond.

Letter to Ms. Ol -D

May 22, 2020

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III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the nature of the complaint other than a lack of calls, which was determined that her request mechanism was not the proper one in order to get the results she requested.

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.

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



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Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0265

Re: CPC #106-20

Dear Mr. H:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on April 16, 2020, regarding an incident that occurred on or about February 29, 2020.

I. THE COMPLAINT

PO Box 1797
B(H submitted an online complaint alleging that three officers trespassed onto his property that was clearly marked no trespassing. He wrote the officers banged on his window and did not properly announce themselves.

Albuquerque

II. INVESTIGATION

NM 87103
www.cabq.gov In his complaint he provided three officer names, which were not APD officers. The location of incident he identified was an address in Edgewood, NM. The CPOA Investigator contacted the Edgewood Police Department to determine how the citizen should file the complaint. The CPOA Investigator spoke to the Chief of Police and he was provided the officer names identified on the complaint. The Chief of Police of Edgewood stated those were not his officers, but a sergeant he asked recognized the names as being Moriarty Police Department officers since their jurisdictions are close to each other and are both smaller agencies.

The CPOA Investigator called B(H on the phone and left a message about the correct agency and their phone number to file a complaint. The Moriarty Police Department number is 505-832-6060.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed the complaint was filed with the wrong agency and the CPOA does not have jurisdiction over the Moriarty Police Department.

Letter to Mr. H
May 22, 2020
Page 2

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

Sincerely,
The Civilian Police Oversight Agency by

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

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Tara Armijo-Prewitt

Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0272

Re: CPC #107-20

Dear Mr. A

Our office received the complaint you filed on February 10, 2020, against two alleged Albuquerque Police Department (APD) officers for an incident which took place at an unknown location on February 2, 2020 at the Nevares home. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and learned that the officers about whom you had a complaint are not APD Officers, so we have no jurisdiction in this matter, and are administratively closing 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

CITY OF ALBUQUERQUE



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Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0289

Re: CPC #111-20

Dear Mr. W

Our office received the complaint you filed on February 5, 2020, against an unknown Albuquerque Police Department (APD) officer for an incident you said took place on September 10, 2015, and involved an APD vehicle cutting in front of you as you rode your bicycle through a crosswalk, causing you to slam into the side of the vehicle before said vehicle drove away. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and was unable to locate any reports, CADs or dispatch calls related to this alleged incident. Additionally, the Investigator sent you an email on April 16, 2020 requesting more information; however, you have not responded. Due to a lack of information we are administratively closing your complaint.

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.

Executive Director

(505) 924-3770

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May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0296

Re: CPC #121-20

Dear Mr. Z

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 6, 2020, regarding an incident that occurred on an unspecified date.

PO Box 1197 **I. THE COMPLAINT**

Albuquerque, NM 87103
P. Z. submitted an online complaint regarding his allegations that officers charged him with crimes he did not commit or if he did certain things the charges would be dropped. In the body of his complaint he discussed things that occurred at a police station on Isleta. He provided the names of employees and referred to at least one of them as deputy. He did not provide specifics as to dates, times, or locations. At the time he filed the complaint he wrote he was incarcerated in Cibola County.

II. INVESTIGATION

www.cabq.gov
The CPOA Investigator reviewed the NM court case details for Mr. Z. on the website. There were no current cases that involved Albuquerque Police Department Officers. The names he provided in the complaint were not Albuquerque Police Department Officers. There is not an APD substation on Isleta, but there is a BCSO station on Isleta.

The CPOA Investigator spoke to Mr. Z. wife over the phone regarding the complaint. The CPOA Investigator explained to Mrs. Z. that based on the information provided the complaint should be filed with the Bernalillo County Sheriff Department. She was provided with BCSO's Internal Affairs phone number.

Letter to Mr. Z

May 22, 2020

Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the CPOA does not have jurisdiction over BCSO.

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.

000Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

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Eric Nixon

May 22, 2020

To file

L (Last name unknown)

Re: CPC #126-20

Dear L :

Our office received the complaint you filed on March 15, 2020, against Albuquerque Police Department (APD) Officer R. for an incident which allegedly occurred on March 13, 2020. The complainant said they were on the phone with their friend, her husband, and her child and while on the phone their friend was involved in a hit in run. L friend asked to call L back and when she did L allegedly heard a male voice, L said belonged to Officer R speaking to their friend about the accident involving a hit and run vehicle. L said the guy who hit this friend lives in his car and has no plates and parks his car at Anytime fitness on Carlisle and Menaul. L complained that his friend hasn't received a call back from Officer R., nor has the other driver been prosecuted. L believes the other driver should be charged with vehicular manslaughter because he tried to run L ' friend over 2 times. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and was unable to locate any information regarding this accident on March 13, 2020. Additionally, APD has an Officer R. who is a female and not a male as described. Due to a lack of information, we are administratively closing your complaint. Please contact our office at (505) 924-3770, to provide us with more information regarding this incident should you wish to proceed forward with 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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Chantal M. Galloway *Doug Mitchell*

Cathryn Starr *Leonard Waites*

Edward Harness, Executive Director

Tara Armijo-Prewitt

Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0128

Re: CPC #127-20

Dear Mr. D :

Our office received the complaint you filed on March 28, 2020, against unknown Albuquerque Police Department (APD) Officers for incidents which allegedly occurred on February 14, 2014 and September 10, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and was unable to locate any information regarding these alleged incidents. The CPOA Investigator reached out to you via email in an attempt to obtain more information so as to identify the unknown officers and to find all related reports and lapel camera videos; however, you replied that you did not have any additional information. Due to a lack of information, we are administratively closing your complaint. Please contact our office at (505) 924-3770, to provide us with more information than what you have already submitted should you wish to proceed forward with your complaint.

PO Box 1293

Albuquerque

NM 87103

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Sincerely,
The Civilian Police Oversight Agency by

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



CIVILIAN POLICE OVERSIGHT AGENCY
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Edward Harness, Executive Director

Tara Armijo-Prewitt

Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0302

Re: CPC #039-20

Dear Ms. S

Our office received the complaint you filed on September 20, 2019, against Albuquerque Police Department (APD) Officer F.C., Officer A.C., Officer H., and Officer L. for an incident that occurred on September 19, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

I. THE COMPLAINT

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Ms. S said she and her husband, B H , who is an Albuquerque Fire Department (AFD) firefighter, were at a show at Kiva Auditorium on September 19, 2019 when he went back to their car because he forgot his lighter. She followed a few seconds behind him and when she caught up to him in the parking lot there were 4-5 officers surrounding him. She complained the officers had thrown B up against their car and a female officer, Officer L., was yelling at him to "shut the (expletive) up" in a very loud, aggressive manner. She complained no one explained what was going on and just put B in handcuffs and placed him in the back of a patrol car. She said a male officer pulled her to the side and said they were conducting a domestic violence investigation. She told the officer she didn't understand and the officer told her someone called 911 to report a male driver beating his female passenger at Tractor Brewing, and their vehicle and license plate matched the exact description. She complained Officer L. pulled her aside and questioned her and was the rudest officer, and was extremely aggressive and kept telling her she was rude. She complained Officer L. was extremely unprofessional and aggressive and made her fear for her safety. She complained Officer L. made her feel stupid and as if she was the cause of the situation. She wants compensation for the unnecessary attention that was drawn to her and B and wants Officer L. to receive more training. (See original complaint for more information.)

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the original police report, 3 supplemental reports and 9 lapel camera videos related to this incident.

The lapel video showed approximately 5 APD officers standing in a parking lot a short distance behind your vehicle just prior to making contact with your husband, B [redacted], as he stood at the driver's door of your vehicle. B [redacted] asked the officers what was going on and started to walk away, leaving the door standing open when the officers told him to stop. He refused, stating he did nothing wrong and the officers told him, again, to stop and said they were investigating a report of domestic violence so he couldn't walk away from them. He whistled and hollered over to you and told you to come to him and repeatedly asked you to record the interaction. Officer A.C. held B [redacted] hands behind his back and B [redacted], again, tried to walk away while still protesting that the officers couldn't do anything to him because he didn't do anything wrong. B [redacted] didn't comply when Officer A.C. repeatedly told him to separate his feet. Instead he asked what he was being accused of and that's when Officer L. yelled at him, "Hey! Listen! We have a job to do! Uh-uh. Uh-uh. We need to investigate so calm down!" B [redacted] continued to ask what he was being investigated for and a male officer said they were just trying to ask him some questions about a domestic violence incident and he started to walk away. Officer A.C. asked B [redacted] approximately 6 times to separate his feet before B [redacted] finally complied. As he was doing so, Officer L. said, "So relax; let us do our job." B [redacted] replied, "Okay. Yes. Go ahead." Officer L. said, "Thank you."

Officer A.C., placed B [redacted] in handcuffs because B [redacted] kept trying to walk away so Officer A.C. placed B [redacted] in the back of a squad car because B [redacted] refused to speak to the officers on scene and repeatedly asked to speak to a Sergeant (Sgt.). During this time, Officer A.C. also had to yell at B [redacted] to comply, in much the same way Officer L. did earlier. You complained that B [redacted] was placed in handcuffs when no crime had been committed; however, due to the allegations of domestic violence and the officer's need to investigate these allegations, and B [redacted] unwillingness to comply with Officer A.C.'s requests, he was placed in handcuffs to await the arrival of a Sgt..

Lapel video showed two male officers spoke with you and explained why they were there. One Officer told you police were called because a witness called APD to report a domestic violence incident wherein the female passenger was punched in the face, and your vehicle matched the description the witness provided. The officer told you they had to investigate those allegations and would let you both go if no evidence was found. You denied anything happened and the officers asked why B [redacted] was acting so aggressively then. A second officer explained the situation to you, again, and said, "That's not out of line, rude or harassing. Do you understand?" to which you replied, "Yeah."

Lapel video showed that at no time was B [redacted] thrown up against your vehicle as alleged in your complaint. Additionally, during the contact you and B [redacted] had with Officers, they repeatedly told you both why they detained him, which contradicts your statement that nobody explained what was going on. Lapel video showed Officer L. did not yell profanities at B [redacted] as you have alleged. You complained that Officer L. was very aggressive and kept

telling you she was recording and you couldn't understand why. Lapel video showed B repeatedly ask you to record the interaction on your phone and told you not to comply with anything the officers asked of you, and as a result Officer L. and other officers told you and B they were recording the incident. You complained that Officer L. was extremely aggressive, and kept telling you that you were being rude and had an attitude. Lapel video showed Officer L. told you once that you were being rude with officers; however, she was not being extremely aggressive and had a limited interaction with you and during that time and acted similarly to her male counterparts.

Sgt. F. arrived on scene and spoke with B about the situation. B told Sgt. F. that you and he were at a show and all of a sudden a bunch of officer roll up and yell, "Get down! Get down! So he leans forward with his hands behind his back." B also claimed Officer L. was laughing about the situation and asked Sgt. F. to take care of it. B statements to Sgt. F. contradict what lapel video showed happened upon B initial contact with officers. Additionally, lapel video does not show Officer L. laughing about the situation as B alleged to Sgt. F. You and B were allowed to leave after speaking with Sgt. F.. After speaking with you, Sgt. F. commented to the other officers that B smelled like booze.

Lapel video showed Officer L., Officer A.C. and another male officer making contact with the female witness from Tractor Brewing who reported the incident. This witness wanted to remain anonymous. She accurately described B and your truck and said she saw B punch a female 3 or 4 times in front of Tractor Brewing. She said the male was yelling at his female passenger and trying to pull her out of the car. The witness said one of her friends was going to ask the female to go with her and her friends but figured that if she was one of 'those' she probably wouldn't.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER F.C.'S CONDUCT

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer F.C.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer F.C.'s Internal Affairs record and personnel records.

**IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD
OPERATING PROCEDURES REGARDING OFFICER A.C.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer A.C.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer A.C.'s Internal Affairs record and personnel records.

**V. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD
OPERATING PROCEDURES REGARDING OFFICER H.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Officer H.'s conduct **UNFOUNDED** regarding allegations of violations of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer H.'s Internal Affairs record and personnel records.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP and the Complaints.

A) The CPOA reviewed APD SOP 1-1-4(D)(15)

After a review of the evidence and this SOP, the CPOA found that while Officer L. raised her voice to tell B to calm down, and told you that you were being rude, this officer was not the only officer to tell you that you were being rude nor was she the only officer to raise her voice at you or B. Officer L.'s voice and the other officers who raised their voices at you

and B were within reason given the situation and were not identified as being extremely aggressive and they did not violate this SOP. The CPOA finds Officer L.'s conduct **EXONERATED** regarding allegations of violations of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

It should be noted that although there is a finding of **EXONERATED** regarding the aforementioned part of your complaint against Officer L., a finding of **UNFOUNDED** would be appropriate with regard to your complaint that Officer L. made you feel stupid and as if you were the cause of the situation because lapel video evidence does not support these allegations, as Officer L. does not specifically say this to you, nor did she say anything to you in this regard and the alleged misconduct did not occur or did not involve the subject officers.

The complaint and these findings are made part of Officer L.'s Internal Affairs record and personnel records.

You have the right to appeal this decision.

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

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

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

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

Letter to Ms. S
May 22, 2020
Page 6

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

Sincerely,
The Civilian Police Oversight Agency by

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Cathryn Starr *Leonard Waites*

Edward Harness, Executive Director

Tara Armijo-Prewitt

Eric Nixon

May 22, 2020

Via Certified Mail

7018 1130 0002 3429 0319

Re: CPC #061-20

Dear Mr. E _____:

On February 20, 2020, our office received the complaint you filed with the New Mexico Attorney General's Office against Albuquerque Police Department (APD) Officer P. _____ for an incident that occurred on December 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.

I. THE COMPLAINT

Mr. E _____ said that on 12/23/2019 his wife, D _____, attempted to file a police report on a break-in at her deceased son's trailer. The report was rejected because D _____ had suspect information so she was given a tracking number and told to contact APD by phone. She called APD at 1544 hours and was told that an officer would respond within 3 hours. At 2300 hours that night they were awakened by an APD officer. The officer, later identified as Officer P _____, arrived and his first question was why they were filing the report several days after the break-in occurred. They explained to Officer P _____ that D _____'s son, A _____ was killed in a car accident on 12/14/2019 and the break-in happened that day. The police were called that day but after waiting for 2 hours and no Officers showed up D _____ didn't want to wait any longer as she was grieving the loss of her son. She called APD dispatch and told them she was leaving and then the next two weeks were filled with making endless arrangements for her son and that is why she didn't file the report earlier. The E _____ explained to Officer P _____ that A _____ trailer door was forced opened and several items taken out of his trailer. She told Officer P _____ she had documented proof as to who had some of the items and was then told by Officer P _____ that before they could file a police report she would have to go to court to prove she was A _____'s only immediate family, and that she had legal rights to his estate. Officer P _____ also told them that he couldn't make a report until they could prove that the more distant relative, who is now in possession of the stolen items, did not have a verbal

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contract with A to break into his residence to remove any items of value in the event of his death. Mr. E complained this is the most preposterous legal advice that he can imagine. To wake them up in the middle of the night and make these bogus claims to avoid doing his job is at best dereliction of duty. He believes this type of conduct warrants public scrutiny of this officer and APD's policies. (See original complaint for more information.)

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADs report, and 2 lapel camera video recordings. The evidence, including lapel videos, essentially supports the following timeline: December 14, 2019 your wife D son, A, who you both said was part of a motorcycle gang/club, died in a motorcycle accident. December 15, 2019, L brother and A's uncle, kicked in A trailer door and stole motorcycle gang vest/colors and other items. D called APD to report the break-in; however, after the police failed to arrive after two hours, she called dispatch again to let them know she was leaving. December 14 – December 22, 2019 arrangements were made to take care of A effects and his estate. December 23, 2019, at approximately 1544 hours, D called APD to report the break-in and was told APD would respond within 3 hours. At approximately 2300 hours, Officer P. arrived at your home and said he just started his shift and was dispatched to this call.

Lapel video showed Officer P. made contact with you and D at your residence and D essentially explained all the aforementioned events to Officer P. In response, Officer P. said it going to be a bit tricky to file the report because it involves family ie. D brother, and it is unknown if A and his uncle had an arrangement about retrieving A belongings ie. Motorcycle gang/club vest/colors, etc. in the event of his death. Officer P. told you that E has to be the owner of the trailer in order to file a police report for the damage to the trailer and theft of the items inside. He told D to go to court and ask for ownership based on being A next of kin. The she could file the reports. At that point D told Officer P. that she sold the trailer to A friend so Officer P. told her that the friend could file the police report for damages and she could still go to court to ask the judge for ownership of A property and then file charges on her brother for theft. During this conversation, you admitted you didn't know what was stolen from the trailer. Then both you and D told Officer P. that you understood his explanation about needing to handle this issue civilly and said you'll do what you have to do.

Based on the aforementioned evidence, Officer P. did not violate this APD SOP because he took appropriate action and rendered assistance to you and D while on duty.

CONCLUSION

Based on the aforementioned information, the CPOA finds Officer P.'s conduct **EXONERATED** regarding allegations of violations of APD SOP 3-13-3(B)(3)(a) which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

You have the right to appeal this decision.

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

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

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

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

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