

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT BOARD

Thursday, December 10, 2015 – 5:00 PM  
Vincent E. Griego Chambers, Basement Level  
City/County Government Center – One Civic Plaza NW  
Albuquerque, New Mexico

### Members Present:

Leonard Waites (Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Eric H. Cruz  
Joanne Fine  
Dr. Jeannette Baca  
Dr. David Z. Ring III  
Dr. Susanne Brown

### Members Absent

Beth Mohr (Co-Vice Chair)  
Dr. Moira Amado-McCoy

### Others Present:

Mark Baker  
Michelle Contreras  
Diane McDermott  
Lt. Garcia, APD  
Marlo Kiefer  
Edward Harness, Executive Director

### Minutes

- I. **Welcome and call to order:** Chairman Leonard Waites called the meeting to order at 5:02 pm.
- II. **Pledge of Allegiance** – Chairman Waites led the Board in the Pledge.
- III. **Approval of the Agenda:** Copies of the agenda were distributed. Chair Waites informed the Board that Susanne Brown would be arriving later in the meeting. Board Member Wilson moved to approve the agenda. Board Member Fine seconded the motion. Approved.  
For: Waites, Fine, Wilson, Ring, Cruz, and Baca.
- IV. **Approval of Minutes:** Copies of the November 12, 2015 meeting minutes were distributed and reviewed by the Board. Board Member Ring moved to approve the minutes as written. Board Member Baca seconded the motion. Approved.  
For: Waites, Wilson, Fine, Baca, Cruz, and Ring.
- V. **Public Comments:** None at this time. (Two community members were given the opportunity to speak later in the meetings.)
- VI. **Subcommittee Reports:**
  - A. **Outreach Subcommittee, Dr. Jeanette Baca** – (National Association of Civilian Oversight of Law Enforcement, NACOLE, Conference update)  
Board Member Baca reported on the November 30, 2015 meeting of the Outreach Subcommittee

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- i. The Outreach Subcommittee appointed Joanne Fine as the NACOLE Planning Committee Chair.
- ii. The Planning Committee will be asking the community for Request for Proposals for the Conference. Jeannette Baca is the contact person for RFPs.
- iii. Scholarships are available.
- iv. The Planning Committee will be doing a lot to promote the Conference locally, and is looking for ways to raise funds for people to attend.

**B. Case Review Subcommittee, Chair Leonard Waites** – Chair Waites deferred to Executive Director Edward Harness to give the report for the Case Review Subcommittee.

- i. A procedure was established for reviewing cases, which includes initial intake, evaluation of appropriateness of mediation or not, and assigned to an investigator if necessary.
- ii. The Case Review Subcommittee will review cases on a weekly basis so they are informed about what is happening with each case.
- iii. Director Harness will give a recommendation for discipline when it is called for. The case will then go to the Police Oversight Board for approval of Director Harness' recommendation.
- iv. Case Review Subcommittee will again review cases after they have come back from the Chain of Command.
- v. Information from these complaints will be logged by the data analyst who will be tracking the data and looking at statistics, patterns, and trends from these complaints.

**VII. Public Comments:** Community member Tad Niemyjski was given the opportunity to give comments to the Board at this time.

- A.** Mr. Niemyjski stated that he read a newspaper article about an undercover police officer who had been shot by his supervisor 8 or 9 times with hollow tip bullets. He stated that after WWII, the Geneva Convention made these types of bullets illegal, but here in Albuquerque, NM the cops are using hollow points. It's not okay to shoot people with these bullets. The U.S. is supposed to be the leader in Human Rights protection. Mr. Niemyjski would appreciate it if the Board would take this into consideration. It violates Human Rights protection. Mr. Niemyjski stated that he is tired of filing complaints with police oversight. He's had two incidents with two APD Sergeants. He filed a request for two lapel videos, but was told they're unavailable. He went all the way to Lt. Sanchez, who couldn't give him a straight answer and told him to get a lawyer. Many people can't afford an attorney, and many lawyers won't take a case if there's no money in it. Mr. Niemyjski would like to take a look at the lapel camera video of one of the officers.

## **VIII. Reports from City Staff**

### **A. APD – Lt. Garcia**

- i. APD received 38,059 calls for service in the past month.
- ii. There were no administratively closed cases and no cases remediated.
- iii. Discipline imposed for the month of November was three letters of reprimand, three 8-hour suspensions, and two terminations.
- iv. There are five pending cases for November.
- v. Lt. Garcia reported on specific SOP violations.

### **B. City Council – no report**

### **C. City Attorney – no report**

### **D. CPOA – Edward Harness, Executive Director**

- i. Director Harness discussed attending the Community Policing Council (CPC) meetings. He is stressing the importance of the CPC going through the Board to give their suggestions for policies and procedures.
- ii. Director Harness would like to encourage the CPCs to attend the POB meeting and envisions setting an agenda item for the CPCs. This can be coordinated through APD's outreach person, Celina Espinoza.
- iii. Director Harness is working on getting Amanda Bustos through Human Resources so that she can start her position with CPOA.
- iv. Three final applicants have been chosen for the Data Analyst position and the agency is currently conducting background and reference checks.
- v. Using July 1<sup>st</sup> as a demarcation point, the CPOA currently has seventy-seven open cases.

## **IX. Meeting with Counsel re: Closed session to discuss matters subject to the attorney-client privilege pertaining to threatened or impending litigation in which the CPOA is or may become a participant – Board Attorney Mark Baker.**

- A. At 5:40 p.m. Chair Waites moved to have the Board go into a closed session with Attorney Mark Baker to discuss matters subject to the attorney-client privilege pertaining to threatened or impending litigation in which the CPOA is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7). Approved.  
For: Waites, Fine, Wilson, Ring, Cruz, and Baca

B. At 6:15 p.m. Board Member Fine moved for the Board to officially reconvene having come back from closed session to discuss only matters subject to the attorney client privilege pertaining to threatened or impending litigation in which this public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7). Approved. For: Waites, Fine, Wilson, Cruz, Ring, and Baca.

X. **Public Comments:** At this time, community member Dan Webb was given the opportunity to give comments to the Board.

A. Mr. Webb stated that the website for the CPOA lists the start time for the POB meeting as 4:00 p.m. and he had shown up at this time, but no one else was here. Mr. Webb is with the Southern Christian Leadership Conference (SCLC) and they would like to know how they can assist the Police Oversight Board. Rev. Dr. Charles Becknell Sr. of the SCLC has five main goals, including getting more African American officers and more female African Americans in the Albuquerque Police Department. Dr. Becknell would like Chief Eden to meet with African American members of the community, and Chief Eden has already met with four board members of the SCLC in the past. Mr. Webb stated that Dr. Becknell would like more training of officers with respect to the view point of African Americans, and there needs to be an emphasis on dealing with minorities in the community. Mr. Webb stated that the SCLC wants to support the Police Oversight Board. Dr. Becknell sends his regrets that he was unable to be at the meeting in person.

XI. **Subcommittee Report:** (Dr. Brown arrived after the Subcommittee Reports agenda item was read, therefore she was asked to give her report at this time.)

A. **Policy and Procedure Review Subcommittee, Susanne Brown (Action on SOP 3-65)** – Dr. Brown gave a report on the Policy and Procedure Subcommittee meeting held on November 17, 2015.

- i. The subcommittee made suggestions for changes to the language in policy document 3-65.
- ii. Discussed using best practices as a way to come up with policy suggestions and also what is the best way to bring proposed changes to the department.
- iii. The Board decided a committee will be set up to meet with Bill Slausen to discuss how proposed policy changes should be brought to the department.
- iv. The Board discussed how to bring proposed policy change to APD. The Chief of Police has 45 days to respond to a formally proposed policy change. It should be conveyed to the Chief if it is being brought informally rather than formally.

- v. Board Member Baca requested that a copy of the Policy (3-65) be sent to members for their review. Board Member Brown will send members a copy of the policy.

**XII. Findings by POB:**

- A. The Board discussed CPC #066-14 and whether or not the CPOA had any obligation to complete an investigation. The case was administratively closed based on the fact that the Officer in the complaint no longer works for APD.
- B. Board Member Wilson moved to approve the current group of administratively closed complaints. Board Member Cruz seconded the motion. Approved.  
For: Waites, Cruz, Baca, Fine, Brown, Ring, Wilson.
- C. Board Member Ring moved to add the current group of complaints to the minutes. Board Member Brown seconded the motion. Approved.  
For: Waites, Cruz, Baca, Fine, Brown, Ring, Wilson.

<b>025-13</b>	<b>065-13</b>	<b>111-13</b>	<b>142-13</b>	<b>218-13</b>
<b>253-13</b>	<b>066-14</b>	<b>081-14</b>	<b>098-14</b>	<b>141-14</b>
<b>170-14</b>	<b>005-15</b>	<b>009-15</b>	<b>017-15</b>	<b>019-15</b>
<b>022-15</b>	<b>026-15</b>	<b>032-15</b>	<b>033-15</b>	<b>034-15</b>
<b>038-15</b>	<b>042-15</b>	<b>048-15</b>	<b>052-15</b>	<b>054-15</b>
<b>055-15</b>	<b>059-15</b>	<b>061-15</b>	<b>062-15</b>	<b>066-15</b>
<b>081-15</b>	<b>082-15</b>	<b>088-15</b>	<b>093-15</b>	<b>094-15</b>
<b>096-15</b>	<b>101-15</b>	<b>120-15</b>	<b>121-15</b>	<b>122-15</b>
<b>127-15</b>	<b>130-15</b>	<b>134-15</b>	<b>135-15</b>	<b>144-15</b>
<b>145-15</b>	<b>162-15</b>	<b>181-15</b>		

**CPC #025-13** – An anonymous complaint was received on February 17, 2013 regarding an unnamed officer. The complaint listed a unit number and alleged that the officer was rude, mean, and unprofessional. The complaint did not identify the date, time, location, or description of the incident. Albuquerque Police Department Internal Affairs investigated the matter and identified the officer assigned the unit number given in the complaint. The officer was dispatched to one call on the date of the complaint, but indicated that the call went well. Since the complaint lacked sufficient information about a specific incident, it has been administratively closed.

**CPC #065-13** – A citizen complained that Officer W. had allegedly cut him off while driving on the freeway, causing him to swerve into another lane to avoid hitting the officer. The original CPOA investigator indicated that the officer’s supervisor had spoken to Officer W. and counseled him about his driving behavior. A CPOA employee tried unsuccessfully to contact the citizen to follow up on the complaint in April, 2015.



Furthermore, Officer W. is no longer an APD officer. Since the CPOA lacks jurisdiction to further investigate the complaint, and it appears to have been handled informally some time ago, the case was administratively closed.

**CPC #111-13** – A citizen alleged that Officer A. was rude, antagonistic and refused to take a report from her. During the initial review, the CPOA learned that the officer is no longer employed by APD. Since the CPOA has no jurisdiction to further investigate, the complaint was administratively closed. The CPOA employee explained this to the citizen and she stated that she understood.

**CPC #253-13** – A citizen complained that APD has been harassing him and his family after he was a witness to a violent crime in September 2013. The CPOA made numerous attempts to contact the citizen to obtain more information, but the citizen did not respond, nor did he show up to a scheduled appointment with an investigator. The complaint has been administratively closed based on insufficient information to conduct an investigation.

**CPC 066-14** – A citizen was involved in a traffic accident with an off-duty APD officer. The complaint alleged that Officer M. was biased and untruthful. An investigation revealed that Officer M. had written the police report, in violation of APD SOP. Since Officer M. is no longer employed by APD, the CPOA is precluded from making findings in this case. Therefore, the case has been administratively closed.

**CPC #081-14** – A citizen complained that an APD officer had abused his power and intimidated her and her family because they left a teenaged son and an infant in the car while they were in the store. There were no dispatch records of the encounter and the citizen could not provide any identifying information about the officer. Due to a lack of information, this complaint could not be further investigated. Therefore, it has been administratively closed.

**CPC #98-14** - On April 21, 2015 a woman who was a suspect in a car theft was shot three times and killed by Officer D. during a foot pursuit. The complaint against the officer alleges excessive use of force and misconduct. While awaiting criminal and administrative investigations Officer D. was terminated from the Albuquerque Police Department. The CPOA has no jurisdiction to review the complaint since the officer is no longer employed by APD; therefore, the complaint has been administratively closed.

**CPC #141-14** – A complaint was filed against APD Officer D. for an Officer-Involved Shooting in the shooting death of a nineteen year-old woman. The complaint alleges improper training on the part of the officer's supervisors, and excessive use of force and misconduct by Officer D. The complainant was informed that since Officer D. was terminated from the Albuquerque Police Department, the CPOA has no jurisdiction to investigate the complaint against the officer. The complaint has been administratively closed.

**CPC #170-14** – An anonymous citizen complained that an officer was allegedly driving over 100 miles per hour on September 6, 2014. Upon investigation, the CPOA determined

that APD does not have any vehicles with the license plate listed in the complaint. Since APD does not own the vehicle described, and the CPOA only has jurisdiction over current APD employees, the complaint was administratively closed.

**CPC #005-15** – A citizen filed a complaint alleging that two APD officers filed a police report after telling her they would not file a report, during an incident in which she was asked to leave her mother's home. Several attempts were made to talk to the citizen after she indicated that she was undecided about whether or not she wanted to have her complaint investigated. Since the citizen did not contact the CPOA within the 90 day time frame for completing an investigation, and since the complaint alleged a minor policy violation, the complaint was administratively closed.

**CPC #009-15** – A citizen complained that she was harassed by a store manager for having her service dog with her and had to call the police for help. She alleged that Officer J. was rude and insensitive and that he did not accurately describe what had happened in the report. She also alleged that Officer J. was unprofessional and unreasonable. Before the Investigator could look further into the complaint the citizen called to request that the complaint be withdrawn. The citizen was informed that the CPOA was willing to do a thorough investigation, but she stated she did not want the officer to get in trouble, and that her complaint was misdirected. Since the complaint was an allegation of a minor policy violation, and since the citizen withdrew the complaint, it has been administratively closed.

**CPC #017-15** – A complaint was filed by a citizen who alleged that a former APD Officer had improperly accessed her personal information. A preliminary investigation showed that the citizen's information was publicly available and that the former Officer was only responding to a phone call he had received from the citizen's number. After the initial research into the complaint the citizen decided to withdraw the complaint, and it was administratively closed.

**CPC #019-15** – A citizen alleged that Officer A. drove recklessly, intimidated him by revving his engine, and failed to control his emotions. The CPOA Investigator conducted a preliminary investigation into the complaint. The citizen was informed that the officer's Sergeant would speak to Officer A. about the incident. The citizen was satisfied with the way the complaint was informally handled and the case has been administratively closed.

**CPC #022-15** – A citizen alleged that a parking enforcement officer was very rude and behaved aggressively toward the citizen. The officer works for the City of Albuquerque Parking Division and not for APD. Therefore, the CPOA has no jurisdiction to investigate the complaint. The complaint was forwarded to Mark Shepard, the Director of the Parking Division and the citizen was informed that she should file her complaint with the Parking Division.

**CPC #026-15** – An employee of the Children, Youth, and Families Department complained that it took Officer M. and Officer C. two hours to arrive after she called the police about a juvenile who was allegedly being physically and verbally aggressive. The

employee stated that the officers would not take the juvenile into custody even though she posed a risk to her and other CYFD staff. Lapel video showed that the officers were professional and respectful and explained why there was a delay to her call. Lapel videos and interviews show that the officers did not violate any APD Standard Operating Procedures. It was explained to the CYFD employee why the officers could not take the juvenile into custody. The employee was satisfied with the explanation and the investigation into the matter, and no further investigation is necessary into the incident. The complaint was administratively closed.

**CPC #032-15** – A citizen complained that Officer L. was mean to her after she called the police about a disturbance with a neighbor. The CPOA Investigator reviewed the lapel video of the incident and found that Officer L. was professional and respectful toward the citizen. Because there were no violations of SOPs, the case is administratively closed.

**CPC #033-15** – A citizen complained that a Police Service Aide's (PSA) actions prohibited her from being able to file an insurance claim after an accident in which the citizen hit another vehicle while getting out of the way of a fire truck. According to the complaint the PSA did not give her the other driver's information or give her the opportunity to explain her side of events. This complaint was handled successfully through formal mediation and has been administratively closed.

**CPC #034-15** – A citizen alleged that a man who identified himself as a police officer yelled profanities at her and verbally threatened her after she told him to keep his dogs on leash at a dog park. The CPOA reviewed the complaint and learned that APD does not have a record of any officer with the name the citizen provided. The CPOA determined that without more information it is impossible to determine whether or not the person was actually a police officer or just someone claiming to be an officer. The complaint was administratively closed. The citizen was informed that the case could be reopened if more information became available.

**CPC #038-15** – A citizen alleged misconduct by a Bernalillo County Sheriff's Deputy, Officer G. Since the CPOA lacks jurisdiction to investigate BCSO deputies, the complaint was administratively closed. The citizen was informed that they should file a complaint with BCSO, and was provided with their contact information.

**CPC #042-15** – A citizen complained that Officer J. and Officer L. allegedly told her that her calls to the police about her neighbors were unnecessary. The citizen also complained that the officers were mean to her. The CPOA Investigator reviewed the lapel camera videos from both officers and saw that both officers were professional, patient, and understanding. No statement was made by either officer about the citizen's calls being unnecessary. Based on the preliminary investigation and evidence that the officers did not violate any policy, the case is administratively closed.

**CPC #048-15** – A citizen alleged that his neighbors witnessed an APD officer swerve and hit his dog and left the dog on the side of the road. The CPOA Investigator determined that no calls were made from the area at the time in question. The citizen told the



investigator that the neighbors could not provide any more information to identify the officer, and requested that the complaint be withdrawn. The complaint has been administratively closed.

**CPC #052-15** – An anonymous citizen alleged that two APD officers were engaged in behaviors that set bad examples. The complaint alleges that one officer spent time at a strip club and the other officer stayed home during work hours. The CPOA contacted the strip club to determine if there was any merit to the complaint. The manager of the club said no officers visit the club while on duty, and she is unaware of any officers coming into the club at all. The complaint has been administratively closed based on lack of information provided.

**CPC #054-15** – A citizen alleged that Officer R. and Officer G. of APD teased him about having sex with a female APD officer. The citizen later contacted the CPOA investigator and requested to withdraw the complaint. Because the complaint only contained an allegation of a minor policy violation and the citizen wished to withdraw the complaint, no further investigation will be conducted at this time. Therefore, the complaint has been administratively closed.

**CPC #055-15** – A citizen alleged that APD Officer G. had stepped on her child's football after it landed near his own kids, and told the children to stop putting his children's lives in danger. During the preliminary investigation the citizen contacted CPOA and told the office she wished to withdraw her complaint for personal reasons and that no further investigation was necessary. The citizen did not respond to further attempts to contact her. This complaint has been administratively closed.

**CPC #059-15** – A complaint was filed against an unnamed APD officer, which alleged that the officer was rude to the citizen when she made a call to the police substation. The CPOA Investigator spoke to the Supervisor at the substation and the citizen was informed that the Supervisor would speak to all front office personnel about the need to be courteous. The citizen was satisfied with how the complaint was informally handled, and the complaint was administratively closed.

**CPC #061-15** – A citizen alleged that she observed an APD vehicle driving 50 miles per hour on San Antonio Blvd. Based on the APD vehicle number provided by the citizen, the CPOA Investigator conducted a preliminary investigation and found that the officer was responding to an auto burglary in progress at the time that the citizen observed the vehicle. The citizen was informed of these findings and was satisfied with the investigation and would like the complaint withdrawn. Therefore, the complaint is administratively closed.

**CPC #062-15** – A citizen complained about the actions of Officer M. of the Bernalillo County Sheriff's Department during a traffic stop. The CPOA lacks jurisdiction to investigate complaints against Bernalillo County Sheriff's Office; therefore the citizen was advised to file a complaint with the BCSO and was given their contact information.

**CPC 066-15** – A citizen filed a complaint against Detective L. , and alleged that undercover officers were harassing him and his family, in connection with an attempted murder investigation involving his sister. The CPOA contacted Officer L. who had contacted the citizen's mother on only one occasion during a homicide investigation. The citizen did not respond to repeated attempts to obtain more information and did not show up to a scheduled appointment with the investigator. Since there has been no further information, the investigator is unable to proceed, and the case was administratively closed. The citizen was notified of this decision by mail.

**CPC #082-15** – A citizen complained about Sheriff's Deputies M. and V. There was no allegation of misconduct by the citizen. The CPOA lacks jurisdiction to investigate complaints against Bernalillo County Sheriff's Office (BCSO). Therefore, the citizen was advised to file a complaint with the BCSO and was given their contact information.

**CPC #088-15** – A citizen alleged that while driving to the hospital to see her mother she made a legal U-turn and that right afterward an APD officer drove up next to her and yelled at her from the car window. The CPOA Investigator conducted a preliminary investigation, and was informed by Officer C. that he gave the citizen a verbal warning after observing her not yield to traffic during a U-turn. When contacted, the citizen did not wish to pursue the investigation any further. Because the alleged policy violation was minor and a full investigation could not be conducted, this case was administratively closed.

**CPC #093-15** – A citizen complained that Officer H. responded to his residence and called him a liar. The citizen later asked to have his complaint dismissed, but was encouraged to have his complaint informally investigated. The investigator contacted the officer's supervisor and the supervisor spoke to Officer H. An attempt was made to contact the citizen by phone to inform him of the conversation between the supervisor and Officer H, but there was no answer. The complaint was handled and resolved informally, and has been administratively closed.

**CPC #094-15** – A citizen alleged that officers searched his home without a search warrant, manhandled him and his adult children, and was threatened with charges. A review of the complaint revealed that APD was not involved in the incident, but rather Bernalillo County Sheriff's Department was involved in the search. Since the CPOA lacks jurisdiction to investigate complaints against BCSO, this case was administratively closed.

**CPC #096-15** - A citizen alleged that an APD Officer D. was rude, used profanity, and was speeding while taking her to jail. The CPOA informed the citizen that Officer D. is no longer employed by APD; therefore, the CPOA lacks the jurisdiction to address the complaint. The complaint has been administratively closed.

**CPC #101-15** – A citizen alleged that during a custody dispute with his child's mother, Officer R. claimed that the mother had paperwork showing she could keep the child, but did not provide the citizen with the paperwork. The CPOA Investigator learned that the

citizen no longer had sole custody of the child and that Officer R. had advised him to go back to court if he wished to revise the custody order. The preliminary investigation showed no violation of any SOPs by Officer R. The citizen later told the CPOA Investigator that the matter had been settled and wished to withdraw the complaint. The complaint was administratively closed.

**CPC #120-15** – A citizen alleged that a police officer changed his report after it was submitted and obtained a restraining order against her. A preliminary investigation revealed that the officer involved was a Bernalillo County Sheriff's Deputy and not APD. Since the CPOA lacks jurisdiction to investigate BCSO officers, this complaint was administratively closed and the citizen was advised to contact BCSO.

**CPC #121-15** – A citizen alleged that he was being followed and harassed by APD on a daily basis for over a week. The complaint did not contain any information that identified the officers. The citizen was notified that the CPOA may only investigate complaints against APD and its officers and employees that they are able to identify. Since the complaint lacks sufficient information regarding the identity of any officers, the complaint is administratively closed.

**CPC #122-15** – A citizen filed a complaint about incidents in 2009 and 2012, alleging that APD officers entered her home without a warrant, and claimed her vehicle had been involved in a bank robbery. A preliminary investigation into police reports and other records showed no records matching any of the incidents in the complaint, nor did the addresses she provided match public records. There were no bank robberies at the time of the alleged incident. Due to a lack of information and no identifying information about the officers, this case was administratively closed.

**CPC #127-15** – A citizen alleged that he was told to leave a police substation, that he was refused a complaint form, and that Officer H. took him to jail and called him a name. He also alleged that Officer T. did not take a report about his Tylenol being stolen. A preliminary investigation showed that the citizen was arrested for emergency call abuse and that the officer was professional and patient. The citizen later requested that the complaint be withdrawn. Based on the lack of information in the complaint and the withdrawal by the citizen, this case has been administratively closed.

**CPC #130-15** – A citizen complained that APD Officer M. cited him for Criminal Trespass, took a photograph of him and asked him to surrender his public transportation I.D. card. A preliminary investigation showed that Transit Officers had taken the photo, not APD. Lapel video from Officer M. showed the officer did not violate any SOPs. By City Ordinance, the CPOA may not investigate Transit Officers; therefore the complaint was administratively closed.

**CPC #134-15** – A citizen called APD because someone had poured sugar on the outside of his gas tank. The citizen alleged that Officer C. had requested fingerprint examination of the car but was denied because sugar hadn't entered the gas tank. The CPOA Investigator explained why the request was denied and explained that Officer C. had not

violated any SOPs. The citizen was satisfied with the explanation and did not wish to have the complaint investigated any further. The case was administratively closed.

**CPC #135-15** – A citizen filed a complaint against an APD 911 Dispatcher alleging that the dispatcher was rude and that her suggestions to the citizen could have put her in harm's way. She complained that the dispatcher needed more training so no one else would be put in danger.

The citizen indicated she would be satisfied if the complaint was handled informally by the dispatcher's Supervisor. The CPOA Investigator followed up after the complaint was handled and the citizen indicated that she was satisfied with the way it was handled. Therefore, the complaint was administratively closed.

**CPC #142-13** – A citizen alleged that officers asked for his name after seeing him on two different occasions on the same day carrying an open firearm. The citizen complained that officers obtained his personal information by improper means. Because the officers in the complaint could not be identified with the information given, and since no SOPs were found to be violated, the case was administratively closed.

**CPC #144-15** – A citizen alleged that Officer H. made an offensive comment to her during a service call involving an incident between the citizen and her husband. When contacted about an interview Officer H. apologized if he had offended the citizen. The citizen stated she did not wish to pursue an investigation and said that Officer H. is a good officer. Since the allegation was a minor policy violation and since the citizen wished to withdraw the complaint, it has been administratively closed.

**CPC #145-15** – An anonymous citizen alleged that they witnessed an APD officer talking on a cell phone, turning without using a signal, and obstructing a traffic lane. The CPOA investigator interviewed the officer who could not recall the incident in the complaint but said he may have been without a hands-free headset momentarily. A review of the intersection in the complaint revealed that it is very large and it is unlikely that the officer could have obstructed a lane. Due to a lack of information and the inability to determine if the alleged misconduct occurred, this complaint was administratively closed.

**CPC #161-15** – A complaint was filed by a citizen who had been the victim of an assault during a home invasion. The complaint stated that APD was slow to respond to the investigation of the crime and there had not been any follow up done. A CPOA Investigator contacted the Property Crimes Division of APD, and a detective was assigned to the case and began assisting the citizen in finding out who committed the crime and in trying to recover the stolen property. The citizen was satisfied with the actions of the CPOA Investigator and no further action was necessary. The complaint, therefore, was administratively closed.

**CPC #181-15** – A citizen alleged misconduct by a Bernalillo County Sheriff's Deputy on September 15, 2015. The CPOA has no jurisdiction to investigate BCSO deputies. The citizen was informed she should file a complaint with BCSO and was provided with their contact information. The complaint was administratively closed.


**XIII. Other Business** – Board Member Cruz would like to have action items highlighted in the minutes so that Board members may review those items at the start of future meetings.

**XIV. Adjournment:** Member Wilson motioned to adjourn the meeting. Board Member Ring seconded the motion. Passed. The meeting adjourned at 7:05 p.m.  
**For:** Waites, Cruz, Baca, Brown, Wilson, Ring, and Fine.

*- Next regularly scheduled POB meeting will be on Thursday, January 14, 2016 at 5 p.m. in the Vincent E. Griego Chambers.*

**APPROVED:**

  
\_\_\_\_\_  
Leonard Waites, Chair  
Civilian Police Oversight Agency

  
\_\_\_\_\_  
Date

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Dan Lewis, City Council President