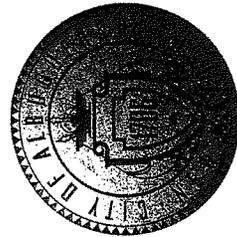




M-001-11



CITY OF ALBUQUERQUE

Office of the Chief Administrative Officer



CONFIDENTIAL

Honorable William W. Deaton
Independent Review Officer
of the Police Oversight Commission
600 2nd Street
Albuquerque, NM 87102

CITY OF ALBUQUERQUE



POLICE OVERSIGHT COMMISSION

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William W. Deaton, Independent Review Officer

July 29, 2011

Rob Perry
Chief Administrative Officer
City of Albuquerque

Re: Darren White Investigation

Dear Mr. Perry,

By your letter dated July 11, 2011, The Independent Review Office was asked to conduct
"a thorough review of the facts surrounding a single vehicle automobile accident
involving the wife of Public Safety Director Darren White in Wednesday, July 6, 2011."
We have done so, and our conclusions together with supporting documents and recorded
materials are sent with this letter.

Albuquerque

Respectfully yours,

NM 87103

William W. Deaton
Independent Review Officer

www.cabq.gov

Paul Skotchdopole
Investigator

**INDEPENDENT REVIEW OFFICE
INVESTIGATIVE REPORT
DATE: 07/24/11**

**INVESTIGATION: M-001-11
INVESTIGATOR: Skotchdopole
SUBJECT: Darren White
Beth Paiz
Al Walck**

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RECEIVED
7/29/11 @ 1621 HOURS

TAB A

CITY OF ALBUQUERQUE



July 11, 2011

Honorable William W. Deaton
Independent Review Officer
of the Police Oversight Commission
PO Box 1293
Albuquerque, NM 87103

Re: Review of Public Safety Director Darren P. White Involvement in Wife's
Automobile Accident

Dear Judge Deaton:

As we discussed on the telephone today, and at the request of Mayor Berry, I am asking you to conduct a thorough review of the facts surrounding a single vehicle automobile accident involving the wife of Public Safety Director Darren White on Wednesday, July 6, 2011. It has come to our attention that certain members of the community have expressed concerns about Director White's involvement at the scene and Director White has expressed concerns about the conduct of certain City employees at the scene.

PO Box 1293

Albuquerque

NM 87103

I am requesting from the Albuquerque Police Department, the Albuquerque Fire Department as well as Mr. White and his family that all records, reports, evidence or other documents surrounding this matter be directly forwarded to your office for inclusion in your inquiry. Moreover, if you need any additional documents and/or evidence as instructed, those parties involved shall completely cooperate in immediately providing you any requested information.

www.cabq.gov

Documents currently in the custody and control of the City of Albuquerque include: 1) An incident report from the reporting Albuquerque Police Officer, 2) Paramedic reports from the Albuquerque Firefighters/paramedics that responded to the scene. We have also been advised by Mr. White that toxicology reports, clinical medical records regarding Mrs. White's medical condition may also be available from the White family.

We would appreciate your immediate attention to this matter in receiving a report as to your findings at your earliest possible convenience.

Best regards,

ROBERT J. PERRY
Chief Administrative Officer

XC: Mayor Richard J. Berry
Chief Ray Schultz, Albuquerque Police Department
Chief James Breen, Albuquerque Fire Department
Darren P. White
Kathleen White

TAB B

INDEPENDENT REVIEW OFFICE
INVESTIGATIVE REPORT
DATE: 07/24/11

INVESTIGATION: M-001-11
INVESTIGATOR: Skotchdopole
SUBJECT: Darren White
Beth Paiz
Al Walck

INVESTIGATIVE SYNOPSIS

NAME AND RANK OF PERSON INVESTIGATED: Chief Public Safety Officer
Darren White

ADDRESS: One Civic Plaza, 11th Floor, Albuquerque, NM 87103
PHONE NUMBER: 768-3000

NAME AND RANK OF PERSON INVESTIGATED: APD Deputy Chief Elizabeth Paiz
UNIT AND WATCH: Albuquerque Police Department
PHONE NUMBER: 768-2209

NAME AND RANK OF PERSON INVESTIGATED: APD Officer Al Walck
UNIT AND WATCH: Field Services/ Foothills Area Command
PHONE NUMBER: 332-5240

COMPLAINANT: City Of Albuquerque CAO Robert Perry
ADDRESS: One Civic Plaza, 11th Floor, Albuquerque, NM 87103
PHONE NUMBER: 768-3000

DATE AND TIME OF OCCURRENCE: 07/06/11 8:20 AM
LOCATION OF OCCURRENCE: Juan Tabo and Montgomery
DATE RECEIVED FOR INVESTIGATION: 07/11/11

OTHER PERSONS INTERVIEWED

NAME: Deann Moody

OCCUPATION: [REDACTED]

ADDRESS: [REDACTED]

PHONE: [REDACTED]

NAME: Anthony Salas

OCCUPATION: [REDACTED]

ADDRESS: [REDACTED]

PHONE: [REDACTED]

NAME: Kathleen White

OCCUPATION: [REDACTED]

ADDRESS: C/O Darren White One Civic Plaza, 11th Floor, Albuquerque, NM 87103

PHONE: 768-3000

ALBUQUERQUE POLICE DEPARTMENT EMPLOYEES INTERVIEWED

NAME AND RANK OF PERSON INTERVIEWED: APD Officer Ylaine Hetes
UNIT AND WATCH: Field Services/ Foothills Area Command
PHONE NUMBER: 332-5240

NAME AND RANK OF PERSON INTERVIEWED: APD Officer Scott Barnard
UNIT AND WATCH: Field Services/ Foothills Area Command
PHONE NUMBER: 332-5240

NAME AND RANK OF PERSON INTERVIEWED: APD Sergeant Tricia Hoffman
UNIT AND WATCH: Field Services/ Chief's Office
PHONE NUMBER: 768-2209

NAME AND RANK OF PERSON INTERVIEWED: APD Sergeant Mark Velarde
UNIT AND WATCH: Internal Affairs
PHONE NUMBER: 768-2880

NAME AND RANK OF PERSON INTERVIEWED: APD Sergeant Michael Woolley
UNIT AND WATCH: Field Services/ Foothills Area Command
PHONE NUMBER: 332-5240

NAME AND RANK OF PERSON INTERVIEWED: Police Service Aide Gary Carlisle
UNIT AND WATCH: Field Services/ Chief's Office
PHONE NUMBER: 768-2209

NAME AND RANK OF PERSON INTERVIEWED: Police Service Aide Renee Casaus
UNIT AND WATCH: Field Services/ Chief's Office
PHONE NUMBER: 768-2209

ALBUQUERQUE FIRE DEPARTMENT EMPLOYEES INTERVIEWED

NAME AND RANK OF PERSON INTERVIEWED: Rescue Lieutenant David Weaver
UNIT AND WATCH: Rescue 16
PHONE NUMBER: 768-2000

NAME AND RANK OF PERSON INTERVIEWED: Rescue Driver David Rettinger
UNIT AND WATCH: Rescue 16
PHONE NUMBER: 768-2000

SYNOPSIS OF COMPLAINT AND SCOPE OF INVESTIGATION

On 07/06/11 at about 8:20 AM, Kathleen White, the wife of then Chief Public Safety Officer Darren White, was involved in a single vehicle accident at Juan Tabo and Montgomery. Two Albuquerque Police Department Officers and two Albuquerque Fire Department Rescue Personnel responded to the scene of the crash. Chief Public Safety Officer Darren White also arrived on scene and he later transported his wife from the scene for follow up medical care.

Both Rescue Personnel suspected that Kathleen White was impaired and that she was possibly under the influence of an opiate and prescription drugs and they shared that information with the Albuquerque Police Officers on scene.

Kathleen White was never arrested or charged, nor was there any police investigation conducted to determine whether or not Kathleen White was driving her vehicle while impaired.

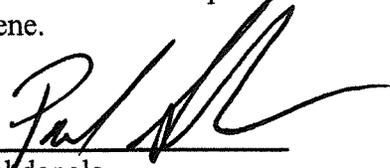
The general allegations that started this inquiry and investigation include that Darren White arrived and left the scene in his city issued vehicle and that he used emergency equipment in the vehicle, lights and siren, to get to the scene and to leave the scene.

The allegation was made that Darren White interfered with and intimidated the Rescue and Police Personnel on scene and that he took his wife from the scene before any criminal investigation could be conducted.

Allegations later surfaced that Albuquerque Police Department Deputy Chief Beth Paiz ordered the APD officer who had written the report to remove any drug references from it.

City Of Albuquerque Chief Administrative Officer Robert Perry, at the request of Mayor Berry, asked the Independent Review Officer Bill Deaton to conduct a thorough review of the facts surrounding the accident because certain community members expressed concerns about Darren White's involvement at the scene and Director White expressed concerns about the conduct of certain City employees at the scene.

Signature


Paul Skotchdopole
Independent Review Investigator
Independent Review Office

FINDINGS:

VIOLATION OF CITY OPERATOR PERMIT POLICY 7.26
(SUSTAINED)

After reviewing the facts in this case, I concur with the findings of the IRO. I find there is sufficient evidence to demonstrate that Public Safety Director Darren White used his city vehicle to conduct unauthorized personal business when he transported his wife to the hospital. His initial use of emergency equipment while parking behind a police car in a traffic lane was an appropriate use of emergency lights at the scene for traffic safety. Darren White had no intent to use his emergency equipment when he left the scene, he merely forgot to turn the lights off as he pulled away and soon realized this as a car moved to give him right-of-way. This is an extremely common mistake in cars with emergency equipment.

INTERFERING WITH A POLICE INVESTIGATION (EXONERATED)

After reviewing the facts in this case, I concur with the findings of the IRO. I find there is insufficient evidence to demonstrate that Public Safety Director Darren White interfered with the investigation of the wreck involving his wife. It appears that he went out of his way to ensure that nobody perceived his presence as influencing the outcome of the investigation. At one point Darren White asked Officer Walck if he could transport his wife to the hospital and Officer Walck stated something to the effect of "what makes you think I'm not going to call a DRE" or "what makes you think I'm not going to charge her". Darren White replied that the scene belonged to Officer Walck and he was not there to interfere, only to be there for his wife. He was on scene for approximately 30 minutes as an observer and concerned husband. Only when authorized to do so by the officer in charge of the scene did he transport his wife to the hospital.

IMPROPER USE OF A POSITION OF AUTHORITY (EXONERATED)

After reviewing the facts in this case, I concur with the findings of the IRO. I find there is insufficient evidence to demonstrate that Public Safety Director Darren White used his position as Public Safety Director to improperly remove his wife from the scene of her wreck. Darren White was at the scene for approximately 30 minutes and allowed both fire and police personnel to tend to any business at the scene until he was allowed to transport his wife to the hospital by Officer Walck. He did not hastily remove his wife from the scene as alleged by some.

TAB C

INDEPENDENT REVIEW OFFICE
INVESTIGATIVE REPORT
DATE: 07/24/11

INVESTIGATION: M-001-11
INVESTIGATOR: Skotchdopole
SUBJECT: Darren White
Beth Paiz
Al Walck

INVESTIGATIVE REPORT

On 07/11/11, I was contacted by Independent Review Officer Bill Deaton who told me that he had been asked by City Of Albuquerque Chief Administrative Officer Robert Perry, at the request of Mayor Berry, to conduct a thorough review of the facts surrounding a motor vehicle accident involving the wife of Public Safety Director Darren White that occurred on 07/06/11. Mr. Deaton explained that there were allegations made about Director White's conduct at the scene. Specifically that he had interfered with the police investigation. Director White had also expressed concerns about the conduct of certain City employees at the scene. Mr. Deaton asked me to conduct the investigation.

On 07/11/11 at about 6:45 PM, I watched a News Conference on TV that was broadcast live wherein Public Safety Director White said that he did not interfere with the accident investigation in any way and that he welcomed this investigation.

On 07/12/11, an article was published in the *Albuquerque Journal* covering the News Conference and in that article there was a line that read that "City officials said that the IRO will look into the incident 'from A to Z.'"

On 07/12/11, we received a letter from CAO Perry authorizing the investigation. That letter is made a part of this case file for the reader's review.

On that same day I received information that APD Officer Al Walck and APD Sergeant Michael Woolley were targets of an Investigation being conducted by APD Internal Affairs related to this incident. Specifically, I learned that Sgt. Mark Velarde was tasked with conducting an inquiry as to why Officer Walck took so long to turn in the accident report, and that Sergeant Woolley was being investigated for failing to supervise Officer Walck.

I went to IRO Deaton and expressed my concern about that investigation. If we were to be conducting an investigation into the matter from "A to Z", then there should only be one investigation concerning the entire incident. IRO Deaton conferred with APD Chief Schultz and it was agreed that the IRO would handle the entire investigation and that the APD Internal Investigation would be terminated. It was agreed that whatever work had been done would be turned over to me by Sergeant Velarde. At about 12:30 PM, Mr. Deaton and I met with Sergeant Velarde in my office and I took a recorded statement from him regarding what he had done in connection with this case up to that point in time.

Interview of APD Sergeant Mark Velarde

The following is a summary of my interview of Sergeant Velarde and what he told me. His recorded statement is made a part of this case file for the reader's review.

Sgt. Velarde told me that mid morning on 07/11/11 he was assigned this case and it was considered a priority by his superiors. An e-mail had been sent from Commander Cliff Saylor to Acting Lieutenant Jason Peck requesting an Internal Investigation be conducted. In the e-mail, also made a part of this case file for the reader's review, the Commander laid out the facts as presented to him and he cited as initial issues of concern that Officer Walck failed to complete his report by the end of shift as is required by Standard Operating Procedure and that he failed to notify a supervisor of a significant issue involving a person of media interest. He also cites concern that Officer Walck committed insubordination by failing to turn in the report when ordered to so by his supervisor. Saylor also complains that Sgt. Woolley may have failed to supervise Walck properly because he did not ensure that all of Walck's reports were completed by the end of his shift.

Velarde was given a five day time frame to get the investigation completed so he started working on it right away. Target letters were sent to the officer's homes as copies were hand delivered to the officers notifying them of the investigation. Copies of those letters are included in this file also.

Velarde said that because he was pressed for time, he set up an interview immediately with Sgt. Woolley and also with Officer Ylaine Hetes who was the second officer who was at the scene of the crash with Officer Walck. Velarde had already conducted his initial interviews on 07/11/11 with Woolley and Hetes. Those recorded interviews were turned over to me and are a part of this investigative file. Walck was scheduled to be interviewed on 07/13/11, but that had been cancelled since the IRO took over the investigation.

Velarde went on to tell me that he had received a copy of the original report that Officer Walck filed on the accident and that in his opinion Walck did not conduct a proper investigation into the cause of the crash because Officer Walck had been made aware by Officer Hetes and by Rescue personnel that Kathleen White was possibly impaired by prescription drugs and/or an opiate. Walck failed to investigate that any further. Velarde told me that if he was going to interview Walck, he would ask him why he did not conduct a complete investigation into the allegation that the driver was impaired by drugs.

Velarde said that he had been in contact with the Fire Department personnel's attorney and that they were going to try to set up their interviews for 07/12/11 but that had not taken place yet. He said that he had determined that there were ever only two Fire Department people on scene.

I asked him if he had asked Officer Hetes if Darren White had interfered in the crash investigation and he said that he did. He said that she told him during her interview that she considered Darren White a friend and that he had actually conducted her background investigation when she applied to become a member of the APD. Darren also went the police academy with Ylaine's brother, Ron Hetes. She also told Velarde that she had contributed money to one of Darren's campaigns.

She said that because of that she purposely distanced herself from Darren White at the crash scene and she was uncomfortable even being interviewed over the matter. She told Velarde that she purposely distanced herself because she did not want any appearance of special favor being given to him because of her relationship with Darren.

Hetes was asked by Velarde if she had any conversations or contact with Darren White at the scene and she said that she did not. Hetes told Velarde that Officer Walck was on scene prior to her arrival and that he was already handling the accident when she arrived.

I asked Velarde if he was able to determine based on what he knew if Darren White whisked his wife away before any criminal investigation could be commenced and he said that it sounded like to him, based on what Hetes told him, that Darren White was on scene for some time and that he left shortly before the tow truck arrived. She indicated that the Tow Truck took quite a while to get to the scene. He said, "I didn't get any indication that he was there, he picked her up, and he was gone."

I asked him if Hetes made any indication of impropriety on Walck's part and he said that she made no such indication. Hetes did tell him that neither she nor Walck are currently certified to give breath tests on the Intoxilyzer machine.

I asked Velarde what the officer should have done when he was told that the driver was impaired. He told me that the officer should have conducted a more thorough follow up. Once Walck was made aware that drugs may have played a part in the crash he should have conducted a DWI investigation. In order to do that they have to rule out the possibility of Alcohol consumption. Officer Walck should have had Kathleen White perform Field Sobriety Tests and she should have been taken for a Breath Alcohol Test. If there was no sign of Alcohol consumption, a Drug Recognition Expert (Officer) should be called to conduct an investigation. Even if Walck was not certified to conduct a Breath Alcohol Test, he still could have administered Field Sobriety Tests and he could have called someone to the substation who was certified to give the Breath Test.

In the event that White was injured and could not perform Field Sobriety Tests, she should have been taken into custody and transported by Ambulance with an Officer inside and then at the hospital, they could have taken a blood draw for forensic testing to determine if she was under the influence of prescription drugs at the time of the accident.

Sgt. Velarde told me that under no circumstances, if Walck was conducting a DWI investigation, should Ms. White have been allowed to be transported for medical

treatment by a family member. It appeared to him that Walck was not conducting a DWI investigation at the time and that is something he wanted to question Walck about.

I asked Sgt. Velarde why Sgt. Woolley was a target of the investigation. He told me that supervisors are required to make sure that their subordinates turn in their reports in a timely manner and clearly this report was not turned in on the day the accident happened. Sgt. Velarde said that he learned that Walck's computer was broken at the time of the accident and that he did not get it back until the following day. That meant that Walck could have completed the report on Thursday and that he had all day Friday to get the report done but he failed to do that. He could have asked Sgt. Woolley for permission to turn in the report late but he did not do that either. In any case, Walck could have turned in a handwritten report, which he eventually did in this case.

Velarde told me that failing to supervise was an issue that he was originally looking at but Sgt. Woolley came to the interview with documentation showing that he was constantly supervising Al Walck and there were several instances where he had disciplined Walck in the past for not doing reports or turning in late reports as well as for violating other standard operating procedures.

Velarde told me that he was led to believe that Walck was given a direct order to turn in the report on Saturday and that he refused. Because of that he was looking at insubordination as an issue. When he asked Sgt. Woolley if he gave Walck a direct order, Woolley said that he had only suggested that he come in and do the report and Walck told him he was not going to come in on his day off to complete the report and that he could get it Monday morning. The investigation revealed that there was no direct order given to Walck to turn in his report on Saturday. There was no insubordination. In any case, the report was turned in over the weekend sometime by Officer Walck.

Velarde gave me a copy of the report that he had on the crash and he told me that the copy was of the original report and that he did not have a copy of the corrected report. (Both copies are included in this case file for the reader's review.)

Velarde went on to tell me that one other issue that he was looking at was whether or not Walck notified his supervisor in a timely manner that a high profile person had been involved in an incident with the police. He said that Woolley told him that Walck notified him on Thursday afternoon, the day after the accident, that Darren White's wife had been involved in an accident and that Darren was on scene but that the way that it was presented to Woolley was that it was really no big deal. Walck allegedly told Woolley that it was a minor single vehicle accident and that Kathleen White had some sort of a medical episode. Walck also left out the fact that there was an allegation that Kathleen was under the influence of prescription drugs or an opiate when he told Woolley about the crash.

I asked Velarde if it was possible that Walck was still conducting an ongoing investigation and he said that he did not think so because by now, any drug evidence would be gone and even if Walck was able to subpoena evidence or records from the

hospital for blood that was taken from Kathleen, it would be almost impossible to get it into evidence and that a follow up investigation was unlikely.

My interview of Sgt. Velarde was concluded shortly thereafter.

Investigative Note

On 07/13/11 and 07/14/11, I requested Computer Assisted Dispatch Records (CADS) from Erika Wilson, Communications Manager from APD. I specifically requested recordings of the radio traffic from the time period in which the accident occurred to see if there was any use of the Albuquerque Police Department radio by Darren White during that time period. If he did call in, I was hoping to catch the sound of a siren in the background to establish whether or not he was running with lights and siren to the incident. I requested that the Research and Recording Unit also query Director White's cell phone to see if he called in to dispatch on his phone at the time and too see if there was a recording of any calls that he may have made into the center. I also requested a copy of the 911 call that was made to Dispatch by the passerby who helped Ms. White at the scene.

I received the recorded radio traffic information and a copy of the 911 call that was made by the passerby.

I was informed by e-mail that Director White did not utilize a radio on the day of the accident and the inquiry revealed he did not call Dispatch on his cell phone either. Specifically the e-mail that I received from Ms. Wilson indicated that they share a phone system with Fire and when they ran White's cell phone number, there were not any calls to the dispatch center, Police or Fire, from Darren White during the incident. A copy of the e-mail is in this file for the reader's review and a copy of the radio traffic and of the 911 call are also included in this file.

On 07/13/11, I also obtained a Medical Release Form from Presbyterian Hospital and a Medical Records Release form so I could obtain the Fire Department Records. I wanted to obtain my own copies of the records rather than those that had been released by Mr. White or by the Media. I learned by this time that Director White was no longer in the City and that he had gone out of town with is wife and they were not expected to return until the following Monday which would have been the 18th of July. I went and met with CAO Robert Perry and I told him that I needed the medical records release signed by Darren White's wife Kathleen before I could proceed further with the investigation. Mr. Perry took the forms and he told me that he would contact Darren White and let him know that I need the forms signed so I could get the records.

Late that afternoon I heard back from Mr. Perry that Kathleen agreed to sign the forms but only after they had been approved by her attorney, Paul Kennedy, and he had already done that. Mr. Perry said that he would overnight the forms to Ms. White and she would send them back as soon as they signed them but that we probably would not get them back until the 18th anyway. I thanked Mr. Perry and told him that the investigation would continue in the mean time.

In the mean time, I inquired with Chief Schultz as to whether or not Darren White was a commissioned Albuquerque Police Officer and he told me via e-mail that he was not.

I did have concern over that because Daren White is not a commissioned police officer and he is not a firefighter and I was unsure if there was any State Law, City Ordinance, or any City Policy that would prohibit Mr. White from driving a City Emergency Vehicle while the emergency equipment was engaged. Based on my research into the matter, there is no law, ordinance, or policy that would prohibit Mr. White from doing so. If he were to stop someone for a traffic violation, then there could be an issue of impersonating a police officer but that is a separate issue from the investigation and there is no allegation that Mr. White has done that. I am concerned that Mr. White is not a first responder but yet the City issued him a vehicle with emergency lights and a siren.

On 07/14/11, I wrote and distributed target and witness letters to the following individuals.

APD Officer Ylaine Hetes
APD Officer Al Walck
Chief Public Safety Officer Darren White
Fire Driver David Weaver
Fire Driver David Rettinger

Because time was an issue I called Commander Saylor and he told me that someone would pick up the Target Letters for Officer Hetes and for Officer Walck on 07/15/11 so that they could be hand delivered to the officers.

On 07/15/11, Sgt. Michael Woolley, the officer's Sergeant arrived at the office to pick up the letters. At that time, Sgt. Woolley and I had a discussion off the record about the events surrounding the incident. I told him that based on the information that he told me that we would have to go on the record later to document what he told me.

In essence what Woolley shared with me was the following.

He told me that Darren White and Officer Al Walck had a history with one another and that the two do not like each other. He told me that just a few days prior to this, and this is important, Al Walck and Darren White had some dealing with one another. He told me that Darren and Al Walck always go to the same gas station at Tramway and Menaul to get coffee in the mornings. On that particular morning, Al Walck had apparently parked his police car in a manner that was causing traffic problems. Darren arrived and got his coffee and left the store. That afternoon, word was sent down from the Chief's office that there was a complaint made about Walck's having parked his car in the manner that he did. The Day Shift Lieutenant at the time, Scott LaFayette, called in Al Walck and discussed the manner in which his car was parked and he was told not to park his car in that manner again. Al Walck told Lt. LaFayette and later told Sgt. Woolley that he suspected that it was Darren White who made the call and it was Darren who was complaining about the way he parked his car at the gas station. Sgt. Woolley also told me that Al Walck had run against Darren White for a political office before. He said that he did not know what Walck's motivation may have been by not doing the DWI investigation but he suspected that it was just because he was lazy and that he did not

have any other motive in doing so. He said that if Al Walck wanted revenge or retribution that it would have been the perfect opportunity for him to get it at that time.

Sgt. Woolley went on to tell me that what was bothering him more than that was that he felt that the Administration of the Police Department went on to try to spin this incident in the most favorable light possible.

He explained that on the afternoon of 07/11/11, he was sent to Deputy Chief Beth Paiz's office with the original report that Al Walck had written on the incident. When he walked into the office, Beth asked him if that was the "corrected" version of the report. He told her that it was the original and that he was told to bring it to her. Sgt. Tricia Hoffman was also present at that time. When he gave Paiz the original report she said, "Shit, it's still here." She then went on talking about the drugs that were listed in the report. Paiz expressed her concern that the drug references were in there and she asked if they should be left in there for privacy reasons. Sgt. Woolley and Sgt. Hoffman both told her that drugs are listed in reports all the time and that the medication should be left in. They talked about a grammatical error in the report, omissions, and inconsistencies that needed to be corrected before Paiz would approve the release of the report.

The grammatical error was that in the narrative, Walck had left an "R" off the word her so the sentence read, "...she got blurred vision on **he** left eye...". It should read, she got blurred vision on **her** left eye.

The omission was that the towing company and where the car was towed to was left out.

The inconsistency was that Walck had checked that it was an injury accident and then for injury code for the driver he entered "0" which means no injury. Chief Paiz wanted those things corrected and clarified by Al Walck before the report could be released.

She also wanted an "X" drawn through the second vehicle information box so that it would be clear that this was a single vehicle accident.

Sgt. Woolley was told to go find Al Walck at court and have the corrections made.

Sgt. Woolley said that the general impression that he got was that both Beth and Tricia were disappointed that the medical information was in the report and that they were under the impression that Kathleen White had a seizure and that was all.

There was some talk about redacting the medical information before the report was released but Woolley offered his opinion that if they did that it would be a really bad idea.

Sgt. Woolley said that Deputy Chief Paiz was concerned about the presence of any belt tape or any video of the incident and Ylaine Hetes was contacted from Paiz's office and she told them that she did not have any recordings of the incident. Woolley was told to ask Walck if he recorded the incident and report back to Paiz.

Sgt. Woolley went to Metro Court and found Al Walck there. He could not leave court but Woolley was able to speak with him. He asked him if he ran a belt tape or made a video recording of the incident and Walck told him no. Woolley called Paiz from Metro Court and told him that there was no video or belt tape recording of the incident and her response was "Great" or "Excellent".

Sgt. Woolley also told me that the day after the accident, Darren White and Al Walck met at the Valero station and they talked about the accident. Walck had shared with Woolley that Darren told him that his wife had suffered a seizure and that she was still in the hospital.

Sgt. Woolley told me that two Police Service Aides came to Metro Court with the original accident report and Walck was told to make the changes to the report. He gladly added the "R" and he added the toeing information. He refused to change the accident from an injury to non-injury because he was dispatched to an injury accident and just because she did not have any visible injury didn't mean she was not hurt so he refused to change that or the injury code. Al Walck was then asked by the PSA's if he could add a line to the report that stated that because it needed to be clarified and he told Woolley, and the PSAs that they could go back and get a written order from the Deputy Chief telling him to do that and then they could talk to his lawyer but he wasn't adding anything to the narrative. They then took the report and left.

I asked Sgt. Woolley if Al Walck was told by him or anyone else to remove the drug references from the report and he said that there was no discussion with Walck about the drugs at all. All that had taken place in the Deputy Chief's office and he never referenced any of that to Walck at all. The PSA's also did not tell Walck anything about that.

I thanked Sgt. Woolley for his information and I told him that I would need a recorded statement from him later that day on what he told me.

Trip to Valero Gas Station to obtain Video

The information relayed to me by Sgt. Woolley was obviously important information. At the time there was an alleged cover up of the accident by White and others and it was suspect to me that Walck and Darren White, being rivals and not liking one another, would meet at the Valero station and talk the day after the incident. I wanted to see if there was video of the encounter.

At about 11:50 AM, IRO Deaton and I went to the Valero Station and we contacted the Manager, Deann Moody. After a brief discussion she said that she was aware that Officer Walck, Director White, and another officer met right outside the East entrance doors and the three talked for a few minutes. She told me that she believed that the incident was captured on video. She took us back to the office and pulled up the surveillance video. There is no audio because the camera that captured the three talking was inside the store and the meeting was outside the store.

In watching the video, Darren and Walck and the other officer, later identified as Scott Barnard, do not shake hands and it appears that their conversation is cordial and brief. The meeting lasted from 07:22:56 to 07:29:49.

I asked Moody if she could get me a copy of the video and she said that she did not have that capability but she directed me to who could give me that information. I did a written request for the material later that day and I did receive copy of the video on 07/22/11. That video is made a part of this case file for the reader's review.

Investigative Note

That afternoon I requested Darren White's cell phone records for the day of the accident and the day after. I wanted to see if this was just a chance meeting or if White had called Walck or vice versa to arrange the meeting. When I obtained the records, there are no calls between the two documented in the records.

Interview of Anthony Salas

On 07/15/11, I contacted Anthony Salas who is the person who called 911 to report the accident. He was the first person on scene. I asked him if he would come in for a statement and he said that he would gladly do that and agreed to come in the afternoon. I recorded our meeting and that recording is included in this file for the reader's review. The following is a summary of our interview.

Mr. Salas told me that he is the Manager of the Walgreen's store located at 11200 Montgomery and that on the morning of 07/06/11 at about 8:20 AM, he was just getting out of his car at work and was starting to walk towards the store when he heard a loud bang. He didn't know what it was at first and he looked around thinking it may have been a gunshot or a backfire. He looked to where the sound had come from and he saw a black Porsche convertible near the curb in the intersection and a lady was sitting inside of it. He couldn't tell if the car had just backfired or if the lady had run out of gas or something but the car was just sitting there so he walked over to where it was.

He asked the lady if she was alright and the lady told him that she felt as if she blacked out and that she had blurred vision on one of her eyes. He asked her if she needed help and he helped her get out of the car. Salas asked the lady if she wanted him to call the pharmacist over or if she wanted him to call the Paramedics. She asked, "Would you please call the Paramedics?"

He called 911 and he stood there with the lady and told them that he was there with the lady and that she told him that she may have blacked out and that the lady was "kind of out of it". The lady was shaken up.

When that call was finished and they told Salas that Paramedics were on their way, the lady asked him if she could use his cell phone and she called someone on his cell phone.

He did not know or remember what the lady told the person on the other end of the call. He gave me the phone number and it is not disclosed herein because it is Darren White's personal cell phone number. He said that he saved the number but that he did not save the time the call was made.

I asked him if the lady was seated in her car at the time and he said that she was not and they were standing in the median. He said, "She wasn't wobbly or anything like that."

He said that the paramedics arrived shortly thereafter and he was "whisked away" by them and he went back to his store.

I asked him if the Paramedics were first on scene before the police and he said that they did. I asked him if he spoke with the Paramedics and he said that he did briefly but that he got the impression that they did not want him around.

I asked him if he stuck around until the police got there and he said that he did not.

He said that he never saw anything after that as far as anyone arriving or leaving the scene or anything like that. After he left the scene he went back to his store and tended to his business.

On Monday morning (07/11/11), Alana Gold from Channel 7 called Salas and asked him some questions concerning an accident that he saw. At first he did not know what she was talking about because in his mind he did not witness an accident and he never really associated that the incident was an accident. He told her basically the same thing that he had just told me and he got the feeling that Gold was "trying to dig more" out of him. He said that he told her that from what he could tell the lady wasn't drinking or anything like that because she did not smell like alcohol and she did not act drunk.

He did clarify to me that the driver of the Porsche was "kind of out of it" and "shaken up for sure."

I asked him if the driver's speech was slurred and he said that it was not. He added that she was able to stand on her own and she was not wobbly and she did not need assistance in standing. He said, "I didn't see none of that."

Salas went on to tell me that he received a call from the *Albuquerque Journal* also asking him the same questions.

Eventually, on that Monday, 07/11/11, (the day of the press conference), Salas received a call from a man who identified himself as the lady's husband. He asked the man who the woman was because he was being contacted by the media. At that time the man identified himself as Darren White, the Director of Public Safety for the City of Albuquerque. White told Salas that was probably why he was getting calls from the media. He said that he told White that he "didn't know what they were looking for but I told them that I could

see no signs of her being under the influence of alcohol, I don't know about any other drugs but she wasn't drunk. I'll tell you that much."

I asked him if he knew when he received that call from Darren White and he said that it was probably about 3:30 or 4 PM. I asked him if he saved that call on his phone and he said that he did not.

He said that on Wednesday, 07/13/11, Darren and his wife came into the store and thanked him. His wife, as it turns out, is a customer and she had to pick up a prescription there also. They thanked him for calling 911 and for taking care of her until the Paramedics got there and they also told him that they were going on vacation.

I asked him if Darren mentioned anything else to him and he said that he said that "They are trying to make it a big old deal because he drove over there with his lights flashing." I asked him if he indicated what the cause of the crash may have been and Darren told him that it was some sort of a medical episode.

Darren told Salas that he had provided "them" with everything to cover himself that way it would not be looked at as if he had done something wrong.

Salas said that he thought that the police officer who responded to the scene should have been able to figure everything out. He said that he eventually found out that the loud pop that he heard was the tire popping when the lady hit the curb.

We talked for about a minute longer and our interview was concluded.

Interview with Sgt. Michael Woolley

On 07/15/11 at 4:40 PM, I met with Sgt. Michael Woolley in my office for the purpose of obtaining a recorded interview from him regarding our earlier conversation. Sgt. Woolley was advised of his Garrity warning which he said he understood and he agreed to give me a statement. Sgt. Woolley was represented by Ron Olivas from the Albuquerque Police Officer's Association.

I told Sgt. Woolley and Mr. Olivas at the beginning of the interview that I was aware that Woolley had already given a compelled statement in this matter to APD Internal Affairs and now I was requesting another compelled statement. I assured them that the sole purpose of the interview was to document information provided previously and that I was not going to compare the two compelled statements for inconsistencies to later be used against Sgt. Woolley. In fact, I considered Sgt. Woolley as a witness of this investigation.

We started the interview by talking about why Al Walck had not turned in the report in a timely manner and I told him that I was aware that his computer was down on the day of the incident. I also understood that Walck had still not turned in the report by Saturday the 9th of July and that it was brought to his (Woolley's) attention on that day. I asked him how he was notified about the report being missing.

He told me that he was contacted on that Saturday, his day off, by Commander Cliff Saylor and Saylor told him that he wanted to know where the accident report was. He said that Saylor told him that the Chief of Police was looking for the report. Saylor told him that the accident happened on 07/06/11 and it still had not been turned in. Woolley knew what report Saylor was looking for because Al Walck had told him about the accident and who the driver was.

Woolley told me that Walck told him about the accident on the afternoon of 07/07/11 or early in the morning on 07/08/11. He said that he asked Walck about it at that time because the black Porsche had stuck out in his mind and in fact, he was going to respond to the accident on that day, but was called off because a man was walking in traffic on Tramway Boulevard and he had to respond to that call instead. He asked about the accident because he thought maybe that it was some kid who wrecked his dad's car or something like that. Walck told him at that time that it was Darren White's wife who was driving the Porsche and wrecked. Walck told Woolley that she had suffered some type of medical problem and that she was not hurt very bad and she was not transported by AFD. Walck told her that Darren came out to the scene and took her for medical treatment.

I asked him if Walck indicated that he was conducting any type of follow up investigation and he said that he did not indicate that to him.

I asked him if Walck indicated or asked for more time to get the report done. He said that Walck did not indicate that nor did he ask for more time to complete the report.

Walck said that the Standard Operating Procedure requires that all reports be turned in by the end of shift unless the supervisor grants an extension. In this case, no extension was requested by Officer Walck.

Walck acted like the wreck was no big deal and he did not express any concerns to Sgt. Woolley at that time or any other time that there was anything particularly noteworthy about the wreck.

Sgt. Woolley said that he did call Al Walck to try to find out where the report was at. Officer Walck, when contacted by Sgt. Woolley, told Woolley that he had not turned in the report yet. Sgt. Woolley became concerned and he asked why he had not turned in the report yet and Walck told him that he was sitting at home on his Saturday and he was doing a bunch of reports and catching up because his computer was down.

Woolley told him that somehow the accident report has popped up on the radar screen and someone in the Chief's office was looking for it. The way the accident was described to him by Walck indicated to him that it was no big deal. Woolley assumed that Darren White may have been looking for the accident report so he could give it to his insurance company. Woolley said that he was unaware of any kind of controversy at that time.

Woolley told Walck that the Chief really wanted the report and that he wanted it now and he asked if he could get it turned in. He felt that three days since the incident was sufficient time to get the report turned in.

Walck told him that he was not going to get the report turned in on that day and that he could have the report on Monday morning. He tried talking Walck into getting the report in because he knew that he was going to have to call Saylor and tell him that Walck wasn't going to turn the report in until Monday. Woolley said that he was unsure at that time that he could order Walck to come in on his day off and complete the report so he tried talking Walck into getting the report done and turned in and Walck again said that it would be turned in on Monday.

Woolley called Saylor back and told him what Walck had said and Saylor told Woolley to call Walck back and order him into work to complete the report. When Woolley called Walck back he got his voicemail and that was full so he couldn't leave a message. Woolley tried calling back several more time but just got Walck's Voicemail.

Woolley made it clear that he never gave Walck a direct order to come in and complete the report and although he strongly suggested it, there was no order given.

Walck was not insubordinate on this issue because he did not defy a direct order.

On Sunday, 07/10/11, Woolley got an e-mail from Saylor saying that he wanted the accident report on his desk by 8:30 Monday morning. Saylor also asked Woolley to initiate an Internal Investigation on Al Walck. Saylor wanted to know why Walck had held the report until Saturday and why he had refused to come in and complete the report.

Saylor also wanted to know why Walck had failed to notify the Chain of Command about a Media worthy event. Saylor told Woolley in the e-mail that he wanted the Internal Investigation completed by Thursday, 07/14/11.

On Monday morning, Sgt. Woolley logged on to his computer at 7:30 AM and he sent Al Walck a message indicating that he needed the report. Walck responded that the report was in his box awaiting approval. When Woolley checked the box the report was there so Walck had to have turned in the report sometime over the weekend.

He called Walck and he asked him when he turned in the report and he told Woolley that he turned in the report on Saturday afternoon right after he talked to him on the phone. Walck did not notify anyone that he had turned in the report. Sgt. Woolley believes that Walck did turn in the report on that day because he also turned in several other reports for approval on the computer on that day and they were time documented in the computer as being created and turned in on the computer on 07/09/11.

Woolley went in to Commander Saylor's office and he gave Saylor the report. Saylor looked at it and told Woolley that he wanted a supplemental report from Ylaine Hetes also and that he wanted it immediately. He told Woolley that as soon as he got that supplemental that he was going to send the documents downtown.

Woolley then contacted Ylaine Hetes and told her to come into the substation and to write a supplemental report on the accident. She did as she was instructed. It took her almost two hours to get it done. When she was finished she gave the supplemental to Woolley and he turned it over to Commander Saylor.

At that time Saylor told him that he no longer had to do the Internal Investigation and he had turned that over to Internal Affairs to do. He was also told that he was now a target of the Internal Investigation also for failing to supervise Walck. I asked Woolley what his reaction was to that and he said that he really didn't have a reaction. This all took place around 10:00 to 10:30 AM.

Later that morning Sgt. Velarde called Saylor and asked him if he could come in and pick up his target letter and schedule his appointment and he agreed to do that and set up his interview for that day.

He went down and did that and he was told by Velarde that he was a target for failing to supervise Walck but Woolley had plenty of documentation to prove that he had intensely supervised Walck in the past and he scheduled his appointment for 2:30 that afternoon so he could get that documentation and bring it back to the interview.

Woolley told me that at 2:30 PM on that date, 07/11/11, Saylor called him on the phone just as he was arriving at Internal Affairs. He said that Saylor told him that the Chief's office had called and pointed out that there were grammatical errors in Walck's report that they wanted Walck to fix because the report was incomplete. Woolley told Saylor that he had the original report in hand and that he was getting ready to go into IA for his

interview. Saylor told Woolley to delay the interview and that he needed to find Walck first and have him make the changes before they could release the report. He asked Saylor specifically what they wanted changed and he was told to just go to the Chief's office and see what they wanted changed.

He said that at that time he was aware that Al Walck was logged out at Metro Court.

Woolley called Ron Olivas and told him that he would be a little late to the IA interview and he went on up to the chief's office. He was called into Deputy Chief Paiz's office.

He said that when he went into the office, Deputy Chief Alan banks was in there as well as Deputy Chief Paiz and Sergeant Tricia Hoffman. As soon as Woolley walked in Banks walked out of the meeting.

Paiz asked him, "Okay is this the corrected one?" Woolley told her that it was the original report and no corrections had been made to it. He said that Paiz and Hoffman were looking at the faxed copy or a copy of the original report and he had the original report with him.

Paiz took the original report from Woolley and looked at it and "she seemed a little frustrated that some changes hadn't been made." He said that Paiz looked at the report and let out a sigh and said, "This still talks about drugs."

Woolley asked Paiz what changes she wanted to be made to the report. She told him that the drugs had no place in the report per HIPAA reasons. (Medical Privacy). Paiz told him that for medical privacy reasons the drugs should not be in the report.

Paiz said, "Besides, she had a seizure." He said that their whole mentality was that Kathleen White had a seizure.

Paiz then said, "I don't even think we do a DWI for prescription drugs." Sgt. Woolley and Sgt. Hoffman both told Paiz that the police certainly do DWI investigations for prescription drugs. Paiz said, "Oh okay" and accepted what the Sergeant's told her about that.

Woolley further told the Deputy Chief that that HIPAA does not apply to the police and he cited several instances where drugs were certainly listed in police reports. For example when a person commits suicide by ingesting prescription drugs, all the drugs that they took are listed in the report.

Woolley told Paiz, "If you want to redact it before you give it to the press, that's your prerogative I guess. But if you go out there and tell the press that we don't put that in the report they are going to throw hundreds of reports where we have in your face and you are going to look stupid."

The Deputy Chief and Hoffman agreed at that time that the drugs and drug references would remain in the report but Paiz insisted that the grammatical changes and the omissions and inconsistencies (referenced earlier in this report) be corrected by Walck before the report would be released.

I asked him, "Did the Deputy Chief specifically say that she wanted that information removed from the report?" He answered, "Yeah. When I first got there that's what she had been wanting." I asked, "So that was one of the changes that she wanted was to have the medicines removed from the report?" He answered, "Right. When I first got there they did not feel like the medicines should be in the report. So when I got there with the original which they thought was the fixed one, they looked at it and they were frustrated that it was still the same as what they had."

He said that they had a quick discussion about the drugs and it was decided that they could not be removed but that if they (the Deputy Chief) wanted to redact that later that they could.

It was decided that the drug references would stay in but that the grammatical changes had to be made.

Woolley left the office at that time and went to Metro Court to locate Walck and he did find him there. Woolley did not have the report with him at that time. He did not have it because he was told to find Walck and bring him back to the Chief's Office to make the corrections. When he found Walck, he was getting ready to testify and couldn't leave the Courthouse so the report was sent over with two Police Service Aides. When the report was brought over it had orange sticky notes attached to it where the corrections needed to be made.

I asked him, "Did you ever talk to Al Walck about taking the medicine part out of the report?" He answered, "No." He said that was resolved before he ever went to Metro Court. He said it would have been crazy to ask Al Walck of all people to remove such a critical part of the report and that he would never do that. He said the drug references in the report were central and germane to it.

I asked him if Walck eventually changed the stuff that they wanted him to change and he said that he refused to change the report from a injury to a non-injury because he explained that he had been dispatched to an injury accident but that Kathleen White complained of no injury and that's why he put "0" in the injury code box. Walck added the towing information as requested and he added the letter "R" on the word "he." Walck also didn't have a problem indicating that there was no second vehicle involved and he corrected that.

A suggestion was made to Walck that he add a line into the report that indicated that Kathleen White told him that she had no injuries just so it would clarify things and Walck refused to do that. He said that Walck said that if they would put it in writing and order him to do it then he would do it and "Then you will hear from my lawyer."

Woolley explained that the report was then taken back to Chief Paiz by the two Police Service Aides.

Woolley wanted to add to his statement that while he was in Beth Paiz's office Beth was "real concerned" if anyone ran tape or not on the incident. Woolley called Hetes from the office and she told him that she did not run tape on the incident.

When Woolley was at Metro Court he asked Walck if he ran belt tape or video of the incident and Walck told him that he did not. Woolley then called Paiz from Metro Court and told Paiz that Walck did not record the incident either to which she responded in an excited almost happy tone, "Okay. Great! Excellent!"

He said that it seemed to him that Paiz was happy that no tape existed that recorded the incident. He said that his overall impression that he got from Paiz was that she believed that Kathleen White had a seizure and people were just trying to spread rumors that she was impaired in some way. He said that she even made the comment at one point that one of the drugs was a birth control pill. It seemed to him that they believed that this was a medical issue. He mentioned that Sgt. Hoffman seemed to be on board with that too because at some point Hoffman picked up Hetes' supplemental report and she was making sounds as if she was disappointed or disgusted with what she was reading.

Woolley told me that he believed that Paiz was on the phone with the Chief of Police at some point during the time he was in with her and that she told the Chief that there had been no changes to the report.

He said that it seemed that no one was concerned with the truth and all they apparently were trying to do was protect someone.

It should be noted that I learned during the interview that Darren White had announced that he was resigning or retiring his position with the City of Albuquerque.

We talked for a couple of more minutes and our interview was concluded.

Interview with Officer Ylaine Hetes

On 07/18/11 at about 8:35 AM, I met with Officer Ylaine Hetes in my office for the purpose of obtaining a recorded interview from her regarding this incident. Officer Hetes was advised of her Garrity warning which she said she understood and she agreed to give me a statement. Officer Hetes was represented by Ron Olivas from the Albuquerque Police Officer's Association.

I told Officer Hetes and Mr. Olivas at the beginning of the interview that I was aware that Hetes had already given a compelled statement in this matter to APD Internal Affairs and now I was requesting another compelled statement. I assured them that the sole purpose of the interview was to document her involvement in this incident and that I was not going to compare the two compelled statements for inconsistencies to later be used against Officer Hetes. I told Hetes that I had two issues that I needed to clarify with her. One was her relationship with Darren White and the other was when they talked about calling a Supervisor to the scene.

Officer Hetes told me that she did not write a supplemental report on this incident originally because she didn't really do much at the scene. She said that she filled out the towing sheet and that action does not normally require a supplemental report. She said that she was ordered to write a supplemental by Sergeant Woolley.

I asked her if she was told why she needed to write a supplemental report. She said that she was just ordered to do it and no reason was given as to why.

I asked her if she knew where the order came from other than Sgt. Woolley and she said that she did not know where it had come from. She did tell Sgt. Woolley that she thought the order was unusual given the circumstances and Woolley assured her that it wasn't because she was being ordered to do the report.

Hetes went back to the substation and worked on the report. I showed Hetes a copy of her report and I asked her if what she had written in the report accurately described the events that had taken place at the scene of the accident to the best of her recollection and she told me that it did.

We then talked about what happened at the scene of the accident. She told me that she was dispatched to assist Officer Walck on the accident and when she arrived on scene she noticed that Rescue was already on scene and that Officer Walck's vehicle was parked behind the Rescue. The Porsche was on the opposite side of the median in the turn bay and it was not being protected from traffic so she pulled in behind the Porsche to protect it from being hit by traffic.

I asked her who she saw when she arrived on scene and she said that all she saw was a rescue unit and Officer Walck. I asked her where the driver of the vehicle was at that time and she said that she did not know where she was. She didn't see her there.

She said that she never had any contact with the driver other than prior to towing the vehicle when she told the driver to make sure she got her valuables out of the car before it was towed.

Hetes told me that she got out of her car and saw that this was just a single vehicle accident and she figured since she was there she could help by filling out the tow sheet. She said that she walked around to the front of the Porsche and the hood was open and there was a Firefighter there looking under the hood which on this car is a trunk. She said that she saw some fire equipment off to the left and she acknowledged the firefighter and he acknowledged her. The Firefighter told her that he was looking for a spare tire.

The two started looking for a spare together and the firefighter told her that the driver was "unusual." She asked him if he had detected alcohol on the driver and he told her that he did not but that the driver's pupils were constricted and that may be a sign of opiate use. The firefighter did tell Hetes that the driver told him that she was on medication though.

I wanted to clarify if there were only two Rescue people on scene and the engine wasn't there and she said that to her knowledge she only saw the one firefighter but she assumed there were two on scene. She said that she never saw a fire engine on scene.

She said that they did find a jack but that they never found the spare. She heard from someone that "her husband's in route." She assumed that's why they were looking for a spare.

She said that at one point she looked up and Darren White was on scene. She turns around and Walck is behind her and she approaches Walck and tells him, "If you determine that you need a DRE, you are going to have to go to the sub and you're going to have to give a breath test." She told Walck that she was not certified to do that and she knew that Walck was not certified to do that either.

I asked her if Darren was standing there right there when she was telling Walck that. She said that Darren was standing up on the Median in between Rescue and the car. She was at the front of the car and when she turned around Officer Walck was behind her. She said referring to where Darren was, "He wasn't right there."

I asked her if Darren was close enough that he could have heard what the two of them were talking about and she said, "I don't believe so."

I asked her if she told Walck that the Paramedic had told her that the driver may be under the influence of prescription drugs or opiates and she said that she did not tell him that she just told him that if he was going to need a DRE that he would have to give her a breath test at the substation.

She said that she figured that Walck knew that there was suspicion that the driver was impaired. If he didn't know, she was confident that he was going to find it through investigation.

I asked Hetes if being uncertified to give a breath test would prevent an officer from giving Field Sobriety tests and she told me that an officer can still give Field Sobriety Tests. She said that another officer who was certified could give the breath test at the station.

(In other words there wasn't anything that would prevent Al Walck from conducting a DWI investigation).

I asked her what Walck's reaction was to what she had told him and he said, "Or we could call a supervisor." She then told Walck that if he did that he would have no options.

I asked what she meant by that, that he would have "no options".

What she meant by that was that he should do his investigation and make a conclusion as to what he wanted to do and then call the supervisor and let him know what he had after he did his investigation.

I asked her if when a supervisor is called to the scene if it limits the officer's investigative options.

She said, "Well um, once a supervisor is out there, then they make the determination..." how the investigation is going to go.

She said that it's not like you would call a Supervisor and tell him, "Hey I got a wreck and so and so is here." She said that an officer should do their job first before calling the Supervisor.

I asked Hetes if there was any conversation between her and Al Walck that would suggest that Al did not want to place Kathleen White under arrest.

She responded that other than what she had just told me she had no other conversation with Al Walck. She said there was no conversation between them that would suggest that Walck did not want to place White under arrest.

I asked if it was her impression that Walck was reluctant to follow up on the DWI allegation and she said that she had no other conversation with Walck that would lead her to believe that he was reluctant to do so. I asked her if during the one conversation she had with Walck, if he indicated to her that he was reluctant to do the DWI follow up and she said, "No. He didn't say anything to me."

I asked, "There wasn't any indication from him that he did not want to pursue?" She answered, "Correct."

She said at that point the conversation just stopped and she didn't know if they were just interrupted or distracted but she went back to her car. She got in and assumed that the car

was going to be towed because they could not find the spare and she began working on the tow in sheet. While that was going on, she looked up and she saw that Al and Darren White were talking. They were beside the Porsche.

I asked her if she had seen the driver yet and she said that she had not seen the driver at this point.

Hetes stepped out of her car and yelled to Walck, "Are we towing?"

Al said that they were so she sat back in her car and started the wrecker over the radio and she worked on the towing sheet. She got out and walked up to the Porsche and Walck was standing on the side of the car. The driver was standing near Walck in the median and she said that she didn't even look at the driver and she told the driver to take anything of value out of the car.

I asked her if she noticed any signs of impairment from the driver. She responded that she didn't notice because she didn't even make eye contact with her.

I asked, "So as far as your observations of her..."

Hetes cut me off mid sentence and said, "I had no observations of her."

Hetes maintained that she never looked at the driver and she had no observations of her at the scene even though she spoke briefly at her to remove any items of value from the car.

She said that Darren walked up behind her and she went back to her car to wait for the wrecker and to finish the tow in report.

I asked her if she completed an inventory of the vehicle and she said that she did.

I asked her if Darren White acknowledged her presence at the scene. She said that she did not speak with Darren White at the scene other than towards the very end when he and Officer Walck were beside her police car.

She said that White was parked behind her car so that was a natural place for them to be at the end of the incident. Hetes went on to say that Walck was asking for a case number over the air and he was looking for paper to write it down on so Hetes just wrote the case number on a piece of paper. She turned towards Darren and asked him if he wanted a copy of the tow in sheet but it wasn't complete because the wrecker had not arrived yet. Darren told Hetes that he did not want a copy of the report. She wrote down Dugger's, the name of the towing company on the paper that she had written the case number on so he would know where the car was towed to. She handed the paper to Darren White and that was the end of her contact and the extent of any conversation that she had with Darren White.

She told me that she did not think that Mr. White even recognized her at the scene.

I asked her where she was when Darren White arrived on scene. She told me that she was standing at the front of the Porsche when Darren arrived on scene. She looked up and saw him standing in the median.

I asked her, "Did he arrive with his lights and siren going?" She answered, "You know I don't recall any of that. When he was parked behind me, when I went back to my car and I saw his SUV back there, I saw the back lights on so he wouldn't get rear ended."

I asked if she heard a siren prior to his arrival and she said that she did not recall hearing any sirens. She said, "I don't recall any of that."

I asked her about what she had written in her report about Al Walck saying that this was just a medical episode. I asked her when she was told that. She said that she was told that by Walck after she had given Darren the tow information and the case number.

She said that it was after Darren and his wife had left the scene.

She elaborated by saying that Walck told her that Mr. White was taking his wife to the hospital because she had medical issues.

I asked her if she had any reaction to that statement. She said that she didn't have any thoughts on it because she didn't know what his investigation revealed and it was after all his investigation and not hers. She assumed that Walck conducted and completed an investigation and that it was he determined; that this was a medical episode.

I asked her how she knows Darren White. She told me that when she applied with the APD, Darren White was her background investigator. She also told me that she had contributed to a political campaign of Darren's and that she may have contributed more than once. She did not remember how much she contributed. She said that she thought she donated when Darren ran for Governor and I told her he never ran for Governor. She laughed and said that she did not recall which race he was running in when she donated. She added that Darren and her brother Ron Hetes also graduated from the police academy together.

Hetes denied that she has any type of personal relationship with Darren White and that she is not social friends with him and they do not associate with one another other than on a professional basis.

She said that the last time she actually saw Darren before this incident was like three years prior at a Street Survival conference.

I asked Hetes if there was anything that had transpired since the accident that she felt that I should be made aware of. I asked if she had heard anything from Walck or from any other officer anything having to do with this investigation and she said that she had not heard anything and she was unaware of anything that I should be made aware of.

Interview with Officer Al Walck

On 07/20/11 at about 3:10 PM, I met with Al Walck in my office for the purpose of obtaining a recorded statement from him regarding this incident. Officer Walck was represented by his Attorney Brian Thomas and by Ron Olivas from the APOA. Officer Walck was advised of his Garrity Warning which he said he understood and he agreed to provide me with a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

I started the interview by asking Al Walck how he knows Darren White. He told me that he has known Darren for a very long time. He said that Darren was once an officer with APD and he played in a department sponsored band called "The Force". He said that he ran against Darren in 2002 for Sheriff of Bernalillo County. He said that they are both Republicans and they ran against each other in the primary.

I asked him if he gets along with Darren White and he said, "I have no problem with Mr. White."

I then asked Officer Walck about a previous incident. I asked him if a few days before this if he had been called in by his supervisor and talked to about how he had parked his car at a gas station where he goes for coffee. He said that he did not know how that complaint came in on him but that he was on his lunch break and he had been called in by his Sergeant and he was told that the Lieutenant wanted him to come in right away so he could speak to him.

The Lieutenant told him that someone had called in a complaint to the Chief and that it was the Chief who sent the complaint down to be handled by the Lieutenant.

Lieutenant Lafayette spoke to him about the complaint and told him to go back to lunch. I asked him what the nature of the complaint was. He said that the complaint was that he and another officer were blocking the driveway at the gas station. I asked him if he had talked with or he had seen Darren White on that morning and he said that he had not.

I asked him if he felt that it was Darren White who had filed the complaint and he said that he did feel that it was Darren who had initiated the complaint. He said that he felt that because he had talked with the clerk at the gas station and the clerk told him that when they were parked in the manner that they were Darren was unable to walk in to the East doors where he always walks in. He had to walk around to the West doors to get into the store.

I asked him again if he spoke with Darren White that day and he said that he did not.

I asked him if he had any prior confrontations with Darren White. He said nothing other than politics but they didn't even have a debate during that time.

I told him that the rumor mill suggested that he and White did not like each other. He denied that and said that was not true. He said, "I have no animosities toward Darren."

I asked him other than knowing Darren in a professional capacity if he was personal friends with Darren White and he said that he is not personal friends with White.

He said that they are cordial to one another but that they do not socialize.

We then talked about the accident. Walck told me that at about 8:21 AM on that date he was dispatched to the corner of Juan Tabo and Montgomery in reference to a single vehicle accident with injuries. Walck told me that when he arrived Rescue was already on scene and he thought the engine was there also.

I asked him if the Engine was on scene and he said that he believed that it was. He said that when he arrived he parked behind the Rescue Unit. He said that the Porsche was parked in the turn bay opposite the Rescue across the median from where they were parked. He said that Officer Hetes came in and parked behind the Porsche.

Walck got out of his car and when he did that he said that he did not see an ambulance on scene at all and he heard a siren. He looked up and he saw lights flashing and the sound was coming from an SUV approaching the scene. The SUV parked behind Officer Hetes.

I asked him if this occurred at almost the same time as his arrival and he said that it was. I told him that the CADS report shows that Hetes arrived two minutes after him and he said that it was shortly after that when the brown SUV arrived.

(This is inconsistent with Ylaine Hetes' statement because Ylaine said that when she arrived she saw that Walck was already on scene and she got out of the car and was at the front of the Porsche and had already talked with the firefighter and they were looking for a spare when Darren White appeared on scene. Ylaine said that she did not hear a siren prior to White's arrival. The SUV could not have arrived almost simultaneously to Al Walck.)

I asked him if his attention was directed to the brown SUV and he said that it was not. He said that his attention was on the Rescue Personnel and the blonde lady being treated by them. I asked him where the lady was. He said that the lady was standing up in center of the median. The Rescue people were right next to her. I asked if she was sitting down anywhere and he said that he did not remember her sitting down anywhere.

Walck said that he asked the Paramedics if the lady was hurt and he asked the lady if she was hurt and she said that she was not. At that time Darren showed up and told Walck that he was going to transport her to the hospital. He said that Darren was "pretty adamant about that."

He asked the woman if she wanted an ambulance because he wanted to "cover all the bases." He asked the woman if she had taken any medications. She told him that she was

on medication and that she had taken Levora and Lamictal. He asked the woman to spell the medication names for him and she spelled them out and Walck wrote them down. I asked him if Darren was standing there the whole time and he said that he was.

He said that Darren kept saying that he was taking her to the hospital. He turned to Darren and said, "What makes you think I'm not going to get a DRE?"

He said that he observed the woman and he didn't know what the circumstances were but that she appeared to him to be either medicated or maybe she had a seizure or anything like that could have happened.

Walck said that he said to himself that he has done this several times before and he could always issue her a summons if he needed to. When Darren told him that he was going to take his wife to the hospital, Walck said, "Okay. Go take her to the hospital."

He said that he did not want the woman getting sick on him or even going as far as dying. He said that he did not know all the factors behind what medications she took and he did not know what effect the medications might have on her. The woman indicated that she had blurred vision and that she put her hand up to cover one eye and that was when she hit the curb.

He said that he found out later at Walgreen's that one of the medications that the woman was taking has those very side effects. He admitted though that White and his wife had already left the scene when he found out this information.

Walck said that when White left the scene his flashing lights were still on.

To be clear I repeated what Walck had just told me. He arrived on scene and he saw the brown SUV arrive. He talked to the driver and the paramedics and he was able to ask the driver what medications she was on and how the accident happened.

I asked him if the driver was able to answer his questions coherently. He said, "I don't think she was super coherent. It looked like she was dazed. Or maybe a medical condition or maybe it could have been the drugs she was taking, her prescription drugs you know? Those questions were in my mind." He said, "There was something going on okay?"

I asked him if any of the Rescue personnel talked to him at the scene and he said that they may have but he didn't recall what conversation they may have had.

I asked him if the Paramedics told him that they suspected that the driver was impaired or under the influence of something. He said, "I don't recall that."

I asked, "A paramedic or fire person never told you that?" He said that they may have but he did not recall them saying that.

I asked him if at some point if he did talk with Officer Hetes. He said that he did speak with Hetes on scene. I asked him if Hetes told him that the lady may be under the influence of prescription drugs and he said, "She probably did. I don't remember our conversation with her you know?"

I asked him if they discussed the possibility of calling a DRE. He confirmed they had that conversation as it was relayed to me by Hetes. I asked him if he suggested that they call a Supervisor to the scene. He said that they did discuss that.

I asked him, "Why did you not call a Supervisor?" He answered, "Because I was intimidated by Darren White being there and wanting to take his wife to the hospital. I felt intimidated."

I asked him what Darren did that made him feel intimidated. He said, "He's the Director of Public Safety. He was persistent in taking her to the hospital okay?"

Walck said that he was not a Doctor and that he analyzed that Kathleen White hit a curb and that it could have been the drugs that caused it or she may have had a seizure or anything else. He said, "For me to keep her here, they said that she had had a seizure."

I stopped him and asked, "Who told you that she had a seizure?" (That information did not surface until at least the next day.)

He didn't answer the question and he said that he did some thinking and he decided that Kathleen needed to go to the hospital.

I asked him again, "Who told you that she had had a seizure?"

He said, "Uh well she had covered her eye. I don't know what medical condition, she just told me about the medication she was under."

He said, "I didn't know what was going on with her."

I laid out to Walck that he had a single vehicle accident, involving a woman who hits a curb for unknown reasons. He had information that she had drugs on board. I asked him, "Why did you not conduct a Field Sobriety Test just so in your own mind to determine whether or not she was under the influence?"

He answered, "She was unstable sir." I said, "I thought you told me she was standing up and she was unaided." He said, "Yeah she was standing up but unstable. She was kind of woozing around like that."

I asked, "Okay is there any reason why she could not have been given a portable breath test?" He told me that they do not carry portable breath tests. (I know for a fact that some APD officers do have them). I asked him if there were officers available that may have had one and he said, "Not to my knowledge."

I asked him if there was any reason why Kathleen White could not have been taken to the substation and given a breath test and that way he could have written in his report that Kathleen was too unstable to perform Field Sobriety Tests. He said that Darren was pretty adamant in taking her to the hospital. To Walck, Kathleen White appeared that she needed medical attention.

I asked, "So it was more important to you that she got the medical attention rather than you conducting a DWI investigation?" He said yes.

I repeated that again just to be clear and he again said that is why he did not conduct a DWI investigation.

I asked Walck if Darren left the scene with his emergency lights on and he said that he did. He said that he did not know how far he went with his lights on but he did leave with them on.

Walck said that when he first arrived on scene he did not know that it was Darren's wife who was the driver of the car. He said that he figured that when Darren showed up that the driver was his wife.

I asked him about the conversations that he had with Darren White at the scene. I told him that according to Hetes they had talked at least twice at the scene. I asked him if they were talking about the wreck and he said that they were not. He said that Darren was telling him that he wanted to take his wife to the hospital. I asked him what he said. He said that he told Darren, "Go ahead and take her."

I said, "But you did tell him about calling a DRE?" He said that he did but that he had experiences in the past where people at accidents scenes turn sour very quickly and they need immediate medical help. He didn't want that to happen at this scene.

At that time I turned the focus of my questioning to why the report was not turned in at the end of the shift as is required by SOP. He said that his computer was down on that day but he did get it back the next day.

I asked him why he didn't complete his report and he said that his investigation was still continuing and he wanted to see what the effects of the drugs were that she was on. He said that it was the day after the accident that he went to Walgreens to look up the drugs.

I asked him if there was any reason why he could not have completed the report on Thursday. He said, "Maybe because I was busy doing something else." I asked him why he didn't complete the report on Friday. He said that his computer was still messed up and he had to come downtown and get it re-done and his printer was messed up also.

I asked Officer Walck if he ever talked to his supervisor or if he ever got permission to not turn in his report by the end of the day when it was due. He said, "No."

I asked Walck about his being contacted at home by his Sergeant on Saturday. He said that his Sergeant called him and told him that the Commander wanted him to come in and complete the report involving Darren White's wife. Walck told his Sergeant that the report would be turned in on Monday morning. I asked him if the Sergeant ever gave him a direct order to come in and turn in the report and he said that he was never ordered to come in and complete the report.

Walck went on to tell me that he did turn in the report that evening about 6:30 PM and that he just went in to the substation and dropped them off. I asked him why he hand wrote the report and he said that his accident software wasn't working correctly at the time.

I asked him if he told anyone that his accident software was not working correctly and he said that he did not.

I asked him who he took his computer to to be fixed on that Friday and he said that he took it to Tech Services at the Police Station.

I then asked Walck about his Thursday morning meeting at the convenience store with Barnard and Darren White. I asked him to tell me about that meeting. He said that he and Barnard had just exited the store on the East side when they were approached by Darren White. He said that White told him that his wife had had a seizure or a pre seizure or something like that and that she was unhappy because the Doctor had told her that she could not drive her car for thirty days or something like that. I asked him what else they talked about during that time period and he said that was about it.

I asked Al Walck if some sort of a deal was cut between him and Darren White regarding the accident report or if he was promised anything in exchange for him turning in the report late or covering up certain facts. He said that there was no truth to that and that no deal had ever been made between him and Darren White. He said, "I don't owe Darren any favors and he don't owe me any favors."

I said, "If you failed to conduct a DWI investigation it was simply because you were concerned for her well being." He said, "Yes. Exactly. That's priority."

I asked Walck if he thought that the event was significant enough that he needed to notify his Chain of Command. He said that he did not think it was significant enough to do so. He said that they investigate crashes on a daily basis and it wasn't like it was a fatal or like she ran somebody over. He said that this was a minor accident.

I asked Walck when he notified a Supervisor that he had investigated a crash involving the wife of Darren White. He answered, "Good question." Then he said, "I don't know. I don't remember." He said that they certainly knew by Saturday when they were asking for the report.

I then focused my line of questioning on when Walck was told to make changes to his report. He told me that he was in court on 07/11/11 in the afternoon and Sgt. Woolley contacted him there. He told me that there were two PSA's who had accompanied Woolley to the Courthouse. One PSA is named Carlisle and there was a female PSA there also. He said that they told him that Beth Paiz wanted him to change the report and the report had "little sticky's" on them with little arrows pointing to where the changes needed to be made. Walck said that there was only one grammatical error in the report where he left the "R" off of the word "her". He said that was not a big deal for him to correct it. Walck said that there was also an arrow pointing towards the towing information and he admittedly left that information out and he had no problem adding that. Walck said that they also wanted him to change the accident from where he had marked it as an injury accident to a non-injury accident but he refused to do that. He said that just because a person says they are not hurt in an accident, they may very well be hurt. He said that he was dispatched to an accident with injuries and that is why he checked that box and why he has an injury code of "0".

I asked, "Now with regards to the um, the medication that you listed in the report, um, did they tell you or did anybody tell you to change that?" He answered, "One of the Public Safety Aides said, 'If you can scratch this off or blacken it out or whatever' right."

I asked, "Oh the PSA did?" He answered, "Yes. I don't know if Woolley told me but he wanted me to add two sentences at the end to explain her injuries." Walck said that he refused to add two sentences to explain Kathleen White's injuries. He said that he told the PSA, "You tell Chief Paiz to give me a written order and I'll do it."

I asked, "So it was the PSA that delivered this to you and not..." He interrupted and said, "Well Woolley was there. So was the female PSA you know?" I asked him if there was any sticky paper pointing towards the medication and he said that there was. He said there were two sticky's on top of it.

He said that PSA Carlisle is "a good kid" and "I like him."

He went on to say that he asked Carlisle who asked him to ask Walck make the changes and he told Walck that it was Beth Paiz who requested the changes.

I asked, "But you didn't hear that directly from Paiz?" He answered, "No." I asked, "And you didn't hear it from Woolley directly? Woolley didn't say 'Al we want you to change this'?" He said that Woolley told him that he had told the Deputy Chief, "Beth are you crazy? We can't alter public records."

I asked Walck if he has had any further contact with Darren White since the day after the accident and he said that he has not.

Walck added that on the day that he was in court, Commander Saylor called him and asked him if he had a tape of the incident and he told Saylor that he did not tape the incident.

I asked Walck if he ran a belt tape or his camera on this incident and he said that he did not.

I asked Walck again for the record, "So you're saying that a DWI Investigation was not conducted, not because there wasn't reasonable suspicion or probable cause to believe that she was under the influence of prescription drugs, but because her health mattered more than that investigation, is that correct?"

He answered, "That's correct. I could issue a summons. I've done that before."

I asked him what evidence he would use to prosecute the case because there was no blood draw and no scientific evidence. He said that the evidence would be that the information that he obtained from Walgreen's on the drugs states that Lamictal can cause blurred vision and that a person should not operate a motor vehicle while taking it.

(While one of the side effects of the drug is blurred vision and double vision problems, the warning actually reads, "Do not drive a car or operate machinery until you know how this medication affects you." I have included in this case file for the reader's review information on all of the prescribed drugs that Kathleen White was taking on that day.)

Walck said that Kathleen had told him at the scene that she was only taking two medications.

I told Walck that even if her medical condition was a priority and even if he couldn't give Field Sobriety Tests because she was "unstable" he still could have followed Darren to the hospital so she could get the care and he could have advised Kathleen of the Implied Consent Act and had blood drawn. I asked, "There were certainly other officers who could have given her a breath test right?" He told me that there were.

I told Walck that he could issue a Summons but that all the evidence that would be needed to convict her left the scene when she did. He agreed with that statement.

Walck said that if he charged Kathleen that he felt he could get a conviction based on her statement that she had taken the drug and the information that he obtained from Walgreen's.

I asked Walck if he had talked with a prosecutor or if he was planning on filing charges and he said that he has not done that and that he still has time to file charges if he decides to. He added that he is not actively investigating the case at this time.

We talked for a couple of minutes longer and our interview was concluded.

Presbyterian Medical Records for Kathleen White

On 07/20/11 at about 11:00 AM, I went to Presbyterian Hospital and served them with the release for medical records signed by Kathleen White. The hospital released those records to me and I reviewed them. Those records are in this case file for the reader's review but I would caution the release of this information to anyone who was not authorized to receive the records.

Ms. White told Medical Personnel that she was currently taking not only Levora and Lamictal, but also Ambien and Lexapro.

Because of confidentiality, I will summarize the records. Basically, the Doctors who treated Ms. White on the day of the accident and in the days thereafter, concluded that Ms. White **POSSIBLY** suffered a seizure on the day of the accident. The diagnosis was not conclusive but their tests showed that seizure was a possibility. She was told that per State Law she could not drive for a year.

The drug test that was administered was a urinalysis test and it tested for Amphetamines, Barbiturates, Benzodiazepine, Cocaine, Methadone, Opiates, Propoxyphene, and THC or Marijuana. They results were all negative.

It should be noted that based on the medical records I reviewed, there was no medical investigation conducted to determine if Ms. White's symptoms of blurred vision and memory loss was a side effect or reaction to the prescription medication that she was taking at the time of the accident.

Fire Department Record of the Incident

On 07/21/11 at about 9:00 AM, I met with Fire Chief James Breen of the AFD and served him with the medical records release that Kathleen White had signed authorizing me to obtain those records. The Records released to me included the AFD incident report and the Emergency Liability Release. Breen also gave me a copy of Senate Bill 60 which pertains to the law applied to administrative investigations of firefighters. All of those documents are included herein for the reader's review.

The Fire Department Report indicates that Rescue 16 was called to the scene of the accident at about 8:19 AM. They arrived at 8:22 AM and their response time was three minutes and four seconds.

The CADS report indicates that the Engine was responding to the scene at 8:23 AM and was cancelled less than one minute later. **The records indicate that Engine 16 was never at the scene of the accident.**

The incident report lists that Rescue 16 was dispatched to a single vehicle accident and that the woman at the wheel was unconscious. APD was enroute and the vehicle in the crash was a black Porsche.

The Paramedics assessed the driver identified as Kathleen White and she told them that she was West bound on Montgomery when she experienced dizziness and blurred vision. She told the Paramedic that she had to close one eye because they were sending different pictures.

White was found outside her vehicle and the Porsche apparently had been driven into the curb flattening a tire. When the Paramedics arrived, White was standing outside the vehicle talking on a cell phone. (8:22 AM presumably based on this investigation talking to her husband).

The record reflects that later Darren White arrived on scene.

The Paramedic noted that Ms. White had difficulty standing with noted swaying and that she had restricted pupils.

White told Paramedics that she was taking Ambien because she has trouble sleeping but she has been taking it for a long time without any side effects. She has been taking Lamictal for a Mood Disorder and she has been on that for over a year and that she had not had any dosage changes or recent medication additions. Ms. White also reported that she is on Lexapro for a mood disorder. She denied she had taken any pain medications and she stated that she does not take opiates.

A medical assessment was conducted and the Paramedic indicated that Ms. White was oriented to place, time, and self and in evaluating her mental status the Paramedic notes that MS. White answers to questions were always quick, succinct, and appropriate. Her pupils were pinpoint however. She told the Paramedics that she felt funny and that she did not feel right.

The Paramedic noted in the report that although Ms. White was mentally acute, her gait was noticeably impaired and she did have some difficulty articulating what she wanted to say.

The paramedic noted that the ambulance was on scene but that Ms. White refused transport because her husband was coming to the scene and she wanted to be taken by him to the hospital.

The Paramedic goes on to note that Darren White arrived on scene running lights and siren in his undercover SUV and that he immediately stated that he would take his wife to the emergency room. The patient signed a refusal to be transported but the Paramedic write that she did meet the refusal criteria.

The Rescue left the scene and later saw the undercover SUV running lights and siren southbound on Juan Tabo.

According to CADS Records and the report, Rescue Personnel were on scene for 25 minutes. Ms. White signed the refusal form at 8:38 AM which was 17 minutes after the Rescue arrived and 6 minutes after Walck arrived. Rescue cleared the scene at 8:47 AM. This is going to be important in establishing a time line later.

Interview of Kathleen White

On 07/22/11 at about 8:30 AM, I met with Kathleen White in my office for the purpose of obtaining a recorded statement from her regarding this incident. Ms. White was represented by her attorney, Paul Kennedy. The recorded statement is included in this file for the reader's review. The following is a summary of our interview.

Ms. White told me that she was happy to be there to provide the statement and that she was giving it of her own free will.

I told Ms. White that I understood from her medical records that she did not remember parts of the accident and what happened afterwards. I asked her if any of that memory had been restored and she said that she does have some vague memory of certain things but that it is like trying to remember a dream she had and she is unsure of many of the things that she does remember.

Ms. White told me that she did remember that on the day of the accident, she got up, fed the dogs, made her coffee, and she went upstairs and noticed that Darren was wearing jeans. She chided him about that and suspected that the mayor was out of town because he was wearing jeans.

She told me that was about all she remembered. She did not remember getting in the car but she remembered that when she made the turn from Tramway to Montgomery that she ran over the curb or thought that she did anyway.

She remembered seeing the lines on the street started doubling. She remembered covering her eye and the next thing she remembers was a man in a blue shirt. She assumed that she had pulled over at some point.

The man asked her if she needed help and she remembered reaching for the man's phone. She then remembered a split second of being in the car with Darren and telling him that the street was going perpendicular or something to that effect.

She remembers being in the emergency room and crying.

The next thing she remembers is being in the hospital bed and family members visiting her.

I asked Ms. White at the time of the incident what medications she was taking. She told me that she was taking a low dosage of Lamictal and she has been taking that for about a year. She takes a low dosage of Lexapro which she has been taking for several years. She takes birth control and that on occasion she takes Ambien to help her sleep.

I asked her if she took the Ambien the night before the accident and she said that she thought she did. She told me that when she takes that she takes a half of a pill. She said that if she would have taken that the night before it would have been around 9:00 PM and the accident took place at 8:20 AM the following day so she suspected that if she had taken it, it would be out of her system by that time. She said that she has never had a side effect from Ambien.

She told me that the same Doctor prescribed all the medications that she takes, with the exception of her birth control, and she works very closely with him and she goes for regular visits.

I asked her if she had ever had any experience like this in the past and she said that she had not.

I asked her if she was still taking the same medications and she said that she was.

I asked Ms. White if there was any testing ever done in the hospital to see if this episode may have been a side effect of some of the drugs she was taking and she told me that after she got out she called her Doctor and he told her that because she was on such a low dose of medicine there is really no way to tell if a person has too much or too little on board. She was told that the possibility of overdose was highly unlikely. She went on to say that if the Doctors at the hospital felt like that was a concern they would have tested her for levels of the medicine in her blood and they did not test for that.

Ms. White confirmed that the Hospital Doctors suspected based on their test that it was likely that she did have a seizure but they couldn't say for certain and they did not know what may have caused it if it was a seizure.

She said that she was told that she could not drive for a year because State Law prohibits anyone who has had a seizure from driving for a year. She said that can be waived by a Neurologist.

I asked her if Darren had said anything to her about how he was going to respond to the media about the crash. She said that Darren got a phone call on Friday night from someone who told him that he was giving Darren a heads up because this was what was kind of going around, referring to the allegations of cover up. She got upset when she heard that.

On Saturday the doorbell rang at their house and there was a reporter there when she answered the door so she assumed they were looking for Darren and she called him to the door. The reporter started questioning them about the accident and told them that there were questions about the whole thing. She told the reporter that she had a seizure and she was willing to give them the medical records to prove it. The reporter told them that there were some firefighters who were willing to go on camera and comment about the accident and alleged cover up. They told the reporter to call them on Sunday and that she would show them the records and that nothing happened.

Nothing happened on Sunday and on Monday, she went to a movie with a friend. After the movie she was contacted by Darren who told her that she needed to come home because they were going to do a press conference. She went home and Darren drove her downtown. They had a press conference and Darren made a statement.

I asked her when Darren started preparing for the press conference and she said that he did not do that until Monday afternoon.

She told me that she went with Darren into Rob Perry's office. Rob was there, Chief Schultz was there, Darren was there and Mayor Berry was there. She said that they were all talking and almost ignoring her. Sarah Lister and Darren then went into Darren's office and they started writing the press release. I asked her who Sarah was and she told me that she is the Mayor's assistant.

Darren's statement to the press was written at that time. When it was done they went and did the press conference.

I asked her if prior to the press conference if there was frustration expressed by Darren or by Chief Schultz that the officer wouldn't change the report. She said that the frustration wasn't over that and that was not discussed. She said the frustration was that the officer had not done the police report.

I asked her if there was any talk among any of the people in Perry's office about spinning the news in the most positive light and she said, "Absolutely not."

She said that Darren didn't have anything to do with the frustration that the report was not done. The reporter who came to their door was the one who told them that the report had not been completed yet. Darren did make some follow up calls on that Saturday to find out where the report was because it should have been turned in the day of the accident and he felt it would be helpful for the press to have access to the report. He was confident that it would show that there was nothing amiss.

I asked her if Darren told her if he knew who the two Firemen were who were willing to go on camera and she told me that as far as she knew he does not know the Firemen.

She said in closing that she felt that the release of her medical records, referring to the fire incident report, to the media was inappropriate and wrong. She does not know who released the report but she felt that was wrong.

She said that the media is making a big deal of why she didn't take an ambulance. She said, "Why would you do that when your husband is there and can take you? It wasn't like I was bleeding out I mean."

She said that if everyone suspected that she was under the influence then why didn't they call a Drug Recognition Expert to the scene or request blood.

We talked for a couple of minutes longer and our interview was concluded.

Interview with Darren White

On 07/22/11 at about 9:02 AM, I met with Darren White in my office for the purpose of obtaining a recorded statement from him regarding this incident. Mr. White was represented by his attorney, Colin Hunter. The recorded statement is included in this file for the reader's review. The following is a summary of our interview.

I told Mr. White that this investigation was prompted by Rob Perry at the request of the Mayor because there were allegations that he had interfered in a criminal investigation of an accident involving his wife and there was an alleged subsequent cover up. There were allegations made that he was throwing his weight around at the scene and he arrived with his lights and siren on and he left with his lights and siren on.

I asked Darren about the incident and asked him to tell me about it. He told me that their morning at the house was normal and Kathleen left to run an errand and go to the gym and he left for his deposition that was scheduled that day. He did not have to be at the deposition until 9:00 AM and he was early so he pulled over into a parking lot at San Mateo and Menaul and was sitting there. At about 8:20 AM the phone rang and he almost didn't answer it because it was a strange number and he later found out that the call was being made from Anthony Salas's phone.

He said that when he answered the phone it was his wife and she told him that she had been in an accident and that she was at Eubank and Montgomery. He asked her if she was okay and she said that she was. She told him that she wasn't sure what she hit by the intersection. He said that he could tell immediately that she wasn't really okay or acting right. She told him that she had to go and she hung up the phone. (Presumably, this is when the Paramedics arrived on scene.)

He said that he took off to go to the scene. I asked him if he took off with his lights and siren on and he said, "Absolutely not."

He said that he went North on San Mateo to Montgomery and then to Eubank and there was no accident there. He made a call trying to find her. That was 8 minutes later. He drove slowly looking to see if maybe she was in a parking lot or something and then realized that she said that she was going to the gym so he started heading in that direction. He drove up Montgomery and he saw lights at Juan Tabo and Montgomery and figured that was where the accident was.

When he gets there he decides to make a u-turn so he turns his lights on before doing that and he parks behind a police car in a traffic lane.

He said, "I never once used my siren."

He said that if he had run code he would have been there in way less time than he was and he also had no reason to run code because she did not say that she was hurt.

When Darren got out of the car he saw that Al Walck was handling the wreck. He said that caused him concern because he and Al "have a history."

He said that Al has been around a long time and they ran against each other for Sheriff. He said that when he was Sheriff he used to see all at the Valero gas Station almost on a daily basis when he would go into the gas station for coffee. He said, "I see him all the time."

He said that he no longer talks to Al because Al has told him in the past that he was just with the PD to make the administration's life miserable and he will sue them every chance he gets. Al then started making disparaging remarks about Ray Schultz and Darren considers Ray a good friend. After that he stopped talking to Al. He said this all took place a few years ago.

He said that about a year ago Walck had filed an age discrimination tort claim against the Mayor alleging that the Mayor called him an "old timer" at the Balloon Fiesta. When the Mayor and Darren talked about the claim, the Mayor told Darren that Al Walck did not like him and he gave the Mayor an earful about why he did not like Darren.

He said that he did not approach Al because of the history between the two.

I asked Mr. White if he was aware of their history at the wreck and Walck was the one investigating the wreck that his wife was involved in; I asked him why he didn't immediately call for a supervisor.

He said that he didn't do that because he didn't know what the problem was out there or why his wife had wrecked and he was concerned with learning more as he arrived on scene.

I asked him if he saw Ylaine Hetes on scene and he said that she was in her car when he arrived and he did see her there.

Darren said that he went up and talked to the paramedic and he talked to his wife. I asked him if the paramedic knew who he was and he said that he did. He said that when he talked to his wife he knew immediately that something was wrong with her because she was acting strange and was not her normal self. At one point her eyes did some weird action that concerned him.

His wife said that she did not know what happened and that her vision went blurry and she tried putting her hand over her eye and she did not know what happened.

He told me that his wife seemed confused. He asked the Paramedic if she hit her head and the Paramedic responded that she didn't tell them that she did.

I asked him if he knew who the Paramedics were and he said that he did not know who they were.

He said, "I'm not a fan of the fire department" but he did not know who these Paramedics were or what role they may have in Union activities if any.

Mr. White told me that he was concerned for his wife's well being and so he told the Paramedics that he was going to get her medical attention. He did not see an ambulance around. He said, "Paramedics do not transport regular patients, they only transport City Employees." He tells the Paramedic, "She needs to get medical attention and I'll take her."

He said that the Paramedic said that he agreed with him that she did need further medical treatment but the Paramedic really wasn't saying much to him.

Al Walck looks at Darren so Darren walks over to where he is at. When he gets there Al tells him, "You know your wife is on prescription drugs?" Darren told the officer that he knew that. Al then asked, "Do I need to call a DRE?" He looked at Al and said, "Al, you need to do what you need to do in this situation. I'm not here to interfere; I'm here for my wife."

He said that he literally back away at that point and he went back to talk to the Paramedic.

I asked him why he didn't call for a Supervisor then and he told me that he was more worried about his wife that calling a Supervisor. He said that calling a Supervisor never even crossed his mind.

He then went to his car and called the Attorney's office where he was supposed to do his deposition and he cancelled it. His cell phone records reflect this call being made at 8:45 AM.

He waited in his car for a minute and then got out and by this time almost a half hour had passed since he received the call from his wife.

At that time Al motions Darren over to his car and he goes over. Al then starts telling him that his Lieutenant violated his rights by calling him in the week before on his lunch break to address a complaint that had been made that he had parked his car at the Valero Gas Station in a manner that it was blocking the driveway. He told Darren that they brought him in on his lunch hour to question him about that.

Darren said that he knew what he was talking about because it was he who called the Chief to complain.

At this point he is beyond belief that Walck is bringing that up because he is worried about his wife and he is supposed to be investigating the wreck. That also indicated to him that Walck was probably done with his accident investigation.

He figured that Walck was recording him so he was being very careful about what he said and how he responded to him. He asked Walck if he had notified his commander. He said that Walck then told him that his Commander is violating his rights because he is having him followed around the District. He told Darren that he has thirty eight years on the department and that he shouldn't have to put up with that.

Darren was thinking to himself that he really couldn't believe that Walck was telling him all this at the scene of the accident.

Darren said that Walck told him that the law says that he has to notify his Chain of Command when his rights are being violated and he said, "Consider yourself notified."

Then Walck asks him if he wants to change the tire on the car. He told Walck that he did not want to do that and he wanted to take his wife to the hospital and for him to tow the car.

Walck wrote down the CAD number for him Ylaine Hetes wrote down the towing company and CAD number also and handed it to him.

He goes and gets his wife and goes to leave the scene and he forgot that his emergency lights were on. This is at least 30 minutes after he arrived. He said that he waited for a light to change and then he turned South on Montgomery. He did not realize that the emergency lights were still on until a car abruptly pulled out of his way a couple of blocks later and he turned the lights off. He said that he absolutely did not have his siren on.

Darren took his wife to for medical attention and she was admitted to the hospital. She was diagnosed with having a seizure.

I asked Darren if he knew that there was an SOP that requires an officer to conduct Field Sobriety Tests if the officer suspects the driver is under the influence. He said that he did not know if Walck had already conducted Field Sobriety Tests prior to his arrival on scene. I asked him if he asked Al about that and he said, "No. That would clearly be interfering if I started to ask him about his investigation."

I asked Darren if there was ever an ambulance on scene and he said that he never saw an ambulance. He said that he suspected that the Ambulance was dispatched but that the Fire Department cancelled it.

I asked him if the Engine was there and he said that he did not remember seeing it there.

I asked him if the Doctor that he talked to explored the fact that the incident could have been a side effect of the drug. He said that was not a concern because of the low dosage of the drugs that she was taking.

Darren said that on the Friday night after the accident, he got a call from a friend of his at Channel 13. The friend told him that there were a lot of allegations being thrown around about Darren and his wife. He said that his friend told him that they were saying that he raced to a car accident and scooped her up and took her away. He told the man that was an untrue allegation and he asked who it was coming from. The man told him that on Wednesday they got a phone call at Channel 13 from a man who said he was a firefighter but did not identify himself. The man told them about the wreck. The news media had already picked up on it and they were running with the story. Darren suspected that the story was coming from Al Walck and the Firefighters on scene and he assured the friend that he had done nothing wrong.

Darren said that he then called Chief Schultz and Chief Breen. These calls are also on his cell phone records and they were made at 9:16 PM and 9:43 PM respectively. The call to Schultz lasted 16 minutes and the call to Breen lasted 12 minutes. He told both Chief's what was taking place. Chief Shultz said that he would try to locate the report on the incident.

On Saturday morning a reporter came to the house and Darren relayed the same story to me about that that his wife had told me. Darren contacted Chief Breen again and Breen told him that he had talked with one of the Paramedics on scene and that the Paramedic told him that it was just an accident and that it was nothing remarkable. He said that Paramedic even told the Chief that White made it clear that he wasn't getting involved in the investigation. He did talk with Schultz also who told him that the report had not been turned in and it would not be available until Monday.

Not much happened on Sunday.

When Darren got to work on Monday he was angry because Breen sent him a copy of the Paramedic report and he was angry about what it contained. He felt an orchestrated attack against him was underway. Chris Ramirez told him that the media wanted a copy of the police report and it was becoming a problem because the Media was feeling like they were hiding the report and it wasn't available. He met with Schultz that morning and told him that they needed to get the police report found and released to the media.

At about 1:00 PM, his phone is ringing off the hook and Rob Perry calls him back to his office. They speak briefly and he goes to his house to retrieve his wife and her medical records. He found out around that time that the Paramedic report had been leaked to the media.

He gathered everything up and went back to Perry's office. This was late in the afternoon. The Mayor was in there as was Schultz, Perry and Sarah Lister. They asked Darren what he was going to do and he said that he was going to address the matter in a press conference at 6:00 PM. Perry told White that Schultz was going to release the police report at five o'clock.

Darren told me that to this day, 07/22/11 he never saw the police report. He did not see the police report before the press conference.

He said that he did remember Schultz saying in the meeting in Perry's office that he was going to release two reports. An original and a corrected copy because the original had grammatical errors in it.

I told Darren that allegations had been made that Orders had been given to Al that higher ups in the Police Department wanted him to remove the drugs that he had listed in the police report and I asked him if he had anything to do with that. He said that he had nothing to do with that if it happened. He repeated that he never saw the police report.

I asked him if he was ever in the Chief's office on that Monday and he said that he was not.

I asked Mr. White about the meeting that took place at the Valero station the day after the accident between him and Al Walck and Scott Barnard. I asked him if the meeting was pre-arranged and he said that it was not. I asked him what took place during that meeting. Darren told me that he was walking into the store when he saw Al Walck and Barnard walking out of the store. He stopped them and told them that he was on his way to the hospital and that his wife was diagnosed with having a seizure. He told them that had been a rough day and a long night but that she was going to be okay. He said that was about all they talked about. The other officer with Al told Darren that he knew someone who had a seizure and that could be bad and he said, "I hope your wife is okay." Al then told Darren that he had a stroke one time when he was working on a car. They talked about that and they went on their way. He said the meeting was cordial.

I asked Darren about any interaction that he had with Ylaine Hetes at the accident scene and he said that all she did was hand him the paper with the CAD number and the towing information and that was it. (Consistent with Hetes' statement.)

Darren did confirm that he went to the police academy with her brother Ron and that he did do her background investigation when she applied to become an APD member. He confirmed that they do not socialize at all but he does know her. He said, "Honestly, I did not recognize her." Darren did not know that Hetes had contributed to any of his campaigns.

We talked for a few more minutes and our interview was concluded.

Interview with Fire Driver/Paramedic David Weaver

On 07/22/11 at about 2:45 PM, I met with Fire Driver/ Paramedic David Weaver in my office for the purpose of obtaining a recorded statement from him regarding this incident. He was represented by his Attorney Fred Mowrer and by Union representative Bob Lujan. Weaver was advised of his Garrity Warning which he said he understood and he agreed to give me a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

Weaver told me that at about 8:18 AM on 07/06/11, he and Paramedic Rettinger were dispatched to a single vehicle accident at Juan Tabo and Montgomery. The information they had was that the female driver was unconscious behind the wheel of the vehicle. When they arrived at the scene of the accident he saw a black Porsche partially in the turn lane and he saw a man standing near it and the man was on the phone. The driver of the Porsche was also on her phone at the time. The driver was sitting or leaning against the hood of the Porsche. He approached the driver and asked her to get off the phone and she told him to wait.

I asked Weaver if the engine was on scene also he said that he cancelled the Engine as he arrived on scene and that they never came to the scene. He did keep the ambulance coming.

I asked Weaver if the Albuquerque Fire Department bills people for their services as a matter of routine and he said that they do not. (I asked this because this is one of the tests to determine if an agency is a Health care Provider and thereby covered by HIPAA. If not then their reports are not covered by the Act but ethical and privacy concerns still apply.) He said that they do not bill for their services.

Weaver told me that when he started his evaluation of Kathleen White, he noticed that her pupils were pinpoint and constricted. He did not detect any slurred speech. He told me that pupil constriction is usually indicative of a narcotic, usually an opiate. White told him that her husband was coming to the scene.

He asked her a number of questions to assess mental acuity and found her to be alert and oriented.

He said that by this time, the only people on scene were him, Rettinger and Kathleen White. The police had not arrived yet.

He said that something didn't seem right with Kathleen. Even though she was answering all their questions and she was able to provide them with the medications she was taking and she was alert and oriented, she was swaying in her walk and her balance was affected a little.

He said that he considered the possibility of seizure but none of the signs were there. That led him to believe that the driver was impaired by some sort of drug.

When he asked White what drugs she was taking she told him and he knew that one of the drugs that she was taking was for mood disorders (Lamictal). The other drug was a sleep aide (Ambien).

White told Weaver that she had been on those medications for over a year and there had been no recent changes. She did say that she took the Ambien the night before.

He said that while he was conducting his assessment his partner was getting vital signs. His partner noted the constricted pupils also.

Weaver said that he saw the police cars arrive on scene shortly thereafter. He said that the female officer arrived and parked behind the Porsche and the other officer arrived also opposing traffic and parked in front of the Black Porsche. (This is inconsistent with what Hetes, Walck, and Darren white told me about where Al was parked.) He said that he never spoke to the female officer and he only saw her in her car.

He said that Officer Walck asked him if he thought that Kathleen White was impaired and he told Walck that he believed that she was and that he did not think that it was alcohol but something else.

I asked him if White was standing up the whole time and he said that she was. He continued his evaluation and he asked her if she wanted to go to the hospital by Ambulance and she told them that she did not.

I asked him if the Ambulance was on scene and he said that they were and they were parked in front of the Rescue but that they did not get out at the scene. Once she refused the Ambulance Weaver told them by signal that they would not be needed. The Ambulance left.

In Weaver's mind he was thinking that the woman was going to go to the hospital by Ambulance and then to MDC or she was going to MDC either way. He believed that the officer was going to place her under arrest because she was obviously impaired.

Weaver told me that Ms. White met all the requirements to refuse transport to the hospital and that she did not have to be transported by Ambulance once she refused.

He started to get all her information and he asked her who her husband was and she told him it was Darren White. He had her sign the refusal form. Just as she did that (8:38 AM) he heard a different siren approaching the scene. He looked up and saw Darren White arrive and his lights were on.

He said that Darren walked up to where he was and he said, "Hey Chief" and Darren stood literally about 6 inches behind him looking over his shoulder.

Darren said something like, "I'm going to take her to the hospital" and that was all he said to Weaver the entire time he was there. I asked him if Darren asked him what he thought had happened and he said that he did not.

He said that he did tell Darren before he left, "Hey Chief, thanks for putting that cash in my boot the other day." He was referring to the "Fill the Boot" drive that they do every year and Darren was the only one of all the Chief's who drive by who gave a donation.

I asked him if Darren checked on his wife and asked her how she was and he said, "I don't remember. I don't think so."

Darren then went off to talk to the officer.

Weaver told me that he wanted to leave the scene badly. He did not want to be a witness to Darren White's wife being investigated for DWI or arrested.

He said that having Darren on scene was intimidating and he "wanted the crap out of there."

After that they left. There was no way he was going to hang around the scene any longer.

Weaver said that they drove to a nearby store and he called the AFD Deputy Chief and he told the Deputy Chief that he just watched Darren White get his wife out of a DUI and he asked the Deputy Chief what he should do. The Deputy Chief told him to just write his report and document what he did and what he saw.

I asked Weaver if he even knew what follow up, if any, the police officers did after he left the scene. He said, "I don't know if he was actually getting her out of it but it sure looked like it."

I asked him if he knew what the officer's follow up was and he said, "I have no idea."

When he left, his belief and perception was that he was trying to get his wife out of a DUI.

A few minutes later they were dispatched on another call and they saw Darren White going the opposite direction on Juan Tabo and he had his lights and siren engaged.

I asked Weaver if he knew who leaked the Paramedic report to the media and he said that he did not.

I asked him where Darren White parked when he arrived on scene and he said that he parked behind the Rescue. (This is also not consistent with what Hetes, White, and Walck told me.)

When I questioned him further he admitted that he was unsure of where Darren parked when he arrived.

We talked for a couple of minutes longer and our interview was concluded.

Investigative Note

There are a number of inconsistencies and discrepancies with Weaver's statement and I believe that because so many other people at the scene corroborate one another that Weaver's credibility is an issue.

Interview with Fire Driver/Paramedic David Rettinger

On 07/22/11 at about 3:25 PM, I met with Fire Driver/ Paramedic David Rettinger in my office for the purpose of obtaining a recorded statement from him regarding this incident. He was represented by his Attorney Fred Mowrer and by Union representative Bob Lujan. Rettinger was advised of his Garrity Warning which he said he understood and he agreed to give me a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

Rettinger told me that when he and Weaver arrived on scene, Ms. White was sitting in the driver seat of her car. There was a man standing near the car. They got out of the rescue and approached Ms. White. He was clear that she was still seated in her car. (This is inconsistent with what Weaver told me as he said she was sitting on her car.) The man left before they started their assessment.

They began their assessment of White and he got her vital signs as Weaver questioned White.

I asked him if there was anything about White that caused him concern. He said that he noticed that she was having problems articulating speech. It was as if she wanted to say a word and she knew what the word was but it just wouldn't come out. She seemed to be a little bit confused. Her speech was a little bit slurred. He said that those are signs of a possible low blood sugar or a stroke or seizure. (Weaver told me that there were no signs of a seizure).

Rettinger said that he did not notice any signs of alcohol impairment and that he did not smell any alcohol coming from Ms. White.

Rettinger told me that White's pupils were very constricted and once they helped her out of the vehicle, she was turned away from the sun and her eyes were shaded and there was no change in the pupil size. There should have been.

Once White was out of the vehicle he noticed that her gait was unsteady. She would take a few steps and have to steady herself against the car. He said that based on his observations he believed that White may have had opiates or Narcotics on board.

I asked him if when they arrived if she was on the phone and he said that she was not on the phone. He said, "I don't recall that she was on the phone when the man was standing next to her." (Again, this is inconsistent with Weaver's statement.)

Rettinger also confirmed that the Engine never was on scene.

I asked him how long they had been on scene when the officer arrived. He said that it wasn't long, somewhere between five and ten minutes. He said that they were still assessing White when the officer arrived.

I asked Weaver about the Ambulance and I asked him if they arrived on scene. He said, "I don't remember them actually arriving on scene. No." (Again, this is inconsistent with what Weaver told me. Weaver said that the ambulance was on scene and that it parked right in front of the Rescue.)

I asked him if they parked by the rescue or nearby and he said that he did not remember the ambulance parking by the rescue.

I asked him where the officers parked when they arrived on scene and he said that one of them parked behind the Porsche and he thought that another officer parked in front of the Porsche.

He said that White was near the Porsche when the officers arrived on scene.

Rettinger told me that all of the criteria were met for White to refuse transport to the Hospital and she signed a refusal form.

I asked him when Darren White arrived on scene. He said that he did not witness Darren arriving on scene. He said that he did observe his vehicle parked behind an officer's car behind the Porsche. I asked him if he drove up with his siren on. He said, "I didn't hear another siren." He said that he looked over and the emergency lights were on but he thought it was for safety.

I asked him what Darren did when he arrived on scene. He said that he came over to where they were finishing up assessing Ms. White and came up to her and asked her what was going on. Darren also talked with the paramedics and they briefed him on what had occurred. He said that Lt. Weaver talked to Darren and he just stood by. (Again, this is not what Weaver mentioned. He said that Darren didn't talk to his wife or to the Paramedics.) He said that Weaver told Darren briefly about what they saw when they arrived and the symptoms that she was having.

He said that Weaver told Darren that Ms. White had refused transport to the hospital and he remembered Darren volunteering to take her to the hospital.

He said that he didn't feel that Darren didn't trust them to transport her and that he was acting as any other husband when he volunteered to take her to the hospital. The manner and tone of voice that Darren used was not intimidating to him. It was more like, "Well I'll take her to the hospital."

He did not get the impression that Darren was demanding to take her to the hospital.

I asked him if he told a police officer that he suspected that Ms. White had opiates on board and he said that he did not but Weaver did. He said that Officer Walck specifically asked them if White was impaired and Weaver told him that they suspected that she was. When I asked him if he may have told Hetes about it when he was looking for a spare on the car he said that he may have told Hetes about that at that time.

He told me that the transport refusal had been signed by the time Darren arrived. The refusal was signed at 8:38 AM.

I asked him if he observed any interaction between Darren and Officer Walck and he said that he did and that it stuck out in his mind because he got uncomfortable with it. He said that Darren told Walck, "Well I'll take her to the hospital" and he remembered Officer Walck saying, "Well what makes you think that I am not going to charge her?"

Darren said, "Well I guess it is your scene" and Officer Walck said, "You're right it is my scene."

He said that they left the scene shortly after that.

I asked him if he felt intimidated that Darren White was on scene and he said that he was intimidated because he knew who he was but that did not change the treatment that they gave his wife.

I asked him if he felt that Darren interfered in anything that he did at the scene and he said that he did not feel that way at all.

Rettinger told me that while they were on their way to another call they saw the SUV headed south on Juan Tabo and it had it's emergency lights on. He did not hear a siren coming from the SUV but that he believed it was exceeding the speed limit.

We talked for a few more minutes and our interview was concluded.

Interview with Sergeant Trish Hoffman

On 07/25/11 at about 11:02 AM, I met with Sgt. Tricia Hoffman in my office for the purpose of obtaining a recorded statement from her regarding this investigation. Sgt. Hoffman was represented by her Attorney Fred Mowrer. Sgt. Hoffman was advised of her Garrity Warning which she said she understood and she agreed to provide me with a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

I specifically asked Hoffman about her involvement in what took place in Deputy Chief Paiz's office when Sgt. Woolley was there.

She told me that on the day of that meeting there had been lots of inquiries from the media about when the accident report was going to be released. She went to lunch with the Chief that day and he was even wondering when the report was going to be coming in. I asked her if while at lunch the Chief made any comment about the incident to her.

She said that the Chief didn't say anything but that the Chief did get a call from a Journal reporter at lunch and the reporter was asking him about the release of the report. She heard him tell the reporter that there were grammatical errors in the report and that is why it had not been turned in.

After lunch, Mike Woolley brought in the police report. She said that she and Deputy Chief Banks and Deputy Chief Paiz were in Paiz's office but they were not having a meeting.

I asked her if the three were reviewing a copy of the original report and she said that they were not. She said that she had not seen a copy of the report before Woolley got there.

Woolley and Paiz started looking at the original report and she said that Paiz and Woolley talked about a grammatical error and on the front of the report there was some stuff missing and the report did not appear to be complete. She cited that there was an injury code but it wasn't an injury accident. The report was missing towing information as well.

She said that she did read the report and that the report said that she was involved in a crash and that she was on prescription drugs and under the influence of medication.

One of the drugs was a birth control pill and the other was Lamictal and they looked that drug up when she was in Beth's office. She said that the medicine was for bi-polar and seizures.

I asked her if she had any reaction that Walck had included the birth control pill in the report. She said that she had no reaction to that.

I asked her if she recalled Beth picking up the phone and talking to the Chief about the report. She said "No." She said that once they had the report the conversation that took place was that the report was incomplete.

I asked her if she made any comment regard the quality of the police report and she said not that she could remember. She said that she may have made some comment that it was typical Al Walck stuff if it wasn't completed. She said, "He kind of did a shitty report."

I asked her if there was concern expressed that the drugs were mentioned in the police report. She said that she and Beth did discuss if that was something that you put in a police report.

She said that Woolley was still there at that time and that they were just openly talking. I asked her if Beth expressed dismay that the medical references were still in the report.

She asked for clarification and I clarified the question and I asked her again if Beth was upset that the pills were still in the report. She answered, "I mean the report was written how it was written. I don't think she was upset about anything."

I asked her if she recalled Beth making the statement, "Shit, it's still in there?" She said that she didn't know. She said that she didn't know if she was there for that part.

I asked her why they were even having the discussion about the possibility of not leaving the drugs in the report. She said that she was told that Ms. White had a seizure and that she didn't even know that anything else had happened until she saw the police report.

I asked her if it had anything to do with concern for Ms. White's privacy and she said, "Um no I don't thinks so."

She did say that HIPAA was brought up at some point but she didn't know in what context it was brought up and she said that they were talking in generalities at that point.

She did say that if it violated HIPPA they would probably redact the information before it was given to the media.

She said that she told them that once the information is in a police report then it is public record.

When the discussion was finished, it was agreed that Al was going to make the grammatical changes to the report. Later she saw the completed report and a copy of the original and it was decided that they were going to release both copies. This was around five o'clock.

I asked her if Beth wanted Al to add a line that indicated that Ms. White was not injured and she said that she remembered something about that but she didn't know what it was exactly.

I told her that Al Walck had told me that one of the PSA's told him when he was making corrections to the report that the Deputy Chief wanted him to mark out or scratch out the medications. I asked her if she knew anything about that and she said, "Not to my knowledge."

She said that the changes were requested because without the grammatical changes Walck was going to look like an idiot and that was the reference. She said that was all that was behind requesting the changes.

I asked her if Beth Paiz gave any specific orders to Sgt. Woolley to deliver to Al Walck to change things in the report. She said only the things that she had already mentioned.

I asked her if Beth asked them during the meeting if they even do DWI's for prescription drugs and she told me that she did not remember Beth asking that. She said, "We would have referred to it as DRE anyway."

I asked her who was in with the Chief when they were meeting in Beth's office and she said he was having a Civilian Managers meeting.

I asked her if she had anything to do with wanting changes to the police report and she said that she did not.

I asked her if she was social friends with Darren and his wife and she said that she was not.

We talked for another minute or so and our interview was concluded.

Interview with Deputy Chief Beth Paiz

On 07/25/11 at about 1:00 PM, I met with Deputy Chief Beth Paiz in my office for the purpose of obtaining a recorded statement from her regarding this investigation. Deputy Chief Paiz was advised of her Garrity Warning which she said she understood and she agreed to provide me with a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

I asked her when she first became aware of the accident involving Darren White's wife. She said that she was contacted on Friday, 07/08/11, late in the afternoon by Larry Barker. He told her that he had information that Darren's wife was involved in an accident and that she was impaired and that there was something sinister about the whole accident. She said that she told Larry that she knew nothing about the wreck or the incident and that if she did know something about something like that happening and that if that had happened she was sure that she would have heard about it.

She said that was the first time she had heard about it and at that time she didn't even know Darren's wife had been involved in an accident.

I told her that based on my investigation I knew that she had called Darren on the day of the accident and she spoke with him briefly. I asked her what she had talked with him about. She remembered making that call and she was calling to tell him about the Bosque Tact Plan and that they were closing down Second Street because of a gas leak. (Darren had told me this in his statement). She noticed that Darren was whispering when she was talking to him and he told her that he could not talk to her because he was at the hospital and that his wife had a seizure. I asked her if had told her that his wife had been in a wreck and she said that he could have but she remembered that he did say that he was at the hospital and she had suffered a seizure and that if she needed to talk to him further to e-mail or text him. That was the end of the call.

She said that the next thing she hard was that during the weekend, a female reporter called her and told her that they had information that Darren White's wife had been involved in an accident and she was impaired. She told the reporter that she thought that she had bad information because as far as she knew there was only a medical issue with Ms. White and that was that she had a seizure. She told the reporter that it was not breaking news and she would be happy to research the issue on Monday for her.

Paiz called Chief Schultz and informed him of that call and that the reporter was asking about a wreck. Chief Schultz told Paiz at that point that Darren's wife was involved in an accident and it appeared to be a seizure.

Saturday evening she went to a fundraiser and she was there when she got a call from Chief Banks. He is in charge of Records for APD. He told her that they looked for a report on the accident and couldn't find it. She told Banks that she was going to look into it on Monday he told her that Al Walck handled the call and as far as he could tell no

report was written on the incident. Banks told her that Walck was ordered to come in and complete the report. Walck refused to come in and do the report.

Paiz arrived at work on Monday morning and no one was in a tizzy or anything and looking up the report was just one thing on a list of many things that she had to do that day.

She said that sometime in the morning she was outside of her office and Commander Saylor shows up with a copy of the accident report and he hands the report to her. She looked at the report and immediately noticed the grammatical error in the narrative about the "R" being left out. She knew that the report was going to be heavily scrutinized so she looked it over carefully and she noted that at the top of the report Walck indicated that it was an injury accident and under injury code for the driver there was a "0" in there indicating there was no injury and that is conflicting. Towed to and towed by boxes were blank and the vehicle had been towed from the scene. She noticed that the second vehicle box had no indication in it that there was no second vehicle involved in the accident and she felt that was important to have it noted that there was no second vehicle.

She said, "The things I also noticed were the drugs that were written down there that were volunteered by Ms. White during Officer Walck's conversation with her." I asked her if it caused her concern that the drug reference was in there. She said, "It did and my reason why is because I did not know and I'm a person that if I don't know something I ask. Do we put this in a report? Is this something, do we divulge people's medical conditions and/or their medications in a report because this is something where people could go look up whatever medications she is taking and determine whatever medical conditions she might be treating."

She said that she was talking out loud and asking the question. She asked, "Is this something that we would redact from the report before we gave it to the public?"

She was wondering if they were bound by HIPAA and if that was HIPAA stuff that they were not supposed to put in there. She was told by someone that they do that all the time especially on suicides or attempted suicides the list the medications in the report.

She said that whoever told her that was right but she wanted to find out more about HIPAA. She knew the Mayor's office was going to release the report and she knew that Rob Perry would look at the report before it went anywhere and if he needed to redact something he could do it at that time.

She said that she told Commander Saylor to get the report corrected and get it back to her.

At 2:30 that afternoon Chief Schultz came in to her office and he asks her where the report is. She said she would find out and she called Commander Saylor. He told her that Sgt. Woolley would be right there with the report.

She in turn told the Chief that the report would be there shortly.

A short time later, Woolley walks into the office with the original report. I asked her who was in the office when Woolley came in and she said she doesn't remember who was in her office at the time. She said that people come and go in and out of her office all the time.

She got the report from Woolley and she was getting ready to remove the staple so it could be copied and she noticed that none of the corrections that she wanted made had been made.

She asked Woolley why the corrections had not been made and Woolley offered to make the corrections and he started to remove his pen to add the "R" to the word her. She told him not to touch the report. The corrections needed to be made by Walck and no one else.

I asked her if she was upset that the drug reference was still in the report. She answered, "No! I had not asked anybody to take the drug reference out at all. I was not upset by that at all."

I asked her if she was upset that none of the changes had been made and she said that she was. She had asked that changes and corrections be made and they were not done and that upset her.

I asked her if she got on the phone with the Chief at that time and she said that she did not. She said that she called Cliff Saylor and asked him why she was looking at the exact same report that she wanted corrected. She said that she told Saylor that they were going to find Walck and have him make the changes and get it taken care of.

The other thing that the Chief wanted her to find out if there were any recordings made by the officers at the scene.

I asked her if she and Trish looked up the drugs listed in the report and she said that they did. I asked her when they did that and she said that was maybe when Woolley was there or after he left to go find Walck.

I asked her if she asked Woolley and Hoffman if they even do DWI's for prescription drugs. She said that she asked then if they do DRE's and not DWI's. She said that she knew that they call DRE's when a person has taken illicit drugs but she didn't know if it was the same for prescription drugs.

She told Woolley to go over to Metro Court and find Walck and have him come back to her office and make the changes to the report.

Woolley called her on the phone a short time later and told her that he had found Walck and that he was in Court and could not leave. She told him to stay there and she would send the report over for corrections.

She said that she found the PSA assigned to her office named CJ Carlisle and she asked him if he could run the report over to Walck at Metro Court and have changes made. She said that she had put orange sticky papers on the report where changes had to be made and she pointed out to me where she had stuck the papers on the report. The sticky papers had arrows pointing towards the boxes that needed to be filled in and pointing towards the injury box and the accident with injury box that had been checked. That note said, "Which is it?" There was a sticky that was pointing to the towing information box and there was a sticky on the back with a note that said, "He or her?" There were a total of three or four sticky's on the report.

She gave it to the PSA's at that point and they ran it over to Al and had him make the corrections and they brought the report back to her.

She told me that another PSA joined CJ and her name is Renee Casaus. The two of them took the report over.

When they came back she got the report back and they told her that Al had refused to fix the injury/non injury conflict and told them that was self explanatory. CJ told her that he tried to get Walck to change it but he refused.

I told Beth at that time that Al was alleging that the PSA told him that she really wanted those medical references removed from the report. I told her that I had called Woolley earlier and that Woolley told me that he was there and the PSA absolutely did not tell Al Walck that.

She said that I would have to talk to the PSAs about that but if Walck alleged that and he did it in his compelled statement to me then he was being untruthful.

She said that the report should have been turned in on the day of the accident and reviewed and turned in and it was not. It should also have not been handwritten and it should have been done on the computer.

In any case, she made copies of the original and corrected reports and she gave it to the Chief and she was done. She said that she was embarrassed that they were going to have to release the report to the public because of the errors in it.

She said, "If he (Walck) had just done his job from the beginning none of us would be here."

I asked her about the allegation that Woolley made that she sounded elated when she learned there were no belt tapes or video. I asked her if she said "Great" or "Excellent" when she learned the news. She said that she didn't know what she said but that she would have rather that he ran a belt tape so none of this would be an issue.

I asked her if she was personal friends with Darren White and she said that she was not and that she does not know his wife at all. She has met her a couple of times but they are not friends and they do not socialize.

I asked her if Darren White ever contacted her directly regarding this incident other than the conversation that they had on the day of the incident and she said that he never contacted her after that day.

I asked her, "So for the record, you never ordered Al Walck to remove the drug references from the report. Yes or no?" She answered, "I absolutely did not."

I asked, "You never told Sgt. Woolley 'please have Al Walck remove the references from this report'?" She answered, "I did not."

Paiz told me in closing that she took exception to Walck talking to the media while there was an ongoing investigation. She said that he made reference to the fact that he has not had a report rejected in 38 years. She had pulled the rejected reports for Al Walck over the last 6 months and the record reflects that he has had 54 reports rejected by records review. A copy of that report is made a part of this case file.

We talked for a bit longer and our interview was concluded.

Interview with Police Service Aide Gary "CJ" Carlisle

On 07/25/11 at about 2:55 PM, I met with PSA Gary "CJ" Carlisle in my office for the purpose of obtaining a recorded interview from him regarding this incident. PSA Carlisle was advised of his Garrity Warning which he said he understood and he agreed to give me a statement. PSA Carlisle was represented by Officer David Baca from the Albuquerque Police Department. The following is a summary of our interview.

PSA Carlisle told me that on 07/11/11 closer to 3:00 PM, Deputy Chief Paiz approached him and gave him a crash report and he was given specific instructions on what to do with that report. I asked him what those instructions were.

He said that Deputy Chief Paiz told him and he saw that there were three sticky notes attached to the report. She told him that Al Walck would be waiting for him across the street at Metro Court and she told Carlisle to take the report to Walck and have him fix the discrepancies on the report. The sticky papers were next to what needed to be corrected.

I asked him if Paiz showed him what needed to be corrected and he said that she did. He said that there were two sticky papers on the front of the report and one in the back. He said that the one in the back was to fix a misspelled word in the narrative, and one of the ones on the front pointed to some empty boxes that needed to be filled in. The last sticky pointed out whether there were injuries or not. He said that was all that needed to be corrected.

I asked him if Paiz told him that she wanted Walck to add anything to the report. I asked him if Paiz wanted a line added that clarified whether or not the driver was injured in the crash. He said that was what the sticky on the front was referring to. She wanted it clarified by having Walck fill in the injury box. He said that what was in the report as far as injury goes was conflicting.

I asked him, "Were there any sticky papers or sticky notes in the narrative section?" He said there was. I asked him what that was referencing and he told me that it was referencing the misspelled word and that was all.

I asked him if there were any arrows or anything pointed towards the medicines that were listed in the report. He answered, "No sir."

I asked him if Deputy Chief Paiz told him specifically that she wanted the medical references/medicines taken out of the police report. He said, "No sir." I asked, "Not at all?" He answered, "No sir."

I asked him if anyone was with him when he went to deliver the report to Walck. He said that his partner Renee was with him. (PSA Renee Casaus).

I asked him to tell me what happened when he got to the Courthouse. He said he encountered Officer Al Walck and Sgt. Woolley. He gave the report to Walck and he told him that where the sticky notes were was where the corrections needed to be made to the report. Carlisle told Walck about the corrections that Paiz wanted made. He said that Walck fixed the misspelled word and he filled in the empty boxes on the front of the report. When it came to the injury boxes, Walck didn't want to change that.

He told Walck that Chief Paiz said the report was not complete and if he could change it.

Carlisle said that he had worked with Al Walck in the past and he did try to get him to get to make the changes that the Deputy Chief wanted.

I asked Carlisle, "Did you ever point to these words, Levora and Lamictal, and tell Al Walck 'The Deputy Chief wants you to scratch out those two words'?"

He immediately answered, "No sir."

I asked, "Never did?" He answered, "No sir."

I asked, "So if Al Walck told me that would he be telling me the truth?" He said, "Those words didn't come out of my mouth, so I would tell him, 'You're lying.'"

I asked him if he asked Walck if he would put something in the report to clarify that there were no injuries. He said that he did ask him to do that because the face page contradicted the narrative. Walck told him that his face page clearly explains it and that he was not going to change it.

After Walck refused to change that part of the report he took the report back to Chief Paiz.

He ended his statement by saying that Renee Casaus was with him the entire time.

Interview with Police Service Aide Renee Casaus

On 07/25/11 at about 3:20 PM, I met with Police Service Aide Renee Casaus in my office for the purpose of obtaining a recorded statement from her regarding this investigation. PSA Casaus was advised of her Garrity Warning which she said she understood and she agreed to provide me with a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

PSA Casaus told me that she was with PSA Carlisle when Deputy Chief Paiz asked the two of them to take the police report to Al Walck so he could make minor changes to it. She said that one of the changes was a word that was misspelled. I asked her if she was present when Deputy Chief Paiz was telling CJ what was wrong with the report and she said she was.

She said that Deputy Chief Paiz went over it briefly with the two of them and she explained to them what changes needed to be made so Walck would be clear when they told him about it.

She said that an "R" needed to be added. The report was conflicting because Walck listed it as an injury accident but in his report he listed no injury on the injury code. Paiz had for Walck to clarify what he meant by that or for him to fix it. Those were the only two changes she remembered.

I asked her if Beth Paiz wanted changes to the narrative. She said that she did not specifically request any changes to the narrative with the exception of the "R" being added to the misspelled word. She also wanted Walck to explain the differences in the injury code of "0" and the fact that it was marked as an injury accident.

She and CJ took the report over to the Courthouse and they met with Al Walck. She told Walck that they had been sent over with his report and that she was told that he needed to change a few things. She said that there were little sticky notes on the report where the changes needed to be made.

I asked her if Sgt. Woolley was present there and she said that he was.

I asked her if she could tell me what Al Walck's reaction was to having to do the corrections. She told me that Walck really didn't want to make the changes. He did mention something about that he was just going to contact his lawyer.

She told me that Walck did make some changes to the report though. He would not change the injury part and there was some discussion about that. The changes included that he added the "R" but he did not change any of the injury stuff at all.

I asked her if Deputy Chief Paiz made any reference to the PSAs that she wanted the listed medicines removed from the report. She answered, "No."

I asked her, "Did CJ or did you ever instruct Al Walck to scratch out or take out the reference to the medicines Lamictal and Levora?? She answered, "No."

I asked, "So if Al Walck was to have told me that CJ told him 'The Deputy Chief wants you to take out these references right here' would that be the truth or would that be a lie?" She answered, "That would be a lie sir."

I asked, "That did not happen?"

She answered, "That did not happen."

I asked, "So he was never ordered to change any medical references?" She answered, "No sir."

We talked for a bit more and our interview was concluded.

Interview with Officer Scott Barnard

On 07/25/11 at about 2:45 PM, I met with Officer Scott Barnard in my office for the purpose of obtaining a recorded statement from him regarding this incident. Officer Barnard was represented by his Attorney Brian Thomas. Officer Barnard was advised of his Garrity Warning which he said he understood and he agreed to provide me with a statement. That recorded statement is made a part of this case file for the reader's review. The following is a summary of our interview.

Officer Barnard was present when Al Walck and Darren White ran into each other at the Valero station the day after the accident. I wanted to find out what was said during their conversation. He confirmed exactly what Al Walck and Darren White had told me happened during that meeting. Darren talked about his wife and that she had a seizure. Barnard told him that he wished her a speedy recovery and that he hoped she was alright and Al talked about the fact that he had suffered a stroke while working on a car in the past.

TAB D

INDEPENDENT REVIEW OFFICE
INVESTIGATIVE REPORT
DATE: 07/24/11

INVESTIGATION: M-001-11
INVESTIGATOR: Skotchdopole
SUBJECT: Darren White
Beth Paiz
Al Walck

CONCLUSION AND FINDINGS OF THE INDEPENDENT REVIEW OFFICER

ALLEGATIONS

Against Darren White

1. Did Darren White drive a City SUV vehicle assigned to him to the site of an accident involving his wife on July 6, 2011, while improperly using the SUV's emergency lights and siren equipment?

I find this issue to be sustained. There is sufficient evidence to support the allegation.

There is sufficient witness information that was gathered throughout the investigation to indicate that Darren White improperly used the emergency equipment in his City issued SUV.

While the use of the siren in the vehicle is disputed and the evidence is inconclusive on that matter, there is sufficient evidence to prove that Darren White parked the SUV at the scene of the accident in a traffic lane and that he had activated the emergency lights on that vehicle. No other citizen would have been able to do that. Furthermore all the witnesses indicate and Darren White himself confirms that the emergency lights were on when he left the scene of the accident and when he transported his wife, a civilian, a non employee of the City of Albuquerque, to the hospital for treatment.

The use of the emergency lights and the transportation of his wife in his City issued vehicle was a violation of City policy and procedure.

This issue is sustained.

2. Did Darren White use his position improperly to interfere with the criminal investigation of a one car accident involving his wife who was suspected of being impaired as a result of admittedly having ingested prescription drugs?

This issue is exonerated. The incident that occurred/complained of was lawful and proper.

The evidence that was gathered in this investigation shows that Darren White arrived at the scene of the accident and he repeatedly told people at the scene that he was going to take his wife to the hospital.

The paramedics on scene indicated that they were intimidated by Darren White's presence and his position within in the City of Albuquerque, but that they were able to effectively carry out their duties despite Darren White being there.

Officer Walck indicated that he was intimidated by Darren White's presence also and that prevented him from calling a Supervisor to the scene.

There is however evidence from one of the paramedics, and from Darren White and from Officer Walck that indicates that Darren White did not interfere in the criminal investigation. As support for that, all three indicate that Darren White told Officer Walck that he was going to take his wife to the hospital. Officer Walck told White, "What makes you think I'm not going to call a DRE?" (Drug Recognition Expert).

The paramedic indicates that Darren White told Officer Walck that he was going to take his wife to the hospital and he heard Walck tell Darren White something to the effect of , "What makes you think I'm not going to Charge her?" The paramedic heard White tell Walck "Well I guess it's your scene." Walck was then heard telling White, "You're right, it is my scene."

Those statements made by Walck are not indicative of a person who is intimidated.

Darren White said that when he told Walck that he was going to take his wife to the hospital that Walck told him, "Do I need to call a DRE?" He looked at Al and said, "Al, you need to do what you need to do in this situation. I'm not here to interfere; I'm here for my wife."

That same paramedic said that although he felt intimidated by White's presence he did not get the impression that White was interfering in the investigation or "throwing his weight around." He said that it appeared to him that White was acting as any concerned husband would.

Furthermore, Officer Ylaine Hetes, the back up officer at the scene said that she never got the impression that White was "throwing his weight around."

A preponderance of the evidence convinces me that Darren White did not interfere in the criminal investigation of the accident.

This issue is exonerated.

3. Did Darren White use his position improperly to remove his wife from the scene of her one car accident?

This issue is exonerated. The incident that occurred/complained of was lawful and proper.

The evidence in this investigation indicates that Darren White arrived on the scene of the accident at about 8:40 AM. The Rescue was only on scene for about seven minutes after his arrival. They cleared the call at 8:47 AM. Officer Hetes and Officer Walck said that Darren White did not leave the scene with his wife until the wrecker had nearly arrived on scene. The tow sheet shows that the wrecker arrived at 9:10 AM. Darren White was at the scene of the accident for almost 30 minutes before he left with his wife.

The amount of time that can be accounted for proves that Darren White didn't simply arrive at the scene and whisk his wife away before any criminal investigation could take place as has been alleged by some.

Furthermore, 30 minutes is ample time for an officer to conduct Field Sobriety Tests or any other DWI investigation and when it was clear to Darren White that no DWI investigation was taking place, he told Officer Walck that he would like to take his wife to the hospital and Officer Walck told him to go ahead and take her. Officer Walck admits that he told Darren White that it was okay for him to take his wife from the scene and he allowed Darren White to do so.

This issue is exonerated.

4. Did Darren White use his position to try to cover up the circumstances surrounding a one car accident involving his wife.

This issue is unfounded. The allegation is untrue or not based on valid facts.

The investigation could find not one piece of evidence to support that Darren White used his position to influence anyone or to try to cover up the circumstances surrounding the accident involving his wife.

This issue is unfounded.

Against Beth Paiz

1. Did Deputy Chief of Police Beth Paiz comply with Albuquerque Police Department General Order §1-04-06I which mandates:

Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charges.

This issue is exonerated. The incident that occurred/complained of was lawful and proper.

The allegation surfaced during the course of this investigation that APD Deputy Chief Beth Paiz wanted drug information that Walck had included in his report removed. Al Walck stated both in his interview and publicly that was the case.

The investigation revealed that Deputy Chief Paiz, when she first received a copy of the original report, was concerned because one of the drugs listed was a Birth Control drug and she felt that no one has a right to know if a woman is on Birth Control. Furthermore, she was concerned that someone could look up the drugs that were listed and form an opinion of what Ms. White was being treated for by her physician. She did not know if releasing that information would violate HIPAA regulations.

When she found out that it is common place for drugs to be listed in reports such as these and releasing the information does not violate HIPAA, the evidence shows, she made no effort to have them removed from the report, nor did she ever order Al Walck, directly or indirectly to remove the listed drugs from the report. The evidence overwhelmingly proves that.

Furthermore, the evidence shows that the only changes that Deputy Chief Paiz wanted made to the report was that she wanted an "r" added to the word "he" in the narrative, that she wanted the towing information filled in, and that she wanted clarification as to whether or not the accident involved injuries. Those were the only changes she wanted made.

This issue is exonerated.

Against Al Walck

1. Did Officer Al Walck comply with Albuquerque Police Department General Order 1-05-8 which mandates:

TIMELINESS OF REPORTS

All initial reports must be submitted at or before the end of the shift, except at the direction of a supervisor, with the exception of call-in case numbers, which must be submitted by the end of each shift.

I find this issue to be sustained. There is sufficient evidence to support the allegation.

The evidence in this case indicates that Officer Al Walck failed to turn in this accident report by the end of his shift and he failed to obtain permission from his supervisor to turn it in at a later date. Officer Walck's computer was not working on the day of the accident and repair orders obtained in the investigation show that the computer was in for repairs. However, Officer Walck had the computer back the following day and he failed to complete the report on that day. He also failed to complete the report the following day. In fact, he did not turn in the report until Saturday 07/09/11, three days after the crash and the report that he did turn in was hand written. Officer Walck did not turn in his report in a timely manner as is required by Department Standard Operating Procedure and this issue is sustained.

2. Did Officer Al Walck comply with Albuquerque Police Department Field Services Standard Operating Procedures §2-1-2B which mandates:

TIMELY MANNER NOTIFICATION

Incidents to notify the Area Commander of, on a timely basis:

- B. Any other unexpected event that would be considered sensational and of wide news media interest.

I find this issue to be not-sustained. There is insufficient information to prove or disprove the allegation.

Department procedures require that the Chain of Command be notified if the event would be considered to be an event that would trigger wide media news interest.

In this case, Officer Walck says that he notified his supervisor of the wreck on the following day or the day after. His supervisor says the same thing. There was no indication given by Walck to his supervisor that Ms. White was suspected of driving while impaired and there was no enforcement action. It was also a single vehicle non-injury accident.

While I am sure that the chain of command would have liked to have been notified sooner, whether or not the notification was “timely” is disputed. In other words, we do not know if the notification was timely or not timely given how the circumstances of the accident were presented to the supervisor.

This issue is not sustained.

3. Did Officer Al Walck comply with Albuquerque Police Department Field Services Standard Operating Procedures §3-11-1 which mandates:

After contacting the operator of a motor vehicle who is suspected of being under the influence of alcohol or drugs, the officer shall, if conditions permit, request that the operator perform a series of field sobriety tests. If probable cause is developed, the suspect shall be placed under arrest for driving while under the influence of intoxicating liquor or drugs.

I find this issue to be sustained. There is sufficient evidence to support the allegation.

The investigation revealed that there was an overwhelming amount of evidence that was presented to Officer Al Walck by people present at the scene of the accident that Kathleen White was possibly driving while she was impaired by the use of prescription drugs. All the witnesses at the scene including Mr. White, acknowledged that Ms. White was unsteady or unstable and that something was not right with her. Officer Walck received information from the paramedics that they suspected that Ms. White was under the influence of prescription drugs or an opiate. One of the paramedics told Officer Walck that Ms. White was impaired and Walck and Hetes talked about calling a DRE to the scene. There was every indication that Ms. White may have been driving while under the influence of drugs.

Officer Walck failed to act upon the information even though he admitted that he had reasonable suspicion and probable cause to do so. Officer Walck was required to conduct Field Sobriety Tests and conduct a DWI investigation and he failed to do so. If Ms. White was unable to perform those tests because she was unstable, she should have been taken into custody, transported by ambulance to the hospital and blood should have been drawn under the Implied Consent Act.

Officer Walck admitted that he could have done all those things but he felt that Ms. White getting medical attention was more important than any DWI investigation that he could have conducted.

When Ms. White was allowed to leave the scene with Mr. White, any evidence that could have been obtained to prove or disprove the allegation that she was DWI left with her.

This issue is sustained.

4. Did Officer Al Walck comply with Albuquerque Police Department General Order §1- 04-4W which mandates:

Personnel shall truthfully answer all questions specifically directed to them, and narrowly related to the scope of employment and operations of the department.

I find this issue to be sustained. There is sufficient evidence to support the allegation.

This issue stems from an allegation made by Officer Al Walck both in his interview and in public that he was directly or indirectly ordered by Deputy Chief Beth Paiz to remove the listed drugs from his report.

That allegation against Deputy Chief Paiz is absolutely untrue. The evidence proves that Deputy Chief Paiz did not order Officer Walck to remove the drug information from his report. Deputy Chief Paiz said that she never ordered him to do so and there were three witnesses, a Sergeant and two PSAs, who confirm that Walck was not ordered to remove the information.

Walck's allegation that he was ordered to remove the drug information from the report is untrue.

This issue is sustained.

TAB E

REPORTING DEPARTMENT: POLICE DEPARTMENT
 ON PRIVATE PROPERTY: FATAL INJURY: PROPERTY DAMAGE ONLY: UNDER \$500: \$500 OR MORE: HIT AND RUN:
 Case Number: AP 110061159
 NMDOT: 23231545
 CAD Num: P11870241

ASH DATE (MM/DD/YY): 17-06-11
 MILITARY TIME: 0823
 CITY OCCURRED IN: ALBUQUERQUE
 OCCURRED ON: (Route No. or Name) Montgomery NE
 COUNTY: BERNALILLO
 AT INTERSECTION WITH: Juan Tabo NE

VEHICLE HEADS: 1
 CRASH CLASSIFICATION: Overturned Other N-Col Pedestrian Other Vehicle Vehicle on Other Hwy Parked Vehicle Other Object
 Rollover R. R. Train Pedalcyclist Animal Fixed Object

DRIVER: WHITE KATHLEEN A
 License Number: [REDACTED]
 Date of Birth: [REDACTED]
 Occupation: TEACHER
 Age: 37
 Sex: F
 Race: W
 Injury Code: 6

VEHICLE 1: 05 Porsche Boxster
 License Yr: 12
 License Plate: LXF 039
 VIN: [REDACTED]
 Towed: Yes
 Towed by: DAN LAR
 Towed to: 221 Durado Pl
 Damage Severity: Heavy Moderate Slight None
 Extent: Disabled Functional Appearance Property Fire All Areas

OWNER: WHITE DAREN A
 Policy Number: 189048885
 License Yr: 18
 License State: NM
 License Number: [REDACTED]

VEHICLE 2: [REDACTED]
 License Yr: [REDACTED]
 License State: [REDACTED]
 License Number: [REDACTED]

VEHICLE 3: [REDACTED]
 License Yr: [REDACTED]
 License State: [REDACTED]
 License Number: [REDACTED]

VEHICLE 4: [REDACTED]
 License Yr: [REDACTED]
 License State: [REDACTED]
 License Number: [REDACTED]

VEHICLE 5: [REDACTED]
 License Yr: [REDACTED]
 License State: [REDACTED]
 License Number: [REDACTED]

Corrected

INTERSECTION	LIGHTING (Check 1)	WEATHER (Check 1)	ROAD COND. (Check 1 for each)	ROAD SURFACE (Check 1 for each)	TRAFFIC CONTROL (Check 1 for each)	ROAD CHARACTER (Check 1)	Crash Report Number 23231545
	<input checked="" type="checkbox"/> Daylight <input type="checkbox"/> Dawn <input type="checkbox"/> Dusk <input type="checkbox"/> Dark - Lighted <input type="checkbox"/> Dark - Not Lighted <input type="checkbox"/> Other and not stated	<input checked="" type="checkbox"/> Clear <input type="checkbox"/> Raining <input type="checkbox"/> Snowing <input type="checkbox"/> Fog <input type="checkbox"/> Dust <input type="checkbox"/> Wind <input type="checkbox"/> Other <input type="checkbox"/> Sleet or Hail	<input checked="" type="checkbox"/> V2 <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice <input type="checkbox"/> Loose Material <input type="checkbox"/> Other <input type="checkbox"/> Standing or Moving Water <input type="checkbox"/> Slush	<input type="checkbox"/> V1 <input type="checkbox"/> Paved <input type="checkbox"/> Unstriated <input type="checkbox"/> Paved <input checked="" type="checkbox"/> Center Stripe <input type="checkbox"/> Paved Center & Edgeline <input type="checkbox"/> Unpaved	<input type="checkbox"/> V1 <input type="checkbox"/> No Passing Zone <input type="checkbox"/> Stop Sign <input type="checkbox"/> Traffic Signals <input type="checkbox"/> Yield Sign <input type="checkbox"/> R.R. Gate <input type="checkbox"/> 4 Way Stop <input type="checkbox"/> Flashers <input checked="" type="checkbox"/> No Controls <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Straight <input type="checkbox"/> Curve	GRADE (Check 1) <input type="checkbox"/> Level <input type="checkbox"/> Hillcrest <input checked="" type="checkbox"/> On Grade <input type="checkbox"/> Dip

EVENT	APPARENT CONTRIBUTING FACTORS (Check 1 or more for each)			DRIVERS ACTIONS (Check 1 or more for each)			SEQUENCE OF EVENTS (See event codes)		
	V1	V2	V1	V2	V1	V2	V1	V2	
	<input type="checkbox"/> Excessive Speed <input type="checkbox"/> Speed too fast for conditions <input type="checkbox"/> Failed to yield right of way <input type="checkbox"/> Passed stop sign <input type="checkbox"/> Disregarded traffic signal <input type="checkbox"/> Drove left of center <input type="checkbox"/> Improper overtaking <input type="checkbox"/> Avoid no contact vehicle <input type="checkbox"/> Avoid no contact -other <input type="checkbox"/> Cell phone <input type="checkbox"/> Low Visibility due to smoke	<input type="checkbox"/> Following too closely <input type="checkbox"/> Made improper turn <input type="checkbox"/> Driver inattention <input type="checkbox"/> Under influence of alcohol <input type="checkbox"/> Other improper driving <input type="checkbox"/> Pedestrian error <input type="checkbox"/> Inadequate brakes <input type="checkbox"/> Driverless moving vehicle <input type="checkbox"/> Failed to yield - Police Veh(s) <input type="checkbox"/> Failed to yield - Emrgcy Veh(s) <input checked="" type="checkbox"/> Under the influence of Drugs or Medication <input type="checkbox"/> High speed pursuit	<input type="checkbox"/> Defective steering <input type="checkbox"/> Defective tires <input type="checkbox"/> Other mech. defect <input type="checkbox"/> Road defect <input checked="" type="checkbox"/> Other No driver error <input type="checkbox"/> Traffic control not functioning <input type="checkbox"/> Improper lane change <input type="checkbox"/> Improper backing <input type="checkbox"/> None <input type="checkbox"/> Vehicle Skidded Before Brake	<input checked="" type="checkbox"/> Going Straight <input type="checkbox"/> Overtaking/Passing <input type="checkbox"/> Right Turn <input type="checkbox"/> Left Turn <input type="checkbox"/> U Turn <input type="checkbox"/> Backing	<input type="checkbox"/> Stopped for traffic <input type="checkbox"/> Stopped for sign/signal <input type="checkbox"/> Start in traffic lane <input type="checkbox"/> Start from park <input type="checkbox"/> Parked <input type="checkbox"/> Other				
								FIRST EVENT SECOND EVENT THIRD EVENT FOURTH EVENT	

DRIVER	DRIVER/PEDESTRIAN/CYCLIST SOBERITY (Check 1 or more for each with X)		DRIVER/PEDESTRIAN/CYCLIST PHYSICAL COND (Mark 1 or more for each with X)		PEDESTRIAN/PEDESTRIAN/CYCLIST ACTION				
	D1	D2	D1	D2	At Intersection		Not at Intersection		
	<input checked="" type="checkbox"/> Consumed Alcohol <input type="checkbox"/> Consumed a Controlled Substance <input type="checkbox"/> Had Not Consumed Alcohol <input type="checkbox"/> Sobriety Unknown <input type="checkbox"/> Consumed Medication <input type="checkbox"/> Tested by Instrument <input type="checkbox"/> Breath Test Administered _____ gms/210 L _____ gms/210L <input type="checkbox"/> Blood Test Administered <input type="checkbox"/> Standard Field Sobriety Test Administered <input type="checkbox"/> Refused Test	<input type="checkbox"/> Fatigue-Asleep <input checked="" type="checkbox"/> Eyesight Imp. <input type="checkbox"/> Hearing Imp. <input type="checkbox"/> Illness	<input checked="" type="checkbox"/> Medication <input type="checkbox"/> Amputee <input type="checkbox"/> No App. Defects <input type="checkbox"/> *Other Physical Impairment <input type="checkbox"/> Unknown		P1 P2 <input type="checkbox"/> With Signal <input type="checkbox"/> Against Signal <input type="checkbox"/> No Signal <input type="checkbox"/> Crossing Diagonally	P1 P2 <input type="checkbox"/> From Behind Obstruction <input type="checkbox"/> No Crosswalk <input type="checkbox"/> Crosswalk <input type="checkbox"/> Walking W/Traffic <input type="checkbox"/> *Other	P1 P2 <input type="checkbox"/> Walking Against Traffic <input type="checkbox"/> Standing <input type="checkbox"/> Pushing or Working on Vehicle <input type="checkbox"/> Playing in Road		
			*SPECIFY:						*SPECIFY:

Describe what happened - refer to vehicles by number

DRIVER #1 STATED SHE GOT BLURRED VISION ON THE LEFT EYE AND REACHED WITH HER HAND TO HER EYE AT WHICH TIME HER VEHICLE STRUCK THE MEDIAN WITH BOTH LEFT SIDE TIRES. OFFICER ASKED #1 IF SHE WAS TAKING ANY MEDICATION AND #1 STATED SHE WAS TAKING TWO PRESCRIBED MEDICATIONS. LAVORA AND LAMICTAL FOR ANXIETY. DRIVER #1 WAS ASKED BY OFFICER IF SHE WANTED TO BE TRANSPORTED TO THE HOSPITAL BY AMBULANCE AND SHE STATED THAT HER HUSBAND WOULD TRANSPORT HER.

AFO RESCUE 16 AND ENGINE 16 WERE AT THE SCENE

OTHER PROPERTY INVOLVED	Property Type	DESCRIPTION OF PROPERTY AND DAMAGE		
	Owner's Name	Owner's Address	Owner's Zip Code	Owner's Telephone
WITNESS	NAME	AGE	ADDRESS	TELEPHONE

ENFORCEMENT ACTION	VEH. NO.	NAME	VIOLATION (COMMON NAME)	ACTION
				<input type="checkbox"/> Booked <input type="checkbox"/> Cited <input type="checkbox"/> Pending
				<input type="checkbox"/> Booked <input type="checkbox"/> Cited <input type="checkbox"/> Pending

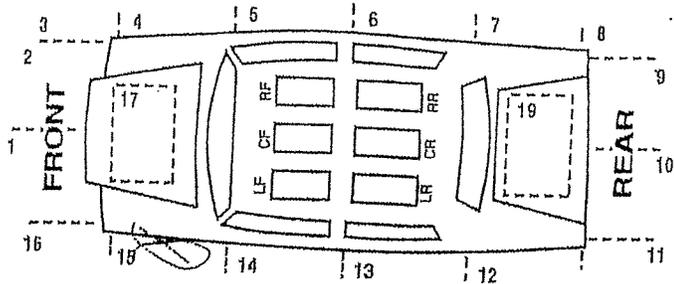
Time Notified 0823	Time Arrived 0832	Notified By APD RADIO	Supervisor at Scene	Checked By
Officer's Signature <i>Alfred Walsh</i>	Printed Officers Name A. R. Walsh	Rank P/C	ID No. 1807	District 534
Crash Report Number 23231545	STATE OF NEW MEXICO UNIFORM CRASH REPORT NM Statute 66-7-209 NMDOT COPY			Date of Report 7-6-2011
Case Number AP110061159	SHEET 2			OF 3 SHEETS

Year 2005 License LXFO.39
 Style CV State New Mexico
 Color Black Year Lic. 06-2012
 Driver/Owner White, Darcin P Phone _____
 Address _____

License # AP 110061159

Vehicle Damage

VEHICLE DAMAGE SEVERITY
 (Enter Code in Vehicle Damage Area(s))
SEVERITY CODES: 1 Slight or minor-
 2 Moderate-3 Severe or Extreme.



18 Top
 20 Undercarriage

EVIDENCE

Hold on Car? Yes Reason _____
 No
 Store Inside: Yes No Keys in Car? Yes No

Inventory of Vehicle

Mass documents / Property removed / sun visor
8 keys plus alarm pad, water bottle, sunscreens

CAD # P111870241

I hereby acknowledge receipt of above vehicle and property, in specified condition.

Wrecker Driver's Signature [Signature] MARTIN
 Wrecker Company Danlar Towing 271-0138
 Towed From 11200 Montgomery Blvd NE Reason Accident
 Towed To 221 Divado Place, SE
 Officer Authorizing Tow Y. Hetas for A. Wake #1807
 Man # 1526 Date 07-06-11 Time 0910

Wrecker rates and service are regulated by the State Corporation Commission of New Mexico, P.E.R.A. Building, P.O. Drawer 1269, Santa Fe, New Mexico 87501. In the event you feel you have been overcharged, please bring it to the attention of the wrecker company. If not satisfied with the explanation, you may forward your complaint to the State Corporation Commission. Additional appeals are available regarding consumer complaints and towing justification through the Mayor's hearing officer, 400 Marquette NW 87102, if submitted in writing within the time limits set by ordinance.

FORM DISTRIBUTION

WHITE - RECORDS, YELLOW - WRECKER, PINK - DRIVER/OWNER

JUL 11 PM 4:38

STATE OF NEW MEXICO UNIFORM ACCIDENT REPORT SUPPLEMENTAL DIAGRAM/NARRATIVE

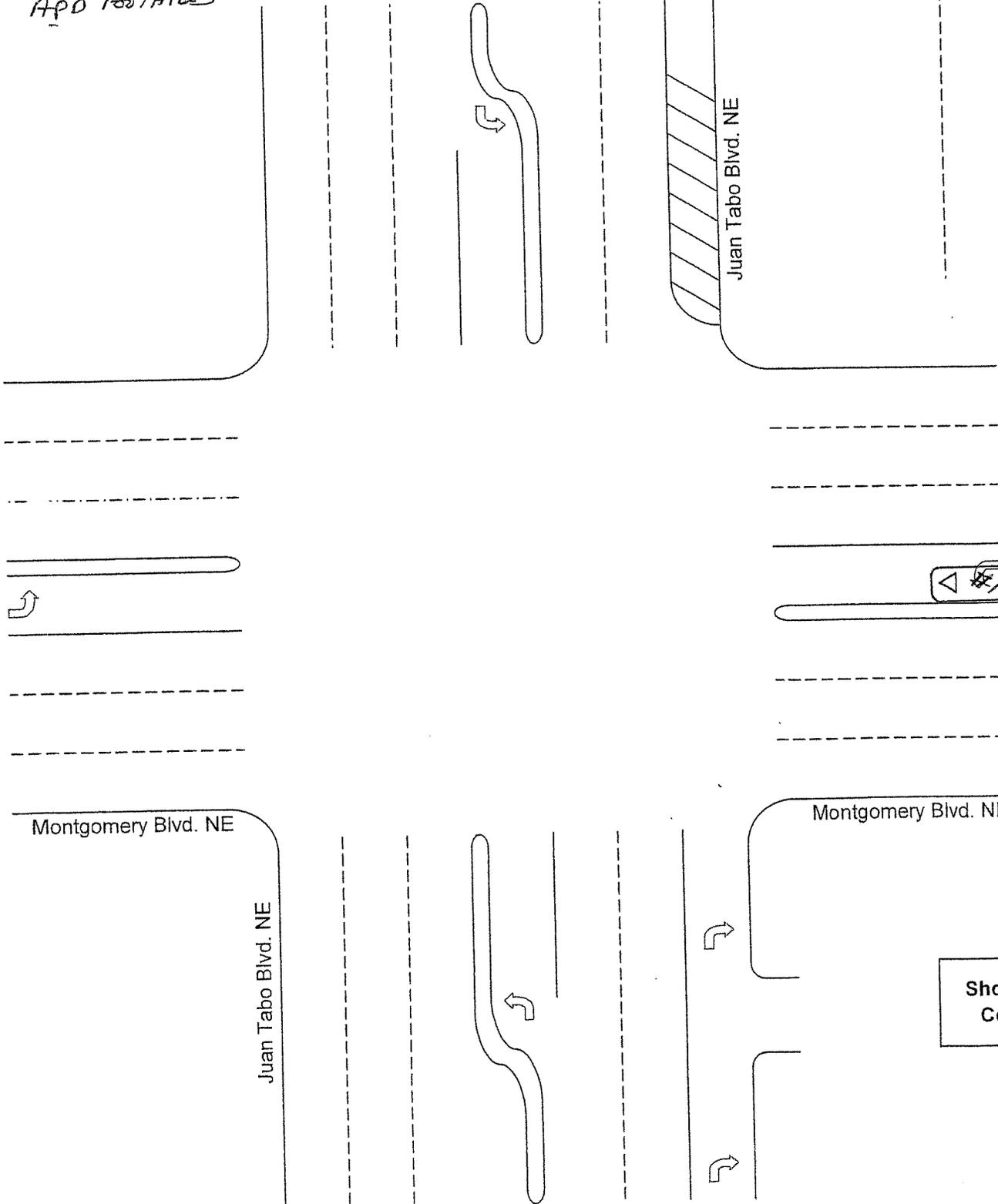
NOT TO SCALE

DIAGRAM BY:
A.R. WALKER
APD Foothills

N ↑

DATE	7-6-2011	TIME	0823	LOCATION	Juan Tabo/Montgomery Blvd. NE	COUNTY	BERNALILLO
DRIVER #1	WHITE, KATHLEEN			SHEET	3	OF	3
DRIVER #2							

KDT # P111870241
CASE # AP1108061159



DIAGRAM/NARRATIVE

Use Additional Sheets As Necessary

On 07-06-11, I was dispatched to 11200 Montgomery Blvd NE, to assist Officer A. Walck #1507, in reference to an accident with injuries call. Upon arrival, I observed Officer A. Walck and AFD Rescue on scene, both parked East bound Montgomery. I observed a vehicle in the Westbound to South bound turnbay and I parked behind the vehicle to block traffic. I approached the vehicle to assess the damage to determine if I could assist Officer A. Walck by completing a tow-in report. I approached the front of the vehicle and observed that the hood was open and observed that the trunk was located on the front of the vehicle. I observed a piece of AFD equipment in the trunk and acknowledged an AFD Firefighter. The Firefighter advised me that he was attempting to locate a spare tire and he was unable to. The Firefighter indicated that the driver was unusual and I asked if he detected any alcohol and he stated no then indicated that the pupils were constricted indicating possible opiates, but that the driver stated that she was on medication. I made contact with Officer A. Walck and advised him that if he determined he needed a JRE, what the process would be and Officer A. Walck inquired about a Supervisor as an option. I then relocated to my vehicle and started to prepare a tow-in report. I asked Officer A. Walck if the vehicle was going to be towed and he stated yes. I relocated to the vehicle and advised the driver of the vehicle from a distance to take anything of value out of the vehicle, then I returned to my vehicle. I had no other contact with the driver. While in my vehicle completing the tow-in report Officer A. Walck and Mr. White were obtaining Case number information so I wrote the information on a piece of paper and provided it to Mr. White. I asked him if he wanted a copy of the uncompleted tow-in and he stated no. I had no other contact with Mr. White. I inventoried the vehicle and provided the tow-in report to the driver and Officer A. Walck. Officer A. Walck told me that the driver had medical issues and was being taken to the hospital by Mr. White.

CRASH REPORT NUMBER: 23231545

CASE NUMBER: AP110061159

DIAGRAM DRAWING BY:

MEASUREMENTS TAKEN BY:

CAB # 11876291

YLAINE HETES
07-11-11

Crash Report Number 23231545
 Case Number AP110061159

STATE OF NEW MEXICO UNIFORM CRASH REPORT
 NM Statute 66-7-209
 ISSUING AGENCY COPY

SHEET 1
 OF 1 SHEETS

3822
088

ORIGINAL

CLARK
INVESTIGATION
311 1004
REVISED
April 1999
HADDON
8 April 1999

ALBUQUERQUE POLICE DEPARTMENT

STATE OF NEW MEXICO
UNIFORM CRASH REPORT
23231545

ON PRIVATE PROPERTY
 FATAL INJURY
 PROPERTY DAMAGE ONLY
 UNDER \$500
 \$500 OR MORE
 HIT AND RUN

Case Number: **AP110061159**
 NMDOT: _____
 CAD Num: **P11870241**

CRASH DATE (MM/DD/YY): **07-06-11**
 MILITARY TIME: **0823**
 CITY OCCURRED IN: **ALBUQUERQUE**
 COUNTY: **BERNALILLO**

OCCURRED ON: (Route No. or Name) **MONTGOMERY NE**
 AT INTERSECTION WITH: **JUAN TABO NE**
 OTHER LOCATION: **225 FEET**
 PERMANENT LANDMARK - COUNTY LINE - INTERSECTION - MILEPOST: _____
 LAT: _____
 LONG: _____

CRASH OCCURRED: On Roadway
 CLASSIFICATION: Overtaken
 Other N-Col
 Pedestrian
 Other Vehicle
 Vehicle on Other Rdwy
 Parked Vehicle
 Other Object
 Off Roadway
 Rollover
 R. R. Train
 Pedalcyclist
 Animal
 Fixed Object
 Other Object

ANALYSIS CODE: **01**

VEHICLE NO. 1
 On: **MONTGOMERY NE**
 Drivers Full Name (Last, First, Middle): **LUTIB KATHLEEN A**
 Address: _____
 Driver's License Number: _____
 State: _____
 Type: _____
 Status: _____
 Restrictions: _____
 Endorsements: _____
 Expires: _____
 City/State: _____
 Date of Birth: _____
 Occupation: **TEACHER**
 Seat: _____
 Zip Code: **87117**
 Phone: _____

Vehicle Yr: **05**
 Vehicle Make: **Porsche**
 Color: **Black**
 Body Style: **2 door**
 License Yr: **12**
 State: **NM**
 License Plate Number: **LXF 039**
 VIN: _____
 DOT #: _____
 Interstate Carrier Code: _____
 Towed By: _____
 Towed To: _____
 Number of Axles: _____
 Vehicle Weight Rating/Gross Combination Weight Rating: _____
 10,000 lbs. or less
 10,001 lbs. to 26,000 lbs.
 Greater than 26,000 lbs.
 HazMat Placard: _____
 Hazmat Placard 4 digit #: _____
 OR Hazmat Name: _____
 AND: _____
 1 digit #: _____
 Hazmat Released? Yes No

Carrier's Name: _____
 Carrier's Address: _____
 Carrier's Zip: _____
 Owner's Name: **WHITE DAREN P**
 Owner's Company Name: _____
 Owner's Address: _____
 Owner's Zip: _____
 Owner's Telephone: _____
 Insured By (Name of Company): _____
 Policy Number: _____

VEHICLE NO. 2
 On: _____
 Drivers Full Name (Last, First, Middle): _____
 Address: _____
 Driver's License Number: _____
 State: _____
 Type: _____
 Status: _____
 Restrictions: _____
 Endorsements: _____
 Expires: _____
 City/State: _____
 Date of Birth - M/D/YR: _____
 Occupation: _____
 Seat Pos: _____
 Age: _____
 Sex (M/F): _____
 Race: _____
 Injury Code: _____
 CP: _____
 CP Used: _____
 CP Used Properly: _____
 Airbag Deploy: _____
 Ejected: _____
 EMS #: _____
 Med Trans: _____

Vehicle Yr: _____
 Vehicle Make: _____
 Color: _____
 Body Style: _____
 Cargo Body Type: _____
 Vehicle Use (1): _____
 Vehicle Use (2): _____
 License Yr: _____
 State: _____
 License Plate Number: _____
 VIN: _____
 DOT #: _____
 Interstate Carrier Code: _____
 Towed By: _____
 Towed To: _____
 Number of Axles: _____
 Vehicle Weight Rating/Gross Combination Weight Rating: _____
 10,000 lbs. or less
 10,001 lbs. to 26,000 lbs.
 Greater than 26,000 lbs.
 HazMat Placard: _____
 Hazmat Placard 4 digit #: _____
 OR Hazmat Name: _____
 AND: _____
 1 digit #: _____
 Hazmat Released? Yes No

Carrier's Name: _____
 Carrier's Address: _____
 Carrier's Zip: _____
 Owner's Name: _____
 Owner's Company Name: _____
 Owner's Address: _____
 Owner's Zip: _____
 Owner's Telephone: _____
 Insured By (Name of Company): _____
 Policy Number: _____

Crash Report Number: **23231545**
 STATE OF NEW MEXICO UNIFORM CRASH REPORT
 Case Number: **AP110061159**
 NM Statute 66-7-209
 NMDOT COPY
 SHEET **1** OF **3** SHEETS

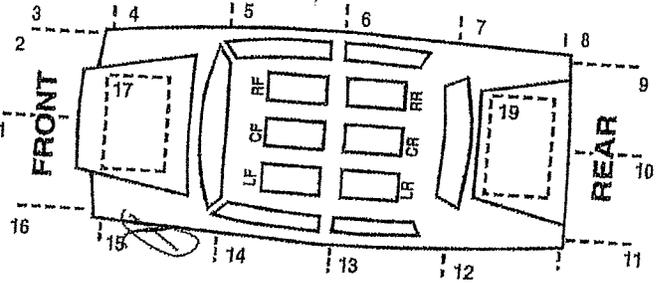
Vehicle No. 1
Vehicle No. 2
VEHICLE OR PEDESTRIAN - OTHER

ALBUQUERQUE POLICE DEPARTMENT TOW-IN REPORT

Make Porsche / Boxster VIN [REDACTED]
 Year 2005 License LXF039
 Style CV State New Mexico
 Color Black Year Lic. 06-2012
 Driver/Owner White, Darcin P Phone _____
 Address [REDACTED]

Vehicle Damage _____

VEHICLE DAMAGE SEVERITY
 (Enter Code in Vehicle Damage Area(s))
 SEVERITY CODES: 1 Slight or minor-
 2 Moderate-3 Severe or Extreme.



18 Top
 20 Undercarriage

EVIDENCE
 Hold on Car? Yes Reason _____
 No

Store Inside: Yes No

Keys in Car? Yes No Ignition

Inventory of Vehicle
Music documents / Property removed / Sun visor
8 Keys Plus alarm pad, water bottle, sunscreen

I hereby acknowledge receipt of above vehicle and property, in specified condition.

Wrecker Driver's Signature [Signature] Martin
 Wrecker Company Danlar Towing 271-0138
 Towed From 11200 Montgomery Blvd NE Reason Accident
 Towed To 221 Dorado Place SE
 Officer Authorizing Tow Y. Hetas for A. Wake # 1807
 Man # 1826 Date 07-06-11 Time 0910

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FORM DISTRIBUTION

WHITE - RECORDS, YELLOW - WRECKER, PINK - DRIVER/OWNER
 PD 4012 (2/83)

CHAD # P 111870241
 NY 110001137

SUPPLEMENTAL DIAGRAM/NARRATIVE

NOT TO SCALE

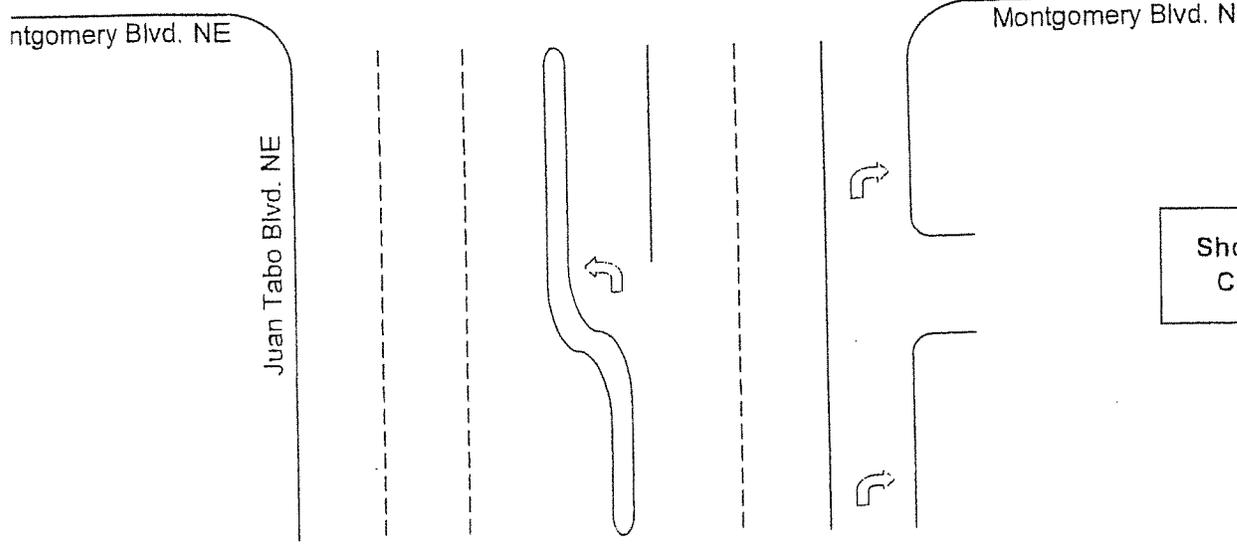
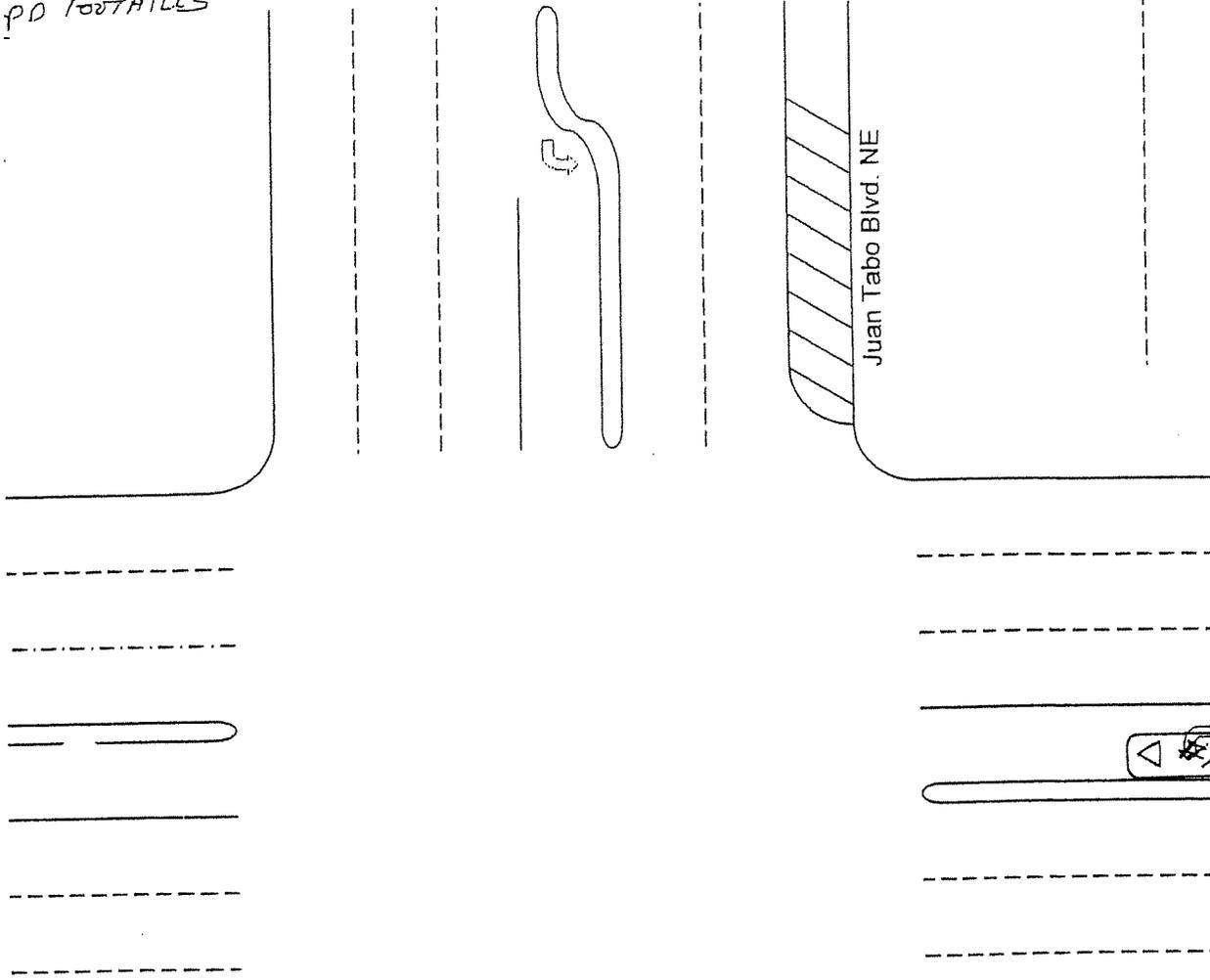
RAMP: R
PD Foothills

N ↑

DATE	7-6-2011	TIME	0823	LOCATION	Juan Tabo/Montgomery Blvd. NE	COUNTY	BERNALILLO
DRIVER #1	WHITE			KATHLEEN		SHEET	3
DRIVER #2						OF	3

KDT # P111870241
CASE# AP110061159

JUL 11 PM 4:38



DIAGRAM/NARRATIVE

Use Additional Sheets As Necessary

On 07-06-11, I was dispatched to 11200 Montgomery Blvd NE to assist Officer A. Walck #1807 in reference to an accident with injuries call. Upon arrival, I observed Officer A. Walck and AFD Rescue on scene, both parked E-bound Montgomery. I observed a vehicle in the Westbound to Southbound turnbay and I parked behind the vehicle to block traffic. I approached the vehicle to assess the damage to determine if I could assist Officer A. Walck by completing a tow-in report. I approached the front of the vehicle and observed that the hood was open and observed that the trunk was located on the front of the vehicle. I observed a piece of AFD equipment in the trunk and acknowledged an AFD Firefighter. The Firefighter advised me that he was attempting to locate a spare tire and he was unable to. The Firefighter indicated that the driver was unusual and I asked if he detected any alcohol and he stated no then indicated that the pupils were constricted indicating possible opiates, but that the driver stated that she was on medication. I made contact with Officer A. Walck and advised him that if he determined he needed a DRE, what the process would be, and Officer A. Walck inquired about a Supervisor as an option. I then relocated to my vehicle and started to prepare a tow-in report. I asked Officer A. if the vehicle was going to be towed and he stated yes. I relocated to the vehicle and advised the driver of the vehicle from a distance to take anything of value out of the vehicle, then I returned to my vehicle. I had no other contact with the driver, while in my vehicle completing the tow-in report Officer A. Walck and Mr. White were obtaining Case number information so I wrote the information on a piece of paper and provided it to Mr. White. I asked him if he wanted a copy of the uncompleted tow-in and he stated no. I had no other contact with Mr. White. I inventoried the vehicle and provided the tow-in report to the driver and Officer A. Walck. Officer A. Walck told me that the driver had medical issues and was being taken to the hospital by Mr. White.

CRASH REPORT NUMBER: 23231545

CASE NUMBER: AP110061159

DIAGRAM DRAWING BY:

MEASUREMENTS TAKEN BY:

APD # 1187-02-91

YLAINE HETES
07-11-11

Crash Report Number: 23231545
Case: AP110061159

STATE OF NEW MEXICO UNIFORM CRASH REPORT
NM Statute 66-7-209
ISSUING AGENCY COPY

SHEET 1
OF 1 SHEETS

11 PM 4:33