



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Johnny J. Armijo

Chantal M. Galloway

Leonard Waites

Edward Harness, Executive Director

Joanne Fine, Chair

Susanne Brown

Dr. William J. Kass

Valerie St. John, Vice Chair

Eric H. Cruz

Rev. Dr. David Z. Ring III

POLICE OVERSIGHT BOARD AGENDA

Thursday, January 11, 2018 – 5:00 PM

Vincent E. Griego Chambers

I. Welcome and call to order.

II. Pledge of Allegiance – *Chantal M. Galloway*

III. Mission Statement – *Joanne Fine*

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*

IV. Approval of the Agenda

V. Public Comments

VI. Review and Approval of Minutes

VII. Consent Agenda Cases:

a. Administratively Closed Cases

127-17 185-17 189-17 194-17 195-17

199-17 200-17 201-17 202-17 203-17

204-17 205-17 209-17 210-17

b. Cases Investigated

155-17

VIII. Non-Concurrence Case: 153-17

IX. Serious Use of Force/Officer Involved Shooting Cases

C2016-37 C2016-53 C2016-61 C2016-74 C2017-19

C2017-25 C2017-26

X. POB's Review of Garrity Materials

a. I-23-17

b. I-172-16

XI. Reports from Subcommittees

a. Community Outreach Subcommittee – *Dr. Ring*

b. Policy and Procedure Review Subcommittee – *Dr. William Kass*

1. 3-41 Complaints Involving Department Personnel

c. Case review Subcommittee – *Leonard Waites*

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

1. Appeals

d. Personnel Subcommittee – *Eric Cruz*

XII. Reports from City Staff

- a. APD**
- b. City Council**
- c. Mayor's Office**
- d. City Attorney**
- e. CPOA – *Edward Harness, Executive Director***

XIII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

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

- a. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and**
- b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**

XIV. Other Business

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

(POB will be taking a dinner break prior to Committee Reports, if possible.)

CITY OF ALBUQUERQUE



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January 12, 2018
To the file

Re: CPC #127-17

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 15, 2017, regarding an incident that occurred on or about April 25, 2017.

I. THE COMPLAINT

PO Box 1293

A complaint was received through the Blue Team program from Sgt. P. Sgt. P entered a complaint that Officer N, who is assigned to the Coronado Mall, locked the door when a female was asking for help. He had a reporting party name of [redacted] and a phone number.

Albuquerque

II. INVESTIGATION

NM 87103

Given the limited information on the complaint, The CPOA Investigator contacted Sgt. P. Sgt. P explained this was a 3rd party complaint from Mr. [redacted]. Mr. [redacted] called and claimed to have a video showing Officer N ignoring the needs of a woman asking for help. Sgt. P explained he attempted to meet Mr. [redacted] to get a copy of the video for about three weeks, but Mr. [redacted] always created an excuse not to meet with him. Sgt. P asked Mr. [redacted]

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if he would email the video file. Mr. [redacted] said he would, but never did. Sgt. P talked to Officer N about the incident. Officer N told him the woman in question had mental health issues and was causing problems in the mall. Mall security removed her from the mall since she was criminally trespassed. There was no indication Officer N locked the door and refused to help someone in need.

The CPOA Investigator attempted to contact Mr. [redacted]. The first time the CPOA Investigator called there was no voicemail set up and therefore a message could not be left. The second time the CPOA Investigator reached a male who said there was no such person and that it was the wrong number. The number dialed was verified to be the number on the complaint.

Letter to Mr. ; CPC 127-17

January 12, 2018

Page 2

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to complete an adequate investigation.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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January 12, 2018

Michael Geier, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Re: CPC-153-17

Dear Chief Geier:

I do not concur with Administratively Closing this case. Administratively closed findings are appropriate where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

PO Box 1293

The original complaint came to our office alleging a records clerk within APD was a "peeping tom". Additionally, these activities were alleged to have taken place on city property. Because the allegations were possibly a criminal matter, the CPOA referred the case to the Internal Affairs Division for investigation. In accordance with the CASA APD will conduct the entire investigation and render findings.

Albuquerque

NM 87103

The above reference case was referred to the Bernalillo County District Attorney's Office for allegations of criminal conduct. Additionally, Robert Caswell Investigations (RCI) completed an administrative investigation.

www.cabq.gov

A Criminal Summons was issued in this case, therefore an analysis of the employee's conduct in relation to APD policy must be completed.

Please contact me if there are questions or concerns.

Sincerely,

Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

January 12, 2018

Via Certified Mail

Re: CPC #155-17

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on September 12, 2017, regarding an incident that occurred on April 9, 2017. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

Albuquerque

NM 87103

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

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I. THE COMPLAINT AND INVESTIGATION

A passenger of Mr. called police out of concern for his safety because he claimed Mr. drove while intoxicated. Mr. and his passenger arrived at their destination when police arrived. Officers contacted Mr. and called a DWI officer to conduct a DWI investigation. Officer A. responded and determined Mr. drove while impaired and placed him under arrest. Mr. apologized for his actions in his complaint and had praises for the officers. His only concern was that his keys were missing and wanted to know where they were.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police report, the PTC property log, Officer A's interview, the passenger's interview, and lapel videos from Officer A, Officer M, and Officer S. Mr. [redacted] did not participate in the investigative process. Mr. [redacted] did not respond to the voice mail messages left. Officer M and Officer S were informally asked if he knew anything about the keys. They were not formally interviewed as neither knew about the keys, neither of them was the primary officer, and the videos did not support that either officer had possession of the keys.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-73-2A regarding Officer A's conduct, which states:

Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers. Officers will tag all found, safekeeping, and evidence items using the Officer Input Module (OIM) evidence accounting tracking system. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM system outages.

Mr. [redacted] had no complaints about the officers and his only concern was that his vehicle keys were missing. His vehicle keys were not included in his property that was taken to jail. His vehicle was secured when he returned home, but he did not find his keys in the vehicle. Mr. [redacted] did not participate in the investigative process.

Officer A stated he did not seize the vehicle because he could find no prior conviction of DWI for Mr. [redacted]. He did not tow the vehicle because it was at Mr. [redacted]'s place of residence. He dealt almost exclusively with Mr. [redacted] and had little to do with the vehicle because Mr. [redacted] was already out of the vehicle when he arrived. He never saw Mr. [redacted]'s keys and they were not on Mr. [redacted] person. Officer M assumed Officer A might have retrieved Mr. [redacted] keys, but he did not know and did not know what happened to them.

The lapel videos showed when officers first made contact with Mr. [redacted] his keys were not in the ignition. It is possible they were on the dash of the vehicle, but that is not clear in the videos. All the videos showed that the officers did not take possession of Mr. [redacted] keys. The property sheet from the PTC did not show that Mr. [redacted] had keys in his possession. The CPOA Investigator checked with APD Evidence anyway to be sure the keys were not tagged. There were no keys. It is unknown where Mr. [redacted] keys are, but there is clear evidence they were never in the possession of APD officers.

The CPOA finds Officer A's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

January 12, 2018
Via Certified Mail

Re: CPC #185-17

Dear Ms.

PO Box 1293

Our office received the complaint you filed on August 31, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

Albuquerque

NM 87103

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

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

I. THE COMPLAINT

Ms. [redacted] complaint, was replete with disjointed thoughts, statements and allegations. In part, Ms. [redacted] stated that on August 31, 2017, she went to the Aviation Administration Department at the Albuquerque Airport and asked where she could get the security checked on her ID. Ms. [redacted] stated "she has a top security military ID because she is the USSR Queen an E8 with the military and wanted to see if this scans on the security system at Customs because it does at all the military bases wherever she goes." Ms.

stated that one of the Aviation policemen was rude to her and she saw it on a police camera along with "...a yellow man plastic taped to a rail with maroon masking tape and inside the rail if you looked were parts of metal etc. and if I had to guess I would guess a threat to United which was the ticket counter across from the display but not a display United is s (sic) business class flight and I ask the aviation administration person if she would call and let the pilots of united know I noticed several red flags and this was before I noticed this not display I feel this police was involved check police videos..." Ms. continued in her complaint to make illogical statements, such as feeling threatened by an Aviation officer's untrained stupidity because he moved his sunglasses from his right pocket to his left. She also stated she wanted her life back at Joy Junction without being harassed by a stalker she allegedly reported to the CIA.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and attempted to contact you at the number listed on the complaint; however, was told by the answering party that this was an incorrect number. As such, the Investigator was unable to identify any specific APD or AADP Officer(s) allegedly involved in this incident. Additionally, the Investigator was not able to identify any APD or AADP Officer(s) misconduct.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint due to an inability to target specific officers and because no SOPs were violated as a result of this alleged incident.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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January 12, 2018
Via Certified Mail

Re: CPC #194-17

Dear Mr.

PO Box 1293

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 30, 2017 regarding an incident that occurred on or about August 23, 2017.

I. THE COMPLAINT

Albuquerque

submitted an online complaint regarding his observation of two APD units parked in the middle of Aztec Road. Mr. wrote officers should utilize their emergency equipment if they obstruct traffic. Mr. obtained the two car numbers and the officers assigned to those vehicles were identified.

NM 87103

II. INVESTIGATION

www.cabq.gov

The CPOA Investigator contacted each of the officers' sergeants regarding the driving behavior. The sergeants discussed the issue with the officers. The officers did not feel that traffic was obstructed, but both agreed to be cognizant of their surroundings and make themselves more visible by using lights if they were in a similar circumstance. Both sergeants were confident there would be no further similar issues.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint has been resolved informally and the policy violations were minor.

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

Letter to Mr. _____, CPC 194-17

DATE

Page 2

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric H. Cruz

Rev. Dr. David Z. Ring III

January 12, 2018
Via Certified Mail

Re: CPC #189-17

Dear Mr.

Our office received the complaint you filed on August 21, 2017 against Albuquerque Police Department (APD) Communications Operator 5874, regarding an incident which occurred on August 21, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Mr. said he called 242-COPS to file a report after being the victim of a recent crime. He complained that Operator 5874 was trying to intimidate him for trying to file a report he needed in order to move his case forward civilly. He complained that Operator 5874 was demanding when questioning him about whether, or not, the court advised him to file a report. He complained Operator 5874 harassed and re-victimized him instead of just filing a report.

In his complaint, Mr. said after he completed his report, he was transferred to Operator 5874's supervisor to file a complaint against Operator 5874. Supervisor 2635 directed Mr. to the CPOA to file a formal complaint.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and listened to two recorded phone calls. One of these calls was between you and Operator 5874, and the other call between you and Supervisor 2635. Through these recorded conversations, the CPOA Investigator learned that you told Operator 5874 you wanted to file a perjury report on a suspect in your stabbing case because the suspect lied on the stand. You told Operator 5874 that you want to civilly sue the suspect and demanded a perjury report be taken by the Operator. Operator 5874 asked you questions for clarification regarding this request and you became agitated and angry towards the Operator. Operator 5874 was not rude or intimidating and did not dissuade you from filing a report. Operator 5874 told you that you would have to go to a substation to file a report as you are a resident of Rio Rancho and this alleged offense occurred in an Albuquerque court. At this suggestion, you became condescending and antagonistic with Operator 5874, who continued to remain professional and polite despite your speaking to them in this manner, and despite the fact that you talked over them, cursed at them and became verbally abusive toward them.

At your request, Operator 5874 transferred you to Supervisor 2635 and, again, you talked over the Supervisor and became agitated when the Supervisor asked clarifying questions regarding your request for a perjury report.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because no APD SOPs were violated as a result of your interaction with Operator 5874.

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

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

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

Letter to Mr.
January 12, 2018
Page 3

CPC 189-17

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric H. Cruz
Rev. Dr. David Z. Ring III

January 12, 2018
Via Certified Mail

Re: CPC #195-17

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 30, 2017, regarding an incident that occurred on or about February 18, 2016.

PO Box 1293

I. THE COMPLAINT

Albuquerque filed an online complaint about a SWAT situation at his home in Los Lunas in February 2016. Mr. stated numerous damages occurred at his home because of the police action. He stated in his complaint it was State Police and Rio Rancho police involved.

NM 87103

II. INVESTIGATION

www.cabq.gov The CPOA Investigator reviewed complaint and the information provided. The CPOA Investigator contacted Commander C to determine if APD was involved in this incident. Commander C and Commander M both researched the issue and determined APD personnel were not involved in the incident Mr. described. The CPOA Investigator contacted Rio Rancho and spoke to Captain Andrew Rodriguez. Captain Rodriguez confirmed Rio Rancho responded to this incident with the State Police. The CPOA Investigator forwarded Mr. complaint to Captain Rodriguez.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not have information to indicate APD was involved in the incident. Mr. was advised via telephone about the information.

Letter to Mr.
January 12, 2018
Page 2

CPC 195-17

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

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

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The Civilian Police Oversight Agency by



Edward Harness, Esq.
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Rev. Dr. David Z. Ring III

January 12, 2018

Via Certified Mail

Re: CPC #199-17

Dear Mr. _____

On August 9, 2017 we received your complaint that you emailed in to our office.

I. THE COMPLAINT

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Your complaint, submitted by Jackson Law on your behalf, stated that you received a citation for No Seat Belt issued by APD Officer M. You originally signed the citation agreeing to appear in court at a later date, but after signing, you told the officer you would just rather pay the fine. The citation was changed by the officer to reflect that the citation was penalty assessment citation. You thought you still had to go to court and you did so. You learned that the citation had not been submitted to the court by the officer. A month later, your license was suspended by the State of New Mexico as you had not paid the fine. You did pay the fine once you were noticed by the State of the suspension. You alleged that when the officer altered the citation he should have had you sign the citation again. You alleged that the officer failed to follow proper procedure in not obtaining a second signature from you. That caused you an unnecessary trip to Metro Court and because your license was suspended, you couldn't drive to work for several days. You lost earnings and had to pay penalty fees to the DMV. You requested that a letter be sent to you from APD on APD letterhead stating that proper procedure was not followed. You requested that you be reimbursed 373.00 and that corrective action be taken against off M.

II. THE INVESTIGATION

The policy regarding altered citations requires an officer to void the original citation and issue a second citation. That apparently did not occur in this case. There is no provision in the Standard Operating Procedure that a second signature from the motorist must be obtained. In any case, when a motorist signs a citation and opts for penalty assessment, the motorist agrees that a violation of law has been committed and the motorist agrees to pay the fine. The officer or department then sends the citation to the State of New Mexico and not Metropolitan Court. The

instructions on the back of the citation are clear regarding how a motorist is to handle paying the citation. The instructions state:

PENALTY ASSESSMENT: If this is a penalty assessment notice, your signature constitutes an acknowledgment of guilt and no court appearance is required. You must remit the prescribed penalty amount indicated on the face of this citation within thirty days of the date of issuance. Failure to remit the penalty amount within the required time frame will result in the suspension of your driver's license and driving privileges and subject you to payment of an additional reinstatement fee. Insure proper credit for payment by enclosing this copy of the citation with your check or money order made payable to the Motor Vehicle Division (or applicable jurisdiction indicated below) and mail to the address given below.

The address is then provided in block letters that read: "STATE PENALTY ASSESSMENT ADDRESS".

III. CONCLUSION

While it is unfortunate that you took time off to go to court when it was not necessary, and that your license was suspended, the instructions on the citation that you received were clear. It appears that the instructions were not followed. Because the preliminary investigation showed that any alleged policy violation by the officer would be minor in nature, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

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Rev. Dr. David Z. Ring III

January 12, 2018

Via Certified Mail

Re: CPC #200-17

Dear Mr.

On June 24, 2017 we received your complaint that you emailed in to our office.

PO Box 1293

I. THE COMPLAINT

Albuquerque

Your complaint contained allegations of misconduct by Children, Youth, and Families Personnel. You did not allege any misconduct by APD Personnel.

II. THE INVESTIGATION

NM 87103

We have no jurisdiction to investigate the conduct of CYFD Personnel.

III. CONCLUSION

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As we have no jurisdiction to investigate your complaint, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

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

Letter to Mr.
January 12, 2018
Page 2

CPC 200-17

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Rev. Dr. David Z. Ring III

January 12, 2018

Via Email

Re: CPC #201-17

Dear Ms.

On August 24, 2017 we received your complaint that you emailed in to our office.

I. THE COMPLAINT

PO Box 1293

Albuquerque

NM 87103

You wrote in your complaint that you called APD at about 11:00 PM on August 18, 2017 to report a problem with an ex-friend who had been harassing your son. You complained that an APD Officer responded to the call at 3:30 AM and the officer woke you up and "hounded" you about the situation. You alleged that the officer made a statement to the effect of, "I'm trying to protect your son since he has nobody to protect him." You took offense to that statement. You stated that you called APD because you were trying to protect your son. You asked that APD show more respect when you call asking for help.

II. THE INVESTIGATION

www.cabq.gov

It is unfortunate that it took so long for an APD Officer to respond to your request for assistance. The APD is short staffed and your call for service was not categorized as a priority call for service so the officer was dispatched as soon as he was available. Unfortunately, that was at 3:30 AM. That is probably not the best time to wake someone and question them about an incident such as the one you wanted to report. The statement that the officer made to you that you felt was offensive does not appear to violate policies or procedures of the APD.

III. CONCLUSION

Even if it could be determined that the officer did violate a conduct policy, the policy violation would be minor in nature. Because of that, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

Letter to Ms. CPC 201-17
January 12, 2018
Page 2

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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January 12, 2018

Anonymous
To File

Re: CPC #202-17

Dear Anonymous:

On July 23, 2017 we received your complaint that you emailed in to our office.

I. THE COMPLAINT

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that Officer B. came to your house because someone falsely accused you and your husband of child neglect. You stated that the officer said such things as, "I am surprised I didn't find needles in the home." You admitted that your house was untidy but it wasn't dirty. The officer had your children go with their Aunt until CYFD could come out and inspect your home. The social worker who came out to your home allegedly told you that there was no need for the children to have been sent with their Aunt because two dead roaches, some dog hair, and dirty laundry was no reason to take the kids out of the home. When you explained to the officer why your house was "untidy" the officer "snapped" at you that those were just excuses. You stated that you were traumatized by the way the officer spoke to you and you did not like his demeanor. You asked for someone to fix the issue. You did not sign the complaint but asked that the officer be disciplined.

II. THE INVESTIGATION

The CPOA Investigator who was assigned to this anonymous complaint was able to find a police report on the incident. That report named you and your husband. The police report indicated that on July 20, 2017 Officer B. was dispatched to your home because someone had reported that your children were in unsanitary living conditions. The caller had reported that there were dishes piled up everywhere in your home, and that there were animal feces throughout the home. Officer B. contacted you and checked out your house. He reported that there was clothing everywhere and that the house smelled bad. The flooring was heavily stained in spots and missing carpet in others. The kitchen was covered in dirty dishes and old food and the officer couldn't see the countertops. There was a dog kennel in the kitchen and dog hair all over the floor. The officer observed cockroaches throughout the residence as well as a strong smell of mold. The officer contacted CYFD who said they would follow up on the matter later.

Your children were allowed to stay with their Aunt in lieu of CYFD coming out and physically removing the children from your home. They were allowed to stay with their Aunt until CYFD concluded its investigation.

III. CONCLUSION

We respect your request for anonymity. Based on the preliminary investigation, it does not appear that there was a violation of Standard Operating Procedure and even if it could be determined that the officer did violate a conduct policy, the policy violation would be minor in nature. Because of that, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be reopened if additional information becomes available.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

January 12, 2018
Via Certified Mail

Re: CPC #203-17

Dear Mr.

On August 4, 2017 we received your complaint that you emailed in to our office.

I. THE COMPLAINT

You wrote in your complaint that a few months ago you filed a report about stolen property that was stolen from you when your vehicle was broken into. Your roommates have also had their vehicles broken into. Your roommate's vehicle was broken into two more times after that. You said that no one has taken any action on the burglaries and that you haven't even seen a police car coming through your neighborhood. You requested action. You requested a roving patrol come up and down your street every 1.5 hours in a staggered pattern from 10 PM until 6:00 AM. You want to see action on the multiple reports filed by you and your roommates

II. THE INVESTIGATION

We investigate complaints against specific officers or employees of the APD and your complaint does name anyone specifically. Unless there is some evidence left behind or some leads that APD can follow up on, the cases are usually closed due to lack of leads or evidence. We have no authority to tell the APD how to patrol or when to patrol and we can certainly understand your frustration. When you receive this letter we would urge you to call the APD substation in your area and speak with the area Commander. The Commander does have the authority to order directed patrols and can also have a Detective follow up on your burglaries. You should contact:

Commander Randy Remiker
8201 Osuna Road NE
Albuquerque, NM 87109

The phone number there is (505) 823-4455.

III. CONCLUSION

We can definitely understand your frustration of being a crime victim. We hope that Commander Remiker can assist you in some way. Because we have no way to provide you with the remedy you are seeking, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

January 12, 2018

Via Certified Mail

Re: CPC #204-17

Dear Ms. .

On August 13, 2017 we received your complaint that you emailed in to our office.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that there was a stolen vehicle being chased by BCSO and that you were injured in an unnecessary pursuit. Marked vehicles were pursuing a stolen vehicle which had been tagged with an electronic tracking device called a DART. The complaint is unclear but it appears that the stolen vehicle crashed into you causing injuries. You alleged that the officers used excessive force in the way that they pursued the vehicle in a residential area. You alleged that the police reports on the matter were inaccurate. You are seeking compensation from Risk management for your damages. You stated that you thought that APD may have been involved in the pursuit as well.

II. THE INVESTIGATION

APD officers are prohibited from participating in vehicle chases where the BCSO has deployed the DART device. APD does not use DART technology. The CPOA Investigator assigned to your complaint searched records to determine if APD was involved in the pursuit and the Investigator could not find any indication that APD was involved in the pursuit. There was simply not enough information in your complaint to go any further. You should file your complaint with:

Bernalillo County Sheriff's Department

Attn: Internal Affairs Unit

P. O. Box 25927

Albuquerque, New Mexico 87125-5927

III. CONCLUSION

We have no jurisdiction to investigate the actions of the BCSO. Further investigation into your complaint can not be conducted because of the lack of information in the complaint. Because of that, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

January 12, 2018

Via Email

Re: CPC #205-17

Dear Ms.

On September 5, 2017 we received your complaint that you emailed in to our office.

I. THE COMPLAINT

PO Box 1293

You wrote in your complaint that you had been arrested and your property was taken from you. You were later released and you found that your purse and all of its contents including your house keys, car keys, and telephone, are missing. You stated that you wanted your belongings back.

Albuquerque

II. THE INVESTIGATION

NM 87103

In an effort to assist you, a CPOA Investigator was assigned to your complaint. When the investigator contacted you by telephone, you stated that all of your property had been returned and you asked to withdraw the complaint.

www.cabq.gov

III. CONCLUSION

Since your property was returned and since you have requested to withdraw your complaint, we are Administratively Closing your complaint and no further investigation into the matter will take place. Administratively Closed complaints may be re-opened if additional information becomes available.

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

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

Letter to Ms. _____, CPC 205-17

January 12, 2018

Page 2

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rev. Dr. David Z. Ring III

January 12, 2018
Via Certified Mail

Re: CPC #209-17

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 29, 2017, regarding an incident that occurred on or about August 7, 2017.

PO Box 1293

I. THE COMPLAINT

submitted an online complaint regarding his allegation that Officer H did not turn in his shoplifting citation, which resulted in a failure to appear warrant being issued.

Mr. said he repeatedly checked with the court to ask about the paperwork, but the court staff said nothing had been turned in. He then received a warrant for his arrest. Mr.

suspected Officer H held some grudge against him and intentionally withheld his paperwork because Mr. brother was married to Officer H's cousin.

Albuquerque

NM 87103

II. INVESTIGATION

The CPOA Investigator reviewed the NM court case detail on the website. The incident occurred on August 7, 2017. Officer H filed the paperwork on August 9, 2017, which is within the normal span of time to file the paperwork. The warrant was not issued until September 6, 2017. If there was any problem of the paperwork not showing it was a court administrative problem and not a result of the officer's actions.

www.cabq.gov

The CPOA Investigator spoke to Mr. on the phone regarding his complaint. The CPOA Investigator explained to Mr. the information on the court website. Mr. stated he was unaware of the sequence of events since he did not have internet access to check the court site. Mr. agreed there were no other actions that indicated Officer H had some bias against him. He did not wish to cause a problem and withdrew his complaint given the available evidence.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed Officer H did not delay filing his paperwork. Mr. provided no other indication of bias and wished to withdraw.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric H. Cruz

Rev. Dr. David Z. Ring III

January 12, 2018

Via Certified Mail

7010 1670 0000 0921 5494

Re: CPC #210-17

Dear Mr. _____

PO Box 1293

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 7, 2017 regarding incidents on unspecified dates, but culminating on March 26, 2015.

I. THE COMPLAINT

Albuquerque

_____ submitted a complaint regarding alleged criminal activities and misconduct by unspecified APD personnel. Mr. _____ wrote Detective John Kelly worked a case against him in 2012. In the course of that case, Mr. _____ alleged Detective Kelly revealed wrong doings by APD personnel to Mr. _____ attorney Geoffrey Scovil and Bernalillo County ADA John Sugg. Mr. _____ alleged because of the information Detective Kelly revealed that unknown APD personnel murdered Detective Kelly.

NM 87103

www.cabq.gov

II. INVESTIGATION

The CPOA Investigator reviewed Mr. _____ complaint. Mr. _____ presents accusations, but does not provide any evidence to support his assertions. Detective Kelly was the charging officer in a case against Mr. _____ in April of 2012. The charges look to be drug offense related. Attorney Geoffrey Scovil was the attorney for Mr. _____ at the time. The CPOA Investigator spoke to Mr. Scovil over the phone. Mr. Scovil could not reveal specifics about his client due to privilege, but said in general that Detective Kelly did not reveal any criminal conduct or misconduct by other APD personnel during the deposition. The CPOA Investigator also spoke to ADA Sugg who is now an ADA in Otero County. Mr. Sugg also stated Detective Kelly did not reveal criminal conduct or misconduct by other APD personnel during the interview.

Detective Kelly died in March of 2015 during a training exercise. The CPOA Investigator obtained the OMI report of findings for Detective Kelly to confirm a cause of death. According to the OMI the cause of death was due to natural causes as a result of atherosclerotic and hypertensive cardiovascular disease. A toxicology report was included as part of the autopsy that showed no drugs detected. There is no evidence to support Mr. [REDACTED] assertions that Detective Kelly was the victim of homicide.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not allege any specific SOP violation or criminal activity. The complainant did not identify specific APD personnel as the subject of the complaint.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police