CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

Amended*

POLICE OVERSIGHT BOARD AGENDA

Thursday, December 14, 2017 – 5:00 PM
Vincent E. Griego Chambers

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

II. **Pledge of Allegiance – *Eric Cruz***

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**
167-17 **171-17** **181-17** **183-17** **184-17**
188-17 **191-17** **192-17** **193-17**

b. **Cases investigated**
113-17

c. **Serious Use of Force/Officer Involved Shooting Cases –**
I-48-14 **I-119-14** **I-70-14**

VIII. **POB's Review of Garrity Materials**

IX. **Reports from Subcommittees**

a. **Community Outreach Subcommittee – *Dr. Ring***
   1. **Discussion of Goals, Timelines and Leadership**

b. **Policy and Procedure Review Subcommittee – *Dr. William Kass***
   1. **Discussion re: Suggestions for Changes and Timeline for Completion regarding Policy 3-41**

c. **Case review Subcommittee – *Leonard Waites***
   1. **Appeals**
   2. **Discussion re: Process and Timeline of Outstanding Use of Force Cases**

d. Personnel Subcommittee – *Eric Cruz*
1. CPOA Director Edward Harness's Evaluation and Process

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

XI. 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)

XII. Other Business

XIII. Adjournment- *Next Regularly scheduled POB meeting will be on January 11, 2018 at 5 p.m. in the Vincent E. Griego Chambers.*

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

*Amended agenda item VII. a. to remove case 185-17 and to add 184-17, 188-17 and 193-17, which were approved at the Case Review Subcommittee on 12/5/2017.

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Certified Mail

Re: CPC #113-17

Dear Mr.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on April 27, 2017, regarding an incident that occurred on March 16, 2017. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

I. THE COMPLAINT AND INVESTIGATION

Mr. was downtown observing an incident involving police unfolding near 4th St. and Roma. Mr. decided to film the situation. Mr. observed a male subject, later identified as , being arrested by several officers. Mr. heard Mr. screaming about having been sprayed with pepper spray. Mr. observed officers dealing with Mr. and at one point; he claimed to have observed Sgt. T slam the handcuffed man into the side of a police SUV. During the course of his filming, Officer M and Sgt. T approached Mr. and tried to prevent him from recording. Officer M and Sgt. T told him his filming could be in violation of HIPAA and Mr. might take a private right of action

against him. Mr. knew he had a right to record on a public sidewalk. Mr. stated the officers were being officious and intimidating by telling him incorrect information and trying to enforce HIPAA. Mr. also claimed Sgt. T provided false information in his report.

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 reports, the Computer Aided Dispatch (CAD), The completed administrative Use of Force investigation, Officer M's interview, Sgt. T's interview, Mr. 's interview, Mr. Powell's interview, Mr. ; video, and numerous lapel videos from officers.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-33-2D1, which states:

Bystanders have the right to record police officer enforcement activities by camera, video recorder, or other means (except under certain circumstances as set forth in Sections A and B above.)

Mr. claimed Officer M tried to prevent him from recording the scene by telling him Mr. was receiving medical treatment and therefore Mr. should not film. Mr. stated Officer M tried to say HIPAA rights gave Mr. privacy rights in a public place, but Mr. knew that was not the case. Officer M's statement of he "may not want to record" would prevent a person with less knowledge of their rights from recording. Mr. claimed Officer M's statement was coercive and intimidating.

The videos showed Mr. filmed the entirety of the situation as he wished. No one blocked his view or attempted to take his camera. He was told more than once that he had a right to film. Mr. did not heed Officer M's suggestion that he should afford Mr. with some privacy so Officer M disengaged from the conversation. Mr. reengaged the conversation so there was no evidence to support intimidation or coercion by Officer M.

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

B) The CPOA reviewed Standard Operating General Order 1-1-4D14 regarding Officer M's conduct, which states:

Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.

Mr. claimed Officer M abused his authority by discussing HIPAA with him and that Officer M provided inaccurate information. When Mr. insisted there was no right to privacy, Officer M stepped away and commented, "You think that." It was obvious to Mr.

that Officer M believed he did not have the right to film. Mr. stated the officers did not understand the law and were overstepping their authority.

The lapel video showed Officer M provided unsolicited advice to Mr. that based on preliminary research was incorrect information. HIPAA does not apply any requirements on the public at large; it protects treatment records and the patient. Research shows there does not appear to be a private right of action where an individual can sue for a violation of HIPAA. Research shows APD officers have no statutory authority to enforce provisions related to HIPAA. However, Officer M provided the information in good faith and had no malicious intent. Officers are often told by medical personnel to refrain from recording for patient privacy. Officer M operated under the belief he was protecting both Mr. and Mr. . Officer M, based on his experience, held a reasonable belief that happened to be a mistake. Officer M's error resulted in no denial of Mr. rights. There is some confusion among sources in this area and a lack of APD training regarding the issue. A recommendation of training will be made as to how HIPAA relates to law enforcement and privacy versus public information.

The CPOA finds Officer M's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training because there is a lack of clear information. A training recommendation will be send to APD.

III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT. T'S CONDUCT

A) The CPOA reviewed Standard Operating Procedural Order 2-33-2D1, which states:

Bystanders have the right to record police officer enforcement activities by camera, video recorder, or other means (except under certain circumstances as set forth in Sections A and B above.)

Mr. claimed Sgt. T tried to prevent him from recording the scene by agreeing with Officer M that Mr. was receiving medical treatment and therefore Mr. should not film. He believed Sgt. T agreed with Officer M or personally said that Mr. "may not want to record," which would prevent a person with less knowledge of their rights from recording. Mr. claimed that was coercive and intimidating. When Mr. insisted there was no right to privacy, Sgt. T stepped away and commented, "You think that." It was obvious to Mr. that Sgt. T believed he did not have the right to film. Mr. stated the officers did not understand the law and were overstepping their authority.

The videos showed Mr. filmed the entirety of the situation as he wished. No one blocked his view or attempted to take his camera. He was told more than once that he had a right to film. Mr. did not heed Officer M's suggestion that he should afford Mr. with some privacy so Officer M and Sgt. T disengaged from the conversation. Mr. reengaged the conversation so there was no evidence to support intimidation or coercion on the part of Sgt. T. Sgt. T did not go into detail about HIPAA as Officer M had so there was not an

officious aspect to Sgt. T's actions. Sgt. T approached it from a decency aspect as well as his experience with medical personnel asking officers not to record patient care. The contact and conversation was made with the intent to protect both Mr. and Mr.

The CPOA finds Sgt. T's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur. As stated earlier a training recommendation will be forwarded to APD.

B) The CPOA reviewed Standard Operating Procedural Order 2-52-3A10, which states:

Officers are prohibited from using force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, to overcome active resistance, or where physical removal is necessary to overcome passive resistance.

Mr. claimed Sgt. T used unnecessary force against a handcuffed subject by slamming him into the side of the SUV before putting him in the back of the vehicle. Mr. stated there was no need to force Mr. into the vehicle, which escalated the situation. Mr. thought Mr. could remain on the curb since that was his desire and seemed calmer to Mr. Mr. perceived Sgt. T was more concerned with decontaminating himself rather than tending to Mr.

The lapel video showed Mr. was only sat down because the closest police vehicle was locked. Mr. was seated for about thirty seconds while he continued to scream. The video did not show an immediate de-escalation on the part of Mr. while he sat briefly. Once a vehicle was available Mr. expressed he did not want to go into the car because it was hot. The officers explained there would be air conditioning and Mr. would be out of the sun, which would help with the OC exposure. The lapel video showed Sgt. T did not slam Mr. into the vehicle as Mr. claimed. The lapel video showed Sgt. T used the vehicle to restrain Mr. who was hopping around and not complying with instructions. Mr. , in his interview, did not allege force by Sgt. T and never claimed he was slammed into the car. Mr. admitted to fighting going into the car because he claimed he did not know he was dealing with police. However, the video showed Mr. never expressed uncertainty that it was police in contact with him. Mr. s version of events when the initial officer tried to take him into custody did not match the lapel video either. Mr. was under arrest and therefore needed to be in the car for officer safety and transportation. OC spray decontamination is mostly a matter of time aided by air and cool water. The paramedics were called to aid Mr. but he was uncooperative with their efforts. Sgt. T provided Mr. with wipes to help, which had to wait until Mr. was contained within the car.

The CPOA finds Sgt. T's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

C) The CPOA reviewed Standard Operating General Order 1-1-4D19, which states:

Personnel will not alter, misrepresent, or make any false statement in any report, verbal or written or other written document that has been completed in the course of their employment.

Mr. complained that Sgt. T did not write a supplemental report, as he should have because Mr. did not receive one when he made a records request. During the interview, Mr. was shown Sgt. T wrote a supplemental report at the time of the incident, but a supervisor had not approved the report by the time Mr. had made his records requests. Mr. reviewed the report and then alleged Sgt. T made a false statement in his report. Mr. claimed the written statement that he refused to provide personal information was false. Mr. admitted he refused to provide personal information to Sgt. T, but Sgt. T's narrative was a mischaracterization because he would not have refused the lieutenant.

The lapel video showed Sgt. T asked Mr. for his information in order to provide it to the lieutenant since he was a witness. The lapel video showed Mr. said no and said he was not suspected of doing anything. Sgt. T clarified again it was for the lieutenant's report, but Mr. said nothing about giving it to the lieutenant when asked. The report documented the contact with Mr. as it occurred.

The CPOA finds Sgt. T'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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via email

Re: CPC #167-17

Dear Mr. Rivera:
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on October 2, 2017, regarding an incident that occurred on June 4, 2017.

I. THE COMPLAINT

submitted an online complaint. Mr. submitted a YouTube link taken from his dash camera and complained that Sgt. E drove unsafely. Mr. complained that Sgt. E "brake checked" him.

II. INVESTIGATION

The CPOA Investigator reviewed the video provided by Mr. The CPOA Investigator after consultation with the CPOA Director forwarded the complaint and video to Sgt. E's supervisor, Lt. P. Lt. P discussed the complaint and driving behaviors with Sgt. E.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant has been informally resolved with the officer's supervisor.

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.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Certified Mail

Re: CPC #171-17

Dear Ms. (

On June 11, 2017 we received your complaint that you emailed in to our office. Your complaint was about the police and 911 response to a loud party that occurred down the street from your house the night before.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

You wrote in your complaint that you were not filing a misconduct complaint against a specific APD person and that you had personally not been mistreated but you wanted to complain about how the response to the party was handled by APD and APD Communications personnel. You wrote that you called the police at 1:10 AM to report a party that was taking place down the street from your house where you believed that many of the partygoers were underage/teenage kids. You wrote that the kids were all over the neighborhood being wild, using profanity, and driving recklessly. You wrote that by 1:45 AM, the police still had not responded to the call about the party and you heard about 6 gunshots go off and a car speed away. When you called the APD back, a female dispatcher greeted you rudely and she seemed uninterested. The dispatcher only wanted to know if anyone was screaming that someone had been shot. You wrote that the dispatcher dismissed your call as relatively unimportant and the dispatchers told you that officers would eventually show up to the call. At about 2:30 AM, about 6 officers arrived, armed, and they shut down the party. You stated that the officers did not make any arrests and they did not call any parents.

You complained that after talking to at least three of your neighbors, they told you that they also called the police and the response time to the call was unacceptable. You stated that you were "dumbfounded" as to why no one was arrested and that the police sent the kids to drive home, most likely intoxicated. You wrote that the actions of the police and the 911 operators were "completely unacceptable".

In closing, you wrote that you just thought that someone should be made aware of this and that the homeowner and the renters of the house where the party occurred should be notified.

II. THE INVESTIGATION

The CPOA Investigator assigned to investigate your complaint called you and left you a voicemail message to call him so he could discuss your complaint with you. You did not return the call. In an effort to assist you the CPOA Investigator obtained copies of the Computer Assisted Dispatch (CAD) reports on the calls that were made to the APD regarding the loud party.

The CAD reports show that the call for service was classified a lower priority call for service. The APD officers who were on duty in your area at the time of your call were busy handling other higher priority calls. The Sergeant who was on duty was made aware of your call for service and approved "holding" the call until his officers were available to handle it. At 1:53 AM, you called back to report that you had just heard gunshots coming from the area of the party. The call was upgraded to a priority call but there were no officers available to respond to the call for service. The Sergeant pulled two officers from another call that they were handling to respond to your call and he also requested assistance from another area command in the city to see if there were any available officers to respond to the call. Two additional officers were then dispatched from the Northeast part of Albuquerque to help in responding to the call for service. That occurred between 2:00 AM and 2:14 AM. The first two officers who had been pulled off the other call arrived in the area at 2:23 AM. The two officers who had been pulled from the Northeast Area Command arrived at 2:30 AM. The Sergeant also arrived in the area.

As the officers arrived and approached the house where the party was, multiple people fled the party on foot. The officers contacted the resident occupants of the home and they had all non-residents leave the home. The officers did not find any shell casings or bullet impact marks in the area. The officers then cleared the scene. One officer remained in the area to make sure that no one returned to the house where the party was being held.

III. CONCLUSION

The APD is down on staffing and there are not enough officers to handle the many calls for service that they receive. A loud party call at 2:00 AM, usually a peak activity time for officers, is not considered a high priority call. The call was upgraded when you reported shots being fired but there were no officers available to handle the call. Officers were pulled off other calls and even out of another area command. The Officers responded as quickly as they could have given the circumstances. Making arrests in such situations is up to the officer's discretion.

It is unfortunate that this call was responded to in the manner in which it was. The problems of slow response times and not having enough officers on the street are problems that are beyond this agency's ability to solve. Fortunately, no one was hurt and the party was shut down as you and your neighbors had requested, but obviously not as quickly as you would have liked. We hope this response answers some of the questions and concerns you brought

up in your complaint. Because there are no individual officers or employees complained of and because the preliminary investigation showed that any alleged policy violation 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

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Email

Re: CPC #181-17

Dear Ms.
A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 14, 2017, regarding an incident that occurred on August 29, 2017.

I. THE COMPLAINT

Ms. referred to two parking citations she received from a named employee. Ms. stated that in particular the second parking citation was improper, as she had paid for parking. Ms. encountered the employee while receiving the second citation and complained about the employee's conduct.

II. INVESTIGATION

Given that these were parking citations, the CPOA Investigator suspected that the employee in question was not part of APD. A review of the employee database confirmed the employee Ms. named was not APD personnel. The CPOA Investigator contacted the parking department for City of Albuquerque to determine if the named employee was a parking enforcement officer. A supervisor within the Parking Department confirmed the employee was a parking enforcement officer. The supervisor stated she was the one that reviewed the complaints against the parking enforcement officers. Ms. written complaint was forwarded to the supervisor for handling. The CPOA Investigator advised Ms. which department had her complaint.

III. CONCLUSION

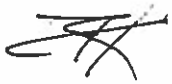
The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint did not involve APD personnel.

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

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

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

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Certified Mail

Anonymous complainant

Re: CPC #183-17

Dear Anonymous:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) in November, regarding incidents of infidelity on unspecified dates.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

An anonymous complainant sent a complaint to the Senior Crime Prevention manager. The email was forwarded to a couple of different individuals in the department and eventually made its way to the CPOA office. The complainant wrote, presumably a male, that he had information about infidelity in the department. The complainant alleged a female officer had a relationship with another officer and argued while on duty. The complainant also alleged the female officer was dating her training officer. He offered to provide names when contacted.

II. INVESTIGATION

The complainant revealed no personal information about himself other than his email. There was a note that Commander M attempted to email the complainant on July 19, 2017. The note said Commander M received no response by July 21, 2017. The CPOA Investigator was assigned the complaint in November. The CPOA Investigator emailed the complainant November 9, 2017, but received no response.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not provide enough information to conduct an investigation and did not respond to requests for information. The complainant may refile the complaint with additional information.

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

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Certified Mail

Re: CPC #184-17

Dear Ms.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Our office received the complaint you filed on July 24, 2017 against Albuquerque Police Department (APD) Officer P4893 regarding an error in a report this officer wrote in 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT

Ms. stated that on October 7, 2016, APD officer P4893 incorrectly filed a stolen license plate report when said officer wrote down the replacement license plate number on the report as the stolen license plate number. She said this error caused her family to be detained and nearly arrested by Border Patrol agents. She also stated this error was corrected by a follow-up report written by APD Crime Prevention Specialist S.

II. THE INVESTIGATION

A CPOA Investigator reviewed your complaint and was unable to identify any APD Officer with Man #P4893. Regardless of this fact, your statement that the officer made an error on the original report, which was later corrected by a follow-up report, indicates that the matter of the incorrect information being obtained was handled appropriately with the follow-up 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 an error in an original report that was later corrected.

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

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via email

Re: CPC #188-17

Dear Mr.

Our office received the complaint you filed on July 10, 2017. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and after conducting a preliminary investigation determined that your complaint is against Alvarado Transit Center Officers.

The CPOA does not have jurisdiction to investigate complaints against Alvarado Transit Center Officers or employees; therefore we have made the decision to **ADMINISTRATIVELY CLOSE** your complaint.

Please contact the Alvarado Transit Center for information regarding their process for filing complaints against their Officers or employees.

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

Sincerely,
The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
To the file

Anonymous
To the file

Re: CPC #191-17

Dear Anonymous:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on November 22, 2017, regarding an incident that occurred on or about September 10, 2017.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

An anonymous citizen filed a complaint online asking that officers patrol areas near her mother's home. The citizen found evidence of individuals sleeping in the bushes and possible evidence of crimes such as mail, credit cards, and needles. The citizen also expressed concern the individuals were using the binoculars she found to scope out the neighborhood.

II. INVESTIGATION

The citizen provided a general area, but did not provide a specific address. The CPOA Investigator contacted Commander O of the Valley Area Command since the area described was in his jurisdiction. The citizen was asking for patrols of the area. Commander O stated in email he would have officers patrol the area and monitor activities.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not allege any SOP violations or specific APD personnel as the subject of the complaint. The general concern and request for patrols has been forwarded to the Area Commander.

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Email

Re: CPC #192-17

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 22, 2017, regarding an incident that occurred on or about November 16, 2017.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

submitted an online complaint regarding the conduct of an Officer Vargas at the Social Security Administration building. Mr. described Officer Vargas told him he could not stand in a certain part of the lobby. Mr. wrote he wanted to know what written instruction prevented him from standing in the lobby.

II. INVESTIGATION

Based on the information provided, Mr. likely encountered a security guard at the Social Security Administration building. The CPOA Investigator contacted APD Chief's Overtime to determine if APD had overtime assignments at Social Security. The employee at Chief's Overtime stated there was no assignments and confirmed the Social Security building had their own security. There was no local number for the Social Security Office and no option to contact that office to determine with whom to file the complaint.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complaint did not involve APD personnel.

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

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Joanne Fine, Chair* *Valerie St. John, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Chantal M. Galloway *Dr. William J. Kass* *Rev. Dr. David Z. Ring III*
Leonard Waites
Edward Harness, Executive Director

December 15, 2017
Via Certified Mail

Re: CPC #193-17

Dear Ms.

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 July 24, 2017.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

filed an online complaint regarding an incident from July 24, 2017. Ms. described a standoff occurring in her neighborhood and the officer's actions that put her and her child at risk. Ms. also stated that one of the officers searched her despite it being obvious she had no weapons given her attire.

II. INVESTIGATION

The CPOA Investigator contacted APD records to locate the incident. APD records confirmed the incident was outside of the jurisdiction of APD and involved BCSO. Records located the BCSO report number. The CPOA Investigator contacted Ms. Parra via phone and explained to her that she filed the complaint with the wrong agency. The CPOA Investigator provided her the BCSO Internal Affairs number, the BCSO case number located, and a copy of her emailed complaint.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the complainant did not involve APD personnel.

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

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

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police